

Sponsored By: Hernstadt
Introduction Date: May 21, 2012
Public Hearing Dates: June 12, 2012
June 26, 2012
Enactment Date: June 26, 2012

**CITY OF MARATHON, FLORIDA
ORDINANCE 2012-05**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE ZONING MAP DESIGNATION FROM RESIDENTIAL MOBILE HOME (RMH) TO PUBLIC (P) FOR PROPERTY DESCRIBED AS PART OF LOT 1 AND ADJACENT U.S. HIGHWAY 1 (A/K/A STATE ROAD 5), SECTION 19, TOWNSHIP 65, RANGE 34, GRASSY KEY, MARATHON, MONROE CO., FLORIDA, HAVING A REAL ESTATE NUMBER 0099820-000100; 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 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 designation of property owned by the City, legally described as Part of lot 1 and adjacent U.S. Highway 1 (a/k/a State Road 5) Section 19, Township 65, Range 34, Grassy Key, Marathon, 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 Land Development Regulations (the "LDRs"), the Planning Commission sitting as the Local Planning Agency publicly considered the proposed Map amendment on May 21, 2012, 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 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 LDRs and promotes and protects the health, safety and welfare of the residents of the City.

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 LDRs, the Map designation of the property with real estate number #0099820-000100 and as shown in **Exhibit A** is amended from its current designation of Residential Mobile Home (RMH) to Public (P).

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 Economic Opportunity, in its capacity as the State Land Planning Agency (the “Department”), as required by Chapters 163 and 380, *Florida Statutes*.

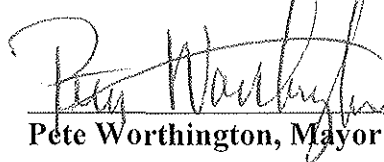
Section 4. That upon its effective date, the revised Map shall replace the City’s Zoning Map, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), *Florida Statutes*, and Section 9(6) of the City Charter to the fullest extent allowed by law.

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

Section 6. 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 26th DAY OF JUNE 2012.

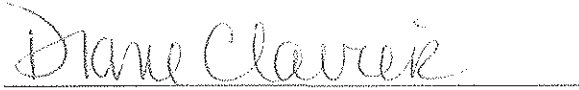
THE CITY OF MARATHON, FLORIDA



Pete Worthington, Mayor

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

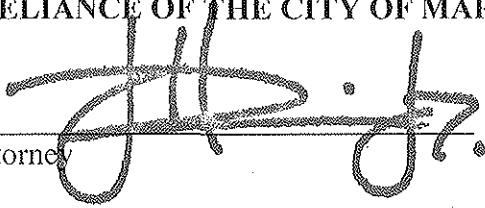
ATTEST:



Diane Clavier, City Clerk

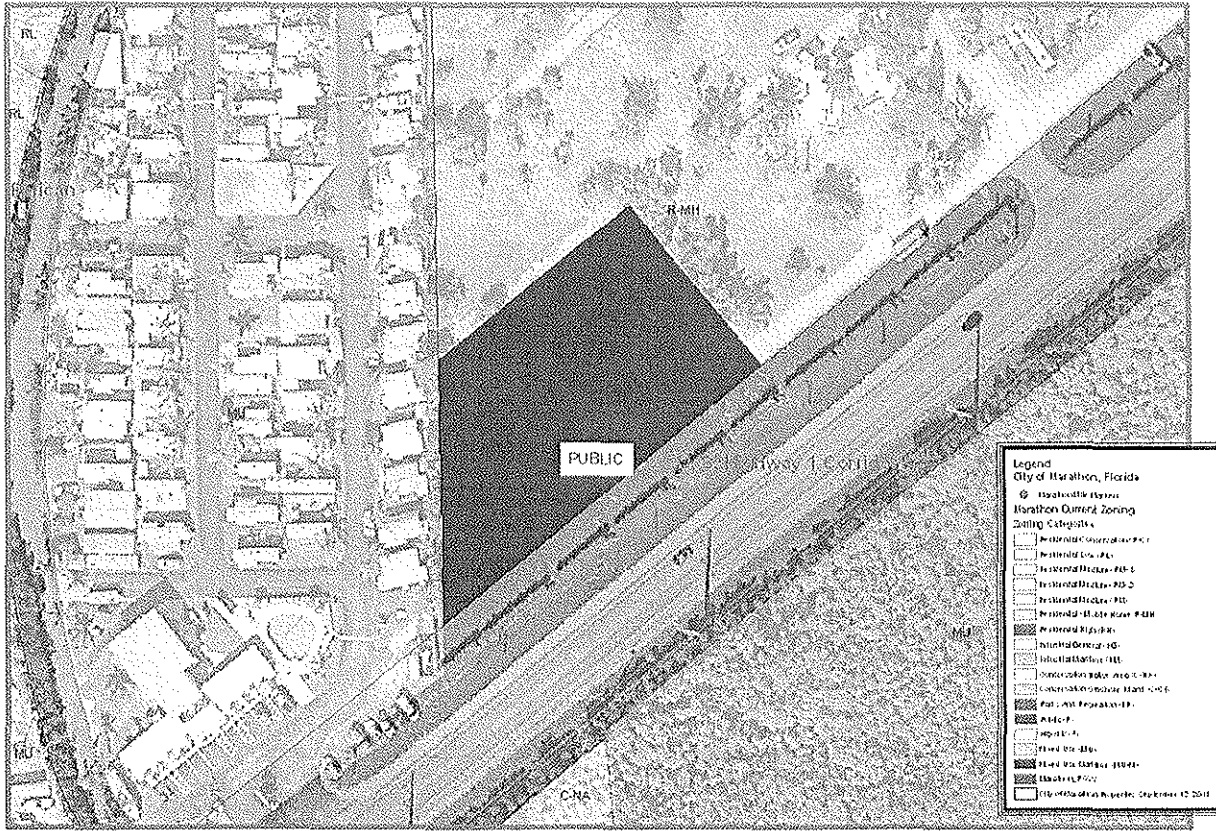
(City Seal)

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
 Official Map Product
 Proposed Zoning

