

Sponsored by: Snead
Introduction Date: January 12, 2010
Planning Commission Public Hearing Date: February 17, 2010
City Council Public Hearing Dates: February 23, 2010 & March 9, 2010
Enactment date: March 9, 2010

**CITY OF MARATHON, FLORIDA
ORDINANCE 2010-05**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 101 OF THE LAND DEVELOPMENT REGULATIONS REGARDING THE APPOINTMENT OF MEMBERS OF THE PLANNING COMMISSION; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS (the "DEPARTMENT"); 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") adopted Land Development Regulations which became effective on November 7, 2007; and

WHEREAS, Chapter 101, Article 3, establishes the purpose, function, and duties of the Planning Commission, including the procedures for appointment and removal of members; and

WHEREAS, the City of Marathon (the "City") wishes to modify its procedures for the appointment and removal of members of the Planning Commission;

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

~~Strikethrough~~ = deletion **bold underline** = addition

Section 1. The above recitals are hereby confirmed and adopted.

Section 2. Section 101.04 of the Code of Ordinances, City of Marathon, Florida, is hereby amended to read as follows:

* * *

B. *Appointment:* ~~The City Clerk will advertise for candidates to fill vacancies. All applications will be submitted to the Council, who will appoint members to the PC by a vote of the majority.~~ **Each member of the City Council, at his or her discretion, shall appoint one member of the Planning Commission to a term running concurrently with the appointing City Council member's term.** Where required by state statute, by majority vote, the Council may appoint a representative of the Monroe County School Board to serve in an advisory capacity as a nonvoting member of the PC **Planning Commission.**

C. *Terms, Chair and Vice-Chair:*

~~1. All members shall serve a term of three (3) years, except that two (2) members shall be appointed for an initial term of two (2) years. No voting member shall serve more than three (3) consecutive terms unless the Council votes by super-majority four-fifths (4/5) to approve reappointment for additional consecutive terms.~~

~~2.1.~~ At an annual organizational meeting, the members of the PC **Planning Commission** shall elect one of their members as chair and one as vice-chair. In the absence of the chair, the vice-chair shall act as the chair and shall have all the powers of the chair. The chair shall serve a term of one (1) year. No member shall serve as chair for more than two (2) consecutive terms unless the PC votes by super-majority four-fifths votes (4/5) to approve reappointment for additional consecutive terms.

~~3.2.~~ The chair (or vice-chair acting in the capacity of chair) shall serve as the presiding officer of any meeting of the PC **Planning Commission**. The presiding officer or designee shall be in charge of all proceedings before the PC **Planning Commission** and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the PC **Planning Commission**. In the event that the chair or vice-chair is unavailable, the voting members of the PC **Planning Commission** who are present shall by majority vote select a voting member to act as presiding officer for the meeting in question.

~~4.D. Removal: Voting members may be removed for cause prior to the expiration of their appointment by a super-majority vote four-fifths (4/5) votes of the Council. Nonvoting members may be removed by majority vote of the Council without cause.~~ **A member of the Planning Commission may be removed from the Planning Commission by vote of a majority of those members of the City Council present at the time of the removal vote, or as otherwise allowed by law.**

~~D.~~**E.** *Vacancies:* If any voting member of the PC **Planning Commission** shall fail to attend three (3) regular **meetings** of the PC **Planning Commission** within a three month period, the voting member's appointment shall automatically be revoked. Thereafter, the Council shall fill the vacancy as soon as practicable **in accordance with this section.**

~~E.~~**F.** *Recording Secretary:* The City Manager shall appoint a recording secretary to serve the PC **Planning Commission**. The secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the PC **Planning Commission**, attested to by the secretary, and which shall include the vote of each member upon every question. The minutes shall be approved by a majority of the members voting. In addition, the secretary shall maintain all records of meetings, hearings and proceedings, the correspondence of the PC **Planning Commission** and a mailing list of persons wishing to receive notices of meetings, agendas or minutes and who have paid an annual fee set by the Council to cover copying and mailing costs.

~~F.~~**G.** *Staff:* The City Manager or designee shall appoint or assign such staff as may be necessary for the PC **Planning Commission** to conduct its business.

Section 3. The terms of all existing Planning Commission members shall hereby expire and the City Council shall appoint five (5) new members in accordance with this Ordinance.

Section 4. The Provisions of the City Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

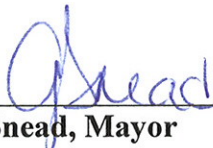
Section 5. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. The provisions of this Ordinance constitute a “land development regulation” as state law defines that term. Accordingly, the City Clerk is authorized and directed to forward a copy of this Ordinance to the State Department of Community Affairs for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 7. This Ordinance shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, this 9th day of March, 2010.**


THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

AYES: Ramsay, Cinque, Snead
NOES: Worthington, Keating
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier
City Clerk

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



City Attorney