

**RESOLUTION NO. 445 -2021**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, TO FORMALIZE CREATION OF A DENSITY REDUCTION PROGRAM FOR THE PURPOSE OF ACQUIRING PARCELS WITH AT LEAST 1 RESIDENTIAL DEVELOPMENT RIGHT FROM WILLING SELLERS.**

**WHEREAS**, in 2016, the Board of County Commissioners (the “BOCC”) initiated a Density Reduction Program to purchase residential development rights from the owners of private property in anticipation of the State’s expected cessation of new residential development once the current pool of Rate of Growth Ordinance (ROGO) allocations is exhausted; and

**WHEREAS**, the goals of the County’s Density Reduction Program are to 1) reduce ongoing development pressures and the resulting effect on hurricane evacuation clearance times, 2) reduce the demands on public facilities and infrastructure, and 3) protect property owner rights, thus ultimately avoiding unnecessary costs associated with defending property rights claims; and

**WHEREAS**, the Density Reduction Program is consistent with Policies 102.4.3 of the Monroe County Comprehensive Plan; and

**WHEREAS**, the BOCC agrees to use dollars raised through the local option infrastructure sales surtax as authorized in F.S. 212.055(2)(d), which the County has budgeted in Fund 316 to cover costs associated with this program; and

**WHEREAS**, the BOCC and the Monroe County Land Authority (hereinafter “MCLA”), entered into an interlocal agreement on July 21, 2021 regarding the acquisition of infill property for density reduction, among other government purposes; and

**WHEREAS**, the BOCC finds it desirable to formalize the program with the adoption of this resolution; and

**WHEREAS**, the BOCC finds that the acquisition of lots serves a public purpose by protecting property rights, reducing density, and reducing the County’s potential liability for property rights claims.

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

**Section 1:** The recitals set forth are incorporated herein as findings of fact by the Board.

**Section 2:** The Density Reduction Program is hereby created and the MCLA, working with County staff, shall identify residential property owners willing to sell non-conservation parcels (typically Tier 3) with residential development rights (at least 1 Transfer of Development Right (TDR) to the County.

- Section 3:** The property to be purchased must be eligible to receive a building permit for construction of a new residential dwelling unit under the current Monroe County Comprehensive Plan and Land Development Code, and not prohibited by deed restriction or other instrument or legal impairment from receiving such a building permit;
- Section 4:** Once acquired, the County shall retire the right to develop any dwelling unit (housing/residence) from the lot/parcel.
- Section 5:** All willing seller purchase offers shall come before the BOCC for final approval.
- Section 6:** Density Reduction (non-conservation) parcels may later be offered for sale with a deed restriction to prohibit the development of the property with new housing/residential or dwelling units. The revenue derived from the sale of these deed restricted properties can help replenish the funds necessary to acquire additional land and retire more residential development rights.
- Section 7:** The adoption of this resolution shall not invalidate any density reduction purchases made prior to this date. The BOCC ratifies all prior actions taken under the Density Reduction Program.
- Section 8:** This resolution shall take effect upon adoption.

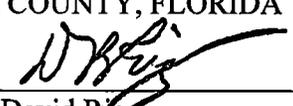
**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 17<sup>th</sup> day of November, 2021.

Mayor David Rice	<u>Yes</u>
Mayor <i>pro tem</i> Craig Cates	<u>Yes</u>
Commissioner Michelle Coldiron	<u>Yes</u>
Commissioner Eddie Martinez	<u>Yes</u>
Commissioner Holly Merrill Raschein	<u>Yes</u>



KEVIN MADOK, CLERK  
  
 As Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
 OF MONROE COUNTY, FLORIDA

BY:   
 Mayor David Rice

FILED FOR RECORD  
 2021 DEC -2 PM 3:11  
 CLERK CIR. CT.  
 MONROE COUNTY, FL

Approved as to form and legal sufficiency:

**Robert B. Shillinger**  
Digitally signed by Robert B. Shillinger  
 DN: cn=Robert B. Shillinger, o=B.O.C.C. of Monroe County, FL, ou=County  
 Attorney, email=shillinger-bob@monroecounty-fl.gov, c=US  
 Date: 2021.11.22 11:56:56 -05'00'

Robert B. Shillinger, County Attorney