



1  
2  
3 **MONROE COUNTY, FLORIDA**  
4 **RESOLUTION 203 -2018**  
5  
6  
7

8 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, AMENDING  
9 INTERIM DEVELOPMENT ORDINANCE 011-2017 TO REDUCE ITS SCOPE, IN  
10 ORDER TO ALLOW NEW APPLICATIONS, OR RECEIVED APPLICATIONS THAT  
11 HAVE NOT BEEN FULLY APPROVED, TO UTILIZE MONROE COUNTY CODE  
12 SECTION 139-2 (AFFORDABLE HOUSING INCENTIVE PROGRAM) OR SECTION  
13 138-22(B) (TRANSFER OF ROGO EXEMPTIONS) TO TRANSFER MARKET RATE  
14 ROGO EXEMPTIONS TO TIER III PLATTED LOTS WITHIN THE IMPROVED  
15 SUBDIVISION (IS) OR URBAN RESIDENTIAL MOBILE-HOME (URM) LAND USE  
16 DISTRICT AND WITHIN THE SAME ROGO PLANNING SUBAREA FOR THE  
17 DEVELOPMENT OF SINGLE FAMILY DETACHED DWELLING UNITS,  
18 PROVIDED THE RECEIVER SITE IS NOT A WORKING WATERFRONT, AS  
19 RECOMMENDED BY THE AFFORDABLE HOUSING ADVISORY COMMITTEE  
20 AND THE BOCC; PROVIDING FOR SEVERABILITY, PROVIDING FOR  
21 TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE  
22 SECRETARY OF STATE, PROVIDING FOR AN EFFECTIVE DATE.  
23

---

24  
25  
26 **WHEREAS**, the Monroe County Board of County Commissioners (BOCC) adopted Resolution  
27 088-2017, at a regular meeting on March 15, 2017 in Key Largo, Florida, directing staff to process an  
28 ordinance to impose a temporary moratorium deferring the approval of new private applications or received  
29 applications that are not yet approved, proposing to utilize Monroe County Code Section 139-2 (Affordable  
30 Housing Incentive Program) or Section 138-22(b) (Transfer of ROGO exemptions off site) to transfer  
31 market rate units to another location; and  
32

33 **WHEREAS**, the BOCC adopted Ordinance 011-2017 at a regular meeting on July 19, 2017 in  
34 Marathon, Florida, imposing a temporary moratorium deferring the approval of new private applications or  
35 received applications that are not yet approved, proposing to utilize Monroe County Code Section 139-2  
36 (Affordable Housing Incentive Program) or Section 138-22(b) (Transfer of ROGO exemptions off site) to  
37 transfer market rate units to another location; and  
38

1           **WHEREAS**, on April 19, 2018, at the regularly scheduled meeting, the BOCC gave direction to  
2 staff to process proposed text amendments to the Comprehensive Plan and Land Development Code to  
3 incentivize the development of affordable housing by allowing the issuance of affordable housing ROGO  
4 allocations to Tier I, Tier II, Tier III and Tier III-A designated parcels in order to replace market rate  
5 dwelling units with a deed-restricted affordable housing dwelling units; and  
6

7           **WHEREAS**, since the adoption of Ordinance 011-2017, there have been instances in which an  
8 applicant seeks to transfer an existing market-rate ROGO exemption to an off-site location and redevelop  
9 the property with a deed-restricted affordable dwelling unit; and  
10

11           **WHEREAS**, the interim development Ordinance 011-2017 prohibits the ability to transfer the  
12 market-rate ROGO exemption at this time, and therefore does not allow the owner to realize the full  
13 potential of the incentives the BOCC wishes to offer for redevelopment of homes with deed restricted  
14 affordable units; and  
15

16           **WHEREAS**, the BOCC seeks to reduce the scope of Ordinance 011-2017 so that market rate ROGO  
17 transfers consistent with the intent of the adopted moratorium may be allowed at this time, prior to adoption  
18 of the directed land development code amendments; and  
19

20           **WHEREAS**, interim development Ordinance 011-2017 shall remain in place notwithstanding the  
21 modifications made herein; and  
22

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

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

31           **Section 1. Reduction in Scope of Monroe County Board of County Commissioners Interim**  
32 **Development Ordinance 011-2017 Imposed.** The Monroe County Planning and Environmental  
33 Resources Department shall accept new private applications and/or process received applications that are  
34 not yet approved, commencing on the effective date of this resolution, utilizing:

- 35           1. Monroe County Code Section 139-2 (Affordable Housing Incentive Program) to transfer ROGO  
36           exemptions from mobile homes to another location; or
- 37           2. Monroe County Code Section 138-22(b) (Transfer of ROGO exemptions off site) to transfer market  
38           rate units to another location;

39           Provided that the transfer of Market Rate ROGO exemptions is to receiver sites that meet all of the  
40           following criteria:

- 41           a. receiver site is designated as Tier III; and

- 1 b. receiver site is a legally platted lot; and
- 2 c. receiver site is within the Improved Subdivision (IS) Land Use District or the Urban
- 3 Residential Mobile Home (URM) Land Use District; and
- 4 d. receiver site is located within the same ROGO planning subarea as the sender site; and
- 5 e. receiver site property is not a working waterfront.

6  
 7 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a  
 8 regular meeting of the Board held on the 18<sup>th</sup> day of July, 2018.

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

17 Attest: KEVIN MADOK, CLERK

18 Sally H. Madok  
 19 Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
 OF MONROE COUNTY, FLORIDA

By: [Signature]  
 Mayor David Rice

22 (SEAL)



FILED FOR RECORD  
 2018 AUG - 1 AM 11:37  
 CLERK CIR. CT.  
 MONROE COUNTY, FL

MONROE COUNTY ATTORNEY  
 APPLICANT: [Signature]  
 ASSISTANT ATTORNEY  
 Date: 7/25/18