

Ad Hoc Planning and Development Services Citizens' Advisory Committee

Don Horton Chair

Brett Ekblom Vice-Chair

Dave Boerner

Ken Gentes

Roger Young

**AD HOC PLANNING AND DEVELOPMENT SERVICES
CITIZENS' ADVISORY COMMITTEE
REPORT TO VILLAGE COUNCIL
THURSDAY, APRIL 25, 2013**

**MAYOR, KEN PHILLIPSON
VICE MAYOR TED, BLACKBURN
COUNCILPERSON, MIKE FORSTER
COUNCILPERSON, DEB GILLIS
COUNCILPERSON, DAVID PURDO**

Mayor & Council;

Before I start with the report from the committee I would like to acknowledge the committee members who worked tirelessly on this project; Brett Ekblom, Dave Boerner, Kenny Gentes, and Roger Young.

This committee was given with a monumental task and we were able to meet (oftentimes more than) once a week. We were able to listen to honest stories and real concerns voiced by the citizens of Islamorada.

This committee reviewed the enabling Resolution and conducted the meeting in order to address the three major issues in that resolution that necessitated this discussion. We specifically discussed with the attendees, the process, the code, and staffing.

As many of your recall, during the incorporation effort of Islamorada one of the main complaints was that the county's building and planning departments were broken. The majority of the citizens voted for incorporation and many voted solely because they wanted to have a user friendly, open, and simpler process. We wanted to control our destiny and have a department that would work with us, instead of against us. Well we must report that we are sadly back in the same situation as pre-incorporation, at least as it relates to parts of the Planning and Development Services Department.

If the council will allow us to take the time to detail the main issues expressed by the citizens and to graphically explain the areas of concern and the recommendations from the citizens and this committee, we would like to continue:

First we would like for you to review a mock-up of an organizational chart. This chart accurately lays out the Villages' organization from the top down only as it relates to this department, but certainly allows for the understanding that the Village has several other departments that can plug into this chart.

As you will note the top of the chart is the citizens of the Village. These are the folks that our committee met with, and listened to. And from our meetings we were able to glean many legitimate concerns.

Next we have the Village Council. The council listened to their citizens and felt it was important enough to call together this Ad Hoc Committee and to allow us to work unimpeded by not having staff present. We will touch the importance of this in a minute. But none-the-less this council recognized the importance of having unabridged and unsolicited, as well as uncontested HONEST exchanges between the public and this committee. Without allowing this process to take place we likely would have gotten the same pabulum or Political Correctness that is commonly stated in a public forum.

Now below the council is the Village Manager. You all recognize the importance of this position, and in fact you all are about to review the Manager's performance publically, unlike any other evaluation that is done on any other employee in the Village...IT'S THAT IMPORTANT. You are also responsible to negotiate and make sure you and the citizens are pleased with the terms of the contract, the salary for this position and the overall performance of this position, BUT there is one hick-up in this equation.

The Village Manager is not only the top person (a contract employee) but he also is trying to hold down another very important position in the Village staffing, The Planning and Development Services Director, arguably and likely the most influential and powerful position in the Village. Now this comment is not intended to demean the other department heads as their positions are very important, but short of the Fire Chief, the other department head positions are not quite as public, quite as powerful, influential, and exposed as is the Planning and Development Services Director. This Department was supposed to be the focus of this group as well as the code and the process.

We have two full time positions, Top positions, are being filled by one person and that just doesn't work. A manager likely spends 80 hours a week on the job, if he is performing his job successfully. A Planning Director likely spends 50 to 60 hours a week performing his position, if he is doing his job correctly, This council and this community cannot expect one person to deliver 130 hours a week and do either job correctly, effectively, or completely. This is the failure in the system. It also coincides with the major complaints about the process, the staffing, the attitude changes in the department, and other areas of the Village.

So let's get back to our Chart.

The Director of Planning has the responsibility to make sure he is always considering the following:

- 1. CITIZENS VIEWPOINT/OPINION OF THE DEPARTMENT,**
- 2. INTERNAL DEPARTMENT STRUCTURE,**
- 3. PUBLIC AND STAFF COMMUNICATION,**
- 4. CODE UPDATES AND INTREPRETATIONS,**
- 5. COMPUTER SYSTEM AS TO USEFULNESS AND UPGRADES,**
- 6. TIME MANAGEMENT & EFFICENCY.**

AND CERTAINLY SEVERAL OTHER ON GOING DEPARTMENTAL FUNCTIONS.

As we were meeting with the public the following reoccurring general comments boiled up to the surface:

- 1. CITIZENS VIEW OF THE DEPARTMENT, dissatisfied with the number of staff members in Planning, and their workload. Citizens opinions were consistent that planning staff is not helpful, not polite and not timely in return calls or response to questions. Overall the public spoke of fear of retribution, intentional denial of applications and opinion generated decisions. These comments would not have been voiced if staff was present.**
- 2. INTERNAL DEPARTMENT STRUCTURE, Comments were directed towards, the chain of command is not working, IE: a typical response is oftentimes deferred to the Village Attorneys or to the Village Manager.**
- 3. COMMUNICATION, General comments were that staffs communication with the public is not good. Many felt spoken down to and many felt that staff was simply rude. There were many comments that staff did not respond in a timely manner and did not return calls or e-mails timely.**
- 4. CODE UPDATES AND INTREPRETATIONS, Comments from the public and the committee suggested that staff have weekly reviews of comments related to the code and monthly make decisions as to how to better the code in all areas, and when ever needed making written memorandums to the staff as to the Director's interpretations of the code (for future use)**
- 5. REVIEWING THE COMPUTER SYSTEM AS TO USEFULNESS AND UPGRADES, the major comments were that the public can not access application status online and that the Village was 10 years plus behind in digital plan review.**
- 6. TIME MAMNAGEMENT, Most comments were related to lengthy review periods, too much time spent looking for violations from the past. "Too much time looking at Google Earth". Comments were mainly related to lengthy review periods and no accountability as to the reviewer's timelines. Additionally complaints targeted repetitive plan review reports being returned to the applicant.**

SPECIFIC RECOMMENDATIONS:

1. TRAINING:

- a. **Staff needs communication training.** It would be helpful to discuss a method used by Lake County that is given by the Disney Institute. Council should fund training in this area as management has failed to teach this to staff.
- b. **Staff must to be taught proper decision making skills.** Many decisions are based off of personal opinions and personal interpretations of the code. A clear direction from Management is lacking with this skill set.
- c. **Staff should be empowered with proper decision making skills.** Management has failed to empower staff and as such all decisions are referred to management. If the code requires one thing but there is an equal or better alternative staff should be allowed to accept the alternative.
- d. **Staff isn't receiving proper training on interpretation of the code.** Staff has a tendency to interpret the code in the most restrictive way. Management must train the staff on how to use the code to everyone's advantage, unless it is the Council and Management wish to lean towards the more restrictive side of the code. Management has failed to perform correctly in this area.
- e. **Staff is not directed to give good customer service.** Management has not properly trained staff how to deliver good customer service. Again there are specialized training facilities and programs that target good customer service. Staff needs training as how to be "user-friendly". This is a simple concept for government workers/public servants. There are many seminars directed at teaching this skill.
- f. **Staff needs training on being more "user-friendly".** They need to have management show them that code is a fluid document and that if things are not working the code needs changing. Management needs to train staff on how to review the code objectively.
- g. **Lastly staff should be given a written directive as to all interpretations of the code made by management.** The "authority having jurisdiction", IE: the Planning & Development Services Director must memorialize all decisions and interpretations in a memo to the file. There has been no reported instance where staff gave the citizens a memorandum from the Director on any interpretations of the code.

2. PROCESS:

- a. **Plan tracking is a major issue with the public.** During several meeting the citizens discussed how they could not track the status of an application online. Additionally when asked, staff could not readily identify the location of a particular application. This must be reviewed and improved.

- b. Limiting the review within the department is a common comment.**
The department must come up with a comprehensive list of those applications that are simply not necessary for planning to review. This list should include but not be limited to Residential interior renovations, Electrical work, any kind of mechanical, or plumbing work. Planning simply does not need to review seal-coating, re-roofing, or other non-density, non-intensity generating permits. Residential applications should only be reviewed for bulk regulations and landscaping compliance.
- c. Planning review comments on existing structures not part of an application.** Many of the attendees spoke of fear of applying for certain permits because they have had planners, or had been told that planners, look back on Google Earth to find violations (or perceived violations) that are not part of the submitted application. We should note that this complaint was verified by a committee member as fact and not conjecture. The committee's recommendation is that the staff be directed to review the applications at "face value" and to stop trying to find violations. If there is a structure in question but has been documented as existing "pre-incorporation" simply write that that structure is not part of the submitted application and not part of this review. Simply put those applications that planning staff looks at should be fewer and the process should be made easier.
- d. Inspections of stormwater swales and other simple inspections were a common complaint. The public does not understand nor does this committee understand why a Planner needs to be scheduled to do stormwater or simple final inspections. The building inspector is already out on the site looking at the final building inspections and this should be a regular part of their final inspection routine. The committee recommendation is to lessen the number of field inspections required by the Planners during their review and combine these inspections with the regular inspections done by the building inspectors.**
- e. Paperless and concurrent (parallel) reviews, online access to records, and use of credit cards for fees were discussed at several meetings.** Parts of this topic has been discussed on several occasions but never completed. It is the committee's recommendation that the council approve funding to allow for an upgrade to the current software that would allow online access to certain applications and records. The public would like to be able to access application status and inspection history online. It is also the committee's recommendation that management institute a concurrent application review process, where-as the Planning Department, the Building Department should be given plans in a digital format and plan reviews be done concurrently by each department. This process works in many communities and speeds up the process by weeks in some instances.

3. STAFFING:

As an explanation of this topic we offer the following:

Each committee member was tasked with finding three or more cities of like age or, like size in area or, like size in population. Each chose a different group of cities and specifically looked at the structure and size of the Planning and Development Review Department, with or without the same title but having the same responsibilities. Some committee members reported that they looked for a city that had roughly the same population plus/minus 1500 people, while some looked for cities that were comparable in size by plus or minus 5 miles square. The following was a common report:

The Village is 7.2 sq. miles in area, and has roughly 6100 residents; it currently has no fulltime Planning Director, one Assistant Director, three Planners, one Biologist, and one Administrative aid. Most cities of like size and/or like population had a much smaller Planning Department. It was fairly typical to find a Director of Planning, perhaps a Planner, perhaps a planning Tech or assistant planner and an administrative aid. As examples we offer the following:

- a. Tequesta, (2.2 sq. miles – 5629 population) has One Community Development Director, One Assistant Director, and One Clerk.**
- b. Marathon, (9.6 sq miles – 10,200 population) has One Director and two planners.**
- c. Brooksville, (5 sq miles – 7719 population) has One Planning Director and One admin aide.**
- d. Fort Meyers Beach, (6.2 Sq. Mi. – 6277 population) has One Community Development Director, one Community Development Technician one Planning Coordinator and one Environmental Coordinator.**
- e. Neptune Beach, (6.8 sq miles – 7037 population) One Community Development Director.**
- f. Sanibel (33.2 sq. mi. – 6469 population) One Planning Director, two fulltime Planners, two part time Planners.**
- g. Pinecrest, (7.6 sq mi. – 18,223 population) One Planning Director, one Planner, one Administrative Assist.**
- h. Southwest Ranches, (13 sq. mi. – 7345 population) Planning Department uses a Private Planning Firm.**
- i. Key West, (7.4 sq. mi. – 25,000 population) One Planning Director, One Planner, one Biologist, one administrative aide.**

These examples were confirmed either by phone calls or online information from each city site.

The Committee has struggled with this recommendation but can only come to one conclusion. It is the committee's recommendation that the Village Manager hire an experienced fulltime Planning Director. One who has extensive experience with managing employees, working with the public, working in private industry, and an understanding of the Village or a similar code. The Manager must empower that new Director to assess the current staffing, the responsibilities, and the workload and determine how to best utilize staff. It is quite likely that staff numbers can be lowered significantly if the workload is lessened or redirected, and responsibilities are re-evaluated and re-assigned. If fewer applications are reviewed by the planners and fewer inspections are performed by the planners then the workload shifts. It is interesting to note that each of these like cities had relatively an equal number of building department staff as Islamorada currently has on the books, including code officers. Bottom line is that this department needs a close, honest, and painstaking review and must be able to justify completely why Islamorada requires a much larger staff than any other city we have compared in Florida in communities of like size and population, including cities in an area of state critical concern. The committee feels that staffing should be equal to the workload and feels that if the other recommendations are accepted and made, cannot understand why the Village needs more than one working director, one planner, one planning tech, one biologist and one administrative aide.

While reviewing other cities we found many ways to expedite the currently used process that the Village has in place. Marathon for example has set timelines on an application. When an application for development review is accepted at the counter the applicant is given a date certain for the DRC, the Planning Commission meeting and the City Commission meeting for the application. Other cities have timelines established for all staff during the review process. If applications are not reviewed and approved/denied in a set timeline (usually 7 to 15 days) the staff member not performing is given a bad review or relieved from employment. Lake county has developed a Planning department review process where as they assess their code on a monthly basis and rewrite sections as needed. The planning staff is also trained in public service, politeness, and public opinion. It has been the management's goal to find a more user friendly department.

4. Public Opinion:

a. Reprisal, This is a real concern voiced by the Public. This Committee recommends that a written and clear directive be given to staff that Management will not allow reprisal or retribution to be demonstrated by any Village Employee. It is all too easy for a disgruntled employee to make permitting difficult if not impossible for an applicant. The Manager and Director should take these complaints very serious and should follow-up on all complaints that are made regarding this topic. This committee recommends that there be some form of

citizens review committee established that can hear these types of complaints and to follow-up a remedy.

b. Opinionated decisions are of real concern. Committee members as well as the public have reported receiving direction or determinations made off of staff's prejudices and not based off of the code. This committee recommends that Management teach staff that their personal agendas must be "left at the door" and that the code is the determining factor in all decisions. The Village Code is tough enough for some people to meet and it becomes only that much more difficult when opinions are interjected. The manager and the Director of Planning must be sensitive to this and make this a priority.

c. Rude behavior by staff has been reported by citizens to this committee. This committee recommends that Management teach or have staff taught how to handle delicate situations and how not to be rude or considered rude. Again there are classes that are made for this type of training and the Village will be better off if this training was funded. Again Management must follow-up on all complaints and documents their findings.

d. Restrictive interpretations of the code were reported on numerous discussions in the meetings. There have been times when a planner gave an interpretation of the code that later was overturned by the Manager. Usually the interpretation given by staff was on the most restrictive side of the code. After another review by the Manager a more acceptable determination was made and the applicant was much more satisfied with the result. This committee recommends that Management memorialize their interpretations in a memo form. This should help with any misunderstanding of the Manager's direction as to the code. Staff should also be taught that the code is a guideline and their job is to assist the public in finding a way to comply with the code while being able to accomplish any and all reasonable requests. This is clearly the responsibility of the Director of Planning and must be viewed as such.

Final Recap and recommendations:

Attached are the recommendations that this committee gave to the LPA for consideration. We hope the Council will allow the LPA to consider reviewing these codes and highly recommend that staff revisit these codes and rewrite many if not all of them. This committee also highly recommends that the Council consider changing the LPA to a Planning Commission (PC). We recommend that the PC be made up of citizens that are knowledgeable of the Village Code and the Comprehensive Plan. We recommend that the PC have the authority to make decisions and not recommendations on such things as conditional use applications, text amendments and zoning changes. We clearly understand that Council should have the final word on such matters but feel this is best to expedite the process. The PC could also sit as a Board of Adjustment and Appeals in order to hear appeals to

a planning decision or code interpretation, as well as other contested decisions made by the Planning Director.

This committee recommends that a like committee be established and allowed to meet every other month to follow-up on these recommendations and track the implementation of the recommendations. This like committee should be responsible to report directly to council as to their findings and should be the voice for citizens' regarding, complaints or concerns.

This committee cannot stress the need for staff to be properly trained in the areas of public service, public opinion, and work ethics.

This committee agrees that many sections of the Village code must be reviewed and changed and recommends that the Village Council be proactive on updating the code as well as listening to public complaints regarding the code. Management also must be proactive in recognizing and recommending to Council all necessary updates to the code, based off of need and public input.

This Committee recognizes the need for written interpretations and determinations made by the director. Staff must have clear direction in order to accurately implement and enforce the code.

Lastly this committee understands the need for proactive code enforcement and recommends that the Manager institute a proactive code enforcement department including additional code enforcement staff as needed. There are many properties in the Village that have been transformed, added to, intensified in use, and increased in size, recently with no fear of enforcement. This sets an example that should not be tolerated and shows a weak management style/mentality.

Respectfully submitted by the committee, and affirmed by vote as follows:

**Motion to approve this report and to submit to Council was made ON 4-22-13 by:
Kenny Gentes**

**Motion Seconded by:
Roger Young**

Donald Horton, Chair	YES
Brett Ekblom, Vice Chair	YES
Dave Boerner,	YES
Kenny Gentes,	YES
Roger Young,	YES

RECOMMENDED LDRS TO BE REVIEWED BY LPA FOR REVISIONS

The Committee heard Public Comments regarding sections of the Land Development Regulations which are either inappropriate to our community, inadequately defined or otherwise needing of review and possible revisions, as listed below.

30-32: Specific Definitions

Construction Impact Zone: Redefine 5' distance to horizontal projection below a specific height compatible with vegetative growth under high roofs.

Enclosure: Include habitable use of enclosures below elevated structures when above base flood elevation.

Guesthouse: Increase allowable area beyond 500 SF.

Impervious Surfaces: size of grain/gravel limit to determine as impervious

Mean-High Water Line: include the face of a seawall, bulkhead or similar vertical or near vertical surface that extends above the tidal high water line.

Open Space: include the area within the Construction Impact Zone beyond the building roof drip line.

Open Water: Clarify to include exclusions for basins, manmade cut in boat slips, manmade canals, channels or basins that are cut into the open water frontage and are directly open to the open water.

Primary Frontage: Add definition for the primary frontage when a property faces on to more than one street.

Rip-Rap: Remove the dimensions in the definition of rip-rap and change to a performance standard of natural or concrete boulders used to protect underlying surfaces and shorelines.

Setbacks: Limit definition to the furthestmost horizontal projection of the roof line or components greater than a specific height above adjacent ground to allow porch stoops, simple steps and ground mounted mechanical equipment within the setback.

Shoreline:

- a) Define transitional zones landward of the mean high water line for specific measurement purposes.
- b) Define the mean shoreline to exclude for setback purposes cut in boat slips, channels or other manmade cuts into the shoreline minor to the total shoreline width.
- c) Clarify Altered Shoreline: include locations directly fronting on open water that have been lawfully filled, vertically bulk headed or modified to such a degree that the original slope landward of the shoreline no longer exists.

30-215: Site Plan Review (d)(20) Non-Residential Design Features: Review and modify architectural design standards based upon community experience with individual components

- a) Building Articulation: reduce required depth of horizontal articulation on small buildings from 5' to 3'
- b) Pedestrian Access: Reduce required sidewalk from 5' width to minimum of 3' width or required by building code.
- c) Parking setback: Clarify the 3' minimum setback from the front setback line includes integration of eth parking into any required major street bufferyard whereby the displaced area of the bufferyard by parking is distributed into and around the remaining parking area.

30-361: Impact Fees, Authority, Intent and Purpose: Review impact fees.

30-471: Building Permit Allocation System, Intent and Purpose

Residential: The program fails to meet the intended purposes and should be reworked

- a) The stated intent is to regulate growth to deter environmental degradation and encourage redevelopment in residential tracts the program but in practice only delays growth for the four year period until the property works its way to the top of the list or is open to administrative relief at which time the Village must acquire the property or grant the permit.
- b) Since the extensive waiting list takes several years to reach an allocation without purchasing points through land donations or other expensive procedures middle and lower income residents can rarely afford to hold a property for the four years before building. As such it denies access to market rate residential development.
- c) Since the Village can rarely afford to purchase properties which reach administrative relief, especially the larger and more wooded or beach front properties which are the most environmentally sensitive, the program provides no practical discouragement for development of turtle nesting area, high grade hammock and other sensitive properties.
- d) Allocations should truly reward immediate construction in scarified, plated residential subdivisions.

Non-Residential: The program fails to meet the intended purposes and should be reworked

- a) Non-residential development increases public facilities without affecting evacuation, public safety or the other aspects of the stated Intent and Purpose of BPAS when compliant with the other LDRs affecting development.
- b) Restricting new non-residential construction encourages the “banking” of deteriorated, unoccupied or otherwise degraded commercial properties rather than renovating these properties to rentable standards since the degraded properties retain an artificial value as transferable area which would not exist without BPAS.
- c) The additional cost and delays of seeking a non-residential allocation deters small businesses from making minor additions or expansions that would improve their facilities and operations but has little or no impact on the operating margins of large, “big box” developments which are considered less desirable in the Comprehensive Plan.

30-681: Zoning Districts, Purpose, Uses Generally, Districts established: Modify setbacks, landscape requirements and parking requirements appropriate to actual conditions present in Islamorada’s typical small and intermixed properties, especially those fronting on the unusually wide right of way of US-1

- a) Reduced front, rear and side setbacks on commercial and transient residential properties to enable more effective use of small properties when not adjacent to non-transient residential properties
- b) Encourage roof overhangs for shading and aesthetics through allowance of roof overhangs to extend into the setbacks up to the 5’ fire code limitations to adjacent property lines.
- c) Eliminate landscape buffers between differing commercial and transient non-residential zoning districts that serve no practical purpose while retaining buffers between commercial/transient residential and adjoining non-transient residential properties.
- c) Eliminate loading zones on smaller commercial and transient residential properties which are rarely used and remove valuable space otherwise available for open space and parking on these properties.
- d) Expand the range of parking requirements to more use categories to match practical parking requirements to actual uses.
- e) Create parking districts with in the commercial districts within the Village wherein businesses can acquire rights to off-site parking availability on Village owned right of way and properties through a fee that pays for the improvement of the off-site parking facilities in lieu of limiting development on site to make room for code required on-site parking
- f) Review the various Zoning Districts for further clarification and designations of uses appropriate to actual uses found within the Village.

30-739: Non-conforming Structure: Enable methods to recognize non-conforming structures on properties to allow new or additional work on the conforming portions of the properties and structures to encourage renovations and improvements in recognition of the varied and older development within the Village which largely occurred prior to establishment of current zoning regulations such as setbacks and parking requirements.

30-765: Guesthouses and Caretaker Units: Review 500 SF size limitation

30-791: Outdoor Lighting, Generally: Clearly and graphically define the limits of areas requiring special turtle nesting lighting restrictions. Correct prohibition on Mercury-Vapor lighting (Fluorescent lighting is technically Mercury Vapor) to prohibition of HID lighting of specific intensity and wave-length

30-792: Outdoor Lighting, (i)(4) Specialty Lighting: Include uses of underwater lighting (docks).

30-814: Landscaping, Scenic Corridors and Major Street Bufferyards: Reduction of Major Street Bufferyards for commercial and transient residential properties fronting on US-1 recognizing business purposes of frontage and parking issues along the unusually wide right of way of US-1

30-816: Landscaping, Zoning District Boundary Bufferyards:

- a) Eliminate bufferyard between differing commercial and transient residential zoning districts as unnecessary and impractical use of space on small properties.
- b) Define allocation of bufferyards when shared between two properties to require only the planting of the required portion of the bufferyard by the new development with the remaining plantings held in reserve until the adjacent side is developed or redeveloped in the future in a manner requiring bufferyard plantings.

30-820: Clear Sight Distance: Define the measurements of the clear sight triangle

30-852: Off Street Parking

- a) Expand the range of parking requirements to more use categories to match practical parking requirements to actual uses and reduce parking requirements where appropriate.
- b) Create parking districts within the commercial districts within the Village wherein businesses can acquire rights to off-site parking availability on Village owned right of way and properties through a fee that pays for the improvement of the off-site parking facilities in lieu of limiting development on site to make room for code required on-site parking
- c) Define the limits of off-street parking on commercial and transient residential properties to the side and rear property lines and to 3' from the front property line, including integrating parking into any required major street bufferyard whereby the required area of the bufferyard offset by parking within the bufferyard is offset into the parking area.
- d) Shared parking agreements between property owners are required in perpetuity which negates their acceptance as a means of reducing parking requirements through off-hour usage of excess parking.

30-853: Off Street Loading: Eliminate loading zones on smaller commercial and transient residential properties which are rarely used and remove valuable space otherwise available for open space and parking on these properties.

30-855: Driveways: Include information that driveway widths may be reduced in width upon approval by the Fire Dept.

30-1402: Development Standards for New Outdoor Seating Areas, Outdoor Seating Areas on Water Dependent Structures Serving Commercial Use: Eliminate landscape buffer and fencing requirements.

30-1542: Shoreline Setback: Clarify shoreline setbacks for unique and specific situations

- a) Clarify altered shoreline as currently or previously altered that have been lawfully filled, vertically bulk headed or modified to such a degree that the original slope landward of the shoreline no longer exists.
- b) Clarify that on altered and unaltered open water shorelines that contain cut in boat slops, ramps, beaches or other man-made cuts through the shoreline that comprise a minor percentage of the shoreline that the shoreline for setback purposes exists at the mean of the shoreline and setbacks for the cut-in items are for the altered shoreline of the man-made component.
- c) Clarify that on man-made canals that contain cut-in boat slips, ramps, beaches or other man-made cuts through the face of the canal that comprise a minor percentage of the canal frontage that the shoreline for setback purposes exists at the mean face of the man-made canal structure for all purposes.
- d) Clarify that for purposes of determining the Mean High Water Line on man-made canals and bulkheaded or rip-rap faced altered open water shorelines that the face of the vertical structure shall comprise the Mean High Water line when the structure extends above the average high tide line.

30-1545: Bulkheads, seawalls and rip-rap

- a) Include a definition for breakwaters that extend or exist seaward of the shoreline
- b) Provide criteria for the placement of rip-rap on bottomlands when hardening of shorelines or repair of existing rip-rap hardened shorelines or breakwaters

30-1550: Standards applicable to pier type docks, Terminal Platform: Clarify and expand the type and style of the pier terminal platform to allow unique types that do not infringe on setbacks and fall within the total area limit.

30-1613: Habitat Analysis: Provide that a habitat analysis performed at the time of submission for a permit allocation (BPAS) shall provide a single snap-shot in time for the subsequent development of the property.

30-1614: Open Space Requirements:

- a) Define the required open space area to include areas temporarily designated as Construction Impact Zones.
- b) Define the extent of the hammock or other environmental feature on a platted subdivision lot to be classified as a single habitat type or Disturbed with a habitat type rather than splitting the lot into multiple classifications.

30-1615: Transplantation and Restoration Standards: Allow the mitigation fee to be an initial option to transplantation or revegetation.

30-1727: Stormwater Management, General Design and Performance Requirements: Encourage use of berms and structures along property lines and against shorelines to achieve required stormwater retention on site in shallow sheets rather than use of excavated swales.

Other Miscellaneous Revisions

- a) Flood Plain Regulations: Clarifications to allow a second kitchen in single family residences when all the habitable living area is above the base flood elevation and the space is not sub-dividable.
- b) Conservation Easements: Define specifically when a conservation easement will be required and the exemptions from conservation easements in protecting open space

AD HOC PLANNING SERVICES DEVELOPMENT REVIEW

