

DEVELOPMENT REVIEW COMMITTEE

Tuesday, December 18, 2012

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, December 18, 2012**, beginning at 1:04 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, Sr. Administrator, Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comprehensive Plan Manager	Present

STAFF

Mayte Santamaria, Assistant Planning Director	Present
Rey Ortiz, Planning & Biological Plans Examiner Supervisor	Present
Emily Schemper, Senior Planner	Present
Gail Creech, Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

Mr. Haberman’s agenda items, Numbers 3 and 4, will be heard first.

MINUTES FOR APPROVAL

Mr. Schwab deferred minute approvals to the next meeting.

MEETING

New Items:

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTIONS 102-185 AND 102-215 IN ORDER TO CLARIFY CERTAIN APPELLATE PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR FILING WITH THE SECRETARY OF STATE AND THE STATE LAND PLANNING AGENCY; AND PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-162)

Mr. Haberman presented the staff report. Mr. Haberman reported that the County Attorney’s Office requested this change. This change is to resolve the conflict between the two processes in

the two appeals sections. When the code was renumbered no thought was given to how it referenced chapters and sections at that time. “Chapter” is being replaced because in the Land Development Code it is no longer a chapter, but many chapters. The attorneys have asked to have the 30-day requirement in the applications for DOAH hearings changed, but staff is still waiting for further direction from the County Attorney’s Office on that matter.

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 138-22(2); CLARIFYING THAT LAWFUL TRANSIENT RESIDENTIAL RATE OF GROWTH ORDINANCE (ROGO) EXEMPTIONS MAY BE TRANSFERRED TO RECREATIONAL VEHICLE (RV) PARKS, AS WELL AS HOTELS; 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 2012-165)

Mr. Haberman presented the staff report. Mr. Haberman reported that this text amendment was initiated by staff. Staff members have met and agree that there is a conflict of why transient ROGO exemptions are allowed to go to a hotel, but not to an RV park, when the impact and the general nature of each are relatively the same. Mr. Haberman is going to make some revisions in the language to make it clearer, define some terms and make the language consistent with the comp plan, which is much broader. The revisions were then outlined. First, if a property owner has a subject unit they want to transfer off they have a choice to demolish it or change it to a floor area of a permitted use in the applicable zoning district that does not require the ROGO exemption. Because of the argument about how permanent and transient use should not be converted because their impact is different on evacuation time, Mr. Haberman added to the language that permanent can be transferred to other types of permanent and transient can be transferred to other types of transient. Because of the underlying goal to see development off of Big Pine Key and the change four years ago of naming the subareas Upper, Lower and Big Pine/No Name Key, Mr. Haberman added language to say that ROGO exemptions associated with transient residential dwelling units may be transferred from the Big Pine and No Name ROGO subarea to the Lower Keys ROGO subarea. The process was also changed to match the NROGO section related to this.

Mr. Harvey asked for clarification on trying to remove development impact from Big Pine Key when transferring units between subareas is not allowed. Ms. Santamaria added that there are other policies in the plan to discourage development on Big Pine relative to the endangered species. Mr. Haberman reiterated that TDRs can be taken off of Big Pine/No Name Key, but TDRs cannot be brought onto the island. Some language in the comp plan may need to be tweaked to make that clear. Ms. Santamaria explained to Mr. Roberts that there has been an accounting for transient ROGO over the years that show there are 14,000 in all of Monroe County. They are tracked through local licenses. Mr. Haberman noted that is the number used for policy decisions. Some with licensing are illegal because the State does not always ask for proof of County approval. If the Commission ever decided to lift the moratorium, there is not a system in place currently to limit the number that goes to hotels. Staff agreed there is more vetting to be done on this item.

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY CODE BY ESTABLISHING TWO COMMERCIAL DISTRICTS; AMENDING SECTION 130-2, LAND USE DISTRICTS ESTABLISHED; CREATING SECTION 130-51, PURPOSE OF THE COMMERCIAL 1 DISTRICT (C1); CREATING SECTION 130-52, PURPOSE OF THE COMMERCIAL 2 DISTRICT (C2); CREATING, WITHIN ARTICLE III PERMITTED AND CONDITIONAL USES, SECTION 130-102, COMMERCIAL 1 DISTRICT (C1); AND SECTION 130-103 COMMERCIAL 2 DISTRICT (C2); AND AMENDING SECTION 130-164, MAXIMUM NONRESIDENTIAL LAND USE INTENSITIES AND DISTRICT OPEN SPACE; 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 2012-160)

Ms. Schemper presented the staff report. Ms. Schemper reported that this is a staff initiated text amendment following the proposed commercial FLUM which has been transmitted. Under the commercial FLUM there would be two commercial zoning districts and this amendment is specifically to list the permitted and conditional uses and the land use intensities and open space. Ms. Schemper went through each section that needs an amendment. Because these are commercial, there is no need for it to be amended in the density table for residential.

Ms. Schemper explained that the Commercial 1 district is to establish areas for commercial retail, public institutional and office uses designed and intended primarily to serve the needs of immediately surrounding residential areas. Although this is in some ways a similar zoning district to the suburban commercial, it eliminates all residential uses. The purpose of Commercial 2 is to designate appropriate areas for higher intensity commercial uses and serve the needs of a subarea with commercial retail sales and service, public institutional and office uses. This is somewhat patterned after the urban commercial zoning, but without any residential.

Ms. Schemper further reported that in terms of permitted and conditional uses, these were patterned somewhat after suburban commercial and urban commercial, but some of the maximum square footage was adjusted to make up for the fact that no residential is allowed. Light industrial has been left in for both districts as a minor conditional use. Outdoor storage has been eliminated as a permitted use and it is a conditional use under light industrial. Because of an ongoing concern from the public concerning outdoor storage, keeping it under light industrial eliminates some of that addition of more outdoor storage. Ms. Santamaria explained to Mr. Harvey that outdoor storage used to be permitted as of right and staff has now added a layer of review in order to both satisfy the end users as well as the public concern. Ms. Schemper stated that these commercial land use districts would only apply to the new commercial FLUM. Mr. Roberts suggested pointing out for the Planning Commission and the BOCC the land use districts that allow commercial as of right and the ones that require a minor or major conditional use.

Ms. Schemper continued to report that in the C1 and C2 districts the square footage allowed under permitted as of right, minor conditional use and major conditional use has been increased. The increases compared to suburban commercial and urban commercial were pointed out. The

US-1 Access category's language is the standard language in all of the different zoning categories. Recreation within the existing permitted and conditional uses sections has been changed to "Commercial recreational uses, indoor and outdoor, permitted as of right." The definitions of commercial recreation outdoor and commercial recreation indoor were discussed. Ms. Schemper stated when the Land Development Code review occurs a larger discussion about recreational would be appropriate. The intensities in the different districts were then recited. Ms. Santamaria clarified that staff is not proposing a map amendment at this time, but is only making this category available as an option for the public to address their own issues.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY CODE TO INCLUDE THE COMMERCIAL 1 (C1) AND COMMERCIAL 2 (C2) LAND USE DISTRICTS WITHIN THE FOLLOWING SECTIONS; SECTION 114-20 FENCES; SECTION 114-99 REQUIRED LANDSCAPING; SECTION 114-126 DISTRICT BOUNDARY BUFFERS; SECTION 114-127 REQUIRED SCENIC CORRIDOR AND MAJOR STREET BUFFERS; SECTION 130-186 MINIMUM YARDS; SECTION 142-4 SIGNS REQUIRING A PERMIT AND SPECIFIC STANDARDS; CHAPTER 146, ENTITLED "WIRELESS COMMUNICATIONS FACILITIES," SECTION 146-3 APPLICABILITY, SECTION 146-4 USES BY LAND USE DISTRICT, AND SECTION 146-5 DEVELOPMENT STANDARDS; REFERENCING COMMERCIAL 1 (C1) AND COMMERCIAL 2 (C2) LAND USE DISTRICTS WHERE APPROPRIATE; 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 2012-161)

Ms. Schemper presented the staff report. Ms. Schemper reported that because there are sections in the code where specific land use districts are referenced, staff wanted to make sure all of those places were caught throughout the rest of the Land Development Code since creating the C1 and C2 districts. C1 and C2 were added to the fence code allowing for a height of six feet. C1 and C2 were added to the required landscaping section to be the same as that for suburban commercial and urban commercial. C1 and C2 have been patterned after the suburban commercial and urban commercial in the district boundary buffers section. In the required scenic corridor and major street buffers section C1 was made to be consistent with suburban commercial and C2 consistent with urban commercial districts. C1 and C2 were added to bulk regulations. The setback requirements were listed for both districts. Under Chapter 142, Signs, C1 and C2 were added and all the same standards apply as for the other commercial districts. Finally, under Wireless Communications Facilities, C1 and C2 were added to standards that applied to urban commercial or suburban commercial.

Mr. Harvey asked why the two ordinances have not been combined into one. Ms. Schemper explained they are running concurrently and when the ordinance was written there was a section that says it is contingent upon.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:52 p.m.