

Sponsored by: Puto
Introduction Date: July 28, 2006
Planning Commission Public Hearing Date: August 21, 2006
City Council Public Hearing Date: August 22, 2006
September 12, 2006
Enactment Date: September 12, 2006

**CITY OF MARATHON, FLORIDA
ORDINANCE 2006-22**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING SECTION 9.5-281(a) OF THE CITY CODE TO PERMIT, IN CERTAIN ZONING DISTRICTS, DETACHED SINGLE FAMILY RESIDENCES ON LOTS SMALLER THAN FOUR THOUSAND FIVE HUNDRED SQUARE FEET (4500 SF) TO BE CONSTRUCTED WITH REDUCED SIDE YARD SETBACKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH STATE LAW.

WHEREAS, the principles for Guiding Development provide that the Comprehensive Plan (the “Plan”) and Land Development Regulations (the “LDRs”) of the City shall protect the well being of its residents through sound economic development; and

WHEREAS, the Plan went into effect on July 7, 2005; and

Whereas, there is a dramatic shortage of affordable workforce housing within the City; and

WHEREAS, there are a significant number of residential lots in the various residential zoning districts of the City that are smaller than the standard of five thousand square feet (5000 SF); and

WHEREAS, the existing side-yard regulations within Section 9.5-281(a) of the City’s LDRs require side yard setbacks that often deter the development of affordable modular homes on the smaller narrow lots; and

and **WHEREAS**, the City finds it appropriate to amend Section 9.5-281(a) of the City’s LDRs;

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 that enactment of this Ordinance furthers the objectives, goals and policies of the City’s Comprehensive Plan;

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

Section 1. Section 9.5-281(a) of the Land Development Regulations of the City of Marathon, Florida is hereby amended to read as follows:

Sec. 9.5-281. Minimum yards.

(a) Except as provided in sections 9.5-266 of division 3 and 9.5-282 of this division and section 9.5-309 of the City Code, no structure or land shall be developed, used or occupied except in accordance with the bulk regulations set out in the following table. Side yards indicated set forth the minimum single yard and the total side yards required. The first number is the minimum for any single side yard where only one (1) side yard exists; where there are two (2) side yards, the first number is the required side yard for one (1) of the two (2) side yards. The second number is the minimum combined total of both side yards (where there are two (2) side yards).

Land Use District Land Use	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Urban Commercial	15	10/15	10
Urban Residential:			
Attached Residential	15	10/15	10
Detached Residential:			
Lots of 4,500 square feet or larger	15	10/15	10
Lots of less than 4,500 square feet	10	5/10	10
Urban Residential Mobile Home:			
Detached Residential:			
Lots of 4,500 square feet or larger	10	10/15	10

Lots of less than 4,500 square feet	10	5/10	10
Mobile Homes	10*	10/15	10*
Urban Residential Mobile Home-Limited	10*	10/15	10*
Sub Urban Commercial:			
Hotel	25	10/15	10
Other	25	10/15	10
Sub Urban Residential and Sub Urban Residential Limited:			
Detached Residential:			
Lots of 4,500 square feet or larger	25	10/15	10
Lots of less than 4,500 square feet	10	5/10	10
Attached Residential	25	10/15	10
Other	25	10/15	10
Sparsely Settled:			
Detached Residential	25	10/15	15
Attached Residential	25	N/A	15
Other	25	10/15	10
Offshore Island	25	10/15	20
Native Area	25	10/15	20
Improved Subdivisions:			
Lots of 4,500 square feet or larger	25	10/15	20
Lots of less than 4,500 square feet	10	5/10	10
Destination Resort	25	10/20	20
Commercial Fishing (all districts):			
Detached Residential:			
Lots of 4,500 square feet or larger	25	10/15	20
Lots of less than 4,500 square feet	25	5/10	20
Attached Residential	25	--	20
Other	25	10/15	20
Mixed Use:			
Detached Residential:			
Lots of 4,500 square feet or larger	25	10/15	20
Lots of less than 4,500 square feet	25	5/10	20
Attached Residential	25	N/A	20
Other	15	10/15	10
Industrial	25*	10/15*	25*
Recreational Vehicle	25	10/20	10
Maritime Industry	25	10/15	25
Military Area	25	5/20	20
Airport District	200	200	200
Park and Refuge	5	5	5

* These setbacks apply only where the Industrial district abuts a different land use district. No setbacks are required on the interior of the Industrial District where

Industrial zoning abuts industrial zoning, should a road intersect the Industrial District, and then a fifteen (15) foot setback is required adjacent to the road.

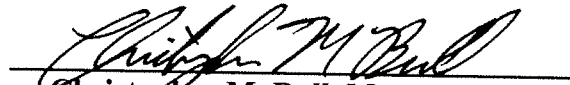
Section 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases 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 defined by State Law. 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 4. 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 12th day of September, 2006

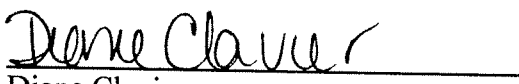
THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

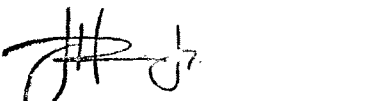
AYES: Worthington, Pinkus, Tempest, Mearns, Bull
NOES: None
ABSTAIN: None
ABSENT: None

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