

RESOLUTION NO. 031 - 2011

A RESOLUTION AUTHORIZING THE GROWTH MANAGEMENT DIVISION DIRECTOR TO EXTEND THE PERIOD OF EXPIRATION FOR ROGO/NROGO ALLOCATIONS TO ALLOW BUILDING PERMIT REVISIONS FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS OR FOR ANTICIPATED CENTRAL SEWER SERVICE AVAILABILITY AND AUTHORIZING THE ISSUANCE OF BUILDING PERMITS WHERE CENTRAL SEWER SERVICE WILL BE AVAILABLE WITHIN SIX MONTHS

WHEREAS, amendments enacted by Senate Bill 550 (Chapter 2010-205 Laws of Florida) became effective July 1, 2010 which extended the time for Monroe County to construct centralized sewer and for residents to hook up to central sewer or meet new standards for sewage treatment from December 31, 2010 until December 31, 2015; and

WHEREAS, Chapter 2010-205 Laws of Florida also required stricter standards for new, modified and repaired onsite sewage treatment and disposal systems (OSTDS) beginning July 1, 2010 to be administered by the Department of Health (DOH); and

WHEREAS, the building permit applications upon which the Rate of Growth Ordinance (ROGO) and Non-residential Rate of Growth Ordinance (NROGO) allocations were based assumed that the applications were complete with correctly engineered OSTDS that may not meet the current standards; and

WHEREAS, the new standards to be implemented by DOH require that building permit applications need to be revised before a DOH approval will be given and the permit issued; and

WHEREAS, Monroe County Code Section 138-25(f) states than an allocation award shall expire if its corresponding building permit is not picked up within 60 days of notification of the award; and

WHEREAS, the engineered revisions necessary to update the plans for the OSTDS, approval from DOH and submission to the building department for approval of the building permit will, in many cases, take more than 60 days to achieve; and

WHEREAS, applicants for residential permit allocations have been waiting a substantial period of time to build, many of them for several years; and

WHEREAS, it is anticipated that the recipients of both residential and non-residential allocations will need time to obtain engineered plans and comply with DOH requirements in order to pick up their building permits; and

WHEREAS, recipients of ROGO and NROGO allocation awards who will have sewer service within a short period of time from the expiration of the initial allocation award should not be required to incur an unreasonable additional expense for engineering services for an on-site facility which will not be necessary at time of issuance of a certificate of occupancy; and

WHEREAS, Monroe County Code Section 138-26 states that “As may be required from time to time, the board of county commissioners may extend the 60-day expiration period for an allocation award by resolution upon finding that such extension is in the public interest;” and

WHEREAS, recipients of ROGO and NROGO allocation awards who want their building permits issued and who will have sewer service within a short period of time should not be required to incur an unreasonable additional expense for engineering services for an on-site facility which will not be necessary at time of issuance of a certificate of occupancy; and

WHEREAS, the Monroe County BOCC finds that this time extension to allow the issuance of building permits and to allow permit applicants longer than 60 days to obtain building permits after award of allocation to meet DOH standards or to allow for completion of and connection to central sewer service within a short and reasonable time frame is in the public interest;

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

Section 1. The Growth Management Division Director is authorized to grant extensions beyond the sixty (60) days currently allowed for procuring a building permit after allocation award, as provided in Monroe County Code Sections 138-25 and 138-52 to persons receiving a ROGO or NROGO allocation.

Section 2. The extension provided for in Section 1 shall be granted only to those persons who need new performance based engineered plans for DOH approved onsite sewage treatment disposal systems or who will have central sewer service available within six months of the allocation expiration.

Section 3. Those persons requiring such an extension of their ROGO/NROGO allocation for expected central sewer service shall request such an extension in writing prior to the original expiration date of the allocation award with documentation by letter of coordination from the central sewer service provider of the expected date of service; however, in no event shall the extension be longer than six months from the original expiration date (a total of eight months from the allocation award).

Section 4. Those persons requiring an extension for revised building permit submissions for the DOH shall request the extension in writing prior to the original expiration date of the allocation award and shall provide the date by which design drawings will be obtained and submitted to DOH for review and approval; however, in no event shall the extension be longer than six months from the original expiration date of the allocation (a total of eight months from allocation award).

Section 5. Those persons desiring the issuance of a building permit who will have central sewer service within six months shall provide documentation by letter of coordination within the time period of the original allocation (sixty days) from the central sewer service provider of the expected date of service and shall pick up their building permit. No certificate of occupancy will be issued until service is provided.

Section 6. All other persons with allocation awards for ROGO/NROGO who do not need an extension to fulfill the new requirements of Chapter 2010-205 Laws of Florida for OSTDS or who have central sewer service availability remain subject to the 60 day expiration of an allocation award.


Section 7. Applicants for such extensions listed above shall execute an affidavit acknowledging that they are aware of and will accept all risks of expense associated with such extension requests and shall hold the county harmless in regard to such extensions and the applicants' responsibilities for providing for sewage disposal or hookup.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 19th day of January, 2011.

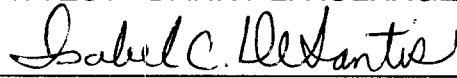
| | |
|---------------------------------|------------|
| Mayor Heather Carruthers | <u>Yes</u> |
| Mayor <i>pro tem</i> David Rice | <u>Yes</u> |
| Commissioner Kim Wigington | <u>Yes</u> |
| Commissioner George Neugent | <u>Yes</u> |
| Commissioner Sylvia Murphy | <u>Yes</u> |

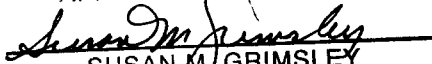
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DANNY L. KOLHAGE
CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: 
Mayor Heather Carruthers

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK


Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUSAN M. GRIMSLEY
ASSISTANT COUNTY ATTORNEY
Date 1-31-11