

DEVELOPMENT REVIEW COMMITTEE

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Tuesday, July 30, 2013

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AGENDA

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The Monroe County Development Review Committee will conduct a meeting on Tuesday, July 30, 2013, beginning at 1:00 PM 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

Christine Hurley, Growth Management Division Director
Jerry Smith, Building Official
Mayte Santamaria, Assistant Planning Director
Mitch Harvey, Comprehensive Plan Manager
Rey Ortiz, Planning & Biological Plans Examiner Supervisor
Emily Schemper, Sr. Planner
Barbara Bauman, Planner
Tim Finn, Planner
Matt Coyle, Planner
Gail Creech, Planning Commission Coordinator

CHANGES TO THE AGENDA

MINUTES FOR APPROVAL

MEETING

-
New Items:

1. Development Agreement between Monroe County, Florida; Summerland Palms Investors, LLC; H & L Florida Associates, LLC; R & S of Key West, Inc.; H-Try, LLC; 5671 MacDonald LLC; Singh Investors, LLC; and Oceanside Investors, LLC concerning properties located at 5950 Peninsular Avenue, Stock Island, Florida (legally described as Block 60, Lots 1, 2, and 3, McDonald's Plat, PB1-55), 24930 Overseas Highway, Summerland Key, Florida (legally described as Lot 55 and a portion of Lot 54, Summerland Yacht Harbor, PB2-142), 21585 Old State Road 4A, Cudjoe Key, Florida (legally described as Lot 30, Sacarma, PB2-48) and 5671 MacDonald Avenue, Stock Island (legally described as Block 31, Lots 9, 13, 14, 15, 16, 19, and 20, McDonald's Plat, PB1-55).

(File 2013-069)

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 101-1, DEFINITIONS, AMENDING MONROE COUNTY CODE SECTION 130-4, TEMPORARY EMERGENCY HOUSING, ESTABLISHING MONROE COUNTY CODE SECTION 130-5, TEMPORARY USES INCLUDING PUBLIC ASSEMBLIES, ESTABLISHING REGULATIONS CONCERNING TEMPORARY HOUSING ASSOCIATED WITH PUBLIC WORKS PROJECTS, ESTABLISHING REGULATIONS CONCERNING TEMPORARY USES INCLUDING PUBLIC ASSEMBLIES IN THE LAND DEVELOPMENT CODE, 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 2013-087)

[2013-087 SR DRC 07.30.13.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

To: Monroe County Development Review Committee &
Townesley Schwab, Senior Director of Planning & Environmental Resources

From: Joseph Haberman, AICP, Planning & Development Review Manager

Date: July 15, 2013

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 101-1, DEFINITIONS, AMENDING MONROE COUNTY CODE SECTION 130-4, TEMPORARY EMERGENCY HOUSING, ESTABLISHING MONROE COUNTY CODE SECTION 130-5, TEMPORARY USES INCLUDING PUBLIC ASSEMBLIES, ESTABLISHING REGULATIONS CONCERNING TEMPORARY HOUSING ASSOCIATED WITH PUBLIC WORKS PROJECTS, ESTABLISHING REGULATIONS CONCERNING TEMPORARY USES INCLUDING PUBLIC ASSEMBLIES IN THE LAND DEVELOPMENT CODE, 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.*

Meeting: July 30, 2013

1
2 I REQUEST

3
4 The Planning & Environmental Resources Department is proposing amendments to the text
5 of §101-1, §130-04 and §130-05 of the Monroe County Code (MCC). The purposes of the
6 proposed amendment are a) to establish regulations concerning temporary housing associated
7 with federal, state and local public works projects; b) to clarify what types of temporary uses
8 can be approved, as well as the criteria thereto; and c) to relocate the public assembly
9 regulations from MCC chapter 17 (outside of the Land Development Code) into MCC
10 chapter 130 (within the Land Development Code).

11
12 II RELEVANT PRIOR COUNTY ACTIONS:

13
14 None.

15
16 III REVIEW

17
18 Temporary uses are defined within MCC §101-1; however there is no approval process for
19 such temporary uses provided in the Land Development Code. Temporary structures may be
20 permitted in accordance with MCC §6-112:
21

1 **Sec. 6-112. Temporary structures.**
2

3 The building official may issue a special building permit for a limited time of not more
4 than six months for the erection of temporary structures such as construction sheds,
5 trailers, seats, canopies, tents, and fences used in construction work or for temporary uses
6 and events. Any such permit for temporary nonconstruction uses shall require prior
7 approval of the planning director to ensure compliance with part II of this Code. Any
8 structures shall be completely removed upon expiration of the time stated in the permit.
9

10 Staff is proposing to create such an approval process for temporary uses, as well as criteria
11 for such temporary uses.
12

13 Note: staff is proposing consistent amendments to MCC §6-112; however as this section
14 is not situated in the Land Development Code, those amendments are processed
15 differently and are only reviewed by the Board of County Commissioners. As of the date
16 of this report, the following amendments are proposed:
17

18 The building official may issue a special building permit for a limited time of not
19 more than ~~six months~~ one year for the erection of temporary structures, including
20 but not limited to ~~such as construction~~ sheds, trailers, seats, canopies, tents, and
21 fences used in construction work or for temporary uses and events. Any such
22 permit for temporary ~~nonconstruction~~ uses shall ~~require prior approval of the~~
23 ~~planning director to ensure compliance with part II of this Code~~ be in compliance
24 with this section and the provisions of the Land Development Code, specifically
25 section 130-5. Any structures shall be completely removed upon expiration of the
26 time stated in the permit, which shall be the minimum amount of time necessary
27 to accommodate the temporary use. In the event a temporary structure is required
28 for more than one year for a construction-related project, the applicant shall apply
29 for a special building permit prior to the expiration of the original building permit,
30 which shall be limited in time to not more than additional one year.
31

32 Staff is also proposing to create an approval process for temporary housing associated with
33 temporary uses related to public works projects. Such temporary housing could be approved
34 by the board of county commissioners, similar to that already allowed for airport projects.
35

36 In addition, staff is proposing to relocate the existing provisions related to public assembly
37 permits into the new section concerning temporary uses within the Land Development Code.
38 The planning director has the responsibility of issuing public assembly permits. However, the
39 provisions are currently located in Chapter 17, a chapter for “miscellaneous” provisions that
40 is located outside of the Land Development Code. As public assemblies pertain to use of
41 land, the requirements should be located in the Land Development Code. Further, the
42 planning director only has the authority to interpret provisions of the Land Development
43 Code, not provisions within chapters of the Monroe County Code that fall outside of the
44 Land Development Code (currently Chapters 101 through 146). This is problematic in that
45 the planning director may have to interpret the requirements of public assembly permits in
46 order to issue certain public assembly permits.

1 Note: The following amendments concerning temporary uses were inspired in part by the
2 Village of Islamorada's land development regulations (Sections 30-881 through 30-885).

3
4 Therefore, staff recommends the following changes (Deletions are ~~stricken through~~ and
5 additions are underlined. Text to remain the same is in black):
6

7 **Sec. 101-1. Definitions.**

8
9 The following words, terms and phrases, when used in this ~~chapter~~ Land Development Code,
10 shall have the meanings ascribed to them in this section, except where the context clearly
11 indicates a different meaning:
12

13 * * * * *

14
15 *Temporary uses* ~~include those~~ means construction-related uses, including but not limited
16 to equipment storage, material storage, fencing and office trailers, that are required for a
17 defined period of time during ~~certain in~~ the construction phase of permitted development;
18 and uses that are uniquely seasonal in nature, including but not limited to, ~~other activities~~
19 ~~of a similar nature such as Christmas trees~~ holiday-related outdoor events such as
20 Christmas tree and pumpkin sales, temporary emergency shelters, concerts, short-term
21 flea markets, carnivals, arts and crafts bazaars, art shows, seminar/educational events, and
22 tent meetings.
23

24 * * * * *

25
26 *Public assembly* means a type of temporary use that is attended by members of the
27 general public, with or without an admission charge, when the duration of the event is
28 less than one week and anticipated daily attendance is expected to exceed 250 persons.
29

30 * * * * *

31
32 **Sec. 130-4. Temporary emergency housing.**

33
34 (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have
35 the meanings ascribed to them in this subsection, except where the context clearly
36 indicates a different meaning:
37

38 *Recreation vehicles (RVs)* means the same as that term is defined in F.S. § 320.01.

39
40 *Temporary emergency housing* means recreational vehicles (or similar approved
41 sheltering units) used for temporary occupancy a) in response to natural or manmade
42 disasters, including, but not limited to, hurricanes and tropical storms, where such
43 recreational vehicles or similar units are provided to residents as part of emergency relief
44 efforts; b) in order to avoid delay in completing airport safety and capacity
45 improvements; and c) in order to avoid delay in completing long-term public works
46 projects by any federal, state or local government agency.

1
2 (b) *Purpose.* It is the purpose of this section to provide regulations that allow for the
3 relaxation of the use prohibitions in ~~article III of this~~ chapter 130, Land Use Districts, and
4 chapter 138, Rate of Growth Restrictions (ROGO/NROGO), to:

- 5 (1) Allow temporary emergency housing during the recovery period from a natural or
6 manmade disaster, including, but not limited to, hurricanes and tropical storms;
7 (2) Avoid delay in completing ongoing or future airport safety and capacity
8 improvements; ~~and~~
9 (3) Avoid delay in completing long-term public works projects by any federal, state of
10 local government agency;
11 ~~(3)~~ (4) Provide regulatory authority for placement of emergency temporary housing for
12 workers responding to recovery and reconstruction efforts following natural or
13 manmade disasters which are lawfully declared emergencies by any federal, state or
14 local governmental emergency declaration authority; ~~and~~
15 (5) Provide regulatory authority for placement of emergency temporary housing for
16 workers involved in long-term airport and public works projects.
17

18 (c) *Placement of single RVs (or similar sheltering units) for temporary emergency housing*
19 *on single family lots.* Notwithstanding the provisions of ~~this~~ chapter 130, Land Use
20 Districts, and chapter 138, Rate of Growth Restrictions (ROGO/NROGO), ~~recreational~~
21 ~~vehicles~~ RVs (or similar approved sheltering units) may be placed on a single-family lot
22 for temporary occupancy by tenants displaced by natural or manmade disaster damage to
23 the lawfully-established dwelling unit on the lot subject to the following conditions:

- 24 (1) The dwelling unit has incurred sufficient damage to make the dwelling unit
25 uninhabitable as determined by photographic evidence provided by the applicant or
26 an inspection by an official from a federal or state governmental relief agency, the
27 county building department or code ~~enforcement~~ compliance department;
28 (2) A building permit is issued for repair of damages caused by the casualty event to
29 make the residential structure habitable no fewer than 90 days from placement of the
30 RV (or similar sheltering unit) on the property;
31 (3) Placement of the RV (or similar sheltering unit) shall require a no-fee building
32 permit, linked to the building permit issued for casualty damage repair, that shall
33 require, prior to its issuance, approval by the building official of its siting location on
34 the lot and a department of health permit authorizing the connection of the RV (or
35 similar sheltering unit) to an on-site wastewater treatment and disposal system or to
36 an existing community wastewater treatment system;
37 (4) The size of the RV (or similar sheltering unit) to be placed on the lot shall be limited
38 to eight feet in width and 32 feet in length, if lacking self-propulsion, and eight feet in
39 width and 42 feet in length, if self-propelled;
40 (5) The RV (or similar sheltering unit) shall remain on the property for a period not to
41 exceed 180 days from the date of permit issuance or until the final inspection or
42 certificate of occupancy is issued on the repairs made to the residential dwelling unit,
43 whichever comes later, but in no case more than 180 days from the date of permit
44 issuance without a written extension from the county building official or his
45 representative not to exceed an additional 180 days based upon the building official
46 or his representative's determination that good cause has been shown for the need for

1 an extension and that the RV (or similar sheltering unit) is adequately tied down and
2 secured so as not to present an undue hazard to persons or property in a high-wind or
3 flood event. However, nothing in this section shall prevent the county or any state or
4 federal authority to terminate without notice the authority to keep any RVs (or similar
5 sheltering units) otherwise authorized under this section should it be deemed required
6 for the public safety.
7

8 (d) *Placement of RVs (or similar sheltering units) for temporary emergency housing on*
9 *nonresidential properties.* Notwithstanding the provisions of ~~this~~ chapter 130, Land Use
10 Districts, and chapter 138, Rate of Growth Restrictions (ROGO/NROGO), one or more
11 RVs (or similar sheltering units) may be temporarily placed by permit on properties in
12 nonresidential land use districts and on publicly-owned lands, excluding lands designated
13 for conservation and resource protection, to house county residents displaced by natural
14 or manmade disaster or casualty event and/or disaster recovery workers. The size of the
15 RVs (or similar sheltering units) to be temporarily placed shall be in accordance with
16 subsection (c)(4) of this section. Permitting approval of the temporary placement of RVs
17 (or similar sheltering units) shall require submittal of a no-fee permit application to the
18 building department to be approved by the building official, including a site plan pursuant
19 to requirements established by the building official. Upon final inspection by the building
20 official of the temporary construction granted by the permit, authorization for the
21 occupancy of the property for temporary emergency housing shall not exceed 180 days
22 from the date of the final inspection without a written extension from the county building
23 official or his representative not to exceed an additional 180 days based upon the building
24 official or his representative's determination that good cause has been shown for the need
25 for the extension and that the RV (or similar sheltering unit) is adequately tied down and
26 secured so as not to present an undue hazard to persons or property in a high-wind or
27 flood event. However, nothing in this section shall prevent the county or any state or
28 federal authority to terminate without notice the authority to keep any RVs (or similar
29 sheltering units) otherwise authorized under this section should it be deemed required for
30 the public safety.
31

32 (e) *Placement of single RVs, trailers and other temporary dwelling structures (together*
33 *"temporary airport construction housing facilities") for temporary emergency contractor*
34 *housing on county airport properties.* Notwithstanding the provisions of ~~this~~ chapter 130,
35 Land Use Districts, and chapter 138, Rate of Growth Restrictions (ROGO/NROGO),
36 recreational vehicles, trailers and other temporary dwelling structures may be placed on
37 county airport properties for temporary occupancy by contractors completing airport
38 safety and capacity improvements subject to the following conditions:

- 39 (1) Placement of temporary airport construction housing facilities must not impede or
40 interfere with aviation operations or safety and must conform to any applicable FAA
41 regulations;
- 42 (2) No clearing or filling of environmentally sensitive lands may occur as a result of
43 providing temporary airport construction housing facilities;
- 44 (3) All temporary airport construction housing facilities shall be adequately tied down,
45 provide for proper solid waste disposal, and require a no-fee building permit linked to
46 existing airport construction permits, that shall require, prior to their issuance,

1 approval by the county building official of their siting locations and department of
2 health permits or authorization for the connection of the temporary airport
3 construction housing facilities to an on-site wastewater treatment and disposal system
4 or to an existing community wastewater treatment system;

5 (4) Temporary airport construction housing facilities shall ensure that temporary
6 electrical and sewage lines do not constitute an attractive nuisance to children or
7 homeless persons in the area (i.e., sufficient temporary fencing may be required by
8 the building official);

9 (5) Temporary airport construction housing facilities shall remain on the property for a
10 period not to exceed 30 days from the date of completion of the related airport
11 construction work, unless extended by resolution of the board of county
12 commissioners; and

13 (6) The only persons permitted to reside for any period in temporary airport construction
14 housing facilities are individuals who while in the county are actually gainfully
15 employed on a fulltime basis in completing airport safety and capacity improvements
16 at a county airport. All residents or occupants of temporary airport construction
17 housing facilities must be required to timely evacuate in accordance with local
18 evacuation orders.

19
20 (f) *Placement of single RVs, trailers and other temporary dwelling structures (together*
21 *"temporary recovery or reconstruction housing facilities") for temporary emergency*
22 *worker housing.* Notwithstanding the provisions of ~~this chapter~~ [chapter 130, Land Use Districts,](#)
23 [and chapter 138, Rate of Growth Restrictions \(ROGO/NROGO\),](#) recreational vehicles,
24 trailers and other temporary dwelling structures may be placed on public or private
25 property within the county for temporary occupancy by workers occupied in response to
26 cleanup and reconstruction efforts following a natural or manmade disaster subject to the
27 following conditions:

28 (1) An emergency directive or resolution of the board of county commissioners is issued
29 authorizing the placement of the temporary recovery or reconstruction housing
30 facilities;

31 (2) Placement of temporary recovery or reconstruction housing facilities must not impede
32 or interfere with other emergency and recovery operations or public safety;

33 (3) Temporary recovery or reconstruction housing facilities shall be adequately tied down
34 and provide for proper solid waste disposal, and where used to house workers
35 involved in reconstruction activities, shall require a no-fee building permit linked to
36 the required demolition or building permits for the related reconstruction activities.
37 Where the temporary recovery or reconstruction housing facilities are used to house
38 workers involved in reconstruction activities, any required demolition or building
39 permits for the related reconstruction activities must be issued within 90 days from
40 the placement of the temporary recovery or reconstruction housing facilities on an
41 approved site. Prior to the issuance of no-fee building permits for any temporary
42 recovery or reconstruction housing facilities, the county building official shall
43 approve of the siting of the facilities and the department of health shall permit or
44 otherwise authorize the connection of the temporary recovery or reconstruction
45 housing facilities to an on-site wastewater treatment and disposal system or to an
46 existing community wastewater treatment system;

- 1 (4) No clearing or filling of environmentally sensitive lands may occur as a result of
2 providing temporary recovery or reconstruction housing facilities;
- 3 (5) Temporary recovery or reconstruction housing facilities shall ensure that temporary
4 electrical and sewage lines do not constitute an attractive nuisance to children or
5 homeless persons in the area (i.e., sufficient temporary fencing may be required by
6 the building official);
- 7 (6) Temporary recovery or reconstruction housing facilities shall remain in place only for
8 the period expressly set forth in the relevant authorizing emergency directive or board
9 resolution. However, with respect to any particular site, the building official may
10 extend the allowed placement one or more times for a cumulative period not to
11 exceed 180 days, and with respect to one or more, or all permitted sites, the board of
12 county commissioners may by resolution extend the period of permitted placement as
13 deemed necessary or expedient to the public good. However, nothing in this section
14 shall prevent the county or any state or federal authority to terminate without notice
15 the authority to keep any temporary housing structures otherwise authorized under
16 this section should it be deemed required for the public safety; and
- 17 (7) The only persons permitted to reside for any period in temporary recovery or
18 reconstruction housing facilities are individuals who while in the county are actually
19 gainfully employed on a fulltime basis in completing cleanup and reconstruction
20 efforts following a natural or manmade disaster. All residents of temporary recovery
21 or reconstruction housing facilities who were not permanent residents of the county
22 prior to first occupying such housing facilities must be required to evacuate in
23 accordance with local evacuation orders. Residents of any temporary recovery or
24 reconstruction housing facilities who were permanent residents of the county prior to
25 first occupying such housing facilities may not remain in temporary recovery or
26 reconstruction housing facilities during any period when a local evacuation order is in
27 effect.

28
29 (f) Placement of RVs for temporary emergency worker housing associated with ongoing,
30 long-term public works projects. Notwithstanding the provisions of chapter 130, Land
31 Use Districts, and chapter 138, Rate of Growth Restrictions (ROGO/NROGO), RVs may
32 be placed on public or private property within the county for temporary occupancy by
33 workers occupied in an ongoing, long-term public works project:

- 34 (1) A resolution of the board of county commissioners shall be issued authorizing the
35 placement of the temporary RV or RVs;
- 36 (2) Placement of temporary RVs shall not interfere with public safety;
- 37 (3) Temporary RVs shall be adequately tied down and provide for proper solid waste
38 disposal, and where used to house workers involved in construction activities, shall
39 require a no-fee building permit, linked to the building permits for the related
40 construction activities. Prior to the issuance of no-fee building permits for any
41 temporary RV, the county building official shall approve of the siting of the RV and
42 the department of health shall permit or otherwise authorize the connection of the
43 temporary recovery or reconstruction housing facilities to an on-site wastewater
44 treatment and disposal system or to an existing community wastewater treatment
45 system;

- (4) No clearing or filling of environmentally sensitive lands shall occur as a result of providing temporary RVs;
- (5) Temporary RVs shall ensure that temporary electrical and sewage lines do not constitute an attractive nuisance to children or homeless persons in the area (i.e., sufficient temporary fencing may be required by the building official);
- (6) Temporary RVs shall remain in place only for the period expressly set forth in the relevant authorizing board resolution. However, with respect to any particular site, the building official may extend the allowed placement one or more times for a cumulative period not to exceed 180 days, and with respect to one or more, or all permitted sites, the board of county commissioners may by resolution extend the period of permitted placement as deemed necessary or expedient to the public good. However, nothing in this section shall prevent the county or any state or federal authority to terminate without notice the authority to keep any temporary housing structures otherwise authorized under this section should it be deemed required for the public safety; and
- (7) The only persons permitted to reside for any period in temporary RVs are individuals who while in the county are actually gainfully employed on a fulltime basis in completing construction efforts related to a public works project.

* * * * *

Sec. 130-5. Temporary uses including public assemblies.

(a) Applicability. If not already provided for as a permitted use by the Land Development Code, a temporary use shall be a permitted use in any land use (zoning) district, provided it meets the criteria set forth in subsections (b) and (c). This section shall not override or substitute for any other section of this Land Development Code that requires another type of permit, certification or approval.

(b) Temporary uses other than public assemblies. Approval of a temporary use shall be granted only if the following criteria are met:

- (1) Prior to establishment of the temporary use, a special building permit shall be issued in accordance with this section and section 6-112.
- (2) The temporary use shall be compatible with the surrounding uses. If necessary, prior to issuance of a public assembly permit, the planning director may require a meeting with the applicant, the planning director (or his/her designee), building official (or his/her designee), the sheriff (or his/her designee), the fire chief (or his/her designee), and/or a representative of the county health department to negotiate mutually satisfactory conditions under which the temporary use may be approved to avoid substantial harm to the public health or safety and to minimize or to avoid substantial harm to, or impairment of the normal use of, a public place or to avoid substantial harm to the environment.

(c) Public assemblies. Public assembly means a type of temporary use that is attended by members of the general public, with or without an admission charge, when the duration of the event is less than one week and anticipated daily attendance is expected to exceed

1 250 persons. Approval of a public assembly shall be granted only if the following criteria
2 are met:

3 (1) Prior to the public assembly, a public assembly permit shall be applied for and issued
4 in accordance with this section. A special building permit described in subsection (b)
5 shall only be required for a public assembly if the building official determines that a
6 temporary structure(s) associated with the public assembly requires such building
7 permit approval.

8 (2) A complete application for a public assembly permit shall be filed with the planning
9 department at least nine days before the day on which the public assembly is to be
10 held. However, if the public assembly is to be held within nine days after a specific
11 and unanticipated event or announcement of public importance and in response to it,
12 the application shall be filed within 24 hours after the event or announcement and at
13 least 36 hours before the public assembly is to be held. The planning director may
14 also receive and act on an application even though the application was not filed in
15 time if necessary to preserve the First Amendment rights of an applicant.

16 (3) A complete application shall include:

17 a. The date(s) in which the public assembly is to be held;

18 b. The name, residence address, and telephone number of the applicant, the principal
19 officers of the applicant, and any other individual authorized to represent the
20 applicant in applying for the permit;

21 c. The designated place where the assembly is to be held;

22 d. The anticipated daily hours of operation;

23 e. Proof that the requested use by the applicant of the designated place has been
24 granted by the person or government having the authority to grant the use of that
25 place;

26 f. The estimated number of persons expected to participate in or attend the public
27 assembly;

28 g. The general nature of the public assembly and the arrangements made to protect
29 the public health and safety during the conduct of the public assembly, including
30 arrangements with respect to traffic direction and control, crowd control and
31 sanitation facilities;

32 h. Proof of coordination with the Monroe County Sheriff's Office, Monroe County
33 Fire Rescue, and the Monroe County Health Department.

34 i. Any additional information the applicant wishes to furnish.

35 (4) The public assembly shall be compatible with the surrounding uses. If necessary,
36 prior to issuance of a public assembly permit, the planning director may require a
37 meeting with the applicant, the planning director (or his/her designee), building
38 official (or his/her designee), the sheriff (or his/her designee), the fire chief (or his/her
39 designee), and/or a representative of the county health department to negotiate
40 mutually satisfactory conditions under which the public assembly may be held to
41 avoid substantial harm to the public health or safety and to minimize or to avoid
42 substantial harm to, or impairment of the normal use of, a public place or to avoid
43 substantial harm to the environment.

44 (5) The planning director must:

45 a. If a complete application was submitted in the proper timeframe and there is not a
46 reasonable likelihood that the public assembly will substantially harm the public

- 1 health or safety or the environment or substantially impair the normal use of a
2 public place, issue the public assembly permit with or without conditions; or
3 c. Deny the permit.
- 4 (6) The planning director must give the applicant immediate notice in writing of his or
5 her action on the application. The planning director is deemed to have granted the
6 permit on the terms requested if:
- 7 a. In the case of a permit applied for at least nine days before the date of the public
8 assembly, the planning director fails to issue a permit or a written denial four days
9 before the scheduled date of the public assembly; or
- 10 b. In the case of a permit applied for within eight days or less before the date of the
11 public assembly, the planning director fails to issue a permit or a denial 24 hours
12 before the scheduled date of the public assembly.
- 13 (7) A public assembly permit shall be issued by the planning director until at least six
14 months prior to the opening date of the event.
- 15 (8) If there is a reasonable likelihood that a public assembly will substantially harm the
16 public health or safety or environment or substantially harm, or impair the normal use
17 of, a public place, then the planning director may grant the permit only upon
18 conditions reasonably necessary to avoid substantial harm to the public health or
19 safety or environment and to minimize the effect of, or avoid, the substantial
20 impairment of the normal use of a public place. These conditions may include
21 designating a different time and place; restricting the daily hours and duration of the
22 public assembly; requiring the installation of temporary sanitation facilities; requiring
23 the provision of emergency medical or fire services; requiring the applicant to
24 establish crowd and traffic control procedures; requiring the presence of law
25 enforcement officers; requiring restoration of the public assembly location to its
26 preassembly condition; and requiring the applicant to designate individuals in charge
27 to facilitate dealing with any emergencies that may arise. If there is an admission
28 charge or if goods or services are sold or donations solicited in exchange for goods or
29 services, then the planning director may require the person holding the public
30 assembly to reimburse the county for the cost of any additional law enforcement
31 officers, emergency medical personnel, and firefighters; to restore the public
32 assembly location to its preassembly condition, and to furnish a bond, in a form
33 satisfactory to the county attorney, to insure reimbursement and restoration. In
34 determining whether to grant a permit only upon compliance with conditions, the
35 planning director must consider whether:
- 36 a. A permit has been granted to others to hold a public assembly at the same time in
37 the same or nearby location;
- 38 b. Public sanitation facilities are adequate;
- 39 c. Noise, litter, the pollution of water or air, or damage to the environment, will be
40 caused by the public assembly;
- 41 d. Traffic generated by the public assembly will affect normal traffic movement;
- 42 e. The time and place are suitable in view of the number of persons expected to
43 attend;
- 44 f. Food, water, and emergency medical and fire services are accessible to the public
45 assembly;
- 46 g. Temporary structures such as tents or stages are anticipated;

- 1 h. There is sufficient time to permit law enforcement, fire and emergency medical
2 officers to make the necessary arrangements to avoid substantial harm to the
3 public health and safety;
4 i. The public assembly will substantially impair the provision of fire and police
5 protection and medical and other essential services;
6 j. The public assembly will unreasonably interfere with the quiet enjoyment of a
7 residential community;
8 k. There is an alternate available location that will reasonably serve the objectives of
9 the public assembly if the requested location will likely result in substantial harm
10 to the public health or safety or environment or will cause substantial harm to, or
11 impairment of the normal use of, a public place;
12 l. There is a special relationship between the subject of the public assembly and the
13 location that makes it reasonable to impose extraordinary burdens on the
14 individuals residing or present in nearby areas; and
15 m. The imposition of conditions will materially interfere with the reasonable and
16 lawful objectives of the public assembly.
17 (9) If there is reasonable likelihood that a public assembly will substantially harm the
18 public health or safety or the environment and the harm cannot be sufficiently
19 mitigated or avoided by the imposition of conditions, then the planning director must
20 deny the permit application and immediately inform the applicant in writing stating
21 the reasons for denial.
22 (10) If the public assembly will require a noise variance, then the applicant must obtain
23 a noise permit or variance under the procedures set forth through the applicable
24 provisions of this Code. A public assembly permit does not authorize, waive, or
25 exempt a violation of the noise regulations.
26 (11) A public assembly permit also does not constitute an authorization or permit for
27 the sale of alcoholic beverages. If the applicant wishes to sell alcoholic beverages at
28 the public assembly, he must obtain a permit for such sales through the applicable
29 provisions of this Code.
30 (12) Modification of permit terms and revocation of a permit:
31 a. If there is a material change in the circumstances of the public assembly after a
32 permit is granted, the applicant must immediately inform the planning director of
33 the change.
34 b. By agreement with the applicant, the planning director may at any time amend the
35 terms of the permit to impose additional or different conditions. On the basis of
36 material change in the circumstances, as either reported by the applicant or
37 determined by the planning director after investigation, that present a reasonable
38 likelihood that the public assembly will substantially harm the public health or
39 safety or the environment, or will substantially impair the normal use of a public
40 place not covered by the permit, the planning director may impose additional or
41 different conditions to the extent authorized by section 17-31. If the applicant and
42 the planning director cannot agree on the additional or modified conditions, the
43 planning director may unilaterally amend the permit but such amendment is not
44 effective until a written notice of the permit amendment is furnished to the
45 applicant.

1 c. If the change in circumstances, as reported to or determined by the planning
2 director, is such that there is a reasonable likelihood that the public assembly will
3 substantially harm the public health or safety or the environment and that the
4 harm cannot be avoided by the imposition of additional or different conditions as
5 authorized by section 17-31, then the planning director must revoke the permit
6 and immediately inform the applicant in writing of the revocation and the reasons
7 for it.

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11 IV RECOMMENDATION

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13 Staff has found that the proposed text amendment would be consistent with the provisions of
14 §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those
15 on which the text or boundary was based; 2. Changed assumptions (e.g., regarding
16 demographic trends); 3. Data errors, including errors in mapping, vegetative types and
17 natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for
18 additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that
19 the proposed text amendments are necessary due to a recognition of a need for additional
20 detail or comprehensiveness.

21
22 Staff recommends that the Board of County Commissioners amend the Monroe County Code
23 as stated in the text of this staff report.