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 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 and Tier III as required in Goal 105 of the 2010 Comprehensive Plan pursuant to the criteria in proposed Section 9.5-256, Monroe County Code.

[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. (The overlay District Map has been revised since the February hearing to include all of North Key Largo, except Ocean Reef). No changes have been made to this Ordinance since the March 17, 2005 meeting.

The proposed Tier Overlay District Map will be revised by staff based on review of requested Tier changes from property owners and supplemental site surveys before it comes before the Board late this summer for adoption.

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 AMENDMENT TO THE MONROE COUNTY LAND USE DISTRICT MAP TO INCLUDE A TIER OVERLAY MAP DISTRICT DESIGNATION

THE BOCC ORDINANCE

This ordinance will amend 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 and designating boundaries for Tier I, Tier II and Tier III as required in Goal 105 of the 2010 Comprehensive Plan pursuant to the criteria in section 9.5-256.
[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 AN AMENDMENT TO 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 AND DESIGNATING BOUNDARIES FOR TIER I, TIER II AND TIER III 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 three public hearings held in December 2004 and January and February 2005, reviewed and considered the 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; 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, the Tier Map designation was 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; and

WHEREAS, the tier boundaries for the Tier Overlay District Map 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; and

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; 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 undeveloped privately-owned 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, 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; and

WHEREAS, the Tier Overlay District Map, when adopted, will become an overlay to the Land Use District Map; and

WHEREAS, the proposed Tier Overlay District Map was reviewed by Dr. Ricardo Calvo, who also was the project manager of the Florida Keys Carrying Capacity Study; and

WHEREAS, the Tier Overlay District Map is the basis of an elegant system for protecting the valuable habitat of the Keys and preventing sprawl, which is referred to as the "Tier System"; and

WHEREAS, ROGO and NROGO have been completely redrafted utilizing the Tier System; and

WHEREAS, the County Land Acquisition and Management Master Plan will be based on the Tier System; and

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

WHEREAS, the Planning and Environmental Resources Department has made changes to the proposed draft map based on reevaluation of specific areas based on requests by community members and land owners; and

WHEREAS, the Board of County Commissioners has reviewed the proposed designation of the Tier Overlay District Map as an amendment to the Land Use District Map, as recommended by the Planning Commission and the Planning and Environmental Resources Department and finds they are consistent with the designation criteria pursuant to Section 9.5-256, Monroe County Code, and 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. Pursuant to Goal 105, Year 2010 Comprehensive Plan and the designation criteria of Section 9.5-256, Monroe County Code, Tier I, II, and III areas are designated; the boundaries of which are described in the Tier Overlay District Map attached hereto as Exhibit I, and made part of this ordinance.

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.

[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
KLW 2-28-05
Date:

_____
Deputy Clerk

EXHIBIT I

TIER OVERLAY DISTRICT MAP

NUMBERS 1 THROUGH 15

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 Map amendment to the Land Use District Map) 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 Map
Overview
The Tier Overlay Maps will become a zoning overlay when adopted.

Changes to the maps will follow the procedures in Sec. 9.5-511 of the LDRS. The proposed maps were drafted following the criteria in the Goal 105 and amended Section

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

9.5-256 Tier Overlay District; changes have been made after additional review by staff at the request of property owners

The Tier maps were reviewed by Ricardo Calvo, our consultant, who also was the project manager of the FKCCS. The overlay Tier maps is the basis of an elegant system for protecting the valuable habitat of the Keys and preventing sprawl.

Issue

Adoption of Tier Overlay Maps: Tier I, the Conservation and Natural Areas, contain staff recommended changes from the maps adopted by the BOCC in June 2004, these changes will be brought to you officially after review by the Special Master, as required in the Interim Development Ordinance. Adoption of the Tier Maps should not occur until that procedure is complete.

PLANNING COMMISSION RESOLUTION

BOARD OF COUNTY COMMISSIONERS
MARATHON - EOC ROOM

PLANNING COMMISSION RESOLUTION NO. P59-04

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 AN AMENDMENT TO 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 AND DESIGNATING BOUNDARIES FOR TIER I, TIER II AND TIER III AS REQUIRED IN GOAL 105 OF THE 2010 COMPREHENSIVE PLAN PURSUANT TO THE CRITERIA IN SECTION 9.5-2.

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 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; 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, the Tier Map designation was 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; and

WHEREAS, the tier boundaries for the Tier Overlay District Map 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; and

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; 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 undeveloped privately-owned 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, 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; and

WHEREAS, the Tier Overlay District Map, when adopted, will become an overlay to the Land Use District Map; and

WHEREAS, the proposed Tier Overlay District Map was reviewed by Dr. Ricardo Calvo, who also was the project manager of the Florida Keys Carrying Capacity Study; and

WHEREAS, the Tier Overlay District Map is the basis of an elegant system for protecting the valuable habitat of the Keys and preventing sprawl, which is referred to as the "Tier System"; and

WHEREAS, ROGO and NROGO have been completely redrafted utilizing the Tier System; and

WHEREAS, the County Land Acquisition and Management Master Plan will be based on the Tier System; and

WHEREAS, the Planning and Environmental Resources Department has made changes to the proposed draft map based on reevaluation of specific areas based on requests by community members and land owners; and

WHEREAS, the Planning Commission, after hearing public comments and staff input at four public hearings, finds the maps are consistent with the designation criteria pursuant to Section 9.5-256, Monroe County Code, and 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 tier map amendment to the Monroe County Land Use District Map.

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.

DRC RESOLUTION NO. D27-04

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 AMEND THE LAND USE DISTRICT MAPS TO INCLUDE THE TIER OVERLAY DISTRICT ON ALL LAND IN UNINCORPORATED MONROE COUNTY IN THE FLORIDA KEYS BETWEEN KEY WEST AND OCEAN REEF. BOUNDARIES FOR TIER I, TIER II AND TIER III ARE DESIGNATED AS REQUIRED IN GOAL 105 OF THE 2010 COMPREHENSIVE PLAN FOLLOWING THE CRITERIA IN SECTION 9.5-256.

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 an overlay to the Land Use District Map;

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 Tier Overlay Map Amendment to the Monroe County **LAND USE DISTRICT MAP.**

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.