

**Sponsored By:** Lindsey  
**Planning Commission Public Hearing Date:** October 21, 2019  
**City Council Public Hearing Date:** November 12, 2019  
March 10, 2020  
June 9, 2020  
**Enactment Date:** June 9, 2020

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2019-12**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN TO MODIFY COMPREHENSIVE PLAN, CHAPTER 1, "FUTURE ELEMENT", GOAL 1-3, "MANAGE GROWTH;" OBJECTIVE 1-3.2, "REGULATE DENSITY AND INTENSITY;" POLICY 1-3.2.5; "MAXIMUM HEIGHT LIMITATION," INCREASING THE MAXIMUM BUILDING HEIGHT TO FORTY-TWO FEET (42) FOR ALL STRUCTURES TO PROVIDE COMPENSATION FOR INCREASES IN REQUIRED ELEVATIONS FOR THE NEW FEMA FIRM MAPS; 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 Council finds it necessary, desirable, and proper to adopt the amendments to the Goals, Objectives and Policies of the Comprehensive Plan in order to reflect changing conditions, pursuant to Sections 163.3191 and 163.3178(2)(f) Florida Statute.; and

**WHEREAS**, this Ordinance had a hearing before the Planning Commission on October 21, 2019 and a first hearing before the City Council on November 12, 2019 during which both entities, took staff testimony, all public comment, and having duly deliberated, determined that the Ordinance was in the best interest of the public, supporting the public health, safety, and welfare; and

**WHEREAS**, this Ordinance, having received an ORC from DEO after its first hearing and rendering to DEO, was thus noticed for a second hearing on March 10, 2020 at which time, the Ordinance was passed unanimously, and

**WHEREAS**, it has been subsequently determined that changes suggested by DEO and made by staff for the March hearing were significant enough and in consideration of the fact that the hearing occurred during the City's problems with its computer network an additional hearing was warranted, and

**WHEREAS**, the Ordinance was heard on June 9, 2020, passing unanimously on that date,

**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 1, Conservation and Coastal Element, "Purpose:"

Policy 1-3.2.5      Maximum Height Limitation

The maximum height of any structure **permitted for maintenance, repair, expansion or new construction within the City of Marathon** shall be **forty-two (42) feet (in Datum NAVD88)** ~~thirty-seven (37)~~ feet with the exception of permitted projections, unless further restricted by the Land Development Regulations. **The purpose of this provision is to allow some flexibility in meeting the City's Floodplain regulations and revised FEMA Floodplain Maps. Government Facilities are exempt with the approval of the City Council. Nonconforming structures may be repaired, maintained or expanded as long as any alterations to the structure does not increase the nonconformity.**

**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 a "Comprehensive Plan amendment" as defined by State law. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the DEO and other state agencies 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, pursuant to Chapters 163 and 380, Florida Statutes.

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA,  
THIS 9<sup>th</sup> DAY OF JUNE 2020.

THE CITY OF MARATHON, FLORIDA


  
\_\_\_\_\_  
Steven Cook, Mayor

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

  
\_\_\_\_\_  
Dirk Smits, City Attorney