

**Sponsored By:** Puto  
**Planning Commission Public Hearing Date:** July 23, 2007  
**City Council Public Hearing Date:** July 24, 2007 and December 19, 2007  
**Enactment Date:** December 19, 2007

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2007-29**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,  
AMENDING THE CITY'S COMPREHENSIVE PLAN POLICY 4-  
1.2.10 "REGULATE DEVELOPMENT IN WETLANDS THROUGH  
KEYWEP"; 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 Department of Community Affairs has indicated that the City's Comprehensive Plan should be amended to reflect that existing data and analysis now identify a KEYWEP score of 5.5 in the Technical Summary Document for purposes of distinguishing between moderate and high functioning wetlands; and

**WHEREAS**, the City finds it appropriate to amend Policy 4-1.2.10 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:**<sup>1</sup>

**Section 1.** Policy 4-1.2.10 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

Policy 4-1.2.10 Regulate Development in Wetlands through KEYWEP

The development potential of wetlands will be determined through the KEYWEP quality ranking system as follows:

- a. **'Red-flag' wetlands:** This classification is given to wetlands that lack disturbance and are of obvious and exceptionally high quality meeting criteria specified in the KEYWEP.
- b. **High functional capacity wetlands:** Wetlands which score ~~7.0~~ 5.5 or higher regardless of previous disturbance. These wetlands exhibit the greatest number of beneficial functions.
- c. **Moderate functional capacity wetlands:** Wetlands with previous disturbance, which score below ~~7.0~~ 5.5, but greater than or equal to 4.6. These wetlands exhibit moderate functionality.
- d. **Low functional capacity wetlands:** Wetlands with previous disturbance, which score less than 4.6 and exhibit low functionality.

Disturbed wetlands are those wetlands where the topography, hydrology, soil or natural vegetation has been permanently impacted to such a degree that succession to the original wetland community is not likely. Undisturbed wetlands are those wetlands where the topography, hydrology, soil or natural vegetation has not been permanently impacted.

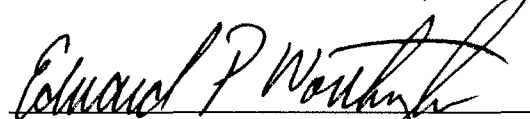
**Section 2.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and 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 19<sup>th</sup> day of December, 2007.**

**THE CITY OF MARATHON, FLORIDA**


  
Edward P. Worthington, Mayor

AYES: Tempest, Bull, Vasil, Cinque, Worthington  
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