

COUNCIL AGENDA STATEMENT



Meeting Date: August 11, 2020
To: Honorable Mayor and Council Members
From: George Garrett, Planning Director
Through: Chuck Lindsey, City Manager

Agenda Item: **Ordinance 2020-02** Amending The City Of Marathon’s Land Development Regulations, Chapter 103, Article 3, Table 103.15.2, To Allow Uses Designated As “Permanent RVs” To Be Utilized As “Transient Residential Units” (RV Lots), Meeting All Requirements Of Such Uses, And That Hold No Monetary Value As Transient Units, And Cannot Be Transferred As Transient Units, To Be Allowed On Properties Zoned Residential Mobile Home (R-MH) Or Mixed Use (Mu) That Also Allow Permanent Florida Building Code Compliant Residences; Adding A New Section, Chapter 103, Article 3, Section 103.23 In Consideration Of Same; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity For Adoption; And Providing For An Effective Date.

RECOMMENDATION:

Approval:

Comprehensive Plan Amendment - Second Hearing

Land Development Regulation – First Hearing approved to Second Hearing

APPLICANT: Trailer Ranch By The Sea / Bob Young, Association President

City of Marathon drafted the proposed change to the Land Development Regulations as a follow-on to the approval of the Comprehensive Plan change.

REQUEST / PREVIOUSLY APPROVED: Modify City of Marathon Comprehensive Plan by amending Chapter One, “Future Land Use,” Table 1-1, “Future Land Use Densities and Intensities,” allowing RVs to utilize Permanent RV Sites, with Conditions.

FOLLOW-ON: Amend the City of Marathon LDRs to reflect the changes approved herein as a Comprehensive Plan amendment.

This Ordinance is the LDR follow-on to the previous approval of the corresponding Comprehensive Plan amendment. At the last hearing concerning the LDR version of the Ordinance, Council asked that the Ordinance allow for case by case review of permanent RVs outside of the two zoning districts that the Ordinance provides for, Residential High and

Residential-Mobile Home. Thus, in addition to allowing the use of RVs on Permanent RV sites in those districts, staff would be allowed to accept and approve applications from the owners of permanent RV sites outside of the two districts.

RECOMMENDATION:

Approval: Land Development Regulation – Third Hearing – Approve with requested modifications from July 14, 2020 public hearing.

Sponsored By: Lindsey
Planning Commission Public Hearing Date: NA
City Council Public Hearing Date: June 9, 2020
July 14, 2020
Enactment Date:

**CITY OF MARATHON, FLORIDA
ORDINANCE 2020-02**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON'S LAND DEVELOPMENT REGULATIONS, CHAPTER 103, ARTICLE 3, TABLE 103.15.2, TO ALLOW USES DESIGNATED AS "PERMANENT RVS" TO BE UTILIZED AS "TRANSIENT RESIDENTIAL UNITS" (RV LOTS), MEETING ALL REQUIREMENTS OF SUCH USES, AND THAT HOLD NO MONETARY VALUE AS TRANSIENT UNITS, AND CANNOT BE TRANSFERRED AS TRANSIENT UNITS, TO BE ALLOWED ON PROPERTIES ZONED RESIDENTIAL MOBILE HOME (R-MH) OR MIXED USE (MU) THAT ALSO ALLOW PERMANENT FLORIDA BUILDING CODE COMPLIANT RESIDENCES; ADDING A NEW SECTION, CHAPTER 103, ARTICLE 3, SECTION 103.23 IN CONSIDERTION OF SAME; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY FOR ADOPTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Economic Opportunity ("DEO"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, there may be no absolute need for this amendment, but Permanent RVs are recognized as affordable housing within the City of Marathon. Many of these units are nearly or entirely paid for and are generally not insurable. Many of the owners of these units are seasonal residents living on fixed incomes. Others are renters, equally, living on limited incomes. Thus, the suggested amendment does continue the existing Permanent RV properties and sites as affordable; and

WHEREAS, the important thing to note in the proposed amendment and the revisions suggested by staff and the Planning Commission, is that the location of the Permanent RV property or site would retain its Market Rate residential unit status for the sake of a "Determination of Building Rights" and Transferable Building Right could not be transferred as a Transient Residential Unit, and

WHEREAS, a number of Objectives and Policies allow a full review of the importance of Permanent RVs to the City's Comprehensive Plan. Most notably, Permanent RVs may be maintained with the ultimate goal that they be replaced with Florida Building Code compliant residential structures. This Ordinance provides an interim or even long-term alternative for the elimination of these Permanent RV residents; and

WHEREAS, the Ordinance meets the Goals, Objectives and Policies of the City of Marathon Comprehensive; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Goals, Objectives and Policies of the Comprehensive Plan, and in the adoption of the Ordinance amending the Land Development Regulations, in order to reflect changing conditions, pursuant to Sections 163.3191 and 163.3178(2)(f) Florida Statute.; and

WHEREAS, this Ordinance, thus passed at its first reading, and will be transmitted to DEO after its second hearing to obtain and receive the DEO approval following adoption of the parent Comprehensive Plan Amendment; and

WHEREAS, DEO provided an ORC concerning the Comprehensive Plan Amendment indicating that there were no Objections, Recommendations, or Comments, and thus this Ordinance was ripe for approval as a follow-on to the parent comprehensive Plan Amendment,

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

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

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

SECTION 2. Amend Chapter 103, Article 3 Table 103.15.2, “Density, Intensity, and Dimensions For Zoning Districts” to add “footnote” number 4 as follows:

⁴This Footnote applies ONLY to properties and/or developed RV or Mobile Home sites which have been or would be recognized as having a Permanent RV structure, as defined in Policy 1-3.2.8 which are located in the Residential High or Mixed Use Commercial Land Use Categories or in other Zoning Districts as determined and reviewed on a case by case basis. Operable Road Ready RVs may be placed on the site of a Permanent RV once the Permanent RV structure is demolished and ONLY if it is determined that the property or site has retained its Transferable Building Right and the Right hasn’t been previously transferred to another location within the City. Otherwise, said Permanent RV properties or sites will retain their Market Residential Building Right or allocation. Said Market Rate Building Rights may be retained on-site as Market Rate residential units with the redevelopment of a Florida Building Code compliant residential structure. If the Development Right is transferred, it shall only be transferred as an Affordable Building Right. Though an operable Road Ready RV may utilize Permanent RV properties or sites, it shall not be assumed that the site has a Transient Residential Unit which can be transferred as such.

a. This provision shall sunset three (3) years after the effective date of this Ordinance <insert adoption date> and shall not be available thereafter.

b. This provision shall only be available to those individuals who chose to utilize this provision to occupy property in their individual ownership – no rental of the site or an associated

¹Additions to existing text are shown by underline/red print; deletions are shown as ~~strikethrough~~

Operable Road Ready RV is allowed under this provision as shall be enacted through the City LDRs.

SECTION 3. Amend the Land Development Regulations Chapter 103, Article 3, to add the following Section:

Section 103.23 Redevelopment of Tourist/Resort/Campground Facilities

These Land Development Regulations provide incentives and encourage the redevelopment of existing resort and tourist facilities in the City. These Regulations include, but are not be limited to:

- a. **Mandatory hurricane evacuation.**
1. **All operable Recreational Vehicles (RVs) shall be “Road Ready. Road Ready means that such units shall be fully licensed, shall have wheels on, be on an internal jacking system. And only be affixed to the site by quick disconnect-type utilities commonly utilized in campgrounds and trailer parks and shall not have any permanent attachments such as Florida rooms or porches.**
 2. **In the event of a mandatory evacuation, all RVs shall be removed from their location and evacuate as required under a Monroe County and City of Marathon emergency declaration whether or not the RV is being used as a dwelling at the time of the emergency declaration. If the RV is not removed, the owner of the property or RV/Mobile Home site will be subject to a potential fine of \$250.00 per day by the City of Marathon, from the day after the evacuation order is given through the day that RVs are allowed to return to the City.**
 3. **This provision shall be enacted through the Land Development Regulations (LDRs) with a routine inspection program, agreed to by the City and carried out within respective Mobile Home / RV Parks. It shall be carried at a minimum prior to the beginning of each hurricane season (June 1). The program shall be audited by the City at least once per year at a time prior to the beginning of hurricane season.**

SECTION 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, 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 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. The provisions of this Ordinance are a follow-on to an adopted “Comprehensive Plan amendment” as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the DEO pursuant to Sections 380.05(6) and (11), Florida Statutes subsequent to the adoption of the parent Comprehensive Plan Amendment.

SECTION 6. This Ordinance shall be effective immediately upon approval by Department of Economic Opportunity pursuant to Chapters 163 and 380, Florida Statutes.

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**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA,
THIS 9th DAY OF JUNE, 2020.**

THE CITY OF MARATHON, FLORIDA

Steve Cook, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

Dirk Smits, City Attorney