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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 - COOCCI ✓  
cc - MIKE ✓  
cc - CLARK ✓  
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  
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(850) 413-9969

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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)

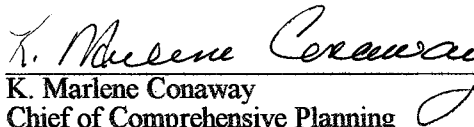
The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for the City of Marathon, adopted by Ordinance Nos. 2005-15 thru 2005-18, on February 13, 2006, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187, 163.3189, 380.05 and 380.0552, F.S.

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 Eubank*

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>

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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 "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

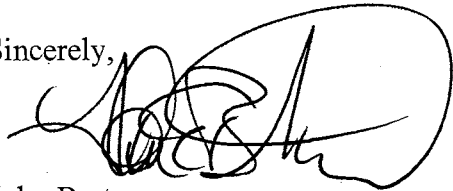
South Florida Water Management District (SFWMD)  
Attn: P.K. Sharma, Lead Planner  
Post Office Box 24680  
West Palm Beach, Florida 33416-4680

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](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 Sieben                   |         |                         |
|     | 117 Ave E, Marathon, FL 33050         |         |                         |
| 4.  | Betty + Jim Chaplin                   |         |                         |
|     | 5190 Overseas Hwy, Marathon, FL 33050 |         |                         |
| 5.  |                                       |         |                         |
| 6.  |                                       |         |                         |
| 7.  |                                       |         |                         |
| 8.  |                                       |         |                         |
| 9.  |                                       |         |                         |
| 10. |                                       |         |                         |
| 11. |                                       |         |                         |





**Sponsored By:** Ronald Konrath  
**Introduction Date:** August 15, 2005  
**Public Hearing Date:** August 15, 2005  
August 23, 2005  
September 13, 2005  
February 13, 2006  
**Enactment Date:** February 13, 2006

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2005-18**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE COMMERCIAL (MUC) FOR PROPERTY DESCRIBED AS LOT 5, BLOCK 1, MEADE SUBDIVISION, KEY VACA, MONROE COUNTY, FLORIDA, HAVING A REAL ESTATE NUMBER OF 00327710-000000; 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**, pursuant to the provisions of Chapters, 163, 166 and 380 *Florida Statutes*, the City of Marathon, Florida (the "City") proposes to amend the City Land Use District (the "Map") to change the land use district designation of property owned by Ronald Konrath, legally described as Lot 5, Block 1, Meade Subdivision, Key Vaca, Monroe County, Florida; and

**WHEREAS**, amending the Map designation of the Property furthers the goals, objectives and policies of the City Comprehensive Plan (the "Plan"), and will allow for the Future Land Use Map to be consistent with the existing use of the Property; and

**WHEREAS**, pursuant to Chapter 163, *Florida Statutes*, and Sections 9.5-22 and 9.5-511 of the Code, the Planning Commission sitting as the Local Planning Agency has publicly considered the proposed Map amendment at a duly noticed public hearing, and has recommended approval of the proposed Map amendment to the City Council; and

**WHEREAS**, in accordance with Section 166.041, *Florida Statutes*, notice of the public hearings concerning the proposed Map amendment has been provided to the general public; and

**WHEREAS**, the City Council finds that approval of the proposed Map amendment is in the best interest of the City and complies with applicable laws and is consistent with the South Florida Regional Plan, the State Plan, Chapter 163, *Florida Statutes*, the principles for guiding

development in the Florida Keys Area of Critical State Concern, the goals, objectives, and policies of the Plan, Section 9.5-511 of the Code and promotes and protects the health, safety and welfare of the residents of the City; and

**WHEREAS**, the City Council desires to approve the proposed Map amendment, in accordance with State law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT:**

**Section 1.** The above recitals are true, correct, and incorporated herein by this reference.

**Section 2.** In accordance with State law and the Code, the Map designation of the Property is amended from its current designation of Residential Medium (RM) to Mixed Use Commercial (MUC).

**Section 3.** The City shall timely transmit the revised Map reflecting the Map amendment, and all data and analysis supporting the Map amendment, to the State of Florida Department of Community Affairs, in its capacity as the State Land Planning Agency (the "Department"), as required by Chapters 163 and 380, *Florida Statutes*.

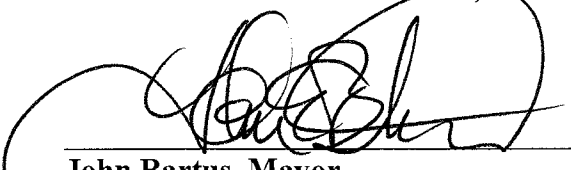
**Section 4.** That upon its effective date, the revised Map shall replace the Monroe County Land Use District Map, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), *Florida Statutes*, and Section 9(6) of the City Charter to the fullest extent allowed by law.

**Section 5.** The provisions of this Ordinance constitute a "land development regulation" as State law defines that term. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the Department for approval pursuant to Sections 380.05(6) and (11), *Florida Statutes*.

**Section 6.** That this Ordinance shall be effective immediately upon approval by the Department pursuant to Chapter 380, *Florida Statutes*.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA**, this 13<sup>th</sup> day of February, 2006.

**THE CITY OF MARATHON, FLORIDA**

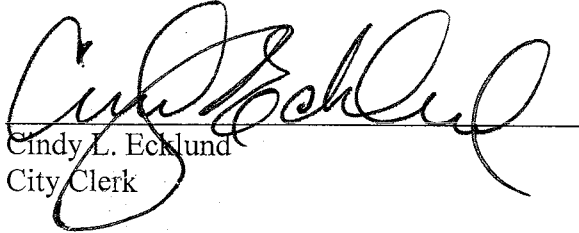


\_\_\_\_\_  
John Bartus, Mayor

AYES: Mearns, Pinkus, Miller, Bull, Bartus

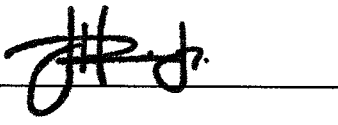
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**



Cindy L. Ecklund  
City Clerk

**APPROVED AS TO FORM AND LEGALITY 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

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

BY: 

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  
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STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

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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**  
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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", 4-1.12.2 "Inventory of Existing Marinas", 4-1.12.4 "Pump-out Criteria", 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



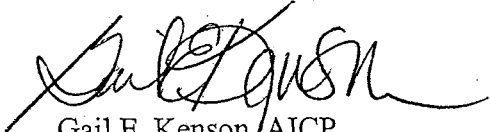
designated as Residential Medium (RM) and proposed to be Mixed Use Commercial (MUC). Please see the attached staff reports and supporting documents for further information regarding the purpose and effects the proposed amendments.

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](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