

**Sponsored By:** Lindsey  
**Planning Commission Public Hearing Date:** August 23, 2017  
**City Council Public Hearing Dates:** July 11, 2017  
October 24, 2017  
**Enactment Date:** October 24, 2017

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2017-05**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE OFFICIAL ZONING MAP FROM MIXED USE (MU) TO MIXED USE MARITIME (MU-M) PROPERTY LOCATED AT 5130 OVERSEAS HIGHWAY, MARATHON, MONROE COUNTY, FLORIDA, WHICH IS LEGALLY DESCRIBED AS PART OF LOTS 1 AND 2 AND BAY BOTTOM SOUTH OF AND ADJACENT TO PART OF GOVERNMENT LOTS 1 AND 2 AND BLOCK D AMENDED PLAT OF MARAMEADE SUBDIVISION LOTS 1, 2, 3, 4, 5, 6 AND PART OF VACATED REDORA ROAD, HAVING REAL ESTATE NUMBERS 00103090-000100 AND 00324780-000000; 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 Land Use District Map from Mixed Use (MU) to Mixed Use Maritime (MU-M) property located at 5130 overseas highway, Marathon, Monroe County, Florida, which is legally described as part of lots 1 and 2 and bay bottom south of and adjacent to part of government lots 1 and 2 and block d amended plat of Marameade Subdivision lots 1, 2, 3, 4, 5, 6 and part of vacated Redora road, having real estate numbers 00103090-000100 and 00324780-000000, 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 Land Development Regulations (LDRs); 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 June 19, 2017 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 July 11, 2017 and August 8, 2017 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 Mixed Use (MU) to Mixed Use-Maritime (MU-M).

**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 Land Use District 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 24<sup>th</sup> DAY OF OCTOBER 2017.

THE CITY OF MARATHON, FLORIDA

  
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Dr. R. Daniel Zieg, Mayor

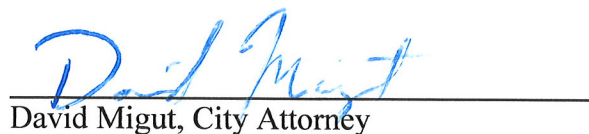
AYES: Cook, Bartus, Senmartin, Coldiron, Zieg  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST:

  
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Diane Clavier  
City Clerk

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

  
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David Migut, City Attorney

# Exhibit 1

## Approved Zoning

