MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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To: Monroe County Development Review Committee
Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Joseph Haberman, AICP, Principal Planner

Date: May 6, 2010

Subject: *Proposed Ordinance to the Board of County Commissioners to amend Section 138-23 of the Monroe County Code, Moratorium on new transient units*

Meeting: May 11, 2010

I REQUEST

The Planning & Environmental Resources Department is proposing an amendment to the text of §138-23 of the Monroe County Code, which concerns the County's moratorium on new transient units.

II RELEVANT PRIOR COUNTY ACTIONS AND BACKGROUND INFORMATION:

Language concerning the moratorium on new transient units exists in both the Monroe County 2010 Comprehensive Plan and the Monroe County Land Development Code.

In 1996, the moratorium was enacted by the BOCC with the adoption of the Monroe County 2010 Comprehensive Plan and Policy 101.2.6 wherein. Policy 101.2.6 required the County to adopt a land development regulation by January 4, 1996 prohibiting new transient residential units until December 31, 2001. Policy 101.2.6 also required the County to either extend the prohibition until December 2006 or revise the Rate of Growth Ordinance (ROGO) permit allocation system to allocate a percentage of residential growth to transient units. In 2009, Ordinance #035-2009 amended Policy 101.2.6 to extend the moratorium until July 31, 2010.

In order to fulfill the requirement of Policy 101.2.6 to adopt a land development regulation prohibiting new transient units, in 1999, the BOCC adopted Ordinance #047-1999, thus establishing Monroe County Code §9.5-120.5. §9.5-120.5 stated: New transient residential units, such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not be eligible for residential ROGO allocations until January 1, 2002.

In 2002, Ordinance #001-2002 amended §9.5-120.5 to read: New transient residential units, such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not be eligible for residential ROGO allocations until December 31, 2006.

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In 2007, Ordinance #001-2007 amended §9.5-120.5 to read: New transient residential units, such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not be eligible for residential ROGO allocations until December 31, 2007 or until new Land Development Regulations are adopted to permit new transient units.

In 2008, Ordinance #003-2008 amended §9.5-120.5 to read: New transient residential units, such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not be eligible for residential ROGO allocations until December 31, 2008 or until new Land Development Regulations are adopted to permit new transient units.

III REVIEW

The language of §9.5-120.5 (since renumbered to §138-23 in 2009) remains in the Monroe County Code as last revised via Ordinance #003-2008 with a moratorium expiration date of December 31, 2008 or until new Land Development Regulations are adopted to permit new transient units. However, Ordinance #035-2009 amended Policy 101.2.6 to extend the moratorium until July 31, 2010. As policies within the comprehensive plan supersede regulations with the Monroe County Code, the moratorium remains in effect.

Policy 101.2.6 currently reads: Monroe County shall prohibit new transient residential units including hotel or motel rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer until July 31, 2010.

As documented in the previous section, the moratorium has been extended since 1996 by several ordinances. However, Policy 101.2.6 and §138-23 (previously numbered §9.5-120.5) were never amended at the same time to provide the same expiration date. In order to alleviate confusion in the future, Planning & Environmental Resources Department staff are concurrently amending both Policy 101.2.6 and §138-23 in order to provide the same expiration date. This report and the recommended text amendment contained wherein only pertains to the modification of the now-defunct expiration date of December 31, 2008 within §138-23 of the Monroe County Code.

Since the last extension of the moratorium, via Ordinance #035-2009, staff has reviewed data relating to the need for additional transient units and formulated several options on how the County could permit new transient units if a need for additional transient units is demonstrated. However, additional time is required for staff to complete the review of data, sufficiently analyze said data and finalize the options for presentation to the public, planning commission and the BOCC.

Therefore, staff recommends the following changes (deletions are ~~stricken through~~ and additions are <u>underlined</u>):

> New transient residential units, such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not be eligible for residential ROGO allocations until December 31, ~~2008~~ <u>2011</u>.

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IV RECOMMENDATION

Staff recommends that the Board of County Commissioners amend the Monroe County Code as stated in the text of this staff report.

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