

Sponsored By: Puto
Planning Commission Public Hearing Date: August 21, 2006
City Council Public Hearing Date: September 12, 2006
Enactment Date: September 26, 2006

**CITY OF MARATHON, FLORIDA
ORDINANCE 2006-24**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE LAND USE DISTRICT (ZONING) MAP OF THE CITY OF MARATHON, CHANGING THE ZONING FROM SUBURBAN COMMERCIAL (SC) TO MIXED USE (MU) FOR THE SUBJECT PARCELS DESCRIBED AS 59720 OVERSEAS HIGHWAY AND FURTHER DESCRIBED AS 20 65 34 GRASSY KEY PT LOT 5, REAL ESTATE NUMBERS 00100110-000000, 00100110-000101, 00100110-000102, 00100110-000200, 00100110-000300, AND 00100130-000100, LOCATED NEAREST MILE MARKER 60, 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's Land Use (Zoning) Map (the "Map") to change the land use district designation of property owned by The Ben Tobin Companies, LLC and JoJo's of the Florida Keys, legally described in Exhibit "A" hereto; and

WHEREAS, amending the Map designation of the Property furthers the goals, objectives and policies of the City Comprehensive Plan (the "Plan"); 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 166.031, *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 Commercial (SC) to Mixed Use (MU).

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 26th day of September, 2006.

THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

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

ATTEST:

Diane Clavier

Diane Clavier
City Clerk

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

JH Jr.

City Attorney

Exhibit "A"

SECTION 20, TOWN 65, RANGE 34, PART OF LOT 5, GRASSY KEY, MONROE COUNTY, FLORIDA, REAL ESTATE NUMBERS 00100110-000000, 00100110-000101, 00100110-000102, 00100110-000200, 00100110-000300, AND 00100130-000100