

**CITY OF MARATHON, FLORIDA
RESOLUTION 2005-057**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING WITH CONDITIONS THE RANKINGS OF THE NON-RESIDENTIAL PERMIT ALLOCATION SYSTEM (NROGO) FOR PERIOD 1, YEAR 1 PURSUANT TO ORDINANCE 2004-12 OF THE CITY OF MARATHON, FLORIDA LAND DEVELOPMENT REGULATIONS

WHEREAS, on 18th day of April, 2005, the City of Marathon (the "City") Planning Commission (the "Commission") and on the 26th day of April, 2005, the City Council (the "Council") conducted properly advertised public hearings (the "Public Hearings") regarding the non-residential permit allocations for Period 1, Year 1 pursuant to Ordinance 2004-12 of the City Code (the "Code").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Based upon the information and documented evidence presented by City Staff and members of the public, the City Council hereby finds:

(1) The Public Hearings were properly advertised and held, as required by law, and the Applicant(s) and all interested parties concerned in the matter were given an opportunity to be heard; and

(2) Based upon the Staff Report attached as "Exhibit A", the Commission recommended that the City Council award Non-Residential Floor Area allocations to applicants ranked one (1) through five (5) as set forth in Attachment "A" to the Staff Report; and

(3) Based upon the Staff Report and the Commission's recommendations, the Council approves the allocations of non-residential development to applicants ranked one (1) through five (5) as set forth in Attachment "A" to the Staff Report of the NROGO applications for Period 1, Year 1.

Section 3. The City Council conditions the allocation awards granted to Applicants 1 and 5 as referred to on Attachment A on: (1) obtaining an Affordable ROGO allocation for all affordable housing units proposed; and (2) obtaining a CO prior to or concurrently with receiving the CO for the commercial building; and (3) on the acceptance of any restrictive covenants by the City Council as required by Ordinance 2004-12 of the City Code.

Section 4. Based upon the above Findings of Fact, the Council does hereby make the following Conclusions of Law:

(1) The NROGO applications for Period 1, Year 1 of NROGO have been processed in accordance with Ordinance 2004-12 of the Code.

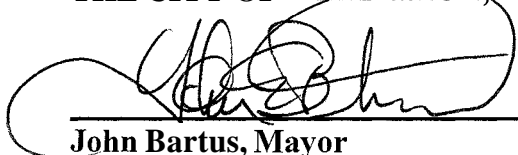
- (2) In rendering its decision, as reflected in this Resolution, the Council has:
- (a) Accorded procedural due process;
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by substantial competent evidence of record.

(3) The above allocations are awarded with conditions.

Section 5. This resolution shall not take effect for thirty (30) days following the date it is rendered/filed with the City Clerk. During that time, the exemption granted herein shall be subject to appeal as provided in the City Code. An appeal shall stay the effectiveness of this resolution until said appeal is resolved.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 10th day of May, 2005.

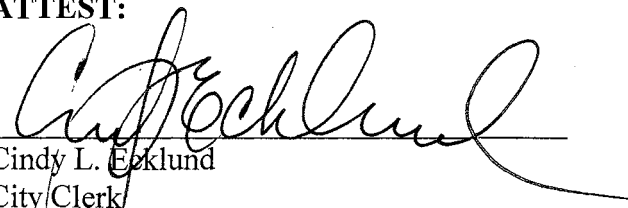
THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

AYES: Bull, Mearns, Miller, Pinkus, Bartus
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Cindy L. Eeklund
City Clerk

(City Seal)

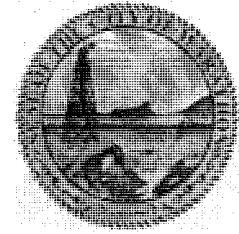
APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney

"Exhibit A"

COUNCIL AGENDA STATEMENT



Meeting Date: 26 April 2005

From: Katy Parker, Planner

Through: Gail E. Kenson, AICP, Director of Planning
Michael H. Puto, City Manager

Item: Approving With Conditions The Rankings Of The Non-Residential Permit Allocation System (NROGO) For Period 1, Year 1 Pursuant To Ordinance 2004-12 Of The City Of Marathon, Florida Land Development Regulations

BACKGROUND AND JUSTIFICATION

This evaluation report has been prepared pursuant to the City of Marathon Land Development Regulations (the "Code"). The non-residential dwelling unit allocation rankings attached to this report correspond to Period 1, Year 1, as defined by the Ordinance 2004-012. Period 1 covers the time from the effective date of the ordinance to March 1, 2005.

The City adopted Ordinance 2004-012 in June 2004 which established a Non-Residential Permit Allocation System (NROGO), as specified by Policy 101.3.1 of the Comprehensive Plan. The purpose of this system is to regulate non-residential development in the City and maintain a balance of land uses.

The NROGO system is closely tied to the City's residential building permit allocation system, also known as ROGO. The City will maintain approximately 239 square feet of non-residential development for each new residential unit permitted through ROGO each year.

ALLOCATIONS AVAILABLE

Through Ordinance 2004-012, the City established that for the first allocation period, fifty seven thousand, three hundred sixty (57,360) square feet of floor area has been accrued and is available to be allocated to applications. Of this amount, half, or twenty eight thousand six hundred eighty (28,680) square feet of floor area is to be allocated only for the expansion of existing non-residential development, structures and uses. The remaining square footage shall be allocated for new and existing non-residential development, structures and uses.

EVALUATION AND RANKING PROCEDURE

Staffs evaluation of the NROGO applications was performed according to the provisions of the NROGO Ordinance in that positive and negative points were awarded to applications for items in compliance with the evaluation criteria. Each allocation application was ranked based on the

total number of points scored. NROGO applications with identical scores were further ranked based on the date and time they applied for NROGO.

The City received five (5) applications for NROGO during this first quarter. While the NROGO process is similar to the ROGO process, it does differ in that the applicant does not need to apply for the building permit prior to being entered into NROGO. Rather, the applicant is to submit an application for NROGO with a site plan and other application materials. If the application complies with the code, he/she is entered into NROGO. As this is different from the ROGO process, this first period for NROGO may call for flexibility in consideration of the applications, particularly with regard to its completeness and compliance with Code during this first review.

ANALYSIS

The total amount of non-residential floor area requested for Period 1, Year 1 was **14,435 square feet**. This is less than the amount of floor area the City has available for allocation. Allocation requests ranged from 1,500 square feet to 5,097 square feet. Of these requests, 2 applications, totaling 8,005 **square feet** are for expansions to existing commercial structures.

Of the five (5) applications in NROGO, one had 24 points, and the remaining four had 19 points. Attachment A shows the ranking of all five applications based on their total points; Attachment B indicates what points were awarded for each application.

Two applications are proposing affordable housing units on site. As a condition of approval, the affordable unit must obtain a CO prior to or concurrently with receiving the CO for the commercial building. The applicants will be required to obtain an Affordable ROGO allocation for the units and they must place an affordable housing deed restriction on the units for a period of no less than 50 years.

Any applications that required conditional use permits, have already applied and received such approval. All applicants who receive an allocation must submit a building permit application prior to any construction occurring on the site.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	XXX	___
2. Land Development Regulations	XXX	___
3. Not applicable ___		

FISCAL NOTE:

None

RECOMMENDATION

The Planning Commission recommends the City Council accept the rankings as proposed by staff and grant the allocation awards to all five of the applications, as shown in Attachment A.

**ATTACHMENT "A"
NROGO APPLICATIONS**

	Score	NROGO Number	Name	Square Feet Requested	Date Entered	Time Entered	Expansion	RE NUMBER	SUBDIVISION	BLOCK	LOT
1	24	N-05/02/25-02	Angermann, Gilbert and Clare	2,450	2/25/2005	3:01 PM	No	00100520-000000	Fat Deer	n/a	2&3
2	19	N-05/02/03-01	Schmitt, Brian	2,908	2/3/2005	10:00 AM	Yes	00334490-000100	Key Colony	n/a	4&5
3	19	N-05/02/14-01	Rabito, Joseph	2,480	2/14/2005	12:00PM	No	00340300-000000	Days	2	1
4	19	N-05/02/25-01	Angermann, Gilbert and Clare	1,500	2/25/2005	3:00 PM	No	00100560-000101	Fat Deer	n/a	1
5	19	N-05/02/28-01	Marine Bank	5,097	2/28/2005	10:00 AM	Yes	00334660-000000	Key Colony	1	5&6
			Expansions	8,005							
			Total	14,435							