

Sponsored By: Lindsey
Planning Commission Public Hearing Date: August 23, 2016
City Council Public Hearing Dates: August 23, 2016 & September 13, 2016
Enactment Date: September 13, 2016

**CITY OF MARATHON, FLORIDA
ORDINANCE 2016-07**

ORDINANCE 2016-07 AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE OFFICIAL ZONING MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED (MU) FOR PROPERTY LOCATED AT 4900 OVERSEAS HIGHWAY, LEGALLY DESCRIBED AS LOTS 9-13, BLOCK 1, VACA VILLAGE SUBDIVISION HAVING REAL ESTATE NUMBERS 00327990-000000, 003280000-000000, 00328010-000000, 00328020-000000, 00328030-000000; 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, 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 Future Land Use Map (the "Map") to change the land use district designation of property owned by HTG Crystal Cove Resort LLLP, legally described as a Lots as Lots 9-13, Block 1, Vaca Village Subdivision having real estate numbers 00327990-000000, 003280000-000000, 00328010-000000, 00328020-000000, 00328030-000000, 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

WHEREAS, the Florida Department of Economic Opportunity forwarded a letter of "No Objection" to Ordinance 2012-16 on February 1, 2013 thus approving a FLUM amendment for the subject parcels from Residential Medium (RM) to Mixed Use - Commercial (MU-C); 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 Zoning Map amendment on November 19, 2012 at a duly noticed public hearing, and has recommended approval of the proposed Map amendment to the City Council; and

WHEREAS, pursuant to the same legislative provision, the City Council considered the recommendation of the Planning Commission, accepted public input, and deliberated on the proposed Map amendment on February 26th, 2013, August 13, 2016 and again on September 13,

2016 at duly noticed public hearings, and recommended that the amendment be transmitted to the Florida Department of Economic Opportunity (DEO) for review; 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; 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, the City of Marathon Comprehensive Plan, and as shown in Exhibit 1, the Zoning Map designations of the Properties are amended from their current designation of Residential Medium (RM) to Mixed Use (MU).

Section 3. The City shall timely transmit the revised Zoning 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 Future Land Use 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 13th DAY OF SEPTEMBER 2016.**

THE CITY OF MARATHON, FLORIDA



Mark Senmartin, Mayor

AYES: Zieg, Bartus, Coldiron, Kelly, Senmartin
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:**



David Migut, City Attorney

Exhibit 1

Approved Zoning

