

DEVELOPMENT REVIEW COMMITTEE

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Tuesday, June 21, 2011

- AGENDA

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The Monroe County Development Review Committee will conduct a meeting on Tuesday, June 21, 2011, beginning at 10:00 AM at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Mike Roberts, Sr. Administrator, Environmental Resources
Joe Haberman, Planning & Development Review Manager
DOT Representative
Steve Zavalney, Captain, Fire Prevention
Public Works Department Representative

STAFF MEMBERS

Susan Grimsley, Assistant County Attorney
Mitch Harvey, Comprehensive Plan Manager
Mayte Santamaria, Assistant Planning Director
Barbara Mitchell, Planner
Rey Ortiz, Planner
Gail Creech, Planning Commission Coordinator

CHANGES TO THE AGENDA

MINUTES FOR APPROVAL

May 24, 2011

MEETING

- NEW ITEM:

1. Section 138-27 Administrative Relief (Text Amendment)
[2011-068 SR DRC 06.21.11.pdf](#)
2. ROGO Allocations (Text Amendment)

ADJOURNMENT

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".



MEMORANDUM
MONROE COUNTY GROWTH MANAGEMENT DIVISION
We strive to be caring, professional and fair

To: Monroe County Development Review Committee

From: Barbara Mitchell, Senior Planner

Date: May 25, 2011

RE: *Proposed Ordinance to amend the Monroe County Code Chapter 138 Rate of Growth Restrictions, Article II Residential Rate of Growth Limitations, Section 138-27 Administrative Relief*

I. REQUEST:

The Planning and Environmental Resources Department is proposing amendments to the text of §138-27 of the Monroe County Code, to grant administrative relief for Residential Rate of Growth (ROGO) applications located in specific infill areas with existing or proposed sewer infrastructure.

II. RELEVANT PRIOR ACTIONS AND BACKGROUND INFORMATION:

The Monroe County Board of Commissioners enacted Ordinance 09-2006 to reflect Goal 105 of the Monroe County Comprehensive Plan. This ordinance revised the ROGO regulations to implement the Tier System. As part of this ordinance, §138-27 was modified to comply with Policy 101.6.1 of the Comprehensive Plan.

III. REVIEW

Currently, Monroe County is in the process of implementing the Sanitary Wastewater Master Plan that will provide infrastructure for the central collection and treatment of sewage as required by Florida Statute and the Comprehensive Plan. Approximately, ____% of unincorporated Monroe County will be served by central wastewater facilities. Buildable parcels located within central sewer districts are required to pay impact fees whether or not the parcel is developed. Within the central sewer service areas there are parcels that have been designated Tier IIIA - Special Protection Areas (SPA).

Parcels that have been designated Tier IIIA/SPA are those parcels that do not meet the criteria for either the Tier I or Tier III categories. Although some portion of these parcels are environmentally sensitive, the habitat is not pristine, may be

populated with invasive species or may be subject to some other type of vesting action. The Tier System is predicted on encouraging infill development in areas that are the least environmentally sensitive and attempts to minimize sprawl. Many parcels located in Tier IIIA - SPA areas are buildable and are located in neighborhoods designated for central wastewater treatment systems. To encourage infill development positive ROGO points are accessed for applications located in areas that are served or will be served by the central wastewater treatment systems.

According to results tabulated for ROGO Year 19, Quarter 2, there are ___ applications in ROGO that are located in Tier III – SPA areas. Currently there are ___ applications requesting Administrative Relief that are located in Tier III – SPA areas.

The Planning and Environmental Resources staff is recommending the following amendment in order to provide an additional option to the BOCC when reviewing a request for Administrative Relief.

Therefore, the Planning Department recommends the following changes (deletions are ~~stricken through~~ and additions are underlined).

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Sec. 138-27. - Administrative relief.

- (a) *Eligibility.* An applicant for an allocation award is eligible for administrative relief if:
 - (1) The application complies with all requirements of the dwelling unit allocation system;
 - (2) The application was considered ~~in the first~~for 16 consecutive quarterly allocation periods; and
 - (3) The applicant has not received an allocation award.
- (b) *Notification of eligibility.* Within 30 days of the finalization of evaluation rankings by the planning commission, any applicant determined to be eligible for administrative relief pursuant to subsection (a) of this section shall be notified of the applicant's eligibility for administrative relief by certified mail, return receipt requested.
- (c) *Application.* An application for administrative relief shall be made on a form prescribed by the director of planning and may be filed with the planning and environmental resources department no earlier than the conclusion of the 16th quarterly allocation period and no later than 180 days following the close of the 16th quarterly allocation period.
- (d) *Forwarding application to board.* Upon the filing of an application for administrative relief, the director of planning shall forward to the board all relevant files and records relating to the subject applications. Failure to file an application shall constitute a waiver of any rights under this section to assert that the subject property has been taken by the county without payment of just compensation as a result of the dwelling unit allocation system.
- (e) *Public hearing.* Upon receipt of an application for administrative relief, the board shall notice and

hold a public hearing at which the applicant will be given an opportunity to be heard. The board may review the relevant applications and applicable evaluation ranking, taking testimony from county staff and others as may be necessary and hear testimony and review documentary evidence submitted by the applicant.

(f) *Board's action.* At the conclusion of the public hearing, the board may take any or a combination of the following actions:

- (1) Offer to purchase the property at its fair market value as its preferred action if the property is located within:
 - a. A designated tier I area;
 - b. A designated tier II area (Big Pine Key and No Name Key);
 - c. A designated tier III-A area (special protection area); or
 - d. A designated tier III area on a nonwaterfront lot suitable for affordable housing.
- (2) Grant the applicant an allocation award for all or a number of dwelling units requested in the next succeeding quarterly allocation period or extended pro rata over several succeeding quarterly allocation periods as the preferred action for buildable properties not meeting any of the criteria in subsection (f)(1) of this section.

(3) Grant the application an allocation award for all or a number of dwelling units requested in the next succeeding quarterly allocation period or extended pro rata over several succeeding quarterly allocations period if the property is located within a designated tier III-A area (special protection area) that is required to be connected to a central wastewater treatment system that meets BAT/AWT standards established by the state legislature.

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~~(4)~~ Suggest or provide such other relief as may be necessary and appropriate.

(g) *Limits on administrative allocations per quarter.* The number of allocations that may be awarded under administrative relief in any one quarter shall be no more than 50 percent of the total available market rate allocations available in a quarter for that subarea. Any allocations in excess of 50 percent shall be extended into the succeeding quarter or quarters until the number of such allocations is 50 percent or less of the total number of market rate allocations available to be awarded.

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IV. RECOMMENDATION

Staff recommends that the Board of County Commissioners amend the Monroe County Code as stated in the text of this staff report.

