

Sponsored By: Burnett
Planning Commission Public Hearing Date: February 17, 2009
City Council Public Hearing Date: March 10, 2009 and March 31, 2009
Enactment Date: March 31, 2009

**CITY OF MARATHON, FLORIDA
ORDINANCE 2009-04**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE ZONING MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR PROPERTY DESCRIBED AS BLOCK 2, LOT 3, SOMBRERO SUBDIVISION #1 PART OF GOV LOT 1, MARATHON, MONROE CO, FLORIDA RE# 00320860-000000; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS (THE "DEPARTMENT"); AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE DEPARTMENT IN ACCORDANCE WITH STATE LAW

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 zoning district of property owned by Twenty Third Street, LLC, legally described as Block 2, Lot 3, Sombrero Subdivision #1 Part of Gov Lot 1, Monroe County, Florida; and

WHEREAS, amending the Map designation of the Property furthers the goals, objectives and policies of the City Comprehensive Plan (the "Plan"), and will allow for the Zoning Map to be consistent with the Future Land Use Map designation of the Property; and

WHEREAS, pursuant to Chapter 163, *Florida Statutes*, and Sections 101.02 and 102.14 of the Code, the Planning Commission sitting as the Local Planning Agency publicly considered the proposed Map amendment on February 17, 2009 at a duly noticed public hearing, and has recommended approval of the proposed Map amendment to the City Council; 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, Section 102.14 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 and the Code, the Map designation of the Property (RE No. 00320860-000000) is amended from its current designation of Residential Medium (RM) to Mixed Use (MU).

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

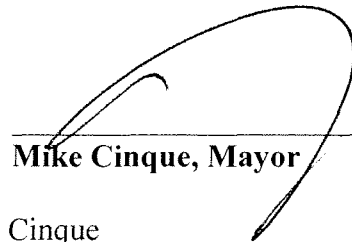
Section 4. That upon its effective date, the revised Map shall replace the City's Zoning Map, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), *Florida Statutes*, and Section 9(6) of the City Charter to the fullest extent allowed by law.

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 31st day of March, 2009.


THE CITY OF MARATHON, FLORIDA



Mike Cinque, Mayor


AYES: Sned, Ramsay, Vasil, Worthington, Cinque
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:**



City Attorney