



1  
2  
3  
4  
5 **MONROE COUNTY, FLORIDA**  
6 **MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**  
7 **ORDINANCE NO. 020 -2018**  
8  
9

10 **AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY**  
11 **COMMISSIONERS EXTENDING AN INTERIM DEVELOPMENT ORDINANCE**  
12 **AS INITIALLY ESTABLISHED ON JULY 19, 2017 THROUGH ORDINANCE**  
13 **011-2017 FOR AN ADDITIONAL 365 DAYS TO DEFER THE APPROVAL OF**  
14 **NEW PRIVATE APPLICATIONS OR RECEIVED APPLICATIONS THAT**  
15 **HAVE NOT BEEN FULLY APPROVED UTILIZING MONROE COUNTY CODE**  
16 **SECTION 139-2 (AFFORDABLE HOUSING INCENTIVE PROGRAM) TO**  
17 **TRANSFER ROGO EXEMPTIONS FROM MOBILE HOMES TO ANOTHER**  
18 **LOCATION, OR SECTION 138-22(B) TO TRANSFER OFF-SITE MARKET**  
19 **RATE UNITS TO ANOTHER LOCATION, COMMENCING OCTOBER 27,**  
20 **2018, UNTIL THE LAND DEVELOPMENT CODE IS AMENDED TO LIMIT**  
21 **THE TRANSFER OF ROGO EXEMPTIONS FROM MOBILE HOMES TO**  
22 **ONLY TIER III DESIGNATED PLATTED LOTS WITHIN THE IMPROVED**  
23 **SUBDIVISION (IS) LAND USE DISTRICT OR THE URBAN RESIDENTIAL**  
24 **MOBILE-HOME (URM) LAND USE DISTRICT AND WITHIN THE SAME**  
25 **ROGO PLANNING SUBAREA FOR THE DEVELOPMENT OF SINGLE**  
26 **FAMILY DETACHED DWELLING UNITS AND THE RECEIVER PROPERTY**  
27 **SHALL NOT BE A WORKING WATERFRONT; AS RECOMMENDED BY THE**  
28 **AFFORDABLE HOUSING ADVISORY COMMITTEE AND THE BOCC;**  
29 **PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE**  
30 **DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE**  
31 **LAND DEVELOPMENT CODE AMENDMENTS BECOME EFFECTIVE,**  
32 **WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY;**  
33 **PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING**  
34 **AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN**  
35 **EFFECTIVE DATE. (FILE 2018-089)**  
36

37 **WHEREAS**, the Monroe County Board of County Commissioners adopted Resolution 088-2017,  
38 at a regular meeting on March 15, 2017 in Key Largo, Florida, directed staff to process an ordinance to  
39 impose a temporary moratorium deferring the approval of new private applications or received  
40 applications that are not yet approved, proposing to utilize Monroe County Code Section 139-2  
41 (Affordable Housing Incentive Program) or Section 138-22(b) (Transfer of ROGO exemptions off site) to

1 transfer market rate units to another location; and

2  
3 **WHEREAS**, the Monroe County Board of County Commissioners, at a regular meeting on  
4 February 15, 2017 in Key West, Florida, directed staff to impose a temporary moratorium upon certain  
5 development applications proposing to utilize Monroe County Code Section 139-2 (affordable housing  
6 incentive program) to transfer ROGO exemptions from mobile homes to another location; and

7  
8 **WHEREAS**, Monroe County policies and regulations adopted in the Monroe County  
9 Comprehensive Plan and Land Development Code are to maintain public health, safety, and welfare of the  
10 citizens of the Florida Keys and to strengthen our local government capability to manage land use and  
11 development; and

12  
13 **WHEREAS**, on May 21, 2008, the Board of County Commissioners of Monroe County adopted  
14 Ordinance 014-2008, which amended the Monroe County Code to re-establish the Affordable Housing  
15 Advisory Committee, including its assigned duties; and

16  
17 **WHEREAS**, Monroe County Code Section 2-701 includes the specific duties of the Affordable  
18 Housing Advisory Committee; and

19  
20 **WHEREAS**, the Board of County Commissioners, at a regular meeting held on the 20th of  
21 August, 2014, approved an agreement between FCRC Consensus Center, FSU, and Monroe County Board  
22 of County Commissioners for professional services on Affordable Workforce Housing Stakeholder  
23 Assessment; and

24  
25 **WHEREAS**, at a regular meeting held on the 20<sup>th</sup> of May, 2015, the Board of County  
26 Commissioners reviewed and discussed the Monroe County Workforce Housing Stakeholder Assessment  
27 Report generated by FCRC Consensus Center, FSU, dated April 2015; and

28  
29 **WHEREAS**, at a regular meeting held on the 20<sup>th</sup> of May, 2015, the Board of County  
30 Commissioners adopted Resolution 139-2015 assigning additional duties to the Affordable Housing  
31 Advisory Committee; and

32  
33 **WHEREAS**, at a regular meeting held on the 10<sup>th</sup> of June, 2015, the Board of County  
34 Commissioners adopted Ordinance 014-2015 amending Section 2-700 of the Monroe County Code to  
35 establish the 14 members of the Affordable Housing Advisory Committee and directed staff to amend  
36 Resolution 139-2015 to add one additional duty to the committee; and

37  
38 **WHEREAS**, on October 16, 2015, the Affordable Housing Advisory Committee adopted  
39 Resolution 01-2015, providing recommendations on the first three tasks assigned to the committee for the  
40 development of a workforce housing development plan; and

1           **WHEREAS**, at a regular meeting held on the 17<sup>th</sup> of November, 2015, the Board of County  
2 Commissioners adopted Resolution 393-2015, supporting and encouraging collaboration between the  
3 County of Monroe and incorporated municipalities of Monroe County on addressing the issues of  
4 affordable and workforce housing; and  
5

6           **WHEREAS**, on November 20, 2015, the Affordable Housing Advisory Committee adopted  
7 Resolution 02-2015, recommending to the Board of County Commissioners an amendment to the Local  
8 Housing Assistance Plan, as required by the State Housing Initiatives Partnership Program Act; and  
9

10           **WHEREAS**, on December 9, 2015, the Board of County Commissioners adopted Resolution 403-  
11 2015, approving the amendment to the Local Housing Assistance Plan (LHAP), as required by the State  
12 Housing Initiatives Partnership Program Act and submission of the LHAP to the Florida Housing Finance  
13 Corporation; and  
14

15           **WHEREAS**, on November 20, 2015, the Affordable Housing Advisory Committee recommended  
16 to the Board of County Commissioners a Review of Surplus Land Inventory and Inventory List and  
17 provided an inventory of county-owned real property which may be appropriate for affordable housing;  
18 and  
19

20           **WHEREAS**, on December 9, 2015, the Board of County Commissioners adopted Resolution 404-  
21 2015, approving the inventory of county-owned real property which may be appropriate for affordable  
22 housing; and  
23

24           **WHEREAS**, on January 22, 2016, the Affordable Housing Advisory Committee adopted  
25 Resolution 03-2015, recommending that the Board of County Commissioners support and fund a nexus  
26 study as the first step in considering the expansion of the County residential inclusionary housing program  
27 to cover transient and commercial development in the County; and  
28

29           **WHEREAS**, on July 22, 2016, the Affordable Housing Advisory Committee adopted Resolution  
30 01-2016, providing 33 recommendations to the Board of County Commissioners on the issues included in  
31 their charge; and  
32

33           **WHEREAS**, on August 17, 2016, staff presented the Affordable Housing Advisory Committee's  
34 adopted Resolution 01-2016 (33 recommendations) to the BOCC and the BOCC approved contracts for  
35 studies to support an inclusionary housing requirement to cover transient and commercial development as  
36 well as requested staff to schedule a special meeting to discuss the remaining recommendations; and  
37

38           **WHEREAS**, on a special meeting on December 6, 2016, the BOCC reviewed and discussed the  
39 33 recommendations provided by the Affordable Housing Advisory Committee and directed staff to  
40 research certain items, implement certain items and process amendments to the land development code;  
41 and

1           **WHEREAS**, on a special meeting on December 6, 2016, the BOCC specifically directed staff to  
2 amend Monroe County Code Section 139-2 (affordable housing incentive program), as recommended by  
3 the Affordable Housing Advisory Committee, to limit the transfer of ROGO exemptions from mobile  
4 homes to only Tier III designated platted lots within the Improved Subdivision (IS) land use district and  
5 within the same ROGO planning subarea for the development of single family detached dwelling units;  
6 and

7  
8           **WHEREAS**, the County's updated land development code became effective on February 3, 2017;  
9 and

10  
11           **WHEREAS**, an ordinance addressing the interim time period between the current adopted land  
12 development code and the adoption of the amendment to Section 139-2 as recommended of the  
13 Affordable Housing Advisory Committee and the BOCC, is necessary to ensure that the new code  
14 requirements are fully evaluated to ensure public health, safety, and welfare of the citizens of  
15 unincorporated Monroe County, including the provision of public participation in the planning process;  
16 and

17  
18           **WHEREAS**, the Monroe County Board of County Commissioners, at a regular meeting on  
19 February 15, 2017 in Key West, Florida, directed staff to impose a temporary moratorium upon certain  
20 development applications proposing to utilize Monroe County Code Section 139-2 (affordable housing  
21 incentive program) to transfer ROGO exemptions from mobile homes to another location; and

22  
23           **WHEREAS**, the Monroe County Board of County Commissioners adopted Resolution 088-2017,  
24 at a regular meeting on March 15, 2017 in Key Largo, Florida, directed staff to process an ordinance to  
25 impose a temporary moratorium deferring the approval of new private applications or received  
26 applications that are not yet approved, proposing to utilize Monroe County Code Section 139-2  
27 (Affordable Housing Incentive Program) or Section 138-22(b) (Transfer of ROGO exemptions off site) to  
28 transfer market rate units to another location; and

29  
30           **WHEREAS**, the Monroe County Board of County Commissioners adopted Ordinance 011-2017  
31 at a regular meeting on July 19, 2017 in Marathon, Florida, imposing a temporary moratorium deferring  
32 the approval of new private applications or received applications that are not yet approved, proposing to  
33 utilize Monroe County Code Section 139-2 (Affordable Housing Incentive Program) or Section 138-22(b)  
34 (Transfer of ROGO exemptions off site) to transfer market rate units to another location; and

35  
36           **WHEREAS**, on April 19, 2018, at the regularly scheduled meeting, the BOCC gave direction to  
37 staff to process proposed text amendments to the Comprehensive Plan and Land Development Code to  
38 incentivize the development of affordable housing by allowing the issuance of affordable housing ROGO  
39 allocations to Tier I, Tier II, Tier III and Tier III-A designated parcels in order to replace market rate  
40 dwelling units with a deed-restricted affordable housing dwelling units; and

1           **WHEREAS**, since the adoption of Ordinance 011-2017, there have been instances in which an  
2 applicant seeks to transfer an existing market-rate ROGO exemption to an off-site location and redevelop  
3 the property with a deed-restricted affordable dwelling unit; and  
4

5           **WHEREAS**, the interim development Ordinance 011-2017 prohibits the ability to transfer the  
6 market-rate ROGO exemption at this time, and therefore does not allow the owner to realize the full  
7 potential of the incentives the BOCC wishes to offer for redevelopment of homes with deed restricted  
8 affordable units; and  
9

10           **WHEREAS**, on July 18, 2018 the BOCC reduced the scope of Ordinance 011-2017 so that market  
11 rate ROGO transfers consistent with the intent of the adopted moratorium may be allowed at this time,  
12 prior to adoption of the directed land development code amendments through a separate adopted  
13 resolution; and  
14

15           **WHEREAS**, on June 26, 2018, the Monroe County Development Review Committee (DRC)  
16 reviewed the proposed interim development ordinance; and  
17

18           **WHEREAS**, at a regularly scheduled meeting held on July 25, 2018, the Monroe County Planning  
19 Commission held a public hearing for the purpose of considering the proposed interim development  
20 ordinance and provided for public comment; and  
21

22           **WHEREAS**, the Monroe County Planning Commission adopted Resolution No. P21-18  
23 recommending approval of the proposed interim development ordinance; and  
24

25           **WHEREAS**, Monroe County policies and regulations adopted in the Monroe County  
26 Comprehensive Plan and Land Development Code are to maintain public health, safety, and welfare of the  
27 citizens of the Florida Keys and to strengthen our local government capability to manage land use and  
28 development; and  
29

30 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS**  
31 **OF MONROE COUNTY:**  
32

33 **Section 1. Moratorium Imposed.** Monroe County Planning and Environmental Resources Department  
34 shall defer the approval of new private applications or received applications that are not yet approved,  
35 commencing October 27, 2018, utilizing:

- 36 1. Monroe County Code Section 139-2 (Affordable Housing Incentive Program) to transfer ROGO  
37 exemptions from mobile homes to another location; or
- 38 2. Monroe County Code Section 138-22(b) (Transfer of ROGO exemptions off site) to transfer  
39 market rate units after an affordable housing unit has been awarded to another location until the  
40 Land Development Code is amended to:  
41

- 1 a. Limit the transfer of Market Rate ROGO exemptions to property that meets all of the  
2 following criteria:
- 3 i. receiver site is a Tier III designated platted lot; and
  - 4 ii. receiver site is a platted lot within the Improved Subdivision (IS) Land Use District  
5 or the Urban Residential Mobile Home (URM) Land Use District; and
  - 6 iii. receiver site is a platted lot located within the same ROGO planning subarea; and
  - 7 iv. receiver site property is not a working waterfront;

8 as recommended by the Affordable Housing Advisory Committee and the BOCC; Providing for  
9 expiration within 365 days of the effective date of this ordinance or when the Land Development Code  
10 amendments become effective, whichever comes first.

11  
12 Notwithstanding the foregoing, the Monroe County Planning and Environmental Resources Department  
13 shall accept and consider new private applications or received applications that are not yet approved,  
14 commencing upon the effective date of this ordinance utilizing either (1) Land Development Code Section  
15 139-2 (Affordable Housing Incentive Program) to transfer lawfully established market rate ROGO  
16 exemptions from mobile homes to another location; or (2) Land Development Code Section 138-22(b)  
17 (Transfer of ROGO exemptions off site) to transfer lawfully established market rate units to an eligible  
18 receiver site when the following criteria is met:

- 19
- 20 1. receiver site is designated as Tier III; and
- 21 2. receiver site is a legally platted lot; and
- 22 3. receiver site is within the Improved Subdivision (IS) Land Use District or the Urban  
23 Residential Mobile Home (URM) Land Use District; and
- 24 4. receiver site is located within the same ROGO planning subarea as the sender site; and
- 25 5. receiver site property is not a working waterfront.
- 26

27 **Section 2. Term.** The moratorium imposed by this Ordinance is temporary and, unless dissolved  
28 earlier by the Board of County Commissioners, shall automatically dissolve upon the adoption of Land  
29 Development Code amendments. In no event, however, shall the moratorium imposed by this Ordinance  
30 extend beyond 365 days from the effective date of this ordinance.

31  
32 **Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any  
33 section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or  
34 unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses,  
35 and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this  
36 Ordinance shall stand notwithstanding the invalidity of any part.

37  
38 **Section 4. Transmittal.** This ordinance shall be transmitted to the Florida State Land Planning  
39 Agency as required by F.S. 380.05(11) and F.S. 380.0552(9).

40  
41 **Section 5. Filing and an Effective Date.** The provisions of this Ordinance constitute a "land

1 development regulation” as State law defines that term. This ordinance shall be filed in the Office of the  
2 Secretary of State of Florida, but shall not become effective until a notice is issued by the State Land  
3 Planning Agency or Administration Commission finding the amendment in compliance, and if challenged  
4 until such challenge is resolved pursuant to Chapter 120, F.S.

5  
6 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a  
7 regular meeting of the Board held on the 15th day of August, 2018.

8  
9

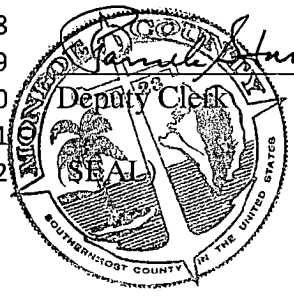
10	Mayor David Rice, District 4	<u>Yes</u>
11	Mayor Pro Tem Sylvia J. Murphy, District 5	<u>Yes</u>
12	Danny L. Kolhage, District 1	<u>Yes</u>
13	George Neugent, District 2	<u>Yes</u>
14	Heather Carruthers, District 3	<u>Yes</u>

FILED FOR RECORD  
 2018 SEP -14 AM 9:10  
 CLERK C.R. CT.  
 MONROE COUNTY, FL.

17 Attest: KEVIN MADOK, CLERK

18 BOARD OF COUNTY COMMISSIONERS  
19 OF MONROE COUNTY, FLORIDA

20 By: *David Rice*  
21 Mayor David Rice  
22



MONROE COUNTY ATTORNEY  
 APPROVED AS TO FORM:  
*Steven T. Williams*  
 STEVEN T. WILLIAMS  
 ASSISTANT COUNTY ATTORNEY  
 Date 8/3/18



## Kevin Madok, CPA

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

September 4, 2018

Department of State  
Administrative Code & Register  
500 S Bronough Street  
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is an electronic copy of Ordinance No. 020-2018 extending an Interim Development Ordinance as initially established on July 19, 2017 through Ordinance 011-2017 for an additional 365 days to defer the approval of new private applications or received applications that have not been fully approved utilizing Monroe County Code Section 139-2 (Affordable Housing Incentive Program) to transfer ROGO exemptions from Mobile Homes to another location, or Section 138-22(B) to transfer off-site market rate units to another location, commencing October 27, 2018, until the Land Development Code is amended to limit the transfer of ROGO exemptions from Mobile Homes to only Tier III designated platted lots within the Improved Subdivision (IS) Land Use District or the Urban Residential Mobile Home (URM) Land Use District and within the same ROGO Planning Area for the development of single family detached dwelling units and the receiver property shall not be a working waterfront; as recommended by the Affordable Housing Advisory Committee and the BOCC; providing for expiration within 365 days of the effective date of this Interim Development Ordinance or when the Land Development Code amendments become effective, whichever comes first; providing for severability; providing for transmittal to the State Land Planning Agency and the Secretary of State; providing for amendment to the Land Use District (Zoning) Map; providing for an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on August 15, 2018. Should you have any questions, please feel free to contact me at (305) 292-3550.

Respectfully Submitted,

Kevin Madok, CPA, Clerk of  
the Circuit Court & Comptroller &  
ex-officio to the Monroe County  
Board of County Commissioners

*by: Pamela G. Hancock, D.C.*

cc: Planning & Environmental  
County Administrator  
County Attorney  
BOCC  
File

---

KEY WEST  
500 Whitehead Street  
Key West, Florida 33040  
305-294-4641

MARATHON  
3117 Overseas Highway  
Marathon, Florida 33050  
305-289-6027

PLANTATION KEY  
88820 Overseas Highway  
Plantation Key, Florida 33070  
305-852-7145

PK/ROTH BUILDING  
50 High Point Road  
Plantation Key, Florida 33070  
305-852-7145





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

September 4, 2018

Honorable Kevin Madok  
Clerk of the Circuit Court  
Monroe County  
500 Whitehead Street, Suite 101  
Key West, Florida 33040

Attention: Pamela Hancock

Dear Mr. Madok:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Monroe County Ordinance No. 2018-020, which was filed in this office on September 4, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb