

DEVELOPMENT REVIEW COMMITTEE

Tuesday, June 26, 2012

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, June 26, 2012**, beginning at 1:01 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	Absent
Mitch Harvey, Comprehensive Plan Manager	Present

STAFF

Mayte Santamaria, Assistant Planning Director	Present
Steven Biel, Senior Planner	Present
Rey Ortiz, Planner	Present
Tiffany Stankiewicz, Development Administrator	Present
Gail Creech, Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

Item 3 was heard as Item 1.

MINUTES FOR APPROVAL

Mr. Schwab approved the minutes from the April 24, 2012 and May 29, 2012 DRC meetings.

MEETING

New Item:

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 138-51, NROGO ALLOCATIONS, TO REVISE THE REGULATIONS TO INCREASE THE NUMBER OF ALLOCATION PERIODS IN A GIVEN YEAR FROM TWO ALLOCATION PERIODS TO FOUR ALLOCATION PERIODS, 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.

(File 2012-013)

Ms. Santamaria presented the staff report. Ms. Santamaria reported that this is an amendment to Section 138-51 of the NROGO section of the Monroe County code to change “two allocation periods per year” to “four allocation periods per year,” which would make it consistent with the comp plan. This is a fairly simple amendment to allow people to compete in NROGO and hopefully have their allocations awarded more timely. There are a few other clarification amendments within the draft to clarify language and does not change the intent of any of the section.

Mr. Schwab commented that the language “many applicants wait several months for administrative purposes only for large projects” should read “wait several years,” whereas the smaller projects wait several months. Mr. Schwab then questioned the definition of “quarterly nonresidential ROGO allocation” on Page 4. Ms. Santamaria responded that the recommendation has been made to eliminate Number 6. Mr. Schwab further commented that Paragraph A on Page 4 is hard to understand. Ms. Santamaria explained that that is existing language that forms the basis of the original NROGO allocation. Ms. Santamaria agreed that it is complicated language and there are multiple revisions drafted to present to Joe Haberman to see if these sentences can be simplified and made clearer. Ms. Stankiewicz pointed out that this language does contain some history, which is nice to have. Mr. Schwab stated that Mr. Haberman had agreed to continue this item, but Mr. Schwab wanted the process to continue today and, depending on how much evolution there is on the amendment, it might be brought back to the DRC because it cannot go into effect until January.

Ms. Stankiewicz then commented that the language on Page 2, Line 24, needs to be clarified to indicate the 239 square feet is actually multiplied by the number of permits as opposed to the residential allocations. On Page 3, Lines 7 through 14 and Lines 30 through 37, the allocation dates of January or July needs to be corrected to say about March or about September, which is when the allocations for those time frames are actually done. On Page 5, Line 19, the title should be clarified to read “Allocation Application Submittal Deadlines.” Ms. Stankiewicz then suggested on Page 5, Lines 22 through 30, should be deleted and read “after no later than 4 p.m. on a specified allocation quarter closure,” which would be the same as ROGO so that nobody is getting confused with dates. Line 45 on Page 5, rather than have “allocation dates for a given nonresidential allocation period,” that should be changed to “four allocation quarters” to keep it simple.

Mr. Schwab asked staff to make those adjustments and then staff can determine whether or not this item needs to come back before the DRC.

Continued Item:

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING MONROE COUNTY CODE SECTION 130-102, HORSES AND OTHER LIVESTOCK, TO ESTABLISH REGULATIONS RELATED TO THE KEEPING OF HORSES AND OTHER LIVESTOCK IN MONROE COUNTY, 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.

(File 2012-036)

Mr. Biel presented the staff report. Mr. Biel reported that this amendment was initiated by the Planning Department due to the fact that there is no direction in the land development code or the comp plan as to how to deal with people having horses or livestock, and has basically left that decision for the Director of Planning to make administratively whether to allow or not allow somebody to have horses on their property. There is a definition of “animals” and “livestock” in Section 4 of the code, but there is no tie-in to the land development code. Section 130-102 has been created and the definition of “livestock” from Section 4 has been included. This will allow somebody that has up to one acre of upland land to have one or two horses. They would have to have a lawful residential dwelling on the same parcel, and the owner of the horses would have to occupy the residential dwelling.

Mr. Roberts questioned the language of “up to one acre of upland land,” which would not include a minimum parcel size for one horse. Mr. Roberts believes that one acre of upland or less for one or two horses is insufficient. Mr. Schwab believes that allowing this use in appropriate locations only and determining what an appropriate size for the animals’ comfort would be are items that need to be addressed. Ms. Santamaria clarified that this use is limited to a land use zoning district designation that allows agriculture. Mr. Biel then recited the zoning districts that would allow this use. Ms. Santamaria suggested further refining a subset of those districts that would be most appropriate for horses or livestock. Mr. Schwab stated that vetting the subject at one meeting would not be enough time to get comfortable with it and would prefer to look at it further after this meeting. Mr. Biel will meet with Joe Haberman to try to define it further.

Mr. Roberts asked how stables and riding schools should be addressed. Mr. Biel replied that that would come under the conditional use. Mr. Schwab stated that needs to be further defined. Mr. Schwab then asked Mr. Roberts to participate in further addressing this item because of his experience with horses. Mr. Schwab also asked to be included in the initial meeting of staff on this item.

Mr. Roberts suggested looking at other small communities’ ordinances related to this. Mr. Harvey voiced concern of off-site impacts having livestock would have. Mr. Schwab agreed. There was discussion of what was included in the definition of “livestock.” Mr. Biel requested to have the definition of “animal” updated. Mr. Roberts brought up the concern of having livestock running around natural areas. Ms. Stankiewicz suggested that there be distances from wetlands established where livestock would be allowed. Mr. Schwab concluded that more time needs to be spent vetting this item.

New Item:

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMISSIONERS AMENDING MONROE COUNTY CODE SECTION 118-9, OPEN SPACE REQUIREMENTS; TO ADDRESS THE CLEARING OF UPLAND NATIVE VEGETATION

TO BE CONSISTENT WITH THE MONROE COUNTY COMPREHENSIVE PLAN, 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.

(File 2012-013)

Mr. Ortiz presented the staff report. Mr. Ortiz reported that the Planning and Environmental Resources Department is proposing these amendments to Section 118-9 of the code to mirror what was previously approved by the BOCC in Resolution 020-2012 to match with the comprehensive plan. Mr. Ortiz has modified the text accordingly and finds that this proposal is consistent with the provisions of code and recommends approval.

Ms. Santamaria suggested renaming the section from Open Space Requirements to Clearing Requirements because this section does not actually address percentages of open space. Mr. Roberts recommended the name Clearing Allowances. Mr. Ortiz assured Ms. Stankiewicz that this change would not affect the advertising since the advertising is based on what is in the subject line. Mr. Roberts recommended stating what clearing limits are for Big Pine Key and No Name Key in this section. Ms. Santamaria asked Mr. Roberts to submit his proposed language to her by August since the adoption of this policy will be in September. Mr. Ortiz is to leave the language as it is so it matches the language in the comp plan for now and change it before going to the BOCC.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:35 p.m.