

## COUNCIL AGENDA STATEMENT



**Meeting Date:** January 8, 2019

**To:** Honorable Mayor and Council Members

**From:** George Garrett, Planning Director

**Through:** Chuck Lindsey, City Manager

**Agenda Item:** **Ordinance 2019-01**, Amending Chapter 102, Article 15, “Temporary Placement Permits;” Chapter 103, Article 3, Section 103.15, Table 103.15.1, “Uses By Zoning District;” And Chapter 104, Article 1, Section 104.55, “Temporary Placement,’ Of The City Code Of Ordinances, To Provide Minor Modifications To Allowances For The Temporary Placement Of Recreational Vehicles, Motor Homes, Mobile Homes, Or Other Temporary Residential Units After The Impact Of A Hurricane Or Other Natural Disaster; Providing For The Repeal All Ordinances Or Parts Of Ordinances Found To Be In Conflict, And Providing For Inclusion In The Code Of Ordinances; And Providing For An Effective Date

### **BACKGROUND:**

Based on issues raised by a number of residents concerning the limitations placed on Temporary Placement Permits, the City Council requested that staff draft a proposed revision to the Temporary Placement Permit section of the Land Development Regulations allowing a broader ability to place temporary structures under the Temporary Placement Permit Guidelines.

The proposed Ordinance modifies three areas of the Code – 102.82 & 102.83, 103.15 (Table 103.15.2), and 104.55:

- The proposed Ordinance adds additional zoning districts within which a Temporary Placement Permit may be issued – RL-C, RL, I-G, I-M, P, and PR.
- The Ordinance provides for the issuance of Temporary Placement Permits in Nonresidential Zoning Districts and on public properties under limited circumstances.
- The Ordinance provides for Temporary Placement Permits within existing RV and Mobile Home Parks providing greater flexibility about such permits, but also additional clarity about the conditions for such placement.
- Finally, the Ordinance more specifically recognizes the need for Temporary Placement Permits for agencies such as FEMA for or for the City which may wish to provide locations to house out-of-City contractors helping with the recovery efforts.

The Draft document has been placed in Ordinance form with the Council’s direction to move forward with its adoption. The document in front of you works from the existing Ordinance found in Chapter 102, Article 15 of the Land Development Regulations, placing it in “underline / strikethrough” format.

The Planning Commission reviewed the proposed Ordinance on December 17, 2018. The Planning Commission requested some clarification of intent and verbiage concerning Section 102.83 3., but otherwise approved the Ordinance unanimously. Requested clarifications were made.

**CONSISTENCY CHECKLIST:**

	Yes	No
1. Comprehensive Plan	_____	<u>  X  </u>
2. Other –Sewer Mandate	_____	<u>  X  </u>

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**RECOMMENDATION:**

The Planning Commission reviewed the proposed Ordinance revision on December 17, 2018 and provides a unanimous recommendation of approval for its adoption.

**Sponsored by: Lindsey**  
**Introduction Date: August 20, 2018**  
**Public Hearing Dates: December 17, 2018**  
**January 8, 2019**  
**Enactment date: January 22, 2019**

**CITY OF MARATHON, FLORIDA**  
**ORDINANCE 2019-01**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING CHAPTER 102, ARTICLE 15, “TEMPORARY PLACEMENT PERMITS;” CHAPTER 103, ARTICLE 3, SECTION 103.15, TABLE 103.15.1, “USES BY ZONING DISTRICT;” AND CHAPTER 104, ARTICLE 1, SECTION 104.55, “TEMPORARY PLACEMENT,’ OF THE CITY CODE OF ORDINANCES, TO PROVIDE MINOR MODIFICATIONS TO ALLOWANCES FOR THE TEMPORARY PLACEMENT OF RECREATIONAL VEHICLES, MOTOR HOMES, MOBILE HOMES, OR OTHER TEMPORARY RESIDENTIAL UNITS AFTER THE IMPACT OF A HURRICANE OR OTHER NATURAL DISASTER; PROVIDING FOR THE REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES FOUND TO BE IN CONFLICT, AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, provides for comprehensive plan implementation through the enactment of certain ordinances; and

**WHEREAS**, the City of Marathon is located within an Area of Critical State Concern (ACSC), pursuant to Sections 380.05 and 380.0552, Florida Statutes, hereinafter referred to the “Keys ACSCs”; and

**WHEREAS**, Keys’ Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations pursuant to both Chapters 163 and 380.055, Florida Statutes, which have been approved by the State, as required by law, and;

**WHEREAS**, Chapter 166, *Florida Statutes*, grants the City of Marathon (the “City”) broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting business regulations for the protection of the public; and

**WHEREAS**, the Planning Commission reviewed this Ordinance on December 17, 2018 providing a unanimous recommendation of approval to the City Council with no proposed changes; and

**WHEREAS**, the City Council reviewed this Ordinance on January 8, 2019 and again on January 22, 2019 adopting the Ordinance in its second hearing and directing staff to transmit the Ordinance to the Florida Department of Economic Opportunity for final approval; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The above recitals are true, correct, and incorporated herein by this reference.

**SECTION 2.** Amend Chapter 102, Article 15, Temporary Placement permits, to read as follows:

**CHAPTER 102, DEVELOPMENT APPLICATION PROCEDURES**

**ARTICLE 15. - TEMPORARY PLACEMENT PERMITS**

An application for a temporary placement permit (TPP) shall be submitted in accordance with Article 2, "Common Development Application Elements", of this Chapter.

Section 102.82. - Temporary Placement of Manufactured or Mobile Homes.

A. Temporary Placement Permitted: A recreational vehicle, motor home, ~~or~~ mobile home, or other temporary residential unit, may be permitted on a limited basis by the issuance of a temporary placement permit (TPP) by the Department.

B. Removal of Temporary Home: Unless otherwise provided in this article, ~~a manufactured home or a mobile home~~ recreational vehicle, motor homes, or mobile home, or other temporary residential unit, permitted by a TPP shall be removed from the site within ~~60~~ 30 days after ~~completion of the activity~~ issuance of either a final inspection or Certificate of Occupancy associated with the approved permit, or at the time of the expiration of the TPP, whichever is earlier.

Section 102.83. - Types of Temporary Placement Permits.

A TPP may be granted as indicated below:

A. Emergency Residence:

1. Emergency Residence Permitted : Within any Residential Zoning District (R-C, RL, RM, RM-1, RM-2, RH, R-MH), A TPP may be issued for the purposes of providing an emergency residence for displaced owner-occupants or tenants on a site where the existing living unit(s) has (have) become uninhabitable due to adverse weather damage or other acts of God, Habitability of the existing residential unit(s) shall be as determined by an inspection by the City building official, Florida certified building inspector, architect, or engineer, ~~due to adverse weather damage or other acts of God,~~ The TTP shall only be allowed while the damaged living unit is being repaired or a replacement living unit is being constructed (Section 102-82 B above).

2. Placement on Nonresidential and Public Properties: A TPP may be approved for displaced owner-occupants or tenants of lawfully-established dwelling units to

**place a recreational vehicle on all properties in nonresidential land use districts and on public lands, excluding lands designated for conservation and resource protection.**

**(a) If larger properties are to be rented or leased to Agencies or entities providing multiple unit emergency housing, then such rentals/leases shall be made with the approval of the City's Executive Committee under an Emergency Declaration or by the City Council as is most expeditious.**

**3. Placement in Existing RV/Mobile Home Parks Zoned R-MH: A TPP may be approved for displaced owner-occupants, tenants, or other displaced residents of lawfully-established permanent (market rate) dwelling units to place a recreational vehicle, travel trailer, or other temporary residential unit on all properties in Residential-Mobile Home (R-MH) land use districts.**

**(a) If RV / Mobile Home spaces or fee-simple lots are to be rented or leased to Agencies or entities providing emergency housing, then such rentals/leases shall be made with the approval of the Mobile Home Park in question and with the knowledge and approval of the City's Executive Committee under an Emergency Declaration or by the City Council as is most expeditious.**

**(b) The City's Executive Committee or its City Council, as appropriate, may approve such areas as identified in (a) for the placement of workforce housing for those individuals who have come to the City for the purposes of assisting in clean-up or recovery efforts post storm impact.**

**3.4. Restrictions:**

**(a) ~~Placement on Nonresidential and Public Properties: A TPP may be approved for displaced owner-occupants or tenants of lawfully-established dwelling units to place a recreational vehicle on all properties in nonresidential land use districts and on public lands, excluding lands designated for conservation and resource protection. No more than one RV, mobile home, travel trailer, or other temporary housing unit shall be allowed per residential unit made uninhabitable.~~**

**(b) Tie-down and Contractor Required: Placement of all temporary housing on a site must meet all State requirements for tie-downs. Mobile homes shall be installed by a licensed mobile home contractor and in accordance with requirements of Florida Statutes and the Florida Building Code.**

**(c) Maximum Period of Time: A TPP shall ~~not~~ be issued for a period of six (6) months. Time extensions may be granted by the City's Executive Committee or City Council as appropriate, in increments of six (6 months for a cumulative total time period not to exceed ~~time in excess of~~ eighteen (18) months from the date of the declaration of emergency ~~or until the final inspection or issuance of Certificate of Occupancy, whichever comes first.~~ A TPP shall remain in effect only as long as the building permit is valid.**

**(d) Validity of Temporary Placement Permit: The holder of the TPP shall apply for a ~~no fee~~ building permit for the damaged dwelling unit no later than six (6) months after the date of the declaration of emergency; noncompliance may result in revocation of the TPP.**

(e) Hurricane Evacuation: Occupants of the temporary housing must comply with all mandatory hurricane evacuation requirements. Failure to do so may result in the revocation of the TPP.

**3.5.** Submission Requirements:

- (a) Completed TPP application; and
- (b) Map or other documentation indicating the proposed location of the temporary housing unit; and
- (c) State Department of Health or State Department of Environmental Protection permit authorizing the connection of the temporary housing to an on-site or existing community wastewater treatment system.

**4.6.** Administrative Relief: If the applicant is unable to apply for a building permit for the repair or replacement of the damaged non-transient dwelling unit within the required time limit, the applicant may apply, at no cost, to the Council for administrative relief from the provision of Subsection 2.(d) above.

**B.** Construction and Sales and Leasing Office:

- 1. Office, Sales and Leasing Permitted: A manufactured home meeting the requirements of the Building LDRs may be utilized as a temporary construction office or a sales and leasing office on a construction site for which a building permit has been issued. The location of such temporary office shall be shown on the approved site plan.
- 2. Restrictions:
  - (a) Single-family Dwelling: A TPP for an office of this nature shall not include a construction project which is limited to the building of only one (1) single-family residential structure.
  - (b) Use as a Living Quarters: A construction office shall not be used as a living unit.
  - (c) Validity of Temporary Placement Permit: A TPP for an office of this nature may be issued for a period not to exceed one (1) year, and may be renewed by the Department as long as the project is under active construction, development and sales or leasing. The temporary unit shall be removed within 90 days after construction is completed.

**SECTION 3.** Amend Chapter 103, Zoning Districts, Article 3, Use and Intensity Tables, to read as follows:

CHAPTER 103, ZONING DISTRICTS

ARTICLE 3 – USE AND INTENSITY TABLES

Section 103.15, Table 103.15.1. Uses By Zoning District

Uses in bold have specific conditions listed in Chapter 104																
Zoning Districts	C-NA	C-OI	RL-C	RL	RM	RM-1	RM-2	R-MH	RH	MU	MU-M	I-G	I-M	A	P	PR
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Temporary Placement			<b><u>P</u></b>	<b><u>LP</u></b>	<b><u>LP</u></b>	<b><u>LP</u></b>	<b><u>LP</u></b>	<b><u>LP</u></b>	<b><u>LP</u></b>	<b><u>LP</u></b>	<b><u>LP</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>
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**SECTION 4.** Amend Chapter 104, Specific Use Regulations, Article 1, General Provisions to read as follows:

CHAPTER 104 SPECIFIC USE REGULATIONS,

ARTICLE 1 - GENERAL PROVISIONS

[Section 104.55.] - Temporary Placement.

Temporary placements of recreational vehicles, motor homes, ~~or~~ mobile home, **or other temporary residential unit**, may be permitted pursuant to Table 103.15.1 on a limited basis provided the conditions in [Article 15](#) of [Chapter 102](#) are met.

**SECTION 5.** The provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 6.** The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 7.** It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

**SECTION 8.** The provisions of this Ordinance constitute a “land development regulation” as state law defines that term. Accordingly, the City Clerk is authorized and directed to forward a copy of this Ordinance to the State Department of Economic Opportunity for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

**SECTION 9.** This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 22<sup>nd</sup> DAY OF JANUARY, 2019.**

**THE CITY OF MARATHON, FLORIDA**

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**John Bartus, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk

(City Seal)

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

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David Migut, City Attorney