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Planning Commission Public Hearing Date: April 16, 2007
City Council Public Hearing Dates: April 10 and April 24, 2007
Enactment date: April 24, 2007

**CITY OF MARATHON, FLORIDA
ORDINANCE 2007-08**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MARATHON ADOPTING AMENDMENTS TO SECTION 9.5-227, “EMERGENCY TEMPORARY HOUSING” OF THE CITY OF MARATHON CODE [LAND DEVELOPMENT REGULATIONS], BY CREATING A MECHANISM TO EXTEND, ON A CASE BY CASE BASIS, THE TEMPORARY PLACEMENT OF RECREATION VEHICLES IN ALL LAND USE (ZONING) DISTRICTS; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; REQUESTING THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS BY EMERGENCY FINAL ORDER; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon has suffered significant property damage, particularly due to the storm surge from Hurricane Wilma; and

WHEREAS, pursuant to Section 252.36, *Florida Statutes*, the Governor executed Executive Order 05-219 declaring a state of emergency in Florida; and

WHEREAS, pursuant to Section 252.38, *Florida Statutes*, a state of local emergency was declared; and

WHEREAS, the eventual termination of the state of local emergency and the continued need for emergency temporary housing during disaster recovery periods requires the City Council to adopt development regulations authorizing the temporary placement of recreational vehicles in all land use (zoning) districts in the City.

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

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Section 9.5-227, of the Marathon City Code, is hereby amended to read as follows:

Sec. 9.5-227. Temporary Emergency Housing

(a) *Purpose:* It is the purpose of this section to provide regulations that allow for the relaxation of the use prohibitions in article VII, division 2 of this chapter to allow temporary emergency housing during the recovery period from a hurricane, tropical cyclone, tornado, fire or other natural disaster that results in a declaration of emergency by a federal, state, or local government.

(b) *Definitions:* As used in this Ordinance, the following terms shall have the definitions provided, unless the context clearly provides otherwise:

(1) *Recreation vehicles or RV* shall be as defined in Section 320.01, *Florida Statutes*.

(2) *Temporary emergency housing* shall mean “recreational vehicles”, motor homes, and mobile homes used for temporary occupancy in response to a hurricane, tropical cyclone, tornado, fire or other natural disaster.

(c) *Placement of temporary emergency housing on residential lots:* Notwithstanding the provisions of this chapter, recreational vehicles may be placed on residential lots for temporary occupancy by owners or tenants of lawfully-established dwelling units displaced by damage caused by a hurricane, tropical cyclone, tornado, fire or other natural disaster units subject to the following conditions:

- (1) The dwelling units have incurred sufficient damage to make them uninhabitable as determined by an inspection by the city building official; and
- (2) A building permit shall be applied for within six (6) months of the declaration of a federal, state, or local emergency. If a building permit is not applied for within six (6) months of a declaration of a federal, state, or local emergency the City may revoke the temporary housing building permit; and
- (3) Placement of the temporary housing shall require a no-fee building permit for placement, linked to the building permit issued for repair or replacement, that shall require prior to its issuance, approval by the City of its siting location on the lot and a State Department of Health or State Department of Environmental Protection permit authorizing the connection of the temporary housing to an on-site wastewater treatment and disposal system or to an existing community wastewater treatment system; and

- (4) Placement of a mobile home on a site must meet all State requirements for tie-downs and shall be installed by a licensed mobile home contractor. All other temporary housing must meet all State requirements for tie-downs; and
- (5) The temporary housing may remain on the property for a period not to exceed 18 months from the date of the federal, state, or local declaration of emergency or until the final inspection or certificate of occupancy is issued on the repairs made to the dwelling unit, whichever comes first; provided, however, that, upon written request from the occupant of the temporary housing, the Building Official may, in his sole discretion, grant the occupant an extension beyond the 18-month period, on such terms and conditions as may be determined by the Building Official. In no event, however, shall such extension be for greater than an additional 18-month period. In determining whether to grant an extension, the Building Official shall consider whether the occupant has made a good faith effort to obtain a building permit for the reconstruction or repair of the damaged dwelling unit.
- (6) Occupants of the temporary housing must comply with all mandatory hurricane evacuation requirements. Failure to do so may result in the revocation of the temporary housing building permit.

(d) *Placement of temporary emergency housing on non-residential properties:*

Notwithstanding the provisions of this chapter, one or more recreational vehicles may be temporarily placed by permit on properties in non-residential land use districts and on publicly-own lands, excluding lands designated for conservation and resource protection, to house owners or tenants of lawfully-established dwelling units displaced by damage caused by a hurricane, tropical cyclone, tornado, fire or other natural disaster that has been declared an emergency by a federal, state, or local government.

- (1) A building permit shall be applied for within six (6) months of the declaration of a federal, state, or local emergency. If a building permit is not applied for within six (6) months of a declaration of a federal, state, or local emergency the City may revoke the temporary housing building permit; and
- (2) Placement of the temporary housing shall require a no-fee building permit for placement, linked to the building permit issued for repair or replacement, that shall require prior to its issuance, approval by the City of its siting location on the lot and a State Department of Health or State Department of Environmental Protection permit authorizing the connection of the temporary housing to an on-site wastewater treatment and disposal system or to an existing community wastewater treatment system; and

- (3) Placement of a mobile home on a site must meet all State requirements for tie-downs and shall be installed by a licensed mobile home contractor. All other types of temporary housing shall be tied downed.
- (4) The temporary housing may remain on the property for a period not to exceed 18 months from the date of the federal, state, or local declaration of emergency or until the final inspection or certificate of occupancy is issued on the repairs made to the dwelling unit, whichever comes first; provided, however, that, upon written request from the occupant of the temporary housing, the Building Official may, in his sole discretion, grant the occupant an extension beyond the 18-month period, on such terms and conditions as may be determined by the Building Official. In no event, however, shall such extension be for greater than an additional 18-month period. In determining whether to grant an extension, the Building Official shall consider whether the occupant has made a good faith effort to obtain a building permit for the reconstruction or repair of the damaged dwelling unit.
- (5) Occupants of the temporary housing must comply with all mandatory hurricane evacuation requirements. Failure to do so may result in the revocation of the temporary housing building permit.

(e) *Administrative Relief.* If the applicant is unable to apply for a building permit for the repair or replacement of the dwelling unit within six (6) months of the declaration of emergency, the applicant may apply for administrative relief, at no cost, to request additional time, from the City Council, in which to apply for the building permit.

Section 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. The provisions of the City Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Marathon, Florida, that the sections of the Ordinance may be renumbered or re-lettered to accomplish to such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

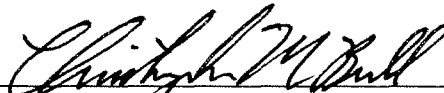
Section 6. The provisions of this Ordinance constitute a “land development regulation” as state law defines that term. Accordingly, the City Clerk is authorized and directed to forward a copy of this Ordinance to the State Department of Community Affairs for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 7. Due to the sudden and significant damage caused by Hurricane Wilma, and the harm to the health, safety and welfare of the residents of the City resulting from such damage, the City requests that the State Department of Community Affairs approve this Ordinance immediately by Emergency Final Order as authorized by State law.

Section 8. This Ordinance shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

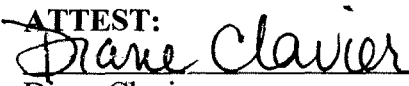
ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 24th day of April, 2007.

THE CITY OF MARATHON, FLORIDA



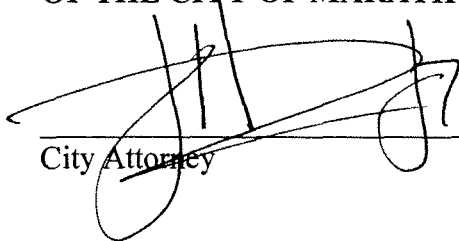
Christopher M. Bull, Mayor

AYES: Worthington, Cinque, Tempest, Vasil, Bull
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Diane Clavier
City Clerk

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



City Attorney