

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: January 16, 2008

Division: Growth Management

Bulk Item: Yes ___ No X

Department: Planning & Env. Resources
Staff Contact Person: Townsley Schwab
Joseph Haberman, Planner

AGENDA ITEM WORDING: A public hearing to consider an extension of the moratorium on the transfer of recreational vehicle spaces to hotel and motel units off-site.

ITEM BACKGROUND: The Board of County Commissioners passed a moratorium on the transfer of recreational vehicle spaces to hotel and motel units off-site in June 2003. It was subsequently extended by Ordinance 001-2007 to December 31, 2007.

The Monroe County Planning & Environmental Resources Department has advertised a text amendment to Section 9.5-120.6 of the Monroe County Code to extend the moratorium on the off-site transfer of recreational vehicle (RV) spaces to hotel and motel units from December 31, 2007 to December 31, 2009 or until new Land Development Regulations are adopted to regulate such transfers. The moratorium continues to be in effect due to the pending ordinance doctrine.

Planning Staff has previously recommended that this moratorium be allowed to expire due to lack of evidence that the moratorium was necessary to stop the conversion of RV spaces to hotel/motel rooms.

PREVIOUS RELEVANT COMMISSION ACTION: Original moratorium approved in June 2003. Subsequently, Ordinance No. 001-2007 extended the moratorium until December 31, 2007.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Staff recommends that the moratorium be allowed to expire.

TOTAL COST: N/A

BUDGETED: Yes ___ No N/A

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

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

APPROVED BY: County Attorney ___ OMB / Purchasing ___ Risk Management ___

DOCUMENTATION: Included X Not Required ___

DISPOSITION: _____ **AGENDA ITEM #** _____

ORDINANCE NO. ____ - 2008

AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 9.5-120.6, EXTENDING THE MORATORIUM ON TRANSFER OF RECREATIONAL VEHICLE SPACES TO HOTEL AND MOTEL UNITS OFF-SITE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR TRANSMITTAL FOR CODIFICATION.

WHEREAS, the Board of County Commissioners makes the following Findings of Fact:

1. The Monroe County Code Section 9.5-120.4(b)a. iii(1)(a)(i) allows the off-site transfer and redevelopment of lawfully established RV spaces as hotel or motel rooms.
2. A significant number of unlawful conversions of RV spaces into permanent residency have occurred over time, which has provided affordable housing for many low and moderate income persons in Monroe County.
3. Existing regulations governing RVs as transient residential units have been inadequate to preclude the conversion of existing RVs into permanent residences, which is contrary to the Comprehensive Plan and Land Development Regulations and has many undesirable consequences for the County in terms of health , safety and welfare issues.
4. The transfer and conversion of RV spaces currently used for affordable housing into hotel or motel rooms exacerbates the existing affordable housing crises by decreasing the availability of affordable housing and increasing the demand for such housing required for staff to serve these new transient units.
5. Additional time is required to sufficiently allow background studies to be completed and regulations drafted to address county wide problems with regulations of RVs including more up to date information on the extent of the problems with conversions.
6. The Planning Commission, at a regularly scheduled public hearing on January 8, 2008 considered the proposed text amendment.

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

Section 1. Chapter 9.5 Article VII, Division 2, Monroe County Code, is hereby amended as follows:

Sec. 9.5-120.6 Moratorium on off-site transfer of recreational vehicle spaces.

No recreation vehicle space shall be eligible for off-site transfer to a hotel or motel room under the provisions of Sec. 9.5-120.4 (b) until ~~December 31, 2007~~ December 31, 2009.

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. Repeal of Conflicting Provisions.

The provisions of the Monroe County code and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Effective Date.

This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission approving ordinance pursuant to Chapter 380, Florida Statutes.

Section 5. Transmittal for Codification

The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto and shall be appropriately numbered to conform to the uniform numbering system of the Code.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, 2008.

Mayor Charles "Sonny" McCoy	_____
Mayor Pro Tem Mario DiGennaro	_____
Commissioner Sylvia Murphy	_____
Commissioner George Neugent	_____
Commissioner Dixie Spehar	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Charles "Sonny" McCoy

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT
We strive to be caring, professional and fair

To: Monroe County Board of County Commissioners
Through: Andrew O. Trivette, Director of Growth Management
Townasley Schwab, Acting Director of Planning & Environmental Resources
From: Monroe County Planning & Environmental Resources Department
Date: January 2, 2008
Subject: *Extension of Moratorium on Off-site Transfer of Recreational Vehicle Space
Section 9.5-120.6 of the Monroe County Code*

Meeting: January 16, 2008

1
2 I REQUEST
3

4 The Monroe County Planning & Environmental Resources Department has advertised a text
5 amendment to Section 9.5-120.6 of the Monroe County Code to extend the moratorium on
6 the off-site transfer of recreational vehicle (RV) spaces to hotel and motel units from
7 December 31, 2007 to December 31, 2009 or until new Land Development Regulations are
8 adopted to regulate such transfers. This item has been placed on the agenda to allow the
9 BOCC to make a decision regarding the extension of this prohibition.
10

11 Currently, the Land Development Regulations prohibit the off-site transfer of RV spaces to
12 hotel or motel rooms. This moratorium was approved by the BOCC in June 2003 in response
13 to concerns regarding the loss of affordable housing through the transfer of RV units used for
14 permanent housing to hotel/motel rooms. Subsequently, the moratorium was extended by the
15 BOCC to December 31, 2007.
16

17 II FINDINGS OF FACT AND CONCLUSIONS
18

19 Staff has found no evidence that there is a demand for the conversion of RV spaces to off-site
20 hotel/motel units. Discussions with various stakeholders have indicated that there is limited
21 demand for such transfers.
22

23 III RECOMMENDATION
24

25 Staff recommends that the moratorium on off-site transfer of recreational vehicle space be
26 allowed to expire.

27 ~~Sec. 9.5-120.6. Moratorium on off-site transfer of recreational vehicle space.~~
28 ~~No recreation vehicle space shall be eligible for off-site transfer to a hotel or motel room~~
29 ~~under the provisions of subsection 9.5-120.4(b) until December 31, 2007.~~