

Sponsored by: Janke
Introduction Date: 08/26/03
Public Hearing Dates: 08/26/03

Enactment date:

**CITY OF MARATHON, FLORIDA
ORDINANCE 2003-015**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA
AMENDING THE FUTURE LAND USE MAP OF THE CITY OF
MARATHON'S COMPREHENSIVE PLAN FROM RESIDENTIAL LOW
(RL) TO RESIDENTIAL HIGH (RH) FOR PROPERTY DESCRIBED AS A
PORTION OF A THE SOUTHERN PORTION OF GOVERNMENT LOT
2, KEY VACA, SECTION 6, TOWNSHIP 66 SOUTH, RANGE 33 EAST;
WITH A REAL ESTATE NUMBER OF 00104440-000000**

WHEREAS, pursuant to the provisions of Chapters 163, 166 and 380 *Florida Statutes*, the City of Marathon, Florida (the "City") proposes to amend the Future Land Use Map of the City of Marathon's Comprehensive Plan (the "Map") from Residential Low (RL) to Residential High (RH) for property described as a portion of a the southern portion of Government Lot 2, Key Vaca, Section 6, Township 66 South, Range 33 East; with a Real Estate number of 00104440-000000 (the "Property"); and

WHEREAS, amending the Map designation of the Property furthers the goals, objectives and policies of the City Comprehensive Plan (the "Plan"), and will allow for the development of the Property in a manner consistent with the character of the surrounding area; and

WHEREAS, pursuant to Sections 9.5-24 and 9.5-226 of the City Code (the "Code"), the City's Development Review Committee has reviewed the proposed Map amendment to determine its compliance and consistency with the goals, objectives, and policies of the Plan; and

WHEREAS, pursuant to Chapter 163, *Florida Statutes*, and Sections 9.5-22 of the Code, the Planning Commission sitting as the Local Planning Agency has publicly considered the proposed Map amendment at a duly noticed public hearing, and has recommended approval of the proposed Map amendment to the City Council; and

WHEREAS, in accordance with Section 166.041, *Florida Statutes*, notice of the public hearings concerning the proposed Map amendment has been provided to the general public; and

WHEREAS, the City Council finds that approval of the proposed Map amendment is in the best interest of the City and complies with applicable laws and is consistent with the South Florida Regional Plan, the State Plan, Chapter 163, *Florida Statutes*, the principles for guiding development in the Florida Keys Area of Critical State Concern, the goals, objectives, and policies of the Plan, Section 9.5-511 of the Code and promotes and protects the health, safety and welfare of the residents of the City; and

WHEREAS, the City Council desires to approve the proposed Map amendment, in accordance with State law.

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

Section 1. In accordance with State law and the Code the Map designation of the Property is amended from its current designation of Residential Low (RL) to Residential High (RH).

Section 2. Any provision of the City Code that conflicts with this Ordinance is hereby repealed.

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 City Manager or designee shall timely transmit the revised Map reflecting the Map amendment, and all data and analysis supporting the Map amendment, to the State of Florida Department of Community Affairs, in its capacity as the State Land Planning Agency (the "Department"), as required by Chapters 163 and 380, *Florida Statutes*.

Section 6. That upon its effective date, the revised Map shall replace the Monroe County Future Land Use Map, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), *Florida Statutes*, and Section 9(6) of the City Charter to the fullest extent allowed by law.

Section 7. That this Ordinance shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapters 163 and 380, *Florida Statutes*.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this ** day of **, 2003.**

THE CITY OF MARATHON, FLORIDA

Randy Mearns, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

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

DRAFT