

**Sponsored By:** Burnett  
**Planning Commission Public Hearing Date:** February 25, 2008  
**City Council Public Hearing Date:** February 26, 2008  
**Enactment Date:** October 14, 2008

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2008-05**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) FROM RESIDENTIAL LOW (RL) AND RESIDENTIAL MEDIUM (RM) TO RESIDENTIAL HIGH (RH) FOR PROPERTY DESCRIBED AS SECTION 11 TOWN 66 RANGE 32 KEY VACA PART GOV LOT 1 & BAY BOTTOM SOUTH & ADJ MARATHON SHORES PB3-58, EDMONDS ACREAGE TRACTS PB2-100 KEY VACA PT E1/2 OF TRACT 2. MONROE CO., FLORIDA RE# 0033870-000000, 00338710-000000, 00103560-000000; HAVING THE 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**, 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 Future Land Use Map (the "Map") to change the land use district designation of property owned by HTG Oceanside Estate, LLLP, legally described As Section 11 Town 66 Range 32 Key Vaca part Gov Lot 1 & Bay Bottom South & Adj Marathon Shores Pb3-58, Edmonds Acreage Tracts Pb2-100 Key Vaca Pt E1/2 Of Tract 2. Monroe Co., Florida; and

**WHEREAS**, amending the Map designation of the Property furthers the goals, objectives and policies of the City Comprehensive Plan (the "Plan"), and will allow for the Future Land Use Map to be consistent with the existing use of the Property; and

**WHEREAS**, pursuant to Chapter 163, *Florida Statutes*, and Sections 101.02 and 102.14 of the Code, the Planning Commission sitting as the Local Planning Agency publicly considered the proposed Map amendment on February 19, 2008 at a duly noticed public hearing, and has recommended approval of the proposed Map amendment to the City Council; and

**WHEREAS**, pursuant to the same legislative provision, the City Council considered the recommendation of the Planning Commission, took accepted public input, and deliberated on the proposed Map amendment on February 26, 2008 at a duly noticed public hearing, and recommended that the amendment be transmitted to the Florida Department of Community Affairs (DCA) for review; and

**WHEREAS**, on June 6, 2008 DCA provided an Objections, Recommendations, and Comments (ORC) letter concerning this proposed ordinance, stating in essence that additional information was required concerning impacts to protected habitat and to the City's Concurrency Management obligations, including transportation and potable water, on ; and

**WHEREAS**, the City has prepared a response to the ORC which indicates that there will be no negative impacts to natural resources and that impacts on available infrastructure is very limited and well within the limits of available capacity for transportation, potable water, and wastewater; and

**WHEREAS**, in accordance with Section 166.041, *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 102.14 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 Residential Low (RL) and Residential Medium (RM) to Residential High (RH).

**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 City's Future Land Use 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 14th day of October, 2008.

**THE CITY OF MARATHON, FLORIDA**

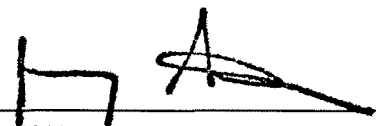
  
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Edward P. Worthington, Mayor

AYES: Cinque, Tempest, Bull, Vasil, Worthington  
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