

**Sponsored by: Lindsey**  
**Introduction Date:** February 25, 2019  
**Public Hearing Dates:** March 26, 2019  
August 13, 2019  
**Enactment date: August 13, 2019**

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2019-08**

**CONSIDERATION OF AN ORDINANCE TO AMEND THE CITY OF MARATHON COMPREHENSIVE PLAN MODIFYING CHAPTER ONE, "FUTURE LAND USE," TABLE 1-1, "FUTURE LAND USE DENSITIES AND INTENSITIES," TO PROVIDE ASSURANCES THAT RESIDENCES WITHIN RL-C ZONING MAY BE REBUILT; 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**, 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,

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**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 One, Table 1-1 to read as follows:

Policy 1-3.2.7      Restrict Density and Intensity of Development

Table 1-1 establishes the maximum range of allocated density and intensity (F.A.R.) permitted in each future land use category per acre. New development and redevelopment, unless otherwise specified, shall not exceed the thresholds established in the table below.

With the exception of mixed use development that contains affordable/work force housing, when a proposed development is for a combination of uses, the acreage required for each use shall be determined independently based on the floor area ratio in Table 1-1 for each individual use.

**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
	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 <sup>7</sup>	0.1-0.25 <sup>7</sup>	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 <sup>4</sup>	0.2
Public 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
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	0.5	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 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. Open 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.

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**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
6. Residential Densities found in this Table are subject to the provisions of Policy 1-3.5.16				
7. <u>Existing Single Family Residences may be repaired, modified, or replaced. Individual vacant Lots within Blocks defined within a Platted Subdivision 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 whichever occurs first.</u>				

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

**SECTION 3.** 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.

**SECTION 4.** 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 5.** 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 Comprehensive Plan, 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 6.** 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.

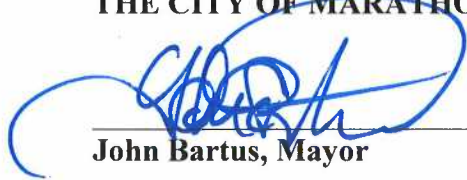
**SECTION 7.** This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

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**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 13<sup>th</sup> DAY OF AUGUST, 2019.**

**THE CITY OF MARATHON, FLORIDA**



**John Bartus, Mayor**

AYES: Cook, Zieg, Senmartin, Gonzalez, Bartus  
NOES: None  
ABSENT: None  
ABSTAIN: None

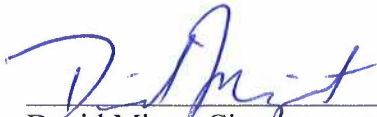
**ATTEST:**



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

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