

Sponsored By: Lindsey
Planning Commission Public Hearing Date: January 28, 2019
City Council Public Hearing Dates: February 26, 2019
May 14, 2019
Enactment Date: May 14, 2019

**CITY OF MARATHON, FLORIDA
ORDINANCE 2019-03**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP (FLUM) DESIGNATION FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE COMMERCIAL (MU-C) AND RESIDENTIAL MEDIUM (RM) FOR PART OF THE PROPERTY DESCRIBED AS 222 99TH ST. OCEAN, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00352210-000000; 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 a portion of property owned by Mario and Kay Ferrucci located at 222 99th St. ocean, Marathon, Monroe County, Florida, having real estate number 00352210-000000; and

WHEREAS, amending the Map designation of the Property furthers the goals, objectives and policies of the City Comprehensive Plan (the "Plan"); 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 January 28th, 2019 at a duly noticed public hearing, and has recommended approval of the proposed Map amendment to the City Council; and

WHEREAS, the City Council reviewed and approved transmittal of this Ordinance to the Florida Department of Economic Opportunity and other required agency reviewers; 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 26, 2019 at a duly noticed public hearing, 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 and the Code, the Map designation of the northerly 240 feet of the Property as illustrated in “Exhibit A” is amended from its current designation of Residential Medium (RM) 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*.

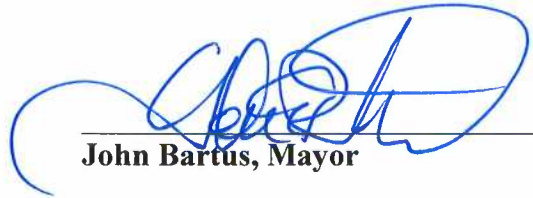
Section 4. That upon its effective date, the revised Map shall replace the City’s Future Land Use Map, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), *Florida Statutes*, and Section 9(6) of the City Charter to the fullest extent allowed by law.

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 14TH DAY OF MAY, 2019.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor


AYES: Zieg, Gonzalez, Senmartin, Cook, Bartus
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 A”



Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

June 20, 2019

The Honorable John Bartus
Mayor, City of Marathon
9805 Overseas Highway
Marathon, Florida 33050

Dear Mayor Bartus:

The Department of Economic Opportunity ("Department") has completed its review of the comprehensive plan amendment for the City of Marathon adopted by Ordinance No. 2019-03 on May 14, 2019 (Amendment No. 19-01ACSC), which was received and determined complete on May 24, 2019. We have reviewed the amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), and have determined that the adopted amendment meets the requirements of Chapter 163, Part II, F.S., for compliance, as defined in Section 163.3184(1)(b), F.S. The Department is therefore issuing a Notice of Intent to find the comprehensive plan amendment "In Compliance." A copy of the Notice of Intent is enclosed and will be posted on the Department's Internet website. You may access the Notice of Intent at: <http://floridajobs.force.com/orc>.

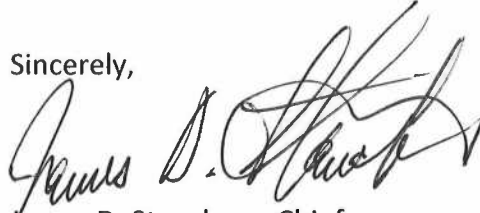
The Department's Notice of Intent to find a plan amendment "In Compliance" is deemed to be a final order if no timely petition challenging the amendment has been filed. If this plan amendment is challenged by an affected person, the amendment will not become effective until the Department or the Administration Commission enters a final order determining the amendment to be "In Compliance."

*Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO*

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions related to this review, please contact Courtney Johnstone, Planning Analyst, by telephone at (850) 717-8463 or by email at courtney.johnstone@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/cj

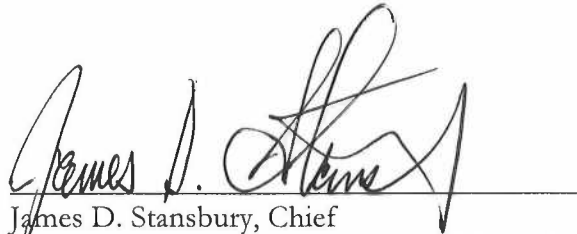
Enclosure: Notice of Intent

cc: Isabel Cosio Carballo, Executive Director, South Florida Regional Planning Council
George Garrett, Planning Director, City of Marathon

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY, THE STATE LAND PLANNING
AGENCY
NOTICE OF INTENT TO FIND THE
CITY OF MARATHON
COMPREHENSIVE PLAN AMENDMENTS
IN COMPLIANCE
DOCKET NO. 19-01ACSC-NOI-4406-(A)-(I)

The Department gives notice of its intent to find the Amendments to the Comprehensive Plan for the City of Marathon, adopted by Ordinance No. 2019-03 on May 14, 2019, IN COMPLIANCE, pursuant to Section 163.3184(4), F.S.

If a timely petition challenging the Amendments was not filed within thirty (30) days after the local government adopted the Amendments, the Amendments become effective upon the posting of this Notice of Intent on the Department's Internet Website. If a timely petition was filed, the Amendments do not become effective until the Department or the Administration Commission enters a final order determining that the Amendments are in compliance.



James D. Stansbury, Chief
Bureau of Community Planning and Growth
Division of Community Development
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399