

DEVELOPMENT REVIEW COMMITTEE

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Monday, March 27, 2012

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AGENDA

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The Monroe County Development Review Committee will conduct a meeting on Tuesday, March 27, 2012, beginning at 1:00 PM at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Mike Roberts, Sr. Administrator, Environmental Resources
Joe Haberman, Planning & Development Review Manager
DOT Representative
Steve Zavalney, Captain, Fire Prevention
Public Works Department Representative

STAFF MEMBERS

Christine Hurley, Growth Management Division Director
Jerry Smith, Assistant Building Official
Mitch Harvey, Comprehensive Plan Manager
Mayte Santamaria, Assistant Planning Director
Rey Ortiz, Planner
Gail Creech, Planning Commission Coordinator

CHANGES TO THE AGENDA

MINUTES FOR APPROVAL

MEETING

-
NEW ITEM:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 130-82, INDUSTRIAL DISTRICT, 130-164, MAXIMUM NONRESIDENTIAL LAND USE INTENSITIES AND DISTRICT OPEN SPACE, AND 138-50, TYPE OF DEVELOPMENT NOT AFFECTED, TO ALLOW COMMERCIAL RETAIL/SERVICE FACILITY AND INSTITUTIONAL USES IN THE INDUSTRIAL LAND USE (ZONING) DISTRICT; TO ESTABLISH MAXIMUM FLOOR AREA RATIOS FOR COMMERCIAL RETAIL/SERVICE FACILITY AND INSTITUTIONAL USES IN THE INDUSTRIAL LAND USE (ZONING) DISTRICT; TO EXEMPT COMMERCIAL RETAIL/SERVICE FACILITY AND INSTITUTIONAL USES IN THE INDUSTRIAL LAND USE (ZONING) DISTRICT FROM THE NONRESIDENTIAL RATE OF GROWTH ORDINANCE (NROGO) PERMIT ALLOCATION SYSTEM; 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.

[2011-094 SR DRC 03.27.12.PDF](#)

ADJOURNMENT

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Development Review Committee &
Townshley Schwab, Senior Director of Planning & Environmental Resources

From: Joseph Haberman, AICP, Planning & Development Review ~~Manager~~

Date: March 26, 2012

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 130-82, INDUSTRIAL DISTRICT, 130-164, MAXIMUM NONRESIDENTIAL LAND USE INTENSITIES AND DISTRICT OPEN SPACE, AND 138-50, TYPE OF DEVELOPMENT NOT AFFECTED, TO ALLOW COMMERCIAL RETAIL/SERVICE FACILITY AND INSTITUTIONAL USES IN THE INDUSTRIAL LAND USE (ZONING) DISTRICT; TO ESTABLISH MAXIMUM FLOOR AREA RATIOS FOR COMMERCIAL RETAIL/SERVICE FACILITY AND INSTITUTIONAL USES IN THE INDUSTRIAL LAND USE (ZONING) DISTRICT; TO EXEMPT COMMERCIAL RETAIL/SERVICE FACILITY AND INSTITUTIONAL USES IN THE INDUSTRIAL LAND USE (ZONING) DISTRICT FROM THE NONRESIDENTIAL RATE OF GROWTH ORDINANCE (NROGO) PERMIT ALLOCATION SYSTEM; 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.*

Meeting: March 27, 2012

1
2 I REQUEST

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4 A private applicant, represented by Trepanier & Associates, Inc., is proposing amendments to the
5 text of §1380-82, §130-164 and §138-50 of the Monroe County Code (MCC).
6

7 II RELEVANT PRIOR COUNTY ACTIONS:

8
9 None.

10
11 III REVIEW

12
13 The *applicant* is recommending the following changes (Deletions are ~~stricken-through~~ and
14 additions are underlined. Text to remain the same is in black):
15

16 **Sec. 130-82. Industrial district (I).**

- 1 (a) The following uses are permitted as of right in the industrial district:
2 (1) Restaurants of less than 5,000 square feet of floor area;
3 (2) Office uses of less than 5,000 square feet of floor area;
4 (3) Manufacturing, assembly and storage of goods and materials;
5 (4) Commercial apartments involving less than six dwelling units;
6 (5) Commercial fishing;
7 (6) Institutional uses;
8 (7) Light industrial uses;
9 (8) Public buildings and uses;
10 (9) Accessory uses;
11 (10) Replacement of an existing antenna-supporting structure pursuant to section 146-5(2);
12 (11) Collocations on existing antenna-supporting structures, pursuant to section 146-5(3);
13 (12) Attached wireless communications facilities, as accessory uses, pursuant to section
14 146-5(4);
15 (13) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-
16 5(5);
17 (14) Satellite earth stations, as accessory uses, pursuant to section 146-5(6); and
18 (15) Required parking set forth in chapter 114, article III, serving a principal use or
19 structure that is located in another land use district and is located on parcels of land that
20 are contiguous to the principal use.

- 21
22 (b) The following uses are permitted as minor conditional uses in the industrial district, subject
23 to the standards and procedures set forth in chapter 110, article III:

- 24 (1) Office uses of 5,000 to 20,000 square feet in floor area, provided that access to U.S. 1 is
25 by way of:
26 a. An existing curb cut;
27 b. A signalized intersection; or
28 c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at
29 least 400 feet;

- 30 (2) Commercial retail / service facilities (including animal shelters and kennels) greater than
31 10,000 sq. ft. located on Tier 3 land that is designated and zoned Industrial within the
32 Lower Keys Planning Area excluding Big Pine Key, provided that access to U.S. 1 is by
33 way of:

- 34 a. An existing curb cut;
35 b. A signalized intersection; or
36 c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at
37 least 400 feet;

38 (3) Institutional Uses;

- 39 ~~(2)~~ (4) Commercial apartments involving more than six dwelling units, provided that:
40 a. The hours of operation of the commercial uses proposed in conjunction with the
41 apartments are compatible with residential uses; and
42 b. Access to U.S. 1 is by way of:
43 1. An existing curb cut;
44 2. A signalized intersection; or
45 3. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by
46 at least 400 feet;

- ~~(3)~~ (5) New antenna-supporting structures, pursuant to section 146-5(1); and
- (4) (6) Wastewater treatment facilities and wastewater treatment collection systems serving uses located in another land use district land, provided that:
 - a. The wastewater treatment facility and wastewater treatment collection systems are in compliance with all federal, state, and local requirements;
 - b. The wastewater treatment facility, wastewater treatment collection systems, and accessory uses shall be screened by structures designed to:
 - 1. Be architecturally consistent with the character of the surrounding community;
 - 2. Minimize the impact of any outdoor storage, temporary or permanent; and
 - 3. A solid fence may be required upon determination by the planning director;
 - c. Where a district boundary buffer is not required as set forth in chapter 114, article IV, a planting bed, eight feet in width, shall be established to buffer the facility, providing the following:
 - 1. One native canopy tree for every 25 linear feet of fence;
 - 2. One understory tree for every ten linear feet of fence;
 - 3. The required trees shall be evenly distributed throughout the planting bed; and
 - 4. The planting bed shall be installed as set forth in chapter 114, article IV and maintained in perpetuity.

(c) The following uses are permitted as major conditional uses in the industrial district, subject to the standards and procedures set forth in chapter 110, article III:

(1) Marinas, provided that:

- a. The parcel proposed for development has access to water at least four feet below mean sea level at mean low tide;
- b. The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products;
- c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height; and
- d. Each nonwaterside perimeter setback of the parcel proposed for development must have a class C bufferyard within a side yard setback of ten feet;

(2) Resource extraction, provided that:

- a. The parcel proposed for excavation is a part of a lawfully operated, active quarry on the effective date of the ordinance from which this chapter is derived;
- b. Excavation equipment is screened from view by any established residential use; and
- c. A reclamation plan is prepared and implemented in accordance with the requirements of the plan;

(3) Heavy industrial uses, provided that:

- a. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height; and
- b. The parcel proposed for development is separated from any established residential use by a class F bufferyard;

(4) Land use overlays A, E, PF, subject to the provisions of article IV of this chapter.

* * * * *

Sec. 130-164. Maximum nonresidential land use intensities and district open space.

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Maximum nonresidential land use intensities and district open space shall be in accordance with the following table.

<i>Land Use District</i>		<i>Maximum Floor Area Ratio</i>	<i>O.S.R. *</i>	
Urban commercial:				
	Commercial retail:			
		Low intensity	0.45	0.20
		Medium intensity	0.40	0.20
		High intensity	0.35	0.20
	Offices		0.45	0.20
	Commercial recreation		0.15	0.20
	Institutional		0.40	0.20
	Outdoor recreational		0.15	0.20
Public buildings		0.35	0.20	
Urban residential:				
	Institutional		0.30	0.20
	Public buildings and uses		0.30	0.20
Urban residential mobile home:				
	Commercial retail			
		Low intensity	**	0.20
		Medium intensity	**	0.20
	Offices		**	0.20
Suburban commercial:				
	Commercial retail:			
		Low intensity	0.35	0.20
		Medium intensity	0.25	0.20
		High intensity	0.15	0.20
	Offices		0.40	0.20
	Commercial recreational		0.10	0.20
	Institutional		0.30	0.20
	Outdoor recreational		0.10	0.20
	Public buildings and uses		0.30	0.20
Light industry		0.30	0.20	
Suburban residential:				
	Commercial retail:			
		Low intensity	**	0.50
		Medium intensity	**	0.50
	Offices		**	0.50
	Public buildings and uses		0.25	0.50
Institutional		0.25	0.50	

Sparsely settled:			
	Public buildings and uses	0.20	0.20
Native area:			
	Public buildings and uses	0.20	0.20
Mainland native area:			
	Educational/research centers	0.30	0.20
Improved subdivision:			
	Commercial retail:		
	Low intensity	0.25**	0.20
	Medium intensity	0.20**	0.20
	Offices	0.25**	0.20
Destination resort:			
	Commercial retail	**	0.20
	Institutional	**	0.20
Recreational vehicle:			
	Commercial retail	**	0.20
Commercial fishing area:			
	Commercial fishing	0.40	0.20
	Light industry	0.40	0.20
	Commercial retail:		
	Low intensity	0.40	0.20
	Medium intensity	0.40	0.20
Commercial fishing village:			
	Commercial fishing	0.40	0.20
Commercial fishing special districts (all):			
	Commercial retail:		
	Low intensity	0.35	0.20
	Medium intensity	0.25	0.20
	Commercial fishing	0.40	0.20
	Light industry	0.30	0.20
Mixed use:			
	Commercial retail:		
	Low intensity	0.35	0.20
	Medium intensity	0.25	0.20
	High intensity	0.15	0.20
	Offices	0.40	0.20
	Commercial recreational	0.10	0.20
	Institutional	0.30	0.20
	Outdoor recreational	0.10	0.20
	Public buildings and uses	0.30	0.20
	Commercial fishing	0.40	0.20

	Light industry	0.30	0.20
Industrial:			
	Light industry	0.40	0.20
	Heavy industry	0.25	0.20
	<u>Institutional uses</u>	<u>0.40</u>	<u>0.20</u>
	Public buildings and uses	0.40	0.20
	Restaurants	0.30	0.20
	Offices	0.40	0.20
	<u>Commercial retail</u>	<u>0.40</u>	<u>0.20</u>
	Commercial fishing	0.40	0.20
Maritime industrial:			
	Commercial retail:		
	Low intensity	0.30	0.20
	Medium intensity	0.30	0.20
	High intensity	0.40	0.20
	Offices	0.50	0.20
	Public buildings and uses	0.60	0.20
	Commercial fishing	0.45	0.20
	Light industry	0.35	0.20
	Heavy industry		
Military facilities:			
	Military uses	0.50	0.20
	Commercial retail:		
	Low intensity	0.30	0.20
	Medium intensity	0.30	0.20
	Offices	0.40	0.20
	Public buildings and uses	0.30	0.20
Airport:			
	Airport uses	0.10	0.20
Parks and refuge:			
	Public buildings and uses	0.20	0.90
*See additional open space ratio in this article: in accordance with section 118-12, the most restrictive of these ratios applies.			
**Where commercial uses are allowed as permitted uses, and no FAR is given, the maximum per lot stated in article III of this chapter shall prevail.			

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Sec. 138-50. Type of development not affected.

The NROGO shall not apply to the development described below:

* * * * *

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2
3 (7) *Industrial uses.* Industrial uses in the maritime industrial (MI) and the industrial (I) land
4 use districts, provided that the floor area is restricted to manufacturing, assembly,
5 wholesaling, and distribution uses, and commercial retail/service facilities (including
6 animal shelters and kennels) and Institutional Uses greater than 10,000 sq. ft. located on
7 Tier 3 land that is designated and zoned Industrial within the Lower Keys Planning Area
8 excluding Big Pine Key. All other uses which may be permitted in the land use district
9 are subject to the requirements of this article and will require an NROGO allocation.

10
11 * * * * *

12
13 *Criteria:*

14
15 In order to be approved, a text amendment must be consistent with the provisions of §102-
16 158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those on which
17 the text or boundary was based; 2. Changed assumptions (e.g., regarding demographic trends); 3.
18 Data errors, including errors in mapping, vegetative types and natural features described in
19 volume I of the plan; 4. New issues; 5. Recognition of a need for additional detail or
20 comprehensiveness; or 6. Data updates.

21
22 In the application, the applicant asserts that the proposed amendments would meet 1. Changed
23 projections, 2. Changed assumptions and 4. New issues.

24
25 *Analysis:*

26
27 Per the County's GIS database, there are eight Industrial (I) districts in the unincorporated
28 county (each district consists of a number of contiguous parcels):

- 29
30 1) Industrial Road, Big Pine Key (approximately 1,488,155 SF)
31 2) Blimp Road, Cudjoe Key (approximately 441,441 SF)
32 3) Blimp Road, Cudjoe Key (approximately 715,582 SF)
33 4) Anchor Drive, Ocean Reef (approximately 576,297 SF)
34 5) Overseas Highway, Long Key (approximately 908,826 SF)
35 6) Center Road, Summerland Key (approximately 1,055,230 SF)
36 7) Overseas Highway, Rockland Key (approximately 8,961,863 SF)
37 8) Riviera Drive, Big Coppitt Key (approximately 3,830,105 SF)

38
39 Total Industrial (I) district land areas (per GIS):

- 40
41 Upper Keys ROGO subarea: approximately 908,826 SF (21 acres)
42 Big Pine Key/No Name Key ROGO subarea: approximately 1,488,155 SF (34 acres)
43 Lower Keys ROGO subarea: approximately 15,004,221 SF (344 acres)
44 Ocean Reef: approximately 576,297 SF (13 acres)
45
46

1
2 Please note that the above totals include large, submerged areas in the interior of the districts,
3 particularly on Rockland Key.
4

5 Below are the total amounts of floor area that can be approved in the Lower Keys where
6 commercial retail uses would be permitted. In reality, some of these totals should be less
7 because of site caps per the permitted use section of the code (i.e. restaurants are limited to 5,000
8 SF per site and offices are limited to 20,000 SF per site, so unless each site is perfectly platted at
9 the amount of square footage to allow a 5,000 SF restaurant/20,000 SF office per density and no
10 more, then there will be less than the restaurant/office total below):
11

12 Existing Land Use Intensity Allowances (Existing Total Area):

<i>Use</i>	<i>FAR / Max net Density</i>	<i>Size</i>	<i>Maximum Allowed</i>
Commercial Apartment	2 units / buildable acre	344 acres (275 buildable)	550 units
Light Industry	0.40	15,004,221 SF	6,001,688 SF
Heavy Industry	0.25	15,004,221 SF	3,751,055 SF
Public	0.40	15,004,221 SF	6,001,688 SF
Restaurant	0.30	15,004,221 SF	4,501,266 SF
Office	0.40	15,004,221 SF	6,001,688 SF
Commercial Fishing	0.40	15,004,221 SF	6,001,688 SF

13
14 Proposed Land Use Intensity Allowances (Existing Total Area):

<i>Use</i>	<i>FAR / Max net Density</i>	<i>Size</i>	<i>Maximum Allowed</i>
Commercial Retail	0.40	12,791,394 SF	6,001,688 SF
Institutional	0.40	12,791,394 SF	6,001,688 SF

15
16 Although data has not been provided in the application that states that the submerged areas on
17 Rockland Key cannot be filled, staff will carry out another analysis which estimates the total
18 upland area. The exact amount of land cannot be confirmed without a boundary survey of the
19 entire Industrial (I) district showing mean high water; however in the planning commission staff
20 report, staff will determine an approximate amount of Industrial (I) upland and provide
21 additional land use intensity calculations.
22

23 Specifically, staff has determined the following issues with the proposed amendments to the text
24 of MCC §130-82:
25

- 26 • The application proposes a new type of use, *service facilities*. If data and analysis can be
27 provided to support the inclusion of service facility uses in the Industrial (I) district, a
28 definition is required. All permitted uses are defined in MCC §101-1. In order to remain
29 consistent and avoid interpretation of what constitutes a service facility use in the future, the
30 application should be expanded to include a definition of service facilities in MCC §101-1.
31 This definition should precisely capture the types of activities that would be considered part

1 of a service facility as well as the businesses, organizations and institutions that would
2 normally perform those activities (i.e. animal shelters and kennels).
3

- 4 • This text amendment relates to the Industrial (I) district, which is consistent with the
5 Industrial (I) future land use category. As set forth in Comprehensive Plan Policy 101.4.7,
6 the principal purpose of the Industrial (I) future land use category is to provide for the
7 development of industrial, manufacturing, and warehouse and distribution uses. Other
8 commercial, public, residential, and commercial fishing-related uses are also allowed. The
9 proposed inclusion of commercial retail use would be consistent with this policy; however
10 the addition of service facility use would require additional review following the creation of a
11 definition.

- 12
13 • The new uses are not consistent with the purpose of the Industrial (I) district, as set forth in
14 MCC 130-33:

15
16 The purpose of the I district is to establish areas that are suitable for the development
17 of industrial and manufacturing uses, warehousing and distribution uses. If data and
18 analysis can be provided to support the inclusion of commercial retail/service facility
19 uses in the Industrial (I) district, then the application should be expanded to revise the
20 purpose of the Industrial (I) district.
21

- 22 • The applicant limits the amendment to commercial retail/service facilities greater than 10,000
23 SF. There are no provisions for commercial retail/service facilities of less than 10,000 SF.
24 This language would discourage smaller commercial retail/service facility uses and could
25 lead property owners to construct larger facilities than needed. If data and analysis can be
26 provided to support the inclusion of commercial retail/service facility uses in the Industrial
27 (I) district, then a) the application should be expanded to either allow commercial
28 retail/service facilities of less than 10,000 SF as of right or b) the application should be
29 amended to allow commercial retail/service facilities with a minor conditional use permit
30 without the requirement to be at least 10,000 SF. (Note: in the application, it is asserted that
31 commercial retail of less than 5,000 SF is permitted as of right. This is not correct.
32 Commercial retail - limited to restaurants - is permitted as of right. Other types of
33 commercial retail are not listed as a permitted use.)
34
- 35 • The terminology “is designated and zoned Industrial” is redundant as this permitted use is
36 within the Industrial (I) district permitted use section and would not pertain to other land use
37 districts.
38
- 39 • Once a definition related to service facilities is created, an analysis is necessary to determine
40 whether the permitted uses in other land use districts need to be amended to allow for the
41 newly defined use. For example, animal shelters have been interpreted to be a light industrial
42 use. Light industrial uses are permitted in several other land use districts in addition to
43 Industrial (I). If the Land Development Code is amended to include this type of activity
44 specifically within a newly defined service facility use, and the service facility use is only
45 listed in the Industrial (I) district, property owners within the other land use districts would

1 have their opportunity to establish an animal shelter on their properties not designated
2 Industrial (I) taken away.
3

- 4 • The inclusion of institutional use as a minor conditional use would create an inconsistency.
5 Institutional uses are already permitted as of right.
6
- 7 • Lower Keys Planning Area must be explained. Currently, the subareas have different
8 boundaries in the Comprehensive Plan and in the Land Development Code (in the context of
9 ROGO/NROGO). Planning areas are divisions of the subareas. There is no Lower Keys
10 “Planning Area”. The applicant needs to identify which of the subareas to be used, however
11 if the applicant utilizes the Lower Keys ROGO subarea, it would not be necessary to
12 exclusively exclude Big Pine Key as Big Pine Key and No Name Key have their own ROGO
13 subarea.
14

15 Specifically, staff has determined the following issues with the proposed amendments to the text
16 of MCC §130-164:
17

- 18 • The application proposes a new type of use, *service facilities*. A maximum floor area ratio
19 for this new use is not proposed.
20
- 21 • A maximum floor area ratio of 0.40 is proposed for commercial retail uses, including those
22 of high intensity. This FAR standard for high intensity commercial retail uses is higher than
23 that allowed in any other land use district, including the Urban Commercial (UC) district
24 [0.35], the Suburban Commercial (SC) district [0.15] and Mixed Use (MU) district [0.15]. It
25 is unclear as to why the County should allow more high intensity commercial retail floor area
26 in the Industrial (I) district as opposed to in the Urban Commercial (UC) district, which
27 purpose is to designate appropriate areas for high-intensity commercial uses intended to serve
28 retail sales and service, professional services and resort activities needs at a regional or
29 multiple planning area scale (per MCC §130-47).
30
- 31 • A proposed floor area ratio of 0.40 is proposed for institutional uses. Based on descriptions
32 from the applicant (including the traffic study), the proposed institutional uses includes
33 rooms. If so, the applicant should note that floor area ratios would not be used to measure
34 the cumulative density related to institutional residential uses. The application would have to
35 be expanded to amend MCC §130-162 to establish a maximum institutional residential
36 density in the Industrial (I) district. However, adding density for rooms would be
37 inconsistent with Comprehensive Plan Policy 101.4.21, which indicates the Industrial (I)
38 future land use category has a density of 0 rooms per acre.
39

40 Specifically, staff has determined the following issues with the proposed amendments to the text
41 of MCC §138-50:
42

- 43 • The application proposes new exemptions to the NROGO permit allocation system.
44 However, those exemptions are in conflict with Comprehensive Plan Policy 101.3.1:
45

1 Policy 101.3.1: Monroe County shall maintain a balance between residential and non-
2 residential growth by limiting the square footage of non-residential development to
3 maintain a ratio of approximately 239 square feet of new non-residential development
4 for each new residential unit permitted through the Residential Permit Allocation
5 System. This ratio may be modified from time to time through amendments to the
6 land development regulations based upon market and other relevant studies as
7 required by policy 101.3.5. The commercial allocation allowed by this policy shall be
8 uniformly distributed on an annual basis, consistent with the Residential Permit
9 Allocation System as set forth in Policy 101.2.1.

10
11 The purpose of the NROGO permit allocation system was to maintain a ratio of 239 square
12 feet of commercial/nonresidential square footage per each dwelling unit. Not taking into
13 account the county's inability to award all NROGO allocations in the past, an exemption that
14 could accommodate such a large amount of development absent of the controls of NROGO
15 could jeopardize the 1:239 ratio required in the policy.

- 16
17 • The application proposes new exemptions to the NROGO permit allocation system.
18 However, those exemptions are in direct conflict with Comprehensive Plan Policy 101.3.4:
19

20 Policy 101.3.4: Public facilities shall be exempted from the requirements of the
21 Permit Allocation System for new non-residential development. Except within Tier I
22 designated areas pursuant to Goal 105 or within a designated Tier III Special
23 Protection Area pursuant to Policy 205.1.1, certain development activity by federally
24 tax-exempt not-for-profit educational, scientific, health, religious, social, cultural, and
25 recreational organizations may be exempted from the Permit Allocation System by
26 the Board of County Commissioners after review by the Planning Commission upon a
27 finding that such activity will predominately serve the County's non-transient
28 population. All public and institutional uses that predominately serve the County's
29 non-transient population and which house temporary residents shall be included in the
30 Permit Allocation System for residential development, except upon factual
31 demonstration that such transient occupancy is of such a nature so as not to adversely
32 impact the hurricane evacuation clearance time of Monroe County.
33

34 There is no language in Policy 101.3.4 that would allow the County to exempt such uses.

- 35
36 • The application proposes new exemptions to the NROGO permit allocation system.
37 However, those exemptions are in inconsistent with MCC §138-47(b):
38

39 (b) Purpose and intent. The purposes and intent of the nonresidential rate of growth
40 ordinance are:

- 41 (1) To facilitate implementation of goals, objectives and policies set forth in the
42 comprehensive plan relating to maintaining a balance between residential and
43 nonresidential growth.
44 (2) To maintain a ratio of approximately 239 square feet of nonresidential floor
45 area for each new residential permit issued through the residential rate of
46 growth ordinance (ROGO).

- 1 (3) To promote the upgrading and expansion of existing small-size businesses and
2 to retain the predominately small scale character of nonresidential
3 development in the Florida Keys.
4 (4) To regulate the rate and location of nonresidential development in order to
5 eliminate potential land use conflicts.
6 (5) To allocate the nonresidential floor area annually hereunder, based on the
7 goals, objectives and policies of the comprehensive plan and the Livable
8 CommuniKeys master plans.
9

10 In addition, staff has determined that following issues with the proposed amendments to the text
11 of MCC §138-50:
12

- 13 • The data and analysis submitted with the application is not acceptable to describe and
14 forecast the impact of the amendment.
15 ○ The traffic impact analysis is inadequate.
16 ○ The utility impact analysis is inadequate.
17 ○ The analyses are for the Lower Keys; however the application includes allowing
18 institutional uses in all Industrial (I) districts.
19

20 **IV RECOMMENDATION**

21
22 Staff recommends that the Board of County Commissioners not amend the Monroe County Code
23 as requested by the applicant.