

Sponsored By: Hernstadt
Introduction Date: December 20, 2010
Planning Commission Public Hearing Date: December 20, 2010
City Council Public Hearing Dates: Jan 11, 2011 and January 25, 2011
Enactment Date: January 25, 2011

**CITY OF MARATHON, FLORIDA
ORDINANCE 2011-01**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE ZONING MAP FROM MIXED USE MARITIME (MU-M) TO MIXED USE (MU) FOR PROPERTY DESCRIBED AS RIGGS SUBDIVISION, PB2-68 HOG KEY PART GOV LOTS 1,8,9 & 10, BLOCKS 1 AND 2 AND HOG KEY ADJOINING GOVT LOT 1 AND BAY BOTTOM ADJOINING LOT 1 AND BAY BOTTOM FILLED ADJOINING LOTS 8, 9, AND 10, SQUARE 1, AND FILLED LAND & BAY BOTTOM ADJOINING EAST & WEST SIDES OF BULKHEAD AND FILLED BAY BOTTOM EAST SIDE OF BULKHEAD, AND HOG KEY FILLED LAND SECTION 17, TOWNSHIP 66, RANGE 32. MARATHON, MONROE CO., FLORIDA, HAVING REAL ESTATE NUMBERS 00104110-000000, 00320010-000000, & 00320130-000000; 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 Waters Edge Marina LLC, legally described as Riggs Subdivision, Pb2-68 Hog Key Part Gov Lots 1,8,9 & 10, Blocks 1 and 2 And Hog Key Adjoining Govt Lot 1 And Bay Bottom Adjoining Lot 1 And Bay Bottom Filled Adjoining Lots 8, 9, And 10, Square 1, And Filled Land & Bay Bottom Adjoining East & West Sides Of Bulkhead And Filled Bay Bottom East Side Of Bulkhead, And Hog Key Filled Land, Marathon, Monroe Co., Florida.

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 December 20, 2010 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 property with real estate numbers 00104110-000000, 00320010-000000, & 00320130-000000; and as shown in Exhibit A is amended from its current designation of Mixed Use Maritime (MU-M) 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 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*.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, this 25th day of January, 2011.

THE CITY OF MARATHON, FLORIDA



Ginger M. Snead, Mayor

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

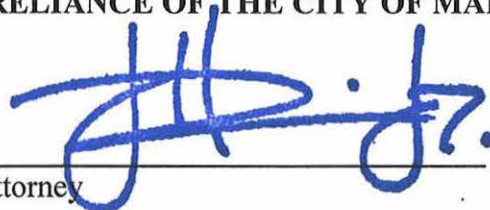
ATTEST:



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:



City Attorney

EXHIBIT A



  **City of Marathon, Florida**
PROPOSED ZONING 