



MONROE COUNTY, FLORIDA  
ORDINANCE NO. 018 -2018

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**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 FOR AN ADDITIONAL 365 DAYS TO DEFER THE APPROVAL OF NEW APPLICATIONS OR RECEIVED APPLICATIONS THAT HAVE NOT 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, 2018, UNTIL THE BOCC CAN REVIEW AND POSSIBLY AMEND THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE REGARDING THE DEFINITIONS OF 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; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE. (File 2018-090)**

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WHEREAS, the Monroe County Board of County Commissioners adopted Resolution 087-2017, at a regular meeting on March 15, 2017 in Key Largo, Florida, directed 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

1 agreements), and minor and major conditional use permits (excluding applications proposing only  
2 affordable housing dwelling units); with proposed occupancy by "three unrelated people" or "two  
3 unrelated people and any children related to either of them" of a dwelling unit, and applications  
4 utilizing the term "lock-out;" and  
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6 **WHEREAS**, the Monroe County Board of County Commissioners, at a regular meeting on  
7 February 5, 2017 in Key West, Florida, passed a motion to direct staff to impose a temporary moratorium  
8 upon certain development applications proposing occupancy by "three unrelated people" or "two unrelated  
9 people and any children related to either of them" of a dwelling unit or utilizing the term "lock-out," due  
10 to pending legislation; and  
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12 **WHEREAS**, the Board of County Commissioners of Monroe County, at a regular meeting on 19<sup>th</sup>  
13 day of July, 2017 in Marathon, Florida adopted Ordinance 012-2017 imposing a temporary moratorium  
14 upon certain development applications proposing occupancy by "three unrelated people" or "two unrelated  
15 people and any children related to either of them" of a dwelling unit or utilizing the term "lock-out," due  
16 to pending legislation; and  
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18 **WHEREAS**, Monroe County policies and regulations adopted in the Monroe County  
19 Comprehensive Plan and Land Development Code are to maintain public health, safety, and welfare of  
20 the citizens of the Florida Keys and to strengthen our local government capability to manage land use and  
21 development; and  
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23 **WHEREAS**, the Monroe County BOCC has identified and discussed concerns with the existing  
24 definitions in the County Comprehensive Plan and Land Development Code, including discussion of the  
25 undefined term of "lock-out;" and  
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27 **WHEREAS**, the Monroe County Comprehensive Plan and Land Development Code are silent on  
28 use of "lock-outs" and this use was not discussed during the update process and further edits are needed  
29 to specifically address "lock-outs;" and  
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31 **WHEREAS**, an ordinance addressing the interim time period between the current adopted  
32 comprehensive plan and land development code and the adoption of any new amendment(s) [new  
33 definitions and/or other code requirements] is necessary to ensure that any new definitions and code  
34 requirements are fully evaluated to ensure public health, safety, and welfare of the citizens of  
35 unincorporated Monroe County, including the provision of public participation in the planning process;  
36 and  
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38 **WHEREAS**, an extension to the temporary moratorium deferring the approval of new  
39 applications or received application that have not been fully approved, commencing October 27, 2018,  
40 for comprehensive plan or land development code amendments, development agreements (including  
41 380 development agreements), and minor and major conditional use permits (excluding applications  
42 proposing only affordable housing dwelling units); with proposed occupancy by "three unrelated

1 people" or "two unrelated people and any children related to either of them" of a dwelling unit,  
2 and applications utilizing the term "lock-out;" will allow time to review, study, hold public hearings,  
3 and prepare and adopt an amendment or amendments to the Land Development Code and the  
4 Comprehensive Plan; and  
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6 **WHEREAS**, on June 26, 2018, the Monroe County Development Review Committee (DRC)  
7 reviewed the proposed interim development ordinance; and  
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9 **WHEREAS**, at a regularly scheduled meeting held on July 25, 2018, the Monroe County Planning  
10 Commission held a public hearing for the purpose of considering the proposed interim development  
11 ordinance and provided for public comment; and  
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13 **WHEREAS**, the Monroe County Planning Commission adopted Resolution No. P20-18  
14 recommending approval of the proposed interim development ordinance; and  
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16 **WHEREAS**, adoption of this ordinance will further the health, safety and welfare of the citizens  
17 of Monroe County.  
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19 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS**  
20 **OF MONROE COUNTY:**  
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22 **SECTION 1: Recitals.** The above recitals are true and are hereby adopted and confirmed.  
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24 **SECTION 2. MORATORIUM IMPOSED.** Monroe County Planning and Environmental  
25 Resource Department shall defer the approval of new applications or received applications that have not  
26 been fully approved, commencing October 27, 2018, for comprehensive plan or land development code  
27 amendments, development agreements (including 380 development agreements), and minor and major  
28 conditional use permits (excluding applications proposing only affordable housing dwelling units); with  
29 proposed occupancy by "three unrelated people" or "two unrelated people and any children related to  
30 either of them" of a dwelling unit, and applications utilizing the term "lock-out;" commencing October  
31 27, 2018, until the BOCC can review and possibly amend the comprehensive plan and land development  
32 code regarding the definitions of dwelling unit; household; family and the undefined term "lock-out" of a  
33 dwelling unit; providing for expiration within 365 days of the effective date of an interim development  
34 ordinance or when the comprehensive plan and land development code amendments become effective,  
35 whichever comes first.

36 **SECTION 3. TERM.** The moratorium imposed by this Ordinance is temporary and, unless  
37 dissolved earlier by the Board of County Commissioners, shall automatically dissolve upon the adoption  
38 of Land Development Code amendments. In no event, however, shall the moratorium imposed by this  
39 Ordinance extend beyond 365 days from the effective date of this ordinance.  
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1        **SECTION 4: SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or  
2 provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent  
3 jurisdiction, such holding shall not be construed to render the remaining provisions of this ordinance  
4 invalid or unconstitutional.

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6        **SECTION 5: TRANSMITTAL.** This ordinance shall be transmitted to the Florida State Land  
7 Planning Agency as required by F.S. 380.05(11) and F.S. 380.0552(9).

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9        **SECTION 6: Filing of Ordinance and Effective Date.** This Ordinance shall take effect upon  
10 filing with the Florida Department of State.

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

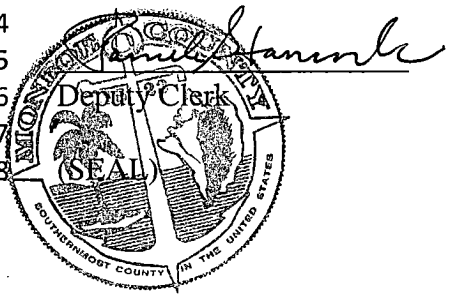
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|----|--|------------|
| 16 | Mayor David Rice, District 4               | <u>Yes</u> |
| 17 | Mayor Pro Tem Sylvia J. Murphy, District 5 | <u>Yes</u> |
| 18 | Danny L. Kolhage, District 1               | <u>Yes</u> |
| 19 | George Neugent, District 2                 | <u>Yes</u> |
| 20 | Heather Carruthers, District 3             | <u>Yes</u> |

FILED FOR RECORD  
2018 SEP -4 AM 9:09  
CLERK DIRECT  
MONROE COUNTY, FL

23 Attest: KEVIN MADOK, CLERK

24 BOARD OF COUNTY COMMISSIONERS  
25 OF MONROE COUNTY, FLORIDA

26 By: [Signature]  
27 Mayor David Rice  
28



MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM: [Signature]  
STEVEN T. WILLIAMS  
ASSISTANT COUNTY ATTORNEY  
Date 7/30/18



## 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. 018-2018 extending an Interim Development Ordinance as initially established on July 19, 2017 through Ordinance 012-2017 for an additional 365 days to defer the approval of new applications or received applications that have not 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, 2018, until the BOCC can review and possibly amend the Comprehensive Plan and Land Development Code regarding the definitions of 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; 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

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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. 2018-018, which was filed in this office on September 4, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb