

Introduction Date: October 18, 2010
Public Hearing Dates: December 14, 2010
January 11, 2010
Enactment date: January 11, 2011

**CITY OF MARATHON, FLORIDA
ORDINANCE 2010-15**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS SECTION 103.15 'STANDARDS,' TABLE 103.15.1 'USES BY ZONING DISTRICT' TO ALLOW SINGLE FAMILY DWELLINGS TO BE 'PERMITTED USE BY RIGHT' IN ALL ZONING DISTRICTS WITHIN WHICH THEY ARE CURRENTLY ALLOWED EXCEPT FOR PARKS AND RECREATION (PR); PROVIDING FOR SEVERABILITY; 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, the City of Marathon Land Development Regulations (LDRs) became effective in November 05 1007; and

WHEREAS, Section 103.15 of the LDRs provides standards and a table, Table 13.15.1, which identify allowed uses by zoning district; and

WHEREAS, the C-NA, C-OI, RL-C, RL, RM, RM-1, RM-2, R-MH, RH, MU, MU-M, I-G, I-M and PR, zoning districts each allow single family residences; and

WHEREAS, the City wishes to make the permission and construction of a single family residence in all zoning districts, except the "PR" District, within the City as a "Permitted Use by Right;"

WHEREAS, the City took public input on the proposed change at the Planning Commission on October 18, 2010, acting as the Local Planning Agency, and in front of the City Council on November 9, 2010 and November 23, 2010; and

WHEREAS, after due consideration of the proposed amendment to the LDRs, the Planning Commission and Council have deemed the amendment to be consistent and in compliance with the City of Marathon Comprehensive Plan and Land Development Regulations in accordance with Chapter 102, Article 7 of the Code,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS: ¹

Section 1. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. Revise Table 103.15.1, "Uses By Zoning District" to allow Single Family Dwellings to be "Permitted Use by Right (P)" in all Zoning Districts within which the use is currently allowed; C-NA, C-OI, RL-C, RL, RM, RM-1, RM-2, R-MH, RH, MU, MU-M, I-G, and I-M. Within the Parks and Recreation (PR) District, the use shall continue to be permitted as "A," Accessory within the District.

Section 3. The provisions of the Marathon Code and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed for the term of this Ordinance.

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. 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 Community Affairs for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 6. This Ordinance shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

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PASSED AND ADOPTED ON SECOND READING this 11th day of January, 2011.

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

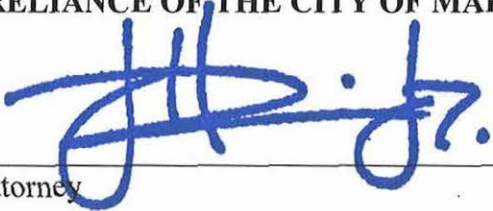
AYES: Ramsay, Cinque, Snead
NOES: Keating, Worthington
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier
City Clerk

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



City Attorney