

Sponsored by: Council
Planning Commission Public Hearing Dates: March 20, 2006
City Council Public Hearing Dates: March 28, 2006
April 10, 2006
Enactment Date: April 10, 2006

**CITY OF MARATHON, FLORIDA
ORDINANCE 2006-06**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA
AMENDING SECTION 9.5-4(C-___) (DEFINITION OF
“CONDITIONAL REDEVELOPMENT CREDIT”) OF THE CODE TO
PROVIDE THAT A CONDITIONAL REDEVELOPMENT CREDIT
MAY BE USED ON-SITE AS AN AFFORDABLE/WORKFORCE
HOUSING DWELLING UNIT; PROVIDING FOR REPEAL OF
CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING
FOR TRANSMITTAL OF THIS ORDINANCE TO THE STATE
DEPARTMENT OF COMMUNITY AFFAIRS**

WHEREAS, the City of Marathon desires to encourage development and redevelopment of hotels and motels in the City to attract tourism, enhance the economy of the City for the benefit of its residents, improve the good appearance of the City, enhance the City's ability to support needed improvements in infrastructure, and encourage other redevelopment efforts for the economic growth, prosperity and welfare of the residents of the City of Marathon; and

WHEREAS, the City Council of the City of Marathon, Florida (the “City”) desires to amend the existing provisions of the Marathon City Code (the “Code”) to facilitate and provide affordable/workforce housing in the City; and

WHEREAS, the City Planning Commission, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance in accordance with the requirements of Chapter 163, Florida Statutes, and Chapter 9.5 of the City Code; and

WHEREAS, the City Council finds that enactment of this Ordinance will protect the public health, safety and welfare of the residents of the City of Marathon, and further the purposes, goals, objectives and policies of the City’s Transitional Comprehensive Plan and the Principles for Guiding Development for 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:**

Section 1. That the foregoing recitals are true and are incorporated herein.

Section 2. That Section 9.5-4-17) of the Land Development Regulations is amended to read as follows:

Sec. 9.5-4. Definitions.

(C-___) *Conditional Redevelopment Units* means the current number of existing units on the hotel or motel site minus the units developed utilizing the formula set forth in Section 9-5.4 (R-17)(d). Conditional Redevelopment Units inure to the parcel subject to redevelopment. Conditional Redevelopment Units may be used on site as affordable/workforce housing.

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 provisions of the City Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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 State Department of Community Affairs for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 6. This Ordinance shall be effective immediately 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 April, 2006.

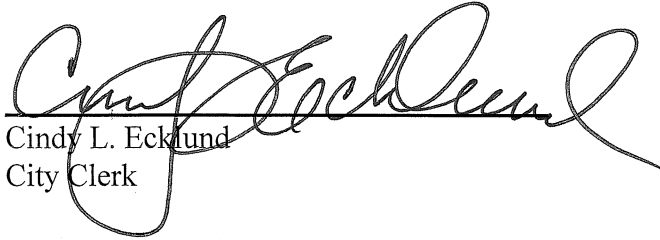
THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

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

ATTEST:



Cindy L. Ecklund
City Clerk

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



City Attorney