

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

**CITY OF MARATHON, FLORIDA
ORDINANCE 2021-15**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA 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.

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 Zoning Map (the "Map") to change the land use district designation of property owned by Floridian Holdings, LLC, from Conservation Native Area(C-NA) to Mixed Use (MU); and

WHEREAS, amending the Zoning 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 Zoning Map amendment on April 19, 2021 at a duly noticed public hearing, and has recommended denial of the proposed 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 and again on September 14, 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 final approval; 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 Zoning 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. In accordance with State law, the City of Marathon Comprehensive Plan, the Zoning Map designation of the Properties are amended from their current designation of Conservation Native Area (C-NA) to Mixed Use (MU) (See Attachment "A").

Section 2. In accordance with the City of Marathon Comprehensive Plan, the permitted uses are those limited in the Crawl Key Subarea Policy (See Attachment "B").

Section 3. The City shall timely transmit the revised Zoning Map reflecting the Map amendment, and all data and analysis supporting the Map amendment, to the State of Florida Department of Economic Opportunity, in its capacity as the State Land Planning Agency (the "Department"), as required by Chapters 163 and 380, *Florida Statutes*.

Section 4. That upon its effective date, the revised Map shall replace the City's Zoning Map, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), *Florida Statutes*, and Section 9(6) of the City Charter to the fullest extent allowed by law.

Section 5. The provisions of this Ordinance constitute a "land development regulation" as State law defines that term. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the Department for approval pursuant to Sections 380.05(6) and (11), *Florida Statutes*.

Section 6. That this Ordinance shall be effective immediately upon approval by the Department pursuant to Chapter 380, *Florida Statutes*.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, THIS 14th DAY OF SEPTEMBER, 2021.

THE CITY OF MARATHON, FLORIDA



Luis Gonzalez, Mayor

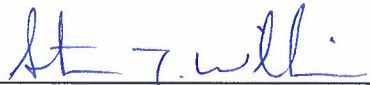
AYES: Zieg, Cook, Bartus, Senmartin, Gonzalez
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



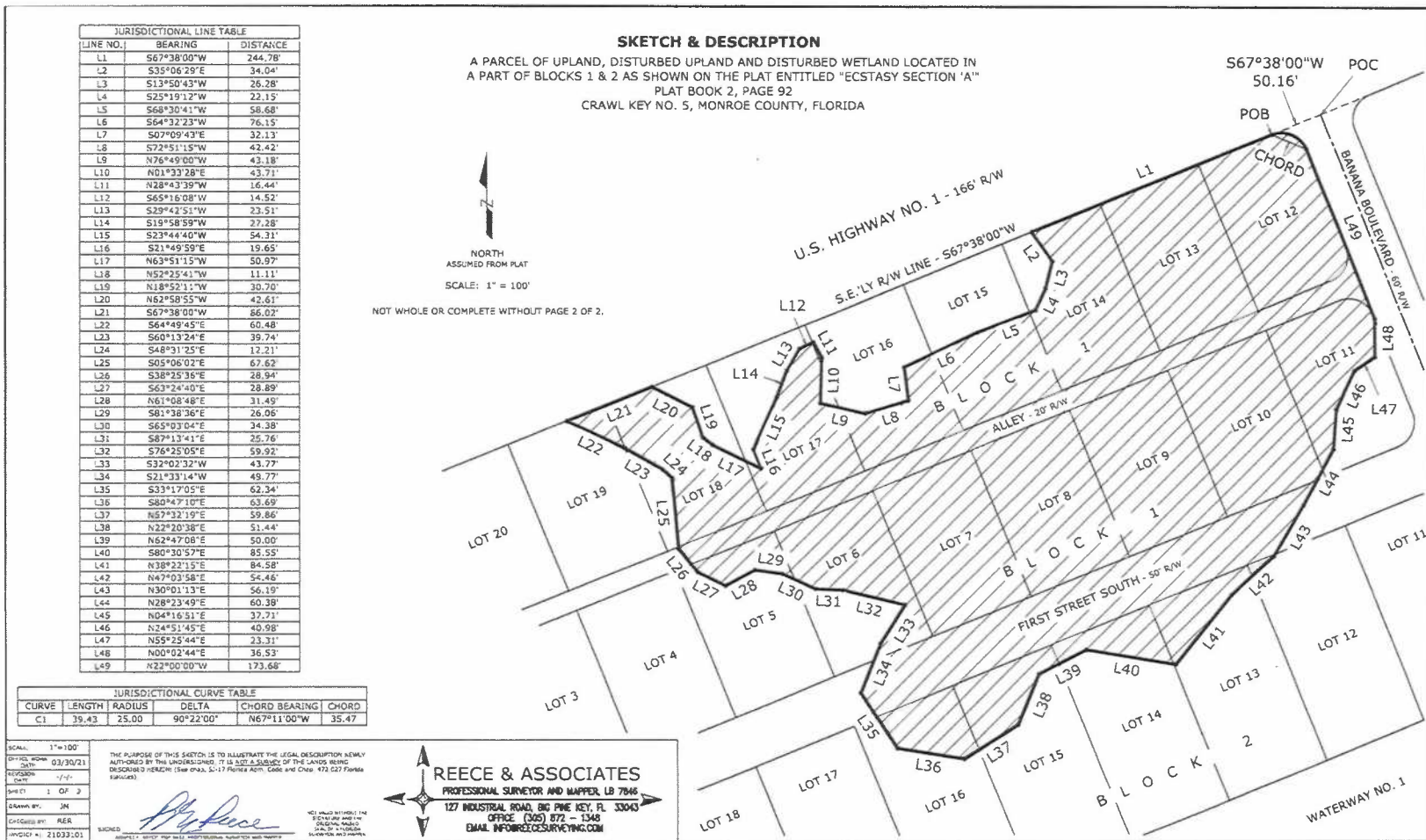
Diane Clavier
City Clerk

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



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 use 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.