

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING RESOLUTION NO. 420-2005 TO ALLOW THE GROWTH MANAGEMENT DIVISION DIRECTOR TO CONTINUE TO TOLL THE TIME LIMIT REQUIREMENTS FOR OBTAINING A BUILDING PERMIT OR REQUIRED PERMIT INSPECTIONS FOR PROPERTIES ADVERSELY IMPACTED BY THE COURT ORDERED PERMANENT INJUNCTION ON THE ISSUANCE OF NEW FLOOD INSURANCE POLICIES UNDER THE NATIONAL FLOOD INSURANCE PROGRAM UNTIL THE INJUNCTION IS STAYED OR LIFTED; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the U. S. District Court for the Southern District of Florida entered a permanent injunction preventing the Federal Emergency Management Agency (“FEMA”) from issuing flood insurance policies for residential and commercial development commenced after September 9, 2005, until such time as U. S. Fish and Wildlife Service has demonstrated compliance with that Court’s order of March 20, 2005; and

WHEREAS, Section 9.5-122.1(g), Monroe County Code dictates that the ROGO allocation award and corresponding building permit expire within sixty (60) days of notification from the date of the mailing of the allocation award; and

WHEREAS, the Florida Building Code and Section 6-20, Monroe County Code provides that permits shall become null and void unless work authorized by the permit is commenced within 180 days or required inspections are conducted within 180 days from the last required inspection; and

WHEREAS, an unknown number of applicants receiving a ROGO allocation award or permit holders may be financially unable to proceed with the financing and construction of their homes without federally backed flood insurance; and

WHEREAS, on the 16th day of November, 2005, the Board of County Commissioners approved *Resolution No. 420-2005* which states:

Section 1. The Growth Management Director or his designee is authorized to toll the time limits of Section 9.5-122.1(g) and Section 6-20, Monroe County Code for any applicant receiving a ROGO allocation award or building permit holder that meets the following criteria:

1). The property, which is the subject of the ROGO allocation award or building permit, is on the list of parcels subject to the Court ordered injunction for new flood insurance; and

2) The holder of the ROGO allocation award of building permit shall provide written proof to the Building Department of the denial of either an application for flood insurance for the subject property or denial of financing by a lender due to the inability to obtain flood insurance.

"Section 2. The applicable ROGO allocation award of building permit meets all the criteria in Section 1 above may be tolled for a maximum of 180 days or until the injunction is stayed or lifted, whichever comes first."

WHEREAS, the permanent injunction preventing the Federal Emergency Management Agency ("FEMA") from issuing flood insurance policies for residential and commercial development commenced after September 9, 2005, has not yet been lifted; and

WHEREAS, it is still necessary to toll the time limits of Section 9.5-122.1(g) and Section 6-20, Monroe County Code for any applicant receiving a ROGO allocation award or building permit holder that meets the criteria set forth in Section 1. of Resolution No. 420-2005 until the injunction has been lifted;

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

1. That Section 2. be amended to read:

Section 2. The applicable ROGO allocation award or building permit that meets all criteria in Section 1 above may be tolled ~~for a maximum of 180 days or~~ until the injunction is stayed or lifted, ~~whichever comes first.~~

2. This Resolution shall be effective retroactive to May 15, 2006 and will remain in effect until the injunction is stayed or lifted.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regularly scheduled meeting of said Board held on the 16th day of May, 2007.

Mayor Mario DiGennaro _____
Mayor Pro Tem Dixie Spehar _____
Commissioner George Neugent _____
Commissioner Charles "Sonny" McCoy _____
Commissioner Sylvia Murphy _____

(SEAL)

DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Mayor/Chairperson

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

Susan M. Grimsley
SUSAN M. GRIMSLEY

ASSISTANT COUNTY ATTORNEY
Date 5-3-07

RESOLUTION 420-2005

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AUTHORIZING THE GROWTH MANAGEMENT DIVISION DIRECTOR TO TOLL THE TIME LIMIT REQUIREMENTS FOR OBTAINING A BUILDING PERMIT OR REQUIRED PERMIT INSPECTIONS FOR PROPERTIES ADVERSELY IMPACTED BY THE COURT ORDERED PERMANENT INJUNCTION ON THE ISSUANCE OF NEW FLOOD INSURANCE POLICIES UNDER THE NATIONAL FLOOD INSURANCE PROGRAM PENDING RESOLUTION OF SAME, OR 180 DAYS, WHICHEVER FIRST OCCURS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; DIRECTING THE PLANNING DIRECTOR TO FORWARD A CERTIFIED COPY OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the U.S. District Court for the Southern District of Florida entered a permanent injunction preventing the Federal Emergency Management Agency ("FEMA") from issuing flood insurance policies for residential and commercial development commenced after September 9, 2005, until such time as U.S. Fish and Wildlife Service has demonstrated compliance with that Court's order of March 20, 2005; and

WHEREAS, the Court's Orders have imposed severe limitations on new construction for all but the most wealthy property owners in the affected areas; and

WHEREAS, the Growth Management Division staff estimates that over 60 percent of the applicants recently receiving ROGO allocation awards are adversely affected by the injunction; and

WHEREAS, Section 9.5-122.1(g), Monroe County Code dictates that the ROGO allocation award and corresponding building permit expire within sixty (60) days of notification from the date of the mailing of the allocation award; and

WHEREAS, the Florida Building Code and Section 6-20, Monroe County Code provides that permits shall become null and void unless work authorized by the permit is

commenced within 180 days or required inspections are conducted within 180 days from the last required inspection; and

WHEREAS, an unknown number of these applicants receiving a ROGO allocation award or permit holders may be financially unable to proceed with the financing and construction of their homes without federally backed flood insurance; and

WHEREAS, it is uncertain how long the Court ordered injunction on issuance of flood insurance under the National Flood Insurance Program will continue; however, it is certain to have an adverse impact on those applicants who require this insurance to construct new homes; and

WHEREAS, at the Board of County Commissioners' October 19, 2005, regularly scheduled meeting, the Growth Management Division staff received conceptual approval to prepare a resolution that will authorize the Growth Management Division to toll the permit time limits for those applicants with ROGO allocation awards and other permit holders who are unable to proceed with the financing and construction of their residential projects; and

WHEREAS, the Growth Management Division staff has prepared this resolution based on the direction provided by the Board of County Commissioners.

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

Section 1. The Growth Management Division Director or his designee is authorized to toll the time limits of Section 9.5-122.1(g) and Section 6-20, Monroe County Code for any applicant receiving a ROGO allocation award or building permit holder that meets the following criteria:

- 1) The property, which is the subject of the ROGO allocation award or building permit, is on the list of parcels subject to the Court ordered injunction for new flood insurance; and
- 2) The holder of the ROGO allocation award or building permit shall provide written proof to the Building Department of the denial of either an application for flood insurance for the subject property or denial of financing by a lender due to the inability to obtain flood insurance.

Section 2. The applicable ROGO allocation award or building permit that meets all the criteria in Section 1 above may be tolled for a maximum of 180 days or until the injunction is stayed or lifted, whichever comes first.

Section 3. This resolution shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs to determine the consistency of this ordinance with Chapter 380 of the Florida Statutes.

Section 4. This resolution shall be filed in the Office of the Secretary of State of the state of Florida, but shall not become effective until approved by the Department of Community Affairs or Administrative Commission.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regularly scheduled meeting of said Board held on the 16th day of November, 2005.

Mayor Charles "Sonny" McCoy	<u>Yes</u>
Mayor Pro Tem Murray Nelson	<u>Yes</u>
Commissioner Dixie Spehar	<u>Yes</u>
Commissioner George Nugent	<u>Yes</u>
Commissioner David Rice	<u>Yes</u>

(SEAL)
Attest: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By *Daniel C. DeSantis*
Deputy Clerk

By *[Signature]*
Mayor/Chairperson



FILED FOR RECORD
2006 JAN 24 AM 11:36
DANNY L. KOLHAGE
CLK. CR. CT.
MONROE COUNTY, FLA.