

AGENDA

DEVELOPMENT REVIEW COMMITTEE

PURSUANT TO Florida Statute 286.011(1), the Development Review Committee of Monroe County will conduct a meeting on May 18, 2009 beginning at 1:00 PM at the Marathon Government Center, 2<sup>nd</sup> Floor, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources  
Janis Vaseris, Biologist  
Patricia A. Ivey, DOT Representative  
Steve Zavalney, Fire Marshall  
Judith Clarke, Director of Engineering Services

STAFF MEMBERS PRESENTING THE FOLLOWING AGENDA ITEMS:

Susan Grimsley, Assistant County Attorney  
Mitch Harvey, Comprehensive Plan Manager

CHANGES TO THE AGENDA

MEETING

NEW ITEM:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 102-20 OF THE MONROE COUNTY CODE CONCERNING THE APPOINTMENTS AND TERMS OF MEMBERS OF THE PLANNING COMMISSION AND VACANCIES THEREON; DELETING REMOVAL FOR CAUSE EXCEPT AS SET FORTH IN CURRENT CODE; DELETING THE REQUIREMENT FOR SPECIAL MEETINGS; REMOVING THE REQUIREMENT FOR TIME CERTAIN PUBLIC HEARINGS; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

[29027 Draft Ordinance.pdf](#)

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ORDINANCE \_\_\_\_\_ - 2009

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 102-20 OF THE MONROE COUNTY CODE CONCERNING THE APPOINTMENTS AND TERMS OF MEMBERS OF THE PLANNING COMMISSION AND VACANCIES THEREON; DELETING REMOVAL FOR CAUSE EXCEPT AS SPECIFICALLY SET FORTH; DELETING THE REQUIREMENT FOR SPECIAL MEETINGS; REMOVING THE REQUIREMENT FOR TIME CERTAIN PUBLIC HEARINGS; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Board of County Commissioners (BOCC) desires to align the terms of the Planning Commission appointees more closely with the terms of the BOCC members; and

**WHEREAS**, the BOCC desires to clarify that there may be removal of commissioners on the Planning Commission at the pleasure of the county commission or for cause which is now defined in the code as (a) three unexcused absences or (b) commission of a felony or an offense involving moral turpitude, or (3) no longer being a qualified elector of the county; and

**WHEREAS**, the requirement to have a special meeting within seven days if a quorum is not present at a regular meeting is unduly burdensome given that the reasons for lack of a quorum would most likely be of such an emergency to prevent a meeting within seven days; additionally, a special meeting may to be called by the chairman is currently provided;

**Bold type shows current reasons for termination which will remain**

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2 **NOW THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF**  
3 **COUNTY COMMISSIONERS:**

4  
5 **Section 1. Section 102-20 is amended as follows:**

6  
7 **Sec. 102-20. Planning commission.**

8 (a) Creation. There is hereby established a planning commission.

9 (b) Powers and duties. The planning commission shall have the following powers and  
10 duties:

11 (1) To serve as the local planning agency (LPA), required by F.S. § 163.3174;

12 (2) To prepare or cause to be prepared a comprehensive plan or element thereof and  
13 to submit to the board of county commissioners an annual report recommending  
14 amendments to such plan;

15 (3) To review and make recommendations to the board of county commissioners in  
16 regard to amendment of the official land use district map;

17 (4) To hear, review and approve or disapprove applications for minor or major  
18 conditional use permits;

19 (5) To initiate, hear, review and make recommendations to the board of county  
20 commissioners on applications for amendment to the text of this chapter;

21 (6) To hear, review and recommend approval or disapproval of all plats in accordance  
22 with the rules and regulations established by the board of county commissioners;

23 (7) To hear, consider and act on appeals of administrative actions;

24 (8) To act to ensure compliance with conditional use permits, as approved and issued;

25 (9) To make its special knowledge and expertise available upon reasonably written  
26 request and authorization of the board of county commissioners to any official,  
27 department, board, commission or agency of the county, state or federal government;  
28 and

29 (10) To adopt such rules of procedure necessary for the administration of its  
30 responsibilities not inconsistent with this article to govern the commission's proceedings.  
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2 (c) Qualifications for membership. Members shall be chosen from persons with  
3 experience in the areas of planning, environmental science, the business community,  
4 the development industry, and other Keys local industries. (\*\*This provision is moved  
5 from later section) Members of the planning commission shall be qualified  
6 electors in the county. **In the event that any member is no longer a qualified elector**  
7 **or is convicted of a felony or an offense involving moral turpitude while in office,**  
8 **the board of county commissioners shall terminate the appointment of such**  
9 **person as a member of the commission.**

10 (d) Membership: appointment, removal, terms, and vacancies.

11 (1) The planning commission shall be composed of five members. Vacancies shall be  
12 filled by nomination by the district's commissioner for the district whose member on the  
13 board of county commissioners member for the district who made the previous  
14 appointment for the vacant seat. The county commissioner shall nominate a person  
15 qualified as provided in subsection (c) of this section to be approved by the board of  
16 county commissioners by a vote of at least three members. ~~Members shall be chosen~~  
17 ~~from electors with experience in the areas of planning, environmental science, the~~  
18 ~~business community, the development industry, and other Keys local industries.~~  
19 **\*\*Sentence relocated above.** The geographical representation of the Keys shall be  
20 considered, but not required when making appointments to the planning commission. ~~If~~  
21 ~~no candidate is put forth for approval by the board of county commissioners member for~~  
22 ~~the district prior to 60 days of expiration of the respective planning commissioner's term,~~  
23 ~~the mayor shall submit a candidate for approval by the board of county commissioners.~~  
24 If there is a vacancy on the planning commission which remains unfilled for more than  
25 sixty (60) days, the mayor may appoint a person to hold the office until an appointment  
26 is approved by the county commission.

27 (2) Members shall serve at the pleasure of the board of county commissioners, ~~or may~~  
28 ~~be removed for cause prior to the expiration of their appointment and such r~~ Removal  
29 shall be approved by the affirmative vote of at least three members of the board of  
30 county commissioners.

**Bold type shows current reasons for termination which will remain**

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2 (3) ~~All members shall serve a term of two years and there shall be no term limit,~~  
3 ~~however each member shall be reappointed. Planning commission members shall be~~  
4 ~~compensated as determined by the board of county commissioners.~~ All appointments  
5 shall terminate upon replacement by a County Commissioner with another person  
6 appointed and approved by the county commission. Confirmation of existing  
7 appointments or new appointments by all county commissioners elected in the fall of  
8 each election year shall be made by those commissioners at or before the regular  
9 monthly meeting of the board of county commissioners in February of each year  
10 following an election year. Terms of the planning commission appointments shall be  
11 from their appointment dates until replaced or terminated.

12 (4) At an annual organizational meeting, the members of the planning commission  
13 shall elect one of its members as chair and one as vice-chair. In the absence of the  
14 chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair  
15 shall serve a term of one year. No member shall serve as chair for more than two  
16 consecutive terms.

17 (5) The presiding officer of any meeting of the commission shall may administer oaths,  
18 shall be in charge of all proceedings before the commission, and shall take such action  
19 as shall be necessary to preserve order and the integrity of all proceedings before the  
20 commission.

21 (6) **If any member of the commission shall fail to attend three regular**  
22 **consecutive meetings without prior notice and an excuse sufficient to the**  
23 **planning commission within any three-month period, such failure shall constitute**  
24 **sufficient grounds for termination of the member's appointment.** The commission  
25 coordinator shall notify the chair or the vice-chair, as the case may be, and he shall  
26 immediately file a notification of such nonattendance with the county administrator for  
27 placement on the agenda of the board of county commissioners; and the board shall, by  
28 appropriate action, terminate the appointment of such person and fill the vacancy  
29 thereby created as soon as practicable. A member who desires to be excused shall  
30 contact the commission coordinator prior to the meeting. The commission coordinator  
31

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1 shall report the request to the chair who shall make the determination to grant or deny  
2 the request.

3 (7) A representative of the school district shall be appointed by the school board as a  
4 nonvoting member of the planning commission and shall attend those meetings at which  
5 the planning commission considers comprehensive plan amendments and rezonings  
6 that would, if approved, increase residential density on the property that is the subject of  
7 the application.

8 (e) Recording secretary. The director of planning shall appoint a recording secretary to  
9 serve the planning commission. The secretary shall keep minutes of all proceedings of  
10 the commission, which minutes shall be a summary of all proceedings before the  
11 commission, attested to by the secretary, and which shall include the vote of each  
12 member upon every question. The minutes shall be approved by a majority of the  
13 members of the commission voting. In addition, the secretary shall maintain all records  
14 of commission meetings, hearings and proceedings, the correspondence of the  
15 commission, and a mailing list of persons wishing to receive notices of meetings,  
16 agendas or minutes and who have paid an annual fee set by the board of county  
17 commissioners to cover copying and mailing costs.

18 (f) Staff. The department of planning shall be the professional staff of the planning  
19 commission.

20 (g) Quorum and necessary vote. No meeting of the planning commission may be  
21 called to order, nor may any business be transacted by the commission, without a  
22 quorum consisting of at least three members of the commission being present. The  
23 chair shall be considered and counted as a member. The concurring vote of at least  
24 three members shall be necessary for the commission to take action on major or minor  
25 conditional use applications, final plat approvals, amendments to the text of this chapter  
26 or to the official land use district map. All other actions shall require the concurring vote  
27 of a simple majority of the members of the commission then present and voting.

28 (h) Planning commission members shall be compensated as determined by the board of  
29 county commissioners.

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2       ~~(h)~~ (i) Meetings, hearings and procedure.

3       (1) Regular meetings of the planning commission shall be scheduled twice monthly  
4 beginning January 1 of every calendar year ~~for twice monthly~~ and special meetings may  
5 be scheduled as required by a majority of the board of county commissioners, the chair  
6 of the planning commission, or a majority of the members of the planning commission.  
7 However, no regular meetings shall be scheduled for the month of August.

8       (2) The regularly scheduled (bi-monthly) meetings shall be held in Marathon or an  
9 appropriate location in the middle keys. All items which relate to specific properties such  
10 as but not limited to minor and major conditional uses, variances and administrative  
11 appeals, shall be held at the regularly scheduled meetings. The planning commission  
12 may, in its discretion, schedule special meetings in the upper and lower Keys subarea  
13 as required by the demand for such meetings. In cases where an item is postponed due  
14 to the lack of a quorum of the planning commission, the item shall be continued to a  
15 special meeting ~~to be held within seven working days.~~ or to the next available regular  
16 meeting. In cases where an item is postponed for any other reason, the item shall be  
17 continued to the next regularly scheduled meeting. Items which are ~~not~~ related to  
18 specific properties, such as but not limited to text amendments to this chapter and  
19 comprehensive plan amendments, may be heard in Marathon or the planning  
20 commission may, in its discretion, schedule such items for the most appropriate area or  
21 for additional meetings in each subarea.

22       (3) All meetings and hearings of the commission shall be open to the public.

23       ~~(4) Public hearings shall be set for a time certain.~~

24       (Code 1979, § 9.5-22; Ord. No. 33-1986, § 4-102; Ord. No. 19-1989, § 1 (PD27); Ord.  
25 No. 39-1989, § 3; Ord. No. 46-1996, § 1; Ord. No. 013-2003, § 1; Ord. No. 014-2003, §  
26 1; Ord. No. 007-2006, § 2; Ord. No. 007-2007, § 1; Ord. No. 045-2007, § 2)