

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: May 20, 2015  
Bulk Item: Yes X No \_\_\_

Division: Growth Management  
Department: Planning & Environmental Resources  
Staff Contact Person/Phone #: Christine Hurley, 289- 2517  
Mayté Santamaria, 289-2562

---

**AGENDA ITEM WORDING:** A Public Hearing to consider an amendment to Section 6-3 of the Monroe County Code (MCC) relating to the allowance of temporary setback variances for temporary construction staging areas with a special permit granted by the Board of County Commissioners.

---

**ITEM BACKGROUND:**

At the December 10, 2014 BOCC meeting, the BOCC adopted an ordinance creating Section 6-3 for temporary construction staging areas for an off-site project being carried out by a governmental agency.

Temporary construction staging areas have been permitted in zoning districts that allow storage or industrial uses; however, this does not capture all scenarios in that some construction projects widely spread and/or not located near zoning districts that allow for storage or industrial uses. As such, on occasion there may be the circumstance that staging areas may be required to be located in residential zoning districts that do not allow storage or industrial uses. Additionally, certain projects may find difficulty siting materials and equipment within the dimensions and the setback requirements of the residential zoning districts. An amendment is being proposed to Section 6-3 to allow the BOCC to determine if the temporary construction staging may occur temporarily within the setbacks to alleviate increased public expenses and avoid threats to public health and safety, provided the adjacent property owners submit letters of no objections to the temporary variance.

---

**PREVIOUS RELEVANT BOCC ACTION:**

November 18, 2014, the BOCC approved the permission to advertise a public hearing on December 10, 2014, for an ordinance creating Section 6-3 for temporary construction staging areas. At the December 10, 2014 public hearing, the BOCC adopted an ordinance creating Section 6-3 for temporary construction staging areas. On January 21, 2015, the BOCC adopted an ordinance amending §101-1, §130-4 and §130-5 of the Monroe County Code (MCC) relating to temporary housing and uses.

---

**CONTRACT/AGREEMENT CHANGES:** None

---

**STAFF RECOMMENDATION:** Approval

---

**TOTAL COST:** N/A      **INDIRECT COST:** N/A      **BUDGETED:** Yes \_\_\_ No N/A

**DIFFERENTIAL OF LOCAL PREFERENCE:** N/A

**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes \_\_\_ No N/A      **AMOUNT PER MONTH** N/A      **Year** \_\_\_

**APPROVED BY:** County Atty X  OMB/Purchasing \_\_\_ Risk Management \_\_\_

**DOCUMENTATION:** Included X      Not Required \_\_\_

**DISPOSITION:** \_\_\_\_\_      **AGENDA ITEM #** \_\_\_\_\_



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

**MONROE COUNTY, FLORIDA  
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS  
ORDINANCE NO. \_\_\_\_ - 2015**

22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF  
COUNTY COMMISSIONERS AMENDING SECTION 6-3,  
TEMPORARY CONSTRUCTION STAGING AREAS TO ALLOW  
TEMPORARY SETBACK VARIANCES AS PART OF THE  
APPROVAL PROCESS FOR CONSTRUCTION STAGING AREAS  
BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING  
FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL  
ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR  
INCORPORATION INTO THE MONROE COUNTY CODE OF  
ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

33  
34  
35  
36  
37  
38

**WHEREAS**, a clearly defined approval process for temporary construction staging areas has been created; and

39  
40  
41  
42  
43  
44  
45

**WHEREAS**, the Board of County Commissioners shall approve or deny special permit applications for such construction staging areas; and

**WHEREAS**, the Board of County Commissioners may attach conditions to any special permit approval to a) avoid substantial harm to public health or safety; b) avoid substantial harm to, or impairment of the normal use of, a public place; and/or c) avoid substantial harm to the environment; and

**WHEREAS**, the Board of County Commissioners makes the following Conclusions of Law: 1) the ordinance is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; 2) the ordinance is consistent with the provisions and intent of the Monroe County Comprehensive Plan; and 3) the ordinance is consistent with the provisions and intent of the Monroe County Code;

**NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:**

**Section 1.** Section 6-3 of the Monroe County Code shall be established as follows (deletions are ~~stricken through~~ and additions are underlined):

1  
2 **Sec. 6-3. Temporary construction staging areas.**  
3

4 A special permit may be granted by resolution by the board of county commissioners  
5 (BOCC) to allow a property to be used as a construction staging area for an off-site  
6 project. The BOCC shall hold a public hearing on the request for a temporary  
7 construction staging area and shall issue a resolution granting, granting with conditions or  
8 denying the request. The resolution shall take effect on the date of enactment by the  
9 BOCC.

- 10  
11 (a) *Applicability.* A temporary construction staging area for an off-site project is a  
12 permitted activity in any land use (zoning) district, provided it is approved by a  
13 special permit and meets the criteria set forth in this section. This special permit shall  
14 approve the temporary construction staging area location and use and shall not  
15 override or substitute for any other provision of the Florida Building Code and  
16 Monroe County Code that require an additional type of building permit, certification  
17 or approval.  
18
- 19 (b) *Criteria.* Approval of such a special permit shall be granted only if the following  
20 criteria are met:
- 21 (1) The temporary construction staging area shall serve a project being carried out in  
22 the vicinity of the construction staging area;
  - 23 (2) The temporary construction staging area shall serve a project being carried out by  
24 a governmental agency;
  - 25 (3) The temporary construction staging area shall be not be located in a tier I  
26 designated area;
  - 27 (4) The property subject to the request shall be posted and surrounding property  
28 owners within 300 feet shall be notified in writing at least 15 days prior to the  
29 BOCC public hearing, with the notice located so it shall be easily visible from all  
30 public streets and public ways abutting the property;
  - 31 (5) Prior to establishment of the temporary construction staging area, a special  
32 building permit approving any associated temporary structure shall be issued in  
33 accordance with section 6-112;
  - 34 (6) No clearing or filling shall occur to accommodate the temporary construction  
35 staging area;
  - 36 (7) Other than fencing, no temporary structure associated with a temporary  
37 construction staging area shall be located in any required setback, unless the  
38 BOCC determines the temporary construction staging may occur temporarily  
39 within the setbacks to alleviate increased public expenses; avoid threats to public  
40 health and safety; or the project work cannot be readily performed otherwise; and
  - 41 (8) The temporary construction staging area shall be compatible with existing uses on  
42 surrounding properties, as determined by the BOCC. If necessary, prior to  
43 issuance of a special permit allowing the temporary construction staging area, the  
44 BOCC board may attach conditions to any special permit approval to a) avoid  
45 substantial harm to public health or safety; b) avoid substantial harm to, or  
46 impairment of the normal use of, a public place; and/or c) avoid substantial harm

- 1 to the environment. Depending on the nature and anticipated duration of the use,  
2 as a condition of approval to the special permit, the board reserves the right to:
- 3 a. Provide a deadline for termination of the construction staging area;
  - 4 b. Limit the hours of operation;
  - 5 c. Limit the type of equipment and materials on the site;
  - 6 d. Require fencing, landscaping and/or other screening to limit potential visual  
7 and noise impacts of the use on adjacent property owners; ~~and~~
  - 8 e. Provide for temporary setback variances to allow construction staging to occur  
9 temporarily within the setbacks, provided the adjacent property owners submit  
10 letters of no objections to the temporary variance; and
  - 11 f.e. Require surface water management improvements to the affected site; and
- 12 (9) The property shall be restored to its prior condition.  
13  
14

15 **Section 2. Severability.**

16  
17 If any portion of this ordinance is for any reason held invalid or declared to be unconstitutional,  
18 inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this  
19 ordinance or any provision thereof shall be held to be inapplicable to any person, property or  
20 circumstances, such holding shall not affect its applicability to any other person, property or  
21 circumstances.  
22

23 **Section 3. Conflicting Provisions.**

24  
25 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the  
26 extent of said conflict.  
27

28 **Section 4. Inclusion in the Code of Ordinances.**

29  
30 The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances  
31 of the County of Monroe, Florida, as an addition to amendment thereto, and shall be  
32 appropriately renumbered to conform to the uniform numbering system of the Code.  
33

34 **Section 5. Transmittal and Effective Date.**

35  
36 This Ordinance shall be filed with the Department of State and shall be effective as provided in  
37 section 125.66(2)(b), Florida Statutes.  
38  
39  
40

41 *The remainder of this page intentionally left blank*  
42

1 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida  
2 at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2015.

3  
4 Mayor Danny L. Kolhage \_\_\_\_\_  
5 Mayor *pro tem* Heather Carruthers \_\_\_\_\_  
6 Commissioner Sylvia Murphy \_\_\_\_\_  
7 Commissioner George Neugent \_\_\_\_\_  
8 Commissioner David Rice \_\_\_\_\_

10 BOARD OF COUNTY COMMISSIONERS  
11 OF MONROE COUNTY, FLORIDA

13 BY: \_\_\_\_\_  
14 Mayor Danny L. Kolhage

15 (SEAL)  
16 ATTEST: AMY HEAVILIN, CLERK

17 \_\_\_\_\_  
18 Deputy Clerk

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
*STEVEN T. WILLIAMS*  
STEVEN T. WILLIAMS  
ASSISTANT COUNTY ATTORNEY  
Date 3/25/15



Example for Canal 290

# Example of temp staging w/ variance request





- Chain link fence with privacy screen
- Gate
- Straw Waddles
- Return water pipeline
- Dredge influent pipeline

Example

Canal 290



**Example of adjacent property owners:**

Provide for temporary setback variances to allow construction staging to occur temporarily within the setbacks, provided the adjacent property owners submit letters of no objections to the temporary variance.

