

Sponsored by: Lindsey
Introduction Date: February 25, 2019
Public Hearing Dates: March 12, 2019
August 13, 2019
Enactment date: August 13, 2019

**CITY OF MARATHON, FLORIDA
ORDINANCE 2019-09**

ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 103 “ZONING DISTRICTS”, ARTICLE 3 “USE AND INTENSITY TABLES”, MODIFYING TABLE 103.15.1 “USES BY ZONING DISTRICT” AND TABLE 103.15.2 “DENSITY, INTENSITY, AND DIMENSION FOR ZONING DISTRICTS;” AMENDING CHAPTER 108, ARTICLE 3, “NONCONFORMING USES,” SECTION 108.12, “NONCONFORMING DENSITY AND INTENSITY” AND ARTICLE 4, “NONCONFORMING LOTS,” SECTION 108.13, “NONCONFORMING LOTS;” PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, CITY OF MARATHON, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, provides for comprehensive plan implementation through the enactment of certain ordinances; and

WHEREAS, the City of Marathon is located within an Area of Critical State Concern (ACSC), pursuant to Sections 380.05 and 380.0552, Florida Statutes, hereinafter referred to the “Keys ACSCs”; and

WHEREAS, Keys’ Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations pursuant to both Chapters 163 and 380.055, Florida Statutes, which have been approved by the State, as required by law, and;

WHEREAS, Chapter 166, *Florida Statutes*, grants the City of Marathon (the “City”) broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting business regulations for the protection of the public; and

WHEREAS, the purpose of the proposed Ordinance is to preserve the rights of individual single family residential lot and property owners through a clarification of language in the City’s Land Development Regulations.

~~Strikethrough~~ = deletion

bold underline = addition

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. Amend Chapter 103, Article 3, Table 103.15.1 to read as follows:

Table 103.15.1 - USES BY ZONING DISTRICT

Uses in bold have specific conditions listed in Chapter 104																
ZONING DISTRICT	C-NA	C-OI	RL-C	RL	RM	RM-1	RM-2	R-MH	RH	MU	MU-M*	I-G	I-M*	A	P	PR

Single Family Residence	P	P	<u>P***</u>	P	P	P	P	P	P	P	P	P	P			P

*****Existing Single Family Residences may be repaired, modified, or replaced. Individual vacant Lots within Blocks defined within the Plat subject to RL-C zoning may be built upon IF the sum of all Lots within an individual Block are over 90% developed with single family residences as of the date that DEO accepts the Ordinance.**

SECTION 3. Amend Chapter 103, Article 3, Table 103.15.2 to read as follows:

Table 103.15.2 - DENSITY, INTENSITY AND DIMENSIONS FOR ZONING DISTRICTS

	A	C-NA	C-OI	I-G	I-M	MU	MU-M	P	PR	RH	R-MH	RM	RM-1	RM-2	RL	RL-C
Density Range (units per acre) <u>****</u>		.25	0.1	<u>5-10</u>	<u>5-10</u>	6-15	6-15	10-25	1/4ac	8-25	8-25	<u>5-10</u>	4	5	0.5	.25 ⁴

Footnotes for Table 103.15.2

~~Strikethrough~~ = deletion

bold underline = addition

⁴Existing Single Family Residences may be repaired, modified, or replaced. Individual vacant Lots within Blocks defined within the Plat subject to RL-C zoning may be built upon IF the sum of all Lots within an individual Block are over 90% developed with single family residences as of the date that DEO accepts the Ordinance.

SECTION 4. Amend Chapter 108, Article 3, Section 108.12 A. to read as follows:

Section 108.12. - Nonconforming Density and Intensity.

- A. Protection of Residential Density: All lawfully established residential dwelling units in existence in 1996 **or thereafter** shall be entitled to a density of one (1) dwelling unit **and may be maintained or modified and shall be allowed to be rebuilt**, subject to ~~the~~ **all other** provisions of the ~~Future Land Use Element of the Plan~~ **Land Development Regulations**.
- a. **This subsection does not apply to duplex or multi-family unit structures. Such structures, if rebuilt, shall be subject to all provisions of the LDRs, including density provisions. Lawfully established units in excess of allowed densities provided in Table 103.15.2 shall be eligible for transfer of building rights pursuant to Chapter 107, Article 2.**

SECTION 5. Amend Chapter 108, Article 4, Section 108.13 A. to read as follows:

ARTICLE 4. - NONCONFORMING LOTS

Section 108.13. - Nonconforming Lots.

- A. Dwellings on Nonconforming Lots: A building permit may be issued for a single-family dwelling or a **Florida Building Code compliant** mobile home on any legally created lot **within a recorded plat for a lot zoned Residential High (RH), Residential Medium (RM), or Residential Mobile Home (R-MH)** that is rendered nonconforming **for allowed maximum densities** by the adoption of these LDRs, provided that such use is permitted otherwise under the Plan and the LDRs and complies with each and every other requirement of the Plan and LDRs.

SECTION 6. The Provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

~~Strikethrough~~ = deletion

bold underline = addition

SECTION 7. The provisions of this Ordinance are declared to be severable, and if any sentence, section, 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 sentences, sections, clauses or phrases of the 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. It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

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 Economic Opportunity for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 10. This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 13th DAY OF AUGUST, 2019.

THE CITY OF MARATHON, FLORIDA

John Bartus, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk
(City Seal)

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

David Migut, City Attorney

~~Strikethrough~~ = deletion

bold underline = addition