

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 2007-30**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN POLICY 4-1.3.1 "PROTECT, CONSERVE, AND ENHANCE COASTAL RESOURCES, WETLANDS, WATER RESOURCES, LIVING MARINE RESOURCES, WILDLIFE HABITATS AND OTHER NATURAL RESOURCES AND THE ENVIRONMENTAL HEALTH OF FLORIDA BAY, THE ATLANTIC OCEAN AND ALL SURFACE AND GROUND WATERS"; 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 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:¹

Section 1. Policy 4-1.3.1 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

Policy 4-1.3.1 Protect, Conserve and Enhance Coastal Resources, Wetlands, Water Resources, Living Marine Resources, Wildlife Habitats and Other Natural Resources and the Environmental Health of Florida Bay, the Atlantic Ocean and All Surface and Ground Waters

The City shall adopt Land Development Regulations to protect, by:

- a. Preventing adverse impacts of development and redevelopment on wetlands, estuaries, water resources, living marine resources and other natural resources;
- b. Maintaining or improving coastal environmental quality by commencing the Stormwater Management Plan identified in this Plan;
- c. Regulating land development activities that could have negative impacts on coastal shorelines, including impacts on water quality, living marine organisms, seagrass beds and wetlands;
- d. Directing growth away from VE Flood Zones through Local Mitigation Strategies and the Building Permit Allocation System identified in this Plan;
- e. Creating a Transfer of Development Rights (TDR) Program that directs growth away from VE zones as described in this Plan;
- f. Managing nearshore waters and flats through the enforcement of speed limits, no wake zones and no motor zones;
- g. Regulating activities with potentially adverse impacts on coastal resources, including but not limited to ultra-light planes, seaplanes, live-aboard vessels and personal watercraft;
- h. Preventing adverse impacts of lighting on coastal resources;
- i. Prohibiting the mooring of live aboard vessels outside of approved marinas;

- j. Prohibiting boat launching from various rights-of-way that are not designated as public boat ramps and restricting random water access points;
- k. Regulating the impacts of development on native vegetative communities and wildlife habitats; and
- l. Providing for the distinction between riparian mangrove fringes and those mangroves growing in isolated communities on infill, landlocked lots where surface water run-off from surrounding development has created the wet condition which facilitated the establishment of the isolated community of mangroves which do not perform the functions of riparian mangrove fringes, i.e. resisting and preventing shoreline erosion, providing food and habitat for the marine food chain, maintaining and improving the quality of coastal waters. This provision is not applicable to parcels which are historically, naturally vegetated with mangroves such as are found on Grassy Key.

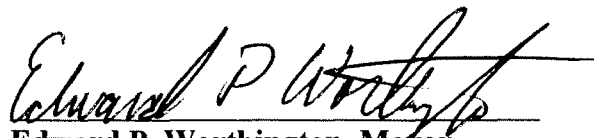
Section 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases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

THE CITY OF MARATHON, FLORIDA


Edward P. Worthington, Mayor

AYES: Tempest, Worthington, Vasil, Bull, Cinque
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