

Sponsored By: Hernstadt  
Planning Commission Public Hearing Date: August 20, 2012  
City Council Public Hearing Dates: August 28, 2012  
September 11, 2012  
January 8, 2013  
Enactment Date: January 8, 2013

CITY OF MARATHON, FLORIDA  
ORDINANCE 2012-10

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE FLUM DESIGNATION FROM RESIDENTIAL MEDIUM (RM) TO RESIDENTIAL HIGH (RH) FOR PROPERTIES DESCRIBED AS KNIGHT'S KEY VILLAGE, MARATHON, MONROE COUNTY, FLORIDA, HAVING MULTIPLE REAL ESTATE NUMBERS; PROVIDING FOR THE REMOVAL OF PARCEL NUMBERS LISTED ON THE ATTACHED EXHIBIT "2" FROM THE ORIGINAL LIST OF PROPERTIES TO BE RE-FLUMED; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; 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 multiple owners, legally described as a Subdivision of Portions of Gov't Lot 2, Section 8, Township 66, Range 32, and Gov't Lot1, Section 17, Township 66, Range 32, Knight's 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 September 11, 2012 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 Economic Opportunity and other required agency reviewers; and

WHEREAS, the Florida Department of Economic Opportunity forwarded an Objection, Recommendation, and Comments Report (ORC) concerning this Ordinance on November 30,

2012 objecting to the inclusion of three parcels, 00319710-000000, 00319720-000000, and 00319730-000000; and

**WHEREAS**, the City has responded to the ORC by removing parcels 00319710-000000, 00319720-000000, and 00319730-000000 as recommended from the proposed FLUM amendment; and

**WHEREAS**, pursuant to the same legislative provision, the City Council considered the recommendation of the Planning Commission, considered the recommendations presented in the ORC, accepted public input, and deliberated on the proposed Map amendment on January 8, 2013 at a duly noticed public hearing, and recommended that the amendment be adopted for final submittal and approval to the Florida Department of Economic Opportunity (DEO); 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, the City of Marathon Comprehensive Plan, and as shown in Exhibit 1, the Map designations of the Properties are amended from their current designation of Residential Medium (RM) to Residential High (RH).

**Section 3.** The City shall timely transmit the adopted Map reflecting the Map amendment, and all data and analysis supporting the Map amendment, to the State of Florida Department of Economic Opportunity, 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.** 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 8<sup>th</sup> DAY OF JANUARY 2013.**

**THE CITY OF MARATHON, FLORIDA**



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**Mike Cinque, Mayor**

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

**ATTEST:**

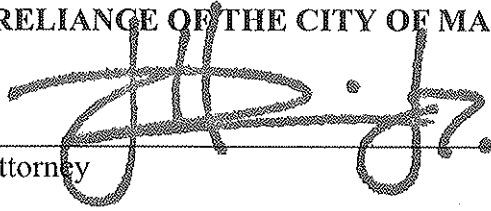


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Diane Clavier, City Clerk

(CITY SEAL)

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



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City Attorney

# Exhibit I



## Exhibit 2

The subject properties are located on Knight's Key Village, nearest Mile Marker 47 and is legally described as a Subdivision of Portions of Gov't Lot 2, Section 8, Township 66, Range 32, and Gov't Lot 1, Section 17, Township 66, Range 32, Knight's Key, Monroe County, Having Real Estate Numbers 00319550-000000, 00319560-000000, 00319570-000000, 00319580-000000, 00319590-000000, 00319620-000000, 00319630-000000, 00319640-000000, 00319650-000000, 00319660-000000, 00319670-000000, 00319670-000100, 00319681-000100, 00319681-000200, 00319681-000300, 00319681-000400, 00319681-000500, 00319681-000600, 00319740-000000, 00319740-000100, 000319750-000000, 00319760-000000, 00319770-000000, 00319780-000000, 00319790-000000, 00319800-000000, 00317820-000000, 00319820-000100, 00319830-000000, 00319830-000100, 00319840-000000, 00317840-000100, 00317850-000000, 00317860-000000, 00317870-000000, 00317880-000000, 00319890-000000, And 00319900-000000.

Rick Scott  
GOVERNOR



Jesse Panuccio  
EXECUTIVE DIRECTOR

April 10, 2013

The Honorable Mike Cinque  
Mayor, City of Marathon  
9805 Overseas Highway  
Marathon, Florida 33050

Dear Mayor Cinque:

The Department of Economic Opportunity has completed its review of the comprehensive plan amendment for the City of Marathon adopted by Ordinance No. 2012-10 on January 8, 2013 (Amendment No. 13-2ACSC (previously 12-2ACSC)), which was received and determined complete on February 27, 2013. 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 of Economic Opportunity 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 Department of Economic Opportunity's Internet website. You may access the Notice of Intent at <http://dca.deo.myflorida.com/finddocumentsonline/>.

The Department of Economic Opportunity'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 Department of Economic Opportunity 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 commenced before it has become effective.

If you have any questions related to this review, please contact Barbara Powell, at (850) 717-8504, or by email at [Barbara.powell@deo.myflorida.com](mailto:Barbara.powell@deo.myflorida.com).

Sincerely,

William B. Killingsworth  
Director, Division of Community Development

WBK/bep


Enclosure: Notice of Intent

cc: George Garrett, Director, Marathon Planning Department  
Mr. James F. Murley, 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 AMENDMENTS  
IN COMPLIANCE  
DOCKET NO. 13-2ACSC-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. 2012-10 on January 8, 2013, 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.



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William B. Killingsworth  
Director, Division of Community Development  
Department of Economic Opportunity  
107 East Madison Street  
Tallahassee, Florida 32399