



Kevin Madok, CPA

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

August 2, 2017

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. 012-2017 to defer the approval of new private 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 March 15, 2017, 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 the expiration with 365 days of the effective date of this interim development Ordinance or when the 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.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on July 19, 2017. Should you have any questions, please feel free to contact me at (305) 295-3130.

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.

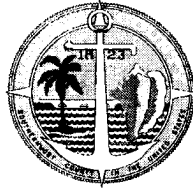
cc: Growth Management
County Attorney
BOCC
File

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



**MONROE COUNTY, FLORIDA
ORDINANCE 012 -2017**

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS 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 MARCH 15, 2017, 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 AN 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.

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 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;" and

WHEREAS, the Monroe County Board of County Commissioners, at a regular meeting on February 15, 2017 in Key West, Florida, passed a motion to direct 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; and

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

WHEREAS, the Monroe County BOCC has identified and discusses concerns with the existing definitions in the County Comprehensive Plan and Land Development Code, including discussion of the undefined term of "lock-out;" and

WHEREAS, the Monroe County Comprehensive Plan and Land Development Code are silent on use of "lock-outs" and this use was not discussed during the update process and further edits are needed to specifically address "lock-outs;" and

WHEREAS, an ordinance addressing the interim time period 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] is necessary to ensure that any new definitions and code requirements 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; and

WHEREAS, staff has been directed to process an interim development 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;" commencing March 15, 2017, 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;" providing for expiration within 365 days of the effective date of an interim development ordinance or when the comprehensive plan and land development code amendments become effective, whichever comes first;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY:

Section 1. Moratorium Imposed. Monroe County Planning and Environmental Resource Department shall defer 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;" commencing March 15, 2017, 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 an interim development ordinance or when the comprehensive plan and land development code amendments become effective, whichever comes first.

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

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

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

Section 5. Filing and an Effective Date. The provisions of this Ordinance constitute a "land development regulation" as State law defines that term. This ordinance shall be filed in the Office of the Secretary of State of Florida, but shall not become effective until a notice is issued by the State Land Planning Agency or Administration Commission finding the amendment in compliance, and if challenged until such challenge is resolved pursuant to Chapter 120, F.S.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 19th day of July, 2017.

Mayor George Neugent	<u>Yes</u>
Mayor <i>Pro Tem</i> David Rice	<u>Yes</u>
Commissioner Danny L. Kolhage	<u>Yes</u>
Commissioner Heather Carruthers	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY *George E. Neugent*
Mayor George Neugent

FILED FOR RECORD
2017 AUG -2 PM 3:58

CLK. CIR. CL.
MONROE COUNTY, FLA



ATTEST: KEVIN MADOK, CLERK

Kevin Madok
DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

Steven T. Williams
STEVEN T. WILLIAMS
ASSISTANT COUNTY ATTORNEY
Date 6/27/17