

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2007-28**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, DIRECTING THE PLANNING DEPARTMENT TO STOP ACCEPTING ROGO ALLOCATION APPLICATIONS COMMENCING MARCH 14, 2007; DECLARING THAT APPLICATIONS UNDER THE NEW BUILDING PERMIT ALLOCATION SYSTEM WILL BE AVAILABLE AND ACCEPTED COMMENCING MAY 7, 2007; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Marathon (the "City") adopted new Land Development Regulations ("LDRs") on February 13, 2007, which included the creation of a building permit allocation system ("BPAS") to replace the existing ROGO system; and

**WHEREAS**, the LDRs are being transmitted to the State of Florida Department of Community Affairs ("DCA") for final approval; and

**WHEREAS**, the next deadline for submitting applications under the ROGO system is March 13, 2007; and

**WHEREAS**, the City Council does not want to receive applications under the ROGO system after March 13, 2007, and also wishes to give Planning Department staff adequate time to prepare for the transition from the ROGO system to a BPAS system; and

**WHEREAS**, the City wishes to place all parties on notice that it has created a new BPAS system, subject to DCA approval, and that parties who are considering submitting applications for building permit allocations will need to do so under the new BPAS system.

**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), City staff shall not accept ROGO allocation applications commencing as of March 14, 2007.

**Section 2.** That applications under the new BPAS system shall become available and may be accepted and processed by City staff commencing May 7, 2007.

**Section 3.** 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 ninety (90) days.

**Section 4.** This Resolution shall become effective immediately upon its adoption.


**PASSED AND ADOPTED** by the City Council of the City of Marathon, Florida, this 12<sup>th</sup> day of March, 2007.

**THE CITY OF MARATHON, FLORIDA**

  
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Christopher M. Bull, Mayor

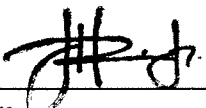
AYES: Worthington, Mearns, Tempest, Bull  
NOES: Pinkus  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
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Diane Clavier  
City Clerk

(City Seal)

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

  
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City Attorney