

Sponsored By: Hernstadt
Planning Commission Public Hearing Date: October 28, 2013
City Council Public Hearing Dates: November 12, 2013
2nd Council Hearing: December 12, 2013
Enactment Date: December 12, 2013

CITY OF MARATHON, FLORIDA
ORDINANCE 2013-10

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE OFFICIAL ZONING MAP FROM RESIDENTIAL MOBILE HOME (R-MH) TO MIXED USE (MU) FOR PROPERTY LOCATED AT 9121 OVERSEAS HIGHWAY, LEGALLY DESCRIBED AS LOT 23, SEACREST SUBDIVISION (PB3-60) HAVING REAL ESTATE NUMBER 00350750-000000; 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, 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 Official Zoning Map (the "Map") to change the zoning district of property owned by SVD Island Properties, LLC, legally described as lot 23, Seacrest Subdivision (Pb3-60) having Real Estate Number 00350750-000000 (the "Property"); 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 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 102.22 of the Code, the Planning Commission sitting as the Local Planning Agency publicly considered the proposed Map amendment on October 21, 2013 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, Chapter 102, Article 6 of the Code, 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. The Official Zoning Map and the zoning district of the Property is amended from its current designation of Residential Mobile Home (R-MH) to Mixed Use (MU), as illustrated on the attached *Exhibit 1*.

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 Official Zoning Map 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. 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 12th DAY OF DECEMBER, 2013.

THE CITY OF MARATHON, FLORIDA



Mayor Dick Ramsay

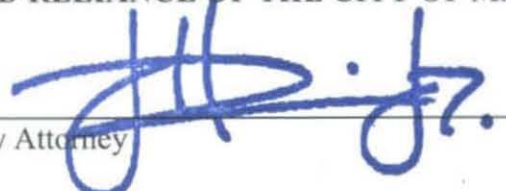
AYES: Snead, Bull, Keating, Senmartin, Ramsay
NOES: None
ABSENT: None
ABSTAIN: None

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

Exhibit 1



City of Marathon, Florida
Official Map Product



0 15 30 60 90 120 150 180 210 240 Feet