

DEVELOPMENT REVIEW COMMITTEE

-
Tuesday, October 4, 2011

- AGENDA

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The Monroe County Development Review Committee will conduct a meeting on Tuesday, October 4, 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

MEETING

-

-

NEW ITEM:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AN AMENDMENT TO THE MONROE COUNTY 2010 COMPREHENSIVE PLAN; CREATING POLICY 101.6.7 TO ALLOW THE BOCC TO GRANT A RESIDENTIAL ALLOCATION AWARD IF A PROPERTY IS DESIGNATED TIER IIIA SPA, IS SERVED BY A COLLECTION LINE WITHIN A CENTRAL WASTEWATER FACILITY SERVICE AREA, AND IS NOT ADJACENT TO TIER I LAND; AND TO AMEND POLICY 105.2.12 TO CORRECT A TYPOGRAPHICAL ERROR; PROVIDING FOR SEVERABILITY; DIRECTING THE DIRECTOR OF PLANNING TO FORWARD A COPY TO THE FLORIDA STATE LAND PLANNING AGENCY; PROVIDING FOR FILING WITH THE SECRETARY OF STATE; PROVIDING FOR THE INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

[2011-106 SR DRC 10.04.11.pdf](#)

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 PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Development Review Committee

Through: Mayte Santamaria, Assistant Director, Planning and Environmental Resources Department

From: Mitchell N. Harvey, AICP, Comprehensive Planning Manager

Date: October 3, 2011

Subject: AN AMENDMENT TO THE MONROE COUNTY 2010 COMPREHENSIVE PLAN, CREATING POLICY 101.5.10 TO ALLOW THE BOCC TO GRANT A RESIDENTIAL ALLOCATION AWARD IF A PROPERTY IS DESIGNATED TIER IIIA SPA, IS SERVED BY A COLLECTION LINE WITHIN A CENTRAL WASTEWATER FACILITY SERVICE AREA, AND IS NOT ADJACENT TO TIER I LAND; AND TO AMEND POLICY 105.2.12 TO CORRECT A TYPOGRAPHICAL ERROR

Meeting: October 4, 2011

I. REQUEST

Monroe County staff is requesting to amend the Monroe County 2010 Comprehensive Plan to create Policy 101.6.7 to allow the granting of a residential allocation award if the property is designated a Tier IIIA SPA (Special Protection Area), is served by a collection line within a central wastewater facility service area and is not adjacent to Tier I land. Staff is also requesting to amend Policy 105.2.12 to correctly reference Policy 101.6.1 and add a reference to Policy 101.6.7 to be internally consistent.

II. BACKGROUND INFORMATION

Monroe County implements a Rate of Growth Ordinance (ROGO) Permit Allocation System that distributes the annual number of residential permit allocations established by the Florida Governor and Cabinet to conform with the 24-hour evacuation standard within the Florida Keys Area of Critical State Concern. At the present time, Monroe County can allocate up to 197 new residential dwelling units per year. Seventy-one are limited to affordable housing allocations. The remaining 126 are available for new market rate dwelling units. No more than 6 of the market rate ROGOs can be allocated to Tier I land; 3 in the Lower Keys Subarea and 3 in the in Upper Keys Subarea.

1 Monroe County is also under a mandate from the State of Florida to provide central sewer
2 service to all properties by July 1, 2015, pursuant to Sections 381.0065(4) and 403.086(10),
3 F.S. and Rule 28-20.140, F.A.C. The Florida Keys Aqueduct Authority (FKAA) and the Key
4 Largo Sewer District are the two agencies responsible for providing central sewer service to
5 Monroe County properties. Property owners have been assessed for the provision of central
6 sewer services, which include the design, construction, and operation of sewage treatment
7 facilities and collection line systems. Privately owned vacant properties consequently abut
8 sewer collection lines that have been constructed in response to this State mandate which were
9 funded, in part, by special assessments.

10
11 Within the central sewer service areas, there are parcels that have been designated Tier IIIA
12 SPA (Special Protection Area). Parcels that have been designated Tier IIIA SPA are those
13 parcels that do not meet the criteria for either the Tier I or Tier III categories. Although some
14 portion of these parcels are environmentally sensitive, the habitat may not be pristine, may be
15 populated with invasive species or may be subject to some other type of vesting action. The
16 Tier System is predicated on encouraging infill development in areas that are the least
17 environmentally sensitive and attempts to minimize sprawl.

18
19 Many parcels located in Tier IIIA (SPA) areas are buildable and are located in neighborhoods
20 designated for central wastewater treatment systems. To encourage infill development,
21 positive ROGO points are assigned to applications located in areas that are required to be
22 connected to central wastewater treatment systems.

23
24 The following are policies in the Monroe County 2010 Comprehensive Plan that presently
25 guide the granting of administrative relief:

26
27 ***Policy 101.6.1***

28 *Monroe County, the state, or other acquisition agency shall, upon a property owner's request,*
29 *purchase the property for fair market value or permit the minimum reasonable economic use of*
30 *the property pursuant to Policy 101.6.5, if the property owner meets the following conditions:*

- 31
32 1. *they have been denied an allocation award for four successive years in the-Residential (ROGO) or*
33 *Non-residential (NROGO) Permit Allocation System;*
34
35 2. *their proposed development otherwise meets all applicable county, state, and federal regulations;*
36
37 3. *their allocation application has not been withdrawn;*
38
39 4. *they have complied with all the requirements of the Residential or Non-residential Permit Allocation*
40 *System; and*
41
42 5. *they follow the procedures for administrative relief contained in the land development regulations.*

43
44 *As used in this Policy, "minimum reasonable economic use" shall mean, as applied to any*
45 *residentially zoned lot of record which was buildable immediately prior to the effective date of*
46 *the Plan, no less than a single-family residence. "Fair market value" shall be an amount which*
47 *is no less than ad valorem valuation in the Monroe County Real Property Tax Roll for the year*
48 *1992.*

1 **Policy 101.6.5**

2 *Monroe County, the state, or other acquisition agency shall pursue land acquisition through*
3 *voluntary purchase of lands from private property owners denied a building permit through the*
4 *Permit Allocation System, as the preferred option for administrative relief pursuant to Policy*
5 *101.6.1, if the subject permit is for development located within:*

- 6
- 7 1. *a designated Tier I area;*
 - 8
 - 9 2. *a designated Tier III Special Protection Area; or,*
 - 10
 - 11 3. *a designated Tier III area on a non-waterfront lot suitable for affordable housing.*
 - 12

13 *Refusal of the purchase offer by a property owner shall not be grounds for the granting of a*
14 *ROGO or NROGO allocation award.*

15

16 **Policy 101.6.6**

17 *Monroe County shall preclude the granting of administrative relief in the form of the issuance*
18 *of a building permit for lands within the Florida Forever targeted acquisition or Tier I lands*
19 *areas unless, after 60 days from the receipt of a complete application for administrative relief,*
20 *it has been determined the parcel cannot be purchased for conservation purposes by any*
21 *county, state or federal agency or any private entity. The County shall routinely notify*
22 *Department of Environmental Protection of upcoming administrative relief request at least six*
23 *(6) months prior to the deadline for administrative relief.*

24

25 **Section 138-27 of the Monroe County Code** allows the BOCC to grant administrative relief
26 for an applicant that has complied with all requirements of ROGO, the application has been
27 considered for 16 consecutive allocation periods, and the applicant has not received an
28 allocation award. At the conclusion of a public hearing, the BOCC may take any or a
29 combination of the following actions: offer to purchase the property; grant the applicant an
30 allocation award for all or a number of dwelling units requested; suggest or provide such other
31 relief as may be necessary and appropriate.

32

33 The proposed amendments to the Monroe County 2010 Comprehensive Plan gives the BOCC
34 the ability to grant administrative relief in the form of a residential allocation award to Tier
35 IIIA Special Protection Area (SPA) parcels served by a collection line within a central
36 wastewater facility service area that are not adjacent to Tier I property, instead of just
37 purchasing Tier IIIA SPA parcels.

38

39

40 **III. PROPOSED AMENDMENTS**

41

42 Policy 101.5.10

43 Monroe County may grant administrative relief in the form of any or a combination of the
44 following actions:

45

46 (1) Offer to purchase the property at its fair market value as its preferred action if the
47 property is located within:

48 a. A designated tier I area;

49 b. A designated tier II area (Big Pine Key and No Name Key);

- 1 c. A designated tier III-A area (Special Protection Area); or
2 d. A designated tier III area on a non-waterfront lot suitable for affordable housing.

3
4 (2) Grant the applicant an allocation award for all or a number of dwelling units requested
5 in the next succeeding quarterly allocation period or extended pro rata over several
6 succeeding quarterly allocation periods as the preferred action for buildable properties not
7 meeting any of the criteria in subsection (1) of this section.

8
9 (3) Grant the applicant an allocation award for all or a number of dwelling units requested
10 in the next succeeding quarterly allocation period or extended pro rata over several
11 succeeding quarterly allocation periods as the preferred action for Tier III-A area (Special
12 Protection Area). This relief may be granted if the Tier III-A (Special Protection Area)
13 property owner has paid an assessment for a collection line within a central wastewater
14 facility service area where a central wastewater treatment facility has been constructed that
15 meets the treatment standards of Section 403.086(10), F.S., and the property is not
16 contiguous to a Tier I property.

17
18 (4) Suggest or provide such other relief as may be necessary and appropriate.

19
20 Staff also recommends the following amendment to Policy 105.2.12 to correct a typographical
21 error:

22
23 ***Policy 105.2.12***

24 *With respect to the relief granted pursuant to Policy 101.6.1 (Administrative Relief) or Policy*
25 *101.18.5 (Beneficial Use), a purchase offer shall be the preferred form of relief for any land within*
26 *Tier I and Tier II, or any land within Tier III in accordance with the criteria in Policy 101.6.5. and*
27 *Policy 101.5.10.*

28
29 **IV. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE**
30 **PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING**
31 **DEVELOPMENT**

- 32
33 **A. The proposed amendment is generally consistent with the following Goals, Objectives**
34 **and Policies of the Monroe County Year 2010 Comprehensive Plan.**
35
36 **B. The amendment is consistent with the Principles for Guiding Development for the**
37 **Florida Keys Area, Section 380.0552(7), Florida Statute.**

38
39 For the purposes of reviewing consistency of the adopted plan or any amendments to that
40 plan with the principles for guiding development and any amendments to the principles, the
41 principles shall be construed as a whole and no specific provision shall be construed or
42 applied in isolation from the other provisions.

- 43
44 (a) Strengthening local government capabilities for managing land use and development so
45 that local government is able to achieve these objectives without continuing the area of
46 critical state concern designation.
47 (b) Protecting shoreline and marine resources, including mangroves, coral reef formations,
48 seagrass beds, wetlands, fish and wildlife, and their habitat.

- 1 (c) Protecting upland resources, tropical biological communities, freshwater wetlands,
2 native tropical vegetation (for example, hardwood hammocks and pinelands), dune
3 ridges and beaches, wildlife, and their habitat.
- 4 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound
5 economic development.
- 6 (e) Limiting the adverse impacts of development on the quality of water throughout the
7 Florida Keys.
- 8 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural
9 environment, and ensuring that development is compatible with the unique historic
10 character of the Florida Keys.
- 11 (g) Protecting the historical heritage of the Florida Keys.
- 12 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and
13 proposed major public investments, including:
- 14
- 15 1. The Florida Keys Aqueduct and water supply facilities;
 - 16 2. Sewage collection, treatment, and disposal facilities;
 - 17 3. Solid waste treatment, collection, and disposal facilities;
 - 18 4. Key West Naval Air Station and other military facilities;
 - 19 5. Transportation facilities;
 - 20 6. Federal parks, wildlife refuges, and marine sanctuaries;
 - 21 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
22 properties;
 - 23 8. City electric service and the Florida Keys Electric Co-op; and
 - 24 9. Other utilities, as appropriate.
- 25
- 26 (i) Protecting and improving water quality by providing for the construction, operation,
27 maintenance, and replacement of stormwater management facilities; central sewage
28 collection; treatment and disposal facilities; and the installation and proper operation
29 and maintenance of onsite sewage treatment and disposal systems.
- 30 (j) Ensuring the improvement of nearshore water quality by requiring the construction and
31 operation of wastewater management facilities that meet the requirements of ss.
32 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served
33 by central wastewater treatment facilities through permit allocation systems.
- 34 (k) Limiting the adverse impacts of public investments on the environmental resources of
35 the Florida Keys.
- 36 (l) Making available adequate affordable housing for all sectors of the population of the
37 Florida Keys.
- 38 (m) Providing adequate alternatives for the protection of public safety and welfare in the
39 event of a natural or manmade disaster and for a postdisaster reconstruction plan.
- 40 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and
41 maintaining the Florida Keys as a unique Florida resource.
- 42

43 Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is consistent
44 with the Principles for Guiding Development as a whole and is not inconsistent with any
45 Principle.

46

47 **C. The proposed amendment is generally consistent with the Part II of Chapter 163,**
48 **Florida Statute (F.S.).**

49

1
2 **V. STAFF RECOMMENDATION**
3

4 Staff recommends approval.
5

6 **VI. PROCESS**
7

8 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners,
9 the Planning Commission, the Director of Planning, or the owner or other person having a
10 contractual interest in property to be affected by a proposed amendment. The Director of
11 Planning shall review and process applications as they are received and pass them onto the
12 Development Review Committee and the Planning Commission.
13

14 The Planning Commission shall hold at least one public hearing. The Planning Commission
15 shall review the application, the reports and recommendations of the Department of Planning
16 & Environmental Resources and the Development Review Committee and the testimony given
17 at the public hearing. The Planning Commission shall submit its recommendations and
18 findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing
19 to consider the transmittal of the proposed comprehensive plan amendment, and considers the
20 staff report, staff recommendation, and the testimony given at the public hearing. The BOCC
21 may or may not recommend transmittal to the Florida Department of Community Affairs
22 (DCA). The amendment is transmitted to DCA, which then reviews the proposal and issues an
23 Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report,
24 the County has 180 days to adopt the amendments, adopt the amendments with changes or not
25 adopt the amendment
26

27 **VII. EXHIBITS**
28

29 A. Draft BOCC Ordinance
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