

COUNCIL AGENDA STATEMENT



Meeting Date: November 12, 2019
To: Honorable Mayor and Council Members
From: George Garrett, Planning Director
Through: Chuck Lindsey, City Manager

Agenda Item: **Ordinance 2019-14**, Amending The City’s Land Development Regulations To Modify Chapter 102, Article 13, Conditional Use Permits, Section 102.74, “Application Process;” Chapter 103, Article 3, “Use And Intensity Tables,” Table 103.15.1, “Uses By Zoning District;” And Adding A Section To Chapter 104, Article 1, To Be Titled “Permitting Of Residential Units Which Exceed Six (6) Bedrooms” As Defined Therein; Amending Chapter 110 To Provide Related Definitions For Bedrooms, Dwelling Units, And Kitchens; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After Final Adoption By The City Council; And Providing For An Effective Date.

RECOMMENDATION

Planning Commission provided an unanimous (4/0 with an absence) recommendation of approval

BACKGROUND AND REQUEST:

Single-family residential structures which exceed six (6) bedrooms in number have a greater impact on the community than a more typical residence of six (6) or less bedrooms. Therefore, the City wishes to require the permission of such structures be considered in the wider context of a Conditional Use Permit review and approval. Particularly, the City needs to understand the greater impacts of the size of the property in question, the parking requirements, the traffic impacts, and the impacts on infrastructure such as water, sewer, electricity, and solid waste. We also need to understand the impacts of larger residential development and the larger number of individuals likely to reside there, on the community character of surrounding neighborhoods.

The Planning Commission reviewed the proposed text amendment, offering some useful comments to clarify the proposed Ordinance, and voted unanimously to forward a recommendation of approval to the City Council.

APPLICANT: City of Marathon

REQUEST: To modify the Land Development Regulations to require that proposed residential development which has more than six (6) bedrooms must be approved through a

Conditional Use Permit review and approval.

Particularly, the City is requesting to change Chapter 103, Article 3, Table 103.15.1 to require a Conditional Use Permit review and to change Chapter 110, "Defined Terms," to modify or add necessary terms related to a change requiring Conditional Use permit approval.

ANALYSIS OF COMPREHENSIVE PLAN CHANGE REQUEST:

Preface

The current Land Development Regulations provide only brief guidance concerning the review of a proposed Comprehensive Plan Amendment.

Section 102.19 simply states:

Section 102.19. Standards for Review.

When considering an application for a Comprehensive Plan Amendment, the review shall include all standards and criteria of Fla. Stat. ch. 163.

Standards in Chapter 163, F.S. offer some additional guidance, but are limited. Pertinent sections of Chapter 163 promulgate process rather than establishing criteria for the development of a proposed Comprehensive Plan Amendment. Chapter 163.3184, Process for adoption of comprehensive plan or plan amendment, define the sequential process for transmittal, review, and approval of a Comprehensive Plan Amendment. Most relevant to this delineation of process is the definition of "compliance" which is recited for review below:

163.3184 Process for adoption of comprehensive plan or plan amendment.--

(1) DEFINITIONS.--As used in this section, the term:

(b) "In compliance" means consistent with the requirements of ss. [163.3177](#), when a local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable. Thus, leading through an exhaustive process, the State Land Planning Agency must find a Comprehensive Plan or Plan Amendment in compliance in accordance with the above definition. Process as further defined in the section leads from Local Government Transmittal through review by the State Land Planning Agency and other required local and state government bodies to a finding of "in compliance" by the State Land Planning Agency.

Review is contemplated and expected to be completed by such agencies as the South Florida Regional Planning Council, whose responsibility it is to review the proposal for consistency with the Strategic Regional Policy Plan. Such review is not therefore, the responsibility of the local government to determine consistency in this regard and will not be addressed herein. Though referenced in the definition of compliance and elsewhere Chapters 163.3177, 163.3191, 163.3245, and 369 will not be reviewed as a compliance matter. Chapter 163.3177 defines required elements in a comprehensive

plan. The City has an approved comprehensive plan which must be assumed to have all required elements. Chapter 163.3191 refers to the required Evaluation and Appraisal Report (EAR); a review of an approved comprehensive plan required of the City every seven years. The City is not subject to an EAR at this juncture and therefore is not relevant as a criterion to the review herein. Finally, Chapter 163.3245 refers to the development of an optional sector plan. This optional element of an approved comprehensive plan was not adopted by the City and therefore will not be used as a criterion for review in this proposed FLUM amendment. Chapter 369 refers to invasive aquatic plant control and the Wekiva River area and similarly will not be the subject of compliance review herein. Other pertinent review elements leading to a determination of compliance are found in Chapter 163.3178 Coastal management, Chapter 163.3180 Concurrency and the principals for guiding development in the Florida Keys Area of Critical State Concern. This application for a FLUM amendment will be analyzed against the limited compliance issues found in sections of Chapter 163 F.S. and Chapter 380 F.S. noted immediately above. Relevant sections are provided in EXHIBITS 2, 3, & 4 attached or with website references for your review

Compliance Discussion

Relevant criteria promulgated in Chapters 163 and 380 F.S. can be itemized in bullets as follows based on the critical concerns more specifically identified in the City's comprehensive plan:

- Natural Resource Protection
 - Wetlands
 - Estuaries
 - Living marine resources
 - Beaches / Dunes
 - Unique wildlife habitat
 - Water Quality
- Historical Resources
- Infrastructure / Concurrency Management
 - Wastewater
 - Stormwater
 - Potable Water
 - Solid Waste
 - Transportation
- Affordable Housing
- Hazard Mitigation
 - CHHA
 - Hurricane Evacuation
- Ports
 - Marina Siting
- Public Use
 - Shoreline use and Access
 - Water dependent and independent activity
- Land Acquisition
 - Conservation
 - CHHA

o Public Services

These bullet items should be utilized as the focus points for review of the proposed FLUM amendment and for future comprehensive plan amendments.

ANALYSIS

Natural Resources

No Significant Impact would result from the proposed change.

Historical and Cultural Resources

No Significant Impact would result from the proposed change.

Infrastructure

Single-family residential structures which exceed six (6) bedrooms in number have a greater impact on the community than a more typical residence of six (6) or less bedrooms. Therefore, the City wishes to require the permission of such structures be considered in the wider context of a Conditional Use Permit review and approval. Particularly, the City needs to understand the greater impacts of the size of the property in question, the parking requirements, the traffic impacts, and the impacts on infrastructure such as water, sewer, electricity, and solid waste. We also need to understand the impacts of larger residential development and the larger number of individuals likely to reside there, on the community character of surrounding neighborhoods.

Wastewater infrastructure

Single-family residential structures which exceed six (6) bedrooms in number have a greater impact on the community than a more typical residence of six (6) or less bedrooms. Therefore, the City wishes to require the permission of such structures be considered in the wider context of a Conditional Use Permit review and approval. Particularly, the City needs to understand the greater impacts of the size of the property in question, the parking requirements, the traffic impacts, and the impacts on infrastructure such as water, sewer, electricity, and solid waste. We also need to understand the impacts of larger residential development and the larger number of individuals likely to reside there, on the community character of surrounding neighborhoods.

Stormwater infrastructure

No Significant Impact would result from the proposed change.

Potable Water

Single-family residential structures which exceed six (6) bedrooms in number have a greater impact on the community than a more typical residence of six (6) or less bedrooms. Therefore, the City wishes to

require the permission of such structures be considered in the wider context of a Conditional Use Permit review and approval. Particularly, the City needs to understand the greater impacts of the size of the property in question, the parking requirements, the traffic impacts, and the impacts on infrastructure such as water, sewer, electricity, and solid waste. We also need to understand the impacts of larger residential development and the larger number of individuals likely to reside there, on the community character of surrounding neighborhoods.

Solid Waste

Single-family residential structures which exceed six (6) bedrooms in number have a greater impact on the community than a more typical residence of six (6) or less bedrooms. Therefore, the City wishes to require the permission of such structures be considered in the wider context of a Conditional Use Permit review and approval. Particularly, the City needs to understand the greater impacts of the size of the property in question, the parking requirements, the traffic impacts, and the impacts on infrastructure such as water, sewer, electricity, and solid waste. We also need to understand the impacts of larger residential development and the larger number of individuals likely to reside there, on the community character of surrounding neighborhoods.

Transportation

Single-family residential structures which exceed six (6) bedrooms in number have a greater impact on the community than a more typical residence of six (6) or less bedrooms. Therefore, the City wishes to require the permission of such structures be considered in the wider context of a Conditional Use Permit review and approval. Particularly, the City needs to understand the greater impacts of the size of the property in question, the parking requirements, the traffic impacts, the transportation impacts, and the impacts on infrastructure such as water, sewer, electricity, and solid waste. We also need to understand the impacts of larger residential development and the larger number of individuals likely to reside there, on the community character of surrounding neighborhoods.

Affordable Housing

No Significant Impact would result from the proposed change.

Hazard Mitigation

No Significant Impact would result from the proposed change.

Coastal High Hazard Areas

No Significant Impact would result from the proposed change.

Hurricane Evacuation

No Significant Impact would result from the proposed change.

Ports – Marina Siting

No Significant Impact would result from the proposed change.

Public Use – Access to Water

No Significant Impact would result from the proposed change.

Land Acquisition

No Significant Impact would result from the proposed change.

Alternate Compliance Review Criteria

Since there are no internal Comprehensive Plan change review criteria available in Chapter 102, Article 6, those that would apply for an LDR text change request (Chapter 102, Article 7) are useful. The basis for the LDR text change criteria are the same as for a Comprehensive Plan change ultimately.

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

Single-family residential structures which exceed six (6) bedrooms have a greater impact on the community than a more typical residence of six (6) or less bedrooms. Therefore, the City wishes to require the permission of such structures be considered in the wider context of a Conditional Use Permit review and approval. Particularly, the City needs to understand the greater impacts of the size of the property in question, the parking requirements, the traffic impacts, and the impacts on infrastructure such as water, sewer, electricity, and solid waste. We also need to understand the impacts of larger residential development and the larger number of individuals likely to reside there, on the community character of surrounding neighborhoods.

B. The consistency of the proposed amendment with the Comprehensive Plan; and

The proposed amendment does not change any of the basic purposes of the Comprehensive Plan. This proposal acts to provide more detail to requirements for proposed developments which request single-family residences of seven (7) bedrooms or more.

C. Whether the proposed change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

The proposed regulation does further the basic goals and premises outlined in the introductory to the City's Comprehensive Plan as follows:

“With the knowledge that the City needs redevelopment and new development to provide the necessary improvements to guarantee the residents of the City a clean, healthy environment and a

sound economy in which to live and enjoy their families, it is the desire and intent of the City through the GOALS, OBJECTIVES AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS IMPLEMENTING THE PLAN TO PROTECT OUR CHARACTER, ENVIRONMENT AND VIABILITY THROUGH:

- Protection of the small town family feel of the community
- Continued utilization of the established mixed-use pattern of the community
- Protection of the heritage of the commercial fishing industry
- Acknowledgement and protection of a character that is unique to the Keys
- Protection of existing and increased affordable housing opportunities
- Implementation of effective surface water management strategies
- Systematic removal of failing and inadequate on-site wastewater disposal systems
- Maintenance and management of central wastewater and stormwater facilities
- Protection and enhancement of sensitive upland, wetland and submerged land habitat
- Protection for the existing uses, densities and intensities
- Providing new investment and reinvestment opportunities
- Ensuring new development and redevelopment protects the environment
- Ensuring new and redevelopment compliments and enhances community character
- Implementation of thoughtful, managed growth.”

CONCLUSION:

The proposed Amendment is consistent with and furthers the goals of the City of Marathon Comprehensive Plan and Land Development Regulations.

RECOMMENDATION:

Planning Commission provided an unanimous (4/0 with an absence) recommendation of approval

Sponsored by: Lindsey
Introduction Date: October 21, 2019
Public Hearing Dates: November 12, 2019
tbd
Enactment date: tbd

**CITY OF MARATHON, FLORIDA
ORDINANCE 2019-14**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS TO MODIFY CHAPTER 102, ARTICLE 13, CONDITIONAL USE PERMITS, SECTION 102.74, "APPLICATION PROCESS;" CHAPTER 103, ARTICLE 3, "USE AND INTENSITY TABLES," TABLE 103.15.1, "USES BY ZONING DISTRICT;" AND ADDING A SECTION TO CHAPTER 104, ARTICLE 1, TO BE TITLED "PERMITTING OF RESIDENTIAL UNITS WHICH EXCEED SIX (6) BEDROOMS" AS DEFINED THEREIN; AMENDING CHAPTER 110 TO PROVIDE RELATED DEFINITIONS FOR BEDROOMS, DWELLING UNITS, AND KITCHENS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY AFTER FINAL ADOPTION BY THE CITY COUNCIL; 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

~~Strikethrough~~ = deletion **bold underline** = addition

WHEREAS, the purpose of the proposed Ordinance is to manage growth and development in residential neighborhoods and zoning categories when large single family residential development are proposed (greater than six (6) bedrooms, thus requiring a Conditional Use Permit review and approval,

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 13. Section 102.74, "Application Requirements" to add language identifying minimum application requirements as follows:

Section 102.74. - Application Requirements.

An application for a Conditional Use permit shall be submitted in accordance with Article 2, "Common Development Application Elements" and shall include any other information that may be required by the City in order for the Department, the TRC, PC and Council to make informed decisions. At a minimum, the specific application requirements follow:

MINIMUM APPLICATION REQUIREMENTS
CONDITIONAL USE PERMITS

These requirements are not to be considered ALL inclusive of the requirements for the proposed work. The Planning Department may require additional drawings, specifications or information in order to complete the review of the application. Equally, not all items noted below may be required at the discretion of the Planning Director based his or her review of a project proposal and the requirements of the City's Comprehensive Plan and Land Development Regulations (LDRs).

THE FOLLOWING MUST BE PROVIDED IN ORDER TO BE A COMPLETE APPLICATION:

1. Application Completed in Full
2. Proof of ownership (copy of deed or tax statement)
3. Agent authorization (as applicable)
4. Vegetation Survey or Habitat Evaluation Index (as applicable)
5. Location Map and Photographs of site from the main adjacent road and/ or aerial photograph.
6. Five (5) copies and 1 digital set (CD of DVD, No Flash Drives) of the following plans, drawn to scale, signed and sealed by a Florida registered Surveyor, Architect or Engineer:

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7. Property Survey no older than two years from date of application.

8. Site Plans. Including but not limited to:

- Property lines, Mean High Water Line (MHWL), and dimensions of the parcel
- Areas and dimensions of existing and proposed structures
- Adjacent roadways and uses of adjacent property
- Setbacks and Buffers
- Parking (including handicap parking) and loading zone locations and dimensions
- Calculations for open space ratios, floor area ratios, density and parking
- Outdoor lighting location, type, power and height
- Extent and area of wetlands, open space areas, and landscape areas
- Location of solid waste separation, storage and removal
- Type of ground cover such as asphalt, grass, pea rock
- Sewage treatment facilities
- Location of bike racks (if required)
- Flood zones pursuant to the Flood Insurance Rate Map (FIRM)
- Show Fire hydrants per following schedule:
- Commercial Non-Fire Sprinkler Protected Buildings:
- 350 feet between hydrants
- No building further than 175 feet from a fire hydrant.
- No building further than 250 feet from a hydrant.
- Provide location of fire lanes (marked fire apparatus roads) and fire lane marking details on plans. NFPA 1 (2012) 18.2.3.5.1
- Provide a minimum 42 ft curb radius at driveways. Reference City of Marathon Turning Radius requirements NFPA 1 (2012) 18.2.3.4.3.1
- Provide minimum 13' 6" vertical clearance for all canopies and road overhangs. NFPA 1 (2012) 18.2.3.4.1.2.
- Fire department access roads shall have an unobstructed width of not less than 20'. NFPA 1 (2012) 18.2.3.4.1.1
- Dead-end fire department access roads in excess of 150ft in length shall be provided with approved provisions for the fire apparatus to turn around. NFPA 1 (2012) 18.2.3.4.4
- Marine areas shall comply with NFPA 303

9. Landscape Plans. Including but not limited to:

- Open space preservation areas
- Size and type of buffer yards including the species, size, and number of plants
- Parking lot landscaping including the species, size and number of plants
- Existing natural features
- Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced
- Transplantation plan (if required)

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10. Floor Plans and Elevations of all proposed structures with the elevations of the following features referenced to NAVD 88: Existing grade, finished grade, finished floor elevations (lowest supporting beam for V-zone development), roofline and highest point of the structure.

11. Drainage Plans with drainage calculations. The plan must show existing and proposed topography, all drainage structures, retention areas and drainage swales, and existing and proposed permeable and impermeable areas.

12. Wastewater Flow Calculations.

- Residences with six (6) six bedrooms or less will be assumed to equate to one (1) Equivalent Dwelling Unit (EDU) at 167 gallons per day. System development and connection charges, as well as monthly base and flow charges will accrue and be billed as a single-family residence.

- Residences with seven (7) bedrooms or more will be assessed based on a calculation of average wastewater flows developed and provided by a qualified wastewater engineer. Such wastewater flow will be calculated into the one time System Development and Connection charges and be billed accordingly.

13. Residential Allocations: Any Dwelling Unit or Single-family Residence which supports seven (7) or more bedrooms, shall be required to obtain one (1) Transferable Building Right for each additional six (6) bedrooms greater than six (6) bedrooms. No more than three (3) residential allocations shall be required for any Dwelling Unit or Single-family Residence. Such additional allocations shall not be available through the BPAS system as provided for in Chapter 107, Article 1. Therefore, each additional allocation must be obtained as a Transferable Building Right (TBR) and shall be subject to the provisions of Chapter 107, Article 2, particularly TBR transfer fees.

14. Construction Management Plan: (State how impacts on near-shore water and surrounding property will be managed - i.e. erosion control, construction barriers, hay bales, flagging. etc.).

15. Construction Phasing Plan (as applicable)

16. A Traffic Study prepared by a licensed traffic engineer.

Letters of Coordination may be required. The applicant must check with the Planning Department to identify other agencies expected to review the project. These may include:

- City of Marathon, City Fire Marshall's Office
- City of Marathon, Utilities Manager
- Florida Department of Environmental Protection (FDEP)
- Florida Department of State, Division of Historic Resources
- Florida Department of Transportation (FDOT)
- Florida Keys Aqueduct Authority (FKAA)
- Florida Keys Electric Cooperative (FKEC)
- Monroe County Department of Health
- South Florida Water Management District (SFWMD)
- U.S. Army Corps of Engineers (ACOE)
- U.S. Fish and Wildlife Service (USFWS)
- Other, as applicable to the project

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SECTION 3. Amend Chapter 103, Article 3, Table 103.15.1 to add a use to be titled “Single-Family dwellings; 6 Bedrooms or less and More than 6 Bedrooms to read as follows:

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

Sexually Oriented Business																
Single-family dwellings (6 Bedrooms or less)	P	P	P	P	P	P	P	P	P	P	P	P	P			A
Single-family dwellings (7 Bedrooms or more)					<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>							
Small animal shelters/boarding kennels											C	C	C	C		C

SECTION 3. Amend Chapter 104, Article 1, “General Provisions,” to add Section 104.52, “Single-family dwellings (7 Bedrooms or more),” and renumber subsequent sub-sections as will follow:

Section 104.52

The approval of Single-family dwellings (Seven (7) Bedrooms or more) requires a Conditional Use Permit review and approval pursuant to Chapter 102, Article 13 of the Land Development Regulations.

Single-family residential structures which include seven (7) or more bedrooms in number have a greater impact on the community than a more typical residence of six (6) bedrooms or less. Therefore, the City requires that the permission of such structures be considered in the wider context of a Conditional Use Permit. Particularly, the City must understand at a minimum, the greater impacts of the project related to the size of the property in question, the parking requirements, the traffic impacts, and the impacts on infrastructure such as water, sewer, electricity, and solid waste. However, as noted in the application submittal requirements below,

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other considerations and additional review areas may be considered and additional information may be requested.

SPECIFIC APPLICATION REQUIREMENTS
CONDITIONAL USE PERMITS

These requirements are to be met in addition to those requirements of Chapter 102, Article 13, Section 102.75. The Planning Department may require additional drawings, specifications or information in order to complete the review of the application.

1. **Wastewater Flow Calculations.**
 - **Residences with six (6) bedrooms or less will be assumed to equate to one (1) Equivalent Dwelling Unit (EDU) at 167 gallons per day. System development and connection charges, as well as monthly base and flow charges will accrue and be billed as a single-family residence.**
 - **Residences with seven (7) bedrooms or more will be assessed based on a calculation of average wastewater flows developed and provided by a qualified wastewater engineer. Such wastewater flow will be calculated into the one time System Development and Connection charges and be billed accordingly.**
2. **Parking space needs analysis. The City will require a minimum of one (1) parking space per bedroom unless otherwise justified and validated by the Conditional Use Permit applicant.**
3. **A Traffic Study prepared by a licensed traffic engineer.**
4. **Residential Allocations: Any Dwelling Unit or Single-family Residence which supports seven (7) or more bedrooms, shall be required to obtain one (1) Transferable Building Right for each additional six (6) bedrooms greater than six (6) bedrooms. No more than three (3) residential allocations shall be required for any Dwelling Unit or Single-family Residence. Such additional allocations shall not be available through the BPAS system as provided for in Chapter 107, Article 1. Therefore, each additional allocation must be obtained as a Transferable Building Right (TBR) and shall be subject to the provisions of Chapter 107, Article 2, particularly TBR transfer fees.**

SECTION 4. Amend Chapter 110, Article 3, “Defined Terms” to add the following term, “bedroom:”

Bedroom: a room generally intended for sleeping in, typically for one or two individuals and perhaps a small child. A bedroom typically is defined on the basis of the following conditions, but may vary:

- **Doors: Typically contains at least one door for entry, though may not have a door in open living plans**
- **Minimum square footage: 60 to 70 square feet.**
- **Minimum horizontal footage: A minimum of at least 7 feet in any horizontal direction.**
- **Two means of egress: There have to be two ways out of a bedroom.**

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- Minimum ceiling height: At least half of the bedroom ceiling has to be at least 7 feet tall and meet the Florida Building Code (FBC).
- Minimum window size: The window opening must be a minimum size, usually 5.7 square feet and must meet the Florida Building Code (FBC).
- A heating/cooling element:
- May have a closet, an associated bathroom, small refrigerator, and/or a microwave.

For the sake of calculating the number of bedrooms, the City may count an office, den, game/recreation room, alcove, or similar room or semi-enclosed space as a bedroom dependent on the apparent purpose and use for the space.

SECTION 5. Amend Chapter 110, Article 3, “Defined Terms” to modify the following terms:

Dwelling, Apartment: A multi-family building in which units share common ~~entrances~~ or accesses to individual units.

Dwelling, Attached: ~~A residential dwelling unit consisting of more than one (1) residential unit that area development without open yards on all sides of the dwelling unit.~~ Means a dwelling unit that is located on a separate lot and shares a wall on one or both sides with a neighboring dwelling unit. Townhomes and duplexes are attached dwelling units.

Dwelling, Detached: A residential dwelling unit that is developed with open yards on all sides of the dwelling unit, but not including mobile homes or recreational vehicles. A stand-alone house (also called a Dwelling Unit or Single-family Residence, detached residence or detached house) is a free-standing residential building. Sometimes referred to as a single-family home, as opposed to a duplex or multi-family residential dwelling.

Dwelling, Duplex: Two-family dwelling units with the units either side-by side or in any over-under configuration. In the side-by side configuration, the units share a common wall, while in the over-under configuration, they are stacked.

Dwelling, Townhouse: An attached dwelling with only one (1) dwelling unit from ground to roof attached to its neighbors on no more than two (2) sides.

Dwelling Unit (Single-family residence): A single unit providing complete and independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, cooking (~~meaning a food preparation area larger than a one (1) bin wet bar, that was is intended or designed to be used for cooking or the preparation of food and a range, oven or utility connections for such~~) and sanitation. The term is applicable to both permanent ~~and transient~~ or rental residential development and living.

Dwelling units with seven (7) or more bedrooms are subject to Conditional Use Permit review and approval (see Chapter 104, Article 13). Dwelling units with seven (7) or more bedrooms shall not be set up in the fashion of a hotel or motel, so defined herein, to provide common area facilities for reservations, cleaning services, site management, and reception.

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For the purposes of calculation within the Building Permit Allocation System (BPAS), any Dwelling Unit or Single-family Residence which supports more than one complete kitchen shall be considered a Duplex (at least), must meet the minimum residential density requirements, and shall be required to obtain one (1) additional Residential allocation for each additional kitchen.

SECTION 6. Amend Chapter 110, Article 3, “Defined Terms” to add the following term, “kitchen:”

Kitchen, complete: For residential purposes typically and for the sake of calculating allocation requirements in BPAS, a complete kitchen shall be defined as a room for preparing and cooking meals to include a sink (or multiple sinks), a stove, a refrigerator, kitchen cabinets, and a kitchen work surface or surfaces. A kitchen may include a microwave, a dishwasher, and a garbage disposal. Outdoor, non air conditioned cooking facilities are excepted. Indoor wet bars are generally excepted unless, in design or at the discretion of the Planning Director and/or Building Official, the wet bar, as shown in construction plans, constitutes a complete kitchen as described herein.

SECTION 7. 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 8. 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 9. 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 10. 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 11. This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

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**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, THIS XXth DAY OF XXXXX, 2019.**

THE CITY OF MARATHON, FLORIDA

Mayor Steven Cook

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

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:**

David Migut, City Attorney

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