

DEVELOPMENT REVIEW COMMITTEE

Tuesday, October 21, 2014

MEETING MINUTES

The Monroe County Development Review Committee conducted a special meeting on **Tuesday, October 21, 2014**, beginning at 10:05 a.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

STAFF

Mayte Santamaria, Assistant Planning Director	Present
Steve Williams, Assistant County Attorney	Present
Pete Morris, Assistant County Attorney	Present
Rich Jones, Administrator, Marine Resources	Present
Tiffany Stankiewicz, Development Administrator	Present
Emily Schemper, Principal Planner	Present
Matt Coyle, Senior Planner	Present
Karl Bursa, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

MEETING

New Item:

1. This meeting will be conducted to review the preliminary Monroe County Land Development Code Update. All proposed amendments to the Monroe County Land Development Code can be reviewed on the project website at www.keyscompplan.com.

Ms. Santamaria stated this meeting will cover Chapters 114, 118, 122, 131, and Chapter 101 relative to these four chapters. Debbie Love, Project Manager from Keith & Schnars, guided the Committee through the following amendments.

Chapter 114 – Development Standards

Page 1, Article I was revised to match the changes in the comprehensive plan, clarifying the facilities and review procedures. “Paved roads” was added to (c). In (d) acknowledgement was

added that single-family residences would be a di minimus impact relative to this section. **Page 2**, Contains primarily editorial changes, and the level of service of solid waste, potable water and sanitary sewer have been updated to match the requirements in the comp plan. **Page 3**, Drainage has been updated to match the comp plan. Under Schools “adequate” was changed to “sufficient.” Recreation and Open Space level of service was corrected to match the comp plan. The rest of the page contains only editorial changes. **Page 4**, In (3) “annual” was changed to “assessment” because it has not been determined on what schedule this would be done. The rest of the page contains editorial changes. Application for development was clarified. **Page 5**, Contains clarification language regarding what needs to be in the Facilities Impact Report. **Page 6**, Some items were deleted because they were covered elsewhere. The rest are editorial changes. “Concrete slabs” were added to (d). D.A. Aldridge, Tavernier resident, suggested a “j” be added for the installation of solar panels or solar systems, restricting it to a home or a building. Ms. Santamaria will check to see if that is consistent with statute. Burke Cannon, Tavernier resident, requested that a strong definition of “footprint” be used to avoid building within setbacks. Mr. Haberman clarified this applies to rebuilding after a natural event, such as a hurricane or fire. Ms. Schemper further clarified this section addresses level of service and nonconforming setbacks are in a completely different section of the code. Ms. Love agreed that this section is about level of service exemptions and those other items need to be covered elsewhere. **Page 7**, “Docks” was changed to “docking facilities” and includes “tiki and chiki huts.” “J, k” and “l” were added, which relate to public transit facilities and development that does not reduce the capacity. Mr. Williams noted that “chiki” is spelled differently in the building code and the statutes. Ms. Santamaria recommended checking the statute on that same item because there are provisions where they are not considered exempt from development. Language in (b) was streamlined. In (c) the Outstanding Florida Waters and the additional requirements of projects discharging into those impaired waters are recognized.

Page 8, Contains some editorial changes through (4). Additional exemption activities for stormwater were added. Mr. Roberts pointed out that the underlined text actually reflects a recently amended current code that has already been adopted. **Page 9**, Continues with the same underlined text that has already been adopted. **Page 10**, Contains primarily editorial changes and in “b” some clarification language was added to “water bodies.” **Page 11**, References to Florida Administrative Code were added along with some clarification language relating to specific documents. **Page 12**, Has not changed at all besides an editorial change for clarification related to Number 2. **Page 13**, Ms. Schemper questioned why the calculations for impervious areas less than 40 percent has decreased the treatment volume. Ms. Schemper will confer with Mr. Roberts further about the calculations. Mr. Roberts pointed out that comments from the Engineering Department relative to this chapter have not been received, which is critical to anything eventually adopted. **Page 14**, Contains primarily editorial changes in reference to statutes. **Page 15**, Contains no changes at all. **Page 16**, Editorial changes were made relative to department names. **Page 17**, Reference was added that under 1 a South Florida Water Management District permit is required prior to the final concurrency determination. **Page 18**, Section 114-4 was deleted and all other changes were editorial in nature. **Page 19**, The general requirements for site improvements and streets were deleted because they should be located elsewhere. **Page 20**, Contains deletions of items that were unnecessary or relocated. **Page 21**, Most was deleted down to Easements, which contains renumbering. **Page 22**, Blocks and lots were relocated. **Page 23**, Many of the sections were relocated that were not strictly related to stormwater. Some

language was clarified on the bottom of the page. **Page 24**, Contains primarily renumbering changes. Beth Ramsay-Vickrey, resident of No Name Key, asked that legal cases and the Public Service Commission's position relative to the installation underground be reviewed to make Section 114-98 consistent with any provision currently in existence. **Page 25**, Clarifies the reference to live-aboard vessels and noted that new live-aboards are only going to be permitted in certain locations with certain criteria for those locations. Changes to Fencing are primarily editorial as far as height limitations. Ms. Aldridge asked if "adequate off-street parking" associated with live-aboard vessels is defined somewhere. Mr. Haberman explained that the one-space-per-live-aboard requirement is not changing, but the language has been revised to "adequate" by the BOCC. Mr. Jones questioned the language "hooked up to on-land sewage." Ms. Santamaria stated the intention was for the upland facility to provide sewage so that live-aboard slips could have some way of connecting once the vessel is there and disposing of their waste. Ms. Jetton asked whether the definition of "marina" has been changed at all. Mr. Haberman clarified that the definition has not been changed as part of this amendment, but staff has changes recommended for it now. Ms. Love commented that some clarification has been done relative to Fencing. Mr. Haberman noted that staff wanted to establish that a variance could be applied for relative to height in some situations. Ms. Love further noted that "d1" gives the Planning Director authority to deal with any particular construction details.

Page 26, It is noted that within special individual zoning districts some fences could go up to six feet in height. A cross-reference was added in 4ii. **Page 27**, Height and construction requirements for athletic fences are noted. The rest of the page contains editorial changes and language clarifications. **Page 28**, (5) contains conditions for certain types of fencing, such as barbed wire and razor wire, and clarifies in which land use zoning districts they are allowed. Mr. Haberman pointed out these are existing prohibitions. **Page 29**, "Mixed use buildings" was added to the "Nonresidential" title. **Page 30**, Contains editorial changes. Mr. Coyle asked whether it should be clarified that enclosures for dumpsters are allowed above and beyond six feet in some cases. Mr. Haberman noted this section refers to what is allowed within a setback.

Page 31, Two new sections are added that comport with the comp plan regarding requirements for mass transit and bike/pedestrian facilities. Ms. Love suggested staff may want to review the 2,000-trip threshold. Mr. Bursa noted that bus shelters may need to be listed explicitly. Ms. Schemper believes that bus shelters would be covered by transit facilities, but will look into that further. **Page 32**, Contains the Energy and Water Conservation Standards. Ms. Love stated this was made to match up with the previous section. A few things were deleted that are already required by the Building Code. Mr. Haberman pointed out they were deleted because they are unenforceable by a planner and belong in a different place. Returning to **Page 31**, Mr. Kahn confirmed for Mr. Bursa that bus shelters are included in the definition of "transit facilities." Mr. Williams questioned whether that gets rid of bike racks. Mr. Haberman explained the provision enforced was that a retail development within 200 feet of a bikeway is required to have a bike rack per the parking section, which is in a different section. **Page 33**, Contains the potable water conservation standards, which some are standard now and also cannot be enforced by a planner. **Page 34**, Contains some minor editorial changes. **Page 35**, A "D" was added, which is the length of the parking space. Ms. Love clarified the parking space length was already included, but "D" was added to match the table. Mr. Haberman suggested adding the handicap parking language regarding dimensional and aisle requirements from the Building Code into the

accessibility dimensions in this document. **Page 36**, Contains no changes other than to reference the ITE Trip Generation Manual for the actual number of parking spaces. **Page 37**, Contains no changes. **Page 38**, Contains no changes to the table itself. Some editorial changes were added to the bottom and the use of the ITE Parking Generation Manual was specified. Mr. Cannon asked that parking requirements for boat sales facilities be added to this section. Mr. Haberman explained the way it reads right now is that outdoor retail sales requires 1.5 spaces per thousand square feet of area. Mr. Haberman will review the ITE manual to see if there is a requirement in there specifically for boat sales facilities. Ms. Moses asked about parking regulations for two companies and large industrial tractor-trailer businesses, who currently park all over the right-of-ways. Mr. Haberman replied that staff has been looking into this matter and asked Ms. Moses to bring back to staff examples and locations of this occurrence. **Page 39**, Ms. Schemper commented that “h” regarding off-site parking facilities is being reviewed to consider increasing the 300-foot walking distance limit. Mr. Haberman recommended 500 feet. Ms. Love stated the norm elsewhere is a maximum of a quarter mile. Ms. Love stated Page 39 references small spaces for motorcycles and scooters for Stock Island. Mr. Haberman requested dimensions for scooter, motorcycle and golf cart parking in general be included in this section. Mr. Coyle recommended a four-by-six foot dimension. Ms. Love will refer back to other municipalities’ parking dimensions for these vehicles.

Page 40, Contains no major changes. **Page 41**, The table was not changed at all. **Page 42**, Contains no changes down to the table in Section 114-69 where, instead of starting at zero, it starts at 100 square feet. **Page 43**, Spells out the issue regarding bicycle parking. Mr. Haberman pointed out that in the previous section, 114-69(c), a parking demand study does not address loading zone reduction. Staff needs to determine the appropriate document to do that. Ms. Schemper recommended the new section regarding bicycle parking be combined with (k) on the previous page, which requires bicycle racks for commercial development within 200 feet of a bikeway. Mr. Haberman stated this would cover approximately 90 percent of businesses. Ms. Love noted that at the end of the new section it states the locational criteria can be modified by the Planning Director, which gives flexibility to this section.

Ms. Love asked Kenneth Wenning to guide staff through the amendments to the Landscaping section. Mr. Wenning was assisted by Shea Hansen and Chris Miller from Keith & Schnars, who helped with this section.

Page 44 and 45, A purpose was added, as well as Best Management Principles of a Florida-Friendly Landscaping. The required landscaping was updated in Section 114-100. **Page 46 and 47**, (b) through (p) have been added. Mr. Roberts voiced concern that the requirement of having to put in a terminal island at each parking area in (f) may not allow the owner to meet the parking requirements for that particular business. Mr. Haberman noted if that occurred the owner would have to either apply for a variance to reduce the number of parking spaces or modify the landscaping requirements. Ms. Love suggested adding language stating that the criteria can be modified by the Planning Director to allow for flexibility. Mr. Haberman suggested the language clarify that it needs to be due to unique circumstances and existing development. Mr. Wenning will look into this further. Mr. Roberts asked for confirmation that the text of Section 114-100 is consistent with the drawings provided. Mr. Wenning replied that the drawings are outdated versions and Keith & Schnars is looking to staff for clarification on how to revise and address

them at a future date. **Page 49 and 50**, Contain the graphics just discussed. **Page 51**, Contains the section on Irrigation. Mr. Roberts voiced concern about putting into code a requirement for development plans and standards that staff is not qualified to review and evaluate. Mr. Williams pointed out it is unlikely the County will ever employ such a person. Mr. Cannon suggested the applicant be allowed to submit a plan certified by a licensed landscape architect or irrigation designer. Mr. Roberts suggested maintaining the same standards, but requiring the plans be prepared by an appropriate licensed professional. Mr. Williams noted that staff knows of no such professional within the County. Keith & Schnars will revisit the Irrigation section.

Page 52, (e) was added regarding the incentives for planting 100 percent native plants. Mr. Wenning asked staff how they felt about requiring certain native plants and deleting the irrigation requirement. Mr. Roberts agrees with the incentive associated with the reduction of number of native plants, but does not want to require irrigation to an area that might not otherwise be irrigated. The requirement currently is that the plants survive. Mr. Schwab agreed with Mr. Roberts, but mentioned that irrigation could be required by water trucks at the beginning to ensure that the plants get established. Mr. Wenning commented that his personal experience with projects consisting of hardy native plants with no irrigation is that it is cheaper to replace a few plants as opposed to the high cost of irrigation and the use of native plants makes the water demand decrease drastically. Ms. Love suggested deleting the “no irrigation” requirement and maintaining the irrigation standards in Section 114-101. (e) will be reviewed further by Keith & Schnars. On this same page the exotic plants listed on Florida Keys Invasive Task Force list was added in (f). Ms. Moses requested that lead tree be added to that list. Mr. Roberts agreed. **Page 53**, Mr. Roberts noted that there is a conflict between Section 114-103 relative to landscaping and Section 118, which relates to clearing of native habitat. Mr. Roberts wants to see some language in 114-103 that clarifies this is regarding trees or plants that occur within a landscaped area. Mr. Haberman suggested changing the name of the section to make that clarification. Section 114-104 clarifies use of native canopy trees. In Section 114-105 “DBH” is changed to “caliper.” This change is made throughout the document when referring to trees in the landscaping trade.

Page 54-59, Contain the Native and Exotic plant tables. With help from staff an additional column has been added for regionally important, threatened and endangered plant species. Mr. Wenning confirmed for Mr. Roberts that none of the species listed in the Exotic portion of the table are on the Exotic Task Force List. Mr. Roberts asked the Exotic list be reviewed regarding coconut palms due to the amount used in landscaping throughout Monroe County. **Page 60 and 61**, Mr. Roberts noted his appreciation for the inclusion of the swale planting list. **Page 62**, Mr. Roberts requested that semi-pervious products be added to the Incentive section. Mr. Roberts then cautioned that pavers count against open space requirements and credit should not be given for paving open space. Mr. Haberman added that “pervious pavers” needs to be defined. Mr. Roberts agreed that the language needs to be fine-tuned so that there is an actual standard to be met. Ms. Aldridge requested that rainwater collection systems be added as an incentive. Mr. Haberman emphasized that term would need to be defined and where it applies would need to be clarified. How it would be distributed also needs to be specified. Ms. Ramsay-Vickrey suggested requiring a concrete cistern so it is not able to be used as a mobile cistern. Mr. Haberman then discussed Section 114-107. Mr. Haberman recommended under I and ii “where

permitted” should be added so as not to conflict with the Fence section. Mr. Roberts requested “dense” be defined in iii and iv by specifying a number of plants.

Page 63, Ms. Schemper noted Number 4 in Section 114-108 refers to “caliper” as opposed to “DBH.” Mr. Roberts stated the Existing Conditions Report is specific to native habitat in Section 118, so this is redundant and not necessary in this section. Number 4 is not consistent with any other requirement. **Page 64**, Mr. Roberts stated in Number 4 “three inches caliper or greater” can be deleted because this is talking about the landscaped plants. Mr. Haberman pointed out little saplings would then be required to be shown. Mr. Roberts then suggested keeping the minimum standard in there of four inches DBH for existing vegetation and three-inch caliper for installed. Mr. Haberman recommended separating proposed and existing. Mr. Roberts agreed. **Page 65-67**, There was no text change. Ms. Love asked that the last column on the table be expanded because it is not printing out. **Page 68**, Preservation has been added. Mr. Roberts believes this should be consistent with Native Area. Ms. Schemper questioned if Preservation needs to be specifically listed since it is already habitat. Mr. Roberts agreed it is not necessary because it makes its own buffer. Mr. Williams questioned whether Highway 940 should be listed since nobody present can identify where it is. Mr. Haberman pointed out it is defined as a major street in 101-1, so it needs to be consistent whether listed or not. **Page 69**, Contains editorial changes only.

Pages 70-76, Keith & Schnars is waiting on clarification for these graphics. Mr. Wenning suggested rounding the decimals up to the next number. Mr. Roberts agreed. Mr. Roberts then asked if the numbers accomplish the goal of the landscape code. Mr. Bursa noted that the City of Marathon redid their landscape code and have a whole new set of graphics that may be referred to. Ms. Schemper will forward those to Keith & Schnars if she has a copy. **Page 77 and 78**, Contains Alternative Buffers and needs to be adjusted based upon the parking lot criteria in the landscaping code discussed previously. Mr. Roberts pointed out he has not seen a landscape plan that requested an alternative buffer in the past five years. Mr. Roberts will give consideration to getting rid of this and covering it in a variance situation, but will follow up with Keith & Schnars on this. **Page 79**, Contains editorial changes. **Page 80 and 81**, Contains editorial changes. Mr. Cannon asked if this article incorporates any kind of dark sky lighting. Mr. Roberts wants to make sure that is taken into consideration, as well as the maximum lumination in Section 114-161. Mr. Cannon believes the lighting situation on US-1 needs to be addressed as a safety issue. Mr. Wenning will investigate into this further. **Page 82**, All of Section 114-161 through 163 is being stricken. **Page 83 and 84**, Mr. Haberman informed the Committee that State Road 940 has taken the community names. That now creates a conflict because that is defined as a major road. Therefore, this section needs to be retitled or “major roads” needs to be redefined. Staff will consider this further. **Page 85**, Contains editorial changes. (1)(a) and (b) have been added to Section 114-200. Mr. Haberman stated there are more changes to this section coming to clarify for a staff member when to request a traffic study and when not to, and when to render it to the County’s consultant and when not to. It is written out, but needs to be codified. **Pages 86-88**, Contain the end of the chapter which contains graphics with clear sight triangles. Mr. Cannon asked if parking on the right-of-way is included in clear sight triangles. Mr. Haberman pointed out that the Planning Department does not control what happens in any right-of-way. Ms. Schemper added that a required parking space would never be approved within a clear sight triangle.

A lunch break was taken from 12:09 p.m. to 1:10 p.m.

Chapter 118 – Environmental Protection

Page 1, Contains editorial changes and a “d” was added to be able to access the property. **Page 2,** A new (4) was added and additional criteria on species was also added. (6) was clarified. Mr. Roberts pointed out that the reference to “commercially exploited” in (4) is redundant and can be deleted. Ms. Schemper asked if both “locally rare” and “regionally important” are necessary in “e.” Mr. Roberts responded that “locally rare” plants are contained under threatened and endangered species of special concern, so that can be deleted, as well as “commercially exploited.” **Page 3,** The reference to submerged lands and salt ponds in Section 118-4 was added to comport with the comp plan. “Low hammock” was changed to “hammock.” In 118-6 and 118-7 some additional criteria was added for not disturbing champion and specimen trees, as well as the threatened and endangered species. Clarification and editorial changes were made to (2). Again, “commercially exploited” and “locally rare” will be deleted. Mr. Roberts does not like the blanket prohibition in 118-7. Ms. Schemper pointed out it is straight out of the comp plan. Ms. Schemper pointed out to Mr. Roberts that (2) references a list of different species of trees and what their mature size is. Mr. Roberts likes the language and will provide Keith & Schnars the table containing the normal mature tree sizes. The language regarding the size of the trees will need to be made consistent throughout the document. Ms. Moses commented that hardwood hammocks are very slow-growing trees. Mr. Roberts replied that the intent is to capture those trees that are less than four inches DBH at maturity. More wordsmithing is needed to make sure there is no loophole that will allow more clearing than what is currently allowed.

Page 4 and 5, Contain language about making payment in the Land Management Fund. Ms. Santamaria clarified that the BOCC at the October 7 meeting decided it should be 2:1 as opposed to 3:1. Clarification was made in (4) regarding the Migratory Bird Treaty Act. Criteria for what constitutes the most sensitive to the least sensitive habitat is listed. **Page 6,** Contains a rearrangement of what existed previously. Important criteria was added in (9) relative to fencing. “Locally rare” and “commercially exploited” need to be deleted. **Page 7,** On-site replanting standards have been added. Ms. Santamaria again noted the BOCC changed 3:1 to 2:1. The on-site replanting may or may not be developed per the BOCC because of the lack of ability to verify compliance. Mr. Roberts pointed out it will not change the buffer requirements or the native open space requirements. Ms. Moss is concerned about the clearing of native plants. Mr. Roberts reminded her that the clearing limitations are established by the tier and the existing habitat. The remainder of this page contains only editorial changes. **Page 8,** A typo of “20 percent” was corrected to “40 percent.” **Page 9,** A maximum amount of clearing was added at the bottom of the table relative to clearing for palm and cactus hammock. “20 percent” again was changed to “40 percent.” In (e) the limitations for the Big Pine and No Name clearing were added.

Page 10, Contains no changes. **Page 11,** “b” no longer contains a requirement for permits. A time frame has been set for when these approvals would have to be obtained, which is prior to the issuance of a notice to proceed. Mr. Roberts pointed out that “beach berm” by definition is an upland habitat and disturbance of upland habitats typically do not require a permit. Mr. Ortiz

suggested adding the language “If applicable, all such projects shall require.” A clarification was made to 7 that the barriers not only have to remain in place, but they have to be maintained in a condition that actually functions and does its job. **Page 12**, Ms. Santamaria stated Number 4 is to be deleted per BOCC direction on October 7. Ms. Love pointed out that renumbering will therefore occur on this page. It is noted again that all projects have to require Army Corps and DEP approval. **Page 13**, 5 was deleted because it cannot be required that way. 6 was added relative to fencing. It was added in “f1” that the County biologist may conduct a KEYWEP analysis to confirm or update the KEYWEP scores. **Page 14**, The KEYWEP functional capacities was corrected from 7.0 to 5.5. The criteria of when the DEP and Army Corps permits are required was added in iii. **Page 15**, It was included in 4 the instance that some of the wetland setbacks may be filled. **Page 16**, “Cash, or other financial guarantee in a form acceptable to the county attorney” was added to Number 4 to allow for additional flexibility. Editorial changes were made. “At least quarterly” was added for the update of the Florida Exotic Pest Plant Council’s list of invasive exotic plants. (e) gives the financial guarantee approval to the County Attorney. **Page 17**, Mr. Cannon asked who defined “community character” in the Purpose of 118-12. Mr. Williams stated community character is defined as it presents itself because any attempt to define varies from community to community. Ms. Santamaria clarified that “community character” is listed in all of the CommuniKeys Plans and throughout the code and pertains to the unique circumstances at any point in time it is looked at. **Page 18**, Contains editorial changes. **Page 19**, “Submerged seagrasses” was deleted. **Page 20**, “Mooring facilities such as davits and boatlifts” was added in (i). **Page 21**, Again, (i) speaks about Army Corps and DEP permits. Ms. Santamaria recommended either adding “Water Management District” or “State and Federal permits” where DEP and Army Corps exists. Mr. Williams had no preference. “State of Federal permits” will be used. Mr. Roberts pointed out that how the shoreline setback is identified relative to properties with boat ramps and cut-in boat slips has been problematic. Mr. Schwab is more comfortable having that addressed through the special approval process.

Page 22, Clarifying language was added to (8)(1). The setback requirements were clarified in (3). A definition of “navigable portion” was added into (4). Mr. Cannon pointed out that there are angled lots in the County that may make applying (3) difficult. Mr. Roberts suggested using the term “perpendicular to the shore” in (3) as opposed to “as extended into the water.” Mr. Jones noted that which property line is being referred to in (3) is not specified. Ms. Love suggested the clarifying language “beyond the side property line.” Mr. Roberts read from the Federation of Homeowners’ letter of their recommended changes. The Federation asked for clarification of the definition of a dock. Mr. Roberts explained in general lifts, et cetera, are accessory to the dock, not part of the dock. Ms. Santamaria read aloud the definition of “docking facility.” Mr. Roberts clarified right now a lift is used in the 25 percent of navigable width calculation, but not in the 10 percent width of the dock calculation. This becomes an issue when elevator lifts or permanent slips such as hoist-type lifts are used. Mr. Roberts will work on reconciling this section to the definition of “dock.” The Federation recommends a setback of 7.5 feet as opposed to 5 feet in Subsection (3) to alleviate shared property line conflicts. Mr. Roberts has no objection to 7.5 feet. Ms. Santamaria recommended remaining consistent with what has been done in the past, but remain open to other suggestions through the public process and the Planning Commission. The Federation asked if “negative four” was a typo in (4). Mr. Roberts confirmed that minus four feet at mean low water is correct. The Federation asked how the

navigable portion of a canal would be affected if two owners across from each other on a canal both installed a dock. Mr. Jones replied that the math should not be changed just because a dock was installed. Mr. Roberts confirmed that there is nothing in the code about a minimum width a canal has to maintain open at all times regardless of the size. Mr. Roberts then suggested the paragraph regarding T- and L-shaped docks perpendicular to mangrove vegetation along the shoreline be moved under required conditions.

Page 23, The only change was acknowledgement regarding the permitting issue in (6)d. Mr. Roberts clarified for Ms. Ramsay-Vickrey that all restrictions in “e, f” and “g” are relative to a dock built on an adjacent parcel that does not contain a principal structure. Ms. Ramsay-Vickrey asked if there should be something allowing for a boat to be pulled for a limited period of time for maintenance purposes. Mr. Haberman pointed out that would be a contiguous and aggregated parcel and would not trigger a lot of the adjacency rules. The definition of accessory use requires that certain conditions be met and one of them is it has to be on a contiguous lot. The only exclusion to that is docking facilities. Only docking facilities and off-street parking facilities are allowed on adjacent parcels. Mr. Williams stated if staff wants accessory docks to be prohibited it needs to state that outright. Ms. Ramsay-Vickrey suggested including in the code the prohibition of long-term storage of a boat on a trailer not seaworthy for longer than X period of time unless screened from public view. Mr. Haberman commented the issue with that would be enforcement. Mr. Williams states if that is already in the book of ordinances it is already enforceable.

Page 24, Mr. Roberts recited a request from the Federation to define “reasonable access” in “e”. Ms. Schemper feels that should be on a case-by-case basis. Mr. Williams agreed that “reasonable” is not in this instance able to be defined. Mr. Roberts noted the paragraph regarding mangrove fringe previously discussed be moved to “f” in this section. Mr. Roberts requested it be clarified in “d” that “a mangrove fringe of ten feet or more” or “at least ten feet in width as measured from the shoreline landward.” (9) contains new language regarding the criteria for floating boatlifts and vessel platforms. Ms. Ramsay-Vickrey questioned how the minimum of ten feet was decided upon. Mr. Roberts explained floating lifts typically require the boat be driven onto them as opposed to being able to drift onto them. Mr. Jones noted in (9)b “when not in use” is unnecessary. Mr. Cannon believes no floating docks should be allowed in canals and waterways. Mr. Roberts pointed out the top of the page states “No dock or mooring facility shall be constructed or placed so as to interfere with normal navigation or reasonable access.” Ms. Moses noted floating docks are solid structures and would interfere with light penetration required for growth of seagrass. Also, manatees are in the canals and floating docks require powering of the boats onto the docks in a no-wake zone. Mr. Roberts does not believe it is reasonable to have a blanket prohibition on floating docks in canals. Ms. Love suggested adding a “g” that allows the Planning Director or the County Biologist an option of determining where floating docks would be appropriate. Ms. Aldridge agreed that floating docks should be prohibited in canals. Mr. Roberts suggested adding two paragraphs to state they are not allowed to be located over submerged resources, not located in a manatee zone. Ms. Santamaria stated staff will consider the public’s input and work internally further on this. Mr. Cannon thanked staff for addressing the four-post lifts in the code. Ms. Santamaria read aloud new language for marginal docks, “c,” to read “Docks shall be located so as to avoid or minimize covering or impacting wetland vegetation or mangroves.”

Page 25, Continues addressing marginal docks. Mr. Cannon suggested a seven-foot setback for elevator lifts. Mr. Roberts thought it had already been changed to 7.5 feet to allow for the portion of the boat that extends beyond the end of the lift. Mr. Wenning will make that change. Mr. Jones pointed out that “d” should include the language “side property lines.” Ms. Jetton questioned whether “g” should include a limitation of one dock per lot. Mr. Roberts stated in the required conditions section it is stated that single-family residential lots allow one dock per lot. The language needs to be wordsmithed further to consider marginal seawall-type docks. Ms. Jetton suggested leaving it in the required provisions if that section applies to any kind of a dock. Mr. Roberts agreed. Mr. Cannon noted that in “d” it should read “perpendicular to the shoreline” as opposed to “as extended into the water.” Mr. Cannon suggested making the clarification in the definitions. Ms. Jetton recommended addressing under the T-style docks section those scenarios where the shape of the dock is something other than T- or L-shaped. Mr. Roberts replied this paragraph is also under required conditions. Ms. Love noted that actually becomes a new “f” on the top of Page 24. **Page 26 and 27**, Addresses the mooring facilities setting back from the property line the same distance as the principal structure with a minimum of five feet from the side property line. “e” needs to include the term “perpendicular to the shoreline” as opposed to “as extending into the water.” Mr. Roberts questioned how to address the situation where the mooring portions of the docks are on the outside of the property line resulting in a constricted situation 25 or 50 feet offshore. Mr. Haberman commented that every possible situation cannot be addressed individually. Mr. Roberts believes “f” will address it generally. Mr. Jones again noted “f” should clarify the “side property line.” Mr. Roberts pointed out that docks require a minimum water depth of minus four feet at mean low water and water access structures require a maximum depth of six inches, therefore allowing for no structures to be in water that is deeper than six inches, but shallower than four feet. Some situations would call for a water observation platform or access structure to be in a foot or two of water, such as launching non-motorized vessels. Ms. Santamaria proposed adding a (3) for non-motorized water access structures to be in a foot or two of water. Mr. Wenning agreed with that proposal. Ms. Jetton believes that will create a situation that would allow for boats being launched in less than four feet of water. The Committee and the public discussed different ways of launching non-motorized vessels. Mr. Roberts feels an accommodation should be made for tourists who are not as familiar with the water in the Keys. This issue will be discussed further among staff and Keith & Schnars.

Page 28, There were no changes or discussion relative to the special approvals. **Page 29**, “or as a potential nesting area for marine turtles” was deleted. Ms. Santamaria explained the reason this change was made is the comp plan only references known areas. **Page 30**, The section “Protection of freshwater lenses” was added. Mapping of the freshwater lenses was done prior to completing the technical document. The freshwater lenses were located on Big Pine Key. **Pages 31 and 32**, Continues discussion on the protections added for freshwater lenses. The Marina Siting Criteria section was added. Mr. Jones stated the language is verbatim from the comp plan. **Page 32**, Ms. Moses asked whether mooring fields are identified as marinas. Ms. Santamaria replied a mooring field does not fall into the County’s definition of “marina.” Mr. Haberman explained that a marina has to have upland facilities, like storage of boats or a commercial aspect on the land. Most mooring fields do not have those upland facilities. Ms. Ramsay-Vickrey suggested there should be a buffer around identified freshwater lenses. Mr. Roberts agreed.

That buffer language will be added to 118-14(1). **Page 34**, Contains Article II, Resource Extraction. Section 118-41 has been revised to comport with the comp plan. In (6) the flexibility related to the financial guarantee is recognized. The limestone reclamation standards have been added. Ms. Jetton asked to go back to the Marina Siting section. Ms. Jetton stated that the zoning regulations would ensure that there is enough land access for parking for marinas. Ms. Jetton asked whether the definition of “marina” includes the requirement of fuel sales. Ms. Santamaria read aloud the definition. It does not include just gas and never did. Ms. Love returned to Resource Extraction. Section 118-41 (a) and (b) came from the comp plan. **Page 35 and 36**, (8) was added to deal with the FDEP standards. (a) addresses specific resource extraction protection methods and monitoring requirements. Ms. Love clarified this pertains to continuing operations, not new ones. Ms. Love noted that the County has been working hard to identify these operations through permit searches. **Pages 36 and 37**, Addresses restoration standards. To renew operating permits a reclamation plan must be submitted. Ms. Jetton questioned what happens when no renewal permit is turned in. Ms. Santamaria stated staff is working with Legal to determine whether they have been abandoned. Ms. Jetton recommended declaring those who have not gotten a renewal for a certain period of time to be deemed abandoned. Ms. Love explained that the reclamation plan sets the conditions for operating the resource extraction operation. **Page 38**, Addresses the financial guarantee. There is some flexibility in that the fee may increase or decrease over time.

Chapter 122 – Floodplain Management

Page 1, Contains no changes. **Page 2**, Contains one editorial change. **Pages 3-21**, Contain no changes. **Page 22**, Contains a retitle, pointing out that the Fish & Wildlife has been brought in with FEMA regarding the required permit referral process. **Page 23**, The ROGO and NROGO entry has been noted. **Pages 24 and 25**, Ms. Santamaria commented that this section was previously written to address tolled allocations because of the large backlog. It needed to be clarified that this is also for new allocations, both ROGO and NROGO. Mr. Roberts asked about those who are under review with a new building permit application that needs technical assistance. Ms. Santamaria pointed out that Page 23 addresses the way they are allowed to get into the queue for ROGO. Ms. Sankiewicz stated when they go into ROGO the reviews are already done through the PRP, if necessary. Some properties are not in the focus area. Others are known and determined to have an NLAA determination and some need to go to Fish & Wildlife because they have a “may affect” determination. These are the only two situations that cause problems with the time frames for the allocation awards. Ms. Santamaria suggested removing “allocations” from Page 25, but keeping “building permits.”

Chapter 131, Bulk Regulations

Mr. Haberman stated this text amendment is moving ahead at the direction of a County Commissioner. This will be handled separately before the general text amendment is processed. **Page 1**, The entire table has been reformatted. A new column was added to show two different side setbacks. Mr. Haberman explained the side yard issue will be clarified in this chapter. Then corner lots will be reviewed. A text amendment done eight years ago has had some unintended consequences and resulted in a lot of variances being applied for. The Planning Commission has requested that certain low impact things in setbacks be allowed, such as pavers. **Page 3 and 4**, Deals with maximum height. Ms. Santamaria clarified this is language that was included based on the October 7, 2014, version of the comp plan that went before the BOCC. So this section

will be potentially dramatically changed based on the direction of the BOCC. Mr. Haberman would like to strike this whole section. **Page 5**, Clarification is made relative to the rear yard on non-shoreline setbacks. Mr. Haberman stated this is also subject to the text amendment being brought to the BOCC to address allowing certain low-impact things like pavers and pools in a required setback. **Page 6**, This particular section has been relocated. Mr. Haberman said the setback text amendment will be addressed at the upcoming DRC meeting and will likely go to the Planning Commission next month, pending the Planning Director's approval. Mr. Haberman clarified for Ms. Ramsay-Vickrey that the rear yard setbacks previously discussed applies to non-shoreline setbacks. Ms. Ramsay-Vickrey asked why a pool would be allowed to intrude into a non-shoreline setback, but not a shoreline setback. Mr. Haberman explained the difference could be stabilization of the pool. Doing this in shoreline setbacks can be looked into, but this has been advertised for non-shoreline setbacks only. Mr. Haberman pointed out that a shoreline has a shoreline open space that is independent from the shoreline. There are also differences in how a rear non-shoreline setback is treated and a rear shoreline is treated. Ms. Ramsay-Vickrey asked how Side Yard 1 and Side Yard 2 will be chosen. Mr. Haberman replied that will be defined. On a vacant site it will be the choice of the applicant. With existing development it will be based on what already exists.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 3:28 p.m.