

Sponsored By: Lindsey
Planning Commission Public Hearing Date: October 15, 2018
City Council Public Hearing Dates: November 13, 2018
May 14, 2019
Enactment Date: May 14, 2019

**CITY OF MARATHON, FLORIDA
ORDINANCE 2018-11**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE FUTURE LAND USE MAP FROM RESIDENTIAL LOW (RL) TO MIXED USE (MU) AND RESIDENTIAL LOW (RL) FOR PROPERTY LOCATED AT 10155 OVERSEAS HIGHWAY, MARATHON, FLORIDA, MONROE COUNTY, FLORIDA, WHICH IS LEGALLY DESCRIBED AS PART OF GOVT LOT 2 AND BAY BOTTOM SOUTH OF AND ADJ PART GOVT LOT 2, KEY VACA, HAVING REAL ESTATE NUMBER 00104460-000000; 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 La Palma 101, Inc., from Residential Low (RL) to Mixed Use (MU) and Residential Low (RL); 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 Zoning Map amendment on October 15, 2018 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 November 13, 2018 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 Florida Department of Economic Opportunity forwarded a letter of “No Objection” to Ordinance 2018-11, thus approving a FLUM amendment for the subject parcels from Residential Low (RL) to Mixed Use (MU) and Residential Low (RL); 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. The proposed FLUM Map designation change of the Property is approved in its first reading from its current designation of Residential Low (RL) to Mixed Use (MU) and Residential Low (RL), as illustrated on the attached Exhibit 1.

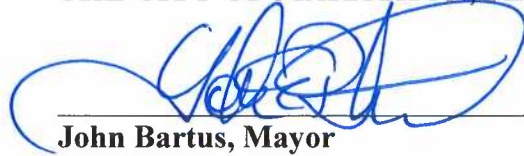
SECTION 3. The City Council directs staff to transmit the revised Map reflecting the Map amendment, and all data and analysis supporting the Map amendment, to the Department of Economic Opportunity, in its capacity as the State Land Planning Agency, as required by Chapters 163 and 380, *Florida Statutes*.

SECTION 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. The effective date of this FLUM Amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

**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, Senmartin, Gonzalez, Cook, Bartus
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



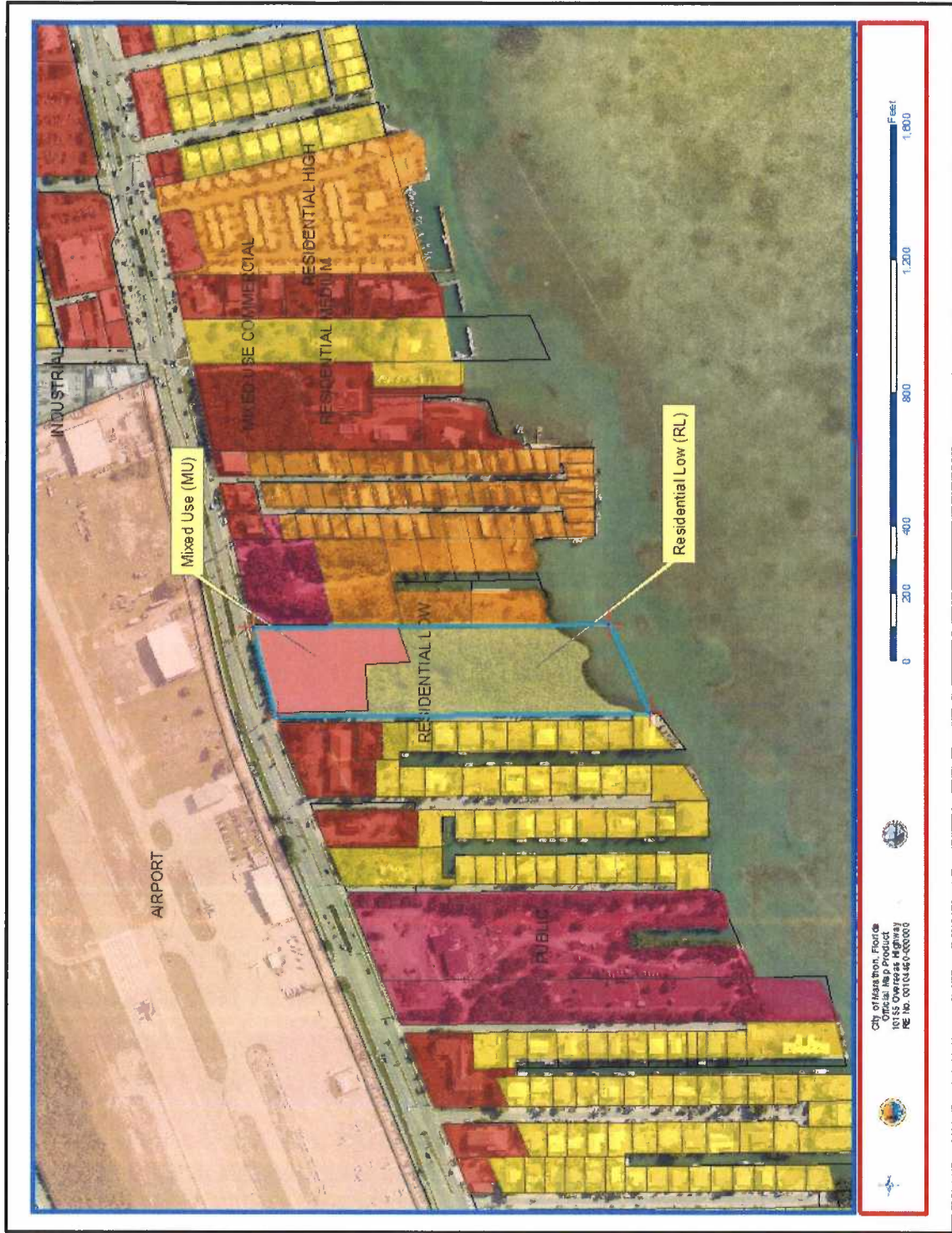
Diane Clavier, City Clerk

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



David Migut, City Attorney

Exhibit 1



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. 2018-11 on May 14, 2019 (Amendment No. 18-02ACSC), 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>.

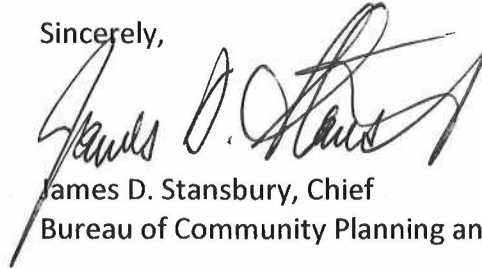
The Department’s Notice of Intent to find a plan amendment “In Compliance” is deemed to be a final order if no timely petition challenging the amendment has been filed. If this plan amendment is challenged by an affected person, the amendment will not become effective until the Department or the Administration 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 Daniel Hubbard, Planning Analyst, by telephone at (850) 717-8488 or by email at daniel.hubbard@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a large initial "J".

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

JDS/dh

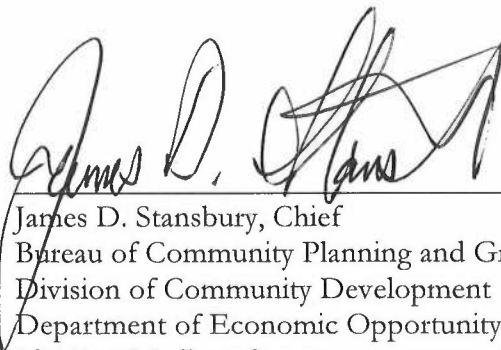
Enclosure: Notice of Intent

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. 18-02ACSC-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. 2018-11 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