

Sponsored By: Puto
Planning Commission Public Hearing Date: June 19, 2006
City Council Public Hearing Date: July 11, 2006
February 15, 2007
Enactment Date: February 15, 2007

**CITY OF MARATHON, FLORIDA
ORDINANCE 2006-14**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN POLICIES 1-3.1.4 "FUTURE LAND USE CATEGORIES", 1-3.5.13 "ESTABLISH A LAND ACQUISITION AND CONSERVATION ADVISORY COMMITTEE" AND 1-3.5.14 "ESTABLISH AND COORDINATE ACQUISITION PROGRAMS" AND TABLE 1-1 "FUTURE LAND USE DENSITIES AND INTENSITIES"; 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, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Community Affairs ("DCA"), pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the City is located within the Florida Keys Area of Critical State Concern (the "FKACSC"), as established pursuant to Chapter 380, Florida Statutes; and

WHEREAS, Section 380.552, Florida Statutes, establishes Principles for Guiding Development in the FKACSC; and

WHEREAS, the City finds it appropriate to amend Policies 1-3.1.4, 1-3.5.13, 1-3.5.14 and Table 1-1 of the Comprehensive Plan in order to further protect the health, safety, and welfare of the City of Marathon; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, and Section 9.5-22 of the City of Marathon Code, the City's Planning Commission, sitting as the Local Planning Agency, has publicly considered the Comprehensive Plan Amendments at a properly noticed public hearing and recommended to the City Council the adoption of the Comprehensive Plan 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 the Comprehensive Plan Amendments; and

WHEREAS, the City Council finds the adoption of the Comprehensive Plan Amendments 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 FKACSC.

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

Section 1. Policy 1-3.1.4 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

Industrial

The principal purpose of the Industrial land use category is to provide for the development of light industrial, manufacturing, marine industrial, warehouse and distribution uses. Public and commercial fishing-related uses are also allowed. New affordable and/or workforce housing residential uses accessory to the primary use are ~~not~~ permitted; ~~however new and~~ existing units may be replaced under the provisions within the Plan. The minimum lot size/density/intensity identified in Table 1-1 shall not preclude the continued use or redevelopment of existing commercial, if applicable, or residential uses on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan. Additionally, the application of the height and lot coverage limitations contained in the Plan and the Land Development Regulations shall not preclude the repair or reconstruction of any structure or portion thereof which is damaged by any natural disaster or other casualty as provided for in Objective 1-3.4 and Policies therein. 9J-5.006(3)(c)1 and 7

Public Uses

The Public Facilities land use category includes all government-owned property, educational and institutional facilities, and land owned by public utilities and service providers. In general, municipal facilities and public utilities may be located in any land use category. Affordable and/or workforce housing Residential uses are ~~not~~ permitted. The minimum lot size/density/intensity identified in Table 1-1 shall not preclude the continued use or redevelopment of existing commercial or residential uses on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan. Additionally, the application of the height and lot coverage limitations contained in the Plan and the Land Development Regulations shall not preclude the repair or reconstruction of any structure or portion thereof which is damaged by any natural disaster or other casualty as provided for in Objective 1-3.4 and Policies therein.

Section 2. Policy 1-3.5.13 “Establish a Land Acquisition and Conservation Advisory Committee” of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

Policy 1-3.5.13 Establish a Land Acquisition and Conservation Advisory Committee

~~Within six (6) months of the effective date of the Plan, t~~The City shall ~~has established~~ a Land Acquisition and Conservation Advisory Committee. ~~Within six months of formation, t~~This Committee, in conjunction with City staff, shall draft a report recommending the best means for land acquisition and land conservation. The report shall include, at a minimum, a system for prioritizing acquisition for affordable/workforce housing, public uses, and conservation sites, as well as a system for continued monitoring, evaluation and updating adopted programs. The City shall by December 2004 develop has a map or and a list of real estate numbers of lots containing environmentally sensitive lands in need of acquisition, ~~and that has been submitted~~ to the Department of Community Affairs. By December 2005, develop and implement a Building Permit allocation system that discourages and limits Through the Building Permit Allocation System (BPAS), development in environmentally sensitive areas shall be limited and discouraged.

Section 3. Policy 1-3.5.14 “Establish and Coordinate Acquisition Programs” of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

Policy 1-3.5.14 Establish and Coordinate Acquisition Programs

~~The City shall by December 2004 continue to~~ assist the state in land acquisition efforts ~~by establishing a through the~~ land acquisition advisory committee to prioritize proposed acquisitions. ~~By October 1, 2005 The City shall~~ has established a land acquisition program and ~~prepare~~ a Capital Investment Plan for the acquisition of environmentally sensitive land, land for affordable housing, open space, parks and recreation, and the purchase of development rights in coordination with regional, State, Federal and private programs, including but not limited to the Department of Environmental Protection, the Monroe County Land Authority, the Department of Community Affairs and other agencies with an interest in conservation lands. This Capital Investment Plan ~~shall be~~ is incorporated into the City’s Capital Improvement Program.

Section 9. Table 1-1 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

TABLE 1-1modify Future Land Use Densities and Intensities*						
Future Land Use Category	Permitted Residential Density (Units per acre)			Hotel/Motel/RV Spaces (Units per acre)	Maximum Intensity (floor area ratio)	Minimum Open Space Ratio
	Market Rate	Affordable	Licensed Mobile Home or RV Parks			
Airport (AD)	0		0	N/A	0.15 - 0.50	0.2
Conservation (C)	0.1- 0.25		0	N/A	0.05 - 0.10	0.5
Industrial (I)	0	5 - 10	0	N/A	0.85	0.2
Mixed Use Commercial (MUC)	2 – 6	10 – 15	10-25	5 - 25	0.15 - 0.60 ⁴	0.2
Public Facilities (PF)	0	10 - 25	0	3 – 25	0.15 - 0.75	0.2
Recreation (R)	0.25		0	5 – 15	0.15 - 0.50	0.2
Residential High (RH)	8	15 - 25	15-25	0	0	0.2
Residential Medium (RM)	5	10	0	0	0	0.2
Residential Low (RL)	0.5		0	0	0	0.5

Note:

1. See Objective 1-3.9 and subsequent policies.
2. The allocated and maximum net densities for submerged lands shall be 0.
3. For properties consisting of hammocks, pinelands, or disturbed wetlands within the Mixed Use Commercial future land use categories, the floor area ratio shall be 0.10 and the maximum net residential density shall be 0.
4. Open space shall be increased based upon the requirement for a habitat evaluation and shall conform to Table 4-1 of the Coastal and Conservation Element.
5. The FAR in Mixed Use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided.


Section 10. 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 11. The provisions of this Ordinance constitute a “land development regulation” as defined by State law. 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 12. This Ordinance shall be effective immediately upon approval by DCA pursuant to Chapter 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 15th day of February, 2007.


THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

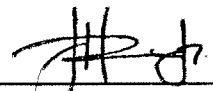
AYES: Worthington, Pinkus, Mearns, Tempest, Bull
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier
City Clerk

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



City Attorney