



RECEIVED  
APR 10 2006

BY: [Signature]  
cc - COO [initials]  
cc - MIKE [initials]  
cc - CLARK [initials]  
cc - KENSON [initials]  
cc - PLANNING COMMISSION [initials]

STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

"Dedicated to making Florida a better place to call home"

JEB BUSH  
Governor

THADDEUS L. COHEN, AIA  
Secretary

APR 10 2006

April 7, 2006

The Honorable John Bartus  
Mayor, City of Marathon  
10045-55 Overseas Highway  
Marathon, Florida 33050

Dear Bartus:

The Department of Community Affairs has completed its review of the Comprehensive Plan Amendment adopted by Ordinance Nos. 2005-15 thru 2005-18; DCA No. 06-1 on February 13, 2006, for the City of Marathon and determined that it meets the requirement of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. The amendment is also consistent with Sections 385.05 and 380.0552, F.S., involving areas of critical State concern. The Department is issuing a Notice of Intent to find the Comprehensive Plan Amendment in compliance. The Notice of Intent has been sent to the *Key West Citizen* for publication on April 10, 2006.

The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice of intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for a development, dependent on the amendment may be issued or commence before the plan amendment takes effect. Please be advised that Section 163.3184(8)(c)2, F.S., requires a local government that has an Internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent.

Please note that a copy of the adopted City of Marathon Comprehensive Plan Amendment and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Marathon Planning Department, 10045-55 Overseas Highway, Marathon, Florida 33050.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781  
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956

The Honorable John Bartus  
April 7, 2006  
Page 2

If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing.

If you have any questions, please contact Dan Evans, Senior Planner, at (850) 922-1805.

Sincerely,



Roger Wilburn  
Regional Planning Administrator

RW/des

Enclosure: Notice of Intent

cc: Ms. Gail Kenson, AICP, Planning Director  
Ms. Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
NOTICE OF INTENT TO FIND THE  
CITY OF MARATHON  
COMPREHENSIVE PLAN AMENDMENT  
IN COMPLIANCE  
DOCKET NO. 06-1-NOI-4406-(A)-(I)

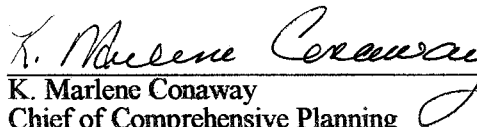
The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for the City of Marathon, adopted by Ordinance Nos. 2005-15 thru 2005-18, on February 13, 2006, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187, 163.3189, 380.05 and 380.0552, F.S.

The adopted City of Marathon Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Marathon Planning Department, 10045-55 Overseas Highway, Marathon, Florida 33050.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to the City of Marathon Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.

  
K. Marlene Conaway  
Chief of Comprehensive Planning  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100



Received

MAR 02 2006

MAR 02 2006

BY: [Signature]  
cc - Council ✓  
cc - Mike ✓  
cc - Clerk ✓  
cc - Gail K. ✓

City Clerk

STATE OF FLORIDA

**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

JEB BUSH  
Governor

February 28, 2006

THADDEUS L. COHEN, AIA  
Secretary

Honorable John Bartus  
Mayor, City of Marathon  
10045-55 Overseas Highway  
Marathon, FL 33050

Dear Mayor Bartus:

Thank you for submitting copies of the City's Comprehensive Plan Amendment No. 06-1 (previously 05-1), adopted by Ordinance Nos. 2005-15 thru 2005-18 on February 13, 2006, for our review. Please note the amendment number has changed due to its adoption in the Year 2006.

We have conducted an inventory of the plan amendment package to verify the inclusion of all required materials. The submission package appears to be complete and your adopted plan amendment will be reviewed pursuant to Chapter 163, Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. The Department will conduct a compliance review and issue a Notice of Intent regarding the adopted comprehensive plan amendment on or about April 10, 2006.

Please be advised that Section 163.3184(8)(c)2, Florida Statutes, requires a local government that has an internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent. Also, please be aware that the comprehensive plan amendment is not effective until the "state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with s.163.3184(9), or until the Administration Commission issues a final order determining the adopted amendment to be in compliance in accordance with s.163.3184(10)."

If you have any questions, please contact Roger Wilburn, Regional Planning Administrator for **Region 11**, who will be assigning the adopted plan amendment for review at (850) 922-1822.

Sincerely,

*D. Ray Eubanks*

D. Ray Eubanks, Administrator  
Plan Review and Processing

DRE/lw

cc: Carolyn Dekle, Ex. Director, South FL RPC  
Gail Kenson, Planning Director

**2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100**

Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781

Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9069

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956



## CITY OF MARATHON, FLORIDA

10045-55 Overseas Highway, Marathon, Florida 33050

Phone: (305) 743-0033 Fax: (305) 743-3667

February 21, 2006

Department of Community Affairs  
Attn: Ray Eubanks, Plan Processing Administrator  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Subject: City of Marathon Comprehensive Plan Amendments  
DCA No. 05-1

Dear Mr. Ray Eubanks:

Pursuant to Chapter 9J-11.011, Florida Administrative Code, enclosed please find the following adopted ordinances approving amendments to the City of Marathon Comprehensive Plan, which will affect an Area of Critical State Concern. All four (4) ordinances were adopted by the Marathon City Council on Monday, February 13, 2006.

**Ordinance 2005-15**, Amending the City's Comprehensive Plan Objective 4-1.12 "Establish Marina Siting Criteria", and Amending Policies 4-1.12-1 "Marina Construction", 4-1.12.2 "Inventory and Registration of Existing Marinas", 4-1.12.3 "Marina Registration", 4-1.12.4 "Inventory of Existing Marinas", 4-1.12.5 "Derelict Vessels", 4-1.12.7 "Vessel Impacts", 1-3.4.5 "Protect Established Live-Aboard Vessels", 1-3.4.6 "Live-Aboards Not Permitted in Residential Zoning Districts", 4-1.4.6 "Shoreline Vegetation Trimming or Removal", 4-1.11.2 "Minimum Water Depth for Docking Facilities", 4-1.11.3 "Minimum Water Depth for Mooring Sites", Policy 4-1.14.4 "Retain Public ROWs that Terminate on Water", and 4-1.18.4 "Placement of Dredged Spoil"; Deleting Policies 1-3.4.5 "Protect Established Live Aboard Vessels" and 1-3.4.7 "Registration for Commercial Marinas Including the Docking, Mooring, or Storage of Boats; and Creating Policies 4-1.12.1 "Definitions", 4-1.12.9 "Community Character", and 4-1.11.15 "Mooring Field Construction"

**Ordinance 2005-16**, Amending the City's Comprehensive Plan Policy 1-3.5.1 "Annual Residential Allocation Rate" and Creating New Policies "Coordination of Annual Allocation Rate", "Affordable Housing Allocations"

**Ordinance 2005-17**, Amending the City's Comprehensive Plan Table 6-1 "Capital Improvement Program"

**Ordinance 2005-18**, Amending the Future Land Use Map (FLUM) from Residential Medium (RM) to Mixed Use Commercial (MUC) for Property Described as Lots 5, Block 1, Meade

Subdivision, Key Vaca, Monroe County, Florida, Having a Real Estate Number of 00327710-000000

All of these ordinances were previously rendered to you on September 19, 2005 after the first public hearing. On December 21, 2005, the Department provided the City with an ORC report that raised concerns with Ordinance 2005-15. The issues identified in the ORC report have been addressed in the adopted ordinance. The remaining three ordinances did not receive any objections, recommendations, or comments from the Department.

Ordinance 2005-15 amends the Plan to implement the policies recommended by the Marina Siting Plan. Ordinance 2005-16 amends the Plan to establish the number of residential allocations awarded to the City as 30 per year and restores 65 affordable allocations. Ordinance 2005-17 amends the Plan to adopt the new Capital Improvements Program (CIP). Ordinance 2005-18 amends the Future Land Use Map (FLUM) adopted by the Plan for a parcel currently designated as Residential Medium (RM) and proposed to be Mixed Use Commercial (MUC). Please see the attached staff reports and supporting documents for further information regarding the purpose and effects the amendments. Please note that the Marina Siting Plan was previously submitted in the first review package mailed in September.

Copies of the Plan amendments were sent to the following agencies February 21, 2006. These agencies previously received copies of the proposed amendments on September 19, 2005. Additionally, these agencies received copies of the adopted Comprehensive Plan and supporting documents in April 2005.

South Florida Regional Planning Council (SFRPC)  
Attn: Terry Manning, Principal Planner  
3440 Hollywood Boulevard, Suite 140  
Hollywood, Florida 33021

Monroe County  
Growth Management Division  
Attn: Ronda Norman, Acting Growth Management Director  
2798 Overseas Highway  
Marathon, Florida 33050

Department of Environmental Protection (DEP)  
Attn: Lindy McDowell, Environmental Manager  
Office of Intergovernmental Programs  
3900 Commonwealth Boulevard, Mail Station 47  
Tallahassee, FL 32399-3000

Department of Transportation (FDOT), District Six  
Attn: Karen McGuire, Office of Planning and Public Transportation  
1000 NW 111 Avenue  
Miami, FL 33172

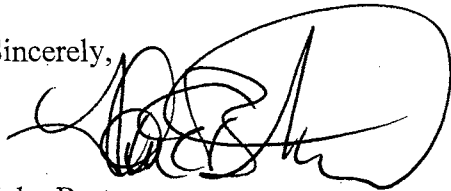
South Florida Water Management District (SFWMD)  
Attn: P.K. Sharma, Lead Planner  
Post Office Box 24680  
West Palm Beach, Florida 33416-4680

Department of State (DOS)  
Attn: Susan Harp, Historic Preservation Planner  
Bureau of Historic Preservation  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

The Department should publish the Notice of Intent in the Key West Citizen. Questions regarding these amendments should be addressed to:

Gail E. Kenson, AICP, Planning Director  
10045-55 Overseas Highway  
Marathon, Florida 33050  
Phone: (305) 289-4111  
Fax: (305) 743-3667  
Email: [kensong@ci.marathon.fl.us](mailto:kensong@ci.marathon.fl.us)

Sincerely,



John Bartus  
Mayor of the City of Marathon

Enclosures

cc: John Herin, City Attorney  
Cindy Ecklund, City Clerk  
Terry Manning, SFRPC  
Ronda Norman, Monroe County  
Lindy McDowell, DEP  
Karen McGuire, FDOT  
P.K. Sharma, SFWMD  
Susan Harp, DOS

CITY OF MARATHON, FLORIDA

~~City Calendar Email List~~

Please enter your name and ~~email~~ address below  
if you would like to receive the city calendar/agenda by email.

First Name

Last Name

email address

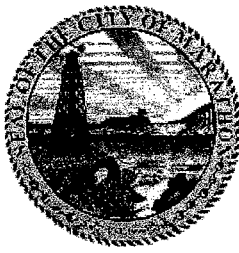
DCA

copy of the  
Notice of  
Intent

1.	Lynda Berrigan		
	2121 Ave H Marathon FL 33050		
2.	Sandra	Walters	sandy@swconsultants.net
3.	Henry + Owen Siskinzi		
	117 Ave E, Marathon, FL 33050		
4.	Betty + Jim Chaplin		
	5190 Overseas Hwy, Marathon, FL 33050		
5.			
6.			
7.			
8.			
9.			
0.			
1.			







## CITY OF MARATHON, FLORIDA

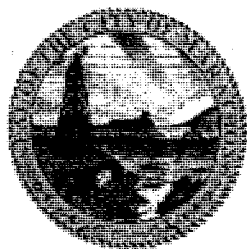
---

10045-55 Overseas Highway, Marathon, Florida 33050  
Phone: (305) 743-0033 Fax: (305) 743-3667

February 17, 2006

The following is a list of the policies that have been changed since the Department of Community Affairs previously reviewed this Comprehensive Plan Amendment:

- Policy 4-1.12.1 Marina Definition  
*Change: Added clarifying language.*
- Policy 4-1.12.42 Marina Construction Adoption of Land Development Regulations  
*Change: Minor changes to text.*
- Policy 4-1.12.4-5 (a) Pump-Out Criteria  
*Change: Clarified language.*
- Policy 4-1.12.56 Derelict Vessels  
*Change: Deleted inappropriate provision under (f).*
- Policy 4-1.12.67 Vessel Impacts  
*Change: Significant language added to policy.*
- Policy 1-3.4.5 Protect Established Live-aboard Vessels  
*Change: Clarified policy. Policy not previously included in amendment.*
- Policy 4-1.12.9 Waterfront Community Character  
*Change: Clarified language regarding variances to setbacks.*
- Policy 4-1.4.6 Mangrove Trimming or Removal Shoreline Vegetation Removal  
*Change: Added language regarding DEP approval for mangrove trimming or removal.*
- Policy 4-1.11.3 Minimum Water Depth for Mooring Sites  
*Change: Clarified language.*



## CITY OF MARATHON, FLORIDA

---

10045-55 Overseas Highway, Marathon, Florida 33050  
Phone: (305) 743-0033 Fax: (305) 743-3667

February 14, 2006

Mr. Roger Wilburn  
Regional Planning Administrator  
Florida Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, Florida 32399-2100

**RE: City of Marathon  
Response to ORC Report**

Dear Mr. Wilburn:

Thank you for your letter dated December 21, 2005, regarding the City's proposed Comprehensive Plan amendments, which include implementing objectives and policies for the City of Marathon's Marina Siting Plan. The City Council approved changes to the plan in response to your letter. In order to correlate proposed changes to issues raised in your letter, we are providing responses on an issue by issue basis in the following sections. Your objection or comment is shown in bold, and our response follows.

**Objection: Marina Siting Plan: Proposed Policy 4.1.12.9.f. would;**

*Allow variances to lot, yard, bulk, and setback regulations to enable traditional uses, such as public access, commercial fishing, industrial marinas and liveaboard access and facilities, as stipulated in this policy. Develop guidelines defining traditional uses and establishing possible variances for consideration.*

The proposed policy as drafted would encourage the use of variances, would blur the distinction between land use categories, and increased ambiguity in the local planning process. The increased use of variances, particularly to shoreline setback requirements weakens the City's ability to protect water quality, the shore, and marine resources from development encroachment. The same policy is inconsistent with Principles For Guiding Development of the Florida Keys established in Subsection 380.0522(7), Florida Statutes:

- B. To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitats.**
- E. To limit the adverse impacts of development on the quality of water throughout the Florida Keys.**

# CITY OF MARATHON, FLORIDA

---

10045-55 Overseas Highway, Marathon, Florida 33050  
Phone: (305) 743-0033 Fax: (305) 743-3667

**Response:** The Marina Siting Study identified the need to encourage the maintenance of water dependent traditional uses along the waterfront. The study found that the City is beginning to lose existing traditional uses, such as industrial marinas and commercial fishing establishments, to other types of development, some of which could preclude public access where it now may exist.

Policy 4.1.12.9.f. has been modified to eliminate shoreline setback variances and to clarify that lot, yard and bulk variances will only be allowed for water-dependent traditional uses. No variance to stormwater requirements is allowed. The attached ordinance shows proposed changes to the policy.

In the future, after consideration of more precise mechanisms to ensure protection of natural resources, the City may revisit shoreline setback variances for traditional uses.

## **Comment: Marina Siting Plan-Land Use Intensities**

**The City should establish maximum densities for boat slips. Some of the other local government marina siting plans approved by the Department contains limits on the number of slips per 100 feet of shoreline. The City may wish to consider a similar approach with the Marathon Marina Siting Plan, or establish a cap on the total number of wet slips that will be allowed in one location.**

**Response:** Due to trends identified in the analysis of marina development potential (see Section B, pages 36-41 and Section C, page 13) the City of Marathon does not foresee significant development of new wet slip marinas and does not consider maximum densities for boat slips applicable to local conditions. However, the City has noted an apparent trend towards large dry-storage facilities occurring elsewhere in the County and in nearby Miami-Dade County, and has become concerned that there may be a potential for large dry slip facilities to be constructed. Therefore, language has been added to Policy 4-1.12.7 to further address vessel impacts from large marinas. The City will monitor marina size through the Marina Operating Permit process adopted in this plan in Policy 4-1.12.3.

## **Comment: Marina Siting Plan-Boating Facility Inventory**

**The inventory on page 50 lists community mooring facilities associated with apartments and condominiums, but does not list the number of slips for each facility. The inventory also does not provide information concerning the type of boats (power vs. sail) which use the facilities, or if speed zones are in effect for individual facilities. An inventory of multi-family boating facilities is critical in planning for, and protecting, the marine resources of the Florida Keys.**

**Response:** Multi-family facilities are not included in the City's existing definition of marinas and therefore were not included in the initial inventory conducted as part of the study. One of

## CITY OF MARATHON, FLORIDA

---

10045-55 Overseas Highway, Marathon, Florida 33050  
Phone: (305) 743-0033 Fax: (305) 743-3667

the study findings was that multifamily marinas can have an impact on resources and should be included in the marina definition and subsequent inventory updates conducted as part of the Marina Operating Permit process (see Policy 4.1.12.1 re: marina definition and Policy 4.1.12.4). This will ensure that the inventory is complete and updated annually.

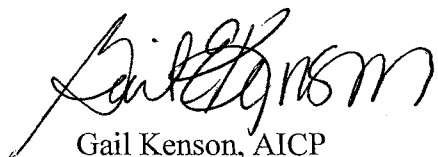
### **Comment: Marina Siting Plan-Data and Analysis**

**The City should clarify on page 20 that the aerial Manatee surveys are synoptic data and not distributional studies. Distributional studies generally involve much longer periods of time, often two years or longer. Synoptic studies are usually much shorter duration, usually seasonal in nature. The legend in Figure B-5 should be changed to reflect 1991-2004 rather than 1990-2004.**

**Response:** The City will include the statement regarding the interpretation of the manatee survey data and the correct dates when the marina siting plan is updated. Please note that the narrative on page 20 of Section B does include the correct dates.

We hope that these changes address the Department's concerns. Please call me at 305 289-4111 with any questions or concerns.

Sincerely,



Gail Kenson, AICP  
Planning Director

Xc: Elizabeth Bergh  
Amy Kimball-Murley

enclosures

**Sponsored by:** Puto  
**Planning Commission Public Hearing Date:** August 15, 2005  
**City Council Public Hearing Dates:** August 23, 2005;  
February 13 2006  
**Enactment Date:** February 13, 2006

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2005-15**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE CITY'S COMPREHENSIVE PLAN OBJECTIVE 4-1.12 "ESTABLISH MARINA SITING CRITERIA", AND AMENDING POLICIES 4-1.12-1 "MARINA CONSTRUCTION", 4-1.12.2 "INVENTORY AND REGISTRATION OF EXISTING MARINAS", 4-1.12.3 "MARINA REGISTRATION", 4-1.12.4 "PUMP-OUT CRITERIA", 4-1.12.5 "DERELICT VESSELS", 4-1.12.6 "VESSEL IMPACTS", 1-3.4.5 "PROTECT ESTABLISHED LIVE-ABOARD VESSELS", 1-3.4.6 "LIVE-ABOARDS NOT PERMITTED IN RESIDENTIAL ZONING DISTRICTS", 4-1.4.6 "SHORELINE VEGETATION TRIMMING OR REMOVAL", 4-1.11.2 "MINIMUM WATER DEPTH FOR DOCKING FACILITIES", 4-1.11.3 "MINIMUM WATER DEPTH FOR MOORING SITES", AND 4-1.14.4 "RETAIN PUBLIC ROWS THAT TERMINATE ON WATER"; DELETING POLICY 1-3.4.7 "REGISTRATION FOR COMMERCIAL MARINAS INCLUDING THE DOCKING, MOORING, OR STORAGE OF BOATS"; AND CREATING POLICIES 4-1.12.1 "DEFINITIONS", 4-1.12.9 "COMMUNITY CHARACTER", AND 4-1.11.15 "MOORING FIELD CONSTRUCTION"; 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 Comprehensive Plan (the "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**, Section 380.06(24)(k), Florida Statutes, establishes a process for allowing an exemption of marinas from the DRI review process through the adoption of a Marina Siting Plan; and

**WHEREAS**, Objective 4-1.12 of the Plan requires the establishment of Marina Siting Criteria; and

**WHEREAS**, the City finds it appropriate to amend Objective 4-1.12; amend Policies 4-1.12-1, 4-1.12.2, 4-1.12.3, 4-1.12.4, 4-1.12.5, 4-1.12.6, 1-3.4.5, 1-3.4.6, 4-1.4.6, 4-1.11.2, 4-1.11.3, and 4-1.14.4; delete Policy 1-3.4.7 and create new Policies 4-1.12.1, 4-1.12.9 and 4-1.11.15 (“Comprehensive Plan Amendments”) in order to further protect the health, safety, and welfare of the City of Marathon; and

**WHEREAS**, pursuant to Section 163.3 174, 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 amendments to the Code set forth in this Ordinance (the “Amendments”) at a properly noticed public hearing and recommended to the City Council the adoption of the 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 this Ordinance amending the Code; and

**WHEREAS**, the City Council finds the adoption of this Ordinance 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:**

**Section 1.** Objective 4-1.12 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

~~Objective 4-1.12 Establish Marina Siting Criteria~~ Protect Marathon’s Marina Community

~~The City shall establish criteria for marina siting which shall meet or exceed State standards to protect marine resources.~~ Protect and enhance the character, history, economic viability and environmental quality of Marathon’s marina community through marina siting and operation criteria.

**Section 2.** Policy 4-1.12.1 of the Comprehensive Plan of the City of Marathon, Florida is hereby renumbered and amended to read as follows:

~~Policy 4-1.12.1.2 Marina Construction~~ Adoption of Land Development Regulations

Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations to implement marina siting criteria through the development approval process.

Marina uses are defined as conditional uses in all zoning districts. Marina siting criteria will consist of the policies under this objective as well as additional objectives and policies in this Plan, including, but not limited to:

- Live-aboard Vessels: Policies 1-3.4.5 and 1-3.4.6
- Natural Resource Protection: Policies 4-1.2.2, 4-1.2.3, 4-1.2.11, 4-1.2.12, 4-1.3.1, 4-1.3.2, 4-1.3.4, 4-1.4.1, 4-1.4.4, 4-1.4.6, 4-1.5.1, 4-1.5.2, 4-1.5.3, 4-1.5.4, 4-1.5.5, 4-1.5.6, 4-1.5.7, 4-1.5.10, 4-1.7.1, 4-1.11.1, 4-1.11.7 and 4-1.11.8
- Shoreline Alterations: Policies 4-1.3.5, 4-1.3.6, 4-1.3.7, 4-1.3.8, 4-1.3.9 and 4-1.5.12
- Water Quality: Policies 4-1.3.10, 4-1.4.3, 4-1.11.13, 4-1.11.14 and 4-1.18.6
- Waste Management: Policy 4-1.9.1
- Development Approval: Policies 1-1.4.5, 4-1.5.13, 4-1.11.5 and 4-1.18.1
- Setbacks: 4-1.4.2, 4-1.4.8, 4-1.4.9, 4-1.4.10 and 4-1.4.12
- Walkways: 4-1.4.11
- Dock and Mooring Restrictions: Policies 4-1.11.2, 4-1.11.3, 4-1.11.4, 4-1.11.6 and 4-1-11.15
- Prioritization of Uses: Policies 4-1.13.1 and 4-1.13.2,
- Public Access: Objective 4.1.14 and Policies 4-1.3.5, 4-1.14.2 through 4-1.14. 4
- Hazard Mitigation: Policies 4-1.3.3, 4-1.15.1 and 4.1.22.8
- Concurrency: Policy 4-1.17.2
- Dredging: Policies 4-1.18.2, 4-1.18.3 and 4-1.18.4

New and redeveloping marinas must demonstrate consistency with all the criteria listed above in order to receive development approval.

~~to establish criteria for marina siting which shall meet or exceed state standards. In general, marinas shall be located in areas where maximum physical advantages exist and where no unreasonable or excessive impacts are foreseen on coastal or marine resources. Marina construction shall reflect consideration of the following:~~

- ~~a. Benthic vegetation and marine sea life communities;~~
- ~~b. Adequacy of circulation and tidal flushing;~~
- ~~e. Access to deep water through existing channels of adequate depth;~~



- d. ~~Minimizing shoreline modifications;~~
- e. ~~Quality and size of upland areas and degree of alteration necessary;~~
- f. ~~Ability to restore and enhance marina resource values at sites subject to past alteration;~~
- g. ~~Location of propeller dredging problem areas; and~~
- h. ~~Impact of boats on crocodiles, manatees, and marine turtles.~~

**Section 3.** A new Policy 4-1.12.1 of the Comprehensive Plan of the City of Marathon, Florida is hereby created to read as follows:

Policy 4-1.12.1. Marina Definition

Within one year of the effective date of the Plan, the City shall adopt land development regulations to define what is a marina. The definition of marina shall include commercial marinas, commercial fishing marinas, boat launching and ramp facilities, mooring fields, and multifamily marinas.

**Section 4.** Policy 4-1.12.3 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

Policy 4-1.12.3 Marina ~~Registration~~ Operating Permit

The City shall require all marinas to obtain and annually renew a Marina Operating Permit (MOP), which at a minimum shall provide for information for the City's marina inventory and compliance with best management practices. Best management practices shall include at a minimum:

- a. Provision for clear and concise safety and environmental signage;
- b. Appropriate handling and storage of hazardous materials;
- c. Spill prevention and control;
- d. Guidelines on discharges related to boat repair and maintenance;
- e. Hurricane evacuation and preparedness;
- f. Sewage pump-out requirements;
- g. Provision of adequate support facilities for the maximum number of vessels anticipated at each facility and the type of services offered at the facility. Support facilities shall include bathrooms, recreation and laundry facilities, parking facilities, waste disposal and, where appropriate, access and dinghy docking areas for mooring fields; and,
- h. Compliance with stormwater management requirements.

Within six months of the effective date of the land development regulations implementing the Marina Operating Permit this Plan, all lawfully established marinas shall register with the City, submit a complete Marina Operating Permit application to the City, and within one year of the effective date the applicant will be required to obtain a Marina Operating Permit or a valid extension. All marinas unable to obtain a permit or extension, because the marina is an unlawful

use, or for other reasons cannot meet criteria, shall be subject to enforcement action under the City Code.

**Section 5.** Policy 4-1.12.2 of the Comprehensive Plan of the City of Marathon, Florida is hereby renumbered and amended to read as follows:

Policy 4-1.12.2-4 ~~Inventory and Registration~~ of Existing Marinas

The City shall continue to update and expand its current inventory of marinas through the Marina Operating Permit (MOP) process. The City's inventory will be updated annually using information gathered through permit applications and annual renewals. ~~Through development review this inventory shall also be expanded to include other commercial uses providing dockage within the City. This inventory shall at a minimum be updated annually.~~ The inventory shall include per marina:

- a. Number of wet and dry slips;
- b. ~~Breakout of slips by vessel size~~ Type of berths (recreational, commercial and live-aboard);
- c. List of on-site amenities;
- d. ~~Number of parking spaces provided;~~
- e.d. ~~Number~~ Provision of boat ramps provided;
- f.e. Availability of pump-out facilities; and
- g.f. ~~Availability for public use~~ Presence of fueling facilities.

**Section 6.** Amendment to Policy 4-1.12.4 of the Comprehensive Plan of the City of Marathon, Florida is hereby renumbered and amended to read as follows:

4-1.12.4-5 Pump-Out Criteria

To reduce pollutant discharges into surface waters, within one year of the effective date of this Plan, the City shall, through the Marina Operating Permit and other regulations, develop and implement siting and discharge regulations, fee requirements, and enforcement provisions designed to ensure good management of marinas and reduce pollutant discharges into surface waters from docked and moored/anchored vessels (live-aboards) in nearshore waters. At a minimum these regulations shall include the following: 9J-5.011(2)(c)1

- a. Establish criteria that living on board vessels of any type shall only be allowed in designated mooring and anchorage areas and marinas;
- b. Recognize that occupancy of a vessel for less than a 72 hour period does not constitute a live-aboard use;
- c. Require all marinas, regardless of size or type, to provide signage conspicuously posted at dockage sites which educate the ~~live-aboard~~ public about the importance of pumping out and which give clear directions to the nearest pump-out stations;
- d. Prohibit the mooring or dockage of a live-aboard vessel unless such vessel has an operable, USCG-approved Type III MSD holding tank;
- e. Require new marinas proposing ten (10) or more slips (wet or dry), or at which a live-aboard vessel is proposed to be docked, to provide an on-site pump-out station and appropriate sewage treatment to accommodate the number of slips present according to all

- applicable State and Federal standards. Marinas accessory to a multi-family principal use are exempt from this requirement if the total slip number is less than 20; and,
- ~~f. Require existing marinas making application for site improvements to provide a 'Pump-out Upgrade Plan' for retrofitting existing facilities to include an on-site pump-out station and sewage treatment. This requirement shall apply to all marinas having ten (10) or more slips (wet or dry), or at which a live-aboard vessel is docked. Implementation of the Plan shall be a condition of permit issuance for site improvements at existing marinas. The Pump-out Upgrade Plan shall be fully implemented within one year of permit issuance;~~
- ~~g-f~~ Require that all existing marinas having ten (10) or more slips (wet or dry), or at which a live-aboard vessel is docked, which have not been retrofitted pursuant to a site improvement project, to ~~submit a 'Pump-out Upgrade Plan' to the City for retrofitting existing facilities to include~~ provide an on-site pump-out station and sewage treatment in order to obtain their annual Marina Operating Permit. ~~The specific dates to require submittal and implementation of these plans shall be established in the Land Development Regulations; Existing marinas accessory to a multi-family principal use are exempt from this requirement if the total slip number is less than 20, and,~~
- ~~h. Establish implementation and enforcement criteria for the points listed above.~~

**Section 7.** Policy 4-1.12.5 of the Comprehensive Plan of the City of Marathon, Florida is hereby renumbered and amended to read as follows:

Policy 4-1.12.5 6 Derelict Vessels

Within one year of the effective date of this Plan, the City shall implement a program and where appropriate adopt Regulations relating to derelict vessels which shall include:

- a. Establishing a definition for a derelict vessel;
- b. Identification of procedures for locating and inventorying derelict vessels;
- c. Establishing a method to prioritize the removal of;
- d. Establishing a coordination program with external agencies having jurisdiction; and
- e. Identification of procedures and funding sources for removal of derelict vessels;

**Section 8.** Policy 4-1.12.6 of the Comprehensive Plan of the City of Marathon, Florida is hereby renumbered and amended to read as follows:

Policy 4-1.12.67 Vessel Impacts

Within one year of the effective date of this Plan, the City shall adopt Regulations to protect submerged lands in shallow water areas from boating impacts. These regulations shall include strategies to reduce seagrass propeller scarring and to minimize vessel groundings. To accomplish this, the City shall:

- a. Identify problem areas and issues related to channel and shallows marking;
- b. Establish criteria and priorities for identifying channels and shallows to be marked;
- c. Make recommendations, in coordination with all appropriate local, State and Federal agencies for channel marking;
- d. Seek funding sources and, as funding is available, install markers; and

- e. Consider adopting speed controls in nearshore waters and/or the creation of a boating restricted or "no vessel" protection zone; and
- f. Require marinas to mark entrance channels as necessary and permissible.
- g. Adopt a Marina Operating Permit program requiring new, redeveloped, and expanded marinas totaling over 100 slips (combined wet and/or dry) to contribute to the vessel impacts program through an annual fee to be used to implement the activities outlined in this policy; and,
- h. Require new, redeveloped, and expanded marinas totaling over 100 slips (combined wet and/or dry) to demonstrate that the marina will not increase impacts to submerged resources and to provide appropriate educational signage and information that specifically illustrates the designated route to open water, surrounding areas of benthic resources to be avoided, and potential penalties for damage of benthic resources. The signage information shall be required as part of the Marina Operating Permit, shall be in a form approved by the City biologist, and will be reviewed annually for effectiveness and to determine if additional measures are necessary to protect the marine environment.

**Section 9.** Policy 1-3.4.5 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

Policy 1-3.4.5            Protect Established Live-aboard Vessels

All live-aboard vessels docked, moored, anchored, or otherwise located within the City may remain in the City subject to the ~~following conditions and criteria~~ Policies in the Comprehensive Plan, including:

- a. Live-aboard inventory per Policy 4-1.12.4; ~~Within ninety days of the effective date of the Marina Siting Plan, the City, in cooperation with all of the marinas located within the City, shall inventory the number and locations of live-aboard vessels in existence within the City;~~
- b. The Marina Operating Permit process per Policy 4-1.12.3; ~~Prior to such time as being connected to an approved moorage sewage collection system, all live-aboard vessels shall contract with an approved pump-out contractor for appropriate sewage disposal.~~
- c. Zoning District Regulations per Policy 1.3.4.6; and,
- d. Pump-out criteria per Policy 4.1.12.4.

**Section 10.** Policy 4-1.12.7 is re-numbered as 4-1.12.8.

**Section 11.** Policy 4-1.12.9 of the Comprehensive Plan of the City of Marathon, Florida is hereby created to read as follows:

Policy 4-1.12.9            Waterfront Community Character

The City shall encourage the maintenance of its waterfront community character, public values and traditional uses on the waterfront as identified in the visioning associated with the marina siting plan formulation process. To accomplish this, the City shall adopt land development regulations or other regulations to:

- a. Ensure dedicated public access from water and land and creation of public spaces (such as boardwalks and plazas) in new development and redevelopment of commercial

- marina facilities through the provision of pedestrian access along the shoreline, protection of view sheds from public areas, and creation of public open spaces, subject to reasonable limits;
- b. Support mixed use development adjacent to commercial marinas which provides a broad range of services and activities for boaters and their families, including restaurants, shops, and other activities for residents and visitors;
  - c. Protect the viability of the working waterfront by: establishing that commercial fishing activities are an important community value and that impacts associated with these uses are normal and compatible with other uses of the waterfront;
  - d. Coordinate with Monroe County in their efforts to study and protect traditional uses and consider adopting County recommendations as appropriate into the City's Comprehensive Plan or City Code ordinances;
  - e. Ensure that changes in uses and services provided at existing commercial fishing, industrial and live-aboard marinas do not occur unless those uses are demonstrably replaced at another facility.
  - f. Allow variances to lot, yard and bulk regulations when the variance can be demonstratively related to the support of water-dependant traditional uses, such as public access (as described in part "a" of this policy), commercial fishing, industrial marinas and liveaboard access and facilities, as stipulated in this policy. Develop criteria defining traditional uses and establishing possible variances for consideration The guidelines shall require strict adherence to all comprehensive plan policies and regulations regarding handling of stormwater runoff on site. This policy will not change the location from which setbacks are measured.

**Section 12.** Policy 1-3.4.6 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

Policy 1-3.4.6 Live-aboards not Permitted in Residential Zoning Districts

Live-aboard vessels of any type are prohibited in residential zoning districts. ~~Accessory docks in residential districts shall not be deemed to be a lawfully established marina wet or dry slip for purposes of this policy.~~

**Section 13.** Policy 1-3.4.7 of the Comprehensive Plan of the City of Marathon, Florida is hereby deleted.

**Section 14.** Policy 1-3.4.8 is re-numbered as 1-3.4.7.

**Section 15.** Policy 4-1.4.6 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

Policy 4-1.4.6 ~~Mangrove Trimming or Removal~~ Shoreline Vegetation Removal

Within one year of the effective date of this Plan, the City shall adopt land development regulations to regulate the trimming or removal of shoreline vegetation, excluding mangroves. ~~The City shall coordinate with the DEP to regulate mangrove trimming or removal pursuant to rules found in the F.A.C.~~ The trimming and removal of mangroves is regulated by the Florida Department of Environmental Protection.

**Section 16.** Policy 4-1.11.2 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

**Policy 4-1.11.2 Minimum Water Depth for Docking Facilities**

Except as provided herein, the siting of docking facilities ~~and boat slips on manmade water bodies~~ shall require minus four (-4) feet mean low water (MLW) depth at the terminal end. These structures must have continuous access to open water at depths of minus four (-4) feet MLW or greater over a channel width of twenty (20) feet, or access to open water via a marked, Federal and State approved navigation channel.

- a. Docking facilities may be developed on any shoreline if there is a MLW depth of at least minus four (-4) feet at the terminal end of the docking facility, and continuous access to open water; or
- b. Docking facilities may be developed on the shoreline if there is a MLW depth of at least minus four (-4) feet at the terminal end of the docking facility and the docking facility is located in a channel, canal or basin that connects five or more contiguous lots, with continuous access to open water.

For the purposes of this policy 'open water' means the ~~portion area beyond (-) 6 feet MLW or deeper~~ of the Straits of Florida, Florida Bay, the Gulf of Mexico or the Atlantic Ocean, which consists of an uninterrupted expanse of water ~~deeper than four (4) feet at MLW~~ and 'continuous access' means a natural passage or an existing manmade channel no shallower than four (4) feet at MLW and no narrower than twenty (20) feet.

**Section 17.** Policy 4-1.11.3 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

**Policy 4-1.11.3 Minimum Water Depth for Mooring Sites**

The minimum water depth requirement at a mooring site that is not in a designated mooring field shall be minus four (-4) feet MLW. Access to and from the mooring site will have minus four feet mean low water, per Policy 4.1.11.2.

**Section 18.** Policy 4-1.11.15 of the Comprehensive Plan of the City of Marathon, Florida is hereby created to read as follows:

**Policy 4-1.11.15 Mooring Field Construction**

Within one year of the effective date of the Plan, the City shall adopt regulations to ensure that mooring field construction is accomplished using low-impact techniques which minimize alteration of bottom topography and sediments and to ensure that mooring fields are sited in areas with a minimum water depth of minus six (-6) feet MLW. Access to and from the mooring site will have minus four feet mean low water, per Policy 4.1.11.2.

**Section 19.** Policy 4-1.14.4 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

**4-1.14.4 Retain Public R-O-W's that Terminate on Water**

The City shall adopt Regulations establishing criteria ~~for the~~ to be used in evaluating requests for the abandonment of Public rights-of-way that terminate on the water. Abandonment of these

rights-of-way shall generally be discouraged but in cases where they are granted, the City may require that an access easement in favor of the City be retained for possible future public benefit.

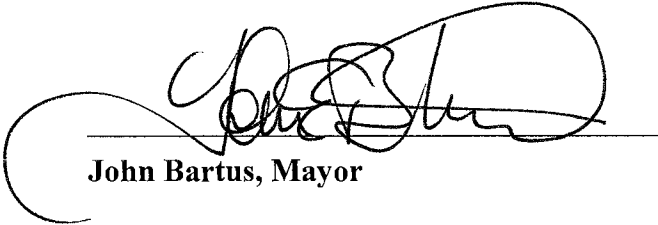
**Section 20.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and 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 21.** 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 22.** This Ordinance shall be effective immediately upon approval by the DCA pursuant to Chapter 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,  
FLORIDA, this 13th day of February, 2006.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

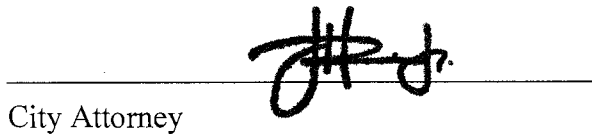
AYES: Bull, Mearns, Pinkus, Miller, Bartus  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST:



Cindy L. Ecklund  
City Clerk

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



City Attorney





STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*

JEB BUSH  
Governor

THADDEUS L. COHEN, AIA  
Secretary

September 30, 2005

OCT 06 2005

RECEIVED  
OCT - 6 2005

BY: 

Ms. Gail E. Kenson, Planning Director  
City of Marathon  
10045-55 Overseas Highway  
Marathon, Florida 33050

Dear Ms. Kenson:

Thank you for submitting the City of Marathon's proposed comprehensive plan amendments for our review. Our reference number for this amendment package is Marathon 05-1.

We have conducted an inventory of the plan amendment package to verify the inclusion of all required materials. The submission package appears to be complete, and your proposed plan amendment will be reviewed pursuant to Chapter 163, Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. The Department's ORC report will be mailed to you on or about November 28, 2005.

Please be advised that Section 163.3184(8)(c), Florida Statutes, requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. Please provide these required names and addresses to the Department *when you transmit your adopted amendment package* for compliance review. In the event no names, addresses are provided, please provide this information as well. For efficiency, we encourage that the information sheet be provided in electronic format.

If you have any questions please contact Roger Wilburn, Regional Planning Administrator, that will be overseeing the review of the amendments, at (850) 487-4545.

Sincerely,



D. Ray Eubanks, Administrator  
Plan Review and Processing

DRE/af

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

JEB BUSH  
Governor

MEMORANDUM

THADDEUS L. COHEN, AIA  
Secretary

TO: Lindy McDowell, DEP  
Susan Harp, DOS  
Gary Donn, FDOT6  
Terry Manning, South Florida RPC  
P.K. Sharma, South Florida WMD  
K. Marlene Conaway, Monroe County

DATE: September 30, 2005

**SUBJECT: COMMENTS FOR PROPOSED COMPREHENSIVE PLAN AMENDMENT**

**LOCAL GOVERNMENT/ DCA AMENDMENT #: Marathon 05-1**

**DCA CONTACT PERSON/PHONE NUMBER: Roger Wilburn  
(850)487-4545**

**COMMENTS DUE TO DCA NO LATER THAN: October 29, 2005**

Please review the proposed comprehensive plan amendment documents for consistency with applicable provisions of Chapter 163, Florida Statutes and Chapter 9J-5, Florida Administrative Code. Pursuant to FS 163.3184(4), *forward objections, recommendations and comments* to the attention of Ray Eubanks, Administrator, Plan Review and Processing, at the Department address indicated below.

Please use the above referenced **DCA AMENDMENT NUMBER** on all correspondence related to this amendment.

**Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from DCA acknowledging receipt of amendment is attached.**

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2798 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956



# CITY OF MARATHON, FLORIDA

10045-55 Overseas Highway, Marathon, Florida 33050

Phone: (305) 743-0033 Fax: (305) 743-3667

September 19, 2005

SEP 26 2005

Department of Community Affairs  
Attn: Ray Eubanks, Plan Processing Administrator  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Subject: City of Marathon Comprehensive Plan Amendments

Dear Mr. Ray Eubanks:

Pursuant to Chapter 9J-11.011, Florida Administrative Code, enclosed please find the following amendments to the City of Marathon Comprehensive Plan, which will affect an Area of Critical State Concern.

**Ordinance 2005-15**, Amending the City's Comprehensive Plan Objective 4-1.12 "Establish Marina Siting Criteria", and Amending Policies 4-1.12-1 "Marina Construction", 4-1.12.2 "Inventory and Registration of Existing Marinas", 4-1.12.3 "Marina Registration", 4-1.12.4 "Inventory of Existing Marinas", 4-1.12.5 "Derelict Vessels", 4-1.12.6 "Vessel Impacts", 1-3.4.5 "Protect Established Live-Aboard Vessels", 1-3.4.6 "Live-Aboards Not Permitted in Residential Zoning Districts", 4-1.4.6 "Shoreline Vegetation Trimming or Removal", 4-1.11.2 "Minimum Water Depth for Docking Facilities", 4-1.11.3 "Minimum Water Depth for Mooring Sites", Policy 4-1.14.4 "Retain Public ROWs that Terminate on Water", and 4-1.18.4 "Placement of Dredged Spoil"; Deleting Policies 1-3.4.5 "Protect Established Live Aboard Vessels" and 1-3.4.7 "Registration for Commercial Marinas Including the Docking, Mooring, or Storage of Boats; and Creating Policies 4-1.12.1 "Definitions", 4-1.12.9 "Community Character", and 4-1.11.15 "Mooring Field Construction"

**Ordinance 2005-16**, Amending the City's Comprehensive Plan Policy 1-3.5.1 "Annual Residential Allocation Rate" and Creating New Policies "Coordination of Annual Allocation Rate", "Affordable Housing Allocations"

**Ordinance 2005-17**, Amending the City's Comprehensive Plan Table 6-1 "Capital Improvement Program"

**Ordinance 2005-18**, Amending the Future Land Use Map (FLUM) from Residential Medium (RM) to Mixed Use Commercial (MUC) for Property Described as Lots 5, Block 1, Meade Subdivision, Key Vaca, Monroe County, Florida, Having a Real Estate Number of 00327710-000000

The City of Marathon Planning Commission held a public hearing for the four (4) proposed amendments on **Monday, August 15, 2005**.

The City of Marathon City Council held a public hearing for the four (4) proposed amendments on **Tuesday, August 23, 2005**. Ordinance 2005-18 was heard at this meeting, but continued until Tuesday, September 13, 2005.

Copies of the Plan amendments were sent to the following agencies September 19, 2005. These agencies previously received copies of the adopted Comprehensive Plan and supporting documents April, 2005.

South Florida Regional Planning Council (SFRPC)  
Attn: Terry Manning, Principal Planner  
3440 Hollywood Boulevard, Suite 140  
Hollywood, Florida 33021

Monroe County  
Growth Management Division  
Attn: Timothy McGarry, Director  
2798 Overseas Highway  
Marathon, Florida 33050

Department of Environmental Protection (DEP)  
Attn: Lindy McDowell, Environmental Manager  
Office of Intergovernmental Programs  
3900 Commonwealth Boulevard, Mail Station 47  
Tallahassee, FL 32399-3000

Department of Transportation (FDOT), District Six  
Attn: Karen McGuire, Office of Planning and Public Transportation  
1000 NW 111 Avenue  
Miami, FL 33172

South Florida Water Management District (SFWMD)  
Attn: P.K. Sharma, Lead Planner  
Post Office Box 24680  
West Palm Beach, Florida 33416-4680

Department of State (DOS)  
Attn: Susan Harp, Historic Preservation Planner  
Bureau of Historic Preservation  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Ordinance 2005-15 amends the Plan to implement the policies recommended by the Marina Siting Plan. Ordinance 2005-16 amends the Plan to establish the number of residential allocations awarded to the City as 30 per year and restores 65 affordable allocations. Ordinance 2005-17 amends the Plan to adopt the new Capital Improvements Program (CIP). Ordinance 2005-18 amends the Future Land Use Map (FLUM) adopted by the Plan for a parcel currently

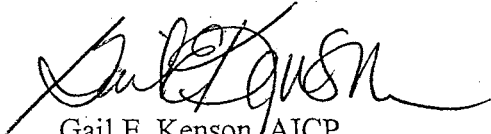
designated as Residential Medium (RM) and proposed to be Mixed Use Commercial (MUC). Please see the attached staff reports and supporting documents for further information regarding the purpose and effects the proposed amendments.

The City requests the Department review the proposed amendments as provided in 163.3184(3)(a) F.S. Depending on Department review, the proposed month of adoption of this amendment will be December 2005.

Questions regarding these amendments should be addressed to:

Gail E. Kenson, AICP, Planning Director  
10045-55 Overseas Highway  
Marathon, Florida 33050  
Phone: (305) 289-4111  
Fax: (305) 743-3667  
Email: [kensong@ci.marathon.fl.us](mailto:kensong@ci.marathon.fl.us)

Sincerely,



Gail E. Kenson, AICP  
Planning Director

Enclosures

cc: John Herin, City Attorney  
Cindy Ecklund, City Clerk  
Terry Manning, SFRPC  
Timothy McGarry, Monroe County  
Lindy McDowell, DEP  
Karen McGuire, FDOT  
P.K. Sharma, SFWMD  
Susan Harp, DOS