



**MONROE COUNTY, FLORIDA  
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS  
ORDINANCE NO. 004 - 2011**

FILED FOR RECORD  
2011 MAR 11 PM 3:05  
DAA-001-001-001-001  
DAA-001-001-001-001  
DAA-001-001-001-001  
DAA-001-001-001-001

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 130-92(A), RECREATION VEHICLE DISTRICT, TO AMEND THE AS-OF-RIGHT PERMITTED USES IN THE RECREATIONAL VEHICLE (RV) LAND USE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Monroe County currently has 11 Recreational Vehicle (RV) districts; and

**WHEREAS**, the purpose of the Recreational Vehicle (RV) district is to establish areas suitable for the development of destination resorts for recreational vehicles and other transient units. A vacation rental use would be consistent and compatible with a type of transient use and therefore have a little to no impact on the current uses of these districts; and

**WHEREAS**, as set forth in Section 130-92 of the Monroe County Code, market-rate, permanent residential dwelling units are not permitted in the Recreational Vehicle (RV) district; however, some market-rate permanent residential dwelling units were established prior to the September 15, 1986 adoption of the current land development regulations and are lawfully nonconforming; and

**WHEREAS**, other districts allow nonconforming market-rate, permanent residential dwelling units to be used as vacation rentals as permitted in Section 134-1 of the Monroe County Code. Vacation rental uses are defined as an attached or detached dwelling unit that is rented, leased or assigned for tenancies of less than 28 days duration. Vacation rental uses do not include hotels, motels, and RV spaces; and

**WHEREAS**, as set forth in Section 130-92(a)(3) of the Monroe County Code, accessory uses, including permanent owner/employee residential dwelling units are permitted in the Recreational Vehicle (RV); and

**WHEREAS**, the term “permanent owner/employee residential dwelling unit” is not defined in the Monroe County Code; and

**WHEREAS**, permanent housing is not considered a type of accessory use per the definition of accessory use in Section 101-1 of the Monroe County Code; and

**WHEREAS**, the text amendment is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan. The Recreational Vehicle (RV) district designation corresponds to the future land use map designation of Mixed Use / Commercial (MC), as set forth in Policy 101.4.21. Vacation rental use would be consistent with Policy 101.4.5, which states the principal purpose of the Mixed Use / Commercial (MC) future land use category; and

**WHEREAS**, the text amendment is consistent with the provisions and intent of the Monroe County Code: a) Vacation rental use would be consistent with §130-42 of the Monroe County Code, the purpose of the Recreational Vehicle (RV) district and b) the proposed text amendment meets all of the standards for text amendments as set forth in Section 102-158(d)(5)(b) of the Monroe County Code, specifically 5. Recognition of a need for additional detail or comprehensiveness; and

**WHEREAS**, the text amendment is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

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

**Section 1.** Section 130-92(a) shall be amended as follows):

(a) The following uses are permitted as of right in the recreational vehicle district:

- (1) Recreational vehicle spaces. RV spaces are intended for use by traveling recreational vehicles. RV spaces may be leased, rented or occupied by a specific, individual recreational vehicle, for a term of less than 28 days, but placement of a specific, individual recreational vehicle (regardless of vehicle type or size) within a particular RV park for occupancies or tenancies of six months or more is prohibited. Recreational vehicles may be stored, but not occupied, for periods of six months or greater only in an approved RV storage area (designated on a site plan approved by the director of planning) or in another appropriate district that allows storage of recreational vehicles. RV storage areas must meet all land development regulations, floodplain management regulations and building code requirements for storage of recreational vehicles;

- (2) Commercial retail uses of less than 2,500 square feet of floor area; and
- (3) Accessory uses;
- (4) Commercial apartments. However, there shall be no more than one commercial apartment unit per three RV spaces up to ten percent of total spaces allowed or in existence;
- (5) Vacation rental use of nonconforming detached and attached dwelling units constructed prior to February 16, 2011, if a special vacation rental permit is obtained where necessary under the regulations established in section 134-1;
- (6) Collocations on existing antenna-supporting structures, pursuant to section 146-5(3) "Collocations on existing supporting structure"; and
- (7) Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to section 146-5(6) "Satellite earth stations."

### **Section 2. Severability.**

If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

### **Section 3. Conflicting Provisions.**

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state, or County law, rule, code or regulation, the more restrictive shall apply.

### **Section 4. Transmittal.**

This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs as required by F.S. 380.05 (11) and F.S. 380.0552(9).

### **Section 5. Filing.**

This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK)

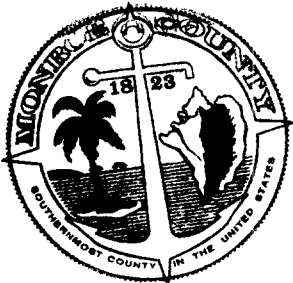
**Section 6. Inclusion in the Monroe County Code.**

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform marking system of the Code.

**Section 7. Effective Date.**

This ordinance shall become effective as provided by law and stated above.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 16th day of February, 2011.



Mayor Heather Carruthers  
Mayor *pro tem* David Rice  
Commissioner Kim Wigington  
Commissioner George Neugent  
Commissioner Sylvia Murphy

Yes

Yes

Yes

Yes

Yes

**MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**

Attest: DANNY L. KOLHAGE, CLERK

By *Isabel C. DeSantis*  
Deputy Clerk

By *Heather Carruthers*  
Mayor Heather Carruthers

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:

*Susan M. Grimsley*  
SUSAN M. GRIMSLEY  
ASSISTANT COUNTY ATTORNEY  
Date 1-31-11