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MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. -2019

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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, AND EXTENDED THROUGH ORDINANCE 018-2018, 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, 2019, 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 2019-081)

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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 19th
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**, the Board of County Commissioners of Monroe County, at a regular meeting on 28th
19 day of August, 2018 in Marathon, Florida adopted Ordinance 018-2018 extending a temporary
20 moratorium upon certain development applications proposing occupancy by "three unrelated people" or
21 "two unrelated people and any children related to either of them" of a dwelling unit or utilizing the term
22 "lock-out," due to pending legislation; and
23

24 **WHEREAS**, Ordinance 018-2018 is due to expire on October 27, 2019, if the relevant
25 Comprehensive Plan and Land Development Code amendments are not adopted and effective before that
26 date; and
27

28 **WHEREAS**, Monroe County policies and regulations adopted in the Monroe County
29 Comprehensive Plan and Land Development Code are to maintain public health, safety, and welfare of
30 the citizens of the Florida Keys and to strengthen our local government capability to manage land use and
31 development; and
32

33 **WHEREAS**, the Monroe County BOCC has identified and discussed concerns with the existing
34 definitions in the County Comprehensive Plan and Land Development Code, including discussion of the
35 undefined term of "lock-out;" and
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37 **WHEREAS**, the Monroe County Comprehensive Plan and Land Development Code are silent on
38 use of "lock-outs" and this use was not discussed during the update process and further edits are needed
39 to specifically address "lock-outs;" and
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41 **WHEREAS**, an ordinance addressing the interim time period between the current adopted
42 comprehensive plan and land development code and the adoption of any new amendment(s) [new

1 definitions and/or other code requirements] is necessary to ensure that any new definitions and code
2 requirements are fully evaluated to ensure public health, safety, and welfare of the citizens of
3 unincorporated Monroe County, including the provision of public participation in the planning process;
4 and
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6 **WHEREAS**, an extension to the temporary moratorium deferring the approval of new
7 applications or received application that have not been fully approved, commencing October 27, 2019,
8 for comprehensive plan or land development code amendments, development agreements (including
9 380 development agreements), and minor and major conditional use permits (excluding applications
10 proposing only affordable housing dwelling units); with proposed occupancy by "three unrelated
11 people" or "two unrelated people and any children related to either of them" of a dwelling unit,
12 and applications utilizing the term "lock-out;" will allow time to review, study, hold public hearings,
13 and prepare and adopt an amendment or amendments to the Land Development Code and the
14 Comprehensive Plan; and
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16 **WHEREAS**, on May 28, 2019, the Monroe County Development Review Committee (DRC)
17 reviewed the proposed interim development ordinance; and
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19 **WHEREAS**, at a regularly scheduled meeting held on _____, 2019, the Monroe
20 County Planning Commission held a public hearing for the purpose of considering the proposed interim
21 development ordinance and provided for public comment; and
22

23 **WHEREAS**, the Monroe County Planning Commission adopted Resolution No. _____
24 recommending approval of the proposed interim development ordinance; and
25

26 **WHEREAS**, adoption of this ordinance will further the health, safety and welfare of the citizens
27 of Monroe County.
28

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

32 **SECTION 1: Recitals.** The above recitals are true and are hereby adopted and confirmed.
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34 **SECTION 2. MORATORIUM IMPOSED.** Monroe County Planning and Environmental
35 Resource Department shall defer the approval of new applications or received applications that have not
36 been fully approved, commencing October 27, 2019, for comprehensive plan or land development code
37 amendments, development agreements (including 380 development agreements), and minor and major
38 conditional use permits (excluding applications proposing only affordable housing dwelling units); with
39 proposed occupancy by "three unrelated people" or "two unrelated people and any children related to
40 either of them" of a dwelling unit, and applications utilizing the term "lock-out;" commencing October
41 27, 2019, until the BOCC can review and possibly amend the comprehensive plan and land development
42 code regarding the definitions of dwelling unit; household; family and the undefined term "lock-out" of a

1 dwelling unit; providing for expiration within 365 days of the effective date of an interim development
2 ordinance or when the comprehensive plan and land development code amendments become effective,
3 whichever comes first.

4 **SECTION 3. TERM.** The moratorium imposed by this Ordinance is temporary and, unless
5 dissolved earlier by the Board of County Commissioners, shall automatically dissolve upon the adoption
6 of Land Development Code amendments. In no event, however, shall the moratorium imposed by this
7 Ordinance extend beyond 365 days from the effective date of this ordinance.

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9 **SECTION 4: SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or
10 provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
11 jurisdiction, such holding shall not be construed to render the remaining provisions of this ordinance
12 invalid or unconstitutional.

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

16
17 **SECTION 6: Filing of Ordinance and Effective Date.** This Ordinance shall take effect upon
18 filing with the Florida Department of State.

19
20 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida,
21 at a regular meeting held on the _____ day of _____, 2019.

22
23 Mayor Sylvia Murphy _____
24 Mayor *Pro Tem* Danny L. Kolhage _____
25 Commissioner Heather Carruthers _____
26 Commissioner Michelle Coldiron _____
27 Commissioner David Rice _____

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29 BOARD OF COUNTY COMMISSIONERS
30 OF MONROE COUNTY, FLORIDA

31
32 BY _____
33 MAYOR SYLVIA MURPHY

34 (SEAL)

35
36 ATTEST: KEVIN MADOK, CLERK
37 _____
38 DEPUTY CLERK