

## Aguila-Ilze

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**From:** Trent Meyer <trent.meyer@lps-contracting.com>  
**Sent:** Friday, October 2, 2020 12:58 PM  
**To:** Aguila-Ilze  
**Subject:** Chapter 118 changes

**CAUTION:** This email originated from outside of the County. Whether you know the sender or not, do not click links or open attachments you were not expecting.

Good afternoon, I am emailing you in regard to some of the proposed rule changes to Chapter 118.

Section 118-12(m)(6)b.:

b. All pilings associated with the construction of any dock shall be non-CCA-leaching (recycled plastic, concrete, greenheart) or be wrapped with impermeable plastic or PVC sleeves. Impermeable plastic or PVC sleeves shall have a minimum of 30 millimeter thickness and shall extend from at least 6 inches below the level of the substrate to at least 2 feet above the mean high water line.

- If I am reading this correctly no more regular CCA treated timber pilings will be able to be installed unless wrapped? Is that correct? This would make the county much more strict than even ACOE and DEP. This is going to be a very large cost increase to homeowners when building their docks. CCA SYP pilings are by far the most economical and best overall for construction.

Section 118-12(m)(6)b.:

d.f. Docking facilities that terminate over seagrass beds or hardbottom communities may only be permitted when the water depth at the terminal platform is at least four feet (4ft) above the top of all seagrasses, corals, macro algae, sponges, or other sessile organisms at MLW and continuous access to open water of navigable depth is available. A benthic survey shall be submitted to document the presence or absence of seagrass beds and/or hardbottom communities. A bathymetric survey shall be submitted to document the water depth at the terminal end of the platform and to ensure that continuous access to open water of navigable depth is available. All such projects shall require approval by the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers prior to commencement of construction or issuance of a County 'Notice to Proceed.'

- This rule change is going to add thousands to tens of thousands of dollars in cost to Homeowners. Additionally, the added volume of bathymetric surveys requested is going to make it impossible to get one done. Currently it takes about 8 weeks to get a bathymetric survey done. With this rule change and the many more requested because of it this could add 3-4 months to someones permitting process. Can there be a middle ground such as documenting the depth of the areas with a tape measure and a camera?

**Trent Meyer CGC CUC**



LPS Contracting

**PLEASE NOTE OUR CHANGE OF ADDRESS:**

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**Website:** <https://lps-contracting.com>

## **Aguila-Ilze**

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**From:** Roberts-Michael  
**Sent:** Tuesday, October 27, 2020 11:52 AM  
**To:** Randy Whitesides; Koconis-Ed; aquila-ilze@monroecounty-fl.gov; stanley@neptuneatlanticboatlifts.com; Renee Blake  
**Cc:** Building; Planning; Code Compliance; County Commissioners and Aides; County Administrator; Knight-Cary; Livengood-Kristen; Cane-Cassy; Colina-RL; Hemeyer-Zully; Hudson-Steven; Martin-Craig; Emily Greer  
**Subject:** RE: 219-184 Chapter 118 Comments

Randy,

Thank you for your comments. Just so you know, we are at the 1<sup>st</sup> phase of these proposed recommendations. The meeting next Wednesday is a Public meeting for staff to introduce the proposed amendments and to seek public input. As these are proposed amendments to the Land Development Code, there will be additional opportunities for public input (Development Review Committee, Planning Commission Hearings and BOCC hearing).

*Michael Roberts; CEP, PWS*  
Assistant Director/Environmental Resources  
Monroe County Department of Planning & Environmental Resources  
(305)289-2502

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**From:** Randy Whitesides <randywhitesides@yahoo.com>  
**Sent:** Tuesday, October 27, 2020 11:39 AM  
**To:** Koconis-Ed <Koconis-Ed@MonroeCounty-FL.Gov>; Koconis-Ed <Koconis-Ed@MonroeCounty-FL.Gov>; aquila-ilze@monroecounty-fl.gov; stanley@neptuneatlanticboatlifts.com <stanley@neptuneatlanticboatlifts.com>; Renee Blake <renee@neptuneatlanticboatlifts.com>  
**Cc:** Building <Building@MonroeCounty-FL.Gov>; Planning <Planning@MonroeCounty-FL.Gov>; Code Compliance <Code\_Compliance@monroecounty-fl.gov>; County Commissioners and Aides <County\_Commissioners2@monroecounty-fl.gov>; County Administrator <County\_Administrator@MonroeCounty-FL.Gov>; Knight-Cary <Knight-Cary@MonroeCounty-FL.Gov>; Livengood-Kristen <Livengood-Kristen@MonroeCounty-FL.Gov>; Cane-Cassy <Cane-Cassy@MonroeCounty-FL.Gov>; Colina-RL <Colina-RL@MonroeCounty-FL.Gov>; Hemeyer-Zully <Hemeyer-Zully@MonroeCounty-FL.Gov>; Hudson-Steven <Hudson-Steven@MonroeCounty-FL.Gov>; Martin-Craig <Martin-Craig@MonroeCounty-FL.Gov>; Emily Greer <emily@joinfash.com>; Roberts-Michael <Roberts-Michael@MonroeCounty-FL.Gov>  
**Subject:** 219-184 Chapter 118 Comments

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## Response to Proposed Changes to Monroe County Development Code Chapter 118

The proposed amendments to section 118 are presented as:

**“eliminate redundant or obsolete text, refine code language to better clarify regulatory intent for the benefit of the regulated Community and County Staff, update lists of species and correct scriveners errors”**

**This is a blatant misrepresentation of some of the proposed changes. These changes dramatically effect homeowners, increase costs, increases unilateral power of the Environmental Resources and reduces or eliminates dock options for many waterfront homeowners.**

**These proposed changes have not been done in an open environment, and have not had any input frm the Contracting Community.**

**We find numerous issues, which I believe deserve a complete review and re-write of these changes, which should NOT be considered or approved without community input.**

**A few Highlights:**

**118-12 Shoreline setback (Cont.)**

**(m) (6) f.**

**“A benthic Survey shall be submitted to document the water dept at the terminal end of the Platform and to ensure that the continuous access to open water of navigable depth is available.”**

This Survey could easily cost Tens of Thousands of Dollars to every application. In order to be useful, it will also require a shore and Bathometric Survey, which would add Thousands of dollars more to the Application. This includes Docks, Docking Facilities Boat Lifts and even Davits.

These surveys are not required by either the Florida Department of Environmental Protection, or Army Corps of engineers, and in our opinion, represents a tremendous overreach by the Department.

**(m) (6) Required Conditions**

**“ All Pilings associated with any Dock shall be non-CCA-Leaching... or be wrapped with Impermeable Plastic....and shall extend at least 6” below the level of the substrate to at least 2 feet above the mean high water line”**

Over 90% of the Pilings installed in the Keys are Wood. Without CCA treatment, the useful life is extremely short. While there are a number of studies showing no negative effects of CCA treated pilings to the environment, there are several that indicate Toxicity in marine organisms (ie worms) that collect the CCA chemicals, passing them up and down the food chain. These negative effects show the effect is highly localized, and minimal after 60-90 days. Of more significance is the use of CCA treated lumber for dock building, as the CCA components leach out of the wood from rain as well as other environmental conditions. To restrict the use of CCA Treated Pilings (a requirement in the Tropics), is a poorly thought out, “Junk Science” regulation.

(m) (6) a.

**“....protected to the maximum extent possible. The height of Docks shall be a minimum of 5 feet above the mean high water ..... In areas of Coastal Wetlands and/or benthic biological resources, no portion of a marginal dock shall exceed 5 feet in width or exceed 66% of the shoreline to a maximum of 40 feet in length.”**

**This is a massive change to docks in the Keys, with NO PUBLIC INPUT. Limiting docks to 40 feet essentially allows just 1 boat per home. Many residents want several vessels. Virtually the entire seafloor in the keys has Benthic Resources. This change is massive.**

**In conclusion, we believe that there are a number of clarifications, changes and modifications that need to be done to the Code. We have offered for the past 7 years to assist, work with Industry and County Biologists to improve the process, protect the environment and allow the Community to avoid arbitrary, after the fact issues.**

**We strongly suggest that NO ACTION BE TAKEN until Industry is Consulted.**

Randy Whitesides

Neptune Boat Lifts  
Neptune Atlantic Boat Lifts

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On Tuesday, October 20, 2020, 04:17:12 PM EDT, Koconis-Ed <[koconis-ed@monroecounty-fl.gov](mailto:koconis-ed@monroecounty-fl.gov)> wrote:

Good afternoon industry members (via Bcc),

Please see the attachment regarding a Community Meeting on November 4, 2020 on the topic of amendments to the Land Development Code. This meeting will be conducted using a Zoom Webinar platform.

Should you have any questions regarding this meeting please contact Sr. Planning commissioner Coordinator Ilze Aguila at [Aguila-ilze@monroecounty-fl.gov](mailto:Aguila-ilze@monroecounty-fl.gov)

**Ed Koconis, AICP**

Administrative Director

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**From:** Roberts-Michael <[Roberts-Michael@MonroeCounty-FL.Gov](mailto:Roberts-Michael@MonroeCounty-FL.Gov)>

**Sent:** Monday, October 19, 2020 11:02 AM

**To:** Koconis-Ed <[Koconis-Ed@MonroeCounty-FL.Gov](mailto:Koconis-Ed@MonroeCounty-FL.Gov)>

**Subject:** Community Meeting for Changes to LDC

Ed –

The Planning & Environmental Resources Department is proposing amendments to Chapters 114 and 118 of the Land Development Code. Will you please distribute the attached to your e-mail contractor list?

Thanks

*Michael Roberts*; CEP, PWS

Assistant Director/Environmental Resources

Monroe County Department of Planning & Environmental Resources

(305)289-2502