

Sponsored by: Puto
Planning Commission Public Hearing Date: July 17, 2006
City Council Public Hearing Dates: July 25, 2006
Enactment date: August 8, 2006

CITY OF MARATHON, FLORIDA
ORDINANCE 2006-018

AN **ORDINANCE** OF THE CITY OF MARATHON, FLORIDA AMENDING THE RESIDENTIAL RATE OF GROWTH REGULATIONS SET FORTH SECTION 9.5-125 OF THE CITY CODE OF THE CITY CODE CONCERNING NUMBER OF ALLOCATIONS, PROVIDING FOR SEVERABILITY, THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE, FOR INCLUSION IN THE CODE, 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 IN ACCORDANCE WITH STATE LAW.

WHEREAS, the existing Land Development Regulations implementing the various policies in the City's Comprehensive Plan concerning the provision of the residential permit allocation rate of growth ordinance (ROGO) allocation numbers have been increased by the Department of Community Affairs (the "Department"); and

WHEREAS, the City Council of the City of Marathon, Florida (the "City") desires to amend a section of the existing provisions of the Marathon City Code (the "Code") regarding the ROGO ordinance to increase the number of allocations per year; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, and Section 9.5-22 of the Code, the City's Planning Commission sitting as the Local Planning Agency has publicly considered the amendments to the Code set forth in this Ordinance (the "Amendments") at a properly noticed public hearing and recommended to the City Council the adoption of the Amendments; and

WHEREAS, in accordance with Sections 163.3184 and 166.041, Florida Statutes, public notice has been given of the public hearings for the proposed adoption of this Ordinance amending the Code; and

WHEREAS, the City Council finds the adoption of this Ordinance is in the best interest of the City and complies with applicable State laws and rules; and

WHEREAS, the City Council finds that enactment of this Ordinance furthers the objectives, goals and policies of the City’s Comprehensive Plan and the Principles for Guiding Development of the Florida Keys Area of Critical State Concern.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA AS FOLLOWS:¹

Section 1. Amendment to Section 9.5-125 of the Code is hereby amended to read as follows:

Section 9.5-125. Residential dwelling unit allocations.

(a) *Thrice--annual residential dwelling unit allocation:* The annual residential dwelling unit allocation, shall be further divided into three allocation periods as follows:

		Number of Dwelling Units	
		Market Rate Residential	Affordable Residential
	Total	(80%)	(20%)
First Allocation Period	8 <u>10</u>	6 <u>8</u>	<u>2</u>
Second Allocation Period	8 <u>10</u>	6 <u>8</u>	<u>2</u>
Third Allocation Period	8 <u>10</u>	7 <u>8</u>	1 <u>2</u>
TOTALS	24 <u>30</u>	19 <u>24</u>	<u>5</u> 6

Section 2. 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.

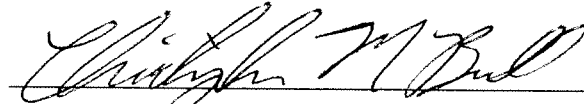
Section 3. The provisions of this Ordinance constitute a “land development regulation” as State law defines that term. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the DCA for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 4. This Ordinance shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

¹ Additions to existing text are shown by underline deletions are shown as ~~strike~~through.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, this**

THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

AYES: Mearns, Worthington, Pinkus, Tempest, Bull

NOES: None

ABSENT: None

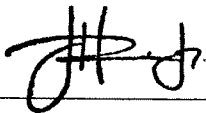
ABSTAIN: None

ATTEST:



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