

DEVELOPMENT REVIEW COMMITTEE

Monday, January 23, 2012

Meeting Minutes

The Monroe County Development Review Committee conducted a meeting on **Monday, January 23, 2012**, beginning at 1:08 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL by Gail Creech

DRC MEMBERS

Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comprehensive Plan Manager	Present

STAFF

Tiffany Stankiewicz, Development Administrator	Present
Rey Ortiz, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

Mr. Schwab stated that Agenda Item 2 will be heard first and Agenda Item 1 will be heard second.

MINUTES FOR APPROVAL

Mr. Schwab approved the minutes from the December 12, 2011 DRC meeting.

MEETING

NEW ITEM:

1.An Ordinance by the Monroe County Board of County Commissioners amending Monroe County Code Section 138-50, Type of development not affected; amending criteria used for determination of exemption from the Nonresidential Rate of Growth Ordinance (NROGO); 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.

(1:10 p.m.) Joe Haberman presented the staff report. Mr. Haberman reported that this is not a new item, but is a continuance of an old item that has already gone to the DRC. The last time this went to the DRC was over a year ago and it got held up due to staff turnover and workload. What is in the report is almost obsolete because the document for ROGO that just got passed

through the Department of Community Affairs (DCA) is basically replacing ROGO with NROGO and adding a couple of things related to nonresidential, like occupational licenses, and removing a couple of things related to ROGO that have nothing to do with commercial. There will be a change to the date, because ROGO is based on the year 1992, but NROGO did not come in until 2002, with the exact effective date of NROGO to be determined. This is limited to the one subsection of type of development exempt from or how to determine if it is exempt from NROGO.

Mr. Haberman explained that the topic of what should be exempt from NROGO is a totally different topic than how to determine if something that is subject to NROGO is exempt, and suggested using the term “vested” as opposed to “exempt.” Ms. Stankiewicz agreed and stated that having a focus area in the code as to how to determine what is exempt from NROGO that was already lawfully established is a step forward.

Mr. Harvey voiced his concern about inconsistencies between the comprehensive plan and this text amendment. Mr. Haberman responded that the comp plan may have to be revised to be consistent with the code. Mr. Harvey also added that there is no longer a Department of Community Affairs and it should not be referenced in the title. That reference will be changed to State Planning Agency.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE REGULATIONS PERTAINING TO FENCES IN MONROE COUNTY CODE CHAPTER 114-20, FENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(1:17 p.m.) Rey Ortiz presented the staff report. Mr. Ortiz reported that this is an attempt to tweak the fencing code language to address some issues that have come up in the past few years. The current fencing requirements limit the size for safety reasons. Mr. Ortiz stated that there should be some flexibility in regards to public utility properties. Fences more than six or eight feet would not be dictated by County code, but would be dictated by a separate code such as the fire building code or some other code. Mr. Ortiz has included the possibility of introducing entry features within the Key Haven and Stock Island area that would allow the residents of a single-family residence to have entry features. The Planning Commission has given some input in regards to how to approach the entry feature component.

Mr. Haberman suggested reworking Number 4 of Section 114-20 so that it reads smoother and clearer regarding dimensions. Mr. Roberts questioned how clear sight triangles are being addressed. Mr. Haberman explained that clear sight triangle requirements still have to be met. Mr. Haberman added that this is almost a trial, because people have been calling for gates that are higher than the fence in more than just Key Haven and Stock Island, but there is a pressing need right now to do this for Key Haven.

Mr. Roberts stated that he believes the County's fence ordinance is a little heavy-handed and suggested staff develop a big picture of what they eventually want the fence ordinance to look like in the future. Mr. Schwab responded that going countywide at this moment rather than just addressing Key Haven and Stock Island will slow the process down. Mr. Haberman added that changing the fence ordinance comprehensively cannot be done at staff level and would include workshops because this is such an important issue to the public.

Discussion was had regarding how to measure a fence. Mr. Ortiz suggested changing the maximum height for the entry feature to 11 or 12 feet to make the existing entry features in the area conforming structures versus continuing to have a problem. The measurement language used in the text amendment was discussed. Mr. Haberman suggest different language to help clarify the amendment.

Item Number 5 was discussed. Mr. Haberman explained that even though the Planning Commission wants someone to be able to come in as of right, this adds an extra process for the Planning Director when staff is capable of determining if an application meets the required criteria. Mr. Schwab suggested explaining to the Planning Commission that this is not appropriate and not necessary.

Mr. Haberman then suggested striking the language that no portion may be constructed within the public road right-of-way, as this may encourage people to keep going to Public Works and asking for leases. Mr. Haberman further suggested removing the adjacent property notification requirement. Mr. Schwab pointed out that there will be opportunities for the Planning Commission to bring up any concerns they have with this text amendment.

Item F, fencing around public utilities, was then discussed. Mr. Haberman explained that there are national codes for public utilities. Mr. Roberts suggested using the term "security fences" when referring to fences around public utilities. Mr. Haberman stated that public parks can be removed from the language because there is no requirement to fence a public park unless there is a swimming pool. Schools do their own permitting in the state of Florida. Mr. Haberman reminded the Committee members that six feet of chain link fence is allowed in any commercial district that would allow these uses.

Mr. Haberman requested that the government public utility owned property language be changed from "are exempted from the requirements" to "are exempted from the height requirements." Mr. Schwab added that there needs to be some kind of national code or criteria presented to justify the need for a taller fence around public utilities.

Number 3 of the existing code was discussed. Mr. Haberman initially suggested removing Number 3, but then decided it would be better to leave it in and reconsider it when reevaluating the entire code.

ADJOURNMENT

The Monroe County Development Review Committee meeting was adjourned at 1:55 p.m.