

COUNCIL AGENDA STATEMENT



Meeting Date: November 9, 2021

To: Honorable Mayor and Council Members

From: George Garrett, City Manager

Agenda Item: Ordinance 2021-26 Approving A Revision To Land Development Regulation (LDR) Ordinance 2020-02 Correcting An Error In The Adopted Ordinance Language; Said Correction Is Made Based Upon Revisions To The Proposed Ordinance Language Provided To The City Council At Its Hearing Dated December 10, 2019; Said Revisions Were Motioned And Approved Unanimously By The City Council At The December 10, 2019 Council Meeting; The Effect Of The Council Approved Revisions Was To Remove A Proposed "Sunset Clause" And A Limitation On The Use Of Permanent RV Sites For Functional RVs And Travel Trailers; Providing For The Repeal Of Conflicting Provisions, Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; Providing For The Advertisement For A Second Hearing Upon Deo's Approval, And Providing For An Effective Date.

BACKGROUND

The City of Marathon 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.

Ordinance 2019-16 and was reviewed by the City Council on December 10, 2019, voting to make certain requested revisions, and voting to move the revised Ordinance forward to DEO for review and approval. The original draft of the proposed Ordinance provided to the Council on December 10, 2019 was transmitted in error to DEO. When DEO approved the draft of Ordinance 2019-16, it was then brought before the City Council for final adoption on June 9, 2020.

During the same June 9, 2020 meeting staff brought the companion LDR Ordinance forward, Ordinance 2020-02. The purpose of Ordinance 2021-26 is to make the requested changes approved by the City Council on December 10, 2019, to transmit this Ordinance to the DEO, and adopt the corrected version of the Ordinance.

The Ordinance meets the Goals, Objectives and Policies of the City of Marathon Comprehensive. The City Council finds it necessary, desirable, and proper to adopt the amendments to the Goals, Objectives and Policies of the Comprehensive Plan in order to reflect changing conditions, pursuant to Sections 163.3191 and 163.3178(2)(f) Florida Statute. This Ordinance, correcting for the previous error, shall be transmitted to DEO and sister State Agencies for their coordinated Comprehensive Plan review so as to obtain and receive the DEO Objections, Recommendations, and Comments (ORC) prior to final adoption,

CONSISTENCY CHECKLIST:

Yes

No

- 1. Comprehensive Plan
- 2. Other – 2010 Sewer Mandate

 X

 X

FISCAL NOTE:

APPROVED BY FINANCE DIRECTOR:

RECOMMENDATION:

Approval

Sponsored By: Garrett
Planning Commission Public Hearing Date: NA
City Council Public Hearing Date: November 9, 2021
tbd
Enactment Date: tbd

**CITY OF MARATHON, FLORIDA
ORDINANCE 2021-26**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, APPROVING A REVISION TO LAND DEVELOPMENT REGULATION (LDR) ORDINANCE 2020-02 CORRECTING AN ERROR IN THE ADOPTED ORDINANCE LANGUAGE; SAID CORRECTION IS MADE BASED UPON REVISIONS TO THE PROPOSED ORDINANCE LANGUAGE PROVIDED TO THE CITY COUNCIL AT ITS HEARING DATED DECEMBER 10, 2019; SAID REVISIONS WERE MOTIONED AND APPROVED UNANIMOUSLY BY THE CITY COUNCIL AT THE DECEMBER 10, 2019 COUNCIL MEETING; THE EFFECT OF THE COUNCIL APPROVED REVISIONS WAS TO REMOVE A PROPOSED "SUNSET CLAUSE" AND A LIMITATION ON THE USE OF PERMANENT RV SITES FOR FUNCTIONAL RVS AND TRAVEL TRAILERS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS, PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR THE ADVERTISEMENT FOR A SECOND HEARING UPON DEO'S APPROVAL, 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, Ordinance 2019-16 was reviewed by the City Council on December 10, 2019, voting to make certain requested revisions, and voting to move the revised Ordinance forward to DEO for review and approval; and

WHEREAS, the original draft of the proposed Ordinance provided to the Council on December 10, 2019 was transmitted in error to DEO, and

WHEREAS, when DEO approved the draft of Ordinance 2019-16, it was then brought before the City Council for final adoption on June 9, 2020; and

WHEREAS, During the same June 9, 2020 meeting staff brought the companion LDR Ordinance forward, Ordinance 2020-02 which was similarly approved,

WHEREAS, the purpose of this Ordinance, Ordinance 2021-26, is to make the requested

changes to the LDR version of the Ordinance approved by the City Council on December 10, 2019, to transmit this Ordinance to the DEO, and adopt the corrected version of the Ordinance, 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 in order to reflect changing conditions, pursuant to Sections 163.3191 and 163.3178(2)(f) Florida Statute.; and

WHEREAS, this Ordinance, correcting for the previous error, shall be transmitted to DEO and sister State Agencies for their coordinated Comprehensive Plan review so as to obtain and receive the DEO Objections, Recommendations, and Comments (ORC) prior to final adoption,

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.

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:

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

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 _____ DAY OF _____, 2022.**

THE CITY OF MARATHON, FLORIDA

XXX, 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:**

Steve Williams, City Attorney