

**CITY OF MARATHON, FLORIDA
RESOLUTION 2006-016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, DIRECTING THE PLANNING DEPARTMENT TO DEFER THE PROCESSING OF DEVELOPMENT APPLICATIONS AND THE ISSUANCE OF DEVELOPMENT APPROVALS FOR THE REDEVELOPMENT OR CONVERSION OF MOBILE HOME PARKS AND REQUESTS FOR LAND USE DISTRICT ZONING MAP AMENDMENTS FROM URBAN RESIDENTIAL MOBILE HOME (URM) AND URBAN RESIDENTIAL MOBILE HOME LIMITED (URM-L) TO ANY OTHER LAND USE ZONING DISTRICT DESIGNATION; CONTINUING THIS POLICY UNTIL NEW LAND DEVELOPMENT REGULATIONS OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COUNCIL OR UNTIL THE PASSAGE OF 270 DAYS FROM FEBRUARY 13, 2006, WHICHEVER OCCURS FIRST; PROVIDING DEFINITIONS; AND DIRECTING STAFF TO CONTINUE PREPARATION OF NEW AFFORDABLE HOUSING LAND DEVELOPMENT REGULATIONS

WHEREAS, the City Council discussed the need for and loss of affordable housing for the City workforce at its meetings of July 5, 2005 and January 24, 2006; and

WHEREAS, the existing supply of employee and affordable housing is insufficient to meet the current demand for affordable workforce housing; and

WHEREAS, the Rate of Growth Ordinance (ROGO) limits the permits for new housing allocations in the City to maintain hurricane evacuation times; and

WHEREAS, the loss of existing affordable housing through redevelopment is reducing the available supply of such housing for the City workforce; and

WHEREAS, Objective 2-1.1 of the 2005 Comprehensive Plan directs the City to *provide a framework for a housing program that encourages the creation and preservation of affordable housing for all current and anticipated future residents of the City* (the "Objective"); and

WHEREAS, Mobile Home Parks in the City serve a vital role in providing affordable workforce housing for those persons who live and work in the City; and

WHEREAS, economic pressure is increasing to convert existing Mobile Home Parks to different housing types that are no longer affordable for the City's workforce; and

WHEREAS, a number of owners of this housing are exploring the possible change of use of their property, which will further decrease the existing supply of affordable and employee workforce housing; and

WHEREAS, conversion of existing Mobile Home Parks into permanent residential dwellings or condominiums, some for use as “vacation rentals”, will further reduce the availability of housing units that are currently workforce and employee housing in the City; and

WHEREAS, Florida Statute Sec, 380.0552(7) PRINCIPLES FOR GUIDING DEVELOPMENT requires the City to conduct programs and regulatory activities to “(j) make available adequate affordable housing for all sectors of the population of the Florida Keys” (the “Guiding Principle”); and

WHEREAS, in order to make effective the preservation of existing affordable housing while the City prepares regulations to implement the Objective and the Guiding Principle, it is necessary to temporarily halt conversions and redevelopment of Mobile Home Parks and changes of Land Use District Zoning Map Designations from URM and URM-L; and

WHEREAS, the City Council recognizes the need to develop land development regulations and programs to preserve the existing stock of affordable housing and increase the availability of affordable housing for those who live and work in Marathon; and

WHEREAS, on February 13, 2006, the City Council directed Planning Staff to review the City’s land development regulations (“LDRs”) to determine the need for additional regulations to protect and enhance affordable housing in the City;

WHEREAS, the City wishes to place all parties on notice that it is considering amending its LDRs and that parties who are considering redevelopment or conversion of existing Mobile Home Parks in the City will be reviewed for compliance with such changes as of February 13, 2006.

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

Section 1. That pursuant to the pending legislation doctrine set forth in *Smith v. City of Clearwater*, 383 So. 2d 681 (Fla. 2d DCA 1980), City staff shall defer the processing of development applications and the issuance of development approvals for the redevelopment or conversion of Mobile Home Parks and requests for Land Use District Zoning Map Amendments from Urban Residential Mobile Home (URM) and Urban Residential Mobile Home-Limited (URM-L) to any other land use zoning district designation.

Section 2. That this policy shall be in effect until new LDRs or amended LDRs are adopted by the City Council or until the passage of two hundred seventy (270) days from February 13, 2006, whichever occurs first.

Section 3. That the following definitions apply in this Resolution:

- (b) Conversion means a change in use as applied under Chapter 9.5, Monroe County Code.
- (b) Mobile Home Park means any real property containing five (5) or more mobile homes that is governed by Chapter 723, Florida Statutes.
- (b) Redevelopment means the proposed removal, replacement or demolition of Mobile Home Parks for the purpose of constructing on the property attached or detached dwelling units that are built outside the footprints of existing structures or are built to have a total enclosed habitable floor area greater than the existing structures.

Section 4. That until the earlier of the adoption of the new LDRs or the expiration of this Resolution, no building permit application or planning approval identified in Section 1 herein shall be granted pursuant to an application or request with a submittal date of February 13, 2006 or later. Notwithstanding the foregoing, the following shall be exempt from this Resolution:

- (1) Repairs or replacement of mobile homes with another mobile home.

Section 5. That Planning Department staff is directed to continue the preparation and adoption of LDR amendments and other supporting studies in order to address the need for maintaining the stock of affordable housing and to address that redevelopment and conversion of Mobile Home Parks that would exacerbate the City's limited affordable housing supply.

Section 6. The City declares that City planning staff is preparing and processing amendments to the LDRs. Parties who contemplate the redevelopment or conversion of existing Mobile Home Parks in the City will, as of February 13, 2006, be reviewed for compliance with the provisions of the proposed amendments to the LDRs.

Section 7. Nothing in this Resolution shall be construed or applied to abrogate the right of a property owner seeking to submit a development application to the City to redevelop or convert existing Mobile Home Parks. Accordingly, any property owner may apply for administrative relief from this Resolution where the property owner can demonstrate each of the following:

- (1) Relying in good faith;
- (2) Upon some act or omission of the City;
- (3) That the property owner made a substantial change in position or incurred such extensive obligations that it would be highly inequitable to deny the property owner the right to have his/her/its development application processed under the existing LDRs.

Any property owner claiming an exemption under this Section 7 must file an application with the City Planning Department within thirty (30) days of the effective date of this Resolution for an exemption determination. The application shall be accompanied by a sworn statement as to the basis upon which the exemption is asserted, and any other documentary evidence supporting the claim. The City Planning Department shall evaluate the application and make a

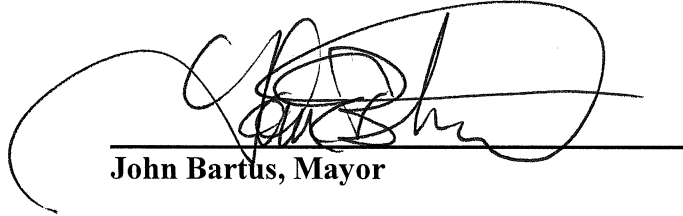
determination to grant, grant with conditions or deny the application. The applicant may appeal a denial to the City Council in the same manner as an administrative appeal as set forth in Section 9.5-521 of the City Code, as amended. The City Council shall hold a quasi-judicial public hearing to review staff's determination and based upon the evidence submitted shall make a determination as to whether the property owner has met the standards set forth in this Section.

Section 8. No property owner claiming that this Resolution as applied constitutes or would constitute a temporary or permanent taking of private property, or an abrogation of property rights, may pursue such claim unless he/she/it has first exhausted the administrative relief provided in this Resolution.

Section 9. The adoption of this Resolution shall be evidenced by placement of a notice in a newspaper of general circulation within the City, in accordance with Chapter 50, Florida Statutes, within two weeks after adoption of this Resolution. A copy of this Resolution shall also be posted at City Hall for the next two hundred seventy (270) days.

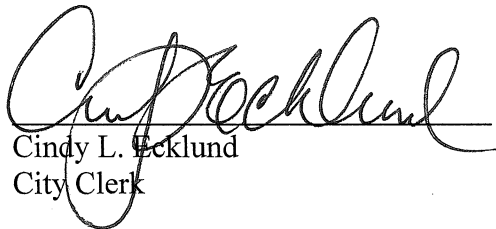
PASSED AND ADOPTED by the City Council of the city of Marathon, Florida, this 28th day of February, 2006.

THE CITY OF MARATHON, FLORIDA


John Bartus, Mayor

- AYES: Bull, Mearns, Miller, Pinkus, Bartus
- NOES: None
- ABSENT: None
- ABSTAIN: None

ATTEST:


Cindy L. Ecklund
City Clerk

(City Seal)

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

A handwritten signature in black ink, appearing to be "J.H. Jr.", written in a cursive style.

City Attorney