

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: October 17, 2007

Division: Growth Management

Bulk Item: Yes  No

Department: Planning & Environmental Resource

Staff Contact Person: Townsely Schwab

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**AGENDA ITEM WORDING:** Approval of a Resolution to allow thirty-five thousand (35,000) square feet of commercial floor area to be made available, in two allocations, for Year 16 Non-Residential Rate of Growth (NROGO) Annual Allocation.

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**ITEM BACKGROUND:** The "maximum annual allocation" and the distribution between the first and second allocation dates are determined by the Board of County Commissioners, upon the recommendation of the Acting Planning Director and the Planning Commission. This provides flexibility in assuring that the goals of the ordinance are being accomplished. On September 26, 2007 the Planning Commission adopted the Acting Planning Director's recommendation that thirty-five thousand (35,000) square feet of commercial floor area be made available for Year 16 NROGO allocation.

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**PREVIOUS RELEVANT BOCC ACTION:** Board of County Commissioners approved Ordinance #032-2001 (Non-Residential Rate of Growth Ordinance) on September 19, 2001.

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

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**STAFF RECOMMENDATION:** Approval

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**TOTAL COST:**  X

**BUDGETED:** Yes  N/A  No

**COST TO COUNTY:**  N/A

**SOURCE OF FUNDS:**  N/A

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

**APPROVED BY:** County Atty  X  OMB/Purchasing  N/A  Risk Management  N/A

**DOCUMENTATION:** Included  X  Not Required

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

**RESOLUTION NO. -07**

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING FOR YEAR 16, FROM JULY 13, 2007 TO JULY 14, 2008, THIRTY-FIVE THOUSAND SQUARE FEET OF NON-RESIDENTIAL FLOOR AREA TO BE AVAILABLE IN BIENNIAL ALLOCATIONS, THE FIRST ALLOCATION OF SEVENTEEN-THOUSAND FIVE HUNDRED SQUARE FEET IN JANUARY 2008 AND THE REMAINDER TO BE HELD IN RESERVE FOR THE SECOND ALLOCATION IN JULY 2008, AND LIMITING ALLOCATIONS TO 2,500 SQUARE FEET OR LESS

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**WHEREAS**, Policy 101.3 of the Monroe County Year 2010 Comprehensive Plan (2010 Plan) requires Monroe County to regulate non-residential development to maintain a balance of land uses; and

**WHEREAS**, Monroe County Code, Section 9.5-124, Non-Residential Rate of Growth Ordinance (NROGO), provides for an allocation point system for non-residential floor area, which maintains a ratio of 239 square feet of non-residential floor area for each residential unit developed as required in the 2010 Plan; and

**WHEREAS**, Monroe County Code, Section 9.5-124.4, NROGO provides for a recommendation by the Acting Planning Director, and the Planning Commission, to the Board of County Commissioners for the total amount of non-residential floor area which shall be made available for annual allocation and distribution of this allocation between small (2,500 square feet) and large size allocations; and

**WHEREAS**, there is approximately 133,540 square feet of commercial floor area available and additional square footage will be added proportionate to the residential allocations awarded for Year 16 residential ROGO; and

**WHEREAS**, the Monroe County Planning Commission during a regular meeting held on September 26, 2007, conducted a public hearing to review, discuss, and make formal motions regarding the Acting Planning Director's recommendation to the Planning Commission for Year 16 commercial floor area; and

**WHEREAS**, the Monroe County Planning Commission adopted by Resolution PC 46-07 the Acting Planning Director's recommendation that thirty-five thousand (35,000) square feet of commercial floor area be made available in two allocations of seventeen thousand five hundred (17,500) square feet, the first

allocation in January 2008 and the second allocation in July 2008 and that awards be limited to 2,500 square feet, or less, of floor area; and

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA**, for the Year 16 NROGO allocation period, that thirty-five thousand (35,000) square feet of commercial floor area be made available in two allocations of seventeen thousand five hundred (17,500) square feet, the first allocation in January 2008 and the remainder to be held in reserve for the second allocation in July 2008 and that awards be limited to 2,500 square feet, or less, of floor area.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 17th day of October, 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 \_\_\_\_\_  
Mario Di Gennaro, Mayor  
Signed this \_\_\_\_ day of \_\_\_\_\_, 2007

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
*[Signature]*  
Date: OCT 12 2007

## **RESOLUTION #P46-07**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING TO THE BOARD OF COUNTY COMMISSIONERS THAT THIRTY-FIVE THOUSAND SQUARE FEET OF NON-RESIDENTIAL FLOOR AREA BE MADE AVAILABLE IN BIENNIAL ALLOCATIONS OF SEVENTEEN-THOUSAND FIVE HUNDRED SQUARE FEET FOR YEAR 16 NROGO, BEGINNING JULY 14, 2007 AND ENDING JULY 14, 2008, PURSUANT TO SECTION 9.5-124 OF THE MONROE COUNTY CODE.

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**WHEREAS**, Policy 101.3 of the Monroe County Year 2010 Comprehensive Plan (2010 Plan) requires Monroe County to regulate non-residential development to maintain a balance of land uses; and

**WHEREAS**, Monroe County Code, Section 9.5-124, Non-Residential Rate of Growth Ordinance (NROGO), provides for an allocation point system for non-residential floor area, which maintains a ratio of 239 square feet of non-residential floor area for each residential unit developed as required in the 2010 Plan; and

**WHEREAS**, the Monroe County Planning Commission during a regular meeting held on September 26, 2007, conducted a public hearing to review, discuss, and make formal motions regarding the Planning Director's recommendation to the Planning Commission for Year 16 commercial floor area; and

**WHEREAS**, the Director of Planning submitted written testimony to the Planning Commission, dated September 26, 2007, recommending thirty-five thousand square feet of commercial floor area be available in two biennial allocations of seventeen thousand five hundred square feet, and no application will be for greater than 2,500 square feet, pursuant to the procedures outlined in Monroe County Code, Section 9.5-124; and

**WHEREAS**, the Planning Commission was presented with the following evidence:

1. The memorandum entitled Non-Residential Commercial Floor Area Evaluation Report, Year 16, from Townsley Schwab, Acting Director of Planning to the Monroe County Planning Commission, dated September 26, 2007; and
2. The summary of Year 10 through Year 15 commercial floor area available for allocation and the actual square footage allocated; and
3. The sworn testimony by the Monroe County Growth Management Division staff; and

**WHEREAS**, the Planning Commission has made the following Findings of Fact:

1. Based on the written testimony of Townsley Schwab, Acting Director of Planning that there is approximately 133,540 square feet of commercial floor area available; and
2. The amount of commercial floor area associated with Year 16 has not been included; and
3. Based on the Planning Department's recommendation the maximum amount of available non-residential floor area for the annual NROGO allocation for Year 16 shall be 35,000 square feet; and
4. Based on the Planning Department's recommendation the first allocation shall be for 17,500 square feet and the remainder shall be held in reserve for the second allocation period ending July, 2008.

**BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA**, that the preceding Findings of Fact and Conclusions of Law, support the decision to **RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS APPROVAL** that thirty-five thousand (35,000) square feet of commercial floor area be made available in two allocations of seventeen thousand five hundred (17,500) square feet and that awards be limited to 2,500 square feet of floor area or less.

**PASSED AND ADOPTED** by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 26th day of September, 2007.

Chairman Cameron	<u>YES</u>
Commissioner Windle	<u>YES</u>
Commissioner Wall	<u>YES</u>
Commissioner Popham	<u>YES</u>
Commissioner Marston	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY   
James Cameron, Chairman

Signed this 26<sup>th</sup> day of September, 2007

