

Sponsored By: Hernstadt
Planning Commission Public Hearing Date: June 20, 2011
City Council Public Hearing Dates: June 28, 2011
July 12, 2011
Enactment Date: July 12, 2011

**CITY OF MARATHON, FLORIDA
ORDINANCE 2011-09**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) FROM RESIDENTIAL HIGH (RH) TO PUBLIC (P) FOR PROPERTY DESCRIBED AS PART GOV'T LOT 1 AND ADJACENT U.S. HIGHWAY 1 (AKA STATE ROAD 5), GRASSY KEY, MARATHON, MONROE CO., FLORIDA, HAVING REAL ESTATE NUMBER 0099820-000100; 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 the City, legally described as Part Gov't Lot 1 and Adjacent U.S. Highway 1 (aka State Road 5), Grassy Key, 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 May 18, 2009 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 Community Affairs 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 July 26, 2011 at a duly noticed public hearing, and recommended that the amendment be transmitted to the Florida Department of Community Affairs (DCA) 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 Property is amended from its current designation of Residential High (RH) to Public (P).

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*.

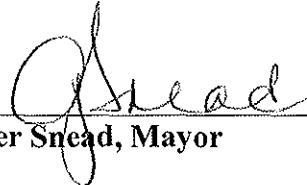
Section 4. That upon its effective date, the revised Map shall replace the City’s Future Land Use Map, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), *Florida Statutes*, and Section 9(6) of the City Charter to the fullest extent allowed by law.

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 12th day of July 2011.


THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

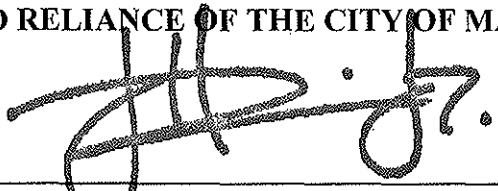
AYES: Worthington, Keating, Cinque, Ramsay, Snead
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier
City Clerk

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



City Attorney

Rick Scott
GOVERNOR



Cynthia R. Lorenzo
INTERIM EXECUTIVE DIRECTOR

March 21, 2012

The Honorable Pete Worthington
Mayor, City of Marathon
9805 Overseas Highway
Marathon, Florida 33050

Dear Mayor Worthington:

The State Land Planning Agency (the Agency) has completed its review of the adopted comprehensive plan amendment for City of Marathon (Amendment No. 11-2ACSC) adopted on July 12, 2011, by Ordinance Number 2011-09, which was received and determined complete on February 7, 2012. 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 Agency is therefore issuing a Notice of Intent to find the comprehensive plan amendment "In Compliance". A copy of the Notice of Intent has been posted on the Agency's Internet website.

The Agency's Notice of Intent to find a plan amendment "In Compliance" shall be 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 State Land Planning Agency or the Administration Commission enters a final order determining the 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 you have any questions relating to this review, please contact Barbara Powell, at (850) 717-8504, or by email at barbara.powell@deo.myflorida.com.

Sincerely,

Mike McDaniel, Chief
Bureau of Community Planning

MM/bep

Enclosure: Notice of Intent

cc: Mr. George Garrett, Director of Planning, Planning Department, City of Marathon
Mr. James F. Murley, Executive Director, South Florida Regional Planning Council

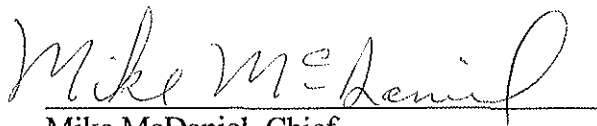
The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY/TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobs.org



STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY, THE STATE LAND PLANNING
AGENCY
NOTICE OF INTENT TO FIND
CITY OF MARATHON
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
DOCKET NO. 11-2ACSC-NOI-4406-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for City of Marathon, adopted by Ordinance No. 2011-09 on July 12, 2011, IN COMPLIANCE, pursuant to Section 163.3184(4), F.S.

If a timely petition challenging the Amendment was not filed within thirty (30) days after the local government adopted the Amendment, the Amendment becomes effective upon the posting of this Notice of Intent on the Department Internet Website. If a timely petition was 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.



Mike McDaniel, Chief
Bureau of Community Planning
Division of Community Development
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399