



**City of Marathon Planning Commission**  
**Monday February 25, 2019**  
**9805 Overseas Hwy**  
**City Hall Council Chambers**  
**5:30 PM**

1. **Call To Order**
  2. **Pledge Of Allegiance**
  3. **Roll Call**
  4. **Minutes**
  5. **Quasi-Judicial Statement**
  6. **Items For Public Hearing**
  7. **Adjournment**
- 

**5. Quasi-Judicial Statement**

Please be advised that some of the items on the agenda are quasi-judicial in nature. If you wish to give testimony on any item please inform the Boards clerk by filling out an available sign up form. An opportunity to speak will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, all persons giving testimony may be subject to cross examination. If you refuse either to be cross examined or to be sworn your testimony will not be considered. The general public will not be allowed to cross examine witnesses, but they can ask the Commission to ask questions on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization.

**6. Items For Public Hearing**

**Item 1: POSTPONED BY APPLICANT.** An Administrative Appeal Filed By Chad Tracy Regarding The Decision Of The City Of Marathon Denying Permit P2018-0787 Based On A Decision By The City That The Residence In Question Was Substantially Damaged Pursuant To Chapter 107, Article 12, "Floodplain Management;" For Property Located At 868 73<sup>rd</sup> Street Ocean, Lot 11, Fields Subdivision, Key Vaca, And Having Real Estate Number 00342330-000000, Nearest Mile Marker 51.

**Item 2:** Consideration Of A Request For A Conditional Use Permit For Anchorage Homes, LLC Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled "Conditional Use Permits" For The Development Of A Property Into Twelve (12) Affordable Housing Units; Located At The End Of 64th Street; Which Is Legally Described As Part Of Tract 8 & Bay Bottom South Of & Adjacent To Tract 8 & Part Of Don - Allen Rd, Section 11, Township 66 South, Range 32, Key Vaca, Monroe County, Florida; Having Real Estate Number 00338720-000000, Nearest Mile Marker 50.5.; And Providing For An Effective Date.

**Item 3:** Consideration Of An Ordinance To Amend The City Of Marathon Comprehensive Plan Modifying Chapter One, “Future Land Use,” Table 1-1, “Future Land Use Densities And Intensities,” To Provide For Affordable Housing Repurposing Units; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

**Item 4:** Consideration Of An Ordinance To Amend The City Of Marathon Land Development Regulations, Chapter 103, Article 3, “Use And Intensity Tables, Table 103.15.1, “ Uses By Zoning District,” To Provide For Affordable Housing Repurposing Units; And Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

**Item 5:** Consideration Of An Ordinance To Amend The City Of Marathon Comprehensive Plan Modifying Chapter One, “Future Land Use,” Table 1-1, “Future Land Use Densities And Intensities,” To Provide Assurances That Residences Within RL-C Zoning May Be Rebuilt; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

**Item 6:** An Ordinance Of The City Of Marathon, Florida, Amending Chapter 103 “Zoning Districts”, Article 3 “Use And Intensity Tables”, Modifying Table 103.15.1 “Uses By Zoning District” And Table 103.15.2 “Density, Intensity, And Dimension For Zoning Districts;” Amending Chapter 108, Article 3, “Nonconforming Uses,” Section 108.12, “Nonconforming Density And Intensity” And Article 4, “Nonconforming Lots,” Section 108.13, “Nonconforming Lots;” Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.



**City of Marathon  
Planning Commission  
Monday January 28, 2019  
9805 Overseas Hwy  
City Hall Council Chambers**

**MINUTES**

Vice Chairman Lyn Landry called the meeting of the Planning Commission to order on Monday, January 28, 2019 at City Hall Council Chambers, 9805 Overseas Hwy. at 5:30 pm.

In attendance: Planning Director George Garrett, Attorney David Migut, Senior Planner Brian Shea, Planner Geovanna Torres, Admin Assistant Lorie Mullins and members of the public.

The Pledge of Allegiance was recited.

The roll was called. Mike Cinque-present; Lyn Landry-present; Pam Dobson-absent; Mike Leonard-present; Jeff Smith-absent. There was a quorum and the meeting started.

Vice Chairman Lyn Landry asked for a motion to approve the minutes of the last meeting. Mike Leonard made a motion to approve. Mike Cinque seconded. The minutes were approved 3-0.

The Quasi-Judicial statement was read into the record.

**Item 1, 2 and 3 were read into the record:**

1. An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use-Commercial (MU-C) and Residential Medium (RM) For Part Of The Property Described As 222 99<sup>th</sup> ST. Ocean, Marathon, Monroe County, Florida, Having Real Estate Number 00352210-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.
2. An Ordinance Of The City Of Marathon, Florida Amending The Zoning Designation From Residential Medium (RM) To Mixed Use (MU) and Residential Medium (RM) For Part Of The Property Described As 222 99<sup>th</sup> ST. Ocean, Marathon, Monroe County, Florida, Having Real Estate Number 00352210-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.
3. Consideration Of A Request By Mario And Kay Ferrucci For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled "Conditional Use Permits," Authorizing The Development Of Six (6) Affordable Housing Units For Part Of The Property Described As 222 99<sup>th</sup> ST. Ocean, Marathon, Monroe County, Florida, Having Real Estate Number 00352210-000000. Nearest Mile Marker 52.

Attorney David Migut reminded commissioners that only item 3 was quasi-judicial in nature.

Brian Shea presented the item with the use of visual aids.

Steve Hurley presented the FLUM and Zoning portion of the item with the use of visual aids.

Josh Mothner presented the Conditional Use portion of the item.

Vice Chairman Lyn Landry opened the meeting to public speakers.

The speakers were sworn in.

-Bill Shaw spoke against the item. His concerns being the lot division and the owners trying to make a profit.

-David Daniels spoke against the item. His concerns being the lot line division location.

Vice Chairman Lyn Landry closed the meeting to public speakers.

Vice Chairman Lyn Landry asked for any ex-parte communications: Mike Cinque stated that he had spoken to Josh Mothner and it would not affect his decision. Lyn Landry stated that he had spoken to Josh Mothner and David Daniels and it would not affect his decision.

A brief discussion ensued, Mike Leonard commented to Bill Shaw's statement that with possible profit comes risk.

Mike Cinque commented that with the Zone change more units could be added in the future. Brian Shea stated that requests for additional units would be a Conditional Use to be brought forward again.

Lyn Landry mentioned the US 1 corridor should be commercial and some parcels were missed over the years and the need for affordable housing.

Mike Leonard made a motion to approve Item 1 (FLUM). Mike Cinque seconded. The motion was approved 3-0.

Mike Leonard made a motion to approve Item 2 (Zoning). Mike Cinque seconded. The motion was approved 3-0.

Mike Leonard made a motion to approve Item 3 (Conditional Use). Mike Cinque seconded. The motion was approved 3-0.

**Item 4 was read into the record:** Consideration Of A Request By Marathon Land Holdings 3, LLC For A Conditional Use Permit and Development Agreement, Pursuant To Chapter 102, Articles 8 and 13 Of The City Of Marathon Land Development Regulations (Code) Entitled "Development Agreements" and "Conditional Use Permits," Authorizing The Development Of Forty-Five (45) Affordable Housing Units And 4100 Square Feet Of Dry Storage Space For Property Located At 12550 Overseas Highway, Which Is Legally Described As Part Of Lot 3, Fat Deer Key, Monroe County, Florida, Having Real

Estate Numbers 00100280-000000, 00100620-000000, And 00100630-000000. Nearest Mile Marker 53.5.

Geovanna Torres presented the item with the use of visual aids.

Mike Cinque asked if the allocations are secured at this time. The conditions include obtaining allocations. He also inquired about the process for checking on affordable units, pay rates, etc. that everything is being used as intended and asked for a list.

Jorge Cepero presented the item for PrimeGroup. They built the Marriott Resort and this affordable housing project will be used for their employees.

Mike Leonard started a brief discussion on how many affordable units are required without having the problem of too many.

George Garrett recapped that in 2015 the number was 800, which the City has not met yet, also mentioning that Irma destroyed 300-400 affordable units. The City would need an analysis to get hard numbers.

Mike Cinque made a motion to approve the item. Mike Leonard seconded. The item passed 3-0.

**Item 5 was read into the record:** Consideration Of A Request For An Amendment To A Conditional Use Permit For Blue Water Resort Hospitality, LLC In Coordination With Marathon Hospitality LLC, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled "Conditional Use Permits," For The Addition Of A Drive Through As Part Of The Redevelopment Of The Properties As A Hotel/Motel Resort, Located At 2222 Overseas Highway, Which Is Legally Described As Part Of Lot 2, And Bay Bottom Adjacent To Lot 2, Key Vaccas, Marathon, Florida, Having Real Estate Number 00102730-000000; And Located At 2146 Overseas Highway, Which Is Legally Described As Part Of Lot 2, And Part Of Old State Road 4A, Key Vaccas, Marathon, Florida, Having Real Estate Number 00102810-002000. Nearest Mile Marker 48.

Geovanna Torres presented the item with the use of visual aids.

One of the conditions of the 5500 sq. ft. commercial space is to supply 2 work force housing units. Mike Cinque commented that 2 units are not enough to run that much commercial space, that the City code calculations are not realistic.

George Garrett stated that the Zoning in Progress Ordinance addresses work force housing and he can go back and codify it.

Jorge Cepero spoke to the Commission about the affordable units proposed at Serenity Cove will be used for the commercial space at Marriott as well.

Mike Cinque made a motion to approve the item. Mike Leonard seconded the motion. The item was approved 3-0.

Vice Chairman Lyn Landry adjourned the meeting at 6:30 p.m.

ATTEST:

\_\_\_\_\_  
Lyn Landry – Planning Commission Vice-Chairman

ATTEST:

\_\_\_\_\_  
Lorie Mullins-Administrative Assistant  
City of Marathon Planning Department

DRAFT

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: Anyone needing special assistance at the Planning Commission Meeting due to disability should contact the City of Marathon at (305-) 743-0033 at least two days prior thereto.

**(Please note that one or more Marathon City Council members may participate in the meeting.)**

PLANNING COMMISSION AGENDA STATEMENT



**Meeting Date:** February 25, 2019  
**To:** Planning Commission  
**From:** George Garrett, Planning Director

**Agenda Item:** Consideration Of A Request For A Conditional Use Permit For Anchorage Homes, LLC Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled “Conditional Use Permits” For The Development Of A Property Into Affordable Housing; With Proposed Densities Of Approximately 25 Affordable Housing Units Per Acre; Located At The End Of 64th Street; Which Is Legally Described As Part Of Tract 8 & Bay Bottom South Of & Adjacent To Tract 8 & Part Of Don - Allen Rd, Section 11, Township 66 South, Range 32, Key Vaca, Monroe County, Florida; Having Real Estate Number 00338720-000000, Nearest Mile Marker 50.5.

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**APPLICANT/ OWNER:** Anchorage Homes LLC

**AGENT:** Habitat for Humanity

**LOCATION:** The project site is located on one parcel at the end of 64<sup>th</sup> Street nearest mile marker 50.5. See Figure 1.

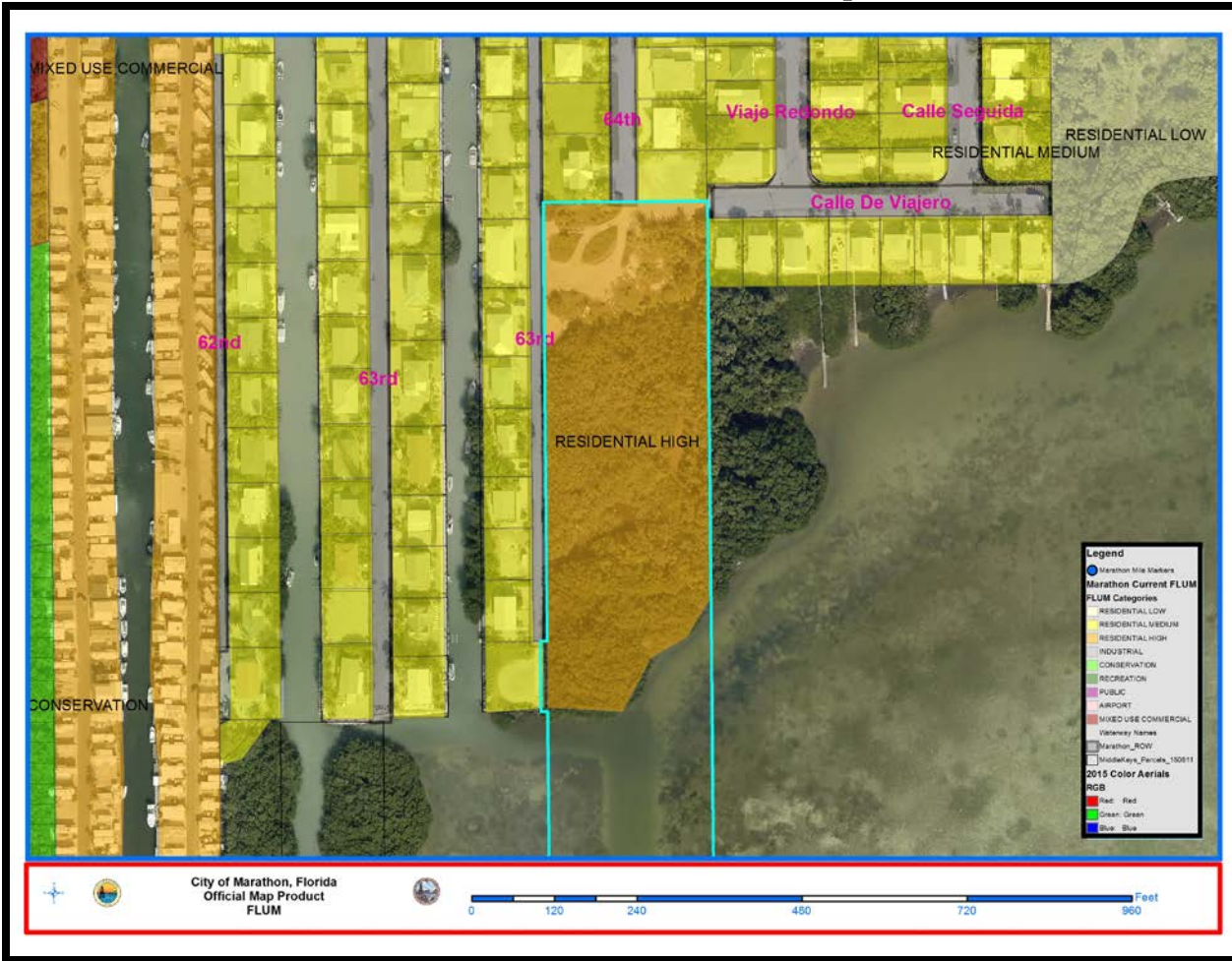
**Figure 1**  
**Project Site**



**REQUEST:** A Conditional Use Approval for development of the subject properties having the real estate number 00338720-000000. **The applicant has removed the request for the variance after staff recommendation.**

**FUTURE LAND USE MAP DESIGNATION:** Residential High (RH). See Figure 2.

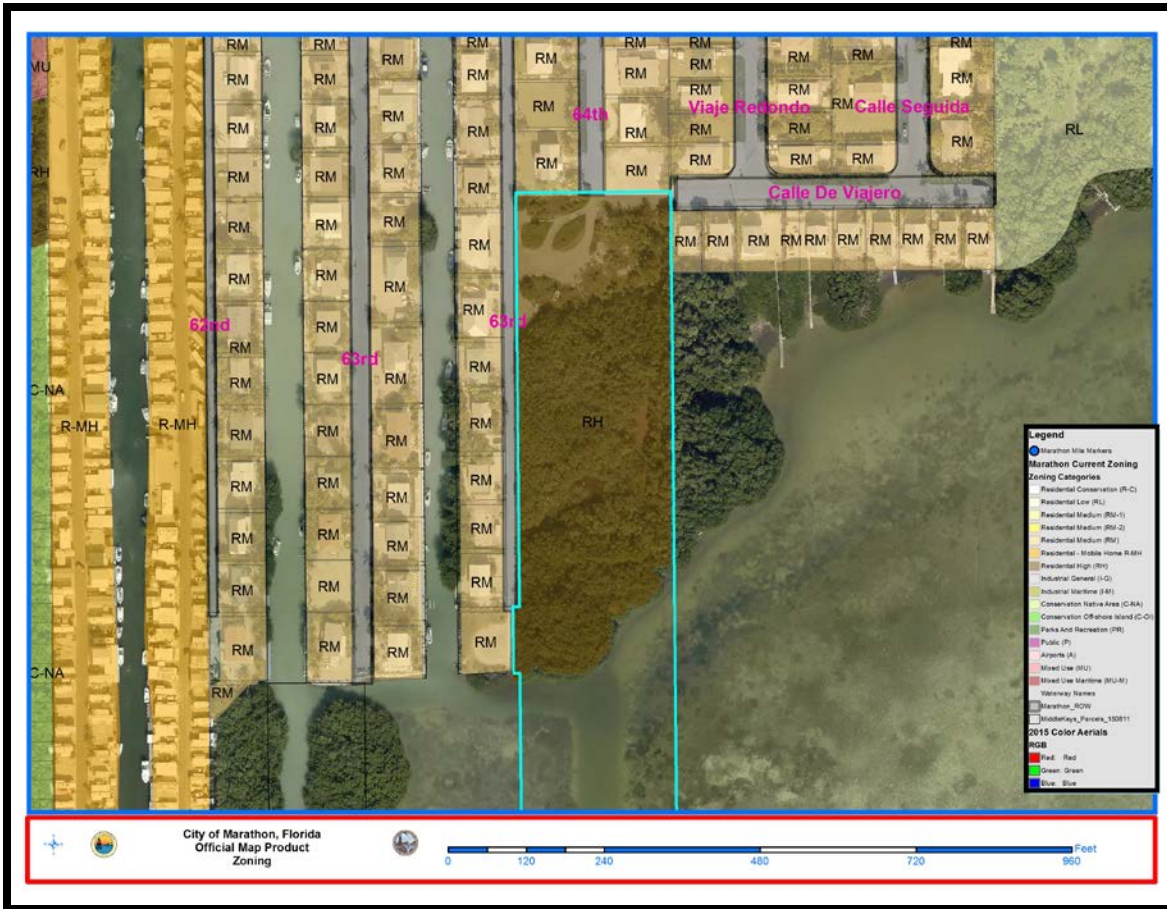
**Figure 2  
Future Land Use Map**





**ZONING MAP DESIGNATION:**  
Residential High (RH). See Figure 3.

**Figure 3**  
**Zoning Map**



**LOT SIZE:**

Total acreage: 11 acres, 1.44 of uplands or approximately 63,162 square feet of uplands

**SURROUNDING ZONING AND USES:**

	<u>Zoning</u>	<u>Use</u>
<b>North</b>	Residential Medium	Residential homes on 64 <sup>th</sup> St
<b>East</b>	Residential Medium	Residential neighborhood of Puerta Del Sol
<b>South</b>	NA	Atlantic Ocean
<b>West</b>	Residential Medium	Residential homes on 63 <sup>rd</sup> Streets

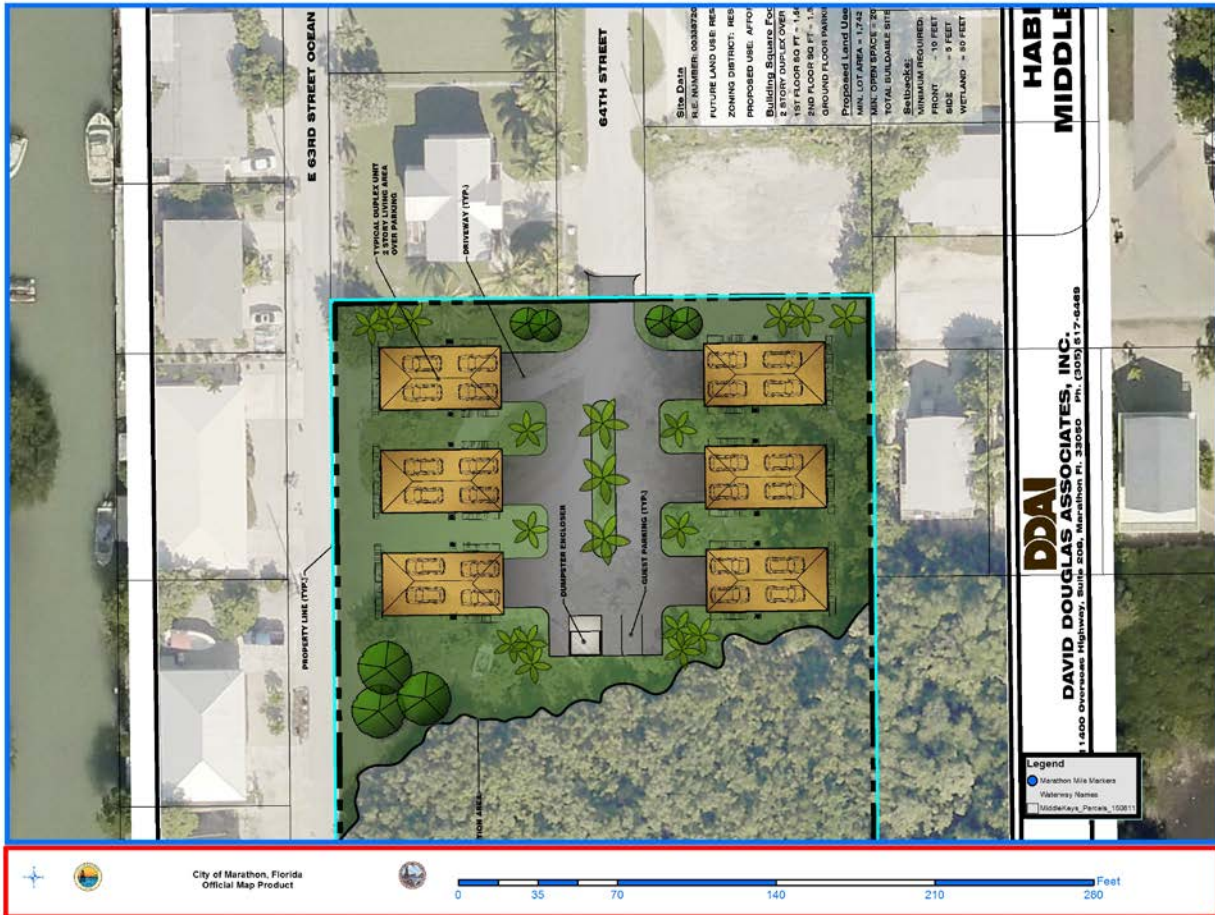
**EXISTING CONDITIONS:**

The project site consists of a one parcel. The parcel is currently undeveloped, with portions of wetlands, uplands, submerged lands and mangroves.

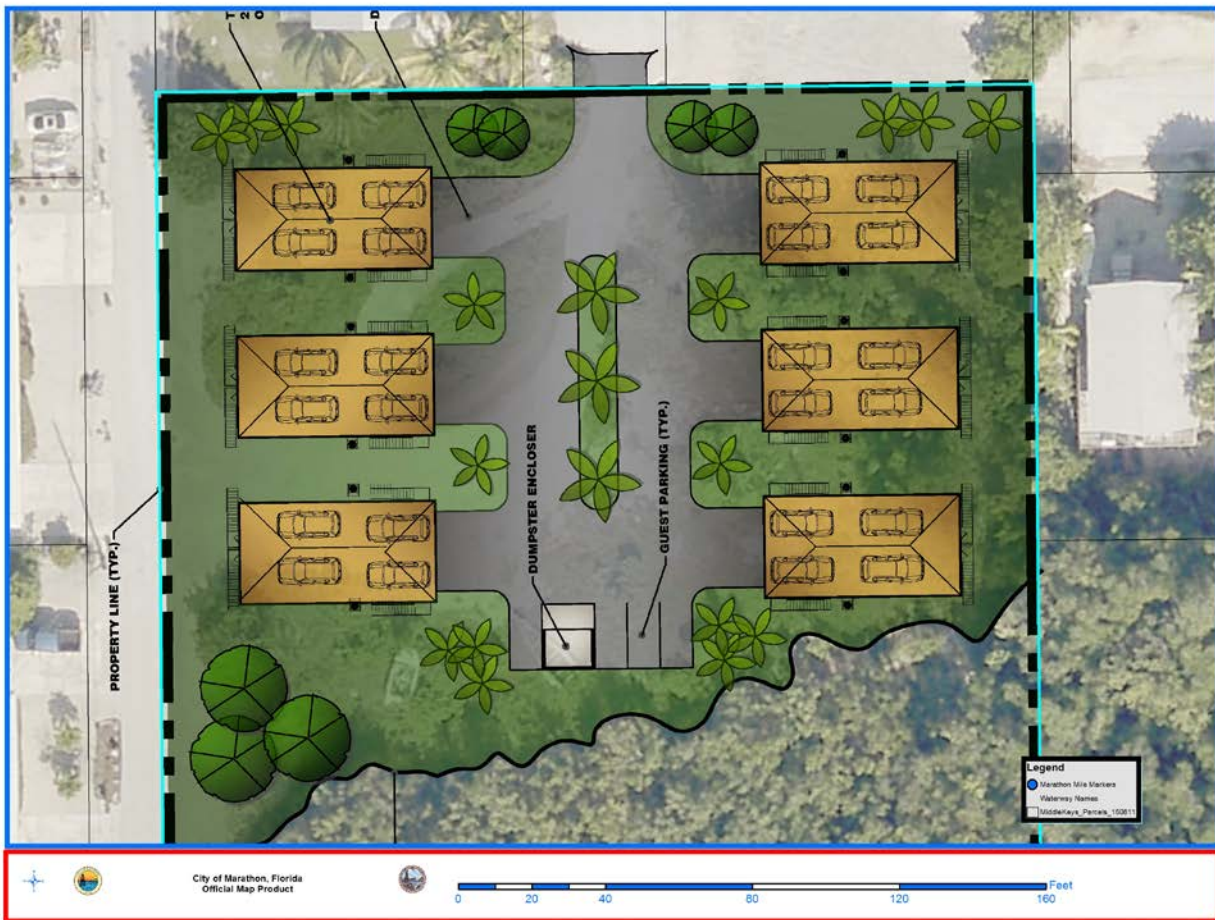
**PROPOSED REDEVELOPMENT:**

Affordable Units: 12 Units

**Figure 4  
Proposed Development Site Plan**



**Figure 5  
Proposed Development Site Plan (Development)**



## **BACKGROUND:**

The proposed project is the development of residential property to include construction of new affordable units in the Residential High zoning classification. This report addresses the Conditional Use application. **All conditions of the Conditional Use Permit approval will have to be met before any building permit will be approved.**

## **EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:**

The criteria for evaluating a Conditional Use Approval are outlined in Chapter 102, Article 13, Conditional Use Permits, in the City of Marathon Land Development Regulations.

## **CRITERIA**

### **A. The proposed use is consistent with the Comprehensive Plan and LDRs;**

The proposed redevelopment project is located within the Residential High (RH) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “establish areas of high-density residential uses characterized by multi-family dwellings and mobile homes designated within the Residential

High (RH) future land use category on the Future Land Use Map (FLUM).”

The proposed project consists of the redevelopment of an existing residential use and is consistent with the Residential High Zoning District. Section 103.15 establishes whether specific uses are allowed as of right, limited, accessory or conditional uses, through Table 103.15.2. That table shows that multifamily residential uses are allowed as Conditional Uses in the RH district. Conditional Use review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the RH district based on the types of uses proposed. The project as proposed meets the basic definition of development in the RH zoning district and meets the density constraints imposed on the type of proposed use. Using the property area, the proposed use can have up to 36 affordable units in consideration of a request to utilize the City’s density bonus for affordable housing projects. Note, there is a revised site plan indicating that the applicant is willing to modify density and site plan organization to alleviate the need for a variance as originally requested.

However, there is no obligation to grant the number of units requested or in the configuration requested.

**Section 107.26. - Bonus and Incentives.**

Eligible residential development projects shall be granted the following incentives:

A. *Density Bonus:* For projects providing dwelling units that meet the affordability classifications described in Article 1, "Affordable Housing" of Chapter 104 and as defined in Chapter 110 "Definitions", the City may grant a density bonus of up to 25 units per acre, subject to the limitations of the zoning district of the project.

In consideration of several comments from those in the neighborhood (documents available for review – Exhibit 1), the appropriate number of units is not precisely defined in the LDRs, but is considered in greater detail below. However, as noted there is no obligation to grant a maximum possible number of units in granting a density bonus under Section 107.26 – Bonus and Incentives.”

Therefore, ONLY with the below recommended reduction, the request is in compliance with the requirements of these sections.

- Staff recommends the density of 12 units for the project. See additional discussion below.

**B. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;**

The proposed project is located within the Residential High Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Residential High future land use category is to provide for high-density single-family, multi-family, and institutional residential development. The Residential High future land use category is characterized by high density compact development on lots with disturbed or scarified vegetation and areas that are appropriate for infill development and that are served by existing infrastructure”. The proposed project includes development of affordable units on the disturbed and scarified portion of the property, which is consistent with the Residential High classification.

The existing land use pattern in the project vicinity consists of a residential development to the east, residential uses to the north, and residential uses to the west, and the wetlands on the southern portion of the property.

The development of the site will result in significant improvement to the site development quality, including upgraded landscaping, stormwater management, and architecture, as well as restoration to disturbed portions of the wetlands. The improvements are expected to have a positive benefit on the surrounding uses and the City of Marathon. However, the overall density requested and considered in this application is significantly higher than the surrounding properties in the neighborhood of 64<sup>th</sup> Street or the surrounding subdivisions and streets to the east and west.

Unit Type	Days Subdivision		Sheryl Subdivision		Puerto Del Sol Subdivision		Unit Totals
	Buildings	Units	Buildings	Units	Buildings	Units	
SFR	16	16	17	17	31	31	64
Duplex	0	0	5	10	19	38	48
Quadplex	1	4	0	0	0	0	4
Other	0	0	1	8	0	0	8
<b>Total</b>		20		35		69	124

Anchorage Homes LLC		
Unit Type	Buildings	Units
Quadplex	6	12

Days Subdivision is currently developed with one residential unit for every 3,500 square feet of land area. Sheryl Subdivision is currently developed with one unit every 5,188 square feet. Puerto Del Sol Subdivision is currently developed with one unit every 5,003 square feet. The proposed development on the subject property would have a density of one unit every 1,960 square feet.

As mentioned above Residential High zoning provides for a range of affordable density; specifically 15-25 units an acre. Therefore, twenty-one units would be the minimum number of units granted; and up to thirty-six units may be granted with the density bonus. Twenty-one units essentially doubles the number of units on 64<sup>th</sup> Street, with 32 units being approximately 2.6 times the number of units. Staff previously recommended a possible range of density between a unit every 2904 to 2500 square feet. This amounts to a total project unit count between 21 and 25 units. City Council approved 12 units previously.

Therefore, with the below recommended reduction ONLY, the request is *in compliance* with the requirements of these sections.

- Staff recommends the density of 12 units for the project.

**C. The proposed use shall not adversely affect the health, safety, and welfare of the public;**

The proposed use is the development of a residential use which has not had any known impact to the health, safety and welfare of the public. No new impacts are expected to arise with the development. The proposed project will benefit the welfare of the public by providing affordable housing units.

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Final review of floodplain compliance will occur as part of building permit issuance.

Therefore, the request is *in compliance* with the requirements of these sections.

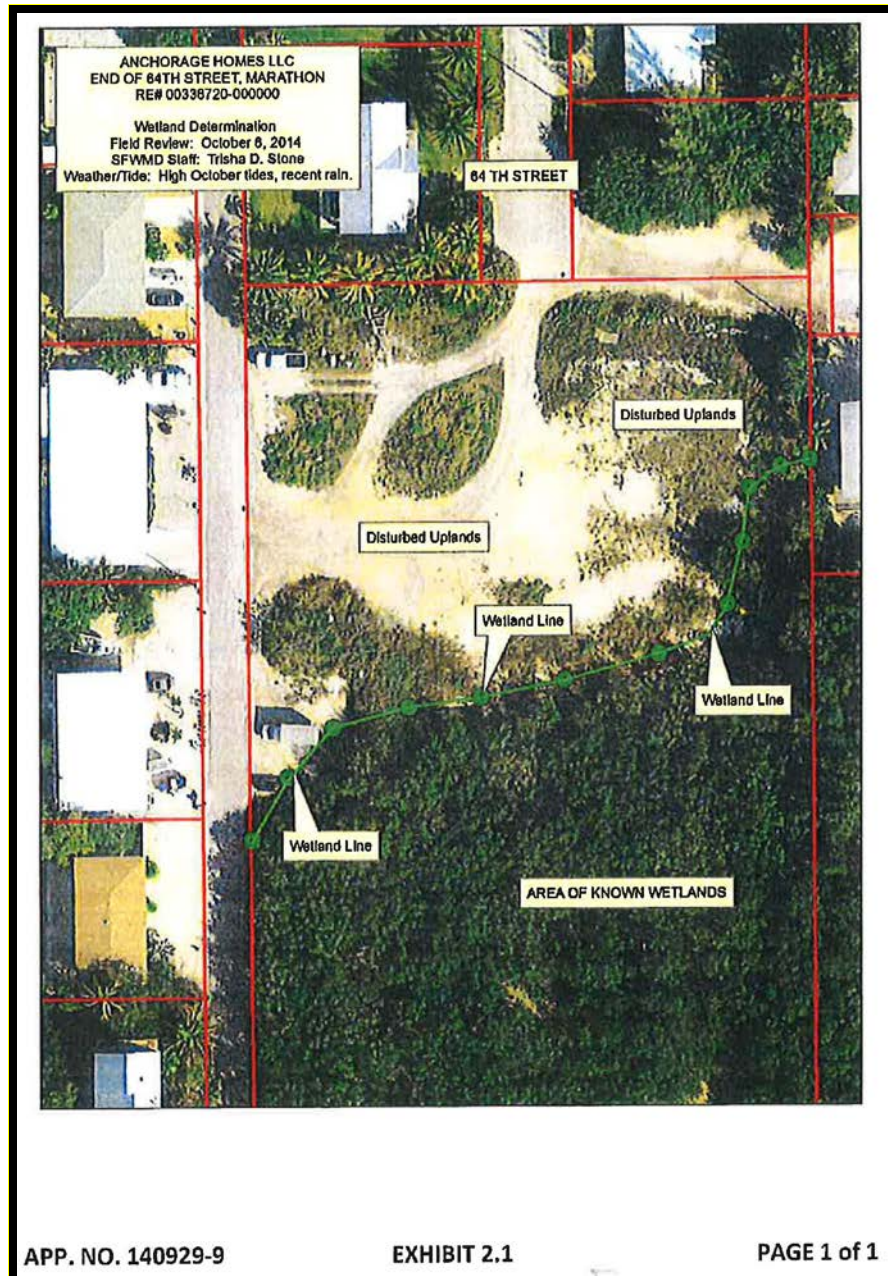
**D. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;**

The existing conditions maps indicate the subject area is designated as undeveloped, buttonwoods and mangroves. A site inspection showed the current conditions as a large disturbed area with impacted wetlands. A large portion of one of the property are recognized as possible habitat for a state or federally listed animal species, the eastern indigo snake. Figure 6 shows that this area falls under the category of undeveloped land, buttonwoods and mangroves. Should any development necessitate the removal of existing native vegetation within these areas an impact determination will be made using the Species Assessment Guides.

**Figure 6  
Species Focus Area Habitat**



**Figure 7**  
**SFWMD Wetland Delineation**



The South Florida Water Management District made an informal determination of the wetland delineation per State Statutes. Section 106.27 C. 3. of the code states the following:

If the applicant has received a delineation of the extent of a surface water or wetland by the Florida Department of Environmental Protection or the South Florida Water Management District, pursuant to a formal determination under Fla. Stat. § 373.421(2), or pursuant to a permit issued under Fla. Stat. Chapter 373, in which the delineation was field-verified by the permitting agency and specifically approved in the permit, the delineation shall be binding on the City for the duration of the formal determination or federal or state permit.

Therefore a formal determination letter will be required for this property. This formal determination letter must be submitted prior to permit approval. Development of wetlands that results in conversion to uplands is permitted only within the disturbed salt marsh and buttonwood association habitat and shall comply with minimum required open space ratios in accordance with Table 106.16.1. Table 106.16.1 states that the wetlands described in the informal determination letter would have a 60% open space requirement. The disturbed wetland area will require mitigation methods as determined by SFWMD and any other State or Federal agencies. This mitigation plan must be submitted prior to permit issuance as well.

Further improvements to water quality are expected to arise from stormwater improvements to the site, which should provide up-to-date treatment and eliminate any existing discharges to surface waters. The applicant has submitted preliminary stormwater plans suitable for the Conditional Use Application, and final plans are required prior to building permit issuance.

Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. The native vegetation will improve the environmental quality of the site and reduce irrigation needs.

A six foot high retaining wall, measured from improved grade is required between the development and the wetlands. The height of the wall as measured from the improved grade would ensure that human encroachment is less likely to occur.

Therefore, with conditions, the request is ***in compliance*** with the requirements of these sections.

- Staff requires that upon planning review, if the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- A formal wetland determination letter will be required prior to permit issuance.
- Final Mitigation/Restoration plan required prior to permit issuance.
- The retaining wall separating the development from the wetlands should be 6’ high measured from improved grade. Protection of the wetland area shall be assured through a conservation easement recorded in the public records of Monroe County, Florida, pursuant to Chapter 106, Article 8 – “Conservation Management Areas.”

**E. Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:**

**1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in cases of fire or catastrophe;**

The applicant has provided a breakdown of the proposed occupancy of the onsite buildings. The “Trip Generation Analysis” schedule provided in the Traffic Study indicates that there will be an increase in trip generation from the existing vacant land to the proposed use for the apartments. The traffic study was based upon 34 units. Using the formulas provided by the traffic engineers, the following numbers would apply to the 12 unit development.

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
Proposed Apartments	34	221	3	14	17	14	7	21
	12	78	2	5	7	5	3	8



Ingress and egress to the properties is being provided through proposed access drives onto the existing 64th Street. The trip generation analysis of the traffic study shows that thirty-four units will generate 221 daily trips. Using the same formulas, twelve units would generate 78 daily trips. Staff did not require a traffic analysis of the LOS of 64<sup>th</sup> Street, only an analysis of impacts of traffic generated by the project on U.S. 1. Though in compliance for its impacts to U.S. 1, the impact of the project would approximately double the number of total trips on 64<sup>th</sup> Street predicated on a simple recognition that the project will approximately double the number of residences on the street.

Therefore, the request is *in compliance* with the requirements of these sections.

**2. Off-street parking and loading areas where required, with particular attention to item 1 above;**

Parking requirements are outlined in Section 107.46 (Parking Schedule). The applicant proposes 28 standard off street parking spaces, this is an increase from the standard spaces 24 required by code.

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. For the required spaces, 1 handicapped space is required. One of the additional parking spaces denoted on the site plan should be designated as an ADA parking space. Parking space sizes are 9' x 18' for 90 degree parking, and handicapped spaces are 12' x 22' required by Code.

The Code also requires bicycle parking to be provided for educational facilities, multifamily dwellings, commercial, institutional and industrial uses, as well as all developments adjacent to a bike path, at a rate of one space for every ten parking spaces, per Section 107.48. The duplexes will be treated as multifamily dwellings, thus requiring bicycle parking for 3 bicycles. The applicant must show the required bicycle spaces on the final site plan.

Therefore, with the conditions below, the request is *in compliance* with the requirements of these sections.

- Bicycle racks per Section 107.48 must be shown on the Final site plan prior to permit issuance.

**3. The noise, glare or odor effects of the conditional use on surrounding properties;**

The proposed project consists of the development of a residential use. The proposed residential high use has setbacks of 15' from neighboring property owners causing greater separation and reducing the possibility of negative impacts. Therefore, the proposed project should not have any adverse effect through noise, glare or odors.

Therefore, the request is *in compliance* with the requirements of this section.

**4. Refuse and service areas, with particular reference to locations, screening and Items 1 and 2 above;**

Section 107.39 requires that all dumpsters and recycling bins be fully enclosed and screened. The site plan indicates that the dumpsters are screened, and located for easy access and waste removal.

Therefore, the request is *in compliance* with the requirements of this section.

**5. Utilities, with reference to location and availability;**

Chapter 107, Article 13, establishes the City's Concurrency Management and certification requirements. This Conditional Use constitutes the City's Concurrency Level of Service Certificate, as follows:

- Wastewater: The applicant will provide wastewater and sewage collection and disposal via connection to the City sewer system.

- Water: The Florida Keys Aqueduct Authority will provide potable water for the facility.
- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards. However, a final stormwater plan will be required for building permit issuance.
- Recreation and Open Space: This redevelopment will have a de minimis impact on recreation and open space. Additionally on site recreation facilities will be provided for residents and guests. Natural areas will be further protected with a conservation easement running in favor of the City.
- Roadways: The applicant is redeveloping the site with a higher intensity than was contained within the prior development; therefore, a traffic study was completed to analyze the impact on transportation facilities.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities since existing uses are being replaced in kind.

Therefore, with conditions, the request is **in compliance** with the requirements of these sections.

- City approval is required for the stormwater management system prior to Building Permit Approval.
- City approval of the connection to the City Wastewater Utility will be required.
- The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

**6. Screening and buffering with reference to type, dimensions and character;**

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned RH and is bordered to the east and north by properties zoned RM. There is a medium project boundary buffer requirement for portions of the project area adjacent to parcels zoned RM. The final landscape plans must be approved by the City Biologist. Code states that the TRC can reduce the buffer in half, the applicant proposes 10’ setback along the northern property line. An increase in screening and vegetation allows for the 5’ reduction in buffer width.

Buffer Type	Minimum Width	Canopy Tree	Understory Tree	Non-Deciduous	Shrub	Screening
M-Medium	15 feet	4	2	2	16	No

Section 107.71 C. requires that all multifamily residential developments provide one of two types of buffers along the entire street frontage. The project is adjacent to E 63<sup>rd</sup> Street, therefore two canopy and two understory trees must be provided for every hundred linear feet of the portion of the property being developed.

Table 103.15.2 outlines setback requirements in the RH district as follow: front yard 10’; side yards 5’; and rear setbacks have a 10’ setback from the property line. Table 106.28.1 states that a 25’ buffer is required for the setback from the wetlands. Code states that this buffer may be reduced to allow for up to 2,000 square feet of principal structure footprint of reasonable configuration if the buffer precludes all economically viable use of a particular property, development as defined in the F.S. 380.05, may be allowed within the buffer in accordance with Plan policy 4-1.4.2. The buffer does not preclude all economically viable use of the property. Figure 8 shows the SFWMD delineation line and the proposed and required setbacks from the wetlands after the proposed mitigation/restoration has occurred.

This plan shows a 25’ setback on the front yards, 25’ setback side yards and 50’ rear yard setback.

Setback	Required	Required Landscape	Proposed	Compliant
Front	10	15	25	Yes
Side East	5	15	25	Yes
Side West	5	10	25	Yes
Rear	25	15	50	Yes

Section 107.66 of the Code requires parking area landscaping. Proposed parking area landscaping meets the standards set forth in the code. While the applicant proposes parking spaces under the structures, these spaces are still screened from the road.

Therefore, with the below conditions, the request is *in compliance* with the requirements of this section.

- A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.
- A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.

**7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding uses;**

A review of sign requirements at this stage in development approval is not necessary; however, signs for the project will be reviewed prior to issuance of a building permit according to Chapter 107, Article 7, Signs.

Article 107.54 establishes criteria for lighting, including light pole light limitations and other technical criteria. Final lighting plans will be submitted along with final landscaping plans, and will include verification from the landscape architect that all provisions of the article are met.

Therefore, the request is *in compliance* with the requirements of these sections.

- All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
- A final lighting plan must be submitted prior to permit issuance.

**8. Required yards and other open space;**

Section 106.16 established required open space for the project. The scarified portion of the site requires a twenty percent open space requirement. For the portion of the plans within the disturbed wetlands, a sixty percent open space is required. According to calculations derived from the plans, the 20% open space is surpassed.

Therefore, the request is *in compliance* with the requirements of these sections.

**9. General compatibility with surrounding properties;**

The project is the development of affordable housing in a residential neighborhood. Adjacent uses include single family residential dwelling units. The proposed development of the residential units is generally compatible with these nearby structures in terms of appearance and footprints. There are other multi-family structures on the street. The irregularities arise in the number of units per footprint. The proposed project represents improvement to the site, but adds a considerable number of additional units to the street, approximately double.

Section 107.40 restricts the height of buildings to 37' as measured from the crown of the roadway or unimproved

grade. No structure may be erected above this height limit unless allowed for by code. The existing land use pattern in the project vicinity consists of a residential development to the east, residential uses to the north, and residential uses to the west, and the wetlands on the southern portion of the property.

The development of the site will result in significant improvement to the site development quality, including upgraded landscaping, stormwater management, and architecture, as well as restoration to disturbed portions of the wetlands. The improvements are expected to have a positive benefit on the surrounding uses and the City of Marathon. However, the overall density requested and considered in this application is significantly higher than the surrounding properties in the neighborhood of 64<sup>th</sup> Street or the surrounding subdivisions and streets to the east and west.

	Days Subdivision		Sheryl Subdivision		Puerto Del Sol Subdivision		Unit Totals
Unit Type	Buildings	Units	Buildings	Units	Buildings	Units	
SFR	16	16	17	17	31	31	64
Duplex	0	0	5	10	19	38	48
Quadplex	1	4	0	0	0	0	4
Other	0	0	1	8	0	0	8
<b>Total</b>		20		35		69	124

	Anchorage Homes LLC	
Unit Type	Buildings	Units
Duplex	6	12

Days Subdivision is currently developed with one unit for every 3,500 square feet. Sheryl Subdivision is currently developed with one unit every 5,188 square feet. Puerto Del Sol Subdivision is currently developed with one unit every 5,003 square feet. The proposed development on the subject property would have a density of one unit every 1,960 square feet.

As mentioned above Residential High zoning provides for a range of affordable density; specifically 15-25 units an acre. Therefore, twenty-one units would be the minimum number of units granted; and up to thirty-six units may be granted with the density bonus. Twenty-one units essentially doubles the number of units on 64<sup>th</sup> Street, with 32 units being approximately 2.6 times the number of units. Staff had recommended a possible range of density between a unit every 2904 to 2500 square feet. This amounts to a total project unit count between 21 and 25 units. Previously City Council approved the project with 12 units, which the applicant is seeking reauthorization of.

Therefore, with the below recommended reduction, the request is **in compliance** with the requirements of these sections.

- Staff recommends the density of 12 units for the project.

**10. Any special requirements set forth in the LDRs for the particular use involved.**

Section 104.48 Residential Dwelling Units contains special requirements.

The following criteria are applicable to this redevelopment:

- The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
- Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
- The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.

The proposed development meets all applicable criteria set forth in this section.

Therefore, with the conditions note above, the request is *in compliance* with the requirements of this section.

### **CONCLUSION:**

The Conditional Use Approval is intended to allow for the integration of certain land uses and structures within the City of Marathon based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety or welfare of the community.

The proposed development consists of the creation of affordable residential use. As such the proposed development concept, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. However, the overall density of the project, in consideration of surrounding property densities, additional traffic on 64<sup>th</sup> Street, and potential impacts to the natural community associated with the applicant’s property indicate that the project is not in overall compliance with the City’s Comprehensive Plan and Land Development Regulations. Since the project relies on a density bonus provided pursuant to Section 107.18 of the LDRs, a reduction in the proposed density could make the project compliant.

### **RECOMMENDATION:**

Planning staff recommends that the Planning Commission forward a recommendation of approval of the Conditional Use permit application with conditions and limitations to the City Council for the application for a Conditional Use Permit. Previously Planning Commission had forwarded a recommendation of approval, and City Council had approved the project with 12 units. The Conditional Use approval is only good for one year, which is why this application is back for Conditional Use approval again.

### Conditions and Limitations of Approval

- 1) Staff recommends the density of 12 units for the project.
- 2) The applicant must provide final site plans showing the required setbacks prior to permit issuance;
- 3) Should the proposed mitigation plans be denied by other agencies, the applicant must reapply as a new conditional use per Section 102.79.B.
- 4) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
- 5) The applicant will meet all floodplain related requirements as part of the Building Permit process;
- 6) The applicant will obtain City approval of the stormwater management system prior to Building Permit

issuance;

- 7) The applicant will obtain City approval for wastewater management through the City's Wastewater Utility;
- 8) The applicant will obtain sign permits for any signs erected on the property, as required under the Code; and
- 9) The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year.
- 10) Staff requires that upon planning review, if the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- 11) A formal wetland determination letter will be required prior to permit issuance.
- 12) Final Mitigation/Restoration plan required prior to permit issuance.
- 13) The retaining wall separating the development from the wetlands should be 6' high measure from improved grade.
- 14) Bicycle racks per Section 107.48 must be shown on the Final site plan prior to permit issuance.
- 15) A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.
- 16) A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
- 17) All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
- 18) A final lighting plan must be submitted prior to permit issuance.
- 19) The applicant will obtain any required permits from SFWMD and FDOT prior to building permit issuance;
- 20) The applicant will obtain and State or Federal approvals and permits prior to building permit issuance.
- 21) The affordable units must be deed restricted prior to issuance of certificate of occupancy.
- 22) The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- 23) The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
- 24) Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
- 25) The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.
- 26) The Applicant must obtain and transfer twelve (12) affordable housing units to the property, to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. **THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT.** The City understands that the applicant has pursued a proposed ILA between the County and the City of Marathon for the affordable units in question to acquire the necessary units.



We build strength, stability, self-reliance and shelter.

February 11, 2019

City of Marathon  
Chuck Lindsey, City Manager  
City of Marathon Council  
9805 Overseas Hwy.  
Marathon, FL 33050

RE: Request for Conditional Use Application Waiver of Fees

Dear Mr. Lindsey and Marathon City Council,

I am writing to request the waiver of the \$2,500 fee for the application of conditional use which is normally required for this application.

I believe this request is supported by the Code of Ordinances, City of Marathon, Florida - Chapter 111 and specifically, Section 111.12. It notes planning applications but hoping that this also includes the conditional use application.

This request to the City Manager and City Council by Habitat for Humanity is very important and we hope that you will support and approve this request. Our mission of building affordable houses for homeownership in Marathon, a very important cause, can only continue if we are able to keep our build costs to a minimum. The waiver of this fee will allow us to use the \$2,500 toward the direct cost of building. Currently, the building of the two duplexes in Marathon will be close to 1 million so every penny is important toward this build.

Thank you. Please contact me if you need additional information to approve this request.

Sincerely,

  
Christine Todd Young  
Executive Director

*"Creating home ownership by partnering with our community to build and renovate safe decent homes."*  
Visit us at [www.HabitatMiddleKeys.org](http://www.HabitatMiddleKeys.org) for more information on how your generosity changes lives.

 Find us on  
**Facebook**  
[www.facebook.com/HFHoftheMiddleKeys](http://www.facebook.com/HFHoftheMiddleKeys)

**Attachments:**  
Attachment A: Proposed Site Plan



**SITE CONCEPT**

JOB #18-0112, DATE: 01-28-19



**DAVID DOUGLAS ASSOCIATES, INC.**

11400 Overseas Highway, Suite 208, Marathon Fl. 33050 Ph. (305) 517-6469

**HABITAT  
MIDDLE KEYS**



**Attachments:**  
Attachment B:  
Surveys



**BOUNDARY & MEAN HIGH WATER SURVEY**  
 A parcel of land in Section 11  
 Township 66 South, Range 32 East  
 Key Vaca  
 Monroe County, Florida

**LEGAL DESCRIPTION - OFFICIAL RECORDS BOOK 1874, PG 87**  
 Tract (one of) EDWARDS ACRESAGE TRACTS, according to the Plat thereof, as recorded in the Book 2 at Page 100 of the Public Records of Monroe County, Florida, LESS all of DAYS SUBDIVISION, according to the plat thereof, as recorded in the Book 3 at Page 15 of the Public Records of Monroe County, Florida.

A parcel of land, bottom land in the State of Florida, South of and adjacent to Government Lot 1, Section 11, Township 66 South, Range 32 East of Key Vaca, Monroe County, Florida and being more particularly described by metes and bounds as follows:

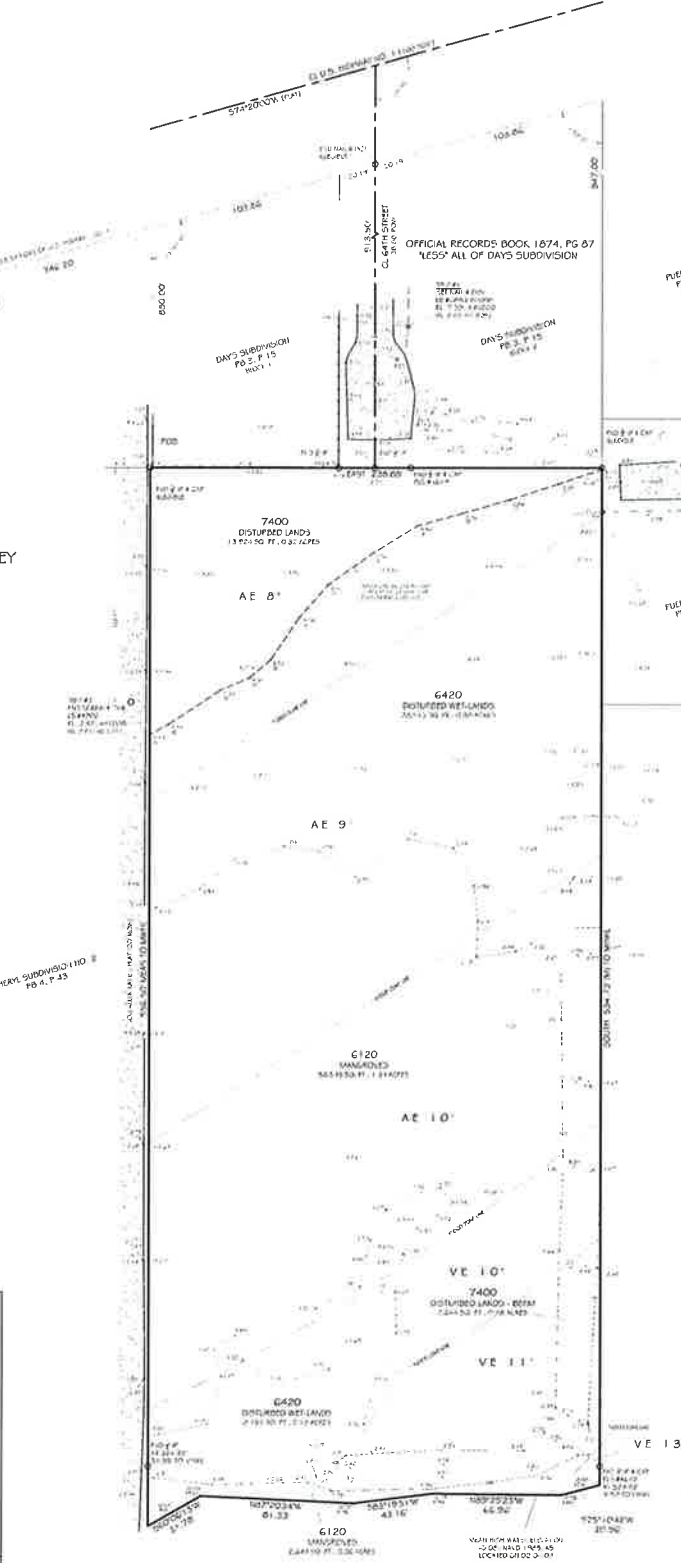
Commencing at the intersection of the West line of Government Lot 1, Section 11, Township 66 South, Range 32 East and the Southeastern right-of-way line of U.S. Highway No. 1, near Northeastly along the Southeastern right-of-way line of U.S. Highway No. 1 for a distance of 746.2 feet to a point, thence bear due South for a distance of 1490 feet, more or less, to a point on the shoreline of the State of Florida, said point also known as the point of beginning of the parcel of land to be hereinafter described; from said point of beginning, continue bearing South for a distance of 1740 feet, more or less, to a point, thence at right angles and East for a distance of 235.25 feet to a point, thence at right angles and North for a distance of 1180 feet, more or less, to the low or of thence measure the shoreline in a Southeasterly direction back to the point of beginning, containing 570 Acres, more or less, and lying and being in the County of Monroe in said State of Florida.

**PROPERTY DESCRIPTION - SHEET 1 OF 2**  
 Tract (one of) EDWARDS ACRESAGE TRACTS, according to the Plat thereof, as recorded in the Book 2 at Page 100 of the Public Records of Monroe County, Florida, LESS all of DAYS SUBDIVISION, according to the plat thereof, as recorded in the Book 3 at Page 15 of the Public Records of Monroe County, Florida, being more particularly described by metes and bounds as follows:  
 Commencing at the intersection of the West line of Government Lot 1, Section 11, Township 66 South, Range 32 East and the Southeastern right-of-way line of U.S. Highway No. 1, near Northeastly along the Southeastern right-of-way line of U.S. Highway No. 1 for a distance of 746.2 feet to a point, thence bear due South for a distance of 1490 feet to a point on the shoreline of the State of Florida, said point also known as the point of beginning; from said point of beginning, continue bearing South for a distance of 1740 feet, thence at 90° to the left for a distance of 235.25 feet to the Mean High Water Line; thence along the Mean High Water Line for the following bearings and distances: S72°10'21"W for 20.75 feet, thence N80°29'33"W for 66.32 feet, thence S65°11'01"W for 45.16 feet, thence N87°20'31"W for 81.33 feet, thence S69°06'31"W for 31.78 feet, thence bearing the Mean High Water Line due North for a distance of 556.50 feet back to the Point of Beginning, containing 129.452 ac. ±, (2.87 acres).  
 The above property description was read and entered on this date by the Underwriter.

REVIS DND 07/17/15  
 1. SITE VISIT RE LOCATE PROPERTY CORNERS  
 2. UPDATE TITLE BLOCK  
 3. ADD LEGAL DESCRIPTION FROM OFFICIAL RECORDS BOOK 1874, PAGE 87  
 4. ADD NOTES  
 5. CONVERT ELEVATIONS TO NGVD 1929  
 SURVEYOR'S NOTES  
 1. THIS IS AN UPDATE  
 2. TOPOGRAPHY AND JURISDICTIONAL AREAS SHOWN HAVE NOT BEEN UPDATED.

CERTIFIED TO:  
 Wendor or Flooding Partners, LLC, its successors and/or assigns  
 Wilbur Loan  
 Smith Design Plans, P.L.L.C.  
 San Diego, California

**REECE & ASSOCIATES**  
 REGISTERED PROFESSIONAL SURVEYORS  
 21 of 77



SCALE: 1" = 30'  
 BEARING BASE:  
 DERIVED FROM PLAT  
 ALL ANGLES DEPICTED  
 ARE 90 DEGREES UNLESS  
 OTHERWISE INDICATED  
 ADDRESS:  
 XXXXX G4TH STREET  
 MARATHON, FL  
 33050  
 COMMUNITY NO.: 125129  
 MAP NO.: 12097C-1379K  
 MAP DATE: 02-18-05  
 FLOOD ZONE: VE 13, 11', 10'  
 AE 10, 9, 8

BENCHMARK USED PID A0316  
 STAMPING U 273 1966  
 EL. 4.55; NAVD83  
 (L. 5.97; NGVD29)  
 THIS MEAN HIGH WATER LINE  
 SURVEY COMPLIES WITH CHAPTER  
 177, PART II, FLORIDA STATUTES  
 THE MEAN HIGH WATER ELEVATION  
 AS SHOWN HEREON WAS ESTABLISHED  
 BY EXTENDING THE ELEVATION SHOWN  
 AT MEAN HIGH WATER INTERPOLATION  
 POINT NO. 3127  
 THE MEAN HIGH WATER SURVEY  
 FILE NUMBER IS 4336

ELEVATIONS SHOWN  
 REFERENCE NGVD 1929 VERTICAL DATUM  
 UNLESS NOTED OTHERWISE

STRAITS OF FLORIDA

NO.	DESCRIPTION	DATE
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## PLANNING COMMISSION AGENDA STATEMENT



**Meeting Date:** February 25, 2019  
**To:** Planning Commission  
**From:** George Garrett, Planning Director

### **Agenda Items:**

**Item 3.** Consideration Of An Ordinance To Amend The City Of Marathon Comprehensive Plan Modifying Chapter One, “Future Land Use,” Table 1-1, “Future Land Use Densities And Intensities,” To Provide For Affordable Housing Repurposing Units; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

**Item 4:** Consideration Of An Ordinance To Amend The City Of Marathon Land Development Regulations, Chapter 103, Article 3, “Use And Intensity Tables, Table 103.15.1, “ Uses By Zoning District,” To Provide For Affordable Housing Repurposing Units; And Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity

### **RECOMMENDATION**

Planning Staff recommends approval

### **BACKGROUND AND REQUEST:**

**APPLICANT:** Republic Marathon, LLC and Millennium Asset, LLC

**Agents:** Thomas Wright and/or Barbara Mitchell

**REQUEST:** The Applicant is requesting that the City include a new density provision intended to provide densities of up to 25 units per acre in the Mixed Use FLUM category and Mixed Use Commercial (MU) Land Use or Zoning District to allow for “Repurposing” existing transient hotel/motel units to deed restricted affordable housing units. Such units shall be termed “Repurposing Units.”

Comprehensive Plan

- Chapter One, “Future Land Use,” Table 1-1, “Future Land Use Densities And Intensities,”

## Land Development Regulations

- Chapter 103 “Zoning Districts”, Article 3 “Use And Intensity Tables”, Table 103.15.1 “Uses By Zoning District”
- Chapter 104, Article 1, Add “Affordable Housing Repurpose Unite”

Draft Ordinances are attached for review as is the Applicants application for the proposed change to the Comprehensive Plan and Land Development Regulations

## **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
  - 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.

## **SUMMARY**

### **ANALYSIS**

#### Natural Resources

As the proposed Ordinance only allows for the redevelopment of existing transient hotel/motel units into deed restricted affordable housing units, there will be no impacts to natural resources. Transient units, thus freed up and transferred under the proposed Ordinance would by necessity be required to meet all other aspects of the City's Comprehensive Plan and Land Development Regulations. Staff suggests that the inevitable transfer or the transient entitlements would be limited to receiver sites that would pose no environmental impact.

#### Historical and Cultural Resources

As the proposed Ordinance only allows for the redevelopment of existing transient hotel/motel units into deed restricted affordable housing units, there will be no impacts to historical and cultural resources. Transient units, thus freed up and transferred under the proposed Ordinance would by necessity be required to meet all other aspects of the City's Comprehensive Plan and Land Development Regulations. Staff suggests that the inevitable transfer or the transient entitlements would be limited to receiver sites that would pose no impact historical and cultural resources.

#### Infrastructure

The "repurposing of existing transient residential unit should cause no net impact to existing infrastructure. The transfer of the transient entitlements originally associated with the developed units could cause some additional impact to infrastructure though all new development would be within the limits of the existing BPAS system. Thus, the capacity of the City's infrastructure should be sufficient to manage the development of new transient units on other properties within the City of Marathon. However, specific site related impacts will have to be assessed on a case by case basis based on the review of a project proposal for the receiver site(s) for the transient entitlements.

#### Wastewater infrastructure

The "repurposing of existing transient residential unit should cause no unforeseen impact to existing wastewater infrastructure. The transfer of the transient entitlements originally associated with the developed units would cause some additional use of capacity within the City's wastewater infrastructure though all new development would be within the limits of the existing BPAS system. Thus, the capacity of the City's wastewater infrastructure should be sufficient to manage the development of new transient units on other properties within the City of Marathon. However, specific site related impacts will have to be assessed on a case by case basis based on the review of a project proposal for the receiver site(s) for the transient entitlements.

#### Stormwater infrastructure



The “repurposing of existing transient residential unit should cause no unforeseen impact to existing stormwater infrastructure. The City’s stormwater infrastructure is entirely within its Rights-Of Way and is intended to manage the rain water that hits its streets. New development does not generally impact this infrastructure. However, specific site related impacts will have to be assessed on a case by case basis based on the review of a project proposal for the receiver site(s) for the transient entitlements. All new development must meet the City’s on-site requirements for stormwater retention and detention.

#### Potable Water

The “repurposing of existing transient residential unit should cause no net impact to existing potable water supplies. The transfer of the transient entitlements originally associated with the developed units would cause some additional impact to the FKAA potable water supply though all new development would be within the limits of the existing BPAS system. Thus, the capacity of the FKAA’s infrastructure should be sufficient to manage the development of new transient units on other properties within the City of Marathon.

#### Solid Waste

The “repurposing of existing transient residential unit should cause no net impact to existing infrastructure. The transfer of the transient entitlements originally associated with the developed units would cause some additional impact to solid waste capacity though all new development would be within the limits of the existing BPAS system. As solid waste is currently transferred out of the City limits to the mainland, no resultant impacts should occur and all new development pays both its immediate Impact Fees related to solid waste and its long term and continuing costs of solid waste disposal.

#### Transportation

The “repurposing of existing transient residential unit should cause no net impact to existing infrastructure. The transfer of the transient entitlements originally associated with the developed units would cause some additional impact to transportation capacity which is limited within the City. However, specific site related impacts will have to be assessed on a case by case basis based on the review of a project proposal for the receiver site(s) for the transient entitlements. Impacts Fees could or specific conditions of development could offset any potential impacts.

#### Affordable Housing

The creation of “repurposed units” in the City’s Code and revised densities provides another unique opportunity to establish needed affordable housing. There will be a positive impact to the City’s current affordable housing limitations.

#### Hazard Mitigation

The “repurposing of existing transient residential unit should cause no net impact to existing infrastructure that would require hazard mitigation. The transfer of the transient entitlements

originally associated with the developed units would cause some additional impact to the City's infrastructure. These would be limited to the total number of units "repurposed" and the resultant creation of new transient units at another location. Hazard Mitigation is a long term objective related to reducing risks to the City's infrastructure and its overall capacity. Limited new development does not generally impact this aspect of the City's operations. Long term, the City is always attempting to protect itself further from the impacts of such events as hurricanes and resulting winds and floods.

#### Coastal High Hazard Areas

The Coastal High Hazard Area is equivalent to a "V Zone" FEMA NFIP category. The "repurposing of existing transient residential unit should cause no net impact to the City's floodplain management capabilities. The provisions inserted in Chapter 104 of the LDRs would limit repurposing units to those that are above the base flood elevations. All new development of the transferred transient units would have to be built to all flood and wind related requirements.

#### Hurricane Evacuation

The "repurposing of existing transient residential unit should cause no net impact to hurricane evacuation. Inevitably, the only affordable units remaining available for such repurposing units would be "early evacuation affordable units." These units, in general would be required to evacuate at the same time as transient unit occupants. The transfer of the transient entitlements originally associated with the developed units would cause some additional impact to hurricane evacuation capacity within the first 24 hours of the County's evacuation process. However, this is currently accounted for in BPAS and the Hurricane Evacuation Memorandum of Understanding.

#### Ports – Marina Siting

The "repurposing of existing transient residential unit should cause no net impact to existing ports and marina infrastructure. The transfer of the transient entitlements originally associated with the developed units would cause some additional impact to existing marina public and private facilities within the City. These impacts could be mitigated through appropriate conditions and requirements of new transient unit development and through the appropriate use of impact fees that would be tolled on any new transient unit development.

#### Public Use – Access to Water

The "repurposing of existing transient residential unit should cause no net impact to existing points of access to water. The transfer of the transient entitlements originally associated with the developed units would cause some additional impact to facilities such as boat ramps within the City. These impacts could be mitigated through appropriate conditions and requirements of new transient unit development and through the appropriate use of impact fees that would be tolled on any new transient unit development.

#### Land Acquisition

The proposed Ordinances should not impact the City, County, or State's capacity to acquire conservation lands or acquisition of lands for any other public purpose.

**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;**

The City and surrounding County currently experiences a critical need for and shortage of affordable housing units. The proposed Ordinance would provide the ability, at slightly higher densities, to provide affordable housing through the repurposing of existing hotel /motel units. The proposed densities (up to 25 units per acre) are in line with that allowed in other zoning districts such as Residential High (RH) and Residential Mobile Home (R-MH). There would be no net increase in the impacts associated with the conversion or repurposing of such units. There would be a net gain in affordable housing units through the use of the City's remaining affordable housing allocations. Transient units that would be transferred from repurposed properties, would otherwise be required to meet all aspects of the City's Code as part of their redevelopment.

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

The proposed Ordinances would comport with existing policies within the Comprehensive Plan and corresponding sections within the LDRs.

**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.**

As the purpose of these ordinance is to strengthen the Comprehensive Plan and LDRs through creation of new opportunities to create affordable housing, the proposed Ordinance both further the purposes of the City's Comprehensive Plan and Land Development Regulation..

**CONCLUSION:**

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

**RECOMMENDATION:**

Staff recommends approval of the proposed Ordinances with suggested revisions the proposed Ordinance to include:

1. Chapter 103, Table 103.15.1 – revise to require a Conditional Use Permit review instead of the requested “permit as of right.”
2. Chapter 104, Article 1, Section 104.04 (added) – add additional conditions to that proposed to include requirements as follows:
  - Shall be limited to existing transient units that meet the FEMA NFIP base flood elevation requirements for the site;
  - The transfer and redevelopment of such transient entitlements shall only be allowed on receiver sites or portions of sites that are not considered as mangroves, saltmarsh and buttonwood, or hammock habitats within the City of Marathon.



CITY OF  
**MARATHON**, FLORIDA  
Planning Department

9805 Overseas Hwy, Marathon, FL 33050  
Phone (305) 743-0033 www.ci.marathon.fl.us

Office Use Only	
Recv'd: <b>Received</b>	By: _____
App #: <b>JAN 09 2019</b>	_____
#: _____	<b>Planning</b>
Meeting Date: _____	_____

### Comprehensive Plan Text or Map (FLUM) Amendment Application 2017

**FEE: \$3,000.00.** The fee is payable upon application submittal.

\*Any additional meeting with mailed & published notice will be charged additional \$1,500.00

Please check:  Comprehensive Plan Text Amendment       Map Amendment (FLUM)

**Applicant Name:** Republic Marathon LLC and Millennium Asset LLC  
**Mailing Address:** 19 Sombrero Blvd Marathon, FL 33050  
**Phone Number:** 646-258-3039      Phone (Alt): \_\_\_\_\_  
**Email:** darren@republicinvestment.com

**Agent Name:** Tom Wright and/or Barbara Mitchell  
**Mailing Address:** TW: PO Box 500309 Marathon, FL 33050      BM: 15450 SE 103rd Place Road  
**Phone Number:** TW: 305.743.8118      Phone (Alt): BM: 305.509.0966  
**Email:** TW: tom@keysclosings.com.      BM: mitchellplanningdesign@gmail.com

\*Property owner must submit a notarized letter authorizing the agent to act on his/her behalf.

**Property Owner Name:** Republic Marathon LLC and Millennium Asset LLC  
**Mailing Address:** 19 Sombrero Blvd Marathon, FL 33050  
**Phone Number:** 646-258-3039      Phone (Alt): \_\_\_\_\_  
**Email:** darren@republicinvestment.com

**Legal Description of Property:**

See Attached

**Key:** Vaca      Mile Marker: MM 50 +/-

**RE Number:** See Attached

*If in metes and bounds, attach a legal description on separate sheet.*

**Property Description:**

Street Address of Property (if applicable), or General Location Description:

Not Applicable - Text Amendment

Parcel Number(s): Not Applicable - Text Amendment

Land Use District: Not Applicable - Text Amendment

Zoning District: Not Applicable - Text Amendment

Present Use of Property: Not Applicable - Text Amendment

Proposed Use of Property: Not Applicable - Text Amendment

Property Site Size: Not Applicable - Text Amendment

Gross Floor Area in Sq Ft (Non-Residential Use): Not Applicable - Text Amendment

Number of Residential Units to be Built: Not Applicable - Text Amendment

Number of Affordable or Employee Housing Units to be Built: Not Applicable - Text Amendment

Number of Hotel-Motel, Recreational Vehicle, Institutional Residential or Campground Units to be built per Type: Not Applicable - Text Amendment

Has an Application Been Submitted for this Site Within the Past Two Years?  Yes  No

If Yes, Name of the Applicant and Date of the Application:

Not Applicable - Text Amendment

Name \_\_\_\_\_ Date \_\_\_\_\_

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

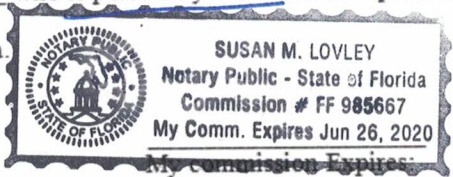
Darren Smith  
Applicant or Agent Name (Please Print)

[Signature] \_\_\_\_\_ 1/3/19  
Signature of Applicant or Agent Date

**NOTARY STATE OF FLORIDA,  
COUNTY OF MONROE**

The foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of January, 2019, by Darren Smith who is personally known or who produced \_\_\_\_\_ for identification.

[Signature]  
Signature of Notary Public - State of Florida



# OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/WE Millennium Asset LLC  
~~Republic Marathon LLC~~ Tom Wright and/or Barbara Mitchell  
 \_\_\_\_\_  
*Print name(s) of property owner(s)*

Hereby Authorize: Tom Wright and/or Barbara Mitchell  
 \_\_\_\_\_  
*Print name of Agent*

to represent me/us in processing an application for: Comprehensive Plan and Land Development Code Text Amendment(s)  
 \_\_\_\_\_  
*Type of Application*

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

[Signature]  
 \_\_\_\_\_  
 (Signature of owner)

\_\_\_\_\_  
 (Signature of owner)

Darren Smith  
 \_\_\_\_\_  
 (Print name of owner)

\_\_\_\_\_  
 (Print name of owner)

**NOTARY STATE OF FLORIDA,  
 COUNTY OF MONROE**

The foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of January 20 19, by Darren Smith who is personally known or who produced

[Signature] for identification.  
 \_\_\_\_\_  
 Signature of Notary Public - State of Florida



# OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/WE Republic Marathon LLC Tom Wright and/or Barbara Mitchell  
*Print name(s) of property owner(s)*

Hereby Authorize: Tom Wright and/or Barbara Mitchell  
*Print name of Agent*

to represent me/us in processing an application Comprehensive Plan and Land Development Code Text Amendment(s)  
for: *Type of Application*

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

[Signature]  
(Signature of owner)

\_\_\_\_\_  
(Signature of owner)

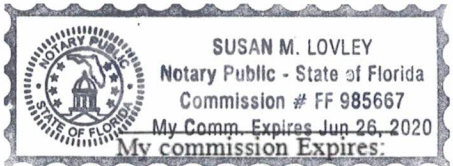
Darren Smith  
(Print name of owner)

\_\_\_\_\_  
(Print name of owner)

**NOTARY STATE OF FLORIDA,  
COUNTY OF MONROE**

The foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of January, 2019, by Darren Smith who is personally known or who produced \_\_\_\_\_ for identification.

[Signature]  
Signature of Notary Public - State of Florida





Chapter 102, Article 6 – COMPREHENSIVE PLAN AMENDMENT

**Explain how this application complies with the approval criteria listed below.**

Use additional sheets as necessary

**Please see attached as noted.**

1. Describe any potential impacts to the following Natural Resources arising from the proposed change

a. Wetlands

None anticipated. Pursuant to City regulations, affordable or other deed restricted workforce housing is not allowed in environmentally sensitive areas.

b. Estuaries

None anticipated. Pursuant to City regulations, affordable or other deed restricted workforce housing is not allowed in environmentally sensitive areas.

c. Living marine resources

None anticipated. Pursuant to City regulations, affordable or other deed restricted workforce housing is not allowed in environmentally sensitive areas.

d. Beaches / Dunes

None anticipated. Pursuant to City regulations, affordable or other deed restricted workforce housing is not allowed in environmentally sensitive areas.

e. Unique wildlife habitat

None anticipated. Pursuant to City regulations, affordable or other deed restricted workforce housing is not allowed in environmentally sensitive areas.

f. Water Quality

See Attached.

2. Describe any potential impacts to Historic Resources arising from the proposed change

See Attached.

3. Describe any potential impacts to City Infrastructure arising from the proposed change

a. Wastewater

See Attached.

b. Stormwater

See Attached.

c. Potable Water

See Attached.

d. Solid Waste

See Attached.

e. Transportation

See Attached.

4. Describe any potential impacts to Affordable Housing arising from the proposed change

See Attached.

5. Describe any potential impacts to the Coastal High Hazard Area arising from the proposed change.

See Attached.

6. Describe any potential impacts to Hurricane Evacuation arising from the proposed change.

See Attached.

7. Describe any potential impacts to Marina Siting or Ports arising from the proposed change.

None Expected

8. Describe any potential impacts to the following public use items arising from the proposed change

a. Shoreline use and Access

None Expected

b. Water dependant and independent activity

None Expected

9. Describe any Land Acquisition associated with the proposed change

None Expected

Comprehensive Plan Amendment Application  
Response to Chapter 102, Article 6: Approval Criteria

Overview

This Amendment relates to the stock of affordable housing available for the residents of Marathon and the immediate need for such housing. The aftermath of Hurricane Irma in 2017 was and still is significant. The storm negatively impacted all properties in the City.<sup>1</sup> The hardest hit area was on the oceanside from Vaca Cut to (MM53) to Sombrero Beach Blvd (MM50). Although there is a commercial strip along the highway, this part of the City is primarily residential and is densely developed. The area consists of older, platted, developed subdivisions, several mobile home communities and a few multi-family parcels. The median income, within this area, is \$37,446.<sup>2</sup>

Ground level residences and mobile homes were damaged by the wind and flood waters of the storm and in many cases left uninhabitable. These homes provided much needed housing for the Marathon workforce. As is often the case in high demand situations, the cost of building materials and other required supplies has increased significantly since the storm. The availability of licensed contractors is limited and the time to repair or replace existing, damaged structures is significant. The need within the City for replacement housing is immediate,

The proposed Policy Amendment seeks to establish a new affordable category, Affordable Re-use Unit, to allow greater flexibility for the creation of affordable housing as well as encourage the rehabilitation and reuse of existing structures currently used for transient residential units.

Request

The Applicant is requesting an Amendment to the City of Marathon Comprehensive Plan Policy 1-3.2.7 by amending Table 1-1 Future Land Use Densities and Intensities to allow for residential density of 25 units per acre specifically for the re-use of existing transient structures as deed restricted affordable housing. This use is proposed solely within the Mixed Use Commercial Future Land Use. The existing transient entitlements on the receiver site are not extinguished but rather relocated or reused pursuant to Policy 1-3.5.16. The proposed 25 unit per acre density is consistent with affordable densities permitting in the Residential High Future Land Use Category. A density of 25 units per acre is permitted in the Mixed Use Category for Transient Residential Uses.

Key to this request is the fact that the multi-family structures already physically exist and because they exist, this amendment will expedite the creation of new affordable housing units.

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<sup>1</sup> After the storm, City staff and Florida Technical Consultants survey 6,643 homes. Of these 394 were destroyed, 1402 suffered major damage, 829 minor damage and the remaining 4,018 were otherwise affected. Florida Keys Keynote 11.22.2017.

<sup>2</sup> Median income as supplied by [City-Data.com](http://City-Data.com). and based on 2000 to 2016 Census data.

Instead of the lengthy new construction process, many of these units can quickly become available after minimal renovations. The parking requirements for transient uses and multifamily residential uses are similar as are other required development standards; potentially easing the change of use impact.

The advantages of this Policy amendment include an expedited development period wherein workforce housing is developed and ready for habitation. The required infrastructure is existing. This Policy amendment will promote opportunities for sustainable development by the reuse of existing physical improvements.

### **1. Natural Resource Impact**

#### **f. Water Quality:**

Water quality is not expected to be negatively impacted. The Building Codes require treatment of any stormwater generated by upland development which would improve the adjacent nearshore waters.

### **2. Describe any potential impacts to Historic Resources arising from the proposed change.**

There are no known Historical Resources that would be impacted by this change. In some cases, historical structures could be preserved as result of the re-purposing plan.

### **3. Describe any potential impacts to City Infrastructure arising from the proposed change.**

The re-purposed units proposed by this Policy amendment will utilize existing infrastructure. The transfer of transient entitlements will be subject to compliance with all City Codes at the time of development approval.

#### **a. Wastewater:**

There will be additional demands on the City of Marathon Wastewater System for the relocated transient residential units. Any new construction can not be approved unless there is adequate wastewater service available.

#### **b. Stormwater:**

For most development the City Code requires, at the time of permitting the submission and implementation of a Stormwater Management Plan. The containment systems designed shall remove any existing overflow drainage that currently enters the nearshore waters. Treatment and disposal facilities shall be designed to meet the design and performance standards established in 62-25, F.A.C., and designed and operated so that off-site discharges meet State water quality standards, as set forth in 62-302, F.A.C.

c. Potable Water:

Initially, there will be no additional demands on the available potable water as the re-purposed units will utilize existing infrastructure. There will be additional demands on the available potable water for the relocated transient residential units. The anticipated water usage will be determined when the development plan is prepared for the development of the relocated units. Any new construction can not be approved unless there is adequate potable water available.

d. Solid Waste:

It is generally accepted that tourist uses generate more solid waste than permanent residential uses. Initially, this policy may decrease the amount of solid waste generated. However, additional solid waste will be generated by the relocation and development of the transient entitlements. The redevelopment of the relocated transient uses will require review by the City pursuant to existing land use regulations and requirements. The City of Marathon is serviced by an independent contractor, currently Marathon Garbage Service. Any new construction can not be approved unless there is adequate solid waste removal available.

e. Transportation:

Pursuant to the most current ITE Trip Generation Manual, there is a slight decrease in the number of vehicular trips when comparing multifamily apartments to hotel rooms. The following is an excerpt from this Manual, 10th Edition:

The hotel land use is Land Use #310 – Hotel. Trips for this use are most commonly developed based upon the number of rooms. The daily and peak hour trip generation rates are as follows:

- Daily: 8.36 trips / room
- AM Peak: 0.47 trips / room
- PM Peak: 0.60 trips / room

The applicable residential land use is Land Use #220 – Multifamily Housing (Low-Rise). Trips for this use are most commonly developed based upon the number of dwelling units. The daily and peak hour trip generation rates are as follows:

- Daily: 7.32 trips / DU
- AM Peak: 0.46 trips / DU
- PM Peak: 0.56 trips / DU

It is reasonable to expect, a minimal decrease in vehicular traffic, especially evidenced during peak tourist season.

**4. Describe any potential impacts to Affordable Housing arising from the proposed change.**

This Policy will have a direct impact on the affordable housing stock within the City. Pending available BPAS entitlements, the actual timeframe from allocation of affordable entitlement to to the occupancy of the unit is significantly minimized as the structures are already built. It is likely that interior renovations will be required, but again - permitting and construction time should be greatly reduced.

This Policy furthers the goals of the City's Comprehensive Plan, specifically:  
Policy 2-1.1.2 Streamline the Permitting Process for Affordable Housing  
Policy 2-1.3.7 Establish Preservation, Rehabilitation, and Demolition Criteria  
Policy 2-1.5.1 Ensure Adequate Housing Sites

**5. Describe any potential impacts to the Coastal High Hazard Area arising from the proposed change.**

The City Comprehensive Plan prohibits the development of affordable housing the the Coastal High Hazard area. Parcels located in the Coastal High Hazard Area would not be eligible, therefore, no impact is anticipated or expected.

**6. Describe any impact to Hurricane Evacuation arising from the proposed change.**

The development of re-purposed transient hotel rooms to affordable apartments is not anticipated to have an impact on hurricane evacuation because the establishment of each residence will require either a new affordable BPAS (Building Permit Allocation System) allocation or the transfer of a building right from another site. The impact has been absorbed in the existing hurricane evacuation model.

EXHIBIT A: PROPOSED CHANGE  
FUTURE LAND USE ELEMENT TABLE 1-1

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**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
Mixed Use Commercial (MUC)	2 – 6	10 – 15 15-25 <sup>7</sup>	10-25	5 - 25	0.15 - 0.60 <sup>4</sup>	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)	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

\*All development and redevelopment shall comply with this Plan and the Land Development regulations.

7. The Affordable residential density in the Mixed Use district may be increased to 25 specifically for the re-use of existing transient structures into deed restricted affordable workforce housing.





CITY OF  
**MARATHON**, FLORIDA  
Planning Department

9805 Overseas Hwy, Marathon, FL 33050  
Phone (305) 743-0033 www.ci.marathon.fl.us

Office Use Only	
Recv'd: <b>Received</b>	By: _____
App #: <b>JAN 09 2019</b>	
#: _____	Meeting Date: <b>Planning</b>

**Land Development Regulation Text or Map Amendment Application 2017**

**FEE: \$2,000.00.** The fee is payable upon application submittal.

\*Any additional meeting with mailed & published notice will be charged additional \$1,500.00

*DP 2019.0017*

Please check:  LDR Text Amendment  Map Amendment (Rezoning)

**Applicant Name:** Republic Marathon LLC and Millennium Asset LLC

Mailing Address: 19 Sombrero Blvd Marathon, FL 33050

Phone Number: 646-258-3039 Phone (Alt): \_\_\_\_\_

Email: darren@republicinvestment.com

**Agent Name:** Tom Wright and/or Barbara Mitchell

Mailing Address: TW: PO Box 500309 Marathon, FL 33050 BM: 15450 SE 103rd Place Road O

Phone Number: TW: 305.743.8118 Phone (Alt): BM: 305.509.0966

Email: TW: tom@keysclosings.com. BM: mitchellplanningdesign@gmail.com

\*Property owner must submit a notarized letter authorizing the agent to act on his/her behalf.

**Property Owner Name:** Republic Marathon LLC and Millennium Asset LLC

Mailing Address: 19 Sombrero Blvd Marathon, FL 33050

Phone Number: 646-258-3039 Phone (Alt): \_\_\_\_\_

Email: darren@republicinvestment.com

**Legal Description of Property:**

See Attached

Key: Vaca Mile Marker: 53

RE Number: See Attached

*If in metes and bounds, attach a legal description on separate sheet.*

**Property Description:**

Street Address of Property (if applicable), or General Location Description:

Not Applicable - Text Amendment

Parcel Number(s): Not Applicable - Text Amendment

Land Use District: Not Applicable - Text Amendment

Zoning District: Not Applicable - Text Amendment

Present Use of Property: Not Applicable - Text Amendment

Proposed Use of Property: Not Applicable - Text Amendment

Property Size: Not Applicable - Text Amendment

Gross Floor Area in Sq Ft (Non-Residential Use): Not Applicable - Text Amendment

Number of Residential Units to be Built: Not Applicable - Text Amendment

Number of Affordable or Employee Housing Units to be Built: Not Applicable - Text Amendment

Number of Hotel-Motel, Recreational Vehicle, Institutional Residential or Campground Units to be built per Type: Not Applicable - Text Amendment

Has an Application Been Submitted for this Site Within the Past Two Years?  Yes  No

If Yes, Name of the Applicant and Date of the Application:

Not Applicable - Text Amendment

Name

Date

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

**Thomas D. Wright**

Applicant or Agent Name (Please Print)

*Thomas D. Wright*

Signature of Applicant or Agent

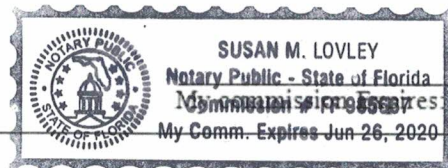
1/9/19

Date

**NOTARY STATE OF FLORIDA,  
COUNTY OF MONROE**

The foregoing instrument was acknowledged before me on this 9<sup>th</sup> day of January, 2019, by Thomas D. Wright who is personally known or who produced \_\_\_\_\_ for identification.

*Susan M. Lovley*  
Signature of Notary Public - State of Florida



**CITY OF MARATHON PLANNING DEPARTMENT**

## 2. TEXT AMENDMENTS

### 1) **Explain the need and justification for the proposed change.**

The lack of affordable housing is a growing issue throughout our Nation; and it is acutely felt in the City of Marathon as well as the rest of Monroe County. This deficit is real, housing costs are continually rising and wages are not keeping pace. A household where 30% of the income goes to rent or mortgage costs is a "cost-burdened" household. The latest data available indicates that 65% of the rental households in Marathon have a housing burden of over 35%.<sup>1</sup> Homeowners fair slightly better where 40% of households have a burden of over 35%.

The City of Marathon faces a significant challenge when addressing the issue of affordable housing for its workforce. As noted in the Monroe County Workforce Housing Stakeholder Assessment Report prepared in April of 2015, high land values, a limited supply of land due to geographic and environmental features, a controlled permit system that limits housing development, and a tourist economy comprised of lower paying service sector jobs all combine to significantly impact the City, its residents and visitors.

The segment of the City's workforce housing community that utilizes rental housing is expanding. The estimate provided by the US Census indicate the ratio in rental versus ownership has steady increased from 34.6% rental in 2010 to 43.2% in 2017<sup>2</sup>. The supply of rental housing has not kept pace with the demand causing a shortage of affordable rental housing that is available for occupancy. The rental shortage has increased further due to the impact of Hurricane Irma in 2017. Almost every property in Marathon experienced some type of damage from the storm. The hardest hit area was located on the oceanside between Vaca Cut (Mile Marker 53) and Sombrero Beach Road (Mile Marker 50). With the exception of the commercial development along US 1, this portion of the City is residential; there are several mobile home communities as well as ground level structures. A portion of the City that provided a significant amount of workforce housing was devastated. To compound the problem, repairing damage sustained by the homes that were not completely destroyed is extremely costly. City and State laws require repairs be compliant with current Building Codes. The current Codes may be more stringent that the codes upon which the building was originally constructed. Those costs will be passed on to the future occupants, further increasing rental rates.

Since the City was created, its Council has recognized the need to address the workforce housing issue. Time and again, development projects are approved by the City, intended to provide deed restricted affordable housing for residents. These projects range from small scale developments of up to ten units, to mid scale developments between 10 to 30 units, and large multi-family projects over 50 units. Some have been built, some are under construction and others have failed or been delayed. These projects are for new construction on property that is often vacant or requires the demolition of existing structures that cannot be reused. The construction of new buildings takes time and depending upon the size of the project, it may

---

<sup>1</sup> Key Facts and Statistics for Monroe County from the ALICE (Asset Limited, Income Constrained, Employed): Study of Financial Hardship, Fall 2014 Report.

<sup>2</sup> US Census Bureau 2013-2017 Five Year Estimates for City of fMarathon.

take a significant amount of time. Once the conceptual development is approved by the City and the entitlements are identified, the permitting process begins. This process often includes both State and City permits. Upon receipt of these permits, construction can finally start. In several cases, this process has taken so much time, the original source of funding is no longer available not to mention, the increase in construction costs due to approval and permitting timeframes and or delays. The approved projects are good projects, vetted by the City and the public hearing process. New construction is solution to the affordable housing deficit; but it is not the only one.

The proposed amendment to the Land Development Regulations will provide another option. Currently, in the Mixed Use zoning district, the density for new affordable housing is 15 units per acre. The density for transient uses is 25 units per acre and for market rate is 5 units. The proposed LDR change, **Section 104.03.1 Affordable Housing Repurpose Units**, will increase the density for affordable housing, in a specific, limited instance<sup>3</sup>, to 25 units per acre. The specific limited instance is only for repurposing existing transient structures (up to 25 units per acre) to deed restricted affordable housing (not to exceed 25 units per acre). The amendment is to allow affordable housing to be located in structures that are currently in use as transient units. The affordable housing entitlements (or BPAS) allocations will be required. The existing transient entitlements will be available for reuse and transfer elsewhere pursuant to City regulations. The primary advantage to this proposed land use change is that the lead time for occupancy of the Affordable Housing Repurpose Unit is minimal. No new construction is required; although some interior renovations may be needed to accommodate permanent residential uses.

The proposed Land Development Regulation text amendment is:

**[Section 104.03.1] - Affordable Housing Repurpose Unit..**

**A affordable housing repurposed unit may be allowed pursuant to Table 103.15.1 as a permitted use. These units redevelop existing transient residential structures into deed restricted affordable workforce housing. They must be attached, multi-family structures. Minimum size requirements are 325 square feet up to a maximum of 650 square feet (one bedroom) to a maximum of 1,150 square feet (two bedroom). Occupancy of these units is limited to those meeting the income requirements of this chapter. Following requirements shall be met:**

- A. Affordable housing criteria set forth in this Chapter and Chapter 110 "Definitions";**
- B. Shall be permanently deed-restricted as affordable;**
- C. Shall be restricted to occupancy to households that derive at least 70 percent of their household income from gainful employment in Monroe County;**
- D. Shall be restricted to occupancy for 28 consecutive days or longer;**
- E. Shall not be used for vacation rental use;**
- F. Shall not be sold separately as a condominium; and**
- G. The transient entitlements associated with the Repurpose unit shall be transferred off site as set forth in Chapter 107, Article 2 Transfer of Building Rights.**

This amendment required a modification to Chapter 102 - Article 3 Use and Intensity Tables. Specifically Tables 103.15.1 Uses by Zoning District and Table 103.15.2 Density, Intensity and Dimensions for Zoning Districts. Exhibit A illustrates the proposed amendments.

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<sup>3</sup> The new type of use will be known as an Affordable Housing Repurpose Unit.

**2) Explain how the proposed amendment is consistent with the Comprehensive Plan.**

One of the main tenants of the Comprehensive Plan is to manage growth, maintain and protect Marathon’s unique small town character and to ensure residents have adequate, safe and affordable housing. This amendment will help to further those goals by providing opportunities to reuse existing structures that may have historic significance. This amendment will encourage the availability of additional affordable housing by significantly reducing the timeline from allocation of entitlements to occupation by residents. This amendment will encourage the redevelopment of transient hotel rooms to those site’s that may be better suited to today’s and tomorrow’s economies. Specifically, policies that are furthered by this amendment include but are not limited to:

Policy	Impact
Policy 1-1.1.1 Enhance and Preserve Existing Community Character	By utilizing existing buildings, the small town character of the City is maintained. By definition, affordable housing will be increased.
Policy 1-3.3.4 Encourage Redevelopment of Tourist/ Resort/Campground Facilities	Reusing existing transient facilities will allow the transient entitlements to be best used in other redevelopment areas in the City.
Policy 1-3.5.16 Program for Transfer of Density and Building Rights (TDR’s and TBR’s)	By transferring the existing transient rights, new deed restricted affordable unit swill be available for public occupation.
Policy 2-1.1.2 Streamline the Permitting Process for Affordable Housing	Building permit review time shall be reduced with the reuse of existing structures.
Policy 2-1.1.7 Identify and Address Barriers to Affordable Housing within the Land Development Regulations	By adding the opportunity for an Affordable Housing Repurpose Unit to have the same density as a transient unit in the Mixed Use district, reuse of existing facilities can be efficiently redeveloped.
Policy 2-1.3.7 Establish Preservation, Rehabilitation and Demolition Criteria	The process of using the Affordable Housing Repurpose Unit will provide the City with an opportunity to direct new locations for affordable housing as well as reiew and guide the location of new or enlarged transient facilities.
Policy 2-1.5.1 Ensure Adequate Housing Sites	This amendment will encourage the reuse of sties with existing infrastructure.
Policy 2-1.7.2 Protection of Historic Resources	This amendment could protect historically significant buildings by providing them with a new use; while preserving the existing entitlements for use elsewhere.

A request to amend the City of Marathon Comprehensive Plan Policy 1-3.2.7 by modifying Table 1-1 Future Land Use Densities and Intensities to allow for residential density of 25 units per acre specifically for the re-use of existing transient structures as deed restricted affordable housing has been submitted for City consideration. This density is proposed solely within the Mixed Use Commercial Future Land Use. If this request is granted, then additional opportunities for affordable housing will be available for development.

Furthermore, it is generally accepted the raw materials used for construction are not limitless. This amendment will encourage the reuse of existing structures and further the goals of the City for sustainable development.

**3. Explain how the proposed amendment furthers the purposes of the Land Development Regulations, other City Codes, regulations and actions designed to implement the Comprehensive Plan.**

There will be no adverse change to the City of Marathon if the text amendment is approved. As a general principle, areas suited for hotel/motel development are suitable for similar density affordable residential uses. The adjacent properties are accustomed to the intensity generated by transient uses and although the density is similar, the actual intensity of a permanent residential use, may decrease from its prior transient use.

This amendment will encourage developers to provide workforce and affordable housing by reutilizing existing structures and adopting to changing market trends for the development of transient uses elsewhere. Furthermore, the compliance with the applicable land use (zoning) and building codes will be required for developments intending to use these regulations. Thus, compliance with level of service, concurrency and other performance standards will be met as required. Thus furthering the goals set forth in the Comprehensive Plan and Land Development Regulations.

## EXHIBIT A Proposed Changes to Chapter 102 - Article 3

zoning district as reflected in Tables 103.15.1 and 103.15.2.

**Table 103.15.1**  
Uses by Zoning District

Uses in bold have specific conditions listed in <u>Chapter 104</u>																
ZONING DISTRICT	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
Accessory buildings and accessory uses			P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Business /Professional Office											A	A	A			
Adult day care			C	C	C	C	C	C	C	C						
Adult uses including product sales and entertainment												C				
Affordable Housing Unit	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Affordable Housing Repurpose Unit										P						

**Table 103.15.2**  
DENSITY, INTENSITY AND DIMENSIONS FOR ZONING DISTRICTS

	A	C-NA	C-OI	I-G	I-M	MU	MU-M	P	PR	RH	R-MH	RM	RM-1	RM-2	RL	RL-C
Density Range (units per acre)		.25	0.1	<u>5-10</u>	<u>5-10</u>	6-15	6-15	10-25	1/4ac	8-25	8-25	<u>5-10</u>	4	5	0.5	.25
Market Rate (maximum)		.25	0.1			6	6		.25	8	8	5	4	5	0.5	0.25
Affordable (maximum)		.25	0.1	<u>5-10</u>	<u>5-10</u>	15	15	10-25	.25	15-25	25	10	4	5	0.5	.25
AFFORDABLE HOUSING REPURPOSE UNITS						<u>25</u>										
Transient						<u>5-25</u>		<u>3-25</u>	10	0	0	0	0	0	0	0
Min lot area per																

**Sponsored by: Lindsey**  
**Introduction Date:** February 25, 2019  
**Public Hearing Dates:** March 26, 2019  
tbd  
**Enactment date:** tbd

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

**CONSIDERATION OF AN ORDINANCE TO AMEND THE CITY OF MARATHON COMPREHENSIVE PLAN MODIFYING CHAPTER ONE, “FUTURE LAND USE,” TABLE 1-1, “FUTURE LAND USE DENSITIES AND INTENSITIES,” TO PROVIDE FOR AFFORDABLE HOUSING REPURPOSING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY.**

---

**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

**WHEREAS**, the purpose of the proposed Ordinance is to enhance and extend the City’s options and capacity to provide affordable housing for its citizens,



**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 One, Table 1-1 to read as follows:

Policy 1-3.2.7 Restrict Density and Intensity of Development

Table 1-1 establishes the maximum range of allocated density and intensity (F.A.R.) permitted in each future land use category per acre. New development and redevelopment, unless otherwise specified, shall not exceed the thresholds established in the table below.

With the exception of mixed use development that contains affordable/work force housing, when a proposed development is for a combination of uses, the acreage required for each use shall be determined independently based on the floor area ratio in Table 1-1 for each individual use.

\*\*\*

**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 <sup>7</sup>	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
Mixed Use Commercial (MUC)	2 – 6	10 – 15 <u>25</u> <sup>2</sup>	10-25	5 - 25	0.15 - 0.60 <sup>4</sup>	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)	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.

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

<b>Future Land Use Category</b>	<b>Permitted Residential Density (Units per acre)</b>	<b>Hotel/Motel/RV Spaces (Units per acre)</b>	<b>Maximum Intensity (floor area ratio)</b>	<b>Minimum Open Space Ratio</b>
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.— <b><u>The affordable residential density in the Mixed Use FLUM district may be increased to 25 units per acre specifically for the re-use (repurposing) of existing transient structures into deed restricted affordable housing units.</u></b>				

\*All development and redevelopment shall comply with this Plan and the Land Development regulations.

DRAFT

**SECTION 3.** 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 4.** 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 5.** 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 Comprehensive Plan, 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 6.** 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 7.** This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS \_\_\_\_\_<sup>th</sup> DAY OF \_\_\_\_\_, 2019.**

**THE CITY OF MARATHON, FLORIDA**

\_\_\_\_\_  
**John Bartus, Mayor**

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:**

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David Migut, City Attorney

DRAFT

**Sponsored by: Lindsey**  
**Introduction Date:** February 25, 2019  
**Public Hearing Dates:** March 26, 2019  
tbd  
**Enactment date:** tbd

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

**CONSIDERATION OF AN ORDINANCE TO AMEND THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS, CHAPTER 103, ARTICLE 3, “USE AND INTENSITY TABLES, TABLE 103.15.1, “ USES BY ZONING DISTRICT,” TO PROVIDE FOR AFFORDABLE HOUSING REPURPOSING UNITS; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY**

---

**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

**WHEREAS**, the purpose of the proposed Ordinance is to preserve the rights of individual single family residential lot and property owners through a clarification of language in the City’s Land Development Regulations,

**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 103, Article 3, Table 103.15.1 to read as follows providing for the addition of “Affordable Housing Repurpose Unit:”

Table 103.15.1  
USES BY ZONING DISTRICT

Uses in bold have specific conditions listed in Chapter 104																
ZONING DISTRICT	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
						***										
<b><u>Affordable Housing Repurpose Unit</u></b>										<b><u>C</u></b>						
						***										

**SECTION 3.** Amend Chapter 103, Article 3, Table 103.15.2 to read as follows:

Table 103.15.2  
DENSITY, INTENSITY AND DIMENSIONS FOR ZONING DISTRICTS

	A	C-NA	C-OI	I-G	I-M	MU	MU-M	P	PR	RH	R-MH	RM	RM-1	RM-2	RL	RL-C
Density		.25	0.1	<u>5-</u>	<u>5-</u>	6-	6-15	10-	1/	8-	8-25	<u>5-</u>	4	5	0.5	.25 <sup>4</sup>

Range (units per acre)			<u>10</u>	<u>10</u>	<u>15</u> <u>25<sup>4</sup></u>		25	4ac	25		<u>10</u>				
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Footnotes for Table 103.15.2

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**4 The affordable residential density in the Mixed Use FLUM district may be increased to 25 units per acre specifically for the re-use (repurposing) of existing transient structures into deed restricted affordable housing units.**

SECTION 4. Amend Chapter 104, Article 1, adding Section 104.04, “Affordable Housing Repurpose Unit” and renumbering thereafter to read as follows:

**Section 104.04 “Affordable Housing Repurpose Unit”**

**Affordable Housing Repurpose Units shall be allowed pursuant to Table 103.15.1 through a Conditional Use Permit or Development Agreement process within the Mixed Use – Commercial zoning district with conditions that follow. These units redevelop existing transient residential structures into deed restricted affordable housing units. They must be attached, multi-family structures. Minimum size requirements are 325 square feet up to a maximum of 650 square feet (one bedroom) to a maximum of 1,150 square feet (two bedroom)). Occupancy of these units is limited to those meeting the income requirements of this Chapter. Following requirements shall be met.**

- A. **Affordable Housing criteria set forth in this chapter and Chapter 110, “Definitions;”**
- B. **Shall be permanently deed restricted as affordable pursuant to the provisions of the LDRs;**
- C. **Shall be restricted to occupancy to households that derive at least 70 percent of their income from gainful employment in Monroe County;**
- D. **Shall be restricted to occupancy of 28 days or longer;**
- E. **Shall not be allowed for vacation rental use and permits;**
- F. **Shall not be sold separately as a condominium;**
- G. **Shall be limited to existing transient units that meet the FEMA NFIP base flood elevation requirements for the site;**
- H. **The transient entitlements associated with the Repurpose Unit shall be transferred off site as set forth in Chapter 107, Article 2, “Transfer of Building Rights;” and**
- I. **The transfer and redevelopment of such transient entitlements shall only be allowed on receiver sites or portions of sites that are not considered as mangroves, saltmarsh and buttonwood, or hammock habitats within the City of Marathon.**

\*\*\*

**SECTION 5.** 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 6.** 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 7.** 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 8.** 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 9.** This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS \_\_\_\_<sup>th</sup> DAY OF \_\_\_\_\_, 2019.**

**THE CITY OF MARATHON, FLORIDA**

---

**John Bartus, Mayor**

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:**

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David Migut, City Attorney

DRAFT

## PLANNING COMMISSION AGENDA STATEMENT



**Meeting Date:** February 25, 2019  
**To:** Planning Commission  
**From:** George Garrett, Planning Director

**Agenda Item 5:** Consideration Of An Ordinance To Amend The City Of Marathon Comprehensive Plan Modifying Chapter One, “Future Land Use,” Table 1-1, “Future Land Use Densities And Intensities,” To Provide Assurances That Residences Within RL-C Zoning May Be Rebuilt; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

**Agenda Item 6:** An Ordinance Of The City Of Marathon, Florida, Amending Chapter 103 “Zoning Districts”, Article 3 “Use And Intensity Tables”, Modifying Table 103.15.1 “Uses By Zoning District” And Table 103.15.2 “Density, Intensity, And Dimension For Zoning Districts;” Amending Chapter 108, Article 3, “Nonconforming Uses,” Section 108.12, “Nonconforming Density And Intensity” And Article 4, “Nonconforming Lots,” Section 108.13, “Nonconforming Lots;” Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

### RECOMMENDATION

Planning Staff recommends approval

### BACKGROUND AND REQUEST:

Currently, the City of Marathon Comprehensive Plan and Land Development Regulations (LDRs) does not clearly provide that a single family residence may be rebuilt if it exists on a lot that is substandard in size, and therefore density. As an example, Residential Medium (RM) zoned lots are required to be a minimum of 8,712 square feet. Over one half of the RM zoned lots within the City of Marathon are less than the 8,712 square foot minimum lot size.

The proposed Comprehensive Plan and Land Development Regulation Ordinances attached are intended to complement one another and make absolutely clear that at least one single family residence will be allowed on lots zoned Residential High (RH) Residential Medium (RM), or Residential Mobile Home (R-MH). The Ordinance also makes it clear that at least one single family residence may be rebuilt on ANY nonconforming lot upon which a residence or residences currently exists. Further, the Ordinance establishes a provision for lots and blocks within RL-C zoned subdivisions such that if a block within a subdivision zoned RL-C is greater than 90 percent developed, than any vacant lot within

the block is deemed buildable.

The proposed Ordinances are attached. Only one substantive revision is required to the Comprehensive plan whereas several revisions are suggested to the LDRs as there are two pertinent chapters that need some revision.

**APPLICANT:** City of Marathon

**REQUEST:**

Comprehensive Plan

- Chapter One, “Future Land Use,” Table 1-1, “Future Land Use Densities And Intensities,”

Land Development Regulations

- Chapter 103 “Zoning Districts”, Article 3 “Use And Intensity Tables”, Table 103.15.1 “Uses By Zoning District”
- Chapter 103, Table 103.15.2 “Density, Intensity, And Dimension For Zoning Districts;”
- Chapter 108, Article 3, “Nonconforming Uses,” Section 108.12, “Nonconforming Density And Intensity”
- Chapter 108, Article 4, “Nonconforming Lots,” Section 108.13, “Nonconforming Lots;”

**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
  - 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.

## **SUMMARY**

### **ANALYSIS**

#### Natural Resources

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no impacts to natural resources.

#### Historical and Cultural Resources

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no impacts to historical and cultural resources.

#### Infrastructure

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no impacts to the City's overall infrastructure.

#### Wastewater infrastructure

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no impacts to wastewater infrastructure.

#### Stormwater infrastructure

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no impacts to natural resources. Redevelopment would allow the City, through the permit process, to impose any current stormwater retention requirements.

#### Potable Water

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no impacts to potable water resources.

#### Solid Waste

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no impacts to solid waste.

#### Transportation

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no impacts to transportation.

### Affordable Housing

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no impacts to affordable housing options or opportunities.

### Hazard Mitigation

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no impacts to City Infrastructure which would require any additional hardening of these facilities.

### Coastal High Hazard Areas

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no new construction within the Coastal High Hazard Areas.

### Hurricane Evacuation

No Significant Impact would result from the proposed change.

### Ports – Marina Siting

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no impacts to ports or marina siting.

### Public Use – Access to Water

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no impacts to public access to marine waters.

### Land Acquisition

As the proposed Ordinance only allows for the redevelopment of existing single family residential units and essentially no new units, there will be no changes to the normal land acquisition process.

### **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;**

Currently, the City of Marathon Comprehensive Plan and Land Development Regulations (LDRs) does not clearly provide that a single family residence may be rebuilt if it exists on a lot that is substandard in size, and therefore density. As an example, Residential Medium (RM) zoned lots are required to be a minimum of 8,712 square feet. Over one half of the RM zoned lots within the City of Marathon are less than the 8,712 square foot minimum lot size.

The proposed Comprehensive Plan and Land Development Regulation Ordinances attached are intended to complement one another and make absolutely clear that at least one single family residence will be allowed on lots zoned Residential High (RH) Residential Medium (RM), or Residential Mobile Home (R-MH). The Ordinance also makes it clear that at least one single family residence may be rebuilt on ANY nonconforming lot upon which a residence or residences currently exists. Further, the Ordinance establishes a provision for lots and blocks within RL-C zoned subdivisions such that if a block within a subdivision zoned RL-C is greater than 90 percent developed, than any vacant lot within the block is deemed buildable.

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

The proposed Ordinances do not modify, but, clarify existing policies within the Comprehensive Plan and corresponding sections within the LDRs.

**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.**

As the purpose of these ordinance is to strengthen the Comprehensive Plan and LDRs through clarification of existing policies and sections, the purposes of both documents are fully retained without modification.

**CONCLUSION:**

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

**RECOMMENDATION:**

Staff recommends approval of the proposed Ordinances.



**Sponsored by: Lindsey**  
**Introduction Date:** February 25, 2019  
**Public Hearing Dates:** March 26, 2019  
tbd  
**Enactment date:** tbd

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

**CONSIDERATION OF AN ORDINANCE TO AMEND THE CITY OF MARATHON COMPREHENSIVE PLAN MODIFYING CHAPTER ONE, “FUTURE LAND USE,” TABLE 1-1, “FUTURE LAND USE DENSITIES AND INTENSITIES,” TO PROVIDE ASSURANCES THAT RESIDENCES WITHIN RL-C ZONING MAY BE REBUILT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY.**

**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

**WHEREAS**, the purpose of the proposed Ordinance is to preserve the rights of individual single family residential lot and property owners through a clarification of language in the City’s Land Development Regulations,

**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 One, Table 1-1 to read as follows:

Policy 1-3.2.7 Restrict Density and Intensity of Development

Table 1-1 establishes the maximum range of allocated density and intensity (F.A.R.) permitted in each future land use category per acre. New development and redevelopment, unless otherwise specified, shall not exceed the thresholds established in the table below.

With the exception of mixed use development that contains affordable/work force housing, when a proposed development is for a combination of uses, the acreage required for each use shall be determined independently based on the floor area ratio in Table 1-1 for each individual use.

**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	0	N/A	0.15 - 0.50	0.2
Conservation (C)	0.1- 0.25 <sup>7</sup>	0.1-0.25 <sup>7</sup>	0	N/A	0.05 - 0.10	0.5
Industrial (I)	0	5-10	0	N/A	0.85	0.2
Mixed Use Commercial (MUC)	2 – 6	10 – 15	10-25	5 - 25	0.15 - 0.60 <sup>4</sup>	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)	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,

**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
<p>the floor area ratio shall be 0.10 and the maximum net residential density shall be 0.</p> <p>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.</p> <p>5. The FAR in Mixed Use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided.</p> <p>6. Residential Densities found in this Table are subject to the provisions of Policy 1-3.5.16</p> <p>7. <b><u>Existing Single Family Residences may be repaired, modified, or replaced. Individual vacant Lots within Blocks defined within a Platted Subdivision subject to RL-C zoning may be built upon IF the sum of all Lots within an individual Block are over 90% developed with single family residences as of the date that DEO accepts the Ordinance whichever occurs first.</u></b></p>				

\*All development and redevelopment shall comply with this Plan and the Land Development regulations.

DRAFT

**SECTION 3.** 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 4.** 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 5.** 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 Comprehensive Plan, 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 6.** 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 7.** This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

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

**THE CITY OF MARATHON, FLORIDA**

\_\_\_\_\_  
**John Bartus, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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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:**

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David Migut, City Attorney

DRAFT

Sponsored by: Lindsey  
Introduction Date: February 25, 2019  
Public Hearing Dates: March 26, 2019  
tbd  
Enactment date: tbd

CITY OF MARATHON, FLORIDA  
ORDINANCE 2019-XXX

**ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 103 “ZONING DISTRICTS”, ARTICLE 3 “USE AND INTENSITY TABLES”, MODIFYING TABLE 103.15.1 “USES BY ZONING DISTRICT” AND TABLE 103.15.2 “DENSITY, INTENSITY, AND DIMENSION FOR ZONING DISTRICTS;” AMENDING CHAPTER 108, ARTICLE 3, “NONCONFORMING USES,” SECTION 108.12, “NONCONFORMING DENSITY AND INTENSITY” AND ARTICLE 4, “NONCONFORMING LOTS,” SECTION 108.13, “NONCONFORMING LOTS;” PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, CITY OF MARATHON, FLORIDA; AND PROVIDING 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

**WHEREAS**, the purpose of the proposed Ordinance is to preserve the rights of individual single family residential lot and property owners through a clarification of language in the City’s Land Development Regulations,

**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 103, Article 3, Table 103.15.1 to read as follows:

Table 103.15.1  
USES BY ZONING DISTRICT

Uses in bold have specific conditions listed in Chapter 104																
ZONING DISTRICT	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
						***										
Single Family Residence	P	P	<u>P***</u>	P	P	P	P	P	P	P	P	P	P			P
						***										
						***										

**\*\*\*Existing Single Family Residences may be repaired, modified, or replaced. Individual vacant Lots within Blocks defined within the Plat subject to RL-C zoning may be built upon IF the sum of all Lots within an individual Block are over 90% developed with single family residences as of the date that DEO accepts the Ordinance.**

**SECTION 3.** Amend Chapter 103, Article 3, Table 103.15.2 to read as follows:

Table 103.15.2  
DENSITY, INTENSITY AND DIMENSIONS FOR ZONING DISTRICTS

	A	C-NA	C-OI	I-G	I-M	MU	MU-M	P	PR	RH	R-MH	RM	RM-1	RM-2	RL	RL-C
Density Range (units per acre) ****		.25	0.1	<u>5-10</u>	<u>5-10</u>	6-15	6-15	10-25	1/4ac	8-25	8-25	<u>5-10</u>	4	5	0.5	.25 <sup>4</sup>

Footnotes for Table 103.15.2

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**<sup>4</sup>Existing Single Family Residences may be repaired, modified, or replaced. Individual vacant Lots within Blocks defined within the Plat subject to RL-C zoning may be built upon IF the sum of all Lots within an individual Block are over 90% developed with single family residences as of the date that DEO accepts the Ordinance.**

**SECTION 4.** Amend Chapter 108, Article 3, Section 108.12 A. to read as follows:

Section 108.12. - Nonconforming Density and Intensity.

- A.** Protection of Residential Density: All lawfully established residential dwelling units in existence in 1996 **or thereafter** shall be entitled to a density of one (1) dwelling unit **and may be maintained or modified and shall be allowed to be rebuilt**, subject to **the all other** provisions of the ~~Future Land Use Element of the Plan~~ **Land Development Regulations.**
  - a.** **This subsection does not apply to duplex or multi-family unit structures. Such structures, if rebuilt, shall be subject to all provisions of the LDRs, including density provisions. Lawfully established units in excess of allowed densities provided in Table 103.15.2 shall be eligible for transfer of building rights pursuant to Chapter 107, Article 2.**

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**SECTION 5.** Amend Chapter 108, Article 4, Section 108.13 A. to read as follows:



ARTICLE 4. - NONCONFORMING LOTS

Section 108.13. - Nonconforming Lots.

A. Dwellings on Nonconforming Lots: A building permit may be issued for a single-family dwelling or a **Florida Building Code compliant** mobile home on any legally created lot **within a recorded plat for a lot zoned Residential High (RH), Residential Medium (RM), or Residential Mobile Home (R-MH)** that is rendered nonconforming **for allowed maximum densities** by the adoption of these LDRs, provided that such use is permitted otherwise under the Plan and the LDRs and complies with each and every other requirement of the Plan and LDRs.

\*\*\*

**SECTION 6.** 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 7.** 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 8.** 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 9.** 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 10.** This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

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

**THE CITY OF MARATHON, FLORIDA**

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**John Bartus, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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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:**

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David Migut, City Attorney