

Sponsored by: Janke
Planning Commission Date: May 27, 2003
Public Hearing Date: May 27, 2003
June 10, 2003
Enactment date: June 10, 2003

**CITY OF MARATHON, FLORIDA
ORDINANCE 2003-10**

AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA ESTABLISHING A MORATORIUM ON THE ACCEPTANCE OF RESIDENTIAL RATE OF GROWTH APPLICATIONS THAT SEEK DEVELOPMENT PERMITS TO DEVELOP PROPERTIES CONTAINING HIGH QUALITY NATURAL AREAS AND ADOPTING INTERIM DEVELOPMENT REGULATIONS DEFERRING ROGO ALLOCACTIONS IN HIGH QUALITY NATURAL AREAS UNTIL LDR AND COMPREHENSIVE PLAN AMENDMENTS IMPLEMENTING THE CARRYING CAPACITY STUDY ARE DRAFTED AND ADOPTED BY THE CITY COUNCIL OR ONE YEAR, WHICHEVER COMES FIRST

WHEREAS, the GOAL 102 of the City of Marathon Transitional Comprehensive Plan (Transitional Plan) requires the City of Marathon to direct future growth to lands most suitable for development and to conserve and protect environmentally sensitive lands; and

WHEREAS, Objective 102.3 requires that new development occur where site disturbances and man's activities have fewer adverse effects on natural vegetation; and

WHEREAS, the Florida Administrative Commission in 1996 enacted Rule 28-20.200 which created the "Work Program" in the Transitional Comprehensive Plan. The Work Program required, among other things, the preparation of a Carrying Capacity Study for the Florida Keys; and

WHEREAS, Year 6 (July 13, 2002 through July 12, 2003) of the "Work Program", section B., requires the City to implement the Carrying Capacity Study by the adoption of all necessary plan amendments to establish development standards to ensure that new development does not exceed the carrying capacity of the city's environment; and

WHEREAS, the "Work Program", section F. directs the City to initiate and complete a collaborative process for the adoption of Land Development Regulations (LDRs) and Plan amendments to strengthen the protection of terrestrial habitat; and

WHEREAS, the Carrying Capacity Study, completed in September 2002, concluded "that land development in the Florida Keys has surpassed the capacity of upland habitats to withstand further development"; and

WHEREAS, the LDR and Comprehensive Plan amendments to implement the protection of the terrestrial ecosystem requirements in Rule 28-18.200 are incomplete and will not be reviewed and adopted by July 13, 2003, deadline and the loss of valuable native habitat is continuing as development in these areas continue; and

WHEREAS, the Planning Commission at a regular meeting on May 13, 2003, directed staff to move forward and prepare a recommendation to the City Council for a deferral of Rate of Growth (ROGO) allocations to areas with negative environmental points while the staff prepares amendments to the Transitional Plan and the LDRs to further protect the terrestrial ecosystem; and

WHEREAS, this deferment will protect the natural environment while providing additional time to incorporate a comprehensive legal and financial review of the proposed amendments and to identify dedicated funding sources for land acquisition; and

WHEREAS, this deferment will be a demonstration of good faith to the Governor and Cabinet that the County is seriously working towards implementing the Carrying Capacity Study and Rule 28-18.200 and should be considered in substantial compliance in meeting the Work Program goals; and

WHEREAS, the Planning Commission has reviewed the Interim Development Ordinance in public hearing on May 27, 2003 and recommends approval to the City Council;

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

Section 1. The moratorium established by this ordinance is temporary and shall automatically dissolve upon the adoption of new Land Development Regulations (LDRs) if the new LDRs strengthening the protection of the terrestrial habitat, the formulations of which shall be expeditiously pursued. Section 3, 4, and 5 of this Ordinance shall remain in full force and effect until either amendments to the Transitional Comprehensive Plan and Land Development Regulations are drafted and adopted by the City Council to implement the Florid Keys Carrying Capacity Study or July 13, 2004, whichever comes first.

Section 2. No ROGO allocation awards shall be made on any applications within areas, which are classified as high quality hammocks, or areas with known threatened or endangered (animal) species with a ROGO entry date of July 13, 2003, or later.

Section 3. No further ROGO applications within areas, which are classified as high quality hammocks, or areas with known threatened or endangered (animal) species shall be accepted or processed by the Planning Department effective July 13, 2003.

Section 4. All vacant lands within areas, which are classified as high quality hammocks, or areas with known threatened or endangered (animal) species areas shall be eligible for a ROGO land dedication under Policy 101.5.4(5) and 101.5.5(4) effective the date of this ordinance.

Section 5. The City Manager is directed to have the Planning Department immediately begin working to prepare the draft text and map amendments and other supporting studies in cooperation with the Planning Commission.

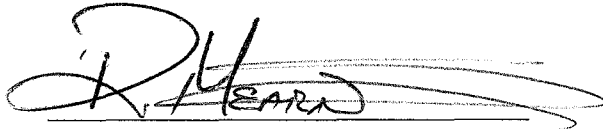
Section 6. The provisions of this Ordinance/Resolution are declared to be severable and if any section, sentence, clause or phrase of this Ordinance/Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance/Resolution but they shall remain in effect, it being the legislative intent that this Ordinance/Resolution shall stand notwithstanding the invalidity of any part.

Section 7. 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 8. This Ordinance shall be effective 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 10th day of June, 2003.

THE CITY OF MARATHON, FLORIDA

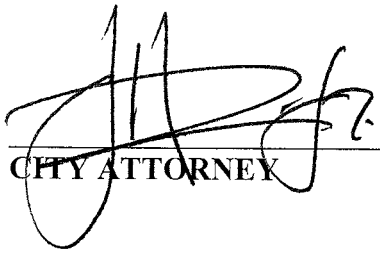

Randy Mearns, Mayor

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

ATTEST:


Cindy L. Ecklund
City Clerk

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


CITY ATTORNEY

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