



MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

From: Cheryl Cioffari, AICP, Acting Senior Director of Planning & Environmental Resources/
Comprehensive Planning Manager

Date: June 14, 2019

Subject: An ordinance by the Monroe County Board of County Commissioners extending an interim development ordinance as initially established on July 19, 2017 through Ordinance 012-2017, and extended through Ordinance 009-2018, for an additional 365 days to defer the approval of new applications or received applications that have not yet been fully approved for Comprehensive Plan or Land Development Code amendments, Development Agreements (including 380 Development Agreements), and minor and major conditional use permits (excluding applications proposing only affordable housing dwelling units), with proposed occupancy by “three unrelated people” or “two unrelated people and any children related to either of them” of a dwelling unit, and applications utilizing the term “lock-out,” commencing October 27, 2019, until the BOCC can review and possibly amend the Comprehensive Plan and the Land Development Code regarding the definitions of a dwelling unit; household, family and the undefined term “lock-out” of a dwelling unit; providing for expiration within 365 days of the effective date of this Interim Development Ordinance or when the Comprehensive Plan and Land Development Code amendments become effective, whichever comes first (File 2019-081)

Meeting: June 26, 2019

I. REQUEST

The Monroe County Planning & Environmental Resources is proposing an extension to the interim development ordinance (IDO) to defer the approval of new applications or received applications that have not been fully approved, that initially established on July 19, 2017 through Ordinance 012-2017 and extended through Ordinance 009-2018 for an additional 365 days for comprehensive plan or land development code amendments, development agreements (including 380 development agreements), and minor and major conditional use permits (excluding applications proposing only affordable housing dwelling units); with proposed occupancy by "three unrelated people" or "two unrelated people and any children related to either of them" of a dwelling unit, and applications utilizing the term “lock-out.”

On July 19, 2017, the BOCC adopted interim development Ordinance 012-2017. On August 18, 2018, the BOCC adopted interim development Ordinance 018-2018 extending the moratorium for an additional 365 days. The moratorium is currently due to expire on October 27, 2019. Staff is seeking an extension to the IDO.

II. BACKGROUND INFORMATION

On April 13, 2016, at a special public meeting, the BOCC adopted the 2030 Comprehensive Plan and Land Development Code to be consistent with the Monroe County Year 2030 Comprehensive Plan.

Ordinance 005-2016 was the adoption ordinance for the Monroe County Year 2030 Comprehensive Plan. This ordinance was transmitted to the Department of Economic Opportunity (DEO) on May 4, 2016. On May 6, 2016, DEO determined the comprehensive plan amendment transmittal was complete and issued a notice of intent to find the amendment “in compliance” on June 20, 2016. The Monroe County Year 2030 Comprehensive Plan became effective upon the posting of the Notice of Intent on the DEO Website on June 20, 2016.

Ordinance 006-2016 was the adoption ordinance for the Monroe County Land Development Code. This ordinance was transmitted to the Department of Economic Opportunity (DEO) on May 24, 2016. On July 26, 2016, DEO published Final Order DEO-16-130 in the Florida Administrative Register approving the Monroe County Land Development Code (Ordinance 006-2016). The Final Order would have become effective 21 days after publication in the Florida Administrative Register unless a petition was timely filed. The Land Development Code would have become effective on August 16, 2016. On August 10, 2016, the Petitioners filed a Petition with DEO, challenging the DEO Final Order. On November 22, 2016, the BOCC adopted an ordinance amending Section 130-165 to resolve the Petition challenging the DEO issued Final Order, satisfying a stipulated settlement agreement and allowing the Monroe County Land Development Code to become effective. The County’s updated land development code became effective on February 3, 2017.

The previous 2010 Comprehensive Plan did not include any definitions. The 2010 Land Development Code included definitions which were amended with the adoption of the new code in April 2016. Neither document includes a definition of “lock-out.”

The Monroe County Board of County Commissioners, at a regular meeting on February 15, 2017 in Key West, Florida, directed staff to impose a temporary moratorium upon certain development applications proposing occupancy by "three unrelated people" or "two unrelated people and any children related to either of them" of a dwelling unit or utilizing the term “lock-out,” due to pending legislation.

The Monroe County Board of County Commissioners adopted Resolution 087-2017, at a regular meeting on March 15, 2017 in Key Largo, Florida, directing staff to process an ordinance to impose a temporary moratorium deferring the approval of new applications or received application that have not been fully approved, commencing March 15, 2017, for comprehensive plan or land development code amendments, development agreements (including 380 development agreements), and minor and major conditional use permits (excluding applications proposing only affordable housing dwelling units); with proposed occupancy by "three unrelated people" or "two unrelated people and any children related to either of them" of a dwelling unit, and applications

utilizing the term “lock-out.”

Staff is working on BOCC directed amendments related to the development of dwelling units utilizing the term “lock-out”. However, due to the impacts of Hurricane Irma and the prioritization of hurricane impact related building permits and development orders, an extension to the interim development order is appropriate.

Community Meeting and Public Participation

In accordance with LDC Section 102-159(b)(3), a Community Meeting was held on May 21, 2019 in Marathon to provide for public input. There were no members of the public in attendance.

Development Review Committee and Public Input

The Development Review Committee considered the proposed amendment at a regular meeting on May 28, 2019 and received public input.

Previous BOCC Action

At a regular meeting on July 19, 2017, in Marathon, the BOCC adopted interim development Ordinance 012-2017 implementing the moratorium described above.

On August 18, 2018, the BOCC adopted interim development Ordinance 018-2018, extending the moratorium described above.

Interim Development Ordinance 018-2018 is due to expire on October 27, 2019, if the relevant Comprehensive Plan and Land Development Code amendments are not adopted and effective before that date.

III. STAFF RECOMMENDATION

Staff recommends approval of the proposed extension to the interim development ordinance.

The interim development ordinance provides a period of time between the current adopted comprehensive plan and land development code and the adoption of any new amendment(s) [new definitions and/or other code requirements] to ensure that the amendments are fully evaluated to ensure public health, safety, and welfare of the citizens of unincorporated Monroe County, including the provision of public participation in the planning process.

Staff is working on BOCC directed amendments related to the development of dwelling units utilizing the term “lock-out”. However, due to the impacts of Hurricane Irma and the prioritization of hurricane impact related building permits and development orders, an extension to the interim development order is appropriate.

IV. EXHIBITS

1. Ordinance 012-2017
2. Ordinance 018-2018
3. Draft Ordinance