

Sponsored by: Planning Commission

**CITY OF MARATHON, FLORIDA
RESOLUTION 2004-037**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING AN AFFORDABLE HOUSING RESIDENTIAL DWELLING UNIT ALLOCATIONS FOR QUARTER 2, YEAR 12, PURSUANT TO SECTION 9.5-124 OF THE CITY OF MARATHON CITY CODE TO ANDY COX

WHEREAS, on the 19th Day of April, 2004, the City Planning Commission (the "Commission") conducted a properly advertised public hearing (the "Public Hearing") regarding the Residential Dwelling Unit Allocation Evaluation Report submitted by the Planning Manager (the "Planner") pursuant to Section 9.5-122.2 of the Code (the "Staff Report"); and

WHEREAS, on 19 April 2004, the Commission recommended to the City Council (the "Council") to award one affordable ROGO allocation for quarter 2, year 12, (see attached Planning Commission Resolution 2004-01).

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

Section 1. The Council, having considered the testimony and evidence presented by all parties, including the Report, does hereby find and determine:

1. The Council approves the rankings and recommendation of the Planner to conditionally award one (1) allocation to applicants for Affordable Housing Dwelling Units.
2. Prior to the issuance of a certificate of occupancy for the dwelling unit in question, Council authorizes the conditional award of an affordable housing residential dwelling unit allocation for quarter 2, year 12, pursuant to section 9.5-124 of the City of Marathon City Code to Andy Cox, the top ranked applicant.
3. The allocation conditionally awarded by this Resolution is subject to the recipients having obtained a corresponding Nutrient Reduction Credit, and the Council's acceptance of any applicable Declaration of Covenants, Conditions and Restrictions prior to the issuance of a certificate of occupancy for the dwelling unit in question.

Section 2. Based upon the above Findings of Fact, the Council does hereby make the following Conclusions of Law:

1. The ROGO applications for quarter 2 of year 12 of ROGO have been processed in accordance with the City Comprehensive Plan and Land Development Regulations.
2. In rendering its decision, as reflected in this Resolution, the Council has:

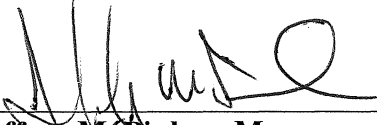
- (a) Accorded procedural due process; and
- (b) Observed the essential requirements of the law; and
- (c) Supported its decision by substantial competent evidence of record.

3. The ROGO allocations granted herein are subject to the recipients having obtained a corresponding Nutrient Reduction Credit and the Council's acceptance of any applicable Declaration of Covenants, Conditions and Restrictions prior to the issuance of a certificate of occupancy for the dwelling unit in question.

Section 3. This Resolution shall not take effect for thirty (30) days following the date it is filed with the City Clerk, and during that time, the allocations granted herein shall be subject to appeal as provided in the City's Land Development Regulations.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 27th day of April, 2004.

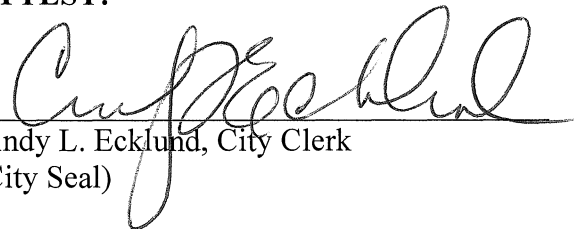
THE CITY OF MARATHON, FLORIDA



Jeffrey M. Pinkus, Mayor

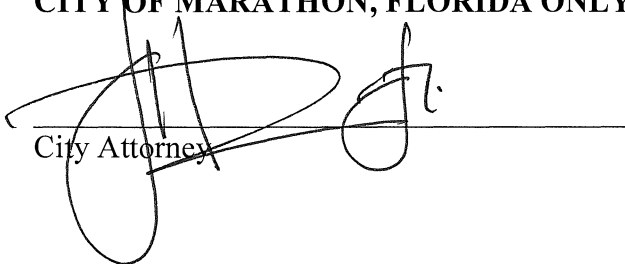
AYES: Bull, Mearns, Miller, Bartus, Pinkus
NOES: None
ABSENT: None
ABSTAIN: None

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:



City Attorney

EXHIBIT A

AFFORDABLE ROGO APPLICATIONS									
	SCOR E	ROGO NUMBER	DATE ENTERE D	TIME ENTERE D	NAME	RE NUMBER	SUBDIVISI ON	BLOC K	LOT
1	22	RA- 03/10/01-01	10/3/200 3	10:20 AM	Cox, Andy	00373220- 000000	Crains	50	5

PLANNING COMMISSION RESOLUTION 2004-01

A RESOLUTION OF THE CITY OF MARATHON PLANNING COMMISSION, RECOMMENDING APPROVAL BY THE CITY COUNCIL FOR AN AFFORDABLE HOUSING RESIDENTIAL DWELLING UNIT ALLOCATIONS FOR QUARTER 2, YEAR 12, PURSUANT TO SECTION 9.5-124 OF THE CITY OF MARATHON, LAND DEVELOPMENT REGULATIONS

WHEREAS, on the 19th Day of April, 2004, the Commission conducted a properly advertised public hearing (the "Public Hearing") regarding the Residential Dwelling Unit Allocation Evaluation Report submitted by the Director of Planning pursuant to Section 9.5-122.2 of the Code (the "Staff Report"); and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MARATHON AS FOLLOWS:

Section 1 Findings of Fact.

1. Based upon the Staff Report, the Commission approves the Director of Planning's ranking of the ROGO applications for quarter 2 of year 12 of ROGO.
2. Based upon the Staff Report, the Commission hereby forwards the recommendation of the Director of Planning to conditionally grant approval of allocations to the one Affordable Rate applicant to the City Council; and
3. The Public Hearing was properly advertised and held, as required by law, and the Applicant(s) and all interested parties concerned in the matter were given an opportunity to be heard.

Section 2 Conclusions of Law.

Based upon the above Findings of Fact, the Commission does hereby make the following Conclusions of Law:

1. The ROGO applications for quarter 2 of year 12 have been processed in accordance with Section 9.5-122 of the Code.
2. In rendering its decision, as reflected in this Resolution, the Commission has:
 - (a) Accorded procedural due process;
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by substantial competent evidence of record.
3. Based upon the Staff Report, the Commission hereby forwards a recommendation of APPROVAL for one (1) allocation to the applicant ranked one (1) for Affordable Rate Dwelling Unit.

Section 3 Effective Date.


That this Resolution shall become effective immediately upon adoption.

FORWARD TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL by the Planning Commission of the City of Marathon, Florida, this 19th day of April, 2004.

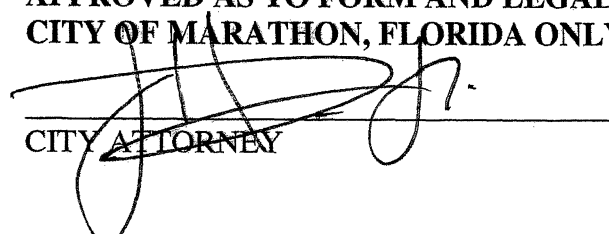

WILLIAM SMITH, CHAIR

AYES: 4
NOES: 0
ABSENT: 1
ABSTAIN: 0

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:


CITY ATTORNEY