



BOARD OF COUNTY COMMISSIONERS

Mayor Michelle Coldiron, District 2
Mayor Pro Tem David Rice, District 4
Craig Cates, District 1
Eddie Martinez, District 3
Holly Merrill Raschein, District 5

County Commission Meeting
November 17, 2021
Agenda Item Number: I.1
Agenda Item Summary #9774

BULK ITEM: No

DEPARTMENT: Land Authority Governing Board

TIME APPROXIMATE:

9:25 AM County Land Acquisition and Land Management

STAFF CONTACT: Christine Hurley (305) 295-5180

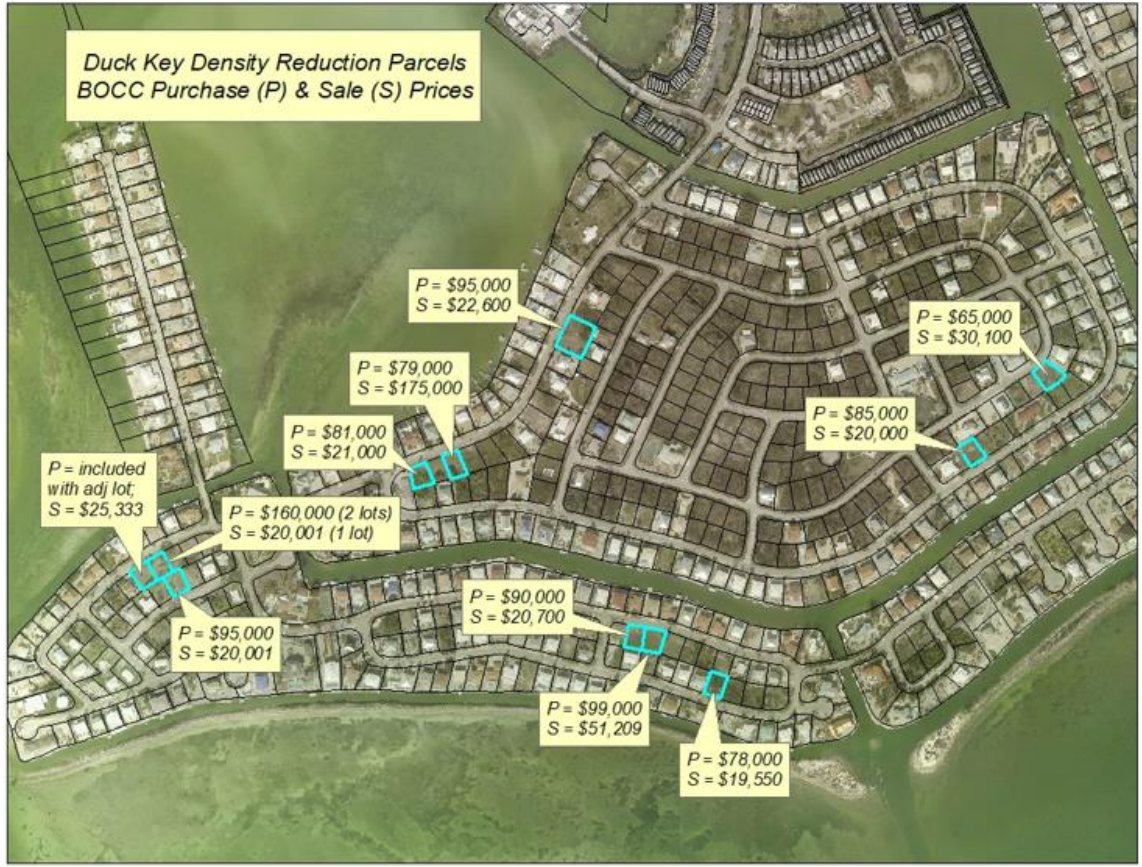
AGENDA ITEM WORDING: Permission to advertise a public hearing to be held in January 2022 to consider adoption of an Ordinance amending Article VII of Chapter 2 of the Monroe County Code that would establish standards and processes to be used in disposing of real property acquired by the County under the Density Reduction Program to neighboring property owners and Property Owners Associations, with deed restrictions prohibiting the construction of Principal Residential Structures, and other limitations.

ITEM BACKGROUND: County staff seeks permission to advertise a proposed ordinance for public hearing at the January BOCC meeting. As of the agenda deadline, the date for the January BOCC meeting has not been set. The Board will set its calendar for 2022 during the November 17, 2021 BOCC meeting. The ordinance is summarized below.

The County initiated a resale program of lots (stripped of development rights) originally acquired under the Density Reduction Program (DRP) on Duck Key, following F.S. 125.35 (1)(a). That statute requires soliciting bids from any interested party, which can be time consuming and cumbersome. The program was a great success, and, in most cases, the purchasers owned land next to the vacant lot being sold without development rights.

Duck Key Density Reduction Parcels

September 2021 Update



Parcel ID #	Legal Address	BOCC Purchase Price	BOCC Sale Price	Difference (indicating TDR value)
00379720-000000	Block 3, Lot 26, Center Island	\$95,000	\$22,600	\$72,400
00379800-000000	Block 3, Lot 34, Center Island	\$79,000	\$175,000	N/A
00379820-000000	Block 3, Lot 35, Center Island	\$81,000	\$21,000	\$60,000
00380240-000000	Block 6, Lot 3, Center Island	\$85,000	\$20,000	\$65,000
00380440-000000	Block 6, Lot 23, Center Island	\$65,000	\$30,100	\$34,900
00383270-000000	Block 4, Lot 7, Plantation Island	\$78,000	\$19,550	\$58,450

00383380-000000	Block 4, Lot 18, Plantation Island	\$99,000	\$51,209	47,791
00383390-000000	Block 4, Lot 19, Plantation Island	\$90,000	\$20,700	\$69,300
00383780-000000	Block 6, Lot 5, Plantation Island	\$95,000	\$20,001	74,999
00383850-000000	Block 6, Lot 12, Plantation Island	\$160,000	\$20,001	\$59,999
00383860-000000	Block 6, Lot 13, Plantation Island		\$25,333	\$54,667
		\$927,000	\$425,494	

Subsection (3) of F.S. 125.35 also allows the Commission to create a specific program for disposition that differs from F.S. 125.35(1). Subsection (3) reads as follows:

(3) As an alternative to subsections (1) and (2), the board of county commissioners may, by ordinance, prescribe disposition standards and procedures to be used by the county in selling and conveying any real or personal property and in leasing real property owned by the county. The standards and procedures must provide at a minimum for:

- (a) Establishment of competition and qualification standards upon which disposition will be determined.*
- (b) Reasonable public notice of the intent to consider disposition of county property and the availability of copies of the standards. Reasonableness of the notice is to be determined by the efficacy and efficiency of the means of communication used.*
- (c) Identification of the form and manner by which an interested person may acquire county property.*
- (d) Types of negotiation procedures applicable to the selection of a person to whom county properties may be disposed.*
- (e) The manner in which interested persons will be notified of the board's intent to consider final action at a regular meeting of the board on the disposition of a property and the time and manner for making objections.*
- (f) Adherence in the disposition of real property to the governing comprehensive plan and zoning ordinances.*

The proposed ordinance would create the Disposition (Resale) Program that would limit sale to:

- **Contiguous** property owners with a primary residential dwelling unit, or
- **Neighborhoods** with an active Property Owners Association

Contiguous:

Contiguous Disposition (Resale) Program Standards:

- Requires the BOCC to adopt a resolution offering parcels for sale
- The parcels shall only be used for accessory uses/structures permitted by the Comprehensive Plan and Land Development Code
- The parcel can only be sold to a property owner with a contiguous parcel that has a primary dwelling unit
- A Deed restriction is required with sale that disallows owner from seeking a building permit in future
- A unity of title is required to join it with the contiguous parcel with the primary dwelling unit

- The buyers shall agree to a minimum purchase price using the most recent Monroe County Property Appraiser Market Land Value
- Ineligible parcels include:
 - Parcels that contain protected habitat that were purchase as conservation land
 - Parcels that were purchased for conservation purposes
 - Parcels owned by the Monroe County Land Authority
 - Parcels purchased by the County using conservation grant funding

Contiguous Disposition (Resale) Program Process:

- Notice will be mailed to contiguous property owners that have an existing primary dwelling unit, offering the parcel for sale
- Bidder will provide:
 - Formal interest in writing
 - Amount they are bidding
 - 10% of purchase price
 - Estimated time needed for closing
 - Attestation of willingness to agree to required standards
- County will accept highest bid or reject all bids

Neighborhood:

Neighborhood Disposition (Resale) Program Standards:

- Requires the BOCC to adopt a resolution offering parcels for sale
- The parcels shall only be used for uses/structures permitted by the Comprehensive Plan and Land Development Code
- The parcel can only be sold to a Property Owner Association willing to manage the site for the good of the neighborhood
- A Deed restriction is required with sale that disallows owner from seeking a building permit in future
- A Deed restriction that includes a reverter clause indicating the County may take back the parcel if the Property Owners Association becomes inactive or discontinues maintenance of the land, by notice to the defunct Property Owner Association, property owners included in the neighborhood, and after publication in a newspaper of general circulation
- The buyers shall agree to a minimum purchase price using the most recent Monroe County Property Appraiser Market Land Value
- Ineligible parcels include:
 - Parcels that contain protected habitat that were purchased as conservation land
 - Parcels that were purchased for conservation purposes
 - Parcels owned by the Monroe County Land Authority
 - Parcels purchased by the County using conservation grant funding

Neighborhood Disposition (Resale) Program Process:

- Notice will be mailed to active Property Owners Association, offering the parcel for sale
- Bidder will provide:
 - Formal interest in writing

- Amount they are bidding
- 10% of purchase price
- Estimated time needed for closing
- Attestation of willingness to agree to required standards
- County will accept the bid as long as it is the minimum amount specified in the offering or reject all bids

The proposed new ordinance is intended to streamline the disposition process by limiting the pool of potential purchasers to only those buyers who can truly use the property given the development restrictions imposed as a condition of the sale. This is anticipated to expedite the disposition process without the expense of advertising a solicitation of bids from the public at large.

PREVIOUS RELEVANT BOCC ACTION:

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATION: Approval

DOCUMENTATION:

Resell DR parcels ordinance 11-2-21

FINANCIAL IMPACT:

Effective Date:	
Expiration Date:	
Total Dollar Value of Contract:	
Total Cost to County:	
Current Year Portion:	
Budgeted:	
Source of Funds:	
CPI:	
Indirect Costs:	
Estimated Ongoing Costs Not Included in above dollar amounts:	
Revenue Producing:	If yes, amount:
Grant:	
County Match:	
Insurance Required:	
Additional Details:	

n/a

REVIEWED BY:

Christine Hurley	Completed	11/01/2021 2:44 PM
Dina Gambuzza	Completed	11/01/2021 3:01 PM
Mark Rosch	Completed	11/01/2021 4:34 PM
Bob Shillinger	Completed	11/02/2021 4:46 PM
Liz Yongue	Completed	11/02/2021 4:48 PM
Board of County Commissioners	Pending	11/17/2021 9:00 AM



MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. -2022

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING ARTICLE VII. OF CHAPTER 2 OF THE MONROE COUNTY CODE, AMENDING ARTICLE VII TITLE FROM LAND ACQUISITION PROGRAM TO LAND ACQUISITION AND DISPOSITION (RESALE) PROGRAM, CREATING DIVISION 1. MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY, MAINTAINING SECTION 2-395 THROUGH 2-407, RESERVING SECTION 2-408 THROUGH 2-415, CREATING DIVISION 2. CONTIGUOUS DISPOSITION (RESALE) PROGRAM, CREATING SECTIONS 2-416 THROUGH 2-418 PRESCRIBING DISPOSITION STANDARDS AND PROCEDURES TO BE USED IN CONVEYING DEED RESTRICTED REAL PROPERTY TO CONTIGUOUS PROPERTY OWNERS, RESERVING SECTION 2-418 THROUGH 2-420, CREATING DIVISION 3. NEIGHBORHOOD DISPOSITION (RESALE) PROGRAM, CREATING SECTIONS 2-421 THROUGH 2-422 PRESCRIBING DISPOSITION STANDARDS AND PROCEDURES TO BE USED IN CONVEYING DEED RESTRICTED REAL PROPERTY TO PROPERTY OWNERS ASSOCIATIONS, CREATING SECTION 2-423 REVENUE, INDICATING WHERE SALE PROCEEDS WILL BE DEPOSITED, RESERVING SECTIONS 2-424 THROUGH 2-427, CREATING DISPOSITION PROGRAMS UNDER THE COUNTY’S DENSITY REDUCTION ACQUISITION PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AMENDMENT TO AND INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF STATE AND FOR AN EFFECTIVE DATE.

WHEREAS, in 2016, the Board of County Commissioners (the “County”) initiated a Density Reduction Program to purchase non-conservation land (typically Tier 3) with residential development rights (at least one (1) Transferable Development Right (TDR)) from private owners for the limited purpose of retiring the property’s development rights in anticipation of the State’s expected cessation of new 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

Attachment: Resell DR parcels ordinance 11-2-21 (Permission to advertise disposition ordinance for January BOCC)

50 demands on public facilities and infrastructure, and 3) protect property owner rights, thus ultimately
 51 avoiding unnecessary costs associated with defending property rights claims; and

52
 53 **WHEREAS**, since 2016, the County, in cooperation with the Monroe County Land Authority,
 54 has purchased and will continue to purchase density reduction parcels throughout unincorporated
 55 Monroe County; and

56
 57 **WHEREAS**, the County finds that reselling parcels purchased under the Density Reduction
 58 Program with deed restrictions that prohibit owners from seeking a permit for a residential dwelling unit
 59 is a cost effective method of achieving the County's density reduction goals; and

60
 61 **WHEREAS**, F.S. 125.35(3) authorizes the County to adopt an ordinance prescribing disposition
 62 standards and procedures to be used by the County in selling and conveying any real property as
 63 alternatives to F.S. 125.35(1) & (2) as long as the County provides standards and procedures that provide
 64 at a minimum:

- 65 (a) Establishment of competition and qualification standards upon which disposition will be
 66 determined.
- 67 (b) Reasonable public notice of the intent to consider disposition of county property and the
 68 availability of copies of the standards. Reasonableness of the notice is to be determined by the
 69 efficacy and efficiency of the means of communication used.
- 70 (c) Identification of the form and manner by which an interested person may acquire county
 71 property.
- 72 (d) Types of negotiation procedures applicable to the selection of a person to whom county
 73 properties may be disposed.
- 74 (e) The manner in which way interested persons will be notified of the board's intent to
 75 consider final action at a regular meeting of the board on the disposition of a property and the
 76 time and manner for making objections.
- 77 (f) Adherence in the disposition of real property to the governing comprehensive plan and
 78 zoning ordinances; and

79
 80 **WHEREAS**, the County desires to create a Disposition Program, in accordance with F.S.
 81 125.35(3) to provide for the resale of real property to contiguous homeowners or Property Owners
 82 Associations, subject to deed restrictions prohibiting establishment of a dwelling unit; and

83
 84 **WHEREAS**, Monroe County policies and regulations adopted in the 2030 Monroe County
 85 Comprehensive Plan and Land Development Code are to maintain public health, safety, and welfare of
 86 the citizens of the Florida Keys and to strengthen our local government capability to manage land use
 87 and development; and

88
 89 **WHEREAS**, the disposition of density reduction program parcels with deed restrictions, as
 90 described herein, is consistent with Policies 102.4.3 and 102.4.5 of the 2030 Monroe County
 91 Comprehensive Plan; and

92
 93 **WHEREAS**, pursuant to Article 8 of the Florida Constitution and Section 125.66, Florida
 94 Statutes, Monroe County possesses the powers to enact ordinances in order to protect the health, safety,
 95 and welfare of the County's citizens.

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 97 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
 98 **COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

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Section 1: The “Whereas” clauses set forth above are incorporated herein as findings by the Board.

Section 2: The text of Article VII of the Monroe County Code is hereby amended as follows (deletions are shown ~~stricken through~~; additions are shown (underlined)):

ARTICLE VII. LAND ACQUISITION AND DISPOSITION (RESALE) PROGRAM

Section 3: Division 1 is hereby created to read as follows:

DIVISION 1. - MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY

Section 4: Sections 2-395 through 2-407 are maintained as written.

Section 5: Sections 2-408 through 2-415 are Reserved.

Section 6: Division 2 is hereby created to read as follows:

DIVISION 2. – CONTIGUOUS DISPOSITION (RESALE) PROGRAM

Section 7: Section 2-416 of the Monroe County Code is hereby created to read as follows:

Sec. 2-416. - Contiguous Disposition (Resale) Program Standards.

The County may, at the County’s discretion, and upon approval of a resolution, initiate the sale of real property belonging to the County, to contiguous (land touching at more than one point) homeowners in accordance with the following standards:

- (a) The County determines the desire to dispose of parcels of real property belonging to the County; and
- (b) It is in the best interest of the County to offer a parcel for accessory uses/accessory structures permitted by the Comprehensive Plan and Land Development Code. Accessory uses or accessory structures shall have the meaning provided in Section 101-1 of the Land Development Code; and
- (c) The parcel is of use to one or more contiguous homeowners who have already built and currently have an existing residential structure as its principal structure/use. When available, this is the priority use under the Disposition (Resale) Program; and
- (d) Purchasers shall be prohibited from seeking a permit for a residential dwelling unit on the parcel, based on the overriding public interest of:
 - a. reducing hurricane evacuation clearance times; and
 - b. reducing the demands on public facilities and infrastructure; and
 - c. protecting property owner rights, thus avoiding unnecessary costs associated with defending property rights claims; and
- (e) The parcel shall be deed restricted to prohibit prospective purchasers from seeking:
 - a. a permit for the construction of a residential dwelling unit; and/or

- 148 b. points in the Rate of Growth Ordinance (ROGO) application process
 149 for receiving a ROGO allocation; and
 150 (f) The parcel shall be combined using a unity of title real estate instrument; and
 151 (g) There shall be a minimum purchase price established by an appraisal of the
 152 parcels to be offered for sale based on the parcels' value without development
 153 rights; and
 154 (h) The following are ineligible for this disposition program:
 155 (a) Parcels containing protected habitat, acquired as conservation land, or
 156 being managed as conservation land; and
 157 (b) Parcels dedicated to the County for ROGO points for conservation
 158 purposes; and
 159 (c) Parcels owned by Monroe County Land Authority; and
 160 (d) Parcels purchased with grant funds requiring conservation or requiring
 161 County ownership in perpetuity.

163 **Section 8: Section 2-417 of the Monroe County Code is hereby created to read as**
 164 **follows:**

166 Sec. 2-417. - Contiguous Disposition (Resale) Program Process:

- 168 (a) Notice shall be sent of the intended action to dispose of eligible parcels to
 169 owners of contiguous properties by certified mail providing at least 30 days
 170 for bidders to respond, in writing, on a form to be provided, indicating:
 171 a. interest in the purchase of parcel being offered for disposition; and
 172 b. the minimum bid price; and
 173 c. the bid the buyer is making to purchase the parcel; and
 174 d. willingness to close in 6 months (if closing doesn't occur County may
 175 move to next lowest bidder); and
 176 (b) If the County is disposing of two or more contiguous parcels, then all
 177 homeowners of any contiguous parcel being sold shall be considered eligible
 178 buyers and shall be noticed of the pending disposition and invited to bid; and
 179 (c) Names and addresses from the Monroe County Property Appraiser website
 180 shall be used for sending the notices to contiguous properties; and
 181 (d) The Notice shall inform prospective bidders and bidders shall agree in writing
 182 at the time of the bid:
 183 a. that each parcel being sold will be subject to a deed restriction
 184 prohibiting the construction of a residential dwelling unit on the parcel
 185 and shall only be used consistent with the Comprehensive Plan and
 186 Land Development Code for accessory uses and structures; and
 187 b. that the parcel being sold shall be combined by unity of title with the
 188 contiguous property with the existing principal residential use; and
 189 c. to the minimum purchase price established by the County by
 190 resolution; and
 191 d. that there is a minimum deposit amount of 10% of total bid amount
 192 required to accept the bid(s); and
 193 (e) The County shall accept the highest bid, at or above the minimum purchase
 194 price established in the Notice or may reject all bids. If the highest bidder does
 195 not purchase and close on the parcel, the County shall have the authority to

- 196 consider the next highest bidder, provided the bid meets or exceeds the
 197 minimum purchase price established; and
 198 (f) As used in this section, a contiguous parcel or contiguous property means
 199 parcels of land sharing of a common border at more than a single point of
 200 intersection; and

201
 202 **Section 9: Sections 2-418 through 2-420 are Reserved.**

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 204
 205 **Section 10: Division 3 is hereby created to read as follows:**

206
 207 DIVISION 3. –NEIGHBORHOOD DISPOSITION (RESALE) PROGRAM

208
 209
 210 **Section 11: Section 2-421 of the Monroe County Code is hereby created to read as**
 211 **follows:**

212
 213 Section 2-421. - Neighborhood Disposition (Resale) Program Standards

214
 215 The County may, at the County’s discretion, and upon approval of a resolution by
 216 the BOCC, initiate the disposal of qualifying property to a Property Owners
 217 Association in terms determined by the Board to be in the best interests of the
 218 County, subject to the following conditions and limitations:

- 219
 220 (a) The Board is satisfied that there is an active Property Owners Association, as
 221 that term is defined in F.S. 712.01(5);
 222 (b) The Board determines that it is in the best interest of the County to offer a
 223 parcel for neighborhood uses, as permitted by the Comprehensive Plan and
 224 Land Development Code, to that Property Owners Association;
 225 (c) The parcel shall be deed restricted to prohibit prospective purchasers from
 226 seeking:
 227 a. a permit for the construction of a residential dwelling unit; and/or
 228 b. points in the Rate of Growth Ordinance (ROGO) application process
 229 for receiving a ROGO allocation; and
 230 c. to sell the parcel;
 231 (d) The parcel shall be deed restricted with a reverter clause, so that if the Property
 232 Owners Association dissolves and/or fails to maintain the property, the
 233 County may at exercise the reverter.
 234 (e) Once transferred, the parcel shall be managed by an active Property Owners
 235 Association; and
 236 (f) Other terms and conditions that the Board deems just and proper under which
 237 it will contemplate the transfer of ownership to the Property Owners
 238 Association; but
 239 (i) The following are ineligible for this disposition program:
 240 (a) Parcels containing protected habitat, acquired as conservation land, or
 241 being managed as conservation land;
 242 (b) Parcels dedicated to the County for ROGO points for conservation
 243 purposes;
 244 (c) Parcels owned by Monroe County Land Authority; and

- 245 (d) Parcels purchased with grant funds requiring conservation or requiring
 246 county ownership in perpetuity.
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248 **Section 12: Section 2-422 of the Monroe County Code is hereby created to read as**
 249 **follows:**

250 Section 2-422. – Neighborhood Disposition (Resale) Program Process
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- 252
- 253 (a) Notice shall be sent of the intended action to dispose of eligible parcels, to all
 254 Property Owners' Associations active in a neighborhood in which the property
 255 exists.
- 256 (b) Notice shall be sent by certified mail, providing at least 30 days for interested
 257 Property Owners Associations to respond, in writing, on a form to be
 258 provided, indicating:
 259 a. interest in the purchase of parcel being offered for disposition;
 260 b. the minimum price the County will accept for the property;
 261 c. the price willing to be paid for the parcel; and
 262 d. Any other terms determined by the Board.
- 263 (c) The Board shall retain the sole discretion to accept a Property Owner's
 264 Association's bid.
- 265 (d) Names and addresses from the Monroe County Property Appraiser website or
 266 other State of Florida website, shall be used for sending the notices to Property
 267 Owner Association.
- 268 (e) The Notice shall inform prospective Property Owners Associations seeking to
 269 acquire a parcel that it shall agree in writing at the time of the transfer that:
 270 a. each parcel being conveyed will be subject to a deed restriction
 271 prohibiting the construction of a residential dwelling unit on the parcel,
 272 prohibiting the resale of the parcel without County consent, and shall
 273 only be used consistent with the Comprehensive Plan and Land
 274 Development Code for neighborhood uses and structures;
 275 b. the Property Owners' Association (Association) shall maintain the
 276 property and that the parcel shall be subject to a reverter clause
 277 providing that the parcel may return to County ownership if the
 278 Association dissolves and/or fails to properly maintain the parcel, in
 279 which case the parcel shall revert back to the County; and
 280 c. the Board shall retain the option to decide whether it wants to exercise
 281 the reverter or not.
- 282 (f) To exercise the reverter, the following must occur:
 283 a. The Board shall authorize the exercise of the reverter clause;
 284 b. The County must notify the Association by certified mail, at the most
 285 recent address recorded with the Monroe County Property Appraiser
 286 or the last known address on record with the Florida Secretary of State,
 287 Division of Corporations for the Association indicating the
 288 maintenance deficiencies, providing an opportunity to cure, and
 289 indicating the intent to exercise the reverter if not cured;
 290 c. The County must notify the property owners in the subdivision(s)
 291 affiliated with the Property Owners Association, using the most recent
 292 address recorded with the Monroe County Property Appraiser of same
 293 of the Board's intention to exercise the reverter; and

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- d. The County shall publish a notice in a newspaper authorized by statute to publish legal notices in the County, providing notice of the intent to exercise the reverter.
- e. In the event of an exercise of the reverter, the Association shall execute a deed to the County for the subject property. If the Association does not produce a deed to the County for the subject property, then the County may seek a court order confirming the reversion has occurred.

Section 13: Section 2-423 of the Monroe County Code is hereby created to read as follows:

Sec. 2-423. - Revenue
Any revenue derived from the disposition/sale of parcels shall be deposited to Fund 316, the fund used to pay for land acquisitions under the density reduction and/or Less than Fee programs.

Section 14: Sections 2-424 through 2-427 are Reserved.

Section 15: **Severability.** If any section, subsection, sentence, clause, or provision of this ordinance is held by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 16: **Conflict.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 17: **Inclusion in the Monroe County Code of Ordinance.** The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform marking system of the Code.

Section 18: **Effective Date.** This Ordinance shall be filed with the Department of State and shall be effective as provided in F.S. 125.66(2).

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the ____ day of January, 2022.

Mayor	_____
Mayor <i>pro tem</i>	_____
Commissioner	_____
Commissioner	_____
Commissioner	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
Mayor XXXXXXXX

Attachment: Resell DR parcels ordinance 11-2-21 (Permission to advertise disposition ordinance for January BOCC)

343 (SEAL)
344 ATTEST: KEVIN MADOK, CLERK
345

346 _____
347 As Deputy Clerk
348

Attachment: Resell DR parcels ordinance 11-2-21 (Permission to advertise disposition ordinance for January BOCC)



BOARD OF COUNTY COMMISSIONERS

Mayor Michelle Coldiron, District 2
Mayor Pro Tem David Rice, District 4
Craig Cates, District 1
Eddie Martinez, District 3
Holly Merrill Raschein, District 5

County Commission Meeting
November 17, 2021
Agenda Item Number: I.2
Agenda Item Summary #9858

BULK ITEM: No
Management

DEPARTMENT: County Land Acquisition and Land

TIME APPROXIMATE:
9:25 AM

STAFF CONTACT: Christine Hurley (305) 295-5180

AGENDA ITEM WORDING: Approval of a resolution formalizing the creation of a Density Reduction Program for acquiring parcels with at least 1 residential development right from willing sellers.

ITEM BACKGROUND:

The attached resolution formalizes the Density Reduction Program, developed during 2016.

The purpose is to acquire vacant, privately owned, non-conservation parcels with at least 1 Transferrable Development Right (TDR). This program furthers the goals of the County by 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.

It is consistent with Comprehensive Plan Policies 102.4.3:

Policy 102.4.3

Monroe County shall maintain and implement a land acquisition program in recognition of the critical need for the County to aggressively address the imbalance between development expectations of private property owners and the finite carrying capacity of the natural and man-made systems in the Florida Keys. Pursuant to Section 380.0552, F.S. and Rule 28-20.140, F.A.C., this policy recognizes the public safety concern of maintaining a maximum hurricane evacuation clearance time of 24 hours.

Eligibility Criteria include:

1. Willing Seller
2. Non-conservation parcels
3. Residential development rights (at least 1 Transfer of Development Right (TDR))
4. Ability to receive a building permit for construction of a new residential dwelling unit under the