

Sponsored By: Lindsey
Planning Commission Public Hearing Date: October 21, 2019
City Council Public Hearing Date: November 12, 2019
December 10, 2019
June 9, 2020
Enactment Date: June 9, 2020

**CITY OF MARATHON, FLORIDA
ORDINANCE 2019-16**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON'S COMPREHENSIVE PLAN MODIFYING CHAPTER ONE, "FUTURE LAND USE," "TABLE 1-1, FUTURE LAND USE DENSITIES AND INTENSITIES," AND INTENDING TO MODIFY POLICY 1-3.3.4, "ENCOURAGE REDEVELOPMENT OF TOURIST/RESORT/CAMPGROUND FACILITIES," 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 WITH A FLUM DESIGNATION OF RESIDENTIAL HIGH (RH) OR MIXED USE COMMERCIAL (MUC) THAT ALSO ALLOW PERMANENT FLORIDA BUILDING CODE COMPLIANT RESIDENCES; 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 FINAL 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 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 has been 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);

WHEREAS, DEO provided an ORC indicating that there were no Objections, Recommendations, or Comments, and thus the Ordinance was deemed ready for a second hearing,

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 Comprehensive Plan, Chapter 1, “Future Land Use Element,” Table 1-1 as follows:

TABLE 1-1 Future Land Use Densities and Intensities*						
Future Land Use Category	Permitted Residential Density (Units per acre)			Hotel/Motel/RV Spaces (Units per acre)	Maximum Intensity (floor area ratio)	Minimum Open Space Ratio
	Market Rate	Affordable	Licensed Mobile Home or RV Parks			
Airport (AD)	0		0	N/A	0.15 - 0.50	0.2
Conservation (C)	0.1- 0.25	0.1- 0.25	0	N/A	0.05 - 0.10	0.5
Industrial (I)	0	5-10	0	N/A	0.85	0.2

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

**TABLE 1-1
Future Land Use Densities and Intensities***

Future Land Use Category	Permitted Residential Density (Units per acre)			Hotel/Motel/RV Spaces (Units per acre)	Maximum Intensity (floor area ratio)	Minimum Open Space Ratio
	2 – 6	10 – 15	10-25			
Mixed Use Commercial (MUC)	2 – 6	10 – 15	10-25	5 - 25	0.15 - 0.60 ⁴	0.2
Public Uses (PU)	0	15-25	0	3 – 25	0.15 - 0.75	0.2
Recreation (R)	0.25	0.25	0	5 – 15	0.15 - 0.50	0.2
Residential High (RH) ²	8	15 - 25	15-25	0	0	0.2
Residential Medium (RM)	5	10	0	0	0	0.2
Residential Low (RL)	0.5	0.5	0	0	0	0.5

Note:

1. See Objective 1-3.9 and subsequent policies.
2. The allocated and maximum net densities for submerged lands shall be 0.
3. For properties consisting of hammocks or disturbed wetlands within the Mixed Use Commercial future land use categories, the floor area ratio shall be 0.10 and the maximum net residential density shall be 0.
4. Open space shall be increased based upon the requirement for a habitat evaluation and shall conform to Table 4-1 of the Coastal and Conservation Element.
5. The FAR in Mixed Use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided.
6. Residential Densities found in this Table are subject to the provisions of Policy 1-3.5.16
7. **This 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, 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 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 Operable Road Ready RV is allowed under this provision as shall be enacted through the City LDRs.**

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

**TABLE 1-1
Future Land Use Densities and Intensities***

Future Land Use Category	Permitted Residential Density (Units per acre)	Hotel/Motel/RV Spaces (Units per acre)	Maximum Intensity (floor area ratio)	Minimum Open Space Ratio
*All development and redevelopment shall comply with this Plan and the Land Development Regulations				

SECTION 3. Amend the Comprehensive Plan, Chapter 1, “Future Land Use Element,” Policy 1-3.3.4, “Encourage Redevelopment of Tourist/Resort/Campground Facilities” to read as follows:

Policy 1-3.3.4 Encourage Redevelopment of Tourist/Resort/Campground Facilities

The City shall continue to maintain Land Development Regulations that provide incentives and encourage the redevelopment of existing resort and tourist facilities in the City. These Regulations shall include, but 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. **ii. 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.**
- b. Provision of on-site/off-site employee housing
- c. Transportation
- d. Services/Amenities
- e. Protection of habitat
- f. Establish a motel/hotel/campground equivalency ratio
- g. Ensure compliance with 2010 wastewater standards
- h. Ensure that transient units remain transient through various mechanisms such as:
 - 1. Use of Development Agreements

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2. Deed restrictions prohibiting the use of Homestead Exemptions;
3. Provision of a lobby/front desk; or
4. Limiting the tenancy of each unit.


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 constitute a "Comprehensive Plan amendment" as defined by State law. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the DCA and other state agencies for final review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

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

**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: Zieg, Bartus, Senmartin, Gonzalez, Cook
NOES: None
ABSENT: None
ABSTAIN: None


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

Ron DeSantis
GOVERNOR



Dane Eagle
EXECUTIVE DIRECTOR



October 19, 2020

The Honorable Steve Cook
Mayor, City of Marathon
9805 Overseas Highway
Marathon, Florida 33050

Dear Mayor Cook:

The Department of Economic Opportunity (“Department”) has completed its review of the comprehensive plan amendment for the City of Marathon adopted by Ordinance 2019-16 on June 9, 2020 (Amendment No. 20-01ACSC), which was received and determined complete on September 18, 2020. We have reviewed the amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), and have determined that the adopted amendment meets the requirements of Chapter 163, Part II, F.S., for compliance, as defined in Section 163.3184(1)(b), F.S. The Department is therefore issuing a Notice of Intent to find the comprehensive plan amendment “In Compliance.” A copy of the Notice of Intent is enclosed and will be posted on the Department’s Internet website. You may access the Notice of Intent at: <http://floridajobs.force.com/orc>.

The Department’s Notice of Intent to find a plan amendment “In Compliance” is deemed to be a final order if no timely petition challenging the amendment has been filed. If this plan amendment is challenged by an affected person, the amendment will not become effective until the Department or the Administration Commission enters a final order determining the amendment to be “In Compliance.”

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

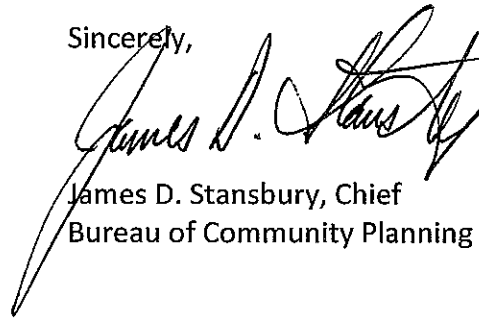
The Honorable Steve Cook, Mayor

October 19, 2020

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If you have any questions related to this review, please contact Courtney Johnstone, Planning Analyst, by telephone at (850) 717-8463 or by email at courtney.johnstone@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is written in a cursive style with a large, sweeping initial "J".

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/cj

Enclosure: Notice of Intent

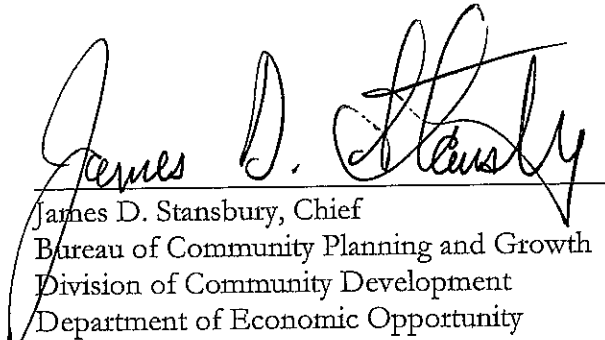
cc: George Garrett, Planning Director, City of Marathon

Isabel Cosio Carballo, Executive Director, South Florida Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
THE STATE LAND PLANNING AGENCY
NOTICE OF INTENT TO FIND THE
CITY OF MARATHON'S
COMPREHENSIVE PLAN AMENDMENTS
IN COMPLIANCE
DOCKET NO. 20-01ACSC-NOI-4406-(A)-(I)

The Department gives notice of its intent to find the Amendments to the Comprehensive Plan for the City of Marathon, adopted by Ordinance No. 2019-16 on June 9, 2020, IN COMPLIANCE, pursuant to Section 163.3184(4), F.S.

If a timely petition challenging the Amendments was not filed within thirty (30) days after the local government adopted the Amendments, the Amendments become effective upon the posting of this Notice of Intent on the Department's Internet Website. If a timely petition was filed, the Amendments do not become effective until the Department or the Administration Commission enters a final order determining that the Amendments are in compliance.



James D. Stansbury, Chief
Bureau of Community Planning and Growth
Division of Community Development
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399