

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: March 21, 2007

Division: Growth Management

Bulk Item: Yes  No

Department: Planning & Environmental Resources

Staff Contact Person: Joseph Haberman, Planner

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**AGENDA ITEM WORDING:**

Mote Marine Laboratory, Inc. is requesting an exemption from the Non-Residential Rate of Growth Ordinance (NROGO) permit allocation system, pursuant to Sec. 9.5-124.3(a)(4) of the Monroe County Code. The property is legally described as lots 14-20, Block 2, Summerland Key Cove Addition No. 2, Summerland Key, Monroe County, Florida, having real estate numbers 00190870.000000; 00190880.000000; 00190890.000000; 00190900.000000; 00190910.000000; 00190920.000000 & 00190930.000000.

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**ITEM BACKGROUND:**

The Planning Commission held a public hearing in Marathon on December 6, 2006 and based on the facts presented at the meeting, the Planning Commission recommended approval of the item to the Board of County Commissioners as indicated in Resolution No. P08-07.

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**PREVIOUS RELEVANT BOCC ACTION:**

On December 20, 2001, the BOCC passed Resolution 504-2001 which granted a previous request by Mote Marine Laboratory for an exemption from the Non-Residential Rate of Growth Ordinance (NROGO) permit allocation system in order to convert existing residential floor area to non-residential floor area at the research facility on Summerland Key.

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**CONTRACT/AGREEMENT CHANGES:** N/A

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**STAFF RECOMMENDATIONS:** Approval

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**TOTAL COST:** N/A

**BUDGETED:** Yes  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 Attorney:  OMB / Purchasing:  Risk Management:

**DOCUMENTATION:** Included  Not Required

**DISPOSITION:** \_\_\_\_\_ **AGENDA ITEM #** \_\_\_\_\_

**EXEMPTION FROM THE NON-  
RESIDENTIAL RATE OF GROWTH  
ORDINANCE (NROGO) PERMIT  
ALLOCATION SYSTEM**

**BOARD OF COUNTY COMMISSIONERS  
MARATHON  
MARCH 21, 2007**

# EXEMPTION FROM THE NON-RESIDENTIAL RATE OF GROWTH ORDINANCE (NROGO) PERMIT ALLOCATION SYSTEM

MOTE MARINE LABORATORY, INC. IS REQUESTING AN EXEMPTION FROM THE NON-RESIDENTIAL RATE OF GROWTH ORDINANCE (NROGO) PERMIT ALLOCATION SYSTEM, PURSUANT TO SEC. 9.5-124.3(A)(4) OF THE MONROE COUNTY CODE. THE PROPERTY IS LEGALLY DESCRIBED AS LOTS 14-20, BLOCK 2, SUMMERLAND KEY COVE ADDITION NUMBER 2, SUMMERLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00190870.000000; 00190880.000000; 00190890.000000; 00190900.000000; 00190910.000000; 00190920.000000 & 00190930.000000.

## RECOMMENDATIONS

Staff: **Approval**  
PC: **Approval**

November 17, 2006  
December 6, 2006

Staff Report  
Resolution No. P08-07

# BOCC Resolution

**RESOLUTION NO. -2007**

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY MOTE MARINE LABORATORY, INC FOR AN EXEMPTION OF 1,152 SQUARE FEET FROM THE NON-RESIDENTIAL RATE OF GROWTH ORDINANCE (NROGO) PERMIT ALLOCATION SYSTEM, IN ACCORDANCE WITH POLICY 101.3.4 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN.

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**WHEREAS**, Policy 101.3.4 of the Monroe County Year 2010 Comprehensive Plan allows the Board of County Commissioners to exempt federally tax exempt non-profit organizations from the requirements of the non-residential permit allocation system following a finding by the Monroe County Planning Commission that such activity will predominately serve Monroe County's non-transient population and not adversely impact the hurricane evacuation clearance time of Monroe County; and

**WHEREAS**, Mote Marine Laboratory, Inc has requested an exemption from the Non-Residential Rate of Growth (NROGO) permit allocation system; and

**WHEREAS**, the subject property is located at 24244 US Highway 1, Summerland Key, Florida and is legally described as lots 14-20, Block 2, Summerland Key Cove Addition Number 2, Summerland Key, having Real Estate Numbers 00190870.000000; 00190880.000000; 00190890.000000; 00190900.000000; 00190910.000000; 00190920.000000 & 00190930.000000; and

**WHEREAS**, during a regularly scheduled meeting held on December 6, 2006, the Monroe County Planning Commission conducted a review and consideration of the request filed by Mote Marine Laboratory, Inc, and recommended approval of the request to the Board of County Commissioners based on the following Findings of Fact and Conclusions of Law:

1. An exemption to the Non-Residential Rate of Growth Ordinance (NROGO) permit allocation system is required to construct a 1,152 square foot coral culture greenhouse at Mote Marine Laboratory's existing research facility on Summerland Key. The proposed greenhouse would serve as a coral genetic bank and provide a laboratory setting for researchers to study corals and repair weather and man-made damage to reefs; and
2. The proposed non-residential development is considered an institutional use and may be permitted as-of-right in the Sub Urban Commercial (SC) Land Use District; and

3. The proposed non-residential development will result in 1,152 square feet of new non-residential floor area on the subject property; and
4. In accordance with Policy 101.3.4 of the Monroe County Year 2010 Comprehensive Plan and Section 9.5-124.3(4) of the Monroe County Code, the Planning Commission may recommend an exemption from the NROGO for development activity for certain not-for-profit organizations.

Pursuant to Section 9.5-124.3(4), the NROGO shall not apply to non-residential development activity by federally tax exempt not-for-profit educational, scientific, religious, social, cultural and recreational organizations which predominately serve the county's permanent population if approved by the Planning Commission after review by the Planning Director. This not-for-profit exemption is not applicable to non-residential development proposed within those areas proposed for acquisition by governmental agencies for the purpose of resource protection. Non-residential development approved under this section may not be changed to a for-profit use without permit approvals and a NROGO application for and receipt of a floor area allocation; and

5. Mote Marine Laboratory, Inc is a federally tax exempt not-for-profit organization; and
6. Mote Marine Laboratory's research facility on Summerland Key is a fully equipped marine science facility dedicated to marine research and education in the Florida Keys. Therefore, this use predominately serves the County's permanent population; and
7. The proposed non-residential development is not within an area proposed for acquisition; and
8. On December 20, 2001, the Board of County Commissioners passed Resolution 504-2001 which granted a previous request by Mote Marine Laboratory for an exemption from the NROGO in order to convert existing residential floor area to non-residential floor area at the research facility on Summerland Key. The Planning Commission provided a recommendation of approval at their meeting on October 10, 2001, which was recorded in Resolution P68-01; and

**WHEREAS**, the Board of County Commissioners has duly considered the recommendations, Findings of Fact and Conclusions of Law of the Monroe County Planning Commission and adopts them as their own; and

**NOW THEREFORE, BE IT RESOLVED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**, that the preceding Findings of Fact and Conclusions of Law support their decision to **APPROVE** the request by Mote Marine

Laboratory, Inc for an exemption of 1,152 square feet from the Non-Residential Rate of Growth Ordinance (NROGO) permit allocation system pursuant to Policy 101.3.4 of the Monroe County Year 2010 Comprehensive Plan, subject to the following condition:

1. Any approved non-residential development may not be changed to a for-profit use without permit approvals and a NROGO application for and receipt of a non-residential floor area allocation.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 21<sup>st</sup> day of March, 2007.

Mayor Mario Di Gennaro \_\_\_\_\_  
Mayor Pro Tem Dixie Spehar \_\_\_\_\_  
Commissioner George Neugent \_\_\_\_\_  
Commissioner Charles McCoy \_\_\_\_\_  
Commissioner Sylvia Murphy \_\_\_\_\_

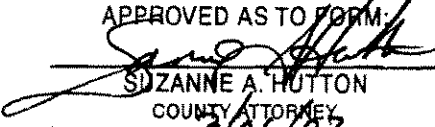
BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor Mario Di Gennaro

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

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DEPUTY CLERK

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
  
SUZANNE A. HUTTON  
COUNTY ATTORNEY  
Date 3/26/07

# Planning Commission Resolution No. P08-07

**PLANNING COMMISSION RESOLUTION NO. P08-07**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING **APPROVAL** OF THE REQUEST BY MOTE MARINE LABORATORY, INC FOR AN EXEMPTION OF 1,152 SQUARE FEET FROM THE NON-RESIDENTIAL RATE OF GROWTH ORDINANCE (NROGO) PERMIT ALLOCATION SYSTEM, IN ACCORDANCE WITH POLICY 101.3.4 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN.

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**WHEREAS**, during a regularly scheduled meeting held on December 6, 2006, the Monroe County Planning Commission conducted a review and consideration of the request filed by Mote Marine Laboratory, Inc; and

**WHEREAS**, the subject property is located at 24244 US Highway 1, Summerland Key, Florida and is legally described as lots 14-20, Block 2, Summerland Key Cove Addition Number 2, Summerland Key, having Real Estate Numbers 00190870.000000; 00190880.000000; 00190890.000000; 00190900.000000; 00190910.000000; 00190920.000000 & 00190930.000000; and

**WHEREAS**, the subject property is located in a Sub Urban Commercial (SC) Land Use District and has a Future Land Use Map (FLUM) designation of Mixed Use / Commercial (MC); and

**WHEREAS**, the Monroe County Planning Commission was presented with the following information, which by reference is hereby incorporated as part of the record of said hearing:

1. The request of Mote Marine Laboratory, Inc; and
2. Staff report prepared by Joseph Haberman, Monroe County Planner, dated November 17, 2006; and
3. Sworn testimony of Monroe County Growth Management Division Staff; and

**WHEREAS**, the Monroe County Planning Commission makes the following Findings of Fact and Conclusions of Law:

1. An exemption to the Non-Residential Rate of Growth Ordinance (NROGO) permit allocation system is required to construct a 1,152 square foot coral culture greenhouse at Mote Marine Laboratory's existing research facility on Summerland Key. The proposed greenhouse would serve as a coral genetic bank and provide a laboratory setting for researchers to study corals and repair weather and man-made damage to reefs; and

2. The proposed non-residential development is considered an institutional use and may be permitted as-of-right in the Sub Urban Commercial (SC) Land Use District; and
3. The proposed non-residential development will result in 1,152 square feet of new non-residential floor area on the subject property; and
4. In accordance with Policy 101.3.4 of the Monroe County Year 2010 Comprehensive Plan and Section 9.5-124.3(4) of the Monroe County Code, the Planning Commission may recommend an exemption from the NROGO for development activity for certain not-for-profit organizations.

Pursuant to Section 9.5-124.3(4), the NROGO shall not apply to non-residential development activity by federally tax exempt not-for-profit educational, scientific, religious, social, cultural and recreational organizations which predominately serve the county's permanent population if approved by the Planning Commission after review by the Planning Director. This not-for-profit exemption is not applicable to non-residential development proposed within those areas proposed for acquisition by governmental agencies for the purpose of resource protection. Non-residential development approved under this section may not be changed to a for-profit use without permit approvals and a NROGO application for and receipt of a floor area allocation; and

5. Mote Marine Laboratory, Inc is a federally tax exempt not-for-profit organization; and
6. Mote Marine Laboratory's research facility on Summerland Key is a fully equipped marine science facility dedicated to marine research and education in the Florida Keys. Thereby, it predominately serves the county's permanent population; and
7. The proposed non-residential development is not within an area proposed for acquisition; and
8. On December 20, 2001, the Board of County Commissioners passed Resolution 504-2001 which granted a previous request by Mote Marine Laboratory for an exemption from the NROGO in order to convert existing residential floor area to non-residential floor area at the research facility on Summerland Key. The Planning Commission provided a recommendation of approval at their meeting on October 10, 2001, which was recorded in Resolution P68-01; and

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA**, that the preceding Findings of Fact and Conclusions of Law support its decision to recommend **APPROVAL** to the Board of County Commissioners of the request by Mote Marine Laboratory, Inc for an exemption of 1,152 square feet from the Non-Residential Rate of Growth Ordinance (NROGO) permit allocation system pursuant to Policy 101.3.4 of the Monroe County Year 2010 Comprehensive Plan, subject to the following condition:

1. Any approved non-residential development may not be changed to a for-profit use without permit approvals and a NROGO application for and receipt of a non-residential floor area allocation.

**PASSED AND ADOPTED BY THE PLANNING COMMISSION** of Monroe County, Florida, at a regular meeting held on the 6<sup>th</sup> day of December, 2006.

Chair Cameron	<u>YES</u>
Vice-Chair Wall	<u>YES</u>
Commissioner Cates Deal	<u>YES</u>
Commissioner Windle	<u>YES</u>
Commissioner Popham	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_

James Cameron, Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2007.