BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 17, 2005 Division: Growth Management

Bulk Item: Yes ____ No X Department: Planning

Staff Contact Person: Marlene Conaway

AGENDA ITEM WORDING:
Public hearing to consider adopting an Ordinance amending the Monroe County Land Development Regulations to implement Goal 105 of the 2010 Comprehensive Plan by renumbering existing Section 9.5-256 to 9.5-271; creating a new Section 9.5-256, Tier Overlay District; providing criteria for designation of tier boundaries; and, providing a mechanism for Tier Overlay District Map amendments.
[1st of 2 required public hearings]

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. Adoption of this ordinance will not occur until the DCA has completed its review of the proposed 2010 Comprehensive Plan amendments to be sent to that agency under the two Transmittal Resolutions. This is a continuation of the Hearing held on April 20, 2005. Proposed revisions to draft ordinance made by staff since February hearing are shown with a bold underline for additions and with a double strikethrough for deletions and are summarized in the staff's cover memorandum. No changes have been made to this Ordinance since the March 17, 2005 meeting.

The staff requests direction from the Board on needed revisions to the draft Ordinance. The staff will make revisions as directed, bringing the revised Ordinance back to the Board in June.

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: Timothy J. McGarry, AICP

DOCUMENTATION: Included X Not Required ____

DISPOSITION: ____ **AGENDA ITEM #** ____

PROPOSED AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS THAT WILL IMPLEMENT GOAL 105 OF THE 2010 COMPREHENSIVE PLAN

THE BOCC ORDINANCE

This ordinance will amend the Monroe County Land Development Regulations to implement Goal 105 of the 2010 Comprehensive Plan by renumbering existing Section 9.5-256 to 9.5-271; creating a new Section 9.5-256, the Tier Overlay District Map amendments.

[1st of 2 required public hearings]

BOARD OF COUNTY COMMISSIONERS
MARATHON EOC ROOM

ORDINANCE NO. -2005

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING THE AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS TO IMPLEMENT GOAL 105 OF THE 2010 COMPREHENSIVE PLAN AND THE TIER OVERLAY SYSTEM BY RENUMBERING EXISTING SECTION 9.5-256 TO 9.5-271; CREATING A NEW SECTION 9.5-256, TIER OVERLAY DISTRICT; PROVIDING CRITERIA FOR DESIGNATION OF TIER BOUNDARIES; PROVIDING A MECHANISM FOR TIER OVERLAY DISTRICT MAP AMENDMENTS; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES; 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 three public hearings held in December, 2004 and January and February 2005, reviewed and considered the proposed amendment to provide for a Tier map overlay to the Monroe County Land Development Regulations 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 Map Designations in accordance with Goal 105; revisions to ROGO and NROGO based on the Tier system utilizing a positive approach that predominately relies on land dedication and aggregation; and revisions to the environmental regulations based on the Tier system rather than the existing Habitat Evaluation Index; and

WHEREAS, 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; and

WHEREAS, Goal 105 provides general criteria for the designation of lands within the County into a three-tier system that is based on existing habitat, development patterns, infrastructure, and other factors; and

WHEREAS, 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; and

WHEREAS, Hammock size is a major determinate of habitat quality according to FKCCS, which is why size and connectivity were used to identify the best and most important terrestrial habitat areas for preservation; and

WHEREAS, Tier II contains smaller hammock patches isolated by surrounding development, the quality is reduced because of the negative secondary impacts of development, and these areas contain a large number of privately-owned undeveloped lots; and

WHEREAS, Tier III is appropriate for additional infill development because of the location and amount of existing development in the areas designated; and

WHEREAS, the creation of Section 9.5-256, Tier Overlay District, Monroe County Code provides criteria for the designation of Tier boundaries pursuant to Goal 105, Year 2010 Comprehensive Plan and a mechanism for the implementation of the Tier System by overlaying the Land Use District Map; and

WHEREAS, the Planning and Environmental Resources staff prepared an amendment to Chapter 9.5 (Land Development Regulations) of the Monroe County Code creating Section 9.5-256 that provides for a Tier Map overlay, criteria for Tier designation, and a mechanism for amending the Tier Map; and

WHEREAS, the Planning Commission, after hearing comments at four public hearings, made changes to the staff draft amendments creating and recommended approval of the Tier Overlay amendment to the Monroe County Code to the Board of County Commissioners on November 3, 2004; and

WHEREAS, the Planning and Environmental Resources Department has made minor changes to the proposed draft based on direction of the Planning Commission, including minor text revisions to ensure readability and correct typographical errors or omissions in the text; and

WHEREAS, the Board of County Commissioners has reviewed the proposed amendments to the Land Development Regulations to renumber existing Section 9.5-256 to Section 9.5-271 and create a new Section 9.5-256 (Tier Overlay District, recommended by the Planning Commission and the Planning and Environmental Resources Department); and,

WHEREAS, the Board of County Commissioners finds the proposed amendments to establish the Tier Overlay District, designation criteria, and Tier Overlay District Map amendment procedures are consistent with and further the goals, objectives and policies of the Year 2010 Comprehensive Plan, particularly Goal 105 and its associated objectives and policies;

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

Section 1: Section 9.5-256, Aggregation of development, is hereby renumbered as Section 9.5-271, Monroe County Code.

Section 2: A new Section 9.5-256, Monroe County Code, is hereby created that reads as follows:

"**Sec. 9.5-256. Tier overlay district.**

(a) *Purpose*: The purpose of this Tier Overlay District is to designate geographical areas outside of mainland Monroe County, excluding the Ocean Reef development, into one of three tiers to assign ROGO and NROGO points, determine the amount of clearing of upland native vegetation that may be permitted, and prioritize lands for public acquisition. The Tier boundaries are to be depicted on the Tier Overlay District Map.

(b) *Criteria:* The Tier boundaries are designated using aerial photography, data from the Florida Keys Carrying Capacity Study, the endangered species maps, property information and field evaluation. The following criteria at a minimum are used to evaluate upland habitats and designate boundaries between different Tier Overlays:

(1) ~~Criteria for designating~~ Lands designated as Tier I shall include one or more of the following criteria:

a. Natural areas including old growth as depicted on the 1985 Existing Condition Map and new growth of upland native vegetated areas identified by up-to-date aerials and site surveys, above four (4) acres in size ~~and a buffer of privately owned vacant lots and parcels~~.

b. Vacant lands, which can be restored to connect upland native habitat patches and reduce further fragmentation of upland native habitat.

c. An undeveloped buffer, up to five-hundred (500) feet in depth, if indicated as appropriate by special species studies, between natural areas and development to reduce secondary impacts; canals or roadways, depending on size may form a boundary that removes the need for the buffer or reduces its depth.

d. Lands designated for acquisition by public agencies for conservation and natural resource protection.

e. Known locations of threatened and endangered species as defined in section 9.5-4 and identified on the Threatened and Endangered Plant and Animal Maps or the Florida Keys Carrying Capacity Study maps.

f. Conservation and Native Area Land Use districts ~~and other districts in buffer/restoration areas as appropriate~~.

~~g. Lands with a potential for successful land management restoration~~

~~of disturbed habitat, removal of exotics, and connection of patches.~~

~~h.~~g. Areas with minimal existing development and infrastructure.

(2) ~~Criteria for designating lands as Tier II:~~ Land designated as Tier II shall include one or more of the following criteria:

a. Subdivisions less than fifty (50) percent developed, or portions of subdivisions that are less than fifty (50) percent developed because of environmental constraints.

b. Fragmented, unconnected hammock patches of less than 4 acres in size, which are isolated from larger natural areas by existing development and can not be feasibly connected with other upland native habitat patches.

c. Developed and undeveloped SR and SS lots and parcels with upland native habitat.

~~d. Platted lots in areas where adjoining property owner(s) may purchase the lots with county participation~~.

(3) ~~Criteria for designating lands as Tier III:~~ Lands designated as Tier III shall include one or more of the following criteria:

a. Isolated upland habitat fragments of less than half an acre in size.

b. Substantially developed subdivisions near established commercial areas.

c. Primarily IS and URM lots.

d. Developed non-residential and mixed used areas.

(c) *Tier overlay district map amendments*: The Tier Overlay District Map may be amended to reflect existing conditions in an area if warranted because of drafting or data errors or changed conditions. Tier Overlay District Map amendments shall be made pursuant to the procedures for map amendments to this chapter. Unlawful conditions shall not be recognized when determining existing conditions and regulatory requirements.

(d) *Request for Tier I designation:* Notwithstanding the provisions of Section-9.5-511(d)2, any individual may submit an application to the planning department containing substantial and competent documentation that an area meets the Tier I criteria. Applications must be received by July 1 of each year on a form approved by the director of planning for consideration by the special master at a public hearing advertised at least fifteen (15) days prior to the hearing date. Said hearing by the special

master shall be held prior to November 1 of each year. The director of planning will review the documentation and any other appropriate scientific information and prepare an analysis report for the special master. The special master will render a written opinion to the planning commission and board of county commissioners either that the application meets the criteria for designating the lands as Tier I or that the documentation is insufficient to warrant a map amendment. The posting, advertising and review will follow the procedures in 9.5-511(d)(3)(4) and (5)."

Section 2. 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 3. 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 4. 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 5 This ordinance shall be filed in the Office of the Secretary of State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 6. 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.

Section 7. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform numbering system of the Code.

[THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK.]

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., 2005.

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

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY: _____
Mayor/Chairperson

(SEAL)

ATTEST: DANNY KOHLAGE, CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 2-23-05

BY: _____
Deputy Clerk

STAFF REPORT

BOARD OF COUNTY COMMISSIONERS
MARATHON EOC ROOM

Monroe County Department of Planning and Environmental Resources
2798 Overseas Highway
305-289-2500
Marathon Florida 33050
conaway-marlene@monroecouny-fl.gov

MEMO

November 28, 2004

TO: Monroe County Board of County Commissioners

FROM: K. Marlene Conaway, Director

RE: Tier Overlay District amendment to the Land Development Regulations (LDR) to implement Goal 105

Introduction
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. Attached is the proposed amendment to the Comprehensive Plan to implement the goal, Rule 28-100 and the Florida Keys Carrying Capacity Study (FKCCS).

Staff is recommending that three public hearings be held before the Board of County Commissioners, one in each area, before adoption of the Transmittal Resolution. Hopefully, this schedule will allow us to finish the adoption process by June 2005.

Background
The Board of County Commissioners (BOCC), at a regular meeting on January 21, 2004, directed Growth Management staff to prepare an ordinance deferring ROGO and NROGO allocation awards in areas containing tropical hardwood hammock or pinelands of two acres or greater within Tier I - Conservation and Natural Areas (CNA), *while staff prepares 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 FAC.

The Planning Commission reviewed the staff proposed draft at a workshop in June and an amended draft in four public meetings in September, October and November 2004. The Planning Commission approved several amendments and voted to recommend the attached draft to the BOCC on November 3, 2004. During the summer three focus group meetings were held; two with the construction industry representatives and one with a group of interested individuals and environmental groups. Several planned meetings were cancelled due to the hurricanes and finally two evening community workshops, one in Key Largo and one in Sugarloaf, were held in October.

Tier Overlay District
Overview
The Tier Overlay District provides the authority to designate geographical areas outside of Mainland Monroe County into one of three Tiers to assign ROGO and NROGO points, determine the amount of clearing and prioritize lands for public acquisition. Criteria for designating the Tier boundaries are included.

Monroe County Department of Planning and Environmental Resources
2798 Overseas Highway Marathon Florida 33050
305-289-2500 conaway-marlene@monroecouny-fl.gov

The Tier maps will become a zoning overlay when adopted. Changes to the maps will follow the procedures in Sec. 9.5-511 of the LDRS. Changes may also be requested to Tier I by any other individual who submits an application containing *substantial and competent documentation* that the area meets the criteria for Tier I. The review process for this type of application includes a review of the documentation by a Special Master who will provide a recommendation to the Planning Commission and the Board of County Commissioners.

PLANNING COMMISSION RESOLUTION

BOARD OF COUNTY COMMISSIONERS
MARATHON - EOC ROOM

PLANNING COMMISSION RESOLUTION NO. P60-04

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL TO THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS OF THE REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT OF AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS TO IMPLEMENT GOAL 105 OF THE 2010 COMPREHENSIVE PLAN AND THE TIER OVERLAY SYSTEM BY RENUMBERING EXISTING SECTION 9.5-256 TO 9.5-271; CREATING A NEW SECTION 9.5-256, TIER OVERLAY DISTRICT; PROVIDING CRITERIA FOR DESIGNATION OF TIER BOUNDARIES; PROVIDING A MECHANISM FOR TIER OVERLAY DISTRICT MAP AMENDMENTS.

WHEREAS, the Monroe County Planning Commissioner, during a public hearings held November 16, 2004, reviewed and considered the proposed amendment to provide for a Tier map overlay to the Monroe County Land Development Regulations 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 Map Designations in accordance with Goal 105; revisions to ROGO and NROGO based on the Tier system utilizing a positive approach that predominately relies on land dedication and aggregation; and revisions to the environmental regulations based on the Tier system rather than the existing Habitat Evaluation Index; and

WHEREAS, 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; and

WHEREAS, Goal 105 provides general criteria for the designation of lands within the County into a three-tier system that is based on existing habitat, development patterns, infrastructure, and other factors; and

WHEREAS, 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; and

WHEREAS, Hammock size is a major determinate of habitat quality according to FKCCS, which is why size and connectivity were used to identify the best and most important terrestrial habitat areas for preservation; and

WHEREAS, Tier II contains smaller hammock patches isolated by surrounding development, the quality is reduced because of the negative secondary impacts of development, and these areas contain a large number of privately-owned undeveloped lots; and

WHEREAS, Tier III is appropriate for additional infill development because of the location and amount of existing development in the areas designated; and

WHEREAS, the creation of Section 9.5-256, Tier Overlay District, Monroe County Code provides criteria for the designation of Tier boundaries pursuant to Goal 105, Year 2010 Comprehensive Plan and a mechanism for the implementation of the Tier System by overlaying the Land Use District Map; and

WHEREAS, the Planning and Environmental Resources staff prepared an amendment to Chapter 9.5 (Land Development Regulations) of the Monroe County Code creating Section 9.5-256 that provides for a Tier Map overlay, criteria for Tier designation, and a mechanism for amending the Tier Map; and

WHEREAS, the Planning and Environmental Resources Department has made minor changes to the proposed draft based on direction of the Planning Commission, including minor text revisions to ensure readability and correct typographical errors or omissions in the text; and

WHEREAS, the Planning Commission, after hearing public comments and staff input at four public hearings, finds the proposed amendments to establish the Tier Overlay District, designation criteria, and Tier Overlay District Map amendment procedures are consistent with and further the goals, objectives and policies of the Year 2010 Comprehensive Plan, particularly Goal 105 and its associated objectives and policies;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the following amendment to the Land Development Regulations:

Section 1: Section 9.5-256, Aggregation of development, is hereby renumbered as Section 9.5-271, Monroe County Code.

Section 2: A new Section 9.5-256, Monroe County Code, is hereby created that reads as follows:

"**Sec. 9.5-256. Tier overlay district.**

(a) *Purpose*: The purpose of this Tier Overlay District is to designate geographical areas outside of mainland Monroe County into one of three tiers to assign ROGO and NROGO points, determine the amount of clearing of upland

native vegetation that may be permitted, and prioritize lands for public acquisition. The Tier boundaries are to be depicted on the Tier Overlay District Map.

(b) *Criteria:* The Tier boundaries are designated using aerial photography, data from the Florida Keys Carrying Capacity Study, the endangered species maps, property information and field evaluation. The following criteria at a minimum are used to evaluate upland habitats and designate boundaries between different Tier Overlays:

(1) Criteria for designating lands as Tier I:

a. Natural areas including old and new growth upland native vegetated areas, above four (4) acres and a buffer of privately owned vacant lots and parcels.

b. Vacant land to connect patches and reduce further fragmentation.

c. A buffer, up to five-hundred (500) feet if indicated, between natural areas and development to reduce secondary impacts; canals or roadways, depending on size may form a boundary.

d. Lands designated for acquisition by public agencies.

e. Known locations of threatened and endangered species.

f. Native Area Land Use district and other districts in buffer/restoration areas as appropriate.

g. Lands with a potential for successful land management-restoration of_disturbed habitat, removal of exotics, and connection of patches.

h. Areas with minimal existing development.

(2) Criteria for designating lands as Tier II:

a. Subdivisions less than fifty (50) percent developed, or portions of subdivisions that are less than fifty (50) percent developed because of environmental constraints.

b. Fragmented, unconnected hammock patches of less than 4 acres, which are isolated from larger natural areas by existing development.

c. Developed and undeveloped SR and SS lots with upland

native habitat.

d. Platted lots in areas where adjoining property owner(s) may purchase the lots with county participation.

(3) Criteria for designating lands as Tier III:

a. Isolated upland habitat fragments of less than half an acre.

b. Substantially developed subdivisions near established commercial areas.

c. Primarily IS and URM lots.

d. Developed non-residential and mixed used areas.

(c) *Tier overlay district map amendments*: The Tier Overlay District Map may be amended to reflect existing conditions in an area if warranted because of drafting or data errors or changed conditions. Tier Overlay District Map amendments shall be made pursuant to the procedures for map amendments to this chapter. Unlawful conditions shall not be recognized when determining existing conditions and regulatory requirements.

(d) *Request for Tier I designation:* Notwithstanding the provisions of Section-9.5-511(d) 2, any individual may submit an application to the planning department containing substantial and competent documentation that an area meets the Tier I criteria. Applications must be received by July 1 of each year on a form approved by the director of planning for consideration by the special master at a public hearing advertised at least fifteen (15) days prior to the hearing date. Said hearing by the special master shall be held prior to November 1 of each year. The director of planning will review the documentation and any other appropriate scientific information and prepare an analysis report for the special master. The special master will render a written opinion to the planning commission and board of county commissioners either that the application meets the criteria for designating the lands as Tier I or that the documentation is insufficient to warrant a map amendment. The posting, advertising and review will follow the procedures in 9.5-511(d)(3)(4) and (5)."

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PASSED AND ADOPTED By the Planning Commission of Monroe County, Florida at a regular meeting held on the 16th day of November 2004.

Chair Lynn Mapes	YES
Vice Chair Denise Werling	YES
Commissioner David C. Ritz	YES
Commissioner Julio Margalli	YES
Commissioner James Cameron	YES

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
Lynn Mapes, Chair

Signed this _____ day of _____, 2004.

DEVELOPMENT REVIEW COMMITTEE
RESOLUTION

DRC RESOLUTION NO. D26-04

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE PLANNING COMMISSION OF THE REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT TO ADD THE FOLLOWING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS TO IMPLEMENT GOAL 105 OF THE 2010 COMPREHENSIVE PLAN AND THE TIER OVERLAY SYSTEM. BY RENUMBERING EXISTING **SECTION 9.5-256 TO 9.5-271 AND ADDING A NEW SECTION 9.5-256, TIER OVERLAY DISTRICT,** PROVIDING CRITERIA FOR DESIGNATION OF TIER BOUNDARIES AND PROVIDING A MECHANISM FOR TIER OVERLAY MAP AMENDMENTS.

WHEREAS, the Monroe County Development Review Committee, during a regular meeting held on September 9, 2004, conducted a review and consideration of the request filed by the Monroe County Planning Department proposing amendments to the Monroe County Land Development Regulations to implement Goal 105 of the 2010 Comprehensive Plan and the Tier Overlay system;

WHEREAS, 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;

WHEREAS, Tier Maps were developed following the criteria in Goal 105, utilizing computer mapping (GIS), identifying areas appropriate for additional development and those, which are important environmentally and should be preserved.

WHEREAS, The boundaries for the Tier Maps were drawn using environmental and development information and digital data from the Florida Keys Carrying Capacity Study (FKCCS), the Planning Department and the Property Appraisers Office and refined through site visits by the County Biologists and Planners.

WHEREAS, hammock size is a major determinate of habitat quality according to the FKCCS, therefore size and connectivity are used in determining the boundary of the Tiers to identify the best and most important terrestrial habitat areas for preservation.

WHEREAS, 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. Hammock size is a major determinate of habitat quality according to FKCCS, which is why size and connectivity were used to identify the best and most important terrestrial habitat areas for preservation.

WHEREAS, Tier II contains smaller hammock patches isolated by surrounding development; the quality is reduced because of the negative secondary impacts of development. These areas still contain a large number of undeveloped lots.

WHEREAS, Tier III is appropriate for additional infill development because of the location and amount of existing development in the areas designated.

WHEREAS, adding new section 9.5-256, Tier Overlay District provides criteria for the designation of Tier Boundaries and provides a mechanism for Tier overlay maps amendments;

WHEREAS, the Tier Maps, when adopted, will become a zoning overlay;

WHEREAS, the Tier maps were reviewed by Ricardo Calvo, our consultant, who also was the project manager of the Florida Keys Carrying Capacity Study. The Overlay Tier Maps are the basis of an elegant system for protecting the valuable habitat of the Keys and preventing sprawl;

WHEREAS, ROGO has been completely redrafted utilizing the Tier System as it's basis;

WHEREAS, the County Land Acquisition Master Plan will be based on the tier designation;

BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Monroe County Planning Commission, of the amendments to the Monroe County Land Development Regulations that will create the Tier Overlay District.

PASSED AND ADOPTED by the Development Review Committee of Monroe County, Florida, at a regular meeting held on the 9th of September, 2004.

Aref Joulani, DRC Chair	YES
Jason King, Planner	YES
David Dacquisto	YES
Andrew Trivette, Biologist	YES
Ralph Gouldy, Senior Environmental Resources Planner	YES
Department of Public Works	YES
Department of Engineering	YES
Department of Health	YES

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY

BY _____

Aref Joulani, DRC Chair

Signed this 9th day of September, 2004.