

DEVELOPMENT REVIEW COMMITTEE

Tuesday, August 26, 2025

MEETING MINUTES

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, August 26, 2025**, beginning at 1:00 p.m. via Communications Media Technology (CMT).

CALL TO ORDER by Devin Tolpin at 1:00 p.m.

ROLL CALL by Jessica McKinney

DRC MEMBERS PRESENT

Devin Tolpin, Senior Director of Planning and Environmental Resources
Mike Roberts, Assistant Director, Environmental Resources
Cheryl Cioffari, Assistant Director of Planning
Brian Oppenheimer, Deputy Fire Marshal
Judy Clarke, Engineering

STAFF MEMBERS PRESENT

Peter Morris, Assistant County Attorney
Barbara Powell, Senior Policy Advisor
Jessica McKinney, Senior Planning Commission Coordinator

APPLICANTS & PUBLIC SPEAKERS PRESENT

Items 1 & 2 Don Horton, Agent

CHANGES TO THE AGENDA

None.

MINUTES FOR APPROVAL

Approval of the meeting minutes for Tuesday, June 24, 2025, by Devin Tolpin.

MEETING

Items 1 and 2 were read together.

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO COMMERCIAL (COMM), FOR PROPERTY LOCATED AT 106261, 106271, AND 106281 OVERSEAS HIGHWAY, KEY LARGO, DESCRIBED AS LOTS 18-20, BLOCK 3, OCEAN ISLE ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 14, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, CURRENTLY HAVING PARCEL IDENTIFICATION NUMBERS 00538800-000000, 00538810-000000, AND 00538820-000000; AS PROPOSED BY FLO-GROWN HOME BUYERS, LLC; PROVIDING FOR

SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN AND FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE NO. 2025-069)

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM IMPROVED SUBDIVISION (IS) TO COMMERCIAL-1 (C1), FOR PROPERTY LOCATED AT 106261, 106271, AND 106281 OVERSEAS HIGHWAY, KEY LARGO, DESCRIBED AS LOTS 18-20, BLOCK 3, OCEAN ISLE ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 14, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, CURRENTLY HAVING PARCEL IDENTIFICATION NUMBERS 00538800-000000, 00538810-000000, AND 00538820-000000; AS PROPOSED BY FLO-GROWN HOME BUYERS, LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE LAND USE DISTRICT (LUD) MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE NO. 2025-070)

(1:04 p.m.) Ms. Barbara Powell, Senior Policy Advisor presented the staff reports. Ms. Powell presented an aerial of the subject property which is currently vacant and consists of .53 acres of hammock. The adjacent land uses are residential, transient residential, commercial and public use. It is Tier III, in Flood Zone X, and on U.S. 1. Ms. Powell presented a location map, a habitat map, and the current and proposed FLUM amendment maps. Most of the hammock below this property is in public ownership as part of the Pennekamp area. To the north the hammock is part of Dagney Johnson's property. There is commercial across the street in mixed use commercial and a commercial-1 lot. Currently, as three parcels of residential medium, the adopted standard allows one dwelling unit per lot. The proposed land use density and intensity would not allow for any dwelling units under market rate allocated density. The development potential would be somewhere between 3,400 and 11,646 square feet. One of the things that will affect the development potential of this property is the fact there is hammock on the property and there are clearing limits required in Comp Plan policies, and there is not a lot of variability with those. Staff recommends approval.

Ms. Devin Tolpin, Senior Director of Planning and Environmental Resources, had no questions or comments, and asked if there were any questions or comments from the DRC members. Mr. Mike Roberts clarified that Ms. Powell had stated that the clearing limits were stipulated per Comp Plan and Code, and Ms. Powell responded that she had meant Tier. Mr. Roberts confirmed there had been no site plans submitted, and wanted to make sure the applicant was aware of the clearing limits and the necessity for conservation easements at the time of development. Ms. Powell added that it had been discussed with the applicant that staff would have a better handle on what the development potential would be once there is a site plan. The language in the Comp Plan talks about per lot, and the 7,500 square feet per lot, and developing as a common plan of development or per lot will make a difference on that clearing limit. Mr. Roberts agreed, adding that if the lots are combined it would be limited to 7,500 square feet,

which staff prefers. There were no further comments or questions from DRC members. Ms. Tolpin asked Mr. Don Horton, agent for the applicant, if he wished to speak. Mr. Horton stated that after the pre-application conference, the owner of the property still wanted to continue with this zoning and FLUM amendment. He thanked staff for their comments on clearing limits, and stated that the owner fully understands what the development potential of this property is if it's approved. Ms. Devin Tolpin then asked if any members of the public wished to speak. There were none. Public comment was closed. Ms. Tolpin explained that these items would next move to the Planning Commission for a recommendation to the BOCC. The BOCC would then hold two hearings on the FLUM amendment and one hearing on the Land Use District Map amendment.

Items 3 and 4 were read together.

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICIES 101.5.30, 101.5.31, 101.5.32, 101.5.33, 103.5.34 AND THE GLOSSARY OF THE MONROE COUNTY 2030 COMPREHENSIVE PLAN TO INCREASE THE MAXIMUM HEIGHT OF RESIDENTIAL STRUCTURES FROM 35 FEET TO 42 FEET, AMEND THE DEFINITION OF GRADE, REVISE THE STRUCTURES THAT ARE LISTED AS EXCEPTIONS TO THE MAXIMUM HEIGHT RESTRICTION, AND ALLOW FOR ADDITIONAL HEIGHT RELATED TO AIRPORTS AS APPROVED BY THE FAA AND IN ACCORDANCE WITH THE ADOPTED AIRPORT MASTER PLAN, AS REQUESTED BY THE BOCC AT THEIR JUNE 18, 2025, REGULAR COMMISSION MEETING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO AND INCORPORATION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (FILE NO. 2025-080)

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTIONS 101-1 AND 131-2 OF THE MONROE COUNTY LAND DEVELOPMENT CODE, TO CLARIFY APPLICABILITY, AMEND THE DEFINITIONS OF GRADE AND HEIGHT; TO INCREASE THE MAXIMUM HEIGHT OF RESIDENTIAL STRUCTURES FROM 35 FEET TO 42 FEET; TO REVISE THE STRUCTURES THAT ARE LISTED AS EXCEPTIONS TO THE MAXIMUM HEIGHT RESTRICTION, AND ALLOW FOR ADDITIONAL HEIGHT RELATED TO AIRPORTS AS APPROVED BY THE FAA AND IN ACCORDANCE WITH THE ADOPTED AIRPORT MASTER PLAN, AS REQUESTED BY THE BOCC AT THEIR JUNE 18, 2025, REGULAR COMMISSION MEETING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE NO. 2025-081)

(1:15 p.m.) Ms. Barbara Powell, Senior Policy Advisor, presented the staff reports. This began at the April regular BOCC meeting where there was a discussion item about the height

limitation. The BOCC directed staff to bring back language that would result in an increase in the maximum height of residential structures from 35 to 42 feet and eliminate the correlation of the residential height exception to the new FEMA maps. At the June 18 meeting, Ms. Tolpin had brought back two options which were discussed, and Option 2 was chosen from that meeting.

Current requirements cover where the height is measured from, pre-construction natural grade or the crown/curb of the road, with some exceptions for chimneys, spires, steeples and antennas. Non-residential structures are limited to 35 feet with variability for single-family and multi-family. Ocean Reef has a separate set of laws pertaining to it. After adoption of the new FEMA maps it allows for 40 feet. Option 2 allowing for 42 feet was chosen. The proposed Comp Plan amendments cover the definition of grade. Removing the natural grade portion it will now be measured from the crown or curb of the road. The height is defined removing mechanical equipment and guards around the mechanical equipment to the exceptions with some limitations on the number of feet on roof-mounted mechanical equipment as required by Florida Building Code. The height limitation shall not apply unless approved by the FAA for the airport areas. In Policy 101.5.30 height of non-residential and transient structures including landfills are limited to 35 feet. Structures exclusively for residential use can go to 42 feet. Again, the height is defined in the policy with the exceptions and the FAA requirements. Non-residential and transient building were added to the definitions in the Ocean Reef portion of the plan amendment with regard to height, and eliminated sections of the Comp Plan referring to the flood height exception. If everything is being raised seven feet that would include existing flood height exceptions. There was some renumbering and re-referencing.

The Land Development Code closely matches the Comp Plan. Also as provided in Policy 101.5.2 for lawfully established existing multi-family buildings which exceed the 35-foot height limit proposed to exceed the total height has been changed to 42 as opposed to 40. Then, adding in (d) which allows for maximum height limits for structures located near Key West and Marathon Airports be 45 feet which may only be exceeded if required by the FAA for safe operation of aircraft and the airport, or to support mechanical appurtenances. In no case may the height exceed what's allowed by 14 Code of Federal Regulation, part 77, surfaces as included on the adopted Airport Master Plan and Airport Layout Plans pursuant to Policy 501.1.7 without prior written authorization from the FAA.

The timeline for the amendment is to go to the Planning Commission on October 22, to go to the BOCC on December 10, and then sometime around March or April of 2026 to go to the BOCC for adoption of both the Land Development Code and the Comp Plan.

Ms. Devin Tolpin had no questions, and asked if any DRC members had questions or comments. There were none. Ms. Devin Tolpin then asked for public comment. There was none. Public comment was closed. Meeting was adjourned.

ADJOURNMENT:

The Development Review Committee meeting was adjourned at 1:28 p.m.