



RECEIVED
APR 10 2006

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

BY: *[Signature]*
cc - Council
cc - Mike
cc - Clerk
cc - Kenson
cc - Planning Commission

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)

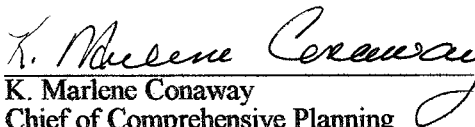
The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for the City of Marathon, adopted by Ordinance Nos. 2005-15 thru 2005-18, on February 13, 2006, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187, 163.3189, 380.05 and 380.0552, F.S.

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

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(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 "Pump-out Criteria", 4-1.12.6 "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

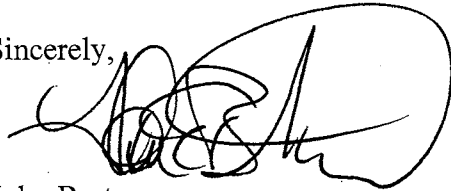
South Florida Water Management District (SFWMD)
Attn: P.K. Sharma, Lead Planner
Post Office Box 24680
West Palm Beach, Florida 33416-4680

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

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 Schinger		
	117 Ave E, Marathon, FL 33050		
4.	Betty + Jim Chaplin		
	5190 Overseas Hwy, Marathon, FL 33050		
5.			
6.			
7.			
8.			
9.			
0.			
1.			

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 2005-17**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN TABLE 6-1 "CAPITAL IMPROVEMENT PROGRAM"; 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 Table 6-1 of the Comprehensive Plan ("Comprehensive Plan Amendment") 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 Amendment at a properly noticed public hearing and recommended to the City Council the adoption of the Comprehensive Plan Amendment; 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 Amendment; and

WHEREAS, the City Council finds the adoption of the Comprehensive Plan Amendment 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. Table 6-1 of the Comprehensive Plan of the City of Marathon, Florida is hereby amended to read as follows:

¹ Additions to existing text are shown by underline deletions are shown as ~~striketrough~~.

TABLE 6-1
CAPITAL IMPROVEMENTS PROGRAM
FY 2004-2009

PROJECT DESCRIPTION	FUNDING SOURCE	FY-2004	FY-2005	FY-2006	FY-2007	FY-2008	TOTAL COST FY 2004-2009
CITY HALL	INFRASTRUCTURE TAXES/LOAN	\$834,000	\$193,000	\$193,000	\$193,000	\$193,000	\$1,606,000
FIRE STATION	INFRASTRUCTURE TAXES/GRANT FUNDS	1,500,000	1,500,000				3,000,000
COMMUNITY PARK PHASE II	INFRASTRUCTURE TAXES/GRANT FUNDS	1,300,000					1,300,000
MARINA BIG P	INFRASTRUCTURE TAXES/GRANT FUNDS	200,000					200,000
STORMWATER PILOT PROJECT	INFRASTRUCTURE TAXES/GRANT FUNDS	325,000					325,000
MARINA SEWER PLANT	GRANT FUNDS						
FIRE HYDRANTS	INFRASTRUCTURE TAXES	40,000					40,000
BONEFISH BAY IMPROVEMENTS	INFRASTRUCTURE TAXES	22,500	585,000			550,000	1,157,500
SOMBRERO BEACH BUOY LINE	GRANT FUNDS	15,000					15,000
MARINA BOAT RAMP	INFRASTRUCTURE TAXES	150,000					150,000
IMPROVEMENTS	INFRASTRUCTURE TAXES	410,000					410,000
FIRE TRUCK	INFRASTRUCTURE TAXES	250,000					250,000
SCENIC BYWAYS IMPROVEMENTS	INFRASTRUCTURE TAXES/GRANT FUNDS	250,000					250,000
COMMUNITY PARK PHASE II	INFRASTRUCTURE TAXES/GRANT FUNDS/DEBT/BONDS	400,000	90,000		1,000,000		1,490,000
AQUATIC 25,000 GALLON TANKER	INFRASTRUCTURE TAXES				325,000		325,000
COCO PLUM BEACH	INFRASTRUCTURE TAXES/GRANT FUNDS		150,000	500,000			650,000
BOOT KEY HARBOR BRIDGE RESTORATION	INFRASTRUCTURE TAXES/GRANT FUNDS			1,500,000			1,500,000
GRASSY KEY FIRE STATION	INFRASTRUCTURE TAXES/GRANT FUNDS				75,000	1,750,000	1,825,000
CITYWIDE SEWER —PLANNING & ENGINEERING	MSTU	800,000	800,000	800,000			2,400,000
CITYWIDE SEWER CONSTRUCTION	GRANT FUNDS AND BONDS				40,000,000	30,000,000	70,000,000
TOTAL COST		6,729,800	3,993,000	4,253,000	43,673,000	32,973,000	91,521,800

City of Marathon
Five Year Capital Improvement Program
2007-2011

<u>SOURCE OF FUNDING</u>	<u>FY00-06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>	<u>FY11</u>	<u>TOTAL PROJECT ESTIMATE</u>
<u>CATEGORY/TITLE</u>							
<u>Buildings</u>							
City Hall	1,000,000	2,200,000					3,200,000
Fire Station	2,500,000	1,100,000					3,600,000
Grassy Key Fire Station		800,000	1,700,000				2,500,000
Old Town Fire Station		250,000	1,000,000				1,250,000
<u>Total Buildings</u>	3,500,000	4,350,000	2,700,000				10,550,000
<u>Economic Development</u>							
Land Acquisition	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	9,000,000
<u>Total Economic Development</u>	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	9,000,000
<u>Vehicles</u>							
Vehicle Replacement Program	954,183	13,000	43,000	30,000	15,000	30,000	1,085,183
Telesquirt Pumper				375,000			375,000
Ambulance					165,000		165,000
Water Tanker						375,000	375,000
<u>Total Vehicles</u>	954,183	13,000	43,000	405,000	180,000	405,000	2,000,183
<u>Parks/Beaches</u>							
Municipal Swimming Pool	1,000,000	1,500,000					2,500,000
Parks and Beaches							
Maintenance Program	800,000	800,000	800,000	800,000	800,000	800,000	4,800,000
Cocoplum Beach Improvements	500,000						500,000
Events Field Amenities	460,000						460,000

<u>SOURCE OF FUNDING</u>	<u>RECOMMENDED FINANCING</u>	<u>FY00-06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>	<u>FY11</u>	<u>TOTAL PROJECT ESTIMATE</u>
<u>Total Street/Nearshore Water Improvements</u>		<u>1,045,500</u>	<u>1,209,000</u>	<u>1,209,000</u>	<u>1,209,000</u>	<u>1,209,000</u>	<u>1,209,000</u>	<u>7,090,500</u>
<u>Wastewater Projects</u>								
<u>Wastewater System Planning/Design</u>	<u>M.S.T.U</u>	<u>2,166,000</u>	<u>1,457,000</u>	<u>325,000</u>				<u>3,948,000</u>
<u>Marina Wastewater Improvements</u>	<u>Capital Infrastructure/Grants</u>	<u>425,000</u>	<u>20,000</u>					<u>445,000</u>
<u>Total Wastewater Projects</u>		<u>2,591,000</u>	<u>1,477,000</u>	<u>325,000</u>				<u>4,393,000</u>
<u>Grand Total</u>		<u>16,857,683</u>	<u>12,370,000</u>	<u>8,142,000</u>	<u>5,389,000</u>	<u>4,189,000</u>	<u>4,414,000</u>	<u>51,361,683</u>
			<u>10,550,000</u>					
	<u>Buildings</u>		<u>9,000,000</u>					
	<u>Economic Development</u>		<u>2,000,183</u>					
	<u>Vehicles</u>		<u>8,260,000</u>					
	<u>Parks/Beaches</u>		<u>4,818,000</u>					
	<u>Marina and Boat Ramp Improvements</u>		<u>5,250,000</u>					
	<u>Stormwater Projects</u>		<u>7,090,500</u>					
	<u>Street/Nearshore Water Improvements</u>		<u>4,393,000</u>					
	<u>Wastewater Projects</u>		<u>51,361,683</u>					

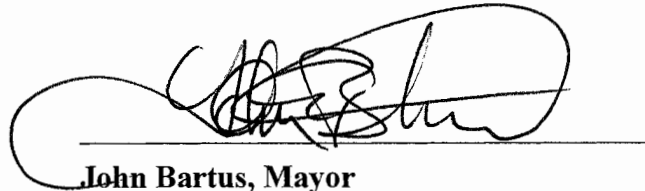
Section 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases 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 the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

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

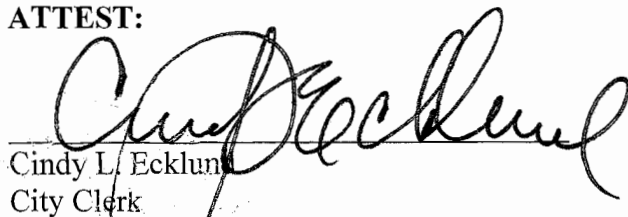
THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

AYES: Pinkus, Bull, Miller, Mearns, 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
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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.

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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", 4-1.12.7 "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

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

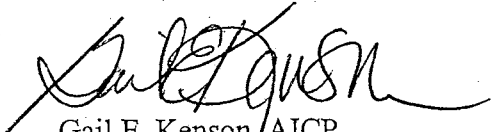
designated as Residential Medium (RM) and proposed to be Mixed Use Commercial (MUC). Please see the attached staff reports and supporting documents for further information regarding the purpose and effects the proposed amendments.

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

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