



BUSINESS IMPACT ESTIMATE¹

Meeting Date: 01/15/2025

Proposed Ordinance Title/Reference: The purpose of this ordinance is to defer the acceptance of or receipt of or approval of new market rate and affordable Rate of Growth Ordinance (“ROGO”) applications beyond January 15th, 2025, ROGO awards beyond Y33 Q2, ROGO application revisions beyond January 15th, 2025, remaining affordable housing ROGO reservations, and applications for administrative relief ROGO awards beyond January 15th, 2025, until the Monroe County Board of County Commissioners can review and possibly amend the Monroe County Comprehensive Plan (“CP”) and/or Land Development Code (“LDC”) regarding the allocation and permitting of residential development, in order to formulate and possibly adopt one or more amendments to the LDC and/or CP in order not to run out of allocations and spread out the allocations over a longer period of time and to adopt and implement a “Workforce Market Rate Housing” category, all as more particularly explicated below.

The Proposed Ordinance **does** **does not fall under one of the following enumerated exceptions:**²

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the county government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the county;
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Summary of Proposed Ordinance and Statement of Public Purpose to be Served: This interim development ordinance (“IDO” or the “ordinance”) will defer the acceptance of or receipt of or approval of new market rate and affordable Rate of Growth Ordinance (“ROGO”) applications beyond January 15th, 2025, ROGO awards beyond Y33 Q2, ROGO application revisions beyond January 15th, 2025, remaining affordable housing ROGO reservations, and applications for administrative relief ROGO awards beyond January 15th, 2025, until the Board of County Commissioners (“BOCC”) can review and possibly amend the Monroe County Land Development Code (“LDC”) and/or Comprehensive Plan (“CP”) regarding the allocation and permitting of residential development, in order to formulate and possibly adopt one or more amendments to the LDC and/or CP in order not to run out of allocations and spread out the allocations over a longer period of time, in view of whether any of the 220 allocations (100 to the County), available within the State hurricane model that can be issued prior to permanent residents exceeding 24 hours to evacuate in the event of a hurricane, will be issued, and/or any other allocations (in excess of the mandatory 24-hour hurricane evacuation clearance time) are being issued. The County has also begun the necessary steps to establish a new category of housing within the Monroe County CP and LDC, “Workforce Market Rate Housing”, which would be limited to use and occupancy by those who derive at least 70 percent of their income as members of the Workforce in Monroe County, gainfully employed providing goods and/or services to Monroe County residents or visitors. Spreading ROGO allocations over a longer time-frame will benefit the visitors to and residents and taxpayers of Monroe County by, including but not limited to, staving off potential lawsuits in the event there are no more allocations in addition to the existing number the County already has, and allowing for the adoption and implementation of the “Workforce Market Rate Housing” category. The County has a substantial in ensuring and protecting the health, safety, and welfare of the public pursuant to Fla. Stat. §§ 380.0552(7)(g), (l), and (n), Fla. Stat. § 187.101(1), Fla. Stat. §§ 187.201(4)(a), (4)(b)(3.), (5)(b)(2)(c.), (6)(a), (6)(b)(22.), (6)(b)(23.), (15), and (15)(b)(1.), and Fla. Stat. §§ 380.0552(2)(b), (d), (e), and (j).

¹ Business impact statement must be posted on the county’s website no later than the date the notice of proposed enactment is published.

² F.S. 125.66(3)(c)(2023)

Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. Estimate of Direct Business Compliance Costs: This ordinance is not intended to directly impact any businesses. To the extent of a putative indirect business impact, *de minimis*/none.
- b. New Charges/Fees on Businesses Impacted: There are no new charges or fees included within this ordinance.
- c. Estimate of Regulatory Costs: This ordinance is neither intended to enact any regulatory costs nor intended to impact any businesses.

Good Faith Estimate of Number of Businesses Likely Impacted: Monroe County staff estimates that businesses are not likely to be impacted by this ordinance.

Any Additional Information: N/A.