

## DEVELOPMENT REVIEW COMMITTEE

Monday, October 27, 2014

### MEETING MINUTES

The Monroe County Development Review Committee conducted a special meeting on **Monday, October 27, 2014**, beginning at 10:01 a.m. at the Marathon Government Center, 2<sup>nd</sup> Floor, 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
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](http://www.keyscompplan.com).**

Ms. Santamaria stated this is a special meeting to go over the Land Development Code update based on the comp plan update. Today Chapters 130, 138, 139 and any relevant definition in Chapter 101 will be covered. Debbie Love, Project Manager with Keith & Schnars, will guide the Committee through the amendments.

#### **Chapter 130 – Land Use Districts**

**Page 1**, Section 130-2 has been reorganized to follow the conditional use order. **Page 2**, (28) Preservation District has been added. **Pages 3-6**, Sections 130-4 through 130-26 have been

relocated. **Page 7**, Clarification has been made relative to the different sub-districts. Mr. Roberts proposed the end of Section 130-28 should read “to conservation purposes.” Mr. Roberts then questioned whether the certain number of 12 sub-districts should remain in Section 130-30 since that number may change. Ms. Santamaria pointed out that if the number changed the LDC would need to be amended anyway and the number could be corrected at the same time. Ms. Schemper proposed the language “Each individual sub-district has unique characteristics.” Mr. Haberman noted that the Airport District prohibits educational uses. That needs to be reworded to include educational uses to match up to the comp plan. **Page 8**, Contains editorial changes. **Page 9**, Contains no changes. **Page 10**, The purpose of the Preservation District was added. **Page 11**, Contains Article III, Permitted and Conditional Uses. There was a change to Section 130-75(2). **Page 12**, Contains no changes at all. **Page 13**, A minor change was made to include the fixed base operators under (d)(1) as opposed to using the acronym. **Page 14**, Contains no changes. Mr. Haberman noted that the Airport District section needs to be rewritten to read like the other sections. **Page 15**, (g) was added. **Pages 16 and 17**, Contains no changes. Dottie Moses, President of the Federation of Homeowners Association, expressed surprise that there were no changes made to the Commercial Fishing Area District because of the difficulty in understanding what is allowed and not allowed in this district. Mr. Haberman commented that this section will be revised to make it match the other sections. Ms. Schemper pointed out that Chapter 130 is the one chapter that staff has not had a lot of time to go through. Ms. Moses would like to see the commercial fishing area be more rigidly structured for commercial fishing and not be open to interpretation of other types of commercial activity. **Page 18**, Commercial Fishing Residential has been stricken and is now a reserved section. **Page 19**, Contains no changes. Mr. Bursa proposed that the very first sentence of Number 1 under CFSD2 just read “Commercial fishing” and the rest of the sentence be excluded. **Page 20**, Coco Plum was deleted. **Page 21**, Mr. Haberman pointed out that commercial fishing needs to be listed as the first use allowed in all the commercial fishing special districts. Ms. Schemper speculated that trap storage was intentionally specified under CFSD4. Mr. Haberman stated it would then need to be reworded to state “Commercial fishing limited to trap storage” because “trap storage” is not a defined use in the code.

**Page 22-24**, Contain no changes. **Page 25**, Ms. Love agreed that it makes sense to make commercial fishing Number 1 under CFSD7. **Page 26**, CSFD9 was deleted. **Page 27**, Contains no changes. **Page 28**, Mr. Coyle commented that CSFD16 needs to be written more clearly without referring back to other sections. Mr. Haberman agreed it needs to be rewritten to put “b” under as of right uses. Mr. Bursa noted that commercial fishing is not explicitly allowed as it should be. Mr. Haberman suggested bringing all of the uses in CFA into this section. **Page 29**, Contains no changes. **Page 30**, Contains no changes. Ms. Santamaria suggested eliminating “b1.” Mr. Haberman agreed. Mr. Haberman recommended deleting “b4” because that language is contained in every section. Mr. Haberman then suggested striking the whole section and making commercial fishing admitted as of right in every commercial fishing district. Mr. Bursa pointed out no major conditional uses are permitted per “d.” Mr. Haberman explained generally that every section of the permitted use should be divided into three sections: As of right, minor conditional uses and major conditional uses. **Page 31**, Reference to the eliminated districts was deleted. **Page 32**, Contains no real changes. Ms. Love stated (14) and (15) set up the permitted major conditional uses in all the districts and they need to be relocated. **Page 33**, Contains no changes. Mr. Haberman suggested simplifying (a)(1) down to just state detached dwelling units.

Ms. Santamaria agreed. **Page 34**, Mr. Roberts pointed out that (b) is confusing. Ms. Schemper agreed it is not constructed correctly. Mr. Haberman suggested just stating “hotel” and then including all the limitations after it. Mr. Haberman then suggested striking the one golf course per hotel requirement because it is unfeasible to expect. Discussion was had on the members’ different understanding of (5). Ms. Santamaria suggested (5) be restructured to clarify the meaning of a minimum requirement. **Page 36**, Mr. Haberman suggested allowing restaurants as a minor conditional use. Mr. Haberman made a general comment that restaurants should have their own use throughout the code as opposed to being included under retail. Ms. Santamaria pointed out it is already listed as a use as of right under Industrial, but it should be consistent throughout. **Page 37**, Contains no changes. Ms. Santamaria noted that (3) should state “dwelling units” to be consistent with the prior change made on Page 33.

**Page 38**, Mr. Haberman recommended deleting 130-82(3) since that is already defined under light industrial and heavy industrial uses. Mr. Haberman suggested, since employee housing is a different defined use than commercial apartments, making (3) employee housing and deleting (4). Ms. Schemper pointed out that employee housing should be changed to six or more units to be consistent with (2) on the next page. **Page 39**, Ms. Schemper recommended (2) start with “Employee housing” to be made clearer. Mr. Haberman feels that (a)(15) should be stricken because it makes no sense. **Page 40**, Contains a renumbering. **Page 41**, Ms. Schemper commented that it needs to be decided whether IS-V, IS-D and IS-M are actual zoning categories or subcategories. Mr. Haberman clarified they are all zoning categories, but a purpose needs to be added for IS and IS-M. Mr. Haberman noted an inconsistency in (4) right above 130-83 because when reading the overlay it says they can be applied over any zoning category and they are limited here. Mr. Haberman suggested striking the limitations. Ms. Schemper suggested requiring some type of map amendment to match FLUM categories to apply the zoning overlay. Mr. Haberman agreed with creating distinct sections for IS, IS-D and IS-M. Mr. Haberman stated (a)(2) should use the language “masonry appearance” as opposed to “masonry construction.” Mr. Haberman proposed that IS, IS-V, IS-D and IS-M be split out. **Page 42**, Ms. Schemper stated (d)(1), commercial retail, needs to be deleted because there is no commercial FLUM. Mr. Haberman noted that under (c) parks are being rolled into one definition. “Public” can be deleted and “Parks” be used. “Schools” are not an independently defined use. Mr. Haberman proposed the language “Institutional uses limited to schools.” **Page 43**, Ms. Love stated e, f, g and h at the top of the page need to be deleted because they are part of (d)(1) from the prior page. Ms. Santamaria noted that the ’86 code not only allowed commercial in the IS district, but also allowed marinas. Marinas need to be added here. **Page 44**, Contains no change to the IS-V district.

**Page 45**, Contains no changes. Mr. Haberman suggested striking (1) under 130-85 because it is captured already in the defined use. Mr. Haberman also suggested separating light and heavy industrial uses. (1) will become light industrial uses and (4) will be heavy industrial uses. **Page 46**, Employee housing was added to (5). (16)(b)(1) needs to be rewritten to match the notation previously. Ms. Santamaria asked Mr. Williams about any Federal regulation that says stealth wireless communication facilities have to go in certain zoning categories. Mr. Williams will look into that, but stated that will not be specifically addressed considering the amount of communities nationwide with so many different zoning categories. **Page 47**, Mr. Haberman recommended reworking “marina” in (3)b2 to “wet slips” or “docking facilities.” Mr. Haberman

noted that there is an inconsistency in the requirements of the amenities depending on the size of the hotel. Mr. Haberman recommended striking the requirement for the smaller size hotels. (3)b will be stricken in its entirety. **Page 48**, Contains no changes. Ms. Santamaria noted the same change be made to (4) as previously made. Mr. Haberman pointed out that mariculture is being rolled into the agriculture use definition in 101. (3) will be revised to say “Agricultural uses limited to maricultural use, provided that.” **Page 49**, Contains no changes. **Page 50**, Contains no changes. Mr. Haberman suggested allowing public uses and buildings as of right since the Federal Government will not ask for approval for what they do anyway. Ms. Santamaria stated DEO has asked staff to look to see if it is appropriate to make changes to the Big Cypress Management Plan. **Page 51**, Ms. Schemper noted (7) can be deleted because it is part of commercial fishing. Mr. Haberman suggested (8) just read “Institutional uses” and (11) should just read “Parks.” **Page 52**, Contains no changes. **Page 53**, Ms. Love noted that the required amenities to the hotels needs to remain consistent as far as removing them. **Page 54**, Ms. Schemper noted (1) should be deleted because it is included as of right. Mr. Haberman stated under Campgrounds it needs to be clarified whether campground spaces or RVs, or both, are allowed. Ms. Love proposed including them in the definition of campgrounds to clarify the issue. There was discussion regarding whether “pop-ups” actually meet the definition of RV under the statute. The Committee Members agreed that mixed use would be a logical place to allow RVs. Mr. Haberman suggested (8) read “Campgrounds and RV parks, provided that.” Mr. Haberman noted that “b” should be stricken because it could imply that in some situations a license is not required. Ms. Love agreed.

**Page 55**, Mr. Haberman suggested making a global change to independently list offices away from commercial retail because they have different FARs and parking requirements. Mr. Haberman noted that access is already decided in the access section. Ms. Love asked staff to discuss that further. Mr. Haberman recommended striking “or adjacent to” under (5)a. **Page 56**, Contains the issues of access over and over. Mr. Haberman commented that heliports and seaplane ports listed as a permitted use implies that they are prohibited in all other districts. Seaplane ports are trickier because a seaplane is a vessel and when it takes off it is out of the County’s control. Ms. Santamaria stated staff will review (6) further. Ms. Santamaria feels that (8) can be deleted because it should be encompassed within (7). Mr. Haberman agreed, because it creates a conflict since commercial fishing is allowed by right. **Page 57**, (11) will be deleted. (9) will be changed to “Agricultural uses, limited to mariculture.” Mr. Roberts suggested striking “in perpetuity” in (13)c3. Mr. Haberman noted that may be more of a global change. **Page 58**, Mr. Williams asked Keith & Schnars to look at agricultural uses in light of the Right to Farm Act. Mr. Roberts noted back on Page 57 under 130-89(a) “as a right” should be “as of right.” **Page 59**, Mr. Haberman stated solid waste facilities should be defined or included under heavy industrial and then use the language “Heavy industrial uses limited to solid waste facilities, provided that.” Mr. Haberman suggested adding landfills to the definition of heavy industrial use. Mr. Roberts asked that (3)a specify “40 upland acres.” Mr. Haberman asked to double-check that “upland” is defined or put “40 acres situated above the mean high water line.” Ms. Schemper noted that the comp plan further specifies it as “excluding submerged lands and tidal mangroves.” **Page 60**, The language for (2), Solid waste facility, will be changed consistently with the prior page.

**Page 61**, Mr. Haberman asked that (1) under the Park and refuge district be simply “Parks.” Mr. Haberman questioned why recreational vehicles are not included in this district. Mr. Williams thought “recreational vehicle” could be referring to four-wheelers or three-wheelers back when this was originally drafted. Mr. Schemper suggested rewording the language to “not including motorized vehicles.” Mr. Haberman proposed that the park managers determine the active and passive recreational uses allowed on a site-by-site basis rather than the code limiting things outright. Ms. Love commented that her understanding of “recreational vehicles” meant recreational vehicles because that has always been defined by State statute. (1) will simply state “Parks” and nothing else. **Page 62**, Mr. Haberman suggested adding institutional uses as an as of right use in Parks to allow for groups such as the Boys and Girls Club. Mr. Haberman also suggested to state “Campgrounds and RV parks” under (b)(1). Mr. Roberts pointed out that under (2) marinas are allowed as of right with no exceptions. Mr. Haberman recommended replacing “Marinas” in (2) with “Institutional uses” and adding marinas as a major conditional use at the bottom of the page, including all of the criteria that has been used before. Mr. Haberman noted that the business license requirement in (6)(1)b should be stricken. Mr. Coyle commented that overlay districts as a major conditional use should be stricken at the bottom of the page. **Page 63**, Mr. Haberman stated owners of properties in the RV district have approached staff asking that the limitation on commercial retail be stricken. Mr. Haberman suggested leaving (2) as commercial retail uses of less than 2500 square feet as of right, but adding as a minor commercial retail 2500 to 10,000 square feet and not allowing a major. Ms. Love reminded Mr. Haberman that consideration is being given to splitting restaurant out of commercial retail. Mr. Haberman suggested including language “Restaurants less than 2500 square feet” as of right and adding restaurants 2500 to 10,000 square feet and have it be subject to the FAR. Ms. Santamaria noted that the FAR needs to be included in the intensity table. Ms. Love pointed out the global change regarding amenities will be made to this page also. **Page 64**, Contains another global change of deleting the access language in 6. Mr. Haberman suggested noting all of the access language in the different districts and in most cases striking them, but reviewing them on an individual basis and keeping those purposefully more restrictive than the normal access standards because they are located in certain rural areas. (3) will be changed to state “Parks” only.

**Page 65**, Ms. Love stated the access language in (1)b needs to be further discussed. Mr. Haberman noted “or adjacent to” should be stricken from (1)a. Ms. Santamaria pointed out (3) and (4) can be removed. **Page 66**, Ms. Santamaria noted “maintained in perpetuity” needs to be stricken from c3. Mr. Haberman stated restaurant and office need to be separated out in 130-93(a)(1). **Page 67**, Mr. Haberman suggested deleting (8) and permitting storage areas as light industrial uses, which requires a minor conditional use. Again, office and restaurant need to be separated out in (b)(1) under (16). **Page 68**, Contains the access management requirement that will be discussed further. Ms. Schemper questioned the necessity of (3)a since a minor conditional use permit requires compatibility with the surrounding area. Mr. Haberman pointed out that there is a difference between compatibility with the neighborhood and compatibility with an established use. Mr. Haberman suggested striking (3)a. If (3)b is also stricken, (3) will be revised slightly. The global change will be made to (5)b. **Page 69**, Mr. Haberman stated (6) should be changed to “Campgrounds and RV parks” and the business license requirement should be deleted. (8) will be changed to “Parks.” The global change of splitting out the office and the restaurant will be made to (9)(c)(1). Mr. Haberman recommended splitting out restaurants from

(9)(c)(2). The access management requirements will be discussed further. **Page 70**, Contains the same changes made previously to (3)a and b, as well as the deletion of “or adjacent to” for the restaurant in (4)a. Mr. Coyle asked if the prohibition of tourist housing should be removed. Mr. Haberman agreed that things that are prohibited should not be listed. **Page 71**, (6) will be changed to “Agricultural, limited to mariculture.” Mr. Haberman recommended deleting (6)a. Mr. Haberman commented he has the same reservations about (7) as previously discussed about heliports and seaplane ports. This will be reviewed further by staff. Section 130-94(a)(2) will simply read “Parks.” **Page 72**, Mr. Haberman stated (b)(2) needs to be reworded. Mr. Haberman suggested making (2) on the previous page “Parks” excluding tennis courts and swimming pools. On Page 72, (2) will say “Parks, including community tennis courts and swimming pools, provided that.” The global access issue will be addressed in (3)b. **Page 73**, In (4) commercial, office and restaurants will be split up. Mr. Haberman stated in this section it should be deleted because there is no low density in this district. Ms. Santamaria replied it was added, so those uses do need to be split out. (3)b will be reviewed further. **Page 74**, Mr. Haberman noted that churches, synagogues and houses of worship are an institutional use, so (6) can be rolled into (5), or it can be deleted because they have the same criteria. Mr. Williams asked that this be looked at in light of RLIUPA. Mr. Haberman stated that has been reviewed by Legal staff and found to be okay. **Page 75**, Mr. Haberman suggested specifically stating in (5) that recreational vehicles are not allowed and removing any reference to them in (5)c. **Page 76**, Commercial, office and restaurant will be separated out. Mr. Haberman recommended deleting (7) because public use is already allowed as an institutional use. Ms. Santamaria pointed out that the comp plan right now does not provide for hotel rooms, so (6) needs to be reviewed further, as well as making sure that marinas in (3) is consistent with that land use category. Ms. Santamaria clarified that ROGOs are not allocated for new hotels, but their redevelopment is allowed. Mr. Haberman recommended striking (6). (8)(d) will be deleted because it has the overlay language.

**Page 77**, (2) will be changed to “Parks.” **Page 78**, Mr. Haberman asked to delete the overlays in (3). Tourist housing will be deleted under the as of right. **Page 79**, (2) will be changed to “Parks, including tennis courts and swimming pools.” Mr. Haberman cautioned against deleting (4) so that the five-acre limitation does not apply. Mr. Haberman then suggested rolling them into one “Park.” **Page 80**, Ms. Santamaria asked that (2) be reviewed further to see if it is consistent with the future land use category. Mr. Roberts pointed out the conflict between (2) on Page 80 having marinas as a right and on Page 81 discussing lawfully established marinas. Ms. Santamaria explained when the comp plan was created a lot of the uses became a conflict. Ms. Santamaria proposed (2) be deleted, as well as (4). **Page 81**, e, f, g and h will be deleted to go along with (4) on Page 80. (6) will be deleted. Mr. Roberts asked that (2)a add the upland requirement. **Page 82**, The global change of splitting out the office and restaurant on (1) will be made. High intensity commercial and high intensity restaurant will be specified. **Page 83**, Under (b)(1) the commercial retail global change will be made. (1)a, b and c will be reviewed further. Under (2) high intensity retail and high intensity restaurant will be specified. Everything after “unit or rooms” will be deleted in (3). (3)a will be deleted and the access management issue will be reviewed. **Page 84**, Again, the access management issue will be reviewed further. Access will also be reviewed under (4). (5)b will be deleted. Access under c will be reviewed. (6) will be just “Parks.” **Page 85**, The global split will be done again in (1) and access will be reviewed. The global split again in (2) and the access will be reviewed. “Or adjacent to” will be deleted in (3)a. Access under (3) will be reviewed. Mr. Haberman stated (5)

is worded strangely and proposed striking it and putting it under another use, probably Commercial Recreation. Mr. Bursa pointed out that Commercial Recreation is as of right in 130-97(5). Mr. Haberman suggested listing a Commercial Recreation excluding amusement and sea life parks in the first one and then putting Commercial Recreation including amusement and sea life parks. (6) will be discussed further. The access management under (5) will be reviewed. **Page 87**, Access under (1)c will be reviewed, as well as under (2). **Page 88**, (3) will be made "Parks." Mr. Haberman noted that Legal had previously concluded that (2) was completely unenforceable. Mr. Williams agreed to delete (2). **Page 89**, e, f and g will be deleted at the top of the page. (3) will be deleted. Under (d) the paragraph will end at "article III," then spacing down with "Marinas, provided that," and then including the criteria related to the marina uses. Mr. Haberman suggested 130-99(3) read "Recreational vehicles limited to park models as defined in Florida Statutes" to give more direction. Mr. Williams agreed. Discussion was had regarding what RVs should be allowed in this district. Ms. Schemper pointed out that the comp plan does have density for spaces in the RH FLUM. (3) will be revisited to determine the intent in URM to have those recreational vehicle spaces. **Page 90**, Ms. Santamaria noted "Marinas" needs to be double-checked against the comp plan for consistency. (c) needs to be deleted. **Page 91**, (2) will be deleted. (3) will be changed to "Parks." (4) will be deleted. **Page 92**, (2) will be split out as previously described. 130-100(2) will be changed to be consistent with 130-99(3). **Page 93**, Ms. Santamaria noted again that "Marinas" will be reviewed for consistency. **Page 94-97**, (2) and (3) will be deleted. Ms. Schemper asked if perimeter fencing in the Preservation District should be limited. Mr. Roberts stated there is similar language proposed for the conservation easement that he would like to recommend. Ms. Love will go back and find the language to make the two comport.

A lunch break was held from 12:30 p.m. to 1:35 p.m.

**Page 98**, The global change to commercial retail, office and restaurant will be made. Access language will be reviewed further. **Page 99**, (3) will be changed to "Parks." Again, commercial, office and restaurant will be split out. **Page 100**, The same split-out will be made. (3) will be split out as previously described. **Page 101**, The global split-outs will be made and access management will be further reviewed. **Page 102**, The amusement park section will be changed to be consistent with that issue in previous sections. **Page 103**, Contains the heliport issue that will be reviewed further. (7) will be deleted. Section 130-104 was relocated. Ms. Love stated that section may get relocated to a more appropriate place in the Code. Mr. Roberts commented that four acres seems too large. Mr. Williams suggested going back to the old document to figure out why the four acres was specified. More discussion will be had relative to the acreage requirement and more appropriate location for this section. Ms. Moses suggested eliminating some of the land use districts where wireless communication facilities are allowed. Mr. Williams explained the Federal Government has written a series of regulations that limits the County in prohibiting these facilities. The language is as narrow as it can be considering the Wireless Communications Act. Ms. Moses asked about the necessity currently of the satellite earth dishes. Mr. Haberman noted that staff will discuss what needs to be updated to reflect the modern practice with the County resident who was involved in building most of the cell towers in the county. Ms. Moses then addressed the aesthetics of outdoor storage and outdoor retail facilities and suggested making outdoor storage a conditional use so that there can be more planning involved. Screening, buffers and fencing for outdoor storage and retail needs to be

addressed. Ms. Schemper pointed out that staff is proposing to delete the 25 percent allowance of the property in suburban commercial being used for outdoor storage and changing it to be allowed as a light industrial use, which requires screening or a solid fence and a conditional use permit. **Page 104**, Contains primarily editorial changes. The table was clarified that it is upland acreage. Mr. Williams reminded Ms. Love to again compare this to the Right to Farm Act for consistency. **Page 105**, Contains some editorial changes with some potential changes highlighted. Ms. Santamaria noted that this page needs to match the comp plan where the BOCC added in the undeveloped properties as well as other sewer types. Mr. Haberman proposed the second sentence under Section 103-120 state “Property identified on the Monroe County Future Land Use Map as a designation of ‘A’ may have any land use district as its designated zoning category.” Mr. Williams again reminded Ms. Love to compare this to the Right to Farm Act. Section 130-123 provides a comment relative to the purpose of the overlay. The same changes to the second sentence of Section 130-120 will be made to 130-123. **Pages 106-108**, The upland acreage clarification was made to the table. The Correctional Facility overlay was added. The next section was relocated to Section 134-2. That deletes everything through Page 108. **Page 109**, The second sentence of 130-125 will be changed to be consistent with 130-120. Some very specific changes to the table were made. Upland acreage was clarified, as well as the number of rooms allowed for allocated density and maximum net density. **Page 110**, No changes were made to the table for Section 130-126. A purpose for Public Facilities was added. Upland acres was clarified to the corresponding table. There were no changes made to Section 130-128. **Page 111**, Contains no changes. **Page 112**, Contains only a typo of “ROGOINROGO” being changed to “ROGO/NROGO.” **Page 113**, Contains no changes, except the formatting needs to be made consistent with the previous items.

**Page 114**, Contains no changes. **Page 115**, Contains no changes. Ms. Love noted that restaurants and office uses are split out here. **Page 116**, Contains no changes. Mr. Wenning asked for confirmation that 20,000 was the correct number for restaurants on Page 115. Mr. Haberman explained this was a recently created section with much public involvement and any changes here would like be for typos only. **Pages 117 and 118**, Contain no changes. **Page 119**, Ms. Santamaria noted that Section 130-132 and 130-133 come directly from the Livable CommuniKeys Plan. **Page 120**, Ms. Moses objected to allowing outdoor storage and outdoor retail sales as a principal use. Ms. Santamaria replied it would take a comp plan to change that. Mr. Haberman noted the acronyms used in this section are not used by staff. Ms. Santamaria stated those acronyms will be used on the map in the future. Mr. Haberman suggested adding “KL” at the beginning of the acronyms used in Key Largo to identify they are Key Largo community centers. Ms. Love agreed. **Page 121**, Contains sections under construction that are reserved for future overlay districts. The criteria under the Big Pine Commercial Community Center overlay are highlighted to be double-checked for accuracy. Ms. Moses commented that Murray Nelson Government Center has been left out of the Key Largo Community Centers. Ms. Santamaria will go back and double-check that. **Pages 122 and 123**, Contains Article V, Land Use Intensities. Section 130-157 is specific to permanent residential density and includes the minimum open space, which comes right from the comp plan. The tables were deleted, so it will show up as new text, even though all of it is not necessarily new text. Ms. Schemper pointed out that every zoning category has been added even if it had zeros across the board just to show that it does not have an FAR. Mr. Haberman noted that the math used in the example is incorrect. Mr. Bursa suggested putting the titles used in the table at the top. **Page 124**, Contains all the

notations that go along with the table. Ms. Santamaria asked that the notes from the old table be struck and everything that is shown is new. **Pages 125 and 126**, Contain the previous table that is being stricken. Section 130-158 is now a reserved section. **Page 127**, Ms. Schemper noted all the deleted text needs to be eliminated. Ms. Love stated the TDR section has been clarified and matches the comp plan requirements. **Page 128**, Mr. Haberman suggested deleting (4)3. Ms. Santamaria explained that since this is going to be changed to be tier-based, staff is going to propose to the BOCC to eliminate it from the comp plan. **Page 129**, Finishes the changes with the comp plan. Everything else is existing. **Pages 130-144**, Mr. Haberman suggested deleting “f” since staff is going to review the new development for code compliance anyway. Section 130-161 was relocated to Chapter 139. **Pages 145**, Contains Section 130-126, which is maximum densities for hotel/motel, campground, RV and institutional uses. The open space ratio has been added, the categories have been realigned and the table has been clarified. Mr. Haberman noted on Page 145 the original version left out campgrounds, which should be added. Mr. Haberman then stated calling this section “Maximum densities” is misleading since it includes open space and allocated density. Ms. Love agreed that it should be titled “Density.” **Page 146**, Contains no changes and matches the comp plan. **Page 147**, Ms. Schemper confirmed that the new table has all the correct notes and they are all in order. **Pages 148 and 149**, Contain the previous table that has been struck through. **Pages 150-156**, Section 130-163 contains only an editorial change. Section 130-164 looks at maximum floor area ratios and open space. Ms. Schemper explained a lot of the open cells are highlighted because they are land use districts not included previously and an FAR needs to be determined for them. Ms. Santamaria asked that a separate office and restaurant be added to all of them. Ms. Santamaria noted the last sentence of Section 130-163 should read “Such a lawfully-established dwelling unit shall not be considered nonconforming to density” in order to be consistent with the comp plan. Mr. Haberman asked that the change from “use” to “density” be reviewed because it could prevent people from replacing their house. Ms. Santamaria will double-check that. **Pages 157-162**, Contains the stricken table. **Page 163**, Contains Section 130-165. Ms. Love asked Mr. Haberman if he would like restaurants and offices covered separately in this section. Mr. Haberman replied that 130-165(a) can be stricken because high-intensity commercial is defined as a separate use. Mr. Haberman suggested 130-165(b) be rolled into the preamble of this chapter. Mr. Haberman then commented that an aggregation of development, Section 130-166, is often used as a loophole to build at a higher density on another lot not contiguous. Mr. Bursa agreed that 130-166 is too broad. Section 130-166 will be revised to include a requirement that it must be on contiguous parcels.

### **Chapter 138 – Rate of Growth Restrictions**

**Page 1**, Contains no changes. Mr. Williams stated it is very odd that the very first thing in the Chapter about ROGO is the appeals process. Ms. Stankiewicz commented that staff is looking at possibly reorganizing this section. **Page 2**, In Section 138-19 “and live-aboard vessels” was struck under residential dwelling units because it is not any type of dwelling unit. **Page 3**, Contains no changes. **Page 4**, Section 138-21 was made to comport with the comp plan. Mr. Haberman suggested deleting the language after “required by this chapter” and then pick up with “for which building permits...” Mr. Haberman stated that originally a building permit for the structure was enough documentation under Section 138-22(1). Ms. Schemper noted that 138-22(1)a is supposed to also include a building permit for the structure. Mr. Williams suggested striking “Monroe County” because if someone were to have gotten a building permit anywhere

in the county this would still apply. Ms. Schemper asked if a building permit for the house is the only building permit that can stand on its own in this section as opposed to a building permit for a window replacement, for example. Mr. Haberman proposed striking the word “supporting” and using “confirming” instead to make sure that the building permit was for the actual building, not just for the property. Mr. Bursa asked if “nursing homes” are defined anywhere in the code. Ms. Schemper recommended looking into where the language came from and figuring out the definitions. Ms. Santamaria commented that “confirming” means the existence of the residential structure. Mr. Haberman then suggested the language “confirming the existence of the residential dwelling unit.” Mr. Haberman pointed out a window permit in and of itself will not confirm the house existed 25 years ago, which is a requirement in this section. So a building permit needs to be included as a requirement. Mr. Haberman proposed “a” read “any other issued Monroe County building permit supporting the existence of the dwelling unit.” **Page 5**, Contains no changes down to (2)b, Criteria for redevelopment off-site. This language matches the comp plan. **Page 6**, “e” of Receiver Site Criteria will be reviewed. Ms. Love asked staff to explain why 3, “Transfer to affordable housing,” is highlighted. Ms. Santamaria explained the BOCC has talked about allowing the transfer of market rate units, but wanted to deliberate further on that to consider incentives and protections.

**Page 7**, The top part of the page was deleted because it is now all codified based upon the comp plan. Procedures for transfers have not changed. **Page 8**, (8) was added, which is a brief sentence about temporary emergency housing being exempt from the residential ROGO section, which comports with the comp plan. Mr. Haberman suggested referring to the new section where this appears. **Page 9**, Reflects the current moratorium has been extended to 2022. The ROGO allocations were changed in the comp plan. The table has been deleted and replaced by the table on Page 10. **Page 10**, Ms. Santamaria stated the table will need updates as the comp plan is updated and a note will be put on affordable housing in Big Pine of at least two allocations per year. **Page 11**, Contains editorial changes, such as “2015.” (2)b is reflective of when the affordable housing allocations will be made available. **Page 12**, Contains language from the comp plan and the BOCC discussions. The maximum allocations in Tier I on Big Pine Key have been clarified here. **Page 13**, Contains minor editorial changes throughout. **Page 14**, The deadline for submission of building applications has been added. Ms. Santamaria explained this is existing text that has been relocated. **Page 15**, Contains no changes. **Page 16**, There is a question under (f) whether to add the PRP time frame here. Ms. Santamaria stated staff has been talking about this internally to refer here to the time frames established under Section 122-8. **Page 17**, “Without the removal of any lot aggregation land dedication” has been added to (2). Ms. Stankiewicz commented staff is looking at adding a section related to affordable housing or any previous restrictions related to density reductions under this section. Ms. Stankiewicz will provide specific language to Ms. Schemper for this. Beth Ramsay-Vickrey, No Name Key resident, asked what PRP stands for. Ms. Santamaria replied it stands for Permit Referral Process and an acronym section will be added in the glossary. **Pages 18-20**, Contains no changes. **Page 21**, Ms. Stankiewicz stated staff is looking to add to (d), Notification to applicants, a certain number of times that attempts will be made via certified mail to notify applicants. If not successful, then the allocation expires. **Page 22**, Ms. Santamaria noted (2)(f) would be removed because the County is no longer borrowing forward, all of the affordable allocations will be made available. **Page 23**, Contains no changes. **Page 24**, At the top of the page under “a” Florida Forever targeted acquisition areas were added. A nonwaterfront lot was

clarified and “suitable” was deleted in “d.” Ms. Santamaria noted that in (h) the BOCC added that if any allocations are received from Key West they would be used for administrative relief and it is clarified that it is any market rates available during that quarter, which will comport with the comp plan. Section 138-28 applies to applications received after July 13, 2015. Ms. Stankiewicz noted that additional language may be proposed regarding lot aggregation. Mr. Williams asked that staff be mindful of the July 13, 2015, date. **Pages 25 and 26**, Contain the new tables that now match the comp plan. **Page 27**, A note was added about having sufficient upland to be buildable through a minimum of 2,000 square feet, which is from the comp plan. **Page 28**, Deals with lot aggregation. The tables have been deleted and replaced with the tables that match the comp plan. The July 13, 2015, date will be changed if needed. **Pages 30-33**, The land dedication language consists of new language, as well as existing language that has been moved around. Ms. Santamaria noted that the last sentence under land dedication will change “donated pursuant to” to “dedicated pursuant to.” **Pages 34-37**, Now comports with the comp plan. **Page 38**, Contains only a numbering change. **Pages 39-41**, Begins Article III, NROGO Limitations, and contain no changes. **Page 42**, Section 138-50 was changed to match all the changes just discussed in the ROGO discussion. **Pages 43-45**, Contain no changes. **Page 46**, Section 138-51, allocations, uses the bank established as opposed to being tied to the number of dwelling units. This now matches the comp plan. **Page 47**, The deadlines for submission into NROGO are clarified. **Pages 48-56**, Contain no changes. **Pages 57-68**, The date in Section 138-55 will be revisited. The language was changed to match the comp plan. **Page 69**, Ms. Love suggested staff consider relocating Section 138-56 to where the other impact fees are addressed. Mr. Haberman agreed.

### **Chapter 139 – Affordable and Employee Housing**

Ms. Love stated the vast majority of this chapter has been relocated from Section 130-161. Ms. Schemper explained staff has decided not to address this chapter because the BOCC is reconvening a committee and it is unknown what direction they are going to go.

### **Chapter 101 – Section 101-1 – Definitions**

Ms. Love explained if a definition appeared in the comp plan it was moved over if it appeared in the text of the document. Mr. Haberman noted a definition of **Restaurant** needs to be added. Mr. Williams suggested addressing food trucks in the definitions. Mr. Haberman explained the County can only regulate the use, not the truck itself, and they are currently considered outdoor retail sales. Mr. Bursa suggested reviewing the City of Marathon’s recent amendment regarding mobile food vendors as a starting point. Mr. Williams emphasized a decision will need to be made whether they fall within or outside of the definition of restaurant that will be included. Ms. Santamaria stated the definition of **Heavy industrial** needs to be reviewed to consider adding in landfills or solid waste facilities. The term **Abandoned** needs to be reevaluated with Legal staff. Ms. Santamaria recommended eliminating **Access and approach channels** since maintenance dredging has been deleted for the opening of the canal. Ms. Schemper proposed deleting (4) under the definition of **Sign**. Ms. Santamaria commented that the definition of **Outdoor storage** needs to be evaluated to address Ms. Moses’ comments. Ms. Schemper pointed out that “storage” is included in the definition of “light industrial” now. “Indoor and outdoor storage” will be added to “Light industrial.” Mr. Bursa proposed referencing Florida Statute Chapter 177 in the definition of **Mean high water line**. Ms. Schemper suggested having one definition for **Park**. Mr. Haberman has created a definition that combines the different parks in one definition.

Mr. Bursa suggested adding back in the definition of **NGVD** since Planning uses that to determine height. Ms. Schemper noted that definition has been put back in. Mr. Roberts recommended checking with the surveyors to find out whether “NAVD” or “NGVD” is most accurate. Ms. Love stated Keith & Schnars’ survey specialists clarified “NAVD” should be used. Mr. Haberman pointed out the NAVD definition is an incomplete sentence. Ms. Love replied that it has been fixed. Mr. Williams suggested leaving ‘NGVD’ in since it has been used over the years. Ms. Santamaria confirmed for Ms. Love that **Public navigation channel** should remain in this section. Ms. Santamaria stated (7) on Page 52 needs to be deleted because there are other sections in the code dealing with the specifics as to how numbers are to be rounded. Ms. Moses asked that definitions for **major conditional use** and **minor conditional use** be added. Mr. Williams urged staff to use references to other sections for a definition as opposed to creating a static definition. Ms. Love suggested defining “conditional use” and then include a subset of “minor” and “major” with references to the appropriate sections of code. Mr. Haberman asked for time to have staff discuss this further.

### **ADJOURNMENT**

Ms. Santamaria invited the public to submit any comments they may have via e-mail to [www.keyscompplan.com](http://www.keyscompplan.com). The Development Review Committee meeting was adjourned at 3:14 p.m.