



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Development Review Committee and
Emily Schemper, AICP, CFM, Senior Director of Planning & Environmental Resources

From: Mayté Santamaria, Senior Planning Policy Advisor

Date: date

Subject: An ordinance by 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 027-2019, for an additional 365 days to defer the approval of new applications or received applications that have not yet 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 November 8, 2020, until the BOCC can review and possibly amend the Comprehensive Plan and the Land Development Code regarding the definitions of a 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. (File 2020-066)

Meeting: July 21, 2020

I. REQUEST

The Monroe County Planning & Environmental Resources Department is proposing an extension to the interim development ordinance (IDO) to defer the approval of new applications or received applications that have not been fully approved, that initially established on July 19, 2017 through Ordinance 012-2017 and extended through Ordinance 027-2019 for an additional 365 days 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.”

On July 17, 2019, the BOCC adopted interim development Ordinance 027-2019 extending the moratorium for an additional 365 days. The moratorium is currently due to expire on November 8, 2020. Staff is seeking an extension to the IDO.

1
2 **II. BACKGROUND INFORMATION**
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4 On April 13, 2016, at a special public meeting, the BOCC adopted the 2030 Comprehensive Plan
5 and Land Development Code. The 2030 Comprehensive Plan was adopted pursuant to Ordinance
6 005-2016 was transmitted to the Department of Economic Opportunity (DEO) on May 4, 2016.
7 DEO issued a notice of intent to find the amendment “in compliance” on June 20, 2016. The
8 Monroe County Year 2030 Comprehensive Plan became effective upon the posting of the Notice
9 of Intent on the DEO Website on June 20, 2016.

10
11 The Monroe County Land Development Code (LDC) was adopted pursuant to Ordinance 006-2016
12 and was transmitted to DEO on May 24, 2016. On July 26, 2016, DEO published Final Order
13 DEO-16-130 in the Florida Administrative Register approving the Monroe County Land
14 Development Code. The Final Order would have become effective 21 days after publication in the
15 Florida Administrative Register (August 16, 2016) but a petition was filed. On August 10, 2016,
16 the Petitioners filed a Petition with DEO, challenging the DEO Final Order. On November 22, 2016,
17 the BOCC adopted an ordinance amending Section 130-165 to resolve the Petition challenging the
18 DEO issued Final Order, satisfying a stipulated settlement agreement and allowing the Monroe
19 County Land Development Code to become effective. The County’s updated Land Development
20 Code became effective on February 3, 2017.

21
22 The previous 2010 Comprehensive Plan did not include any definitions. The 2010 Land
23 Development Code included definitions which were amended with the adoption of the new Land
24 Development Code in April 2016. Both documents include a definition for family. Neither document
25 includes a definition of “lock-out.”
26

27 The Monroe County Board of County Commissioners, at a regular meeting on February 15, 2017
28 in Key West, Florida, directed staff to impose a temporary moratorium upon certain development
29 applications proposing occupancy by "three unrelated people" or "two unrelated people and any
30 children related to either of them" of a dwelling unit or utilizing the term “lock-out,” due to
31 pending legislation.
32

33 The Monroe County Board of County Commissioners adopted Resolution 087-2017, at a regular
34 meeting on March 15, 2017 in Key Largo, Florida, directing staff to process an ordinance to
35 impose a temporary moratorium deferring the approval of new applications or received applications
36 that have not been fully approved, commencing March 15, 2017, for comprehensive plan or land
37 development code amendments, development agreements (including 380 development agreements),
38 and minor and major conditional use permits (excluding applications proposing only affordable
39 housing dwelling units); with proposed occupancy by "three unrelated people" or "two unrelated
40 people and any children related to either of them" of a dwelling unit, and applications utilizing the
41 term “lock-out.”
42

43 On July 19, 2017, the BOCC adopted interim development Ordinance 012-2017 implementing the
44 365 day temporary moratorium described above.
45

46 On August 18, 2018, the BOCC adopted interim development Ordinance 018-2018, extending the
47 365 day moratorium described above.
48

1 On July 17, 2019, the BOCC adopted interim development Ordinance 027-2019 extending the 365
2 day moratorium described above. This moratorium into effect in November 8, 2019 and runs through
3 November 8, 2020 or until Comp Plan and/or LDC amendments are adopted and effective,
4 whichever comes first.
5

6 Staff is proposing amendments to the Comprehensive Plan (File 2019-098) and Land Development
7 Code (File 2019-099). These are separate agenda items and actions to implement the BOCC direction
8 within these interim development ordinances (IDO) and, if these amendments are adopted and
9 effective, will eliminate the current moratorium.
10

11 _____
12 **Community Meeting and Public Participation**

13 In accordance with LDC Section 102-159(b)(3), a Community Meeting is not required for this IDO.
14

15 **Development Review Committee and Public Input**

16 The Development Review Committee considered the proposed amendment at a regular meeting on
17 _____ and received public input.
18

19 **Planning Commission and Public Input**

20 The Planning Commission considered the proposed amendment at a regular meeting
21 on _____, provided for public input and recommended _____.
22

23
24 **III. CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE**
25 **PRINCIPLES FOR GUIDING DEVELOPMENT, AND FLORIDA STATUTES.**
26

27 The proposed IDO is consistent with the Goals, Objectives and Policies of the Monroe County 2030
28 Comprehensive Plan. Specifically, it furthers:
29

30 The proposed IDO is consistent with the Principles for Guiding Development for the Florida Keys
31 Area, Section 380.0552(7), Florida Statutes.
32

33 The proposed IDO is inconsistent with the Part II of Chapter 163, Florida Statute (F.S.).
34

35 The proposed IDO is consistent with LDC Section 102-160(a) (*Amendments in Progress*) - When
36 revisions are being considered concerning the Land Development Code or the Comprehensive Plan,
37 or any portions thereof, the County may take legislative action to delay the approval of applications
38 that include the potential revisions' subject matter. The delay shall be for such time as deemed
39 necessary by the BOCC, not to exceed 365 days or until the Land Development Code or
40 Comprehensive Plan change is fully effectuated.
41

42 **IV. STAFF RECOMMENDATION**
43

44 Staff recommends approval of the proposed extension to the interim development ordinance.
45

46 The interim development ordinance provides a period of time between the current adopted
47 comprehensive plan and land development code and the adoption of any new amendment(s) [new
48 definitions and/or other code requirements] to ensure that the amendments are fully evaluated to

1 ensure public health, safety, and welfare of the citizens of unincorporated Monroe County, including
2 the provision of public participation in the planning process.

3
4 Staff is concurrently processing the BOCC directed amendments related to the development of
5 dwelling units utilizing the term “lock-out.”
6

7 **IV. EXHIBITS**

- 8
9 1. February 15, 2017 Monroe County BOCC agenda item for the IDO
10 2. Resolution 087-2017 and March 15, 2017 Monroe County BOCC agenda item
11 3. Ordinance 012-2017 and July 19, 2017 Monroe County BOCC agenda item
12 4. Ordinance 018-2018 and August 15, 2018 Monroe County BOCC agenda item
13 5. Ordinance 027-2019 and July 17, 2019 Monroe County BOCC agenda item

DRAFT



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5 **MONROE COUNTY, FLORIDA**
6 **MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**
7 **ORDINANCE NO. -2020**
8

9 **AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY**
10 **COMMISSIONERS EXTENDING AN INTERIM DEVELOPMENT ORDINANCE**
11 **AS INITIALLY ESTABLISHED ON JULY 19, 2017 THROUGH ORDINANCE 012-**
12 **2017, AND EXTENDED THROUGH ORDINANCE 027-2019, FOR AN**
13 **ADDITIONAL 365 DAYS TO DEFER THE APPROVAL OF NEW**
14 **APPLICATIONS OR RECEIVED APPLICATIONS THAT HAVE NOT BEEN**
15 **FULLY APPROVED FOR COMPREHENSIVE PLAN OR LAND**
16 **DEVELOPMENT CODE AMENDMENTS, DEVELOPMENT AGREEMENTS**
17 **(INCLUDING 380 DEVELOPMENT AGREEMENTS), AND MINOR AND**
18 **MAJOR CONDITIONAL USE PERMITS (EXCLUDING APPLICATIONS**
19 **PROPOSING ONLY AFFORDABLE HOUSING DWELLING UNITS), WITH**
20 **PROPOSED OCCUPANCY BY "THREE UNRELATED PEOPLE" OR "TWO**
21 **UNRELATED PEOPLE AND ANY CHILDREN RELATED TO EITHER OF**
22 **THEM" OF A DWELLING UNIT, AND APPLICATIONS UTILIZING THE TERM**
23 **"LOCK-OUT," COMMENCING NOVEMBER 8, 2020, UNTIL THE BOCC CAN**
24 **REVIEW AND POSSIBLY AMEND THE COMPREHENSIVE PLAN AND LAND**
25 **DEVELOPMENT CODE REGARDING THE DEFINITIONS OF DWELLING**
26 **UNIT; HOUSEHOLD; FAMILY AND THE UNDEFINED TERM "LOCK-OUT"**
27 **OF A DWELLING UNIT; PROVIDING FOR EXPIRATION WITHIN 365 DAYS**
28 **OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE**
29 **OR WHEN THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE**
30 **AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST;**
31 **PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO**
32 **THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE;**
33 **PROVIDING FOR AN EFFECTIVE DATE. (FILE 2020-066)**
34
35

36
37 **WHEREAS**, the Monroe County Board of County Commissioners, at a regular meeting on
38 February 5, 2017 in Key West, Florida, passed a motion to direct staff to impose a temporary moratorium
39 upon certain development applications proposing occupancy by "three unrelated people" or "two unrelated
40 people and any children related to either of them" of a dwelling unit or utilizing the term "lock-out," due
41 to pending legislation; and
42

43 **WHEREAS**, the Monroe County Board of County Commissioners adopted Resolution 087-

1 2017, at a regular meeting on March 15, 2017 in Key Largo, Florida, directed staff to process an
2 ordinance to impose a temporary moratorium deferring the approval of new applications or received
3 application that have not been fully approved, commencing March 15, 2017, for comprehensive plan
4 or land development code amendments, development agreements (including 380 development
5 agreements), and minor and major conditional use permits (excluding applications proposing only
6 affordable housing dwelling units); with proposed occupancy by "three unrelated people" or "two
7 unrelated people and any children related to either of them" of a dwelling unit, and applications
8 utilizing the term "lock-out;" and
9

10
11 **WHEREAS**, the Board of County Commissioners of Monroe County, at a regular meeting on 19th
12 day of July, 2017 in Marathon, Florida adopted Ordinance 012-2017 imposing a temporary moratorium
13 upon certain development applications proposing occupancy by "three unrelated people" or "two unrelated
14 people and any children related to either of them" of a dwelling unit or utilizing the term "lock-out," due
15 to pending legislation; and
16

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

23 **WHEREAS**, Ordinance 018-2018 extended the moratorium through October 27, 2019; and
24

25 **WHEREAS**, the Board of County Commissioners of Monroe County, at a regular meeting on 17th
26 day of July, 2019 in Marathon, Florida adopted Ordinance 027-2019 imposing a temporary moratorium
27 upon certain development applications proposing occupancy by "three unrelated people" or "two unrelated
28 people and any children related to either of them" of a dwelling unit or utilizing the term "lock-out," due
29 to pending legislation; and
30

31 **WHEREAS**, Ordinance 027-2019 extended the moratorium through November 8, 2020; and
32

33 **WHEREAS**, Monroe County policies and regulations adopted in the Monroe County
34 Comprehensive Plan and Land Development Code are to maintain public health, safety, and welfare of
35 the citizens of the Florida Keys and to strengthen our local government capability to manage land use and
36 development; and
37

38 **WHEREAS**, the Monroe County BOCC has identified and discussed concerns with the existing
39 definitions in the County Comprehensive Plan and Land Development Code, including discussion of the
40 undefined term of "lock-out;" and
41

42 **WHEREAS**, the Monroe County Comprehensive Plan and Land Development Code are silent on
43 use of "lock-outs" and this use was not discussed during the update process and further edits are needed
44 to specifically address "lock-outs;" and
45

46 **WHEREAS**, an ordinance addressing the interim time period between the current adopted

1 comprehensive plan and land development code and the adoption of any new amendment(s) [new
2 definitions and/or other code requirements] is necessary to ensure that any new definitions and code
3 requirements are fully evaluated to ensure public health, safety, and welfare of the citizens of
4 unincorporated Monroe County, including the provision of public participation in the planning process;
5 and
6

7 **WHEREAS**, an extension to the temporary moratorium deferring the approval of new
8 applications or received application that have not been fully approved, commencing November 8, 2020,
9 for comprehensive plan or land development code amendments, development agreements (including
10 380 development agreements), and minor and major conditional use permits (excluding applications
11 proposing only affordable housing dwelling units); with proposed occupancy by "three unrelated
12 people" or "two unrelated people and any children related to either of them" of a dwelling unit,
13 and applications utilizing the term "lock-out;" will allow time to review, study, hold public hearings,
14 and process and adopt an amendment or amendments to the Land Development Code and the
15 Comprehensive Plan; and
16

17 **WHEREAS**, on _____, the Monroe County Development Review Committee
18 (DRC) reviewed the proposed interim development ordinance; and
19

20 **WHEREAS**, at a regularly scheduled meeting held on _____, the Monroe County
21 Planning Commission held a public hearing for the purpose of considering the proposed interim
22 development ordinance and provided for public comment; and
23

24 **WHEREAS**, the Monroe County Planning Commission adopted Resolution No. ____
25 recommending _____ of the proposed interim development ordinance; and
26

27 **WHEREAS**, adoption of this ordinance will further the health, safety and welfare of the citizens
28 of Monroe County.
29

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

33 **SECTION 1. Recitals.** The above recitals are true and are hereby adopted and confirmed.
34

35 **SECTION 2. MORATORIUM IMPOSED.** Monroe County Planning and Environmental
36 Resource Department shall defer the approval of new applications or received applications that have not
37 been fully approved, for comprehensive plan or land development code amendments, development
38 agreements (including 380 development agreements), and minor and major conditional use permits
39 (excluding applications proposing only affordable housing dwelling units); with proposed occupancy by
40 "three unrelated people" or "two unrelated people and any children related to either of them" of a dwelling
41 unit, and applications utilizing the term "lock-out;" commencing November 8, 2020, until the BOCC can
42 review and possibly amend the comprehensive plan and land development code regarding the definitions
43 of dwelling unit; household; family and the undefined term "lock-out" of a dwelling unit; providing for
44 expiration within 365 days of the effective date of an interim development ordinance or when the
45 comprehensive plan and land development code amendments become effective, whichever comes first.
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2 **SECTION 3. TERM.** The moratorium imposed by this Ordinance is temporary and, unless
3 dissolved earlier by the Board of County Commissioners, shall automatically dissolve upon the adoption
4 of Land Development Code amendments. In no event, however, shall the moratorium imposed by this
5 Ordinance extend beyond 365 days from the effective date of this ordinance.
6

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

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

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

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

21
22 Mayor Heather Carruthers _____

23 Mayor *Pro Tem* Michelle Coldiron _____

24 Commissioner Craig Cates _____

25 Commissioner David Rice _____

26 Commissioner Sylvia Murphy _____

27

28
29 BOARD OF COUNTY COMMISSIONERS
30 OF MONROE COUNTY, FLORIDA
31

32 BY _____
33 MAYOR HEATHER CARRUTHERS
34

35 (SEAL)

36
37 ATTEST: KEVIN MADOK, CLERK
38

39 _____
40 DEPUTY CLERK
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