

**Sponsored By:** Garrett  
**Planning Commission Public Hearing Date:** July 13, 2021  
**City Council Public Hearing Date:** September 14, 2021  
October 12, 2021  
**Enactment Date:** April 12, 2022

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2021-19**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE COMMERCIAL (MUC) FOR PROPERTY DESCRIBED AS PART GOV'T LOT 1 AND PART GOV'T LOT 2, PART PARCEL 3 AND ADJACENT BAY BOTTOM SOUTH OF AND ADJACENT PART GOV'T LOT 1, KEY VACCAS, MARATHON, MONROE CO., FLORIDA, HAVING REAL ESTATE NUMBER 00104260-000000; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS.**

**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 Mr. David LaClair and/or Mr. Charles LaClair, legally described as Part Gov't Lot 1 and Part Gov't Lot 2, Part Parcel 3 and Adjacent bay Bottom South of and Adjacent Part Gov't Lot 1, Key Vaccas, Marathon, Monroe Co., 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**, 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 July 13, 2021 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 September 14, 2021, October 12<sup>th</sup>, 2021, and April 12<sup>th</sup> 2022 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 2021-19, thus approving a FLUM amendment for the subject parcels from Residential Medium (RM) to Mixed Use Commercial (MUC); 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 Medium (RM) to Mixed Use Commercial (MUC), 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 12<sup>TH</sup> DAY OF APRIL, 2022.

THE CITY OF MARATHON, FLORIDA

  
\_\_\_\_\_  
John Bartus, Mayor

AYES: Zieg, Gonzalez, Still, Bartus  
NOES: None  
ABSENT: Cook  
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:

  
\_\_\_\_\_  
Steve Williams, City Attorney

**Ron DeSantis**  
GOVERNOR



**Dane Eagle**  
SECRETARY



June 9, 2022

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. 2021-19 on April 12, 2022 (Amendment No. 22-03ACSC), which was received and determined complete on April 26, 2022. 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](http://www.FloridaJobs.org) | [www.Twitter.com/FLDEO](https://twitter.com/FLDEO) | [www.Facebook.com/FLDEO](https://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.

The Honorable John Bartus, Mayor

June 9, 2022

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If you have any questions concerning this review, please contact Don Arellano, Planning Analyst, by telephone at (850) 717-8452 or by email at [Don.Arellano@deo.myflorida.com](mailto:Don.Arellano@deo.myflorida.com).

Sincerely,



Scott Rogers, Regional Planning Administrator  
Bureau of Community Planning and Growth

SR/da

Enclosure: Notice of Intent

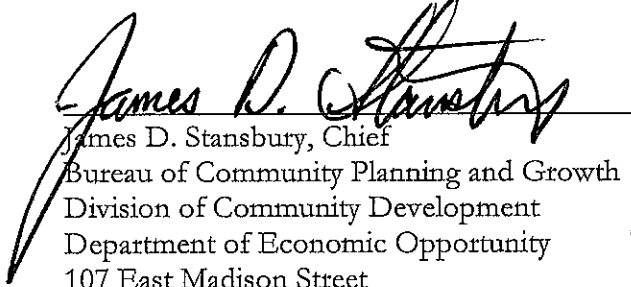
cc: Brain Shea, Planning Director, City of Marathon

Isabel Cosio Carballo, Executive Director, South Florida Regional Planning Council

STATE OF FLORIDA  
DEPARTMENT OF ECONOMIC OPPORTUNITY  
THE STATE LAND PLANNING AGENCY  
NOTICE OF INTENT TO FIND THE  
CITY OF MARATHON  
COMPREHENSIVE PLAN AMENDMENT  
IN COMPLIANCE  
DOCKET NO. 22-03ACSC-NOI-4406-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for the City of Marathon, adopted by Ordinance No. 2021-19 on April 12, 2022, IN COMPLIANCE, pursuant to Section 163.3184(4), F.S.

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