

Sponsored By: Garrett
Planning Commission Public Hearing Date: April 17, 2023
City Council Public Hearing Date: May 9, 2023
June 13, 2023
Enactment Date: June 13, 2023

**CITY OF MARATHON, FLORIDA
ORDINANCE 2023-09**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING CHAPTER 107, ARTICLE 2, ENTITLED "TRANSFER OF BUILDING RIGHTS", AND INTENDING TO MODIFY SECTION 107.14 ENTITLED "TYPES OF TRANSFERS"; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, CITY OF MARATHON, FLORIDA; 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, liveaboard units were documented under the Marina Siting Plan; and

WHEREAS, Marina operating permits are required as part of redevelopment of marinas, and

WHEREAS, liveaboard units are accounted for in the hurricane evacuation model, and therefore the siting of new liveaboard slips requires the transfer of documented existing liveaboard rights from one location to another; and

WHEREAS, the City does not want to unduly constrain development within the City of Marathon, so long as the growth is managed, tracked, and environmentally appropriate; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Land Development Regulations corresponding to a similar amendment to the City's Comprehensive Plan to reflect changing conditions, pursuant to Sections 163.3191 and 163.3178(2)(f) Florida Statute.; and

WHEREAS, this Ordinance, thus passed at its second reading, shall be transmitted to DEO for review and approval,

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 the Land Development regulations, Chapter 107, “General Development Standards,” Article 2, “Transfer of Building Rights,” Section 107.14:

Section 107.14. Types of Transfers.

Transfer of building rights is limited to the following activities:

- A. Transferring lawfully established commercial floor area from one (1) site to another site.
- B. Transferring a lawfully established transient unit from one (1) site to another site.
- C. Transferring a lawfully established dwelling unit from one (1) site to another, more specifically:
 - 1. Removing a market rate dwelling unit from one (1) site and rebuilding on another site as a market rate or deed-restricted affordable dwelling unit.
 - 2. Removing a deed-restricted affordable dwelling unit; a dwelling unit that is subsidized by or constructed with public money (including, but not limited to, the Monroe County Land Authority, SHIP, HOME, CDBG, etc.); or a permanent RV from one (1) site and rebuilding as a deed-restricted affordable dwelling unit on another site.
 - 3. Removing a liveaboard unit from a marina site and relocating on another marina site as a liveaboard unit. Transfer of a liveaboard unit is not subject to Section 107.18. In no instance shall a liveaboard right transfer to any upland portion of the property.**

SECTION 3. 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 4. The provisions of this Ordinance constitute an amendment to the Land Development Regulations as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the Department of Economic Opportunity for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall be effective immediately upon approval by the Department of Economic Opportunity pursuant to Chapters 163 and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 13TH DAY OF JUNE 2023.

THE CITY OF MARATHON, FLORIDA

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

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven Williams, City Attorney