

Sponsored By: Burnett
Planning Commission Public Hearing Date: June 16, 2008
City Council Public Hearing Date: July 08, 2008 and July 22, 2008
Enactment Date: July 22, 2008

**CITY OF MARATHON, FLORIDA
ORDINANCE 2008-18**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE ZONING MAP FROM RESIDENTIAL LOW (RL) TO MIXED USE (MU) FOR PROPERTY DESCRIBED AS PART OF GOV'T LOT 2, FAT DEER KEY, MONROE CO, FLORIDA RE # 00100260-000102; 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 Zoning Map (the "Map") to change the zoning district of property owned by Prestige Properties, legally described as Part of Gov't Lot 2, Fat Deer Key, 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");

WHEREAS, pursuant to Chapter 163, *Florida Statutes*, and Section 101.02 and 102.14 of the Code, the Planning Commission sitting as the Local Planning Agency publicly considered the proposed Map amendment on June 16, 2008 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 166.041, *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) 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*.

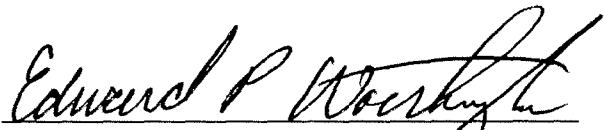
Section 4. That upon its effective date, the revised Map shall replace the City's Zoning Map, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), *Florida Statutes*, and Section 9(6) of the City Charter to the fullest extent allowed by law.

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 22nd day of July, 2008.

THE CITY OF MARATHON, FLORIDA


Edward P. Worthington, Mayor

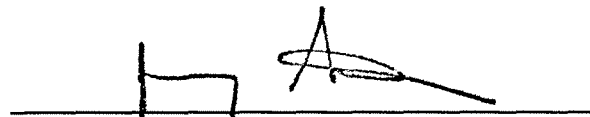
AYES: Tempest, Bull, Worthington
NOES: None
ABSENT: Cinque, Vasil
ABSTAIN: None

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