

Sponsored by: Janke
Introduction Date: June 24, 2003
Public Hearing Dates: June 24, 2003
January 13, 2004
June 23, 2004
June 29, 2004
July 13, 2004
Enactment Date: July 13, 2004

**CITY OF MARATHON, FLORIDA
ORDINANCE 2003-11**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, ADOPTING THE COMPREHENSIVE PLAN OF THE CITY, AND AUTHORIZING THE TRANSMITTAL OF THE COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; REPLACING THE PREVIOUSLY APPLICABLE MONROE COUNTY COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE DEPARTMENT IN ACCORDANCE WITH STATE LAW

WHEREAS, the City of Marathon, Florida (the “City”) Comprehensive Plan (the “Plan”) has been prepared pursuant to the provisions of Chapter 163, the Local Government Comprehensive Planning and Land Development Regulation Act, and Chapter 380, the Florida Environmental Land and Water Management Act of 1972, Florida Statutes, and in compliance with Florida Administrative Code Rule 9J-5; and

WHEREAS, the Plan contains goals, objectives and policies to guide the development, redevelopment and revitalization of the City through the year 2023, addressing future land uses, transportation, housing, conservation, coastal management, recreational facilities and open space, public facilities and capital improvements; and

WHEREAS, residents and property owners of the City have been instrumental to the drafting of the Plan, through participation in visioning exercises, focus groups, workshops and an extensive series of public hearings held with the Local Planning Agency and City Council to solicit feedback on the draft elements and key issues; and

WHEREAS, pursuant to Section 9.5-24(c)(2)a.(iii) of the City Code (the “Code”), the Development Review Committee on June 16, 2003, publicly discussed the legislative framework, the State context for the preparation of the Plan, the intent and contents of each of the nine elements, and compliance of these elements with Rule 9J-5, Florida Administrative Code; and

WHEREAS, pursuant to Chapter 163.3174, Florida Statutes, and Section 9.5-22 (b) of the Code, the Planning Commission sitting as the Local Planning Agency has

publicly considered the nine elements of the Plan in their entirety during duly noticed public hearings conducted on June 24, 2003, and supports the goals, objectives and policies, and implementation strategies within the Plan; and

WHEREAS, the Plan has been revised by the City planning staff and consultants in accordance with direction provided by the Local Planning Agency, as a result of the consultation series; and

WHEREAS, on June 24, 2003, at a duly noticed public hearing, the Local Planning Agency considered and recommended to the City Council approval of the Plan; and

WHEREAS, in accordance with Sections 163.3184 and 166.041, Florida Statutes, public notice has been given of the public hearings for the proposed adoption of this Ordinance adopting the Plan; and

WHEREAS, the City Council finds that adoption of the Plan, in substantially the form attached hereto, 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, the Local Government Comprehensive Planning and Land Development Regulation Act (the "Act"), and promotes and protects the health, safety and welfare; and

WHEREAS, the City Council desires to adopt the goals, objectives and policies of the attached Plan and all elements thereof as the Comprehensive Plan of the City, in accordance with State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. That the goals, objectives and policies of the Plan, attached hereto as Exhibit "A" and incorporated herein, are hereby adopted as the Comprehensive Plan of the City, in accordance with the Act.

Section 2. The City Clerk shall timely transmit the Plan and all data and analysis 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 3. That upon its effective date, the Plan shall replace the Monroe County Comprehensive Plan, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), Florida Statutes, and the City Charter, to the fullest extent allowed by law.


Section 4. That 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 5. That this Ordinance shall be effective immediately upon adoption by the City Council on second reading, except that the effective date of the Plan approved by this Ordinance shall be the date a final order is issued by the Department or Administration Commission finding the Plan in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on such Plan adoption may be issued or commenced before the Plan has become effective. The Department's notice of intent to find a plan in compliance shall be deemed to be a final order if no timely petition challenging the Plan is filed.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 13 day of July, 2004.

THE CITY OF MARATHON, FLORIDA



Jeffrey M. Pinkus, Mayor

AYES: Bartus, Bull, Mearns, Miller, Pinkus
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Cindy L. Ecklund
City Clerk

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



City Attorney