

Sponsored by: Puto
Introduction Date: 12/11/07
Public Hearing Dates: 12/11/07, 1/08/08
Enactment date: 1/08/2008

CITY OF MARATHON, FLORIDA
ORDINANCE 2007-37

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,
AMENDING SECTION 6-54 OF THE MARATHON CITY CODE TO
ALLOW THE BUILDING OFFICIAL TO GRANT A ONE TIME, ONE
HUNDRED AND EIGHTY DAY ADMINISTRATIVE EXTENSION TO
DWELLING UNIT ALLOCATION PERMIT HOLDERS; AND
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon (the "City") awards certain building permits under a dwelling unit allocation system; and

WHEREAS, permits issued pursuant to the allocation system require certain time limitations to be adhered to; and

WHEREAS, the City recognizes that these time limitations are sometimes a severe and undue hardship on the permit holder; and

WHEREAS, the City desires to alleviate the hardships caused by the time limitations by easing the procedure by which a permit holder may be granted an extension of time.

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

~~Strikethrough~~ = deletion **bold underline** = addition

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

Section 2. Section 6-54(f) of the Code of Ordinances, City of Marathon, Florida, is hereby amended to read as follows:

* * *

(f) *Variances to time limitations.* **The Building Official may grant a one-time, 180 day administrative extension of any time limitations set forth in this section, provided that the permit holder has not previously deferred acceptance of the allocation award of the building permit subject to the extension under section 107.04(C)(1) of the Marathon Land Development Regulations. In the event the permit holder requires an additional extension of time,** The City Council may grant a variance to the time limitations set forth herein upon a demonstration and finding that the enforcement of this section would constitute a severe and undue hardship upon the permit holder. The applicant has the burden of demonstrating that the enforcement of this section would constitute a severe and undue hardship. Severe and undue hardship may include, but is not limited to the following:

- (1) Death or incapacity of an owner or immediate family member of the owner;
- (2) Destruction of the permitted improvements, of no less than 50 percent of the value of the permitted improvements, by and act of God or hazard (e.g., fire, windstorm, flood); or
- (3) Work stoppage due to bankruptcy, or bona fide financial hardship as determined by the City Manager or his designee, of an owner or construction lender or due to an order issued by a government agency, when the order did not result from the owner or builder's violation of a law, code, regulations, or conditions set forth in the development order.

The relief granted by variance shall be limited to a time extension not to exceed one (1) year and shall be further limited to the minimum extension necessary to obviate the demonstrated hardship.

Section 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall 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. 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 Ordinances, 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 5. This Ordinance shall become effective immediately upon adoption on second reading.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 8th day of January, 2008.

THE CITY OF MARATHON, FLORIDA



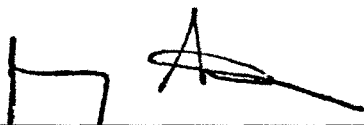
Edward P. Worthington, Mayor

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

~~ATTEST:~~
Diane Clavier

Diane Clavier
City Clerk

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



City Attorney