

**Sponsored by: Puto**  
**Introduction Date: September 25, 2007**  
**Public Hearing Dates: September 25 and October 9, 2007**  
**Enactment date: October 9, 2007**

**CITY OF MARATHON, FLORIDA**  
**ORDINANCE 2007-33**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,  
PROVIDING FOR AN AMENDMENT TO CHAPTER 6 OF THE CODE  
OF ORDINANCES, CITY OF MARATHON, FLORIDA, BY AMENDING  
SECTION 6-23 THEREOF; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Marathon (the "City") recognizes the need for affordable housing, particularly in the Florida Keys where developable land for housing is limited and expensive; and

**WHEREAS**, the City Council acknowledges that to encourage the creation of affordable workforce housing in the City, the City Council must take innovative actions and provide incentives; and

**WHEREAS**, many communities, such as Monroe County, provide for the wavier of building permit fees for the construction of affordable housing by non-profit entities or those entities receiving governmental assistance or building affordable housing on government property; and

**WHEREAS**, the City Council would like to create a mechanism whereby requests for waivers of building permit fees may be brought to the City Council, such waivers to be judged upon their respective merits by the City Council;

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

**Section 1.** The above recitals are hereby confirmed and adopted.

**Section 2.** The City Council hereby amends Chapter 6 of the Code of Ordinances of the City of Marathon, Florida, by amending Section 6-23 as follows:

**"Sec. 6-23. Building Fees**

**(a) The City may adopt by resolution a schedule of building permit fees. Such resolution shall incorporate policies for fee waiver applications that have been authorized by ordinance of the City Council. There will be no waiver of building fees for any other applicants than those enumerated in the following subsections unless approved by the City Council. Wavier of fees does not constitute wavier of permit application, review and inspection by the City of Marathon.**

**(b) Fee exemptions.**

**(1) The following governmental entities are exempt from City of Marathon building permit fees only if the listed entity does not charge the City a fee (including an impact fee) for development, environmental, or similar permits, or for right-of-way use;**

(a) The State of Florida and its agencies;

(b) The United States Government and its agencies;

(c) Florida Keys Electric Co-operative;

(d) Florida Keys Aqueduct Authority;

(e) Marathon City Government and its agencies;

(f) Monroe County Government and its agencies;

**(2) The following entities are entitled to apply to the City Council for a waiver of building permit fees:**

(a) The City of Marathon Volunteer Fire Department;

(b) Nonprofit organizations applying for construction of affordable or low income housing, as defined by Florida Statutes or the Land Development Regulations of City of Marathon, that hold current 501(c) (3) status from the IRS; and

(c) any organization, entity or individual applying for construction of affordable or low income housing, as defined by Florida Statutes or the Land Development Regulations of City of Marathon, either (i) on property owned or leased from Monroe County, the City of Marathon or the Middle Keys Community Land Trust, or (ii) which is receiving financial assistance from the State Housing Trust, Monroe County, the City of Marathon or the Middle Keys Community Land Trust.

**Each application for a waiver and the extent of such waiver shall be judged upon its individual merits by the City Council.”**

**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.


**Section 4.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**Section 5.** The provisions of this ordinance shall be included and incorporated in the Code of The City of Marathon, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**Section 6.** This Ordinance shall be effective immediately upon enactment.


**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 9<sup>th</sup> day of October 2007.**

**THE CITY OF MARATHON, FLORIDA**


  
**Christopher M. Bull, Mayor**

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

**ATTEST:**

  
Diane Clavier  
City Clerk

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

  
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City Attorney