

Sponsored By: Puto
Planning Commission Public Hearing Date: June 19, 2006
City Council Public Hearing Date: July 11, 2006
February 15, 2007
Enactment Date: February 15, 2007

**CITY OF MARATHON, FLORIDA
ORDINANCE 2006-17**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN POLICY 3-4.1.5 "ESTABLISH IMPROVEMENT PRIORITIES"; 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, Section 380.552, Florida Statutes, establishes Principles for Guiding Development in the FKACSC; and

WHEREAS, the City finds it appropriate to amend Policy 3-4.1.5 of the Comprehensive Plan in order to further protect the health, safety, and welfare of the City of Marathon; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, and Section 9.5-22 of the Code, the City's Planning Commission, sitting as the Local Planning Agency, has publicly considered the Comprehensive Plan Amendments at a properly noticed public hearing and recommended to the City Council the adoption of the Comprehensive Plan Amendments; 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 the Comprehensive Plan Amendments; and

WHEREAS, the City Council finds the adoption of the Comprehensive Plan Amendments is in the best interest of the City and complies with applicable State laws and rules; and

WHEREAS, the City Council finds that enactment of this Ordinance furthers the objectives, goals and policies of the City's Comprehensive Plan and the Principles for Guiding Development of the FKACSC.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT:¹

Section 1. Policy 3-4.1.5 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

Policy 3-4.1.5 Establish Improvement Priorities

~~By July 2005, the~~ The City shall adopt a priority list of and sequence of stormwater outfalls to surface water that will be ~~retrofitted using the Monroe county Stormwater Master Plan prepared for the city prior to incorporation and the Marathon Stormwater Master Plan eliminated.~~ Proposed surface water capital improvements projects shall be evaluated and ranked, with priority assigned to projects needed to correct existing deficiencies and to projects which eliminate ~~or provide pre-treatment for~~ known direct discharges in surface waters and areas disturbed by the construction of wastewater collection and distribution lines. The City shall adopt Land Development Regulations to ensure direct discharge outfalls are prohibited within the City of Marathon.

Section 2. 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 3. The provisions of this Ordinance constitute a "land development regulation" as defined by State law. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the DCA for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 4. This Ordinance shall be effective immediately upon approval by DCA pursuant to Chapter 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 15th day of February, 2007.

THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

¹Additions to existing text are shown by underline; deletions are shown as strikethrough

AYES: Pinkus, Mearns, Tempest, Worthington, 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:**



City Attorney