

**CITY OF MARATHON, FLORIDA
RESOLUTION 2006-036**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, ESTABLISHING THE POLICY THAT ALL APPLICATIONS FOR BUILDING PERMIT ALLOCATIONS SUBMITTED UNDER THE RESIDENTIAL RATE OF GROWTH REGULATIONS SET FORTH AT SECTIONS 9.5-124, 9.5-125 AND 9.5-127 AFTER MARCH 13, 2006 SHALL BE AUTOMATICALLY CONVERTED TO APPLICATIONS UNDER THE BUILDING PERMIT ALLOCATION SYSTEM ONCE THE ORDINANCE ESTABLISHING SUCH SYSTEM HAS BEEN ADOPTED; ESTABLISHING THIS POLICY UNTIL NEW LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COUNCIL OR UNTIL THE PASSAGE OF 270 DAYS FROM THE DATE OF THIS RESOLUTION, WHICHEVER OCCURS FIRST; DIRECTING STAFF TO CONTINUE PREPARATION OF LAND DEVELOPMENT REGULATIONS CREATING A BUILDING PERMIT ALLOCATION SYSTEM

WHEREAS, the City Council is currently in the process of amending and rewriting the land development regulations of the City of Marathon (the "City"); and

WHEREAS, as part of that process, the City Council has indicated that it wishes to repeal the Residential Rate of Growth ordinances set forth at Sections 9.5-121 through 9.5-129 ("ROGO"), and replace it with a building permit allocation system ("BPAS"); and

WHEREAS, the City must provide for a fair and orderly transition from ROGO to the BPAS system that is ultimately adopted by the City Council; and

WHEREAS, the City continues to receive applications for building permit allocations pursuant to Sections 9.5-124, 9.5-125 and 9.5-127 of ROGO; and

WHEREAS, in order to ensure a fair and orderly transition from ROGO to BPAS, it is necessary to, at the earliest date possible, set a cut off date after which any applications for allocations of building permits shall be subject to the new BPAS system; and

WHEREAS, the City wishes to place all parties on notice that it is considering replacing ROGO with a BPAS system and that parties who are considering applying for building permits in the City will be subject to the BPAS regulations if they file their applications after March 13, 2006.

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

Section 1. That pursuant to the pending legislation doctrine set forth in *Smith v. City of Clearwater*, 383 So. 2d 681 (Fla. 2d DCA 1980), any and all applications for allocations of building permits received by the City after March 13, 2006 shall be handled as follows:

- A. Until the adoption of a BPAS system by the City Council, such applications shall continue to be governed by, and any allocations thereunder shall be in accordance with, the ROGO regulations as in effect on the date hereof.
- B. Upon the adoption of a BPAS system by the City Council, all such applications shall immediately be governed by, and allocations thereunder shall be in accordance with, the BPAS regulations hereafter adopted.

Section 2. That this policy shall be in effect until BPAS regulations are adopted by the City Council or until the passage of 270 days, whichever occurs first.

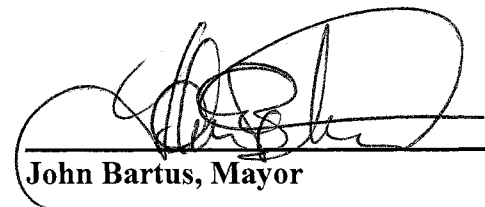
Section 3. That Planning Department staff is directed to continue the preparation and adoption of land development regulations to create a building permit allocation system that will replace the existing residential rate of growth ordinance, and that will provide for an orderly and fair transition from one system to the other.

Section 4. The adoption of this Resolution shall be evidenced by placement of a notice in a newspaper of general circulation within the City, in accordance with Chapter 50, Florida Statutes, within two weeks after adoption of this Resolution. A copy of this Resolution shall also be posted at City Hall for the next two hundred seventy (270) days.

Section 5. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED by the City Council of the city of Marathon, Florida, this 9th day of March, 2006.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

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

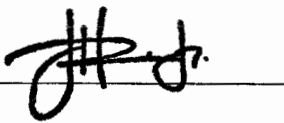
ATTEST:



Cindy L. Ecklund
City Clerk

(City Seal)

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



City Attorney