

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

**CITY OF MARATHON, FLORIDA
ORDINANCE 2008-07**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, POLICY 1-3.2.1 "ALLOCATED DENSITY DEFINED", AS SHOWN IN TABLE 1-1 "FUTURE LAND USE DENSITY 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 Policy 1-3.2.1 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 Chapter 101, Article 3 of the Code, the City's Planning Commission sitting as the Local Planning Agency met on February 25, 2008, 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, pursuant to the same legislative provision, the City Council considered the recommendation of the Planning Commission, accepted additional 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, after review in accordance with Chapters 163 and 380, Florida Statutes as well as 9J-5, Florida Administrative Code DCA offered no Objections, Recommendations, or Comments concerning the Comprehensive Plan amendment proposed in this ordinance, Ordinance 2008-07; 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 1-3.2.1 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

Policy 1-3.2.1 Allocated Density Defined

Allocated densities for the Future Land Use districts, as shown in table 1-1, are the number of residential units allocated per gross acre of land pursuant to the Plan.

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	0.1 - 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) USES (PU)	0	15 - 25	0	3 – 25	0.15 - 0.75	0.2
Recreation (R)	0.25	0.25	0	5 – 15	0.15 - 0.50	0.2

**TABLE 1-1
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
	8	15 - 25	15-25			
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	<u>0.5</u>	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. Opens 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.

*All development and redevelopment shall comply with this Plan and the Land Development regulations.

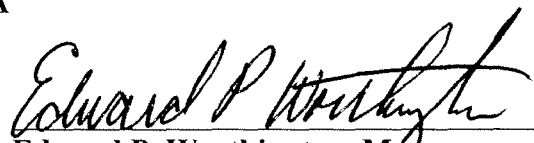
Section 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases 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 DCA for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 4. 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 14th day of October, 2008.

THE CITY OF MARATHON, FLORIDA


 Edward P. Worthington, Mayor

AYES: Tempest, Bull, Cinque, Vasil, Worthington
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