

Sponsored By: Puto
Planning Commission Public Hearing Date: September 7, 2014
City Council Public Hearing Dates: October 14, 2014
July 28, 2015
Enactment Date: July 28, 2015

**CITY OF MARATHON, FLORIDA
ORDINANCE 2014-17**

FINAL APPROVAL OF ORDINANCE 2014-17 OF THE CITY OF MARATHON, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP (FLUM) DESIGNATION FROM RESIDENTIAL HIGH (RH) TO PUBLIC (P) FOR THE BREADTH OF THE NORTHERLY 240 FEET OF PROPERTY DESCRIBED AS LOT 1 OF LA PALMA OF THE FLORIDA KEYS AND THE NORTHERLY 50 FEET OF LOT 5, BLOCK 1, THE PALMS SUBDIVISION, SECTION 06 , TOWNSHIP 66, RANGE 33, KEY VACCAS, MARATHON, MONROE COUNTY, FLORIDA, HAVING A REAL ESTATE NUMBERS 00104441-000100 & 00332680-000000; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY (THE "DEPARTMENT"); AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE DEPARTMENT IN ACCORDANCE WITH STATE LAW.

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 a portion of property owned by the City, legally described as lot 1 of La Palma of the Florida Keys, section 06, township 66, range 33, Key Vaccas, Marathon, Monroe County, 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 October 7, 2014 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, 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 October 14, 2014 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, after required review by the State Department of Economic Opportunity (DEO), the City Council held a final public hearing on July 28, 2015 at which time they considered the recommendation of the Planning Commission, accepted additional public input, deliberated on the proposed Ordinance and Map amendment providing a unanimous vote for approval; 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 northerly 240 feet of the Property as illustrated in "Exhibit A" 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 28th day of July, 2015.

THE CITY OF MARATHON, FLORIDA



Mayor Chris Bull

AYES: Zieg, Kelly, Keating, Senmartin, Bull
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



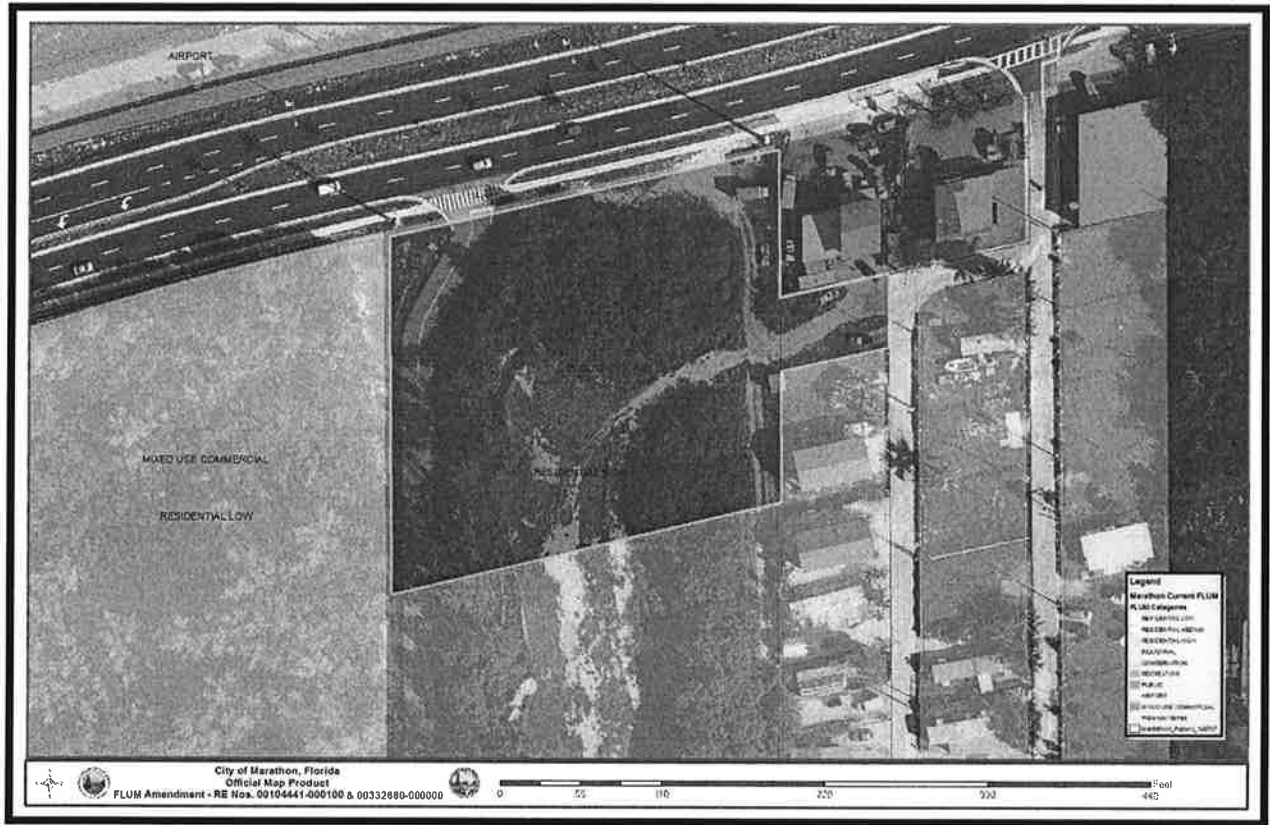
Diane Clavier
City Clerk

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



Dirk Smits, City Attorney

“EXHIBIT A”



Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

October 8, 2015

The Honorable Chris Bull
Mayor, City of Marathon
98705 Overseas Highway
Marathon, FL 33050

Dear Mayor Bull:

The Department of Economic Opportunity has completed its review of the comprehensive plan amendment for the City of Marathon adopted by Ordinance No. 2014-17_ on July 28, 2015 (Amendment No. 15-1ACSC), which was received and determined complete on September 8, 2015. 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://www.floridajobs.org/community-planning-and-development/programs/reports-notices-and-document-archives/orc-reports-notices-of-intent-and-school-interlocal-agreement-consistency-findings>.

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.

Sincerely,

Ana Richmond, Chief
Bureau of Community Planning

AR /bep

Enclosure: Notice of Intent

cc: George Garrett, Director, Planning Department, City of Marathon
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. 15-1ACSC-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. 2014-17 on July 28, 2015, 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.



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