

**PROPOSED LAND DEVELOPMENT CODE TEXT AMENDMENTS**

Proposed Amendment (deletions are in ~~red strike through~~; additions are shown in red underlined).

Chapter 101 – General Provisions.  
Section 101-1. Definitions.

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*Accessory use or accessory structure* means a use or structure that:

- (1) Is subordinate to and serves an existing principal use or principal structure; and
- (2) Each individual accessory use or accessory structure as well as in total/combined, is subordinate in area (for this definition docks, pools, pool decks, driveways are excluded from the total area), extent and purpose to an existing principal use or principal structure served unless permitted in the IS or URM zoning district; and
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal use or principal structure served; and
- (4) Is located on the same lot/parcel or on a lot/parcel that is under the same ownership as the lot/parcel on which the principal use or principal structure is located; and
- (5) Is located on the same lot/parcel or on a contiguous lot/parcel as an existing principal use or principal structure, excluding accessory docking facilities that may be permitted ~~on adjacent lots/parcels~~ pursuant to section 118-12; and
- (6) Is located in the same land use (zoning) district as the principal use or principal structure, excluding off-site parking facilities pursuant to section 114-67.

Accessory uses include the utilization of yards for home gardens, provided that the produce of the garden is for a non-commercial purpose. In no event shall an accessory use or structure be established prior to the principal use to which it is accessory. With approval from the Planning Director, an accessory use or structure may continue if its principal use or structure is discontinued or removed for redevelopment, provided that the owner is moving forward with continual development and with active concurrent permits for redevelopment of a principal use or structure. Accessory uses shall not include secondary dwelling units or lock-out units or any other habitable structures that are occupied by a separate and independent household.

- (7) Accessory uses expressly permitted in the IS or URM zoning district may be permitted notwithstanding subsections 2, 5 and 6 listed above; provided the following criteria is met:
  - a. Is located on a platted lot in the Improved Subdivision (IS) land use (zoning) district or the Urban Residential-Mobile Home (URM) land use (zoning) district; and
  - b. Is one of the specific uses or structures expressly permitted pursuant to section 130-83 and section 130-99 and meets the conditions listed therein.

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*Park* means an active or passive recreational facility operated for the benefit of the general public by a public or quasi-public agency. The definition of park must also include homeowners' park for the use of a homeowners' association and guests.

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Chapter 118 – Environmental Protection.  
File 2022-094

1 Article I. – In General.

2 \*\*\*\*\*

3 Sec. 118-12 – Shoreline Setback.

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5  
6 (c) **Accessory structures.** Accessory structures, as defined in [Section 101-1](#), within the  
7 shoreline setback shall be constructed at a foundation height not to exceed 18 inches above  
8 existing grade and shall meet the following design criteria:

9 (1) Along lawfully altered shorelines adjacent to manmade canals, channels, and basins:

10 a. In no event shall the total, combined area of all structures occupy more than 60  
11 percent (60%) of the upland area of the required 20-foot shoreline setback.

12 b. Accessory structures, including, but not limited to, pools, spas, and any screen  
13 enclosure over pools or spas shall be set back a minimum of ten (10) feet, as measured  
14 from the MHW line.

15 (2) Along open water shorelines not adjacent to manmade canals, channels, or basins, and  
16 which have been altered by the legal placement of fill, and where a mangrove fringe of at  
17 least ten (10) feet in width exists, or native vegetation exists or is planted and maintained  
18 in a ten-foot (10) width across the entire shoreline of the property and is placed under a  
19 grant of conservation easement running in favor of the County:

20 a. In no event shall the total combined area of all structures occupy more than 30  
21 percent (30%) of the shoreline setback required for the principal structure.

22 b. Accessory structures, including, but not limited to, pools, spas, and any screen  
23 enclosure over pools or spas, other than docks and erosion control structures shall be  
24 set back a minimum of 15 feet as measured from the MHW line or the landward extent  
25 of the mangroves, whichever is farther landward, and shall be located in upland areas.

26 (3) Along open water shorelines not adjacent to manmade canals, channels, or basins, and  
27 which have been altered by the legal placement of fill, and where no mangrove fringe  
28 exists, and no conservation easement of native shoreline vegetation exists pursuant  
29 to [Section 118-12\(b\)\(4\)b.](#):

30 a. In no event shall the total combined area of all structures occupy more than 30  
31 percent (30%) of the shoreline setback required for the principal structure.

32 b. Accessory structures, including, but not limited to, pools, spas, and any screen  
33 enclosure over pools or spas, other than docks and erosion control structures, shall be  
34 set back at least half the distance of the setback required for the principal structure, or  
35 15 feet, whichever is greater, as measured from the MHW line, and shall be located in  
36 upland areas.

37 (4) Along unaltered or unlawfully altered shorelines:

38 a. In no event shall the total combined area of all structures occupy more than 30  
39 percent (30%) of the shoreline setback required for the principal structure.

40 b. Accessory structures, including, but not limited to, pools, spas, and any screen  
41 enclosure over pools or spas, other than docks and erosion control structures, shall be  
42 set back a minimum of 25 feet, as measured from the MHW line or the landward extent  
43 of the mangroves, whichever is farther landward, and shall be located in upland areas.

44 (d) **Stormwater and pollutant runoff.** All structures shall be designed such that stormwater  
45 and pollutant runoff is contained on site, consistent with the stormwater management  
46 standards of this Land Development Code. Pools, spas, fish cleaning tables, and similar  
47 pollutant sources shall not discharge directly into surface waters. Structures should be made  
48 of permeable materials, whenever practical, to allow the infiltration of stormwater runoff.

1 (e) **Applicability of open space and bufferyard requirements.** All structures within the  
2 shoreline setback shall be located such that the open space ratios for the entire parcel and all  
3 scenic corridors and bufferyards are maintained.

4 (f) **Enclosed structures and gazebos.** No enclosed structures, other than a dock box of five  
5 feet or less in height, a screened gazebo, and a screen enclosure over a pool or spa, shall be  
6 allowed within the shoreline setback. Gazebos must be detached from any principal structure  
7 on the parcel. No decks or habitable spaces shall be constructed on the roof of any gazebo.  
8 Any individual gazebo within the shoreline setback shall not exceed 200 square feet in area  
9 and the highest portion of the roof shall be no more than 12 feet above grade. Screen  
10 enclosures over pools shall not exceed 12 feet in height. Multiple gazebos within the shoreline  
11 setback shall be a minimum of 10 linear feet from each other.

12 (g) **Boat shelter criteria.** Non-enclosed boat shelters may be erected only over a cut-in boat  
13 slip, basin, or ramp and may not extend into the adjacent waterbody beyond the mouth of the  
14 cut-in area, nor extend over any mangroves, seagrasses or hardbottom communities. The roof  
15 and supporting members of a boat shelter may extend up to two feet (2 ft) into the shoreline  
16 setback around the perimeter of a boat basin or boat ramp. No decks or habitable spaces shall  
17 be constructed on the roof of any boat shelter. The highest portion of the roof of any boat  
18 shelter shall be no more than 12 feet above grade.

19 (h) **Preservation of native vegetation.** Structures shall be located in existing cleared areas  
20 before encroaching into native vegetation. The remaining upland area of the shoreline setback  
21 shall be maintained as native vegetation or landscaped areas that allow the infiltration of  
22 stormwater runoff.

23 (i) **Applicability of side yard setbacks.** Side yard setbacks required pursuant to [Chapter](#)  
24 [131](#) shall be maintained for all structures in the shoreline setback except for docks, seawalls,  
25 fences, and retaining walls. Pier docks and mooring facilities such as davits, elevator lifts,  
26 floating boat lifts and floating vessel platforms shall be set back a minimum of five (5) feet  
27 from the side property lines (including the property line as extended into the water  
28 perpendicular to the shore), or as specified within [Section 118-12\(m\)](#) Docking Facilities,  
29 whichever is greater.

30 (j) **Tidal flushing and circulation.** Shoreline structures shall be designed to protect tidal  
31 flushing and circulation patterns. Any project that may produce changes in circulation patterns  
32 shall be approved only after sufficient hydrographic information is available to allow an  
33 accurate evaluation of the possible impacts of the project. Previously existing manmade  
34 alterations shall be evaluated so as to determine if more hydrological benefits will accrue  
35 through their removal as part of the project.

36 (k) **Bulkheads, seawalls, and riprap.** Bulkheads, seawalls or riprap shall be permitted,  
37 provided that:

38 (1) Bulkheads, seawalls and/or riprap may be allowed without a principal use where it is  
39 demonstrated that their purpose is necessary for erosion control. Any attachments to  
40 seawalls or bulkheads, such as davits, cleats, and platforms, or any other elements that  
41 constitute docking facilities shall not be allowed except as accessory to a principal use.  
42 Seawalls without a principal use may have a cap of no more than two feet in width.

43 (2) Existing grade landward of the bulkhead shall be at least six inches lower than the top  
44 of the bulkhead.

45 (3) Vertical type seawalls or bulkheads shall be permitted only to stabilize severely  
46 eroding shorelines and only on manmade canals, channels, or basins. Such seawalls or  
47 bulkheads shall be permitted only if native vegetation and/or riprap and filter cloth is not  
48 a feasible means to control erosion. No new seawalls, bulkheads, or other hardened  
49 vertical structures shall be permitted on open water.

1 (4) Lawfully existing, deteriorated seawalls and bulkheads may be repaired and/or  
2 replaced and are exempt from the nonsubstantial improvements limitations except on  
3 known or potential sea turtle nesting beaches. Repairs and/or replacements must maintain  
4 the existing footprint to the maximum extent practicable.

5 (5) Whenever feasible, riprap, bulkheads, retaining walls and seawalls should be placed  
6 landward of any existing mangroves or wetland vegetation. Native upland, wetland, and  
7 aquatic biotic communities shall be preserved to the maximum extent possible.

8 (6) Wherever feasible, riprap shall be placed at the toe of solid seawalls to dissipate wave  
9 energy and provide substrate for marine organisms.

10 (7) No seawalls, bulkheads, riprap or other shoreline hardening structures shall be  
11 permitted on or waterward of any portion of any beach berm complex that is known to be  
12 or is potential nesting area for marine turtles as determined by the County Biologist, the  
13 state, and/or other appropriate agencies. Within known or potential nesting areas, the  
14 County Biologist may, in cooperation with the Florida Department of Environmental  
15 Protection, determine that specific segments of shorelines have been previously lawfully  
16 altered to such a degree that suitable nesting habitat for marine turtles is no longer present.  
17 In such cases, the County Biologist in cooperation with the Florida Department of  
18 Environmental Protection may recommend reasonable measures to restore the nesting  
19 habitat. If such measures are not feasible, the setback requirements of this subsection do  
20 not apply. Restoration of suitable nesting habitat shall be required for unlawfully altered  
21 beaches.

22 (8) Beach renourishment projects on open water may be approved only upon a  
23 determination by the County Biologist that the project has a valid public purpose that  
24 furthers the goals of the Monroe County Comprehensive Plan.

25 (9) All such projects shall require state and/or federal permits prior to the commencement  
26 of development or construction and prior to the issuance of a county 'Notice to Proceed.'

27 (l) **Boat ramps.** Boat ramps shall be permitted provided that:

28 (1) All boat ramps shall be located and designed so as not to create a setback  
29 nonconformity for existing structures from the new MHW line created by the boat ramp.

30 (2) All boat ramps shall be confined to shorelines of manmade canals, channels, and basins  
31 with little or no native vegetation.

32 (3) The width of boat ramps, including side slopes, shall be limited to 15 feet, except that  
33 ramps serving commercial uses, public uses, or more than three dwelling units may be 35  
34 feet in width.

35 (4) All above-water ramp, side slope or wall structures shall be located landward of the  
36 original MHW line. This area shall be subtracted from the total area allowed for structures  
37 in the shoreline setback in [Section 118-12\(c\)](#).

38 (5) A maximum of two accessory docks, abutting either or both sides of the ramp, are  
39 allowed provided setback requirements are met. These docks may extend beyond MHW,  
40 but shall comply with all requirements of this Section and [Section 118-10\(d\)](#).

41 (6) Construction of a boat ramp shall not involve any filling of surface waters except for  
42 the minimum amount needed for the actual boat ramp surface, side slopes, walls or pilings  
43 for accessory docks. Walls may not exceed two feet in width.

44 (7) Dredging shall be limited to the minimum amount necessary to construct the boat ramp  
45 and may not exceed 100 cubic yards of total excavation above and below MHW. No  
46 dredging of submerged grass beds or hardbottom communities shall be allowed.

47 (8) All such projects shall require approval by the Florida Department of Environmental  
48 Protection and the U.S. Army Corps of Engineers prior to commencement of construction  
49 and/or issuance of a County 'Notice to Proceed.'

1 (m) **Docking facilities.** Docking facilities shall be permitted, provided that:

2 (1) *Permit.* All required permits from the Florida Department of Environmental Protection  
3 and Army Corps of Engineers shall be obtained prior to commencement of construction  
4 and/or issuance of a County permit or 'Notice to Proceed.'

5 (2) *Width.* Docks shall not exceed ten percent (10%) of the width of the waterbody as  
6 measured laterally across the waterbody from the point of mean low water (MLW) of the  
7 proposed location of placement, prior to construction of any dock, to the opposing point  
8 of mean low water, prior to construction of any dock. The County Biologist shall use the  
9 best available data to determine the point of MLW prior to construction of docks. Along  
10 open water shorelines adjacent to manmade waterways where no breakwater, rip-rap, or  
11 structure(s) exists along the outside of the waterway, the opposing point of mean low  
12 water shall be measured as the edge of the lawfully dredged area.

13 (3) *Setback Requirements.* No vessel shall be moored or docked or otherwise secured to a  
14 mooring facility in such a way that the vessel extends beyond the side property lines  
15 (including the property line as extended into the water perpendicular to the shore).

16 a. Davits shall be set back from the side property lines (including the property line as  
17 extended into the water perpendicular to the shore) the same distance as the required  
18 principal structure setback on the property or five feet (5 ft), whichever is greater,  
19 except that one (1) davit support may be located within five feet (5 ft) of the property  
20 line provided the davit arm is designed to swing to the interior of the property.

21 b. Elevator lifts shall be set back a minimum of 7.5 feet from the side property lines  
22 (including the property line as extended into the water perpendicular to the shore),  
23 except that personal watercraft lifts with a maximum capacity of 1,500 pounds shall  
24 be set back a minimum of five (5) feet from the side property lines (including the  
25 property line as extended into the water perpendicular to the shore).

26 c. Floating boat lifts and vessel platforms shall be set back from the side property lines  
27 (including the property line as extended into the water perpendicular to the shore) a  
28 minimum of 10 feet, if installed laterally and a minimum of five (5) feet, if installed  
29 perpendicular to the shoreline, so as not to create a navigational hazard.

30 d. 4-post hoists/cradle lifts shall be permitted on parcels that are a minimum of 70 feet  
31 wide and are located on manmade waterways that are 60 feet wide or greater. 4-post  
32 hoists/cradle lifts shall be set back a minimum of 7.5 feet from the side property lines  
33 (including the property line as extended into the water perpendicular to the shore). 4-  
34 post hoists/cradle lifts shall also be permitted on parcels located on open water  
35 shorelines (not adjacent to manmade canals, channels, or basins), and if installed  
36 perpendicular to the shoreline shall be set back a minimum of five (5) feet from the  
37 side property lines (including the property line as extended into the water  
38 perpendicular to the shore).

39 (4) *Navigable portion.* No dock together with a moored vessel and/or lift structure shall  
40 preempt more than 25 percent of the navigable portion of a waterbody. As used in this  
41 section, navigable portion is measured laterally across the waterbody from the point of  
42 mean low water prior to construction of any dock, to the opposing point of mean low  
43 water, prior to construction of any dock. The County Biologist shall use the best available  
44 data to determine the point of mean low water prior to construction of docks. Along open  
45 water shorelines adjacent to manmade waterways where no breakwater, rip-rap, or  
46 structure(s) exists along the outside of the waterway, the opposing point of mean low  
47 water shall be measured as the edge of the lawfully dredged area.

48 (5) *Adjacent parcel.* Notwithstanding the provisions of the definitions of "accessory use  
49 or accessory structure" and "adjacent parcel" in [Section 101-1](#), docks or docking facilities

1 may be constructed on adjacent parcels under the same ownership and within the same  
2 land use (zoning) district, provided that a legally established principal use and/or structure  
3 exists on one parcel. In the event that ownership of the adjacent parcel containing such an  
4 accessory dock is severed from the parcel containing the principal use/structure, the dock  
5 and any other improvements must be removed and the shoreline restored unless the new  
6 owner can also come into compliance with the adjacency requirements of this Section.  
7 Utilities may be permitted for docks or docking facilities located on such adjacent parcels,  
8 however limited in the following manner:

- 9 a. The principal use served by the accessory dock or docking facility shall be a single-  
10 family residence or two-family residence (duplex).
- 11 b. Electrical service shall be limited to 30 amperes service with a maximum of two  
12 circuits. Electric service may be permitted for dock or docking facility use only and  
13 shall not be used to service appliances such as, but not limited to, bait boxes or  
14 freezers.
- 15 c. Water service shall be limited to a 5/8 inch meter with back-flow preventer which  
16 shall provide service to a single-hose bib located at the dock or docking facility.
- 17 d. Use of the dock or docking facility shall be restricted to occupants of the principal  
18 residential use. Use by any other persons or entities is expressly prohibited.
- 19 e. Parking of motorized vehicles or trailers is prohibited.
- 20 f. Storing of boats on a dry portion of the lot or parcel that is not considered part of a  
21 dock or docking facility is prohibited.
- 22 g. Outdoor storage is prohibited.
- 23 h. Live-aboard use of vessels stored at the dock or docking facility is prohibited.

24 (6) Associated parcels. Notwithstanding the provisions of the definitions of "accessory  
25 use or accessory structure" in Section 101-1, docks or docking facilities may be  
26 constructed on platted lots under the same ownership and within the Improved Subdivision  
27 (IS) and Urban Residential Mobile Home (URM) land use (zoning) districts as specified  
28 in Section 101-1(7), provided that a legally established principal use and/or structure  
29 exists on one parcel. In the event that ownership of the adjacent parcel containing such an  
30 accessory dock is severed from the parcel containing the principal use/structure, the dock  
31 and any other improvements must be removed and the shoreline restored unless the new  
32 property owner can also come into compliance with the requirements of this Section.

33 Utilities may be permitted for docks or docking facilities located on such adjacent parcels,  
34 however limited in the following manner:

- 35 a. The principal use served by the accessory dock or docking facility shall be a single-  
36 family residence or two-family residence (duplex).
- 37 b. Electrical service shall be limited to 30 amperes service with a maximum of two  
38 circuits. Electric service may be permitted for dock or docking facility use only and  
39 shall not be used to service appliances such as, but not limited to, bait boxes or  
40 freezers.
- 41 c. Water service shall be limited to a 5/8 inch meter with back-flow preventer which  
42 shall provide service to a single-hose bib located at the dock or docking facility.
- 43 d. Use of the dock or docking facility shall be restricted to occupants of the principal  
44 residential use. Use by any other persons or entities is expressly prohibited.
- 45 e. Parking of motorized vehicles or trailers is permitted only during the time the  
46 property owner is actively utilizing the dock or docking facility.
- 47 f. Outdoor storage is prohibited.
- 48 g. Live-aboard use of vessels stored at the dock or docking facility is prohibited.

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2 (67) *Required conditions.* Any docking facility shall meet the following conditions:

3 a. All pilings associated with the construction of any dock shall be non-CCA-leaching  
4 (recycled plastic, concrete) or be wrapped with impermeable plastic or PVC sleeves.  
5 Impermeable plastic or PVC sleeves shall have a minimum of 30 millimeter thickness  
6 and shall extend from at least 6 inches below the level of the substrate to at least 2 feet  
7 above the mean high water line.

8 b. Docking facilities that do not terminate over seagrass beds or hardbottom  
9 communities must have at least four feet (4ft) of water depth at MLW at the terminal  
10 end of the docking facility, and continuous access to open water. A benthic survey  
11 shall be submitted to document the presence or absence of seagrass beds and/or  
12 hardbottom communities;

13 c. A docking facility that extends across a full ten percent of the width of any body of  
14 water may terminate in water less than four feet (4ft) at MLW if this water depth occurs  
15 within five horizontal feet of the terminal end of the docking facility such that the  
16 centerline of an average vessel will rest in water of adequate depth, and continuous  
17 access to open water is available;

18 d. Docking facilities may be developed on the shoreline of lots in a subdivision that  
19 was approved before September 15, 1986, if the docking facility is located in a channel  
20 or canal that was dredged before September 15, 1986, and if there is a MLW depth of  
21 at least four feet (4ft) at the terminal end of the docking facility. Such docks shall not  
22 exceed ten percent of the width of the channel or canal; and

23 e. Docking facilities that terminate over seagrass beds or hardbottom communities may  
24 only be permitted when the water depth at the terminal platform is at least four feet  
25 (4ft) above the top of all seagrasses, corals, macro algae, sponges, or other sessile  
26 organisms at MLW and continuous access to open water of navigable depth is  
27 available. The height of pier type docks over benthic biological resources shall be a  
28 minimum of 5 feet above mean high water (MHW) as measured from the top surface  
29 of the decking, and the total size of the platform shall be limited to 160 square feet.  
30 The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum  
31 of 5 feet by 20 feet shall conform to the 5-foot height requirement; a 3 feet by 20 feet  
32 section may be placed 3 feet above MHW to facilitate boat access. A benthic survey  
33 shall be submitted to document the presence or absence of seagrass beds and/or  
34 hardbottom communities. A bathymetric survey shall be submitted to document the  
35 water depth at the terminal end of the pier and/or platform and to ensure that  
36 continuous access to open water of navigable depth is available. All such projects shall  
37 require approval by the Florida Department of Environmental Protection and the U.S.  
38 Army Corps of Engineers prior to commencement of construction or issuance of a  
39 County 'Notice to Proceed.'

40 (78) *Location of boat mooring on docking facilities.* Except as specified in [Section 118-](#)  
41 [12\(m\)\(6\)b](#), moored vessels and mooring facilities attached to docking facilities shall not  
42 be located in less than four feet water depth at MLW. If a moored vessel and/or mooring  
43 facility attached to a docking facility is located over seagrass beds or hardbottom  
44 communities, it may only be permitted where the water depth is at least four feet above  
45 the top of all seagrasses, corals, macro algae, sponges, or other sessile organisms at MLW  
46 and continuous access to open water is available.

47 (89) *Navigation interference.* All docking facilities shall be constructed so as not to  
48 interfere with normal navigation or reasonable access to adjacent docks or moorings.

1 (910) *Primary dock design.* Where a mangrove fringe of at least ten (10) feet in width or  
2 wetland vegetation exists along the shoreline, a dock with a walkway perpendicular to the  
3 shoreline, such as a "T" or "L" dock (subject to the requirements of subsection (m)(~~415~~)),  
4 shall be the primary design permitted, unless an alternate design is authorized by state and  
5 federal permits.

6 (~~1011~~) *Secure tie-down provisions.* All docks with boat lifts, davits or similar lifting  
7 mechanisms shall provide cleats, rings, or similar features that can be used to tie down the  
8 vessel when it is out of the water in order to stabilize the vessel during high winds.

9 (~~412~~) *Floating dock allowance.* Any docking portions extending over water of at least  
10 four feet at MLW may be supported by floats. Floating docks shall be subject to the length  
11 and width requirements of the applicable dock type (marginal, T-style or Pier).

12 (~~4213~~) *Floating boat lifts and vessel platforms.* The construction, installation, operation,  
13 or maintenance of floating vessel platforms or floating boat lifts are permitted provided  
14 that such structures:

- 15 a. Float at all times in the water for the sole purpose of supporting a vessel so that the  
16 vessel is out of the water when not in use;
- 17 b. Are not for mooring vessels that remain in the water when not in use;
- 18 c. Do not substantially impede the flow of water, create a navigational hazard, or  
19 unreasonably infringe upon the riparian rights of adjacent property owners, as defined  
20 in Section 253.141, Florida Statutes;
- 21 d. Are set back from the side property lines (including the property line as extended  
22 into the water perpendicular to the shore) a minimum of 10 feet if installed laterally,  
23 and a minimum of five (5) feet if installed perpendicular to the shoreline, so as not to  
24 create a navigational hazard;
- 25 e. Are secured to a stationary docking facility and, together with the dock, do not  
26 exceed 25% of the navigable portion of a manmade waterbody as required by  
27 subsection (m)(4) of this Section;
- 28 f. Are located in at least four (4) feet water depth at MLW;
- 29 g. Are not located over benthic resources; and
- 30 h. Are not located in manatee zones.

31 (~~4314~~) *Marginal docks.* On shorelines landward of a seawall, revetment or manmade canal  
32 or channel, a dock may run the entire length of the shoreline, parallel to the water's edge,  
33 provided that:

- 34 a. The dock shall not exceed eight (8) feet in width or ten percent of the width of the  
35 waterbody as required in [Section 118-12\(m\)\(2\)](#), whichever is less;
- 36 b. The landward edge of the dock is located entirely on the upland shoreline and no  
37 walkway is needed to provide access to the dock;
- 38 c. All portions of the dock that extend over submerged lands are cantilever beam or  
39 pile supported;
- 40 d. The dock is located so as to avoid or minimize covering or impacting wetland  
41 vegetation or a mangrove fringe of more than ten (10) feet in width;
- 42 e. No 4-post hoists/cradle lifts shall be permitted on marginal docks located on altered  
43 shorelines adjacent to manmade canals, channels, and basins, unless located in a cut-  
44 in slip, or on a lot having a minimum of 70 feet of shoreline and where such manmade  
45 canal, channel, or basin has a minimum width of 60 feet, as measured from MLW to  
46 MLW prior to construction.

47 (~~4415~~) *T-style docks.* Any dock with a walkway perpendicular to the shoreline, such as a  
48 "T" or "L" dock, shall be designed as follows:

1 a. The portion of the dock parallel to the shoreline (whether floating or stationary) may  
2 run the entire shoreline length of the parcel and shall not exceed eight (8) feet in width  
3 or ten percent of the width of the waterbody as required in subsection (m)(2),  
4 whichever is less.

5 b. The dock and walkway shall be located so as to avoid or minimize covering wetland  
6 vegetation or mangroves.

7 c. The walkway connecting the dock to the shore shall not exceed four feet in width.  
8 One such walkway shall be allowed for every 100 feet of shoreline length or fraction  
9 thereof (for example, 75 feet of shoreline may have one walkway and 101 feet of  
10 shoreline may have two).

11 d. Where a mangrove fringe of more than ten (10) feet in width or wetland vegetation  
12 exists along the shoreline and a "T" or "L" style dock would extend over more than  
13 ten percent of the width of the waterbody, the County Biologist will coordinate with  
14 the Florida Department of Environmental Protection and the U.S. Army Corps of  
15 Engineers to evaluate an alternative design. Such alternative design shall only have  
16 the minimum deviations from this subsection to address this unique situation. On  
17 shorelines exceeding 100 feet in length, one such dock shall be allowed for every 100  
18 feet of shoreline.

19 ~~(1516)~~ *Pier type docks.* Pier type docks shall be permitted provided that:

20 a. Such structures are oriented approximately perpendicular to the shoreline;

21 b. Such structures are located in an existing break in the mangroves or shoreline  
22 vegetation; however, if no such break exists, a walkway no more than four (4) feet in  
23 width, may be cut through the mangroves or shoreline vegetation;

24 c. Such structures are located such that no portion of the dock (including the terminal  
25 platform and mooring facilities) is less than five (5) feet from the side property lines as  
26 extended into the water perpendicular to the shore;

27 d. Such structures do not exceed four (4) feet in width, except for a terminal platform,  
28 as allowed by subsection (m)(15)f;

29 e. Such structures are no longer than twice the linear shoreline frontage of the parcel or  
30 100 feet, whichever is less. For purposes of this subsection (m)(15)e., dock length shall  
31 be measured from MLW out to the waterward extension of the dock. A special  
32 exception may be granted by the Planning and Environmental Resources Director to  
33 allow the minimum relaxation of this length restriction as is necessary to provide the  
34 upland owner with access to adequate water depths specified for docking facilities.  
35 Such special exceptions shall only be granted based on a written determination that,  
36 among other criteria, the proposed dock will not be inconsistent with community  
37 character, will not interfere with public recreational uses in or on adjacent waters, and  
38 will pose no navigational or safety hazard. At least 30 calendar days prior to the  
39 issuance of a county permit issued under such a special exception, the Planning and  
40 Environmental Resources Director shall ensure that shoreline property owners within  
41 300 feet of the subject parcel are notified by regular mail of the proposed special  
42 exception in order to allow an opportunity for appeal; and

43 f. If proposed, the terminal platform is no wider than eight (8) feet in one dimension  
44 and does not exceed a total of 160 square feet in area. The terminal platform shall be  
45 constructed of grated materials to allow the maximum amount of sunlight infiltration  
46 to the water under the platform. The terminal platform may include stairways for  
47 swimming access, provided that all stairways are contained within the square footage  
48 allowed for the terminal platform. The terminal platform may include a non-enclosed

1 gazebo that does not exceed 100 square feet in area and the highest portion of the roof  
2 shall be no more than 12 feet above the decking or terminal platform level.

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5 Chapter 130 – Land Use Districts.

6 \*\*\*\*\*

7 Article III. – Permitted and Conditional Uses.

8 \*\*\*\*\*

9 Section 130-83. Improved Subdivision District (IS).

10 (a) The following uses are permitted as of right in the improved subdivision district:

- 11 (1) In those improved subdivision districts with no subdistrict indicator, detached dwellings of  
12 all types;  
13 (2) IS-M: In those improved subdivision districts with an M subdistrict indicator, only detached  
14 dwellings of masonry appearance;  
15 (3) IS-D: In those improved subdivision districts with a D subdistrict indicator:  
16 a. Detached dwellings; and  
17 b. Duplexes;  
18 (4) Home occupations—Special use permit required;  
19 (5) Accessory uses;  
20 (6) Collocations on existing antenna-supporting structures, pursuant to [section 146-5\(c\)](#);  
21 (7) Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to [section](#)  
22 [146-5\(f\)](#);  
23 (8) Wastewater nutrient reduction cluster systems that serve less than ten residences; and  
24 (9) Public infrastructure and utilities, provided that:  
25 a. The parcel(s) proposed for development shall be separated from any established residential  
26 use by a class C bufferyard. As determined by the Planning Director, the bufferyard may be  
27 required on all property lines adjacent to an established residential principal use to screen the  
28 use from view.  
29 b. A solid fence may be required upon determination by the Planning Director.

30 (10) Notwithstanding subsection (5) above, accessory uses and structures on vacant platted lots  
31 or parcels limited to the following criteria:

- 32 a. Is located on a platted lot within a platted subdivisions;  
33 b. The structure and use is subordinate to and serves an existing permanent residential  
34 principal use or residential principal structure established on the same Key/Island;  
35 c. The vacant platted lot is located on the same Key/Island as the lawfully established  
36 principal use;  
37 d. Not allowed on Tier I platted lots;  
38 e. No clearing of habitat;  
39 f. Require a building permit to establish the use;  
40 g. Require building permit number to be displayed in a conspicuous location; and  
41 h. Is defined as one of the following residential uses or structures:  
42 i. Docking facilities with electric, water and parking associated with the use of the  
43 docking facility; and  
44 ii. Parking for boat trailer(s) for boats using dock/docking facility; and  
45 iii. Limited storage deemed non habitable space such as sheds and garages, not to  
46 exceed 500 square feet; and  
47 iv. Play structures, pergolas, tiki/chickee huts, seating areas with permanent structures  
48 such as benches and pavers; and  
49 v. Pools included as a part of a lawfully established homeowner's park; and

1 vi. Garden.

2 i. Before any building permit may be issued for any structure, a declaration of restrictive  
3 covenants or other legal instrument as approved by the County Attorney or his or her  
4 designee, must be recorded in the public records of the Monroe County Clerk of the Court,  
5 to ensure compliance with and is required to enforce the following:

6 i. All development rights on the platted lot are retired and removed from the platted lot;

7 ii. Rental to a third party is prohibited; and

8 iii. The platted lot must be associated with the lawfully established principal use.

9 j. Accessory structures must comply with all setbacks as specified in Chapter 131 *Bulk*  
10 *Regulations*. An accessory structure within a required rear yard setback may be permitted  
11 if the accessory structure does not exceed eighteen (18) inches in height as measured from  
12 grade is: a) situated at least one (1) foot from the rear yard property line and b) constructed  
13 to avoid any off-site discharge of stormwater from the subject parcel in accordance  
14 with Section 114-3. An accessory structure not exceeding twelve feet (12) feet in height as  
15 measured from grade may be permitted if the structure is a) situated at least ten (10) feet  
16 from the rear property line. In no event shall the total combined area of all accessory  
17 structures occupy more than 60 percent of the required rear yard setback area

18 k. The maximum height of any accessory structure is 35 feet.

19  
20  
21 (b) Vacation rental use is prohibited in all IS districts and subdistricts, except in:

22 (1) IS-V districts (as set forth in [section 130-84](#)); and

23 (2) In gated communities that have:

24 a. Controlled access; and

25 b. A homeowner's or property owner's association that expressly regulates or manages  
26 vacation rental uses.

27 (c) The following uses are permitted as minor conditional uses in the improved subdivision district,  
28 subject to the standards and procedures set forth in [chapter 110](#), article III:

29 (1) Parks;

30 (2) Institutional uses limited to schools; and

31 (3) Satellite earth stations greater than or equal to two meters in diameter, as accessory uses,  
32 pursuant to [section 146-5\(f\)](#).

33 \*\*\*\*\*

34 Section 130-99. Urban Residential-Mobile Home (URM).

35 (a) The following uses are permitted, as of right in the urban residential-mobile home district:

36 (1) Mobile homes;

37 (2) Detached dwellings;

38 (3) Recreational vehicles in a registered RV park or park trailers commonly known as 'park  
39 models' as defined in F.S. 320.01;

40 (4) Home occupations—Special use permit required;

41 (5) Accessory uses;

42 (6) Tourist housing uses, including vacation rental uses, are prohibited except in gated  
43 communities that have:

44 a. Controlled access; and

45 b. A homeowner's or property owner's association that expressly regulates or manages  
46 vacation rental uses;

47 (7) Collocations on existing antenna-supporting structures, pursuant to [section 146-5\(c\)](#);

48 (8) Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to [section](#)  
49 [146-5\(f\)](#);

- 1 (9) Wastewater nutrient reduction cluster systems that serve less than ten residences; and  
2 (10) Public infrastructure and utilities, provided that:  
3 a. The parcel(s) proposed for development shall be separated from any established residential  
4 use by a class C bufferyard. As determined by the Planning Director, the bufferyard may be  
5 required on all property lines adjacent to an established residential principal use to screen the  
6 use from view.  
7 b. A solid fence may be required upon determination by the Planning Director.

8 (11) Notwithstanding subsection (5) above, accessory uses and structures on vacant platted lots  
9 limited to the following criteria:

- 10 a. Is located on a platted lot within a platted subdivisions within the Improved Subdivision  
11 (IS) and Urban Residential-Mobile Home (URM) land use (zoning) districts;  
12 b. The vacant platted lot is located on the same Key/Island as the lawfully established  
13 principal use;  
14 c. The structure and use is subordinate to and serves an residential principal use or residential  
15 principal structure established on the same Key/Island;  
16 d. Not allowed on Tier I platted lots;  
17 e. No clearing of habitat;  
18 f. Require a building permit to establish the use;  
19 g. Require building permit number to be displayed in a conspicuous location; and  
20 h. Is defined as one of the following residential uses:  
21 i. Docking facilities with electric, water and parking associated with the use of the  
22 docking facility; and  
23 ii. Parking for boat trailer(s) for boats using dock/docking facility; and  
24 iii. Limited storage deemed non habitable space such as sheds and garages; and  
25 iv. Play structures, pergolas, tiki/chickee huts, seating areas with permanent structures  
26 such as benches and pavers; and  
27 v. Pools included as a part of a lawfully established homeowner's park; and  
28 vi. Garden.  
29 i. Before any building permit may be issued for any structure, a A declaration of restrictive  
30 covenants or other legal instrument as approved by the County Attorney or his or her designee  
31 must be recorded in the public records of the Monroe County Clerk of the Court, is required  
32 to ensure compliance with and enforce the following:  
33 i. All development rights on the platted lot are retired and removed from the platted lot;  
34 ii. Rental to a third party is prohibited; and  
35 iii. The platted lot must be associated with the lawfully established principal use.  
36 j. Accessory structures must comply with all setbacks as specified in Chapter 131 Bulk  
37 Regulations. An accessory structure within a required rear yard setback may be permitted  
38 if the accessory structure does not exceed eighteen (18) inches in height as measured from  
39 grade is: a) situated at least one (1) foot from the rear yard property line and b) constructed  
40 to avoid any off-site discharge of stormwater from the subject parcel in accordance  
41 with Section 114-3. An accessory structure not exceeding twelve feet (12) feet in height as  
42 measured from grade may be permitted if the structure is a) situated at least ten (10) feet  
43 from the rear property line. In no event shall the total combined area of all accessory  
44 structures occupy more than 60 percent of the required rear yard setback area  
45 k. The maximum height of any accessory structure is 35 feet.

46  
47 (b) The following are permitted as minor conditional uses in the urban residential—mobile home  
48 district (URM), subject to the standards and procedures set forth in [chapter 110](#), article III:

- 49 (1) Replacement of an existing antenna-supporting structure pursuant to [section 146-5\(b\)](#);

1 (2) Stealth wireless communications facilities, as accessory uses, pursuant to [section 146-5\(e\)](#);  
2 and  
3 (3) Satellite earth stations greater than or equal to two meters in diameter, as accessory uses,  
4 pursuant to [section 146-5\(f\)](#).

5 (c) The following uses are permitted as major conditional uses in the urban residential—mobile  
6 home district, subject to the standards and procedures set forth in [chapter 110](#), article III:

7 (1) Parks.  
8  
9

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