



MEMORANDUM

To: Monroe County Planning Department

From: Monroe County Code Compliance Inspector Lisette Cutie

Subject: Referral for USE/ZONING verification

Date: 02/27/2018

Code Enforcement Case: #CE18020103

Address of Alleged Violation: 2 THURMOND STREET

Business Name:

Name of Property Owner or Tenant: THURMOND STREET PARTNERS LLC

RE#00088160-000100 & 00088170-000000 Nearest Mile Marker or Key: 98

Description of Alleged Violation:

PROPERTIES BEING USED TO HOST WEDDINGS (LIGHTHOUSE WEDDINGS)

www.keylargoighthouse.com

Documents related to this parcel and/or case are:

PHOTOS ATTACHED

ORIGINAL BUILDING PERMIT INCLUDING CO

Other information (described or attached)

Planning findings and corrective action for compliance: _The Case Description states "Weddings & Vacation Rentals taking place without a Vacation Rental permit." The Complaint Code(s) are "1: vacation rental."

Planning findings:

1. Weddings:

- a. Pursuant to Land Development Code (LDC) Section 101-1, the use as a wedding venue is a commercial retail use.

Commercial retail use means a use providing primarily for the sale of consumer goods, products, merchandise or services at retail. Commercial retail uses are subdivided into the following intensity classifications:

- (1) *Commercial retail low-intensity* means commercial retail uses that generate less than 50 average daily trips per 1,000 square feet of floor area.
- (2) *Commercial retail medium-intensity* means retail uses that generate between 50 and 100 average daily trips per 1,000 square feet of floor area.
- (3) *Commercial retail high-intensity* means retail uses that generate above 100 average daily trips per 1,000 square feet of floor area.



- b. The use as a wedding venue is inconsistent with Policy 101.5.2 of the Monroe County 2030 Comprehensive Plan

The property has a Future Land Use Map Designation of Residential Low (RL)

Policy 101.5.2

The principal purpose of the Residential Low (RL) future land use category is to provide for low-density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed.

- c. The use as a wedding venue is inconsistent with Land Development Code (LDC) Section 130-47
The property is located in the Suburban Residential land use district.

Sec. 130-47. Purpose of the Suburban Residential District (SR).

The purpose of the SR district is to establish areas of low- to medium-density residential uses characterized principally by single-family detached dwellings. This district is predominated by development; however, natural and developed open space creates an environment defined by plants, spaces and over-water views.

- d. The use as a wedding venue is inconsistent with LDC Section 130-94 permitted and conditional uses in the SR land use district.

Sec. 130-94. Suburban Residential District (SR).

(a) The following uses are permitted as of right in the suburban residential district:

- (1) Detached dwellings;
- (2) Parks, excluding tennis courts and swimming pools;
- (3) Beekeeping;
- (4) Home occupations—Special use permit required;
- (5) Accessory uses;
- (6) Vacation rental use if a special vacation rental permit is obtained under the regulations established in section 134-1;
- (7) Replacement of an existing antenna-supporting structure pursuant to section 146-5(b);
- (8) Collocations on existing antenna-supporting structures, pursuant to section 146-5(c);
- (9) Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to section 146-5(f); and
- (10) Wastewater nutrient reduction cluster systems that serve less than ten residences.

(b) The following uses are permitted as minor conditional uses in the suburban residential

Commercial retail use is not a permitted or conditional use in the SR land use district except as allowed per LDC Section 130-94(d). If the property Owner believes they meet the criteria of this section, they could apply for a Letter of Development Rights Determination. LDC Section 130-94(d) states:



- (d) The following lawfully established nonresidential and transient uses in the suburban residential land use district, which were rendered nonconforming by the 2010 Comprehensive Plan, but listed as permitted uses in the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDRs, Section 9-206) and lawfully existed on such lands on January 4, 1996, which are damaged or destroyed may be permitted to be redeveloped, make substantial improvements, or be reestablished as an amendment to a major conditional use, subject to the standards and procedures set forth in chapter 110, article III.
- (1) Commercial retail, office, or any combination thereof, of low and medium intensity, and of less than 2,500 square feet of floor area, provided that:
- a. The parcel of land on which the commercial retail use is to be located abuts the right-of-way of U.S. 1, or a dedicated right-of-way to serve as a frontage road for U.S. 1;
 - b. The commercial retail use does not involve the sale of petroleum products;
 - c. The commercial retail use does not involve the outside storage or display of goods or merchandise with the exception that outside sales and display for nurseries may be permitted with the stipulation that required open space and required bufferyards may not be used for display and sales;
 - d. The structure in which the commercial retail use is to be located is separated from the U.S. 1 right-of-way by a class C bufferyard;
 - e. The structure in which the commercial retail use is to be located is separated from any existing residential structure by a class C bufferyard;
 - f. No signage other than one identification sign of no more than four square feet shall be placed in any yard or on the wall of the structure in which the commercial retail use is to be located except for the yard or wall that abuts the right-of-way for U.S. 1; and
 - g. The use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996, or limited to the permitted uses and/or the provisions for minor or major conditional uses allowed in the pre-1996 LDRs for this district, whichever is more restrictive;
- e. The commercial retail (wedding venue) use does **NOT** meet the definition of Home Occupation. It does **NOT** fit with the approval criteria for a Home Occupation special use permit as found in LDC Section 134-2(d).

Home occupation means a business, profession, occupation or trade operated from and/or conducted within a dwelling unit (or within an accessory structure thereto) for gain or support by a resident of the dwelling unit.



- (d) *Review by the Planning Director.* Within 15 working days of receiving a complete application, the Planning Director shall determine whether the proposed home occupation is consistent with the following standards and requirements:
- (1) The home occupation is incidental and secondary to the principal residential use of the residential dwelling unit.
 - (2) The home occupation does not change the essential residential character of the principal residential use.
 - (3) Not more than one person who is a nonresident of the residential dwelling unit is directly or indirectly employed by or for the home occupation.
 - (4) The home occupation use does not occupy more than 20 percent of the total floor area of the residential dwelling unit and, if the home occupation use utilizes an accessory structure(s), it does not occupy more than 20 percent of the total covered and enclosed residential floor area on the property.
 - (5) The home occupation does not involve any retail sales or service that necessitates or requires customers to visit the residential dwelling unit or the property, nor does the physical address of the residence appear on any advertising materials including stationary and business cards.
 - (6) Activities associated with the home occupation are not visible from any other residential dwelling unit. If the home occupation utilizes an accessory structure, the structure is covered and enclosed.
 - (7) No sign advertising the home occupation is displayed on the premises.
 - (8) The home occupation does not involve outdoor storage, including but not limited to any equipment or materials.
 - (9) The home occupation does not involve the use of mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential dwelling unit or accessory structure in which the home occupation occurs.
 - (10) The home occupation does not increase the average daily automobile trips generated by the residence in which the home occupation is located.
 - (11) Upon issuance of a permit, the applicant must immediately apply for any required license(s) and/or business tax for the home occupation where otherwise required, and continuously maintain such required license(s) and/or business tax for the duration of the issued permit.
 - (12) The home occupation does not store or dispose of any solid waste at the occupation address which was not generated at the occupation address; and
 - (13) The home occupation has obtained a commercial collection service agreement if the business creates or generates any solid waste at a location other than the home occupation address.
- f. No temporary or public assembly permits were found at this time. If a temporary use is greater than 250 persons per day then a Public Assembly permit is required. If a Temporary use is less than 250 persons, then a building permit is required. The ongoing use as a wedding venue does not meet the criteria for a temporary use.

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 seven consecutive days and/or the anticipated daily attendance is expected to exceed 250 persons.



(b) *Temporary uses, other than public assemblies and temporary construction staging areas.* Approval of a temporary use that is not defined as a *public assembly* in Section 101-1 or categorized as a *temporary construction staging area* pursuant to Section 6-3 shall be granted only if the following criteria are met:

- (1) Prior to establishment of the temporary use, a special building permit approving the temporary use, and any associated temporary structures, shall be issued in accordance with this section and Section 6-112;
- (2) No clearing or filling of environmentally sensitive lands shall occur to accommodate the temporary use;
- (3) The temporary use shall not occur in any required setback or required parking area; and
- (4) The temporary use shall be compatible with existing uses on surrounding properties, as determined by the Planning Director. If necessary, prior to issuance of a special building permit allowing the temporary use, 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. Depending on the nature and anticipated duration of the temporary use, as a condition of approval to the special building permit, the Planning Director and Building Official reserve the right to:
 - a. Require fencing, landscaping and/or other screening to limit potential visual and noise impacts of the temporary use on adjacent property owners; and
 - b. Require full compliance with the surface water management provisions provided in Chapter 114, article I and the bufferyard provisions provided in Chapter 114, article V.

g. **Vacation Rental Use is allowed if a special vacation rental permit is obtained.** Vacation Rental Use does **NOT** include hotel or motel use. The use is limited to that of a detached dwelling unit. The commercial use as a wedding venue would not be an allowed use under a Vacation Rental Permit. See definitions from LDC Section 101-1 below:

Vacation rental or unit means an attached or detached dwelling unit that is rented, leased or assigned for tenancies of less than 28 days duration. Vacation rental use does not include hotels, motels, and RV spaces, which are specifically addressed in each district.

Permanent residential unit means a dwelling unit that is designed for, and capable of, serving as a residence for a household for non-transient occupancy, excluding hotel, motel, and recreational vehicle.

Dwelling, detached, means an individual dwelling unit that is developed with open yards on all sides of the dwelling unit. The term includes single family residences but does not include mobile homes or recreational vehicles.

Dwelling, single-family, or single-family residence means a one-family dwelling unit that is developed with open yards on all sides of the building.

Dwelling unit means one or more rooms physically arranged for occupancy by one residential household sharing common living, cooking, and toilet facilities.

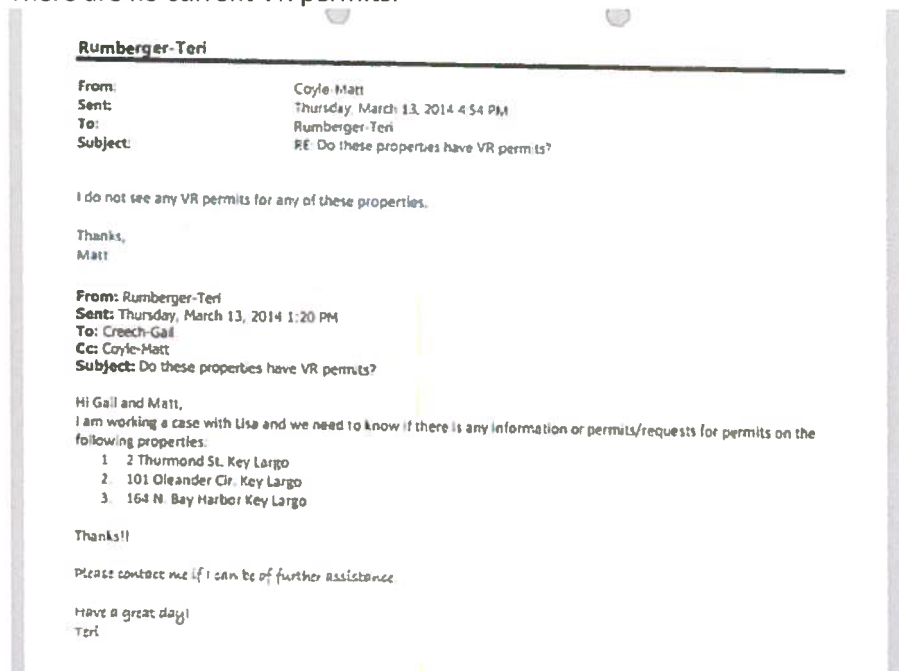


Residence or residential use, as applied to any lot, plat, parcel, tract, area or building, means used or intended for dwelling purposes, but not including transient units.

Hotel means a building containing individual units for the purpose of providing overnight lodging facilities for periods not exceeding 30 days to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services, combined utilities and on-site management and reception.

2. Vacation Rental:

- a. There is no evidence of an active vacation rental permit. Included in file CE14030127 is a correspondence from Planning Department Staff confirming that no VR permits had been issued for that property as of March 13, 2014. No Vacation Rental permits have been issued since that finding. There are no current VR permits.



There is a note dated 05-13-2015 in the file CE14030127 that references a Vacation Manager License, VR-15-07. Please see the attached manager's license. That manager's license expired on 3/2/2015 and does not appear to have been renewed. A Vacation Manager License is not a Vacation Rental Permit. Note: current manager license numbering now use the prefix VRM for vacation rental managers.

ID	Upper	Upper	State	VR 15-00	2/16/2016	177 COLLE
15	Upper	McGraw	David	VR 15-07	2/16/2016	2 Thurmond S
16				VR 15-07		B. O. P. 12

corrective action for compliance:

1. Weddings/wedding venue/commercial retail use: Cease any unpermitted use that is inconsistent with the Monroe County 2030 Comprehensive Plan and/or Land Development Code.
2. Vacation Rental: Cease any unpermitted use. If Vacation rental use is desired, obtain Vacation Rental Permit.

Lisette Cutie Sr Inspector

Signature/Title



Date 02/27/2018