

## CITY COUNCIL AGENDA STATEMENT



**Meeting Date:** September 14, 2021

**To:** Honorable Mayor and Council Members

**From:** Brian Shea, Planning Director

**Through:** George Garrett, City Manager

**Agenda Items:** **Ordinance 2021-14**, Amending The Future Land Use Map (FLUM) From Conservation (C) To Mixed Use-Commercial (Mu-C) For The Property Described As Block 1 Lots 4-19, Block 2 Lots 11-15, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers 00358280-000000, 00358290-000000, 00358300-000000, 00358310-000000, 00358320-000000, 00358330-000000, 00358340-000000, 00358350-000000, 00358360-000000, 00358370-000000, 00358380-000000, 00358390-000000, 00358400-000000, 00358410-000000, 00358420-000000, 00358430-000000, 00358570-000000, 00358580-000000, 00358590-000000, 00358600-000000, And 00358610-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

**Ordinance 2021-15**, Amending The Zoning Designation From Conservation Native Area (C-Na) To Mixed Use (Mu) For The Property Described As Block 1 Lots 4-19, Block 2 Lots 11-15, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers 00358280-000000, 00358290-000000, 00358300-000000, 00358310-000000, 00358320-000000, 00358330-000000, 00358340-000000, 00358350-000000, 00358360-000000, 00358370-000000, 00358380-000000, 00358390-000000, 00358400-000000, 00358410-000000, 00358420-000000, 00358430-000000, 00358570-000000, 00358580-000000, 00358590-000000, 00358600-000000, And 00358610-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

**APPLICANT/OWNER:** Floridian Holdings LLC

**AGENT:** Bart Smith, Smith Hawks

**LOCATION:** The subject property is located on and adjacent to US1 and Banana Boulevard, nearest Mile Marker 56.5 Having Real Estate Numbers 00358280-000000, 00358290-000000, 00358300-000000, 00358310-000000, 00358320-000000, 00358330-000000, 00358340-000000, 00358350-000000, 00358360-000000, 00358370-000000, 00358380-000000, 00358390-000000, 00358400-000000, 00358410-000000, 00358420-000000, 00358430-000000, 00358570-000000, 00358580-000000, 00358590-000000, 00358600-000000, And 00358610-000000.

**ADDRESS:** Vacant Land on and adjacent to US1 and Banana Boulevard

**REQUEST:** Amend the Future Land Use Map (FLUM) for the subject properties from Conservation (C) to Mixed Use Commercial (MU-C).

Amend the Zoning Map for the subject properties from Conservation Native Area (C-NA) to Mixed Use (MU).

**LOT AREA:** The aggregated size of the parcels is approximately 208,895 square feet. (See attached sketch and description as Exhibit A.)

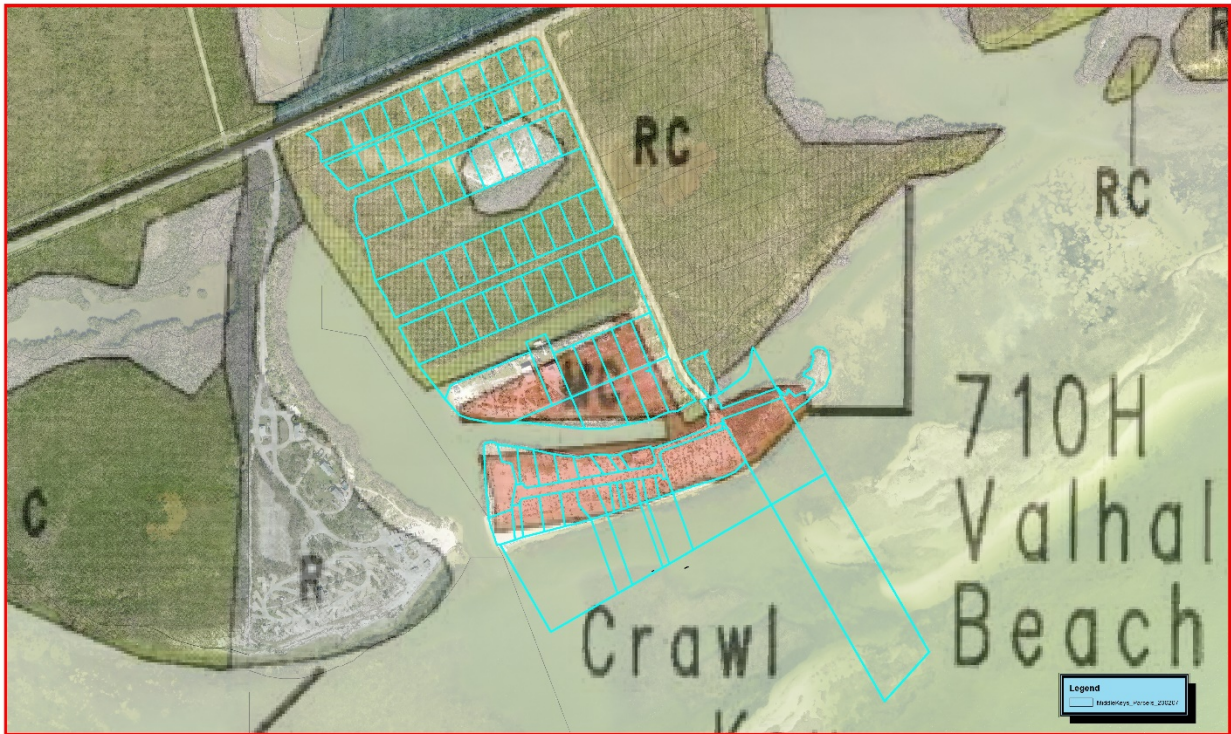
**BACKGROUND:**

These parcels were zoned as Native Area NA under Monroe County. In 2005, when the City of Marathon adopted the Comprehensive Plan, the parcels were given a Conservation (C) FLUM designation and were in turn zoned as Conservation Native Area (CNA) when the City adopted the current zoning maps in 2007. The applicants are requesting the designation of the FLUM map and subsequent rezoning to make the parcels consistent with the Mixed-Use Commercial (MU-C) designation and existing and proposed uses. The rezoning is also addressed in this application. There is no existing use on the vacant property.

The applicants are seeking to change the zoning and the FLUM of the area as part of a larger development approval with Conditional Use, Development Agreement, and plat abandonment. The area subject to the rezoning and FLUM changes will permit allowed uses to be incorporated into a proposed resort project without the need for changes in density and intensity. The allowed density, intensity and uses assigned to the rezoned area shall be restricted to only those uses integral and accessory to the Development Agreement.

	<b>Pre 2005</b>	<b>Pre 2007</b>	<b>2005</b>	<b>2007</b>
	<b>OLD FLUM</b>	<b>OLD ZONING</b>	<b>CURRENT FLUM</b>	<b>CURRENT ZONING</b>
	Residential Conservation	Native Area	Conservation	Conservation Native Area

**Figure One**  
Old FLUM



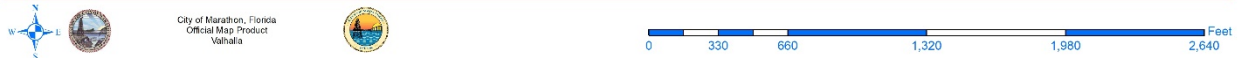
City of Marathon, Florida  
Official Map Product  
Valhala



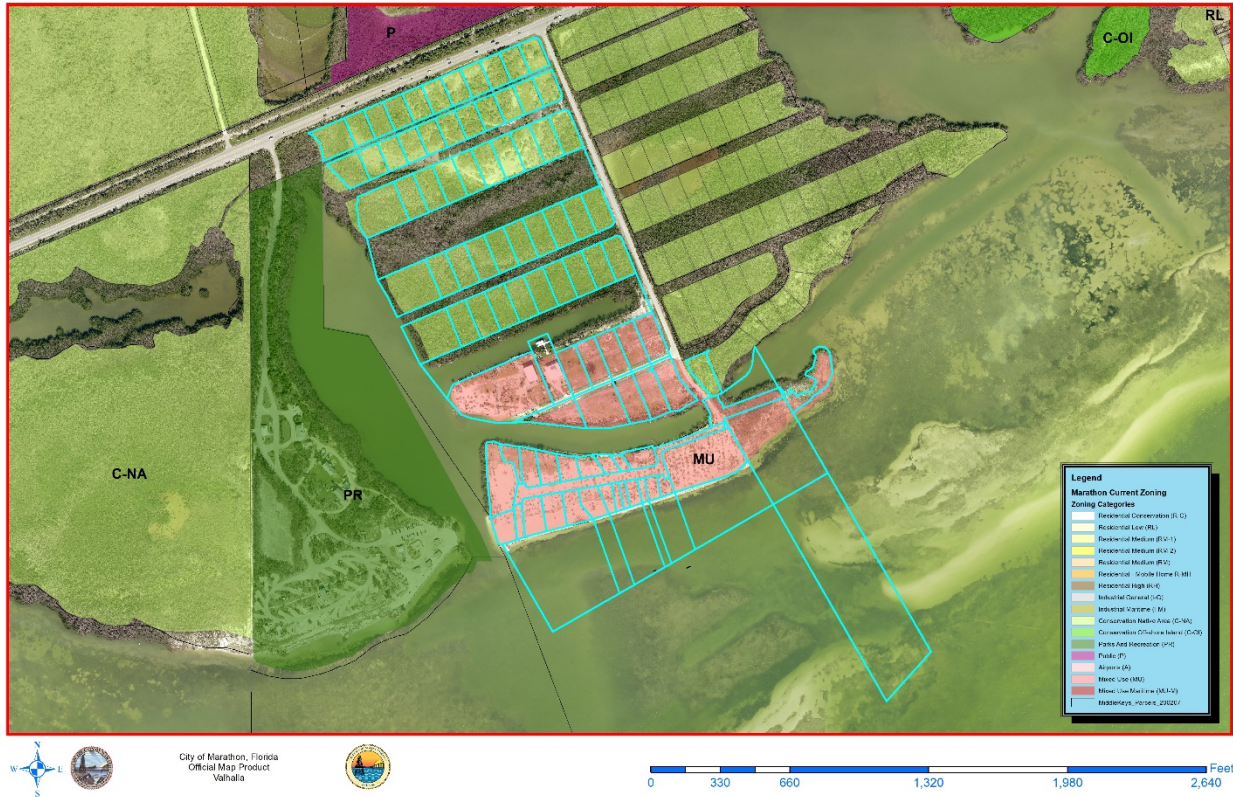
**Figure Two**  
Old Zoning



**Figure Three**  
Current FLUM



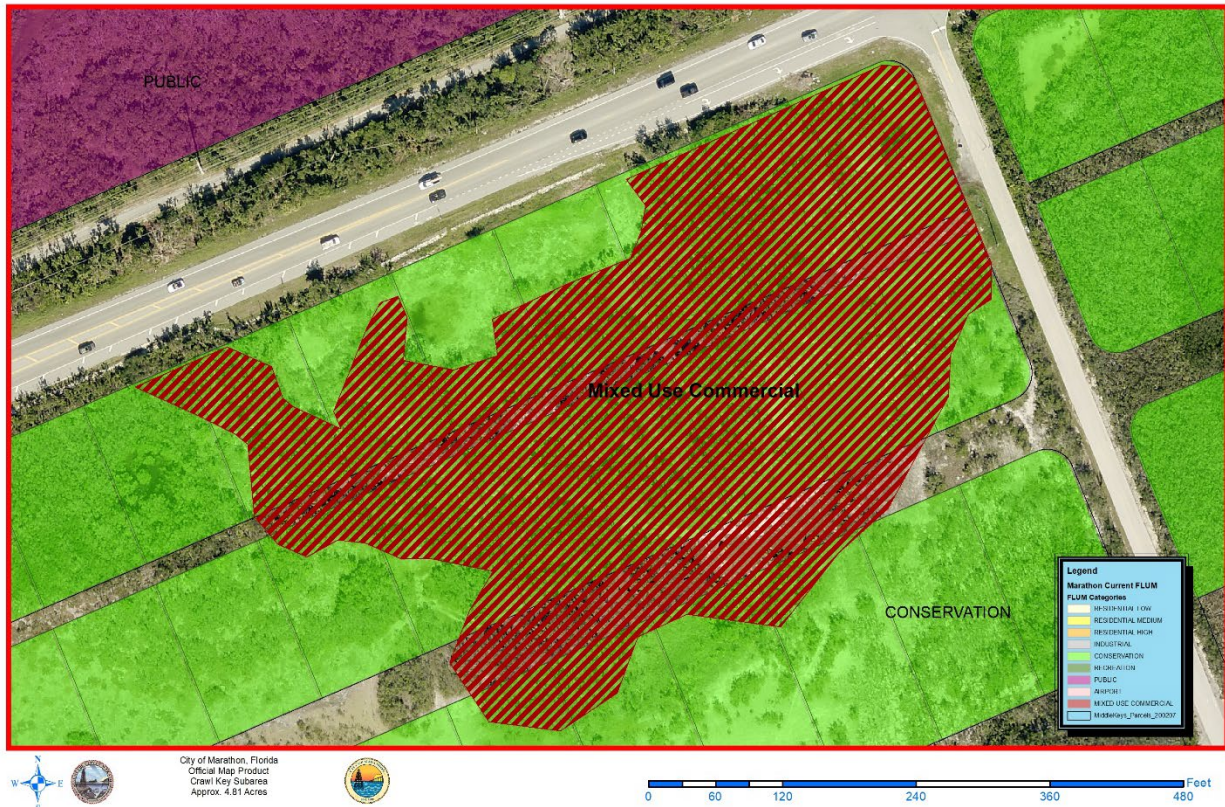
**Figure Four**  
Current Zoning



**Figure Five**  
Crawl Key Subarea



**Figure Six**  
Crawl Key Subarea (close up)



**Current and Proposed Future Land Uses and Zoning**

*Future Land Use Map Designation*

Current: Conservation (C)  
Proposed: Mixed Use Commercial (MU-C)

*Land Use (Zoning) District Designation*

Existing: Conservation Native Area (C-NA)  
Proposed: Mixed Use (MU)

*Use of Properties*

Existing: Vacant  
Proposed: Parking, registration, and support facilities for the proposed hotel development.

**Surrounding FLUM, Zoning and Uses**

The property subject to the FLUM amendment is located on US1 adjacent to Banana Boulevard and consists of multiple parcels. The properties are located North and East of property under the same ownership that is zoned Mixed Use and Conservation Native Area. Adjacent land use to the West is Conservation Native Area. To the South is Conservation Native area and Mixed-Use zoning. Across US1 to the North the zoning is Public. The following table correlates existing uses with the existing FLUM, zoning and uses.

	<u><i>Existing FLUM</i></u>	<u><i>Existing Zoning</i></u>	<u><i>Existing Uses</i></u>
<b>North</b>	Public (P)	Public (P)	Fire Training Academy, Morgue, FKEC Relay Station
<b>East</b>	Conservation (C)	Conservation Native Area (CNA)	Vacant
<b>South</b>	Conservation (C) and Mixed-Use Commercial (MU-C)	Conservation Native Area (CNA) and Mixed Use (MU)	Single Family and previously developed MU parcels
<b>West</b>	Recreation (R) and Conservation (C)	Parks and Recreation (PR) Conservation Native Area (CNA)	Curry Hammock State Park

**Existing Habitat**

The existing conditions maps indicate the properties are designated as vacant land. The parcels are within the Florida Forever boundaries, which is land that has been identified as critical areas suitable for acquisition by federal, state, or local agencies. The parcels are known habitat for Osprey, and potential habitat for Bald Eagles. Additionally, the parcels are potential habitat for the Stock Island Tree Snail, Tree Cactus and Eastern Indigo Snake. Any impacts to these areas will be reviewed using the approved Species Assessment Guides to determine what impact if any occurs to the habitat to these species.

**FEMA**

The properties are within the AE 7 and AE 8 flood zones. On the preliminary flood maps the properties are within the AE 9 flood zone.

**DEVELOPMENT ANALYSIS:**

***Current FLUM: Conservation (C)***

***Policy 1-3.1.4 Conservation*** of the Comprehensive Plan states “the principal purpose of the Conservation future land use category is to provide for the preservation of natural and historic resources and passive resource based recreational uses. These areas require protection from development or require strict regulation of density and intensity of development. very low-density residential development and low intensity public uses and utilities may be permitted. the maximum density shall be determined by the results of a habitat analysis as provided in the land development regulations.”

***Conservation Native Area Allowable Density & Intensity:***

Market Rate – 1 Unit per 4 acres

Affordable – 1 Unit per 4 acres

FAR – 0.05-0.10

**Proposed FLUM: Mixed Use Commercial (MU-C)**

**Policy 1-3.1.4 Mixed Use Commercial** of the Comprehensive Plan states “the principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of Mixed-Use development patterns within the City. This land use category is intended to provide for the commercial zoning district where various types of commercial, retail, and office uses may be permitted at intensities which are consistent with the community character and the natural environment and to provide for various types of residential uses, including employee housing and commercial apartments.”

***Mixed Use Commercial Allowable Density***

Market Rate – 2-6 Units per acre  
Affordable – 10-15 units per acre  
Transient – 10-25 units per acre

***Commercial-Industrial Intensity Table***

Type of Use	FAR <sup>1</sup>
<b>Retail</b>	
<i>Low Intensity</i>	<b>.60</b>
<i>Med Intensity</i>	<b>.45</b>
<i>High Intensity</i>	<b>.25</b>
<b>Office</b>	<b>.60</b>
<b>Commercial Recreation</b>	<b>.15</b>
<b>Institutional</b>	<b>.30</b>
<b>Outdoor Recreational</b>	<b>.15</b>
<b>Public Buildings and Uses</b>	<b>.45</b>
<b>Restaurant/Bar</b>	<b>.60</b>
<b>Industrial</b>	<b>.85</b>
<b>Light Industrial in MU</b>	<b>.30</b>

<sup>1</sup> The FAR for mixed use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided

**ANALYSIS OF FLUM CHANGE REQUEST:**

**Consistency with Adopted Comprehensive Plan Goals, Objectives, and Policies.**

The following excerpts from the City of Marathon Comprehensive Plan apply to the proposed development.

Policy 1-1.1.4 states the City shall continue to maintain **LAND DEVELOPMENT REGULATIONS** which implement the following techniques required to create a smooth land use transition where it is not feasible to separate incompatible land uses.



- a. Variable buffers, combining land and landscaping to achieve adequate separation of uses, appropriate open space, reduction of potential noise, light, glare, and pollution, and screening of physical features of a proposed development;
- b. Variable setbacks, based upon degree of difference in proposed use, density, intensity, scale, mass, or height;
- c. Placement and effective screening or shielding of site features such as lights, signs, dumpsters, loading areas, parking areas, outdoor storage, or other features with potential negative impacts;
- d. Effective transitions of on-site densities, intensities, scale, mass, and height; and
- e. Other innovative site design features that effectively achieve compatibility and effectively mitigate potential negative impacts.

Policy 4-1.4.1 states the City shall continue to maintain Land Development Regulations that prevent adverse impacts of development on seagrass beds, wetlands, and other living marine resources. Since these areas are sensitive to increased turbidity, stormwater runoff and other forms of pollution, the introduction of nutrients shall be regulated through effective water quality management. Development impacting marine resources shall be coordinated with State and Federal agencies having jurisdiction prior to the City granting plan approval and/or prior to release of any permit for construction. §163.3177(6)(d)2.e F.S.

## **FL State Statutes**

Relevant criteria promulgated in Chapters 163, 380, and 9J-5 F.A.C. can be itemized in bullets as follows based on the critical concerns more specifically identified in the City's comprehensive plan:

- Natural Resource Protection
  - Wetlands
  - Estuaries
  - Living marine resources
  - Beaches / Dunes
  - Unique wildlife habitat
  - Water Quality
- Historical Resources
- Infrastructure / Concurrency Management
  - Wastewater
  - Stormwater
  - Potable Water
  - Solid Waste
  - Transportation
- Affordable Housing
- Hazard Mitigation
  - CHHA

- Hurricane Evacuation
- Ports
- Marina Siting
- Public Use
- Shoreline use and Access
- water dependent and independent activity
- Land Acquisition
- Conservation
- CHHA
- Public Services

These bullet items will be utilized as the focus points for review of the proposed FLUM amendment and for future comprehensive plan amendments.

### **Natural Resources**

Direct impacts to natural resources would occur as a result of the proposed FLUM change. The existing conditions maps indicate the subject area is designated as developed.

There are no estuaries, beach areas or dunes associated with the area proposed for FLUM change. However, the areas are delineated as upland, disturbed wetlands ~~and wetlands~~ based upon the delineation performed by Julie Cheon. The proposed development and FLUM/Zoning change are located within the upland and disturbed wetlands and is laid out in such a way as to not impact the undisturbed wetlands. [There are no undisturbed wetlands located within the Property proposed for amendment. All nearby undisturbed wetlands outside the boundary of the Property will remain undisturbed and undeveloped as conservation lands. The wetland delineation described above is the basis for the legal description of the Property proposed for amendment shown in Figure 5 and 6, and attachment A of the Ordinance. The disturbed wetlands, and upland areas meet the applicable criteria to be suitable for development, subject to permit conditions imposed by regulating agencies. Applicant has applied to South Florida Water Management District on July 9, 2021 for an Environmental Resource Permit \(application number 210709-6769\) \(“SFWMD Application”\). The SFWMD Application proposes to lay fill in areas of the Property where necessary, and the appropriate agencies will review and impose conditions in coordination with the SFWMD Application.](#) These are protected resources important to the tenants of Chapter 163, 9J-5, F.A.C., or the Principles for Guiding Development. Similarly, no living marine resources adjacent to the subject area would be adversely impacted by the proposed change in the FLUM map.

The proposed FLUM amendment is consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **Historical and Cultural Resources**

Protection of historical and cultural resources is crucial under the City’s Comprehensive Plan,

Chapters 163 and 380 F.S.

There are no known historical or cultural resources associated with the subject properties or within the area of the requested FLUM change. Therefore, the FLUM change would have no impacts on historical or cultural resources. The proposed FLUM amendment is therefore consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

## **Infrastructure**

- **Wastewater infrastructure**

Wastewater as an issue of infrastructure capacity and means of water quality protection represents the backbone to the City's Comprehensive Plan, the tenants of Chapters 163 and 380 F.S. The subject property inclusive of the area of the proposed FLUM change is served by the Area 7 sewer infrastructure. The Utility Manager for the City of Marathon reviewed the proposed FLUM changes as well as the proposed conditional use and determined that there would be no adverse impact on sewer capacity if the proposal were approved with conditions through the conditional use process.

The proposed FLUM change would maintain concurrency levels of wastewater infrastructure capacity and provide limited or no adverse impact resulting from nutrient loading. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Stormwater infrastructure**

Stormwater infrastructure capacity and means of water quality protection represents another of the backbone elements of the City's Comprehensive Plan, the tenants of Chapters 163 and 380 F.S. The City of Marathon requires that all property owners retain their stormwater on site. All proposals for new developments, and redevelopments, must submit detailed civil engineering plans for review by the City Engineer. Proposals for redevelopment would have to obtain all required permits through other applicable agencies, such as the Department of Environmental Protection & South Florida Water Management District.

Staff believes that the proposed FLUM change would have a diminimus impact on stormwater infrastructure capacity.

- **Potable Water**

Monroe County's potable water facilities do not critically constrain the amount of future growth that can be accommodated in the County (see End Note 1). The current FKAA Consumptive Use Permit, when compared to current potable water consumption rates, will provide sufficient potable water to accommodate existing and committed development plus an additional 18,258 equivalent residential units (ERU's) in unincorporated and incorporated Monroe County. The FKAA's Consumptive Use Permit has been renewed (see End Note 1). Costs of improvements to upgrade facilities for potable water supply, treatment, and distribution, in order to accommodate future

growth impacts, would not be borne by the City, as this utility is private and would be in the FKAA's CIP, not the City's. The applicant will have to coordinate connection and assumption of existing water lines for this area.

An increase in potable water demand is expected as part of the proposed FLUM change, any increase would have a diminimus impact on potable water infrastructure capacity. The City's water supplier (FKAA) has provided a coordination letter stating capacity, but that any required upgrades are solely at the applicant's expense. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Solid Waste**

Solid waste capacity is managed in the Florida Keys under haul-out contracts to mainland solid waste facilities. There are currently no limits on solid waste capacity that would be impacted by this FLUM proposal.

The proposed FLUM change would maintain concurrency levels of solid waste infrastructure capacity. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Transportation**

The requested FLUM change is not expected to have an adverse impact on roadway capacity.

Monroe County's roadway facilities do not critically constrain the amount of future growth that can be accommodated in the County or the City (see End Note 1). Although localized deficiencies characterize several segments of US 1, sufficient reserve capacity exists in the overall roadway system to accommodate existing and committed development plus an additional 5,738 residential units (see End Note 1). Only 2,550 were allocated to unincorporated Monroe County in 1992, of which 150 went to the City. Thus, there is reserve capacity on US 1 to accommodate planned growth in the City (see End Note 2).

The proposed FLUM change would maintain concurrency levels of transportation on U.S. Highway One. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **Affordable Housing**

Affordable housing is an important issue in the Florida Keys and throughout the state of Florida. The City has well over 200 developed or approved affordable housing units. The proposed FLUM change would increase a potential for increased affordable housing on site. The Mixed Use FLUM category allows for a potential of 15 units per acre of affordable housing versus the Conservation FLUM category which allows for 1 unit per acre.

The proposed FLUM change will have the effect of enhancing the potential for affordable housing projects. The proposed FLUM amendment is therefore consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

## **Hazard Mitigation**

- **Coastal High Hazard Areas**

The subject parcels are not in in a Coastal High Hazard Area (CHHA). Any future development on site, if encroaching into this zone, would have to comply with all provisions of the local City of Marathon Floodplain Ordinance, in accordance with the standards as set to be a participating community in the National Flood Insurance Program (NFIP).

### Policy 4- 1.17.6 Limit Redevelopment in CHHA

The City shall limit redevelopment in areas within the CHHA shown by the Local Mitigation Strategy to be particularly susceptible to repeated damage. Criteria for assessing redevelopment potential for these properties shall be addressed within the Post Disaster Redevelopment Plan, to be prepared pursuant to Policy 4-1.22.3.

### Policy 4-1.20.1 Discourage Development in the High Velocity Area

The City shall, through the Land Development Regulations, continue to encourage both residential and non-residential development away from the areas designated as high velocity storm surge areas through disincentives in the adopted BPAS.

While development in the CHHA is to be discouraged in the Comprehensive Plan, it can be permitted by the Land Development Regulations in cases where it cannot be avoided; in these cases, development is required to comply with local Floodplain Management Regulations related to Velocity zone construction. The City has recently revised its floodplain regulations to comply with all recent revisions to the construction standards typically applied in a VE (CHHA) zone. This property proposed for rezoning is not within the proposed LiMWA area.

The proposed FLUM change results in a diminished hazard to public safety. New construction will have to meet flood regulations and would therefore represent decreased development in the CHHA on site. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

- **Hurricane Evacuation**

The critical carrying capacity constraint at the present time is related to the requirement that hurricane evacuation clearance times for Monroe County be maintained at or below 30 hours through the Year 2002, and further reduced to 24 hours by 2010 (see End Note 1).

The Florida Department of Economic Opportunity in conjunction with sister state agencies and the participation of all local governments completed an analysis this year of current hurricane evacuation constraints. It was determined that under defined conditions, the County was able to maintain a 24- hour evacuation time while continuing the current ROGO and BPAS allocation formulas. Thus, for the ensuing ten (10) years the City will continue to be able to issue 30 residential allocations per year. Additionally, 25,000 square feet of Commercial or CBPAS is available per period. The proposed FLUM and zoning change allows for the creation of a transient hotel use. These transient rights were already accounted for in the original Hurricane Evacuation modeling.

The proposed FLUM change would have a no net impact on hurricane evacuation times due to the transient units already having existed elsewhere in the City of Marathon. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **Ports – Marina Siting**

Staff believes that the proposed FLUM change will have no adverse impact on ports management or the City’s Marina Siting Plan. Marinas are allowed under a conditional use permit in the Mixed Use (MU) zoning district under the City’s Land Development Regulations; however, as this portion of the property is landlocked, no marina development is foreseeable.

The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **Public Use – Access to Water**

There is no public access to the water from this location

Staff believes that the proposed FLUM change will have no adverse impact on public access to water. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **Land Acquisition**

Land acquisition in the Florida Keys is carried out by the City, County, State, and to a limited extent the federal government for the purposes of resource conservation and management, removal of properties in the CHHA from public ownership, and to provide for public services and facilities. The parcels are on the Florida Forever boundary map.

The proposed FLUM change would have no impact on land acquisition efforts of the above-mentioned entities so long a conservation easement is ensured. The proposed FLUM amendment is, therefore, consistent with these provisions of the Comprehensive Plan and Chapters 16 and 380 F.S.

### **SUMMARY:**

The applicants have requested a change in the Future Land Use Map (FLUM) designation for the parcels located on and adjacent to US1 and Banana Boulevard. Currently the property is designated as Conservation (C). The applicant is requesting a change to Mixed Use Commercial (MUC), and subsequent rezoning of the parcel.

The applicants have requested a change in the Zoning designation for the parcels located on and adjacent to US1 and Banana Boulevard. Currently the property is designated as Conservation

Native Area (C-NA). The applicant is requesting a change to Mixed Use (MU) zoning of the parcel.

Based upon the existing square footage, and allowable FAR for Conservation FLUM, the applicants proposed square footage would be allowed. However, the use itself would not. Staff proposes an overlay of MU-C FLUM and MU zoning for the area established in Exhibit A to allow for the approval of the specific use, not allowing any increase in density nor intensity. This will be achieved through the adoption of the Crawl Key Subarea Policy (see Exhibit B). [The subarea policy has been amended to include language limiting to specific uses.](#)

Staff finds the proposed FLUM change consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules.

[The ORC included an additional comment relating to the conflict of parcel ID numbers and the proposed FLUM area. With the application to annul the plat, the existing parcels will revert back to one large parcel. The FLUM and zoning area would then be defined by the surveyed legal description and map as noted in Exhibit B.](#)

#### **RECOMMENDATION:**

Based on the above information, the Marathon Planning Department staff recommended that the Planning Commission forward a recommendation of Approval to Council.

Planning Commission voted 4-1 to recommend Denial to the City Council.

City Council voted 5-0 to approve the Zoning and FLUM. [The City received an ORC Report regarding the proposed FLUM change, and has made amendments to address these objections, recommendations, and comments.](#)

**Sponsored By:** Garrett  
**Planning Commission Public Hearing Date:** April 19, 2021  
**City Council Public Hearing Dates:** June 8, 2021  
September 14, 2021  
**Enactment Date:** TBD

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2021-14**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) FROM CONSERVATION (C) TO MIXED USE-COMMERCIAL (MU-C) FOR THE PROPERTY DESCRIBED AS BLOCK 1 LOTS 4-19, BLOCK 2 LOTS 11-15, SECTION 35, TOWNSHIP 65, RANGE 33, CRAWL KEY, MARATHON, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBERS 00358280-000000, 00358290-000000, 00358300-000000, 00358310-000000, 00358320-000000, 00358330-000000, 00358340-000000, 00358350-000000, 00358360-000000, 00358370-000000, 00358380-000000, 00358390-000000, 00358400-000000, 00358410-000000, 00358420-000000, 00358430-000000, 00358570-000000, 00358580-000000, 00358590-000000, 00358600-000000, And 00358610-000000; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY.**

**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 Floridian Holdings, LLC, from Conservation (C) to Mixed Use-Commercial (MU-C); and

**WHEREAS**, amending the Map designation of the Property furthers the goals, objectives and policies of the City Comprehensive Plan (the "Plan"); and

**WHEREAS**, pursuant to Chapter 163, *Florida Statutes*, and Sections 101.02 and 102.22 of the Code, the Planning Commission sitting as the Local Planning Agency publicly considered the proposed FLUM Map amendment on April 19, 2021 at a duly noticed public hearing, and has recommended denial of the proposed FLUM Map amendment to the City Council; and

**WHEREAS**, pursuant to the same legislative provision, the City Council considered the recommendation of the Planning Commission, accepted public input, and deliberated on the proposed Map amendment on June 8, 2021 at a duly noticed public hearing, and recommended that the amendment be transmitted to the Florida Department of Economic Opportunity (DEO) for review; 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, Chapter 102, Article 6 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.** The proposed FLUM Map designation change of the Property is approved in its first reading from its current designation of Conservation (C) to Mixed Us-Commercial (MU-C) pursuant to the Crawl Key Subarea Policy (See Attachment “A”).

**SECTION 3.** The proposed Comprehensive Plan Amendment to allow for the above map change is approved in its first reading to create the Crawl Key Subarea Policy (See Attachment “B”).

**SECTION 4.** The City Council directs staff to transmit the revised Map reflecting the Map amendment, and all data and analysis supporting the Map amendment, to the Department of Economic Opportunity, in its capacity as the State Land Planning Agency, as required by Chapters 163 and 380, *Florida Statutes*.

**SECTION 5.** 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 6.** The effective date of this FLUM Amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be

made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.**

**THE CITY OF MARATHON, FLORIDA**

\_\_\_\_\_  
**Luis Gonzalez, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

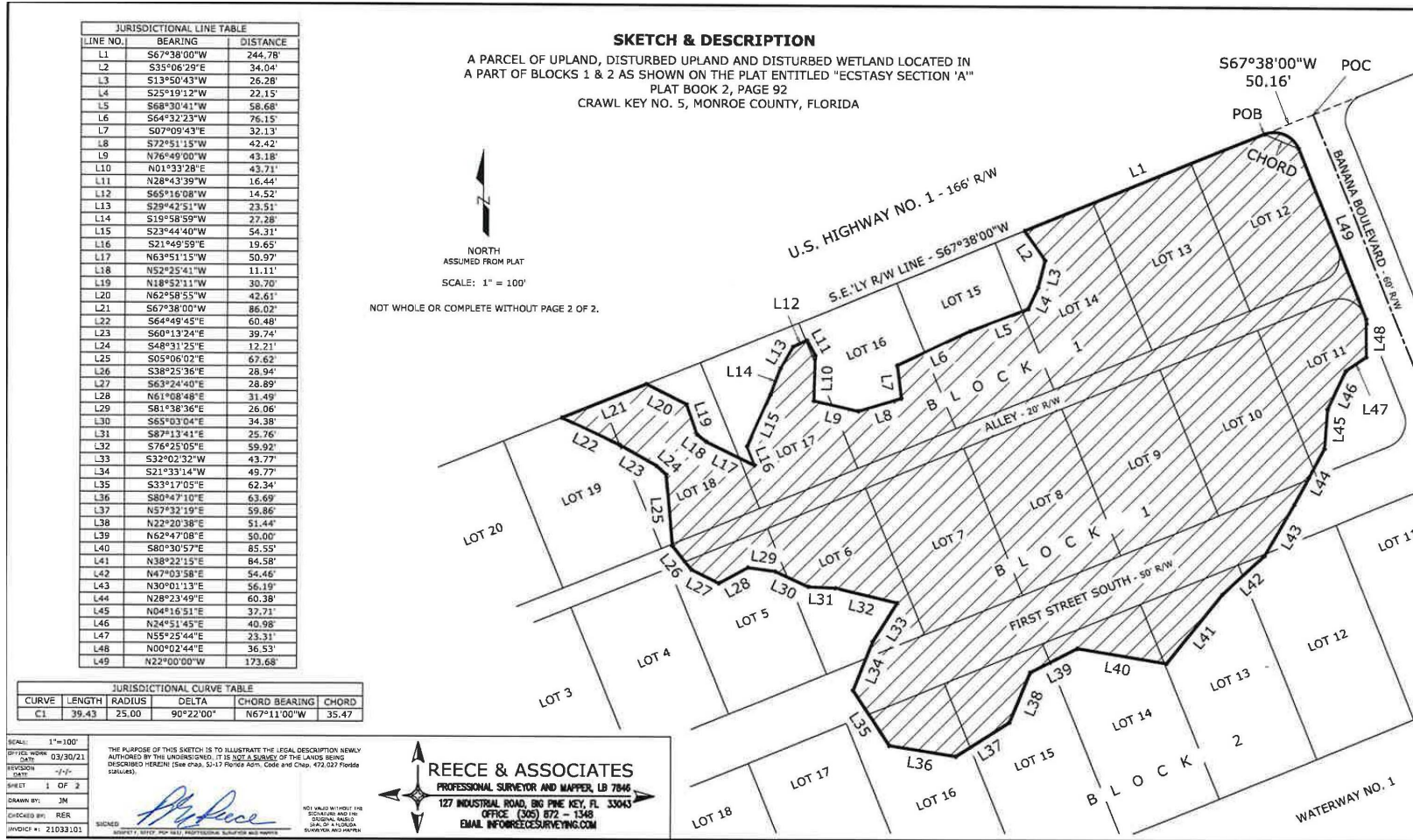
**ATTEST:**

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

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

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Steven T. Williams, City Attorney

# ATTACHMENT A





## City of Marathon Comprehensive Plan

### Policy 1-3.2.9 Crawl Key Subarea

The purpose of the Crawl Key Subarea is to implement applicable goals, objectives, and policies of the Comprehensive Plan and the Florida Keys Carrying Capacity Study to prohibit increases in overall potential residential density in the City of Marathon.

- a. **Boundary.** The Crawl Key Subarea shall include approximately 4.81 acres of upland, and is legally described as follows:

**LEGAL DESCRIPTION:**

A parcel of upland, disturbed upland and disturbed wetland located in a part of Blocks 1 and 2, as shown on ECSTASY SECTION "A", a subdivision as recorded in Plat Book 2, Page 92, of the Public Records of Monroe County, Florida, and being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the southeasterly right-of-way line of U.S. Highway No. 1 with the centerline of Banana Boulevard, thence S67°38'00"W for a distance of 50.16 feet to the Northeast corner of said Block 1, and the POINT OF BEGINNING;

thence S67°38'00"W for a distance of 244.78 feet; thence S35°06'29"E for a distance of 34.04 feet; thence S13°50'43"W for a distance of 26.28 feet; thence S25°19'12"W for a distance of 22.15 feet; thence S68°30'41"W for a distance of 58.68 feet; thence S64°32'23"W for a distance of 76.15 feet; thence S07°09'43"E for a distance of 32.13 feet; thence S72°51'15"W for a distance of 42.42 feet; thence N76°49'00"W for a distance of 43.18 feet; thence N01°33'28"E for a distance of 43.71 feet; thence N28°43'39"W for a distance of 16.44 feet; thence S65°16'08"W for a distance of 14.52 feet; thence S29°42'51"W for a distance of 23.51 feet; thence S19°58'59"W for a distance of 27.28 feet; thence S23°44'40"W for a distance of 54.31 feet; thence S21°49'59"E for a distance of 19.65 feet; thence N63°51'15"W for a distance of 50.97 feet; thence N52°25'41"W for a distance of 11.11 feet; thence N18°52'11"W for a distance of 30.70 feet; thence N62°58'55"W for a distance of 42.61 feet; thence S67°38'00"W for a distance of 86.02 feet; thence S64°49'45"E for a distance of 60.48 feet; thence S60°13'24"E for a distance of 39.74 feet; thence S48°31'25"E for a distance of 12.21 feet; thence S05°06'02"E for a distance of 67.62 feet; thence S38°25'36"E for a distance of 28.94 feet; thence S63°24'40"E for a distance of 28.89 feet; thence N61°08'48"E for a distance of 31.49 feet; thence S81°38'36"E for a distance of 26.06 feet; thence S65°03'04"E for a distance of 34.38 feet; thence S87°13'41"E for a distance of 25.76 feet; thence S76°25'05"E for a distance of 59.92 feet; thence S32°02'32"W for a distance of 43.77 feet; thence S21°33'14"W for a distance of 49.77 feet; thence S33°17'05"E for a distance of 62.34 feet; thence S80°47'10"E for a distance of 63.69 feet; thence N57°32'19"E for a distance of 59.86 feet; thence N22°20'38"E for a distance of 51.44 feet; thence N62°47'08"E for a distance of 50.00 feet; thence S80°30'57"E for a distance of 85.55 feet; thence N38°22'15"E for a distance of 84.58 feet; thence N47°03'58"E for a distance of 54.46 feet; thence N30°01'13"E for a distance of 56.19 feet; thence N28°23'49"E for a distance of 60.38 feet; thence N04°16'51"E for a distance of 37.71 feet; thence N24°51'45"E for a distance of 40.98 feet; thence N55°25'44"E for a distance of 23.31 feet; thence N00°02'44"E for a distance of 36.53 feet; thence N22°00'00"W for a distance of 173.68 feet to a point of curve, said curve having a radius of 25.00 feet and a delta angle of 90°22'00", with a chord bearing of N67°11'00" and chord distance of 35.47 feet; thence along said curve in a northwesterly direction for a distance of 39.43 feet back to the Point of Beginning. Containing 209,597 sq. ft., more or less (4.81 ac.).

- b. **Applicability.** The Crawl Key Subarea shall be subject to all regulations applicable to the underlying Future Land Use Designation and associated Zoning District, as well as the additional restrictions set forth in this Policy. Where conflicts may arise, the specific restriction in this Policy shall supersede the general criteria applicable to the underlying Future Land Use Designation and Zoning District. In no instance shall this Policy allow development potential greater than the underlying Future Land Use Designation and Zoning District.
- c. **Density.** To prohibit increases in overall potential residential density in the City of Marathon, the residential density allowed in the Crawl Key Subarea shall be zero (0).
- d. **Use.** The Crawl Key Subarea shall be limited to use as conservation areas and uses accessory to resort use. The structures allowed in the Crawl Key Subarea as accessory to resort use shall include, ~~but are not limited to,~~ parking areas, greenhouse, gatehouse,

equipment storage, kitchens, utility [facilities and structures](#), [emergency](#) and service facilities [and structures](#), [staff dining facilities](#), [parking sheds](#), [parking canopy](#), resort staff offices, laundry facilities and welcome lobby.