

**Sponsored By:** Lindsey  
**Planning Commission Public Hearing Date:** October 21, 2019  
**City Council Public Hearing Date:** November 12, 2019  
tbd  
**Enactment Date:** tbd

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2019-13**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS, CHAPTER 103, TABLE 103.15.2, "DENSITY, INTENSITY AND DIMENSIONS FOR ZONING DISTRICTS, CHAPTER 107, ARTICLE 5, "SETBACKS AND HEIGHT," SECTION 107.40, "MAXIMUM HEIGHT" AND FIGURE 107.40.1, "BUILDING HEIGHT MEASUREMENT," INCREASING THE MAXIMUM BUILDING HEIGHT TO FORTY-TWO FEET (42) FOR RESIDENTIAL STRUCTURES TO PROVIDE COMPENSATION FOR INCREASES IN REQUIRED ELEVATIONS FOR THE NEW FEMA FIRM MAPS; PROVIDING THAT NO STRUCTURE SHALL THEREBY EXCEED THREE STORIES ABOVE GRADE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY AFTER FINAL ADOPTION BY THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**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 Economic Opportunity ("DEO"), pursuant to Chapters 163 and 380, Florida Statutes; and

**WHEREAS**, FEMA has recently released National Flood Insurance Program (NFIP), "Working Draft Flood Insurance Rate Maps (FIRM) which in some areas may significantly alter the currently adopted Base Flood Elevations (BFE); and

**WHEREAS**, it is the City's intent to raise the height limitations to provide some flexibility in building construction under the constraint that many Base Flood Elevations have increased from the current adopted maps; and

**WHEREAS**, the City does not want to unduly constrain construction in the City so long as the proposed increase in maximum building height does not allow additional building stories and said construction does not exceed three (3) stories; and

**WHEREAS**, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Land Development Regulations corresponding to a similar amendment to the City's Comprehensive Plan in order to reflect changing conditions, pursuant to Sections 163.3191 and 163.3178(2)(f) Florida Statute.; and

WHEREAS, this Ordinance, thus passed at its second reading, shall be transmitted to DEO for review and approval,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

~~Strikethrough~~ = deletion      **bold underline** = addition

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

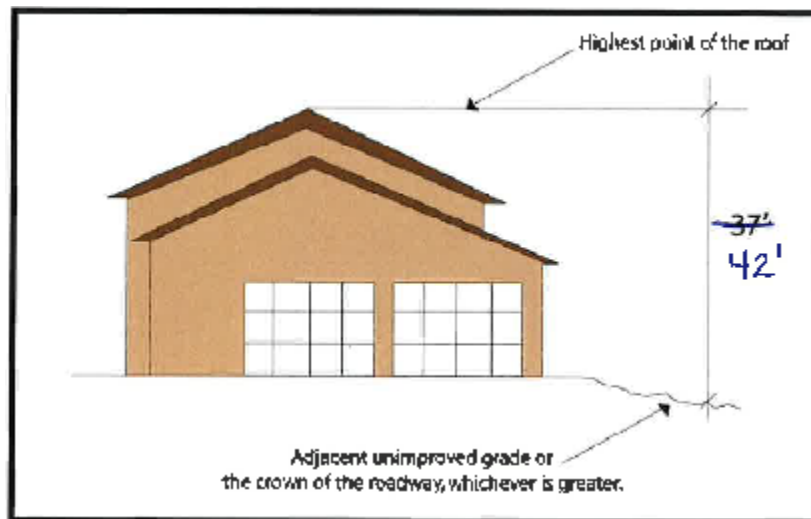
SECTION 2. Amend the Comprehensive Plan, Chapter 107, “General Development Standards,” Article 5, “Setbacks and Height,” Section 107.40:

Section 107.40. - Maximum Height.

A. Unless provided for elsewhere in the LDRs, the maximum height of any structure **permitted for maintenance, repair, expansion or new construction within the City of Marathon** shall be **forty-two feet (42)** ~~(37)~~ feet, as measured from the unimproved grade directly adjacent to the structure or from the crown of the roadway, whichever is greater. . **No structure shall exceed three (3) stories whether a story is utilized for building entry, parking, storage habitation or a valid commercial or industrial use. The purpose of this provision is to allow some flexibility in meeting the City’s Floodplain regulations and revised FEMA Floodplain Maps. Nonconforming structures may be repaired, maintained or expanded as long as any alterations to the structure does not increase the nonconformity. Government Facilities are exempt with the approval of the City Council.**

B. Building height shall be measured to the highest point of the roof. The height measurement shall be to the roof peak for structures with pitched roofs and the roof slab for structures with flat roofs.

Figure 107.40.1  
Building Height Measurement



<sup>1</sup>Additions to existing text are shown by underline/red print; deletions are shown as ~~strikethrough~~

**SECTION 3.** 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 4.** The provisions of this Ordinance constitute an amendment to the Land Development Regulations as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the Department of Economic Opportunity for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

**SECTION 5.** This Ordinance shall be scheduled for a second hearing immediately upon approval by the Florida Department of Economic Opportunity as a part of their Objections, Recommendations, and Comments (ORC) review for the corresponding Comprehensive Plan amendment, pursuant to Chapters 163 and 380, Florida Statutes.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS \_\_ DAY OF \_\_\_\_\_, 2020.**

**THE CITY OF MARATHON, FLORIDA**

\_\_\_\_\_  
**Mayor Steven Cook**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

\_\_\_\_\_  
Diane Clavier, City Clerk

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

\_\_\_\_\_  
David Migut, City Attorney

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