

**Sponsored By:** Pointe Johns Lake II, LLC  
**Introduction Date:** August 15, 2005  
**Public Hearing Date:** August 15, 2005  
August 23, 2005  
September 13, 2005  
**Enactment Date:** September 13, 2005

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2005-19**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE LAND USE DISTRICT (ZONING) MAP FROM SUBURBAN RESIDENTIAL (SR) TO URBAN RESIDENTIAL MOBILE HOME (URM) FOR PROPERTY DESCRIBED AS PART OF GOVERNMENT LOT 2, OF SECTION 6, TOWNSHIP 66 SOUTH, RANGE 32 EAST, ON KEY VACA, MONROE COUNTY, FLORIDA, WITH A REAL ESTATE NUMBER OF 00104440-000000; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS**

**WHEREAS**, pursuant to the provisions of Chapters, 163, 166 and 380 *Florida Statutes*, the City of Marathon, Florida (the "City") proposes to amend the City Land Use District (the "Map") to change the land use district designation of property owned by Pointe Johns Lake II, LLC, legally described as Part of Government Lot 2, of Section 6, Township 66 South, Range 32 East, on Key Vaca, Monroe County, Florida, as more particularly described in the attached Exhibit "A"; 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 redevelopment of Residential Property in the City; and

**WHEREAS**, pursuant to Chapter 163, *Florida Statutes*, and Sections 9.5-22 and 9.5-511 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 THAT:**

**Section 1.** The above recitals are true, correct, and incorporated herein by this reference.

**Section 2.** In accordance with State law and the Code, the Map designation of the Property is amended from its current designation of Suburban Residential (SR) to Urban Residential Mobile Home (URM).

**Section 3.** The City 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*.

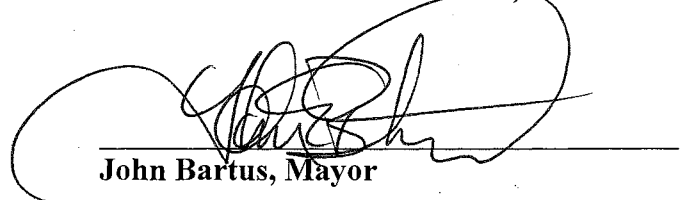
**Section 4.** That upon its effective date, the revised Map shall replace the Monroe County Land Use District Map, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), *Florida Statutes*, and Section 9(6) of the City Charter to the fullest extent allowed by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

**Section 5.** The provisions of this Ordinance constitute a "land development regulation" as State law defines that term. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the Department for approval pursuant to Sections 380.05(6) and (11), *Florida Statutes*.

**Section 6.** That this Ordinance shall be effective immediately upon approval by the Department pursuant to Chapter 380, *Florida Statutes*.

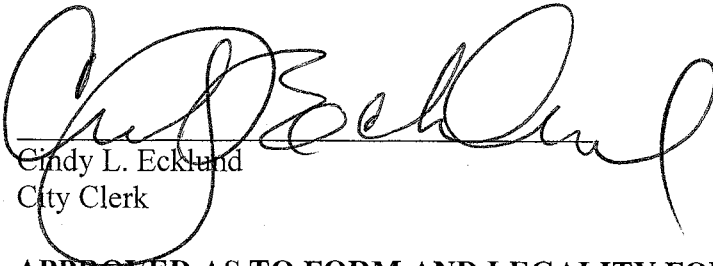
**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA**, this 13<sup>th</sup> day of September 2005.

**THE CITY OF MARATHON, FLORIDA**

  
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**John Bartus, Mayor**

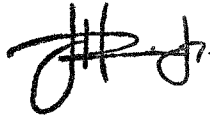
AYES: Pinkus, Mearns, Miller, Bull, Bartus  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**



Cindy L. Ecklund  
City Clerk

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



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City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION -

Legal description of property located in a part of Government Lot 2, T. 66 S., R. 33 E., on Key Vaca, U.S. 1 at 104th Street, Marathon, Monroe County, Florida:

COMMENCING at the intersection of the West Line of Section 6, T. 66 S., R. 33 E. and the Southerly right-of-way line of U.S. Highway No. 1, run Northeasterly along the Southerly right-of-way line of U.S. Highway No. 1 for a distance of 1709.80 feet to a point of intersection of the Southerly right-of-way line of U.S. Highway No. 1,

THENCE with a deflected angle to the right of 10 degrees and 00 minutes and Northeasterly along the Southerly right-of-way line of U.S. Highway No. 1 for a distance of 270.05 feet to the POINT OF BEGINNING of the property hereinafter described, from said POINT OF BEGINNING continue Northeasterly along the Southerly right-of-way line of U.S. Highway No. 1 for a distance of 270.05 feet to a point;

THENCE with a deflected angle to the right of 102 degrees and 09 minutes and South for a distance of 915 feet, more or less, to the shoreline of the Straits of Florida;

THENCE meander the shoreline of the Straits of Florida in a Southwesterly direction to a point which is 264.00 feet, measured at right angles to the preceding course,

THENCE North for a distance of 935 feet back to the POINT OF BEGINNING, containing 5.33 acres, more or less.