

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

**ORDINANCE 2006-26**

**AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA EXTENDING A MORATORIUM ON THE ACCEPTANCE OF RESIDENTIAL RATE OF GROWTH APPLICATIONS THAT SEEK DEVELOPMENT PERMITS TO DEVELOP PROPERTIES CONTAINING HIGH QUALITY NATURAL AREAS AND ADOPTING INTERIM DEVELOPMENT REGULATIONS DEFERRING ROGO ALLOCACTIONS IN HIGH QUALITY NATURAL AREAS UNTIL LDR AND COMPREHENSIVE PLAN AMENDMENTS ARE DRAFTED AND ADOPTED BY THE CITY COUNCIL OR ONE YEAR, WHICHEVER COMES FIRST.**

**WHEREAS,** GOAL 102 of the City of Marathon Comprehensive Plan requires the City of Marathon to direct future growth to lands most suitable for development and to conserve and protect environmentally sensitive lands; and

**WHEREAS,** Objective 102.3 requires that new development occur where site disturbances and man's activities have fewer adverse effects on natural vegetation; and

**WHEREAS,** the Florida Administrative Commission in 1996 enacted Rule 28-20.200, which created the "Work Program" in the Comprehensive Plan. The Work Program required, among other things, the preparation of a Carrying Capacity Study for the Florida Keys; and

**WHEREAS,** the "Work Program", Section B, requires the City to implement the Carrying Capacity Study by the adoption of all necessary plan amendments to establish development standards to ensure that new development does not exceed the carrying capacity of the city's environment; and

**WHEREAS,** the "Work Program" directs the City to initiate and complete a collaborative process for the adoption of Land Development Regulations (LDRs) and Plan amendments to strengthen the protection of terrestrial habitat; and

**WHEREAS,** the Carrying Capacity Study, completed in September 2002, concluded "that land development in the Florida Keys has surpassed the capacity of upland habitats to withstand further development"; and

**WHEREAS,** the LDR and Comprehensive Plan amendments to implement the protection of the terrestrial ecosystem requirements in Rule 28-18.200 will not be reviewed and adopted by the July 13, 2005 deadline and are incomplete and the loss of valuable native habitat is continuing as development in these areas continue; and

**WHEREAS**, this deferment will protect the natural environment while providing additional time to incorporate a comprehensive legal and financial review of the proposed amendments and to identify dedicated funding sources for land acquisition; and

**WHEREAS**, this deferment will be a demonstration of good faith to the Governor and Cabinet that the County is seriously working towards implementing the Carrying Capacity Study and Rule 28-18.200 and should be considered in substantial compliance in meeting the Work Program goals;

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

**Section 1.** The above recitals are true, correct, and incorporated herein by this reference.

**Section 2.** No ROGO allocation awards shall be made on any applications within areas that are classified as high quality hammocks, or areas with known threatened or endangered species, with a ROGO entry date of July 13, 2003, or later.

**Section 3.** No further ROGO applications within areas that are classified as high quality hammocks, or areas with known threatened or endangered species, shall be accepted or processed by the Planning Department effective July 13, 2003.

**Section 4.** All vacant lands within areas that are classified as high quality hammocks, or areas with known threatened or endangered species areas, shall be eligible for a ROGO land dedication under Policy 101.5.4(5) and 101.5.5(4) effective the date of this ordinance.

**Section 5.** The moratorium established by this ordinance is temporary and shall automatically dissolve upon the adoption of new Land Development Regulations (LDRs) if the new LDRs strengthening the protection of the terrestrial habitat, the formulations of which shall be expeditiously pursued. Section 3, 4, 5 and 6 of this Ordinance shall remain in full force and effect until either amendments to the Comprehensive Plan and Land Development Regulations are drafted and adopted by the City Council to implement the City of Marathon Comprehensive Plan or September 26, 2007, whichever comes first.

**Section 6.** The City Manager is directed to have the Planning Department immediately begin working to prepare the draft text and map amendments and other supporting studies in cooperation with the Planning Commission.

**Section 7.** 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 8.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

**Section 9.** The provisions of this Ordinance constitute a “land development regulation” as state law defines that term. Accordingly, the City Clerk is authorized and directed 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 10.** This Ordinance shall be effective 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 26 day of September 2006.**

**THE CITY OF MARATHON, FLORIDA**

  
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**Christopher M. Bull, Mayor**

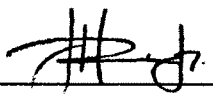
AYES: Tempest, Worthington, Pinkus, Means, Bull  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**



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Diane Clavier  
City Clerk

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

  
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City Attorney