BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: March 15, 2006 Division: Growth Management

Bulk Item: Yes _____ No X Department: Planning and Environmental Resources

Staff Contact Person: : Jose Papa

AGENDA ITEM WORDING:
An Ordinance adopting an Interim Development Ordinance to defer the acceptance of applications for ROGO allocations until the land development regulations to implement the new ROGO system are in effect or until the ROGO quarter beginning July 14, 2006, whichever comes first. (2nd of 2 Public Hearings).

ITEM BACKGROUND:
The BOCC has conducted 7 public hearings to review and consider new Land Development Regulations to implement the Tier Overlay maps as the basis for the ROGO point system. Staff continues to accept ROGO applications that are scored using the existing ROGO system. At the adoption of the Tier System as the basis for ROGO scoring, all new applications, including those applications that are in the system but have not received ROGO allocations will be rescored using the new ROGO scoring system. There are currently approximately 600 applications in the system that are waiting for a ROGO allocation. This moratorium on the acceptance of new applications will give staff the necessary time to implement an internal system for rescoring the existing applications as well as the new applications.

PREVIOUSLY RELEVANT BOCC ACTION:
Public hearings on the Tier Overlay District Maps and accompanying Land Development Regulations were held on December 2004, January, February, March, April, May, and June 2005.

Approved on first reading at a special meeting on February 21, 2006.

CONTRACT/AGREEMENT CHANGES:
None.

STAFF RECOMMENDATION:
Approval

TOTAL COST: N/A **BUDGETED:** Yes N/A No N/A

COST TO COUNTY: N/A **SOURCE OF FUNDS:** N/A

REVENUE PRODUCING: Yes N/A No ____ **AMOUNT PER MONTH** N/A **Year** ____

APPROVED BY: County Atty X OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL: R C Norman
Ronda Norman

DOCUMENTATION: Included X Not Required _____

DISPOSITION: _____ **AGENDA ITEM #** _____

ORDINANCE NO. _____

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AN INTERIM DEVELOPMENT ORDINANCE DEFERRING THE ACCEPTANCE OF APPLICATIONS FOR ALLOCATION OF BUILDING PERMITS UNDER THE RESIDENTIAL RATE OF GROWTH ORDINANCE (ROGO) UNTIL LAND DEVELOPMENT REGULATIONS TO IMPLEMENT GOAL 105 OF THE 2010 COMPREHENSIVE PLAN, THE TIER OVERLAY SYSTEM AND THE TIER OVERLAY DISTRICT MAPS ARE IN EFFECT OR UNTIL JULY 14, 2006, WHICH BEGINS A ROGO QUARTER, WHICHEVER COMES FIRST.

WHEREAS, the Monroe County Board of County Commissioners, during seven public hearings held in December 2004, January, February, March, April, May, and June 2005, reviewed and considered the proposed amendments to utilize the Tier overlay maps as the basis for the ROGO point system, considered staff recommendations and public comments; and

WHEREAS, the Monroe County Board of County Commissioners makes the following Findings of Fact:

1. The Board of County Commissioners directed staff to prepare text and map amendments in Ordinance No. 018-2004 adopted June 16, 2004, to include Tier Overlay Map designations in accordance with Goal 105 and revisions to ROGO based on the Tier system utilizing a positive approach that predominately relies on land dedication and aggregation.

2. Goal 105 provides a framework for future development and land acquisition for the next 20 or more years, called the "Tier System", that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability.

3. The designation of Tiers will be implemented through an overlay of the County's Land Use District Map, that will be referred to as the "Tier Overlay District Map" in the County Code.

4. The adoption and amendments to the Tier Overlay District Map will be in accordance with procedures for amending the Land Development Regulations in Section 9.5-511, Monroe County Code.

5. The utilization of the moratorium device as a temporary measure to facilitate government decision making, study and adoption of land development regulations is a legitimate government tool.

6. The purpose of this Interim Development Ordinance is to allow the Growth Management Division Staff to implement an internal system in preparation for the adoption of a new ROGO scoring system.

7. The implementation of a new ROGO scoring system will require the rescoring of all ROGO applications currently in the system which have not received an allocation by the effective date of the new scoring system.

8. There are currently approximately 600 applications in the existing ROGO system that have not received an allocation.

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

Section 1. The effective date of this Interim Development Ordinance shall be March 15, 2006.

Section 2. Commencing on the effective date of this Ordinance, the Monroe County Growth Management Division shall defer acceptance of applications for allocation of building permits under the Residential Rate of Growth Ordinance (ROGO) (Monroe County Code of Ordinances, Section 9.5-120, et. seq.).

Section 3. Any ROGO application with a submittal date of March 14, 2006 or earlier shall be exempt from this Interim Development Ordinance.

Section 4. Pursuant to its lawful authority and the pending legislation doctrine as set forth in *Smith vs. City of Clearwater, 383 So 2d 681 (Fla. 2d DCA, 1980),* the Board of County Commissioners hereby establishes the interim development regulations set forth in this Ordinance, which shall remain in full force and effect until the Land Development Regulations to implement Goal 105 of the 2010 Comprehensive Plan, the Tier Overlay System and the Tier Overlay District Maps are in effect or until the ROGO Quarter beginning July 14, 2006, whichever comes first.

Section 5. If any section, subsection, sentence, clause, item, charge or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 6. All ordinance or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 7. The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 163 and 380, Florida Statutes.

Section 8. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a special meeting held on the ____ day of _____, 2006.

Mayor Charles "Sonny" McCoy	_____
Mayor Pro Tem Murray Nelson	_____
Commissioner Dixie Spehar	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
MAYOR

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

_____
DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 2/21/06