

**Sponsored by: Pinkus**  
**Introduction Date: August 12, 2003**  
**Public Hearing Dates: October 29, 2003**

**Enactment date:**

**CITY OF MARATHON, FLORIDA**  
**ORDINANCE 2003-21**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,  
PROVIDING FOR A MORATORIUM ON THE ACCEPTANCE OF  
DEVELOPMENT APPLICATIONS FOR THE REDEVELOPMENT OF  
MOBILE HOME AND RECREATIONAL VEHICLE PARKS WITHIN  
THE CORPORATE LIMITS OF THE CITY**

**WHEREAS**, within the city limits of the City of Marathon Florida (the “City”) there exist several mobile home parks, recreational vehicle parks, and parks with a mixture of mobile home and recreational vehicles (the “Mobile Home/RV Parks”) that have been in existence for decades; and

**WHEREAS**, Mobile Home/RV Parks serve a critical role in providing affordable housing for those who are employed in the City and the Middle Florida Keys; and

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

**WHEREAS**, the City finds itself facing increasing pressure concerning redevelopment of Mobile Home/RV Parks in the City, and such redevelopment pressure will likely result in the loss of critical affordable housing units in the City; and

**WHEREAS**, the loss of affordable housing provided by the City’s Mobile Home/RV Parks has a detrimental impact upon the existing inventory of affordable housing and its availability for those who work and live in the City and the Middle Keys; and

**WHEREAS**, the City does not have an accurate inventory of the total number of affordable housing dwelling units that exist in the City, including how many are located in Mobile Home/RV Parks; and

**WHEREAS**, the City recognizes the need to develop comprehensive plan policies, land development regulations and programs to preserve the existing stock of affordable housing and increase the availability of affordable housing for those who are employed in the City and the

Middle Florida Keys; and

**WHEREAS**, the utilization of the moratorium device as a temporary measure to facilitate governmental decision-making, study, and the adoption of a comprehensive plan or land development regulations is a legitimate governmental tool to facilitate logical and considered growth and as a means of avoiding inefficient and ill-conceived development; and

**WHEREAS**, the City finds that it is necessary to establish a temporary moratorium on the acceptance of development applications that seek development approvals for the redevelopment of Mobile Home/RV Parks so the City can conduct a study to determine the number of affordable housing dwelling units in the City including Mobile Home/RV Parks (the "Study"), the population served by the Mobile Home/RV Parks, and the affordable housing needs of those residents if Mobile Home/RV Parks are redeveloped.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

**Section 1.** During the time that this Ordinance is in effect as specified herein, there shall be a moratorium upon the issuance of building permits, acceptance of development applications or issuance of development orders and development permits, as those terms are defined in Chapters 163 and 380, Florida Statutes (collectively "Development Orders") within the City concerning the matter of the redevelopment or modification of existing Mobile Home/RV Parks to any other use while the City conducts the Study.

City staff shall institute such steps as may be necessary to conduct the Study to determine what specific types of housing are provided by the Mobile Home/RV Parks, including affordable and workforce housing and prepare any changes the City Council directs to amend the City's comprehensive plan and land development regulations to address the lack of adequate affordable housing and the loss of existing affordable housing caused by the redevelopment of Mobile Home/RV Parks. City staff shall submit one or more reports to the City Council on or before \_\_\_\_\_, containing such recommendations as they deem appropriate for amendments to the comprehensive plan and land development regulations.

**Section 2.** Exempt from this moratorium are any Mobile Home/RV Parks that are currently closed and not providing any transient or non-transient housing services, by lease or otherwise.

**Section 3.** Definitions;

- A. **“Mobile Home/RV Park”** means any real property on which there are placed at least ten (10) mobile homes or recreational vehicles or combination thereof, that are owned by the homeowners and placed on lots that are leased from the property owner pursuant to a written or oral lease or where the mobile homes or recreational vehicles are leased to tenants pursuant to a written or oral lease.
- B. **“Mobile home”** has the same definition as set forth in sections 320.01(2)(a), 513.01(3) and 723.003(3), Florida Statutes (2001).
- C. **“Recreational vehicle”** has the same definition as set forth in sections 320.01(1)(b) and 513.01(9), Florida Statutes (2001).
- D. **“Redevelopment”** means the proposed removal or demolition of existing mobile homes or recreational vehicles for the purpose of installing, building or constructing on the property single-family, multi-family, or other structures on the property other than mobile homes or recreational vehicles.

**Section 4.** Nothing in this Ordinance shall be construed or applied to abrogate the vested right of a property owner to complete development where the property owner can demonstrate each of the following:

- (1) A governmental act of development approval obtained prior to the effective date of this Ordinance;
- (2) Upon which the owner has detrimentally relief, in good faith, by making substantial expenditures; and
- (3) That it would be highly inequitable to deny the property owner the right to complete the development of the non-residential structure.

Any property owner claiming to have vested rights under this Section must file an application with the City staff for a vested rights determination within 45 days of the effective date of this Ordinance. The application shall be accompanied by a fee established by the City Council and contain a sworn statement as to the basis upon which the vested rights are asserted, together with documentation required by the City and any other documentary evidence supporting the claim. The City Council shall hold a public hearing on the application and based upon the evidence submitted shall make a determination as to whether the property owner has established vested rights.

**Section 5.** Appeals from final decisions by the City Council under Section (3) of this Ordinance shall be by the filing of a notice of appeal with the Florida Land and Water Adjudicatory Commission pursuant to Section 380.07, Florida Statutes.

**Section 6.** No property owner claiming that this Ordinance as applied constitutes or would constitute a temporary or permanent taking of private property, or an abrogation of vested

rights may pursue such claim unless he or she has first exhausted the administrative remedies provided in this Ordinance.

**Section 7.** The moratorium imposed by this Ordinance is temporary and, unless dissolved earlier by the City Council, shall automatically dissolve in one (1) year unless otherwise extended in accordance with applicable law, or upon the adoption of new comprehensive plan policies and land development regulations concerning affordable housing, the formulation of which shall be expeditiously pursued.

**Section 8.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 9.** This Ordinance shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA,** this \*\* day of XXX, 2003.

**THE CITY OF MARATHON, FLORIDA**

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**Randy Mearns, Mayor**

AYES: Pinkus  
NOES: Mearns, Worthington, Bartus, Repetto  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

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Cindy L. Ecklund  
City Clerk

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

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CITY ATTORNEY

FAILED