

Sponsored By: Hernstadt
Planning Commission Public Hearing Date: October 18, 2010
City Council Public Hearing Date: November 9, 2010
August 23, 2011
Enactment Date: August 23, 2011

**CITY OF MARATHON, FLORIDA
ORDINANCE 2010-10 / 2011-10**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,
AMENDING THE CITY'S COMPREHENSIVE PLAN POLICIES 1-3.5.10
"CONSIDER ADMINISTRATIVE RELIEF OR ACQUISITION" AND 1-
3.5.16 "ESTABLISH AND COORDINATE ACQUISITION PROGRAMS"
AND; 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, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Community Affairs ("DCA"), pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the City is located within the Florida Keys Area of Critical State Concern (the "FKACSC"), as established pursuant to Chapter 380, Florida Statutes; and

WHEREAS, pursuant to the provisions of Chapters, 163, 166 and 380 Florida Statutes, the City of Marathon, Florida (the "City") proposes to amend Policies 1-3.5.10 and 1-3.5.16 of the Comprehensive Plan; and

WHEREAS, amending Policies 1-3.5.10 and 1-3.5.16 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 Text amendment on October 18, 2010 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 Policy amendment on November 9, 2010 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, the City Council finds that approval of the proposed Policy amendments are 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 Policy amendments deemed to be a “large scale amendment” pursuant to Chapter 163.3187(1) F.S., in accordance with State law,

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

Section 1. Policy 1-3.5.10 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

Additions to existing text are shown by bold and underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

Policy 1-3.5.10 Consider Administrative Relief or Acquisition

With regards to the Allocation System, applicants who have met all requirements of the Land Development Regulations and the Plan, but are otherwise denied a permit, shall be eligible to request consideration for administrative relief, upon four years elapsing from the date of entry into the allocation system. The City shall adopt the criteria and procedures for Administrative Relief in the Land Development Regulations which shall include an acquisition program for environmentally sensitive lands. **The City will not approve BPAS allocations for Administrative Relief on lands within the Florida Forever targeted acquisition area or for other environmentally sensitive lands unless a determination has been made in writing that the parcel will not be purchased by any city, state or federal agency. The City has 180 days to make this determination or an application for Administrative Relief will otherwise be processed**

Section 2. Policy 1-3.5.16 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

Policy 1-3.5.16 Establish and Coordinate Acquisition Programs

The City shall continue to assist the State in land acquisition efforts through the land acquisition advisory committee to prioritize proposed land acquisitions **and shall continue to evaluate its land acquisition needs as well as state and federal funding opportunities**. The City has established a land acquisition program and a Capital Investment Plan for the acquisition of environmentally sensitive land, land for affordable housing, open space, parks and recreation, and the purchase of development rights in coordination with regional, state, federal, and private programs including but not limited to the Department of Environmental Protection, the Monroe County Land Authority, the Department of Community Affairs and other agencies with an interest in conservation lands **and shall apply annually to at least one state or federal land acquisition grant program**. This Capital Investment Plan is incorporated into the City’s Capital Improvement Program.

Section 3. 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.

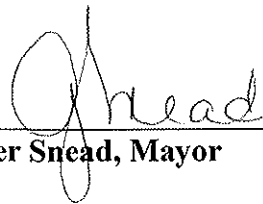
Section 4. The provisions of this Ordinance constitute a "Comprehensive Plan amendment" as defined by State law. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the DCA and other state agencies for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 5. This Ordinance shall be effective immediately upon approval by DCA pursuant to Chapters 163 and 380, Florida Statutes.

Section 6. This Ordinance shall be effective immediately upon approval by DCA pursuant to Chapters 163 and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 23rd day of August, 2011.


THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

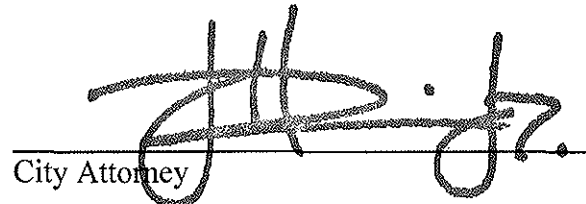
AYES: Ramsay, Cinque, Worthington, Keating, Snead
NOES: None
ABSENT: None
ABSTAIN: None

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



Doug Darling
EXECUTIVE DIRECTOR

October 20, 2011

The Honorable Ginger Snead
Mayor, City of Marathon
9805 Overseas Highway
Marathon, Florida 33050

Dear Mayor Snead:

The State Land Planning Agency (the Agency) has completed its review of the adopted comprehensive plan amendment for Marathon (Amendment No. 11-1) adopted on July 12, 2011, by Ordinance Number 2011-07, and on August 23, 2011 by Ordinance Number 2011-10. The amendment was received and determined complete on September 6, 2011. 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: George Garrett, AICP, Director of Planning, City of Marathon
James F. Murley, Interim Executive Director, South Florida Regional Planning Council

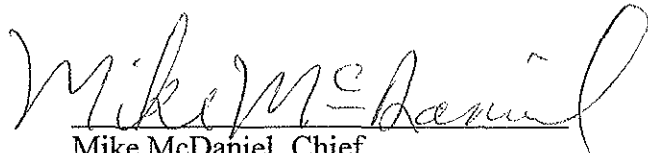
The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY/TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobs.org



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. 11-1-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. 2011-07 on July 12, 2011 and Ordinance No. 2011-10 on August 23, 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