

Sponsored By: Garrett
Planning Commission Public Hearing Date: April 17, 2023
City Council Public Hearing Date: May 9, 2023
October 10, 2023
Enactment Date: October 10, 2023

**CITY OF MARATHON, FLORIDA
ORDINANCE 2023-08**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON'S COMPREHENSIVE PLAN MODIFYING CHAPTER ONE, "FUTURE LAND USE ELEMENT," AND INTENDING TO MODIFY POLICY 1-3.4.5, "PROTECT ESTABLISHED LIVE-ABOARD VESSELS", PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY AFTER THE FIRST HEARING BY THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Economic Opportunity ("DEO"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, liveaboard units were documented under the Marina Siting Plan; and

WHEREAS, Marina operating permits are required as part of redevelopment of marinas, and

WHEREAS, liveaboard units are accounted for in the hurricane evacuation model, and therefore the siting of new liveaboard slips requires the transfer of documented existing liveaboard rights from one location to another; and

WHEREAS, the City does not want to unduly constrain development within the City of Marathon, so long as the growth is managed and environmentally appropriate; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Goals, Objectives, and Policies of the Comprehensive Plan to reflect changing conditions, pursuant to Sections 163.3191 and 163.3178(2)(f) Florida Statute.; and

WHEREAS, this Ordinance, thus passed at its first reading, shall be transmitted to DEO and sister State Agencies for their coordinated Comprehensive Plan review to obtain and receive the DEO Objections, Recommendations, and Comments (ORC) prior to final adoption,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

~~Strikethrough~~ = deletion **bold underline** = addition

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Amend the Comprehensive Plan, Chapter 1, Future Land Use Element, “Policy 1-3.4.5:”

Policy 1-3.4.5 Protect Established Live-aboard Vessels

All live-aboard vessels docked, moored, anchored, or otherwise located within the City may remain in the City subject to the Policies in the Comprehensive Plan, including:

- a. Live-aboard inventory per Policy 4-1.12.4;
- b. The Marina Operating Permit process per Policy 4-1.12.3;
- c. Zoning District Regulations per Policy 1-3.4.6; and,
- d. Pump-out criteria per Policy 4.1.12.5.
- e. **In no instance shall the liveaboard right be entitled to transfer any density, intensity or building rights to any upland portion of the property.**


SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause of 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 4. The provisions of this Ordinance constitute a “Comprehensive Plan amendment” as defined by State law. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the DEO and other state agencies for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall be effective immediately upon approval by the Department of Economic Opportunity pursuant to Chapters 163 and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10TH DAY OF OCTOBER, 2023.

THE CITY OF MARATHON, FLORIDA


Luis Gonzalez, Mayor

AYES: Smith, Still, Matlock, Landry, Gonzalez
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier

Diane Clavier, City Clerk

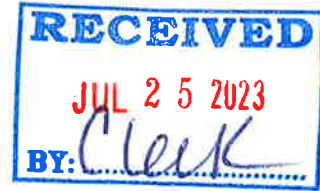
**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

St 7. will.

Steven Williams, City Attorney

2023-08

2023-08



July 10, 2023

The Honorable Luis Gonzalez
Mayor, City of Marathon
9805 Overseas Highway
Marathon, Florida 33050

Dear Mayor Gonzalez:

The Florida Department of Commerce ("Department") has completed its review of the proposed comprehensive plan amendment for the City of Marathon (Amendment No. 23-01ACSC), which was received and determined complete on May 10, 2023. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified five (5) objections and have included recommendations regarding measures that can be taken to address the objections. We are also providing a comment. The comment is offered to assist the local government but will not form the basis for a determination of whether the amendment, if adopted, is "In Compliance" as defined in Section 163.3184(1)(b), F.S. Copies of comments received by the Department from reviewing agencies, if any, are also enclosed.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment. **The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, must be held within 180 days of your receipt of the Department's attached report, or the amendment will be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(4)(e)1., F.S.**

Department staff is available to assist the City to address the objections and comment. If you have any questions related to this review, please contact Yazmin Valdez, Regional Planning Administrator, by telephone at (850) 717-8524 or by email at Yazmin.Valdez@DEO.MyFlorida.com.

Sincerely,



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

JDS/yv

Enclosures: Objections, Recommendations, and Comments Report
Procedures for Adoption
Reviewing Agency Comments

cc: Brian Shea, Director of Planning, City of Marathon
Isabel Cosio Carballo, MPA, Executive Director, South Florida Regional Planning Council

Objections, Recommendations and Comments Report
Proposed Comprehensive Plan Amendment
City of Marathon 23-01ACSC

The Florida Department of Commerce has identified five (5) objections and a comment regarding Local Government's proposed comprehensive plan amendment. The objections and comment are provided below, along with recommended actions the City could take to resolve issues of concern. If the City adopts the plan amendment without adequately addressing the objections, the Department may find the amendment not in compliance with Chapter 163, Part II, Florida Statutes (F.S.), pursuant to section 163.3184(4)(e)4., F.S. Comments are offered to assist the local government and will not form the basis for a compliance determination.

Department staff has discussed the basis of the report with local government staff and is available to assist the City to address the objections and comment.

I. Objection

Objection 1: Internal Inconsistency

The proposed amendment is internally inconsistent with the goals, objectives, and policies of the City's Plan and is inconsistent within its own provisions also making the policy lacking in meaningful and predictable standards. The proposed amendment modifies Plan Policy 1-3.4.5, Protect Established Live-aboard Vessels, to allow for the transfer of "liveaboards" from one marina site to another, while stating that the "liveaboard right" is prohibited from transferring "any density, intensity, or building rights to any upland portion of the property." The proposed language, particularly under Plan Policy 1-3.4.5, creates several inconsistencies with the Plan and confusingly refers to "liveaboards," "live-aboard vessels," and "liveaboard rights" without providing any definitions for the differing terms.

The proposed amendment intends to allow "liveaboards" to be transferred from one marina site to another by utilizing the existing program for transferring density and building rights within the City under Plan Policy 1-3.5.16. However, the proposed language also specifically excludes liveaboards from transferring density or building rights, making it unclear how Plan Policy 1-3.5.16 could serve as the mechanism for achieving a liveaboard transfer, or how the existing provisions of Policy 1-3.5.16 could be applicable to the proposed transfer of liveaboards.

The proposed amendment does not establish meaningful and predictable guidelines and standards defining the "right" that is the subject of the transfer to ensure that the right is the right of the non-upland area (wet-slips or moorings) of a marina to be occupied by a liveaboard vessel and is not a right of a liveaboard vessel and does not include rights of upland areas.

The proposed amendment does not establish, based upon relevant and appropriate data and analysis, the long-term ends toward which the Transfer of Building Rights (TBR) program/strategy is ultimately directed consistent with the requirement of Sections 163.3177(6)(a) and 163.3177(1)(f), F.S., and to ensure that the TBR program accomplishes the following:

- (1) The TBR program shall facilitate the elimination of nonconforming uses and ensure that the TBR program does not perpetuate nonconforming uses related to liveaboard vessels;
- (2) The TBR program shall coordinate future land uses with the availability of facilities and services to support liveaboard vessels’;
- (3) The TBR program shall ensure that a vested rights determination precedes transfer of any marina rights related to a lawful nonconforming liveaboard vessel; and
- (4) The TBR shall utilize a monitoring system to establish baseline conditions, track transfers and annually update the Marina Inventory with appropriate information to help ensure that unlawful transfers do not occur.

The proposed amendment does not establish, based upon relevant and appropriate data and analysis, meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations to implement the long-term ends toward which the TBR program is ultimately directed consistent with the requirements of Sections 163.3177(1) and 163.3177(5)(b), F.S.

The City should revise the proposed language to create a liveaboard transfer program separate from the existing TBR and TDR transfer programs. The City should also revise the language to more clearly prohibit density, intensity, or building rights from being allocated to any liveaboard vessel, similar to, and consistent with, the established provisions for floating structures under Plan Policy 1-3.4.4.

Rather than referencing Policy 1-3.5.16, the City should consider revising the amendment to include parameters specifically applicable to the transfer of the subject right, in addition to adding provisions that ensure the new liveaboard transfer program directs liveaboards away from critical habitats and environmentally sensitive areas, revitalizes existing marinas, or provides for affordable/workforce housing consistent with the requirements of Plan Policy 1-3.3.1.

The supporting documentation transmitted to the Department indicates the City intends to rely on the 2005 Marina Siting Plan to determine the liveaboards that may be eligible for transfer under the new program. However, Policy 4-1.12.4 requires the City to continue to update and expand its inventory of marinas, including a description of the type of berths at each marina. Assuming the City has followed its own Plan, the annually updated information in the most recent marina inventory would be the most reliable data and more consistent method of determining where liveaboards are located within the City.

Objection 2: Lack of Data and Analysis

The proposed amendment is not based on relevant and appropriate data and analysis as required by Section 163.3177(1)(f), F.S. The amendment proposes to allow for the transfer of liveaboards from one marina site to another without identifying how many liveaboards are currently existing within the City or how many liveaboards the City anticipates being eligible for transfer from one marina site to another. The City also fails to identify how many marinas, wet-slips, or moorings may be entitled to take advantage of the proposed transfer program. Utilizing the 2005 Marina Siting Plan would not only provide an inaccurate number of liveaboards within

the City because it is nearly 20 years old and based on self-reported information, the Marina Siting Plan would be difficult for the City to base vested right determinations on because several of the properties listed as having liveaboards do not identify the number of liveaboards associated with those marinas. Further, the inventory included in the Marina Siting Plan states: "This inventory is a draft only". The City must rely on relevant and appropriate data and analysis, and determine the number of liveaboards currently existing in the City utilizing the marina inventory prior to establishing a transfer program for liveaboards from one marina to another.

Objection 3: Lack of Coordination

As proposed, the amendment does not coordinate the several elements of the City's Plan nor does the amendment coordinate with Plans of adjacent municipalities or Monroe County or rules established for the Florida Keys Area of Critical State Concern.

Objection 4: Lack of Meaningful and Predictable Standards

The proposed amendment does not establish, based upon relevant and appropriate data and analysis, meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations to implement the long-term ends toward which the transfer program is ultimately directed consistent with the requirements of Sections 163.3177(1) and 163.3177(5)(b), F.S.

Section 163.3177(1), F.S., requires the City's Plan to "...establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations." The proposed amendment fails to appropriately provide measurable and predictable standards to guide the City in its determinations of whether to approve or deny a request to transfer a liveaboard from one marina site to another. As previously stated, the City's attempt to create a liveaboard transfer program by utilizing the existing Plan policies and LDRs established for the transfer of building rights or density is inconsistent and illogical. If the City wishes to proceed with creating a transfer program for liveaboards, the City should use relevant data and analysis to establish applicable criteria for when a liveaboard may be eligible for transfer and the conditions by which a transfer determination should be made. These standards will ensure that individuals within the City owning liveaboards will understand what "rights," if any, they may be entitled to and the procedures for having those "rights" acknowledged by the City. Additional standards will help guide how an individual may request or apply for the transfer of a liveaboard as proposed by the amendment.

Objection 5: Inconsistent with the Principles for Guiding Development

For the reasons stated above, the proposed amendment is not consistent with the principles for guiding development for the Florida Keys Area of Critical State Concern as established under section 380.0552, F.S.:

- a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

- e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 1. The Florida Keys Aqueduct and water supply facilities;
 2. Sewage collection, treatment, and disposal facilities;
 3. Solid waste treatment, collection, and disposal facilities;
 4. Key West Naval Air Station and other military facilities;
 5. Transportation facilities;
 6. Federal parks, wildlife refuges, and marine sanctuaries;
 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 8. City electric service and the Florida Keys Electric Co-op; and
 9. Other utilities, as appropriate.
- l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
- n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

The City should follow the Department's recommended actions prior to adoption of the proposed amendment and must ensure the adopted amendment is consistent with the principles for guiding development.

Statutory Authority: Sections 163.3177(1); 163.3177(2); 163.3177(5)(b); 163.3177(4)(a); and 380.0552(7), F.S.

RECOMMENDATION FOR OBJECTIONS:

The City should revise the amendment, based upon relevant and appropriate data and analysis, to include the long-term ends towards which the new transfer program is directed, as indicated above, and to include meaningful and predictable guidelines and standards to implement the new transfer program. If the City intends to establish a mechanism for the transfer of liveaboards, the City should revise the amendment to establish a policy specific to the **Transfer of a Liveaboard Wet-Slip or Mooring** that:

- (1) Clearly delineates a program that is intended as the mechanism by which individuals may apply for the City's approval to transfer the right of a wet-slip or mooring to be occupied

by a liveaboard vessel from one a Sender Site marina to a Receiver Site marina location only when specific criteria is met;

- (2) Does not allow any liveaboard or rights of a wet-slip or mooring to be entitled to transfer any density, intensity, or building right to any upland property;
- (3) Facilitates the elimination of nonconforming uses through the transfer of marina rights associated with Sender-Site lawful nonconforming Liveaboard Vessels and that the new transfer program does not perpetuate nonconforming uses;
 - a. Coordinates future land uses with the availability of facilities and services for each Liveaboard Vessel that actually occupies a Receiver-Site Marina. Further, the program should specify criteria used by the City in determining whether to approve or deny a request for transfer. For instance, the City may want to clarify if a transfer may be approved even if the Receiver-Site Marina lacks the facilities and services to support a liveaboard in accordance with the Plan and LDR, or whether the right may only transfer to a Receiver-Site Marina wet-slip or mooring if the City first determines the Receiver-Site Marina has the available facilities and services (e.g., pump-out facilities) to support the liveaboard.
- (4) Requires individuals within the City, likely marina owners, to obtain documentation from the City confirming the entitlement of a marina right associated with a wet-slip or mooring for a liveaboard as a condition or criteria for applying for the transfer of the right from a Sender-Site Marina. The City documentation of any available transfer right should be established through a Vested Rights Determination prior to application for the transfer. Utilizing the City's Vested Rights Determination process would also allow the City to determine how many liveaboards are currently in the City; and
- (5) Utilizes a monitoring system that includes the following: (a) the identification of the year 2023 baseline amount of rights at each marina for the number of liveaboard vessels that may occupy each marina as a lawful conforming use and may occupy each marina as a lawful nonconforming use; (b) an annually updated marina inventory consistent with Policy 4-1.12.4 and that includes updated information identifying the amount of rights at each marina for the number of liveaboard vessels that may occupy each marina as a lawful conforming use and may occupy each marina as a lawful nonconforming use; and (c) a system to track each transfer with a unique identification number.

Additionally, the proposed amendment should establish meaningful and predictable guidelines and standards by defining the "right" that is the subject of the transfer to ensure that the right being transferred and received is the right of the non-upland area (wet-slips or moorings) of a marina to be occupied by a liveaboard vessel rather than a right of a liveaboard vessel or any right associated with any upland areas. The proposed amendment should provide meaningful and predictable guidelines and standards for the transfer program to implement and achieve the following long-term ends:

- (1) The City shall ensure the transfer program facilitates the elimination of nonconforming uses and ensure that the transfer program does not perpetuate nonconforming uses related to liveaboard vessels;

- (2) The City shall coordinate future land uses with the availability of facilities and services to support liveaboard vessels;
- (3) The City shall ensure that a vested rights determination precedes the application for or approval of a transfer of any liveaboard;
- (4) The City shall utilize a monitoring system to establish baseline conditions, track transfers, and annually update the Marina Inventory with appropriate information to help ensure that unlawful transfers do not occur.

II. Comment

Comment 1: Adoption by Reference

The amendment modifies Policy 1-3.4.5, which currently references a “Live-aboard inventory per Policy 4-1.12.4.” under section a. If the City intends to utilize the Marina Siting Plan as supporting data and analysis for the liveaboards that may be eligible for transfer, the City should consider properly adopting the Marina Siting Plan by reference in accordance with the provisions outlined under Section 163.3177(1)(b), F.S. However, as stated above, the City should instead utilize more relevant and appropriate data and analysis in the annual marina inventory report or other data and analysis that more accurately depicts the number of liveaboards currently in the City.

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fldco.my.salesforce-sites.com/cpl/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

- _____ Florida Department of Commerce identification number for adopted amendment package;
- _____ Summary description of the adoption package, including any amendments proposed but not adopted;
- _____ Ordinance number and adoption date;
- _____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;
- _____ Name, title, address, telephone, FAX number and e-mail address of local government contact;
- _____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan 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 the amendment is 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."

_____ List of additional changes made in the adopted amendment that the Florida Department of Commerce did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Florida Department of Commerce to the ORC report from the Florida Department of Commerce.



MEMORANDUM

AGENDA ITEM #V.C

DATE: JUNE 16, 2023

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: LOCAL GOVERNMENT COMPREHENSIVE PLAN PROPOSED AND ADOPTED AMENDMENT
CONSENT AGENDA

Pursuant to the 1974 Interlocal Agreement creating the South Florida Regional Planning Council (Council), the Council is directed by its member counties to “assure the orderly, economic, and balanced growth and development of the Region, consistent with the protection of natural resources and environment of the Region and to protect the health, safety, welfare, and quality of life of the residents of the Region.”

In fulfillment of the Interlocal Agreement directive and its duties under State law, the Council reviews local government Comprehensive Plan amendments for consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Pursuant to Section 163.3184, Florida Statutes as presently in effect, Council review of comprehensive plan amendments is limited to 1) adverse effects on regional resources and facilities identified in the SRPP and 2) extra-jurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region. The Council’s review of amendments is conducted in two stages: (1) proposed or transmittal and (2) adoption. Council staff reviews the contents of the amendment package once the Department of Economic Opportunity certifies its completeness.

A written report of the Council’s evaluation pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State Land Planning Agency within 30 calendar days of receipt of the amendment.

Recommendation

Find the proposed and adopted plan amendments from the local governments listed as not causing adverse impact to state or regional resources/facilities and without extra-jurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region.

Approve this report for transmittal to the local governments with a copy to the State Land Planning Agency.



South Florida Regional Planning Council
1 Oakwood Boulevard, Suite 250, Hollywood, Florida 33020
954-924-3653 Phone, 954-924-3654 FAX
www.sfrationalcouncil.org

PROPOSED AMENDMENTS

- **Town of Davie 23-01ESR**
(Transit-Oriented Corridor Revisions)
- **City of Hollywood 23-01ER***
(Property Rights Element)
- **City of Marathon 23-01ACSC**
(Protect Established Live Aboard Vessels)
- **City of Marathon 23-02ACSC**
(Modification of Program for Transfer of Density and Building Rights)
- **City of Oakland Park 23-01ER***
(Property Rights Element)
- **City of Plantation 23-01ER***
(Evaluation & Appraisal Report Based Amendments & Property Rights Element)

ADOPTED AMENDMENTS

- **Monroe County 23-01ACSC**
(Airport Improvements)
- **City of Hallandale Beach 23-01ESR**
(Safe Neighborhood District Plans)
- **City of Key West 22-07ACSC**
(Incorporation of a Water Supply Facilities Work Plan Update and Amending Associated Elements)
- **City of Miami Beach 23-01ESR**
(Incentives for Replacing Transient Uses in R-PS4 District)
- **City of Miami Beach 23-02ESR**
(Incentives for Office Uses in C-PS1 District)

*Property Rights Amendment

Staff Note: No concerns or technical assistance comments reflecting potential adverse regional or extra-jurisdictional impacts were received from local governments or partner agencies.

From: [Plan Review](#)
To: [Powell, Barbara](#); [DCPexternalagencycomments](#)
Cc: [Plan Review](#)
Subject: [EXTERNAL] - Marathon 23-01ACSC Proposed
Date: Wednesday, June 7, 2023 3:33:38 PM
Attachments: [image002.png](#)

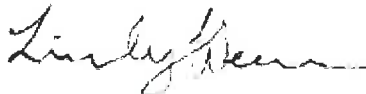
To: Barbara Powell, Deputy Bureau Chief, Plan Review and Processing

Re: Marathon 23-01ACSC – State Coordinated Review of Proposed Comprehensive Plan Amendment

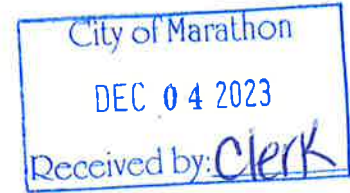
The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



November 29, 2023



The Honorable Luis Gonzalez
Mayor, City of Marathon
9805 Overseas Highway
Marathon, Florida 33050

Dear Mayor Gonzalez:

The Florida Department of Commerce (FloridaCommerce) has completed its review of the comprehensive plan amendment for the City of Marathon adopted by Ordinance No. 2023-08 on October 10, 2023 (Amendment No. 23-01ACSC), which was received and determined complete on October 16, 2023. 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. FloridaCommerce 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 FloridaCommerce's Internet website. You may access the Notice of Intent at: <http://floridajobs.force.com/orc>.

FloridaCommerce'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 FloridaCommerce or the Administration Commission enters a final order determining the amendment to be "In Compliance."

If you have any questions concerning this review, please contact Yazmin Valdez, Regional Planning Administrator, by telephone at (850)-717-8524 or by email at yazmin.valdez@commerce.fl.gov.

Sincerely,

A handwritten signature in black ink that reads "James D. Stansbury".

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

JDS/yv

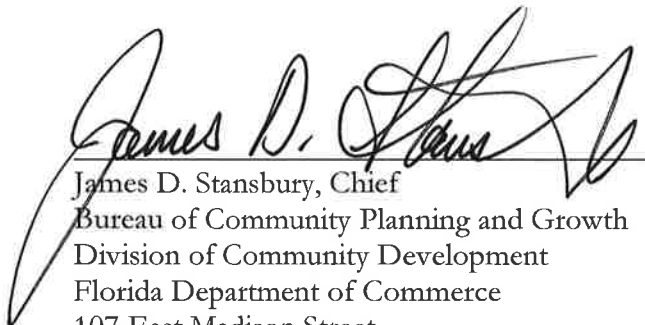
Enclosure: Notice of Intent

cc: Brian Shea, Director of Planning, City of Marathon
Isabel Cosio Carballo, MPA, Executive Director, South Florida Regional Planning Council

FLORIDA DEPARTMENT OF COMMERCE
THE STATE LAND PLANNING AGENCY
NOTICE OF INTENT TO FIND THE
CITY OF MARATHON
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
DOCKET NO. 23-01ACSC-NOI-44-06-(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. 2023-08 on October 10, 2023, 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
Florida Department of Commerce
107 East Madison Street
Tallahassee, Florida 32399