

PLANNING COMMISSION
August 29, 2012
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, August 29, 2012**, beginning at 10:01 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL by Gail Creech

PLANNING COMMISSION MEMBERS

Denise Werling, Chair	Present
Randy Wall, Vice Chair	Present
Jeb Hale	Present
Elizabeth Lustberg	Absent
William Wiatt	Present

STAFF

Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Susan Grimsley, Assistant County Attorney	Present
Steve Williams, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Mike Roberts, Administrator, Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comp Plan Manager	Present
Steven Biel, Senior Planner	Present
Rey Ortiz, Planner	Present
Barbara Bauman, Planner	Present
Tim Finn, Planner	Present
Emily Schemper, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Gail Creech confirmed receipt of all necessary paperwork.

COUNTY RESOLUTION 131-91 APPELLANT TO PROVIDE RECORD FOR APPEAL

County Resolution 131-92 was read into the record by John Wolfe.

SWEARING OF COUNTY STAFF

All staff members intending to speak were sworn in by John Wolfe.

CHANGES TO THE AGENDA

There were no changes to the agenda.

APPROVAL OF MINUTES

Motion: Vice Chair Wall made a motion to approve the meeting minutes of June 27, 2012. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

New Items:

1. A public hearing to consider and finalize the ranking of applications in the Dwelling Unit Allocation System for the April 13, 2012 through July 12, 2012 ROGO quarter (4th Quarter Year 19). Allocation Awards will be allocated for all unincorporated Monroe County. (File 2011-088)

(10:03 a.m.) Mr. Haberman presented the staff report. Mr. Haberman reported that there were more applications than there were allocations available for market rate, so the scoring system applied. Staff recommended the Lower Keys applicants ranked 1 through 3 receive allocations. There were no administrative relief applicants in the Lower Keys. Staff recommended Big Pine/No Name applicants 1 through 2 receive allocation awards, as well as Upper Keys applicants ranked 1 through 20. There were no administrative relief applicants or affordable housing applicants in the Upper Keys.

Vice Chair Wall pointed out that since there were allocations awarded in the Lower Keys, that must reflect that there were some Tier III applications since the County had already awarded the allotted 10 percent of Tier 1 allocations. Mr. Haberman concurred.

Chair Werling asked for public comment. There was none.

Motion: Vice Chair Wall made a motion to approve staff recommendations. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

2. A public hearing to consider and finalize the ranking of applications for Non-Residential Floor Area for all unincorporated Monroe County for the NROGO Period 2 of Year 19 January 13, 2012-July 12, 2012. Allocation Awards will be allocated for all unincorporated Monroe County. (File 2011-087)

(10:06 a.m.) Mr. Haberman presented the staff report. Mr. Haberman reported that there were applicants for NROGO this period. In the Lower and Upper Keys subareas staff recommends awarding what is listed in the staff report. On Big Pine, which has its own subarea, staff recommends awarding the one property everything they can receive in the allocation. There

were more allocations to give than applicants, so staff is recommending giving allocations available per code.

Chair Werling asked for public comment. There was none.

Motion: Commissioner Wiatt made a motion to approve staff recommendations. Vice Chair Wall seconded the motion. There was no opposition. The motion passed unanimously.

3. CONSIDERATION OF AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A REQUEST BY STEPHEN ROHATY TO AMEND THE TIER MAP OVERLAY DESIGNATION FROM TIER I TO TIER III FOR PROPERTY LEGALLY DESCRIBED AS TRACT A PORPOISE POINT, SECTION TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 111, OF THE PUBLIC RECORDS OF MONROE COUNTY FLORIDA, HAVING REAL ESTATE NUMBER 00154870.000000; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE SECRETARY OF STATE AND THE STATE LAND PLANNING AGENCY; AND PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-052)

(10:07 a.m.) Mr. Roberts presented the staff report. Mr. Roberts reported that this is an application for a tier map amendment for a commercial property on Big Coppitt Key. It is primarily a wetland parcel and was previously a Tier I property. Mr. Roberts explained that because of amendments or changes to the tier criteria, the County was instructed by the Administrative Law Judge during the hearing process of the tier challenges that wetlands were clearly not intended to be criterion for designation of Tier I. As a result, staff has had to reevaluate some of the ways properties are designated under Tier I or Tier IIIA, specifically related to upland native habitats. Staff has gone back and reevaluated the applicant's property. The site is on US-1, is not contiguous with, not adjacent to, nor does it contain any native upland habitat and is wetland in nature. It is surrounded by developed properties or other wetlands and is contiguous with US-1. For those reasons and because of instructions from the Administrative Law Judge, staff is recommending a change to Tier III for this property.

Chair Werling asked for public comment.

Lee Rohe, Esq. was present on behalf of the applicant and urged the Commission to approve the applicant's request. The applicant, Mr. Rohaty, was present as well.

Chair Werling asked for further public comment. There was none. Public input was closed.

Mr. Wolfe explained for Vice Chair Wall that approval of the request will in effect also approve the ordinance. **Motion: Vice Chair Wall made a motion to approve staff's recommendation. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.**

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE TIER OVERLAY DISTRICT DESIGNATION FROM TIER I TO TIER III FOR PROPERTY OWNED BY SEACAMP ASSOCIATION, INC. AND LEGALLY DESCRIBED AS BIG PINE KEY PART OF BAY BOTTOM ADJACENT TO BLOCKS E AND F; BLOCK E, LOTS 16, 17, 18, 19, 20; AND BLOCK F, LOTS 8, 9, 10, 11, AND 12, PINEY POINT SUBDIVISION (PB8-88) WITHIN SECTION 34, TOWNSHIP 66, RANGE 29; HAVING REAL ESTATE NUMBERS 00112030-000000, 00246950-000000, 00246960-000000, 00246970-000000, 00246980-000000, 00246990-000000, 00247140-000000, 00247150-000000, 00247160-000000, 00247170-000000, AND 00247180-000000; 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 AN EFFECTIVE DATE. (File 2012-041)

(10:12 a.m.) Mr. Harvey presented the staff report. Mr. Harvey reported that this is a request to amend the tier for the Seacamp property, which is located on Big Pine Key. It is a piece of property approximately 14.28 acres and is an institutional use. Mr. Harvey explained that the property was subject to a review when the Big Pine Key/No Name Key Livable CommuniKeys Plan (LCP) was being reviewed. During that public hearing the Board of County Commissioners (BOCC) passed a resolution requesting staff to designate the Seacamp property Tier III. When the Livable CommuniKeys Plan was adopted, only one of the 13 parcels of Seacamp was adopted as Tier III and the remainder was adopted as Tier I. The property owners pointed this out a few years back, so staff initiated a process of amending the Big Pine Key/No Name Key LCP. That has gone to the Department of Economic Opportunity (DEO) and the DEO had no comments regarding this change. Seacamp has 13 parcels. One parcel is completely submerged and one parcel is already a Tier III. Staff is recommending changing the remaining 11 parcels from Tier I to Tier III, which is allowed under the provision of Monroe County Code 102-158(D)(5) under Mapping Errors. Environmental staff has visited the site and agrees that Tier III would be the most appropriate tier for this property. Staff recommended approval.

Chair Werling asked for public comment.

Sandy Walters was present representing Seacamp Association. Ms. Walters was sworn in by Mr. Wolfe. Ms. Walters thanked staff for working diligently with Seacamp to correct the mapping error that was made. Ms. Walters stated that Seacamp has for more than 45 years been educating young people from around the world on the sensitive natural resources of the Florida Keys and this correction will be beneficial to continuing that service to the community.

Chair Werling asked for further public comment. There was none. Public input was closed.

Motion: Commissioner Wiatt made a motion to approve the amendment to the tier designation overlay designation map from Tier I to Tier III for the Seacamp property. Vice Chair Wall seconded the motion. There was no opposition. The motion passed unanimously.

5. DeBrule Residence, 56 Bass Avenue, Key Largo, Mile Marker 103: A request for approval of a variance of 18.8 feet from the required 25-foot front yard setback along the right-of-way of Bass Avenue in order to construct an addition above an existing carport. The subject parcel is legally described as Block 18, Lots 1, 2 and 6, Anglers Park (PB1-159), Key Largo, Monroe County, Florida, having real estate number 00553910.000000.
(File 2012-099)

(10:19 a.m.) Ms. Bauman presented the staff report. Ms. Bauman reported that this is a request for a variance for a front yard setback. A description of the property was given. The result of the front yard setback would be approximately 6.2 feet. Granting of the variance would allow the owner to construct an addition to an existing family residence above the existing attached carport. The additional area will serve as a bedroom. In 1979 a building permit was issued and a certificate of occupancy was received in 1980 for the existing single-family residence in its current configuration. The house is considered lawfully nonconforming since it was built prior to the current setback regulations. In 2005 Lot 1 and 2 were combined with Lot 6 at the property owner's request. The applicant meets five out of the eight criteria in considering the approval of the variance. The applicant does not meet the exceptional hardship, unique circumstances and the minimum necessary to provide relief to the applicant criteria. Ms. Bauman listed recommended conditions in the event the Planning Commission approves the variance.

Chair Werling asked for public comment.

Gay Marie Smith was present on behalf of the applicant and was sworn in by Mr. Wolfe. Ms. Smith explained that this variance is due to the fact that the residence was built originally with a nonconforming setback. Ms. Smith pointed out that the gravel driveway, which is the entrance into this house, goes under the house, not directly into the front of the house. The previous property owner was an estate, which was not maintaining the house at all. The current owners are two local citizens raising their son down here and are putting money in the tax base. Ms. Smith clarified that the proposed addition is not going to encroach into the setback any further. The roof line is even with the carport. Even though the applicants have the open space to expand out, the cost factor is much lower when building on top of an existing slab.

The applicant, David DeBrule, was sworn in by Mr. Wolfe. Mr. DeBrule presented the Commission with pictures of his property, along with a sketch of what the addition would look like. Mr. DeBrule stated that before he applied for the variance he took this in front of the Planning Department and received confirmation that he would not be expanding the nonconformity. Once he applied for the variance, then he was informed that he was expanding the nonconformity. Mr. DeBrule explained that he bought the property with the assumption that he did not need a variance because it was a legal nonconforming structure and the ordinance stated that he could enlarge or extend as long as he did not increase the nonconformity. After the Planning Department denied his request, he was informed his nonconformity was three-dimensional by putting up the walls on top of the roof. Mr. DeBrule emphasized that he is not asking to expand any kind of nonconformity and does not want to extend past the current setback.

Sam Stoya, a neighbor of this property, was sworn in by Mr. Wolfe. Mr. Stoya stated that Mr. DeBrule has a nonconforming structure that was built legally with a permit and is allowed by code to expand it by 50 percent. Mr. Stoya then distributed a picture of another building that was expanded under that rule without a variance. Mr. Stoya added that this proposed addition offers no adverse effect to the community and asked the Commissioners to approve the variance.

Chair Werling asked for further public comment. There was none. Public input was closed.

Vice Chair Wall stated that he has looked at this property. Vice Chair Wall informed the Commissioners that choosing a side street for the entrance to a property and the front street for the side yard setback has always been acceptable in his experience as a builder, which dates back to 1967. Vice Chair Wall described projects he has been involved in where as of right a third floor was 100 percent legal on a legal nonconforming structure that no longer met the current setback requirements as long as the drip line was not increased. Vice Chair Wall referred to Section 102-57, Enlargements and Extensions, and stated the section historically has always been interpreted by the Planning Department to mean that vertical additions are not extending the nonconformity. Vice Chair Wall also believes that adding a bedroom above the carport on this property is the logical place to put it, not only from a financial standpoint, but from a practical standpoint as well. Vice Chair Wall strongly recommended that this variance be granted.

Commissioner Wiatt asked if there has been any recent change to code or interpretation that would be material to this discussion. Mr. Haberman explained that if the Commission as a group feels they should get the variance because the interpretation has led to a hardship or peculiar circumstances, it can be granted on that basis, but this is not an appeal of the interpretation staff made. Mr. Haberman stated that in his experience Mr. Schwab interprets the code and is not held to past interpretations. Although in the past they did allow this, some things have changed. There were issues with things getting permitted in front yard setbacks, and around 2005 some code changes were made limiting what could be done in front yard setbacks. One of them was related to mass. Mr. Haberman stated he wishes it were clearer in the code, but staff has to now interpret what the term "expansion" means. Commissioner Wiatt stated that because there has been a change in interpretation and not a change of code, he believes the hardship criterion for the variance is met.

Vice Chair Wall repeated that, due to his experience, he would have believed that it was legal to construct this addition. Mr. Schwab stated that the Planning Department's perspective is that this is expanding a nonconformity in that it is not only, one, doubling the space, but more importantly, creating a building mass within or above the existing nonconformity, which further violates the nonconformity and is inconsistent with the setbacks along the street. Mr. Schwab does not believe there is a hardship because they can expand this building into the front yard setback. Commissioner Wiatt reiterated that his concern is that there is an interpretation of the code out in the public that may be different than the current interpretation of staff, which creates a hardship. Mr. Schwab stated that he understands this needs to be revised in the code, but it is important to look at the other issues that have been pointed out. Vice Chair Wall again referred to Section 102-57 and stated that the historical interpretation has been that vertical increases do not further violate the nonconformity. Vice Chair Wall again strongly encouraged the

Commission to approve this variance. The applicant agreed with the condition of no greater height than what is existing.

Chair Werling questions whether increasing the use of a carport to include habitable space should be allowed. Vice Chair Wall replied that there is only one legal nonconforming structure here: A poured concrete slab, no matter what is under it.

Motion: Vice Chair Wall made a motion to approve the variance with the conditions that Planning staff has suggested because the application meets all the requirements for the variance. Commissioner Hale seconded the motion. Vice Chair Wall added that he believes the variance is not required and the language in the code needs to be clarified.

Motion: Vice Chair Wall amended the motion to approve the variance, along with the conditions requested in the staff report, on the basis that he disagrees that a variance is necessary, but in the event that it was determined it was necessary, all the standards for the variance were met. Commissioner Hale seconded the motion. The roll was called with the following results: Commissioner Hale, Yes; Vice Chair Wall, Yes; Commissioner Wiatt, Yes; and Chair Werling, No. The motion passed 3 to 1.

A recess was held from 11:04 a.m. to 11:18 a.m.

6. White Residence, 332 Spica Lane, Geiger Key, Mile Marker 10: A request for a variance of one (1) foot from the required five (5) foot side yard setback along the southern property line in order to receive an after-the-fact approval of an accessory concrete structure. As a result, the side yard setback along the southern property line would be four (4) feet. The subject property is legally described as Block 2, Lot 10, Geiger Mobile Homes (PB5-77), Monroe County, Florida, having real estate number 00145170.000000.
(File 2012-084)

(11:18 a.m.) Mr. Wolfe informed the Commission that the applicant requested a variance and the staff recommended approval as an administrative variance. It was posted. Within that 30 days of posting, any adversely affected owner can request that this come before the Commission as a public hearing, which has been done. A neighbor has appealed it. That neighbor's attorney has asked that this be continued.

Lee Rohe, Esq. was present on behalf of neighbor Frank Haigney. Mr. Rohe stated that the motion to continue was originally based on not being able to get documents that had been requested in sufficient time for this hearing. Mr. Rohe called the Commission's attention to the public notice, which was advertised and posted referring to a five-foot setback. Mr. Rohe added that the survey shows the width of the lot as being more than 50 feet, therefore requiring more than a five-foot setback. Mr. Rohe believes the public notice is therefore defective. Mr. Rohe then reserved the right to fully participate in any hearing on the merits.

Mr. Williams explained that this lot is a parallelogram and must be measured using a perpendicular line to the parallelogram, not the slanted edge. Staff has done this calculation, checked the GIS and the lot width is less than 50 feet and the five-foot setback is appropriate as

advertised and as posted. As to the documents, the request for documents asked for items contained in Ms. Grimsley's file and contained in Ms. Creech's file, which were provided. It turns out that Mr. Rohe actually wanted some documents contained in the Building Department's files, so staff provided those as soon as that was pointed out. Mr. Rohe has had those since last week. This meeting falls within the 30-day and 60-day time frame. Mr. Williams suggested the hearing should proceed today.

Motion: Vice Chair Wall made a motion to deny the continuance request. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

Mr. Finn presented the staff report. Mr. Finn reported that this is a request for a variance located at 332 Spica Lane. The applicant is requesting a variance of one foot from the required five-foot side yard setback along the southern property line in order to receive after-the-fact approval of an accessory structure. The applicant submitted the variance application on June 4th, 2012 requesting the four-foot setback. Although approved by a permit, the structure which is currently under construction was not built to plan and, as such, it was sited incorrectly and consequently extends approximately six inches into the required five-foot setback. The structure has a footprint of approximately 600 square feet and is intended to serve as an accessory garage storage area to the existing mobile home, which is the primary structure. Mr. Finn provided some background information of the property. Mr. Finn then explained in detail how staff measured this parallelogram. Pictures of the property and structure were shown. Mr. Finn clarified that the amount of the encroachment into the setback is 4.8 inches. Mr. Haberman explained that the advertisement was for one foot, so the application falls within the advertised measurement. Staff recommended approval of a one-foot variance from the required setback along the southern property line in order to receive an after-the-fact approval of the accessory structure with conditions. Those conditions were then outlined. Mr. Wolfe had Mr. Finn clarify that staff's recommendation is also based on the fact that staff believes that all of the variance requirements have been met.

The applicant, Joseph White, was sworn in by Mr. Wolfe. General Contractor, Daniel Hicks, was also present and was sworn in by Mr. Wolfe. Mr. White stated that after applying for the permit and the permit was approved, he thought the structure was built in the right spot. The misplacement was not done on purpose and the concrete structure is concrete reinforced steel. If he could move it, he would, but there is nothing he can do at this point.

Mr. Hicks clarified for Chair Werling that although the permit states the owner did the contracting work, Mr. Hicks signed on the permit. Ms. Hicks stated that this was a contractor mistake, and then showed photos of an existing structure around the corner similar to his that passed all inspections. Mr. Hicks also stated that the property on the other side of the neighbor is a 35-foot modular home, which has enhanced the neighbor's property value. Vice Chair Wall pointed out that if a survey is required by the County, it is typically an as-built survey at the end of the project. Mr. Hicks added that this structure has already been inspected seven times and passed every time.

Chair Werling asked for public comment.

Lee Rohe, Esq. stated that construction on this structure began without a building permit application, and then later a building permit was acquired. This is a self-created hardship and the applicant is now asking the Commission to undo that hardship, and this is not what hardship means in the case law. Mr. Rohe then explained that the 52-foot width according to the survey is in the agenda backup documentation, which is what is known to the public as far as width goes. Staff has taken a certified survey and done calculations on it without the surveyor's knowledge. Vice Chair Wall asked Mr. Rohe if it would change the five-foot setback in any way if that lot were greater than 45 feet in perpendicular width, to which Mr. Rohe replied that what he is talking about is a matter of law that does not allow staff to perform their own calculations on a certified survey. Vice Chair Wall pointed out that by Mr. Rohe's way of measuring, this property has no setback problems. Mr. Rohe stated it changes the square footage of the lot. Mr. Wolfe clarified that this is a variance hearing on setbacks, not buildable area.

Mr. Haberman explained that open space ratio is a separate issue from setbacks in the code. The open space ratio for the property is 20 percent and the open space ratio was met. When the applicant comes in for after-the-fact building permits, staff will re-review it to make sure it has been met again.

Mr. Rohe continued and stated that, as to exceptional hardship, money is not to be taken into account when considering hardship. Mr. Rohe concluded by stating the survey dated May 30th, 2012 has no dimension on there of 45 feet of width, but only a dimension of 52 feet and that this would be a legal due process problem more than a technical problem.

Frank Haigney was sworn in by Mr. Wolfe. Mr. Haigney stated that he owns the adjacent southern property, 330 Spica Lane. This encroachment in the setback affects his ability to rent the property and he believes it lowers his property value. The aesthetics are not compatible with anything in the area. Mr. Haigney is getting reports that his property is getting more water from rain on that side yard than before. Mr. Roberts clarified that code requires the applicant to treat the runoff for the additional square footage. There has to be a swale on the property to treat that, although it is not specified where on the property that has to go. It is up to the property owner's engineer to design the appropriate treatment system.

Mr. Hicks added that there is a five-foot swale on the building permit and the applicant plans to plant trees along the south side. Vice Chair Wall interjected that water retention is typically the last thing done on a project. Ms. Grimley stated that the building permit included in the Commissioners' packages does mention that the storm water is to be retained on site per swale drawings on plan. The applicant then said he would be willing to put gutters up to retain that water, and would even be willing to put some rocks down or a French drain to retain the water. Mr. White then clarified that his permit was approved October 13, 2011 and the first inspection was in January 2012.

Chair Werling asked for further public comment. There was none. Public input was closed.

Mr. Haberman stated that staff did the measurements using the County's GIS system, which is based on the Property Appraiser's information, not only the survey, and again explained the measurement process. Through questioning by Mr. Williams, Mr. Haberman explained that

since he has been with the County, the County has always measured parallelograms this way, and in Geiger Key all the lots have that same shape. Staff did not in any way amend, alter or affect the site survey. Mr. Haberman explained to Commissioner Wiatt that although less than six inches is needed, for the purpose of advertising it is easier to round up to the nearest foot and that this was not done because of any kind of consideration that the structure is actually going to get larger with siding or with a drip line.

There was discussion regarding how far siding will go beyond the frame of the structure. Mr. Haberman explained that even though a foot was advertised, the applicant cannot increase the footprint. Mr. Schwab cautioned the Commission that because this is an unfinished structure, the variance should not be limited too much so as not to be able to include an inch for siding. Mr. White added that the foot would allow him to put a gutter on the side to catch the water. Mr. Hicks said he will submit as-built plans for the final inspection to satisfy the setback. Mr. Hicks clarified the applicant is asking for six inches instead of a foot.

Mr. Haberman checked the boundary survey and concluded that six inches would not be enough to include a gutter. Mr. Haberman stated for the record that he is the Planning and Development Review Manager for the County. Vice Chair Wall stated that he would personally be in favor of granting no more than six inches because there are other ways to retain that water on the roof other than with a gutter hanging beyond the six inches. Commissioner Wiatt agreed that the intrusion into that setback should be minimized.

Motion: Vice Chair wall made a motion to approve the variance with all of the conditions given by staff and further restricting the variance to a six-inch encroachment into the setback rather than a one-foot encroachment into the setback based on the belief that all of the requirements for the variance have been met. Commissioner Hale seconded the motion. The roll was called with the following results: Commissioner Hale, Yes; Vice Chair Wall, Yes; Commissioner Wiatt, Yes; and Chair Werling, No. The motion passed 3 to 1.

7.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING MONROE COUNTY CODE SECTION 130-102, HORSES AND OTHER LIVESTOCK, TO ESTABLISH REGULATIONS RELATED TO THE KEEPING OF HORSES AND OTHER LIVESTOCK IN MONROE COUNTY, 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 CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-036)

(12:15 p.m.) Mr. Biel presented the staff report. Mr. Biel reported that staff regularly receives zoning inquiries related to horses. Currently the Monroe County Code and Comprehensive Plan do not contain any provisions directly related to horses and livestock, thus putting the Planning Director in the position of having to make an interpretation. Mr. Biel reviewed several definitions throughout various sections of the code that horses fall into. Staff has come up with a proposed amendment that would allow the keeping of a horse for personal use on residentially

developed parcels of land as an accessory use if certain standards are met. Those standards were then outlined. Staff has found that the proposed text amendment would be consistent with provisions of Section 102-158(D)(5)(b). Staff recommends that the Board of County Commissioners amend Monroe County Code as stated in the staff report.

Chair Werling asked for public comment. There was none. Public input was closed.

Vice Chair Wall asked staff if they had considered Ms. Lustberg's question previously submitted to staff regarding runoff. Mr. Haberman replied that storm water provisions are already in the code and the number of horses on a given property would not, in staff's opinion, be an issue. With the addition of a stable, storm water runoff would be reviewed at that time. A commercial stable would have to be approved under an agricultural use.

Motion: Commissioner Wiatt made a motion to approve. Vice Chair Wall seconded the motion. There was no opposition. The motion passed unanimously.

GROWTH MANAGEMENT

There was no report given.

BOARD DISCUSSION

Mr. Wolfe stated that the special Planning Commission meeting scheduled for August 31, 2012 will require some ex parte meeting with Commissioners after this meeting adjourns to review the plans due to the fact that these building plans are confidential under Federal Law. They cannot be presented to the Commissioners as a group because of the Sunshine Law and, therefore, it has to be presented in confidence one on one.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 12:26 p.m.