



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: The Monroe County Development Review Committee

Through: Emily Schemper, Senior Director of Planning & Environmental Resources

From: Michael Roberts, Sr. Administrator, Environmental Resources

Date: August 10, 2018

Subject: *Request for an Amendment to the Tier Overlay District (Zoning) Map from Tier III-A to Tier III by Liz Homes, LLC for a parcel of vacant land legally described as Block 9 Lot 32 Indian Mound Estates, Sugarloaf Key Plat Book 4 Page 132, Sugarloaf Key, having real estate no. 00171080-000000 (File 2018-136)*

Meeting: September 26, 2018

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I REQUEST

A request to amend the tier designation for Parcel # 00171080-000000 from Tier III-A to Tier III.



Subject Parcels (outlined in blue) (2018)

1 **II BACKGROUND INFORMATION & RELEVANT PRIOR COUNTY ACTIONS**

2
3 **Site Information**

4 Address: 19590 Tequesta St., Sugarloaf Key

5 Legal Description: BK 9 LT 32 INDIAN MOUND ESTATES SUGARLOAF KEY PB4-132

6 Applicant: Liz Homes, LLC

7 Size of Site: 5,000 square feet

8 Land Use District(s): IS

9 FLUM Designation: RM

10 Current Tier Designation: III-A (SPA)

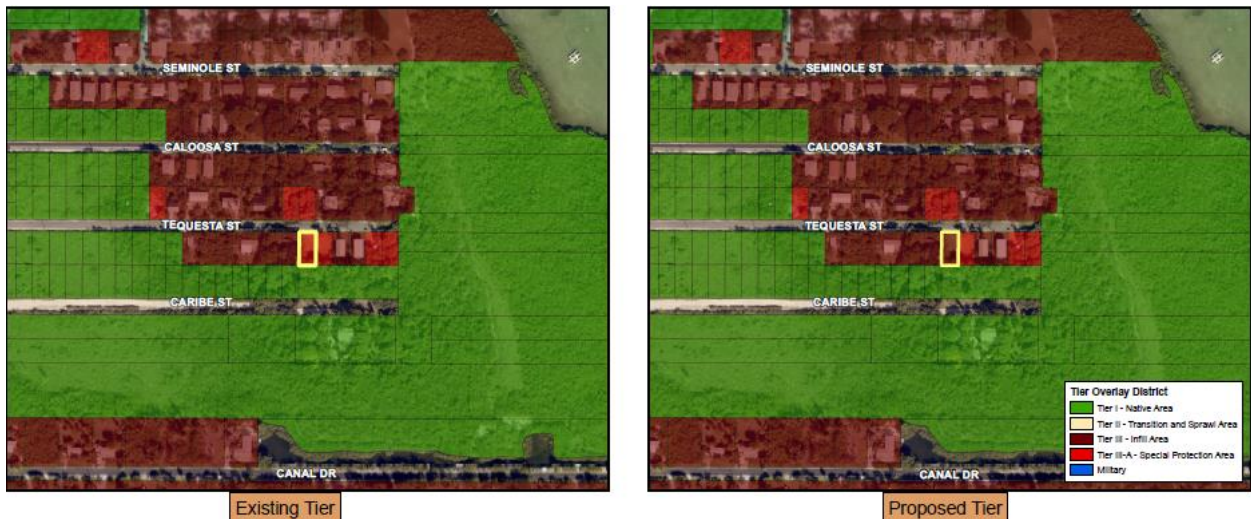
11 Flood Zone: VE-12

12 Existing Use: Vacant land

13 Existing Vegetation / Habitat: Scarified

14
15 **III PROPOSED AMENDMENT**

16
17 Request to amend the tier designation for Parcel #00171080-000000 from Tier III-A (SPA) to
18 Tier III (Exhibit I).
19



20 **Review of Amendment**

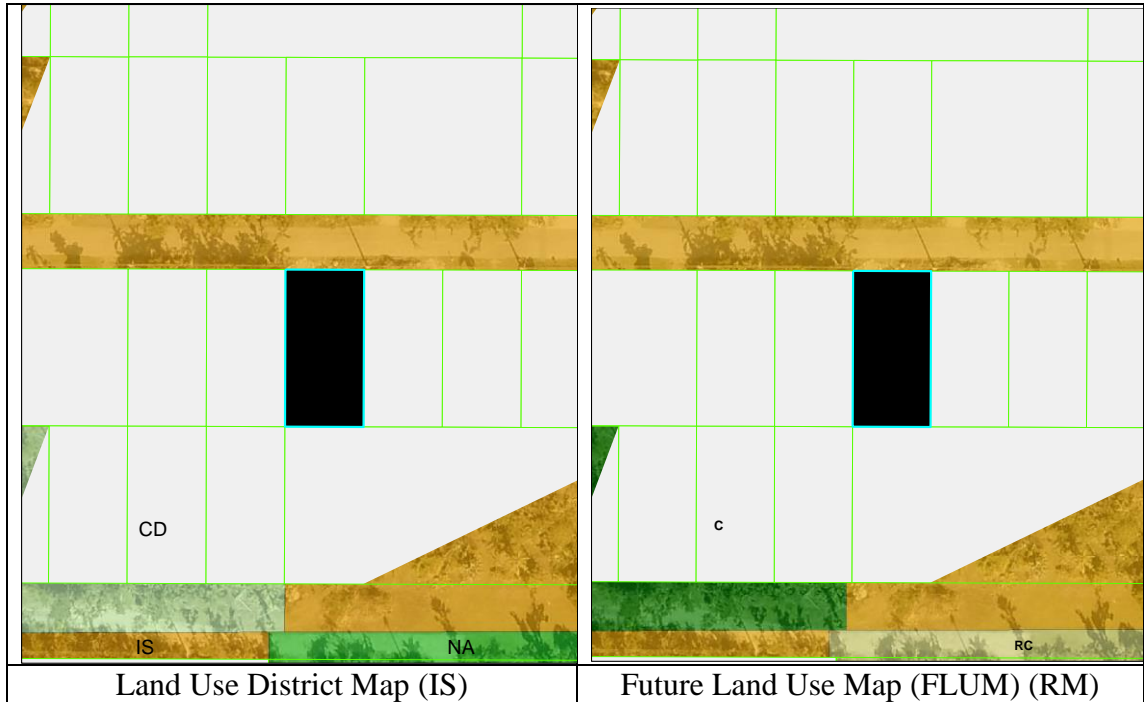
21
22 The subject parcel lies within the IS land use district. The corresponding FLUM designation is
23 Residential Medium (RM).

24
25 According to the Existing Conditions Report (Robert Ehrig, 2005) submitted in support of
26 permit application #06104834, prior to clearing the vegetation on the parcel consisted primarily
27 of nuisance exotics:

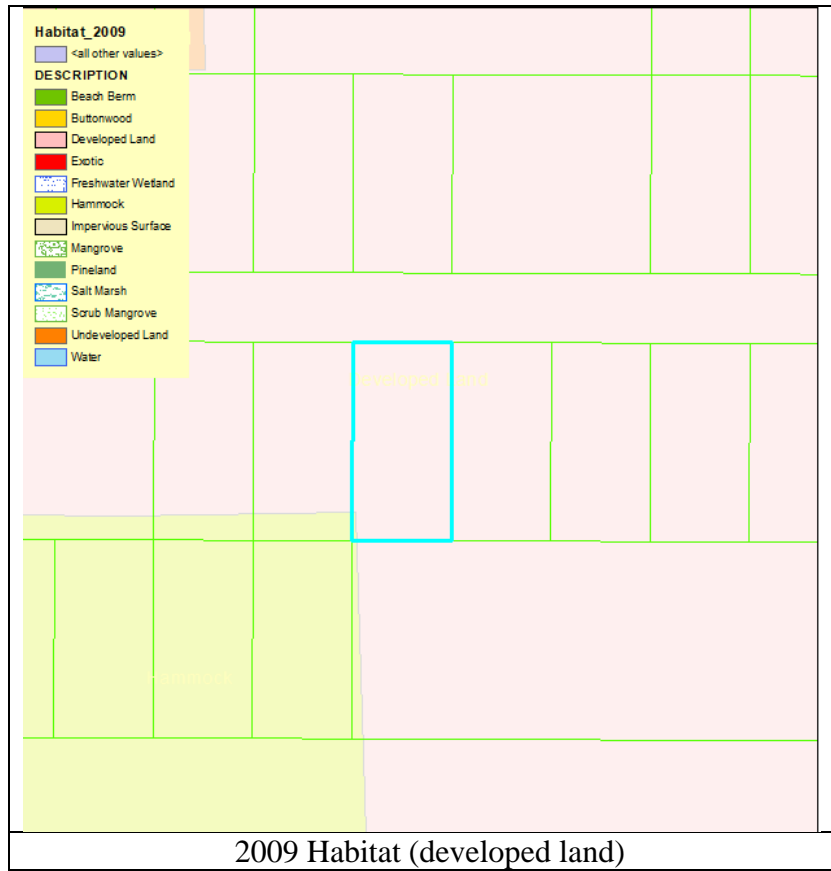
28 *The bulk of the lots is a closed canopy forest of mostly invasive exotic vegetation. It includes*
29 *substantial Brazilian pepper, Schinus terebinthifolia and seaside mahoe, Thespesia*

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populnea. These trees are over 20 years in age, and many were knocked down by Hurricane Georges (25 September, 1998). There is also a very large pink tabebuia, *Tabebuia heterophylla* and dozens of smaller trees. This tree is very prolific in hammock environments. *Schefflera actinophylla* is also present in this forest. The invasive exotic, *Leucaena leucocephala* is also present as a few plants. There are several very large royal poinciana, *Delonix regia*, and some smaller trees and seedlings. Beauty leaf, *Calophyllum* *sps.* is also present as volunteers from the property across Tequesta St. [Existing Conditions Report by Robert Ehrig, Permit #06104834]



1986 Existing conditions map (developed land)



Site Conditions 2006



Site Conditions (August, 2018)

1 As detailed above, the subject parcel does not meet the criteria for Tier I (see criteria below). As
2 required by Chapter 130-130(b)(2), lands that are not designated Tier I shall be designated Tier
3 III.

4 Parcels that contain native upland habitats that are contiguous with tropical hardwood hammock
5 areas of one acre or more are to be designated as Tier III-A (special protection area). The subject
6 parcels do not contain any native upland habitat, and are not contiguous to tropical hardwood
7 hammock of one acre or more. Therefore, the parcel does not meet the criteria for Tier III-A.

8 Based on the above, staff finds that the appropriate Tier Overlay District designation for the subject
9 parcel is Tier III.

10 **Consistency of the proposed amendment with the provisions and intent of the Monroe**
11 **County Land Development Code:**

12
13 **Staff has determined that the proposed tier overlay district (zoning) map amendment is**
14 **not inconsistent with the provisions and intent of Section 130-130 of the Monroe County**
15 **Land Development Code.**

16
17 **Sec. 130-130. – Tier Overlay District**

18 (a) Purpose. The purpose of the tier overlay district is to designate geographical areas
19 outside of the mainland of the county, excluding the Ocean Reef planned development,
20 into tiers to assign ROGO and NROGO points, determine the amount of clearing of upland
21 native vegetation that may be permitted, and prioritize lands for public acquisition. The tier
22 boundaries are to be depicted on the tier overlay district map. Lands on Big Pine Key and

1 No Name Key shall be delineated as tier I, II, or III. Lands in the remainder of the
2 unincorporated county, excluding the Ocean Reef planned development, shall be
3 delineated as tier I, III, and III-A (special protection area).
4

5 (b) Tier boundaries. Tier boundaries shall follow property lines wherever possible, except
6 where a parcel line or distinct geographical feature, such as a canal or roadway, may be
7 more appropriate.
8

9 (c) Tier boundary criteria, excluding Big Pine Key and No Name Key. The tier boundaries
10 are designated using aerial photography, data from the Florida Keys Carrying Capacity
11 Study, the endangered species maps, property and permitting information and field
12 evaluation. The following criteria, at a minimum, are used to evaluate upland habitats and
13 designate boundaries between different tier overlays:
14

- 15 1. Tier I boundaries shall be delineated to include one or more of the following
16 criteria and shall be designated tier I:
 - 17 a. Vacant lands which can be restored to connect upland native habitat patches
18 and reduce further fragmentation of upland native habitat.
 - 19 b. Lands required to provide an undeveloped buffer, up to 500 feet in depth, if
20 indicated as appropriate by special species studies, between natural areas and
21 development to reduce secondary impacts. Canals or roadways, depending on
22 width, may form a boundary that removes the need for the buffer or reduces its
23 depth.
 - 24 c. Lands designated for acquisition by public agencies for conservation and
25 natural resource protection.
 - 26 d. Known locations of threatened and endangered species, as defined in section
27 101-1, identified on the threatened and endangered plant and animal maps or
28 the Florida Keys Carrying Capacity Study maps, or identified in on-site
29 surveys.
 - 30 e. Conservation, native area, sparsely settled, and offshore island land use
31 districts.
 - 32 f. Areas with minimal existing development and infrastructure.

- 33 2. Lands located outside of Big Pine Key and No Name Key that are not
34 designated tier I shall be designated tier III.

- 35 a. The following conditions shall constitute a break in pinelands or tropical
36 hardwood hammock for calculating the one-acre minimum patch size for
37 designation of tier III-A boundaries:

- 38 1. U.S. Highway 1, canals and open water;
- 39 2. Any disturbed pinelands or tropical hardwood hammock with
40 invasive coverage of 40 percent or more;
- 41 3. Property lines of developed lots or vacant lots with a ROGO
42 allocation award or an issued building permit, as of September 28,

1 2005, located within a Land Use District that allows only one unit
2 per lot; or

- 3 4. Property lines of developed parcels of less than 10,000 square feet
4 in area with a ROGO/NROGO allocation award or issued building
5 permit, as of September 28, 2005, located within a Land Use District
6 that allows residential development of more than one dwelling unit
7 per parcel/lot or non-residential development.
8

9 **Consistency of the proposed amendment with the Principles for Guiding Development in the**
10 **Florida Keys Area of Critical State Concern pursuant to F.S. Chapter 380.0552(7).**
11

12 For the purposes of reviewing consistency of the Land Development Code or any amendments
13 to the Code with the principles for guiding development and any amendments to the principles,
14 the 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) To strengthen local government capabilities for managing land use and development so
18 that local government is able to achieve these objectives without the continuation of the
19 area of critical state concern designation.

20 (b) To protect shoreline and marine resources, including mangroves, coral reef formations,
21 seagrass beds, wetlands, fish and wildlife, and their habitat.

22 (c) To protect upland resources, tropical biological communities, freshwater wetlands,
23 native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges
24 and beaches, wildlife, and their habitat.

25 (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound
26 economic development.

27 (e) To limit the adverse impacts of development on the quality of water throughout the
28 Florida Keys.

29 (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural
30 environment, and ensure that development is compatible with the unique historic character
31 of the Florida Keys.

32 (g) To protect the historical heritage of the Florida Keys.

33 (h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and
34 proposed major public investments, including:

- 35 1. The Florida Keys Aqueduct and water supply facilities;
36 2. Sewage collection and disposal facilities;
37 3. Solid waste collection and disposal facilities;
38 4. Key West Naval Air Station and other military facilities;
39 5. Transportation facilities;
40 6. Federal parks, wildlife refuges, and marine sanctuaries;
41 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
42 properties;
43 8. City electric service and the Florida Keys Electric Co-op; and

1 9. Other utilities, as appropriate.

2 (i) To limit the adverse impacts of public investments on the environmental resources of
3 the Florida Keys.

4 (j) To make available adequate affordable housing for all sectors of the population of the
5 Florida Keys.

6 (k) To provide adequate alternatives for the protection of public safety and welfare in the
7 event of a natural or manmade disaster and for a post disaster reconstruction plan.

8 (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and
9 maintain the Florida Keys as a unique Florida resource.

10
11 **Staff finds the proposed amendment consistent with the Principles for Guiding**
12 **Development as a whole and is not inconsistent with any one principle.**

13
14 **In accordance with MCC §102-158(d)(5)., the BOCC may consider the adoption of an**
15 **ordinance enacting the proposed change based on one or more of the following factors:**

16
17 1. *Changed projections (e.g., regarding public service needs) from those on which the text or*
18 *boundary was based;*

19 **NA**

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

22 **NA**

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

26 **NA**

27
28 4. *New issues;*

29 **NA**

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31 5. *Recognition of a need for additional detail or comprehensiveness; or*

32 **NA**

33
34 6. *Data updates;*

35 **The physical characteristics of the property are not consistent with the Tier III-A**
36 **(SPA) criteria.**

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38 7. *Impact on Community Character:*

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40 **The Tier Overlay District designation is utilized to implement and score ROGO**
41 **applications, to steer growth and to establish clearing limits. While the proposed**
42 **change may result in a ROGO allocation for a single family residence being issued**
43 **sooner than otherwise, the Tier designation will not impact community character.**
44 **Likewise, the development of a single family residence on the subject lot should not**
45 **negatively impact the community character of the subdivision.**

1 IV RECOMMENDATION

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3 **Staff recommends approval of the proposed amendment as the parcels do not meet the**
4 **criteria for Tier III-A designation and is more appropriately designated Tier III in**
5 **accordance with criteria of Section 130-130(b)(2) of the Land Development Code.**

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EXHIBIT I
TIER OVERLAY DISTRICT MAP AMENDMENT
PROPOSED TIER OVERLAY DISTRICT DESIGNATION