



**City of Marathon City Council Agenda
9805 Overseas Hwy., Marathon, FL
Tuesday, October 10, 2023 5:30 P.M.**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of agenda and consent agenda** [Approval of Consent Agenda passes all routine items indicated by asterisk (*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the Regular Agenda.]
5. **City Council Items**
 - *A. Approval of Minutes1
 - B. Workshop Discussion Items
 - C. Island Trolley Tours (Mayor Gonzalez)
 - D.
6. **City Manager Report**
 - * A. MCSO Marathon Substation Report
 - * B. Grants Update20
 - * C. Public Works Report.....24
 - * D. Park and Recreation Report.....27
 - * E. Marathon Fire Rescue Report31
 - * F. Marina Report.....34
 - * G. Code Report.....40
 - * H. Wastewater Utilities Report
 - * I. Building Report.....41
 - J. Updated Legislative Priorities.....42
 - K.
7. **Citizens' comments on agenda items not scheduled for public hearing and items other than those appearing on the agenda** [Those who have signed in will be given the first opportunity to speak. Time is limited to 2 minutes per speaker.] **TIME CERTAIN TO 6:30 PM OR AS SOON AS POSSIBLE THEREAFTER OR AT THE CONCLUSION OF ALL COUNCIL BUSINESS; WHICHEVER OCCURS FIRST.**
8. **Quasi-Judicial Public Hearings:** Please be advised that the following items on the agenda are quasi-judicial in nature. If you wish to comment upon these items, please inform the Clerk by filling out the available sign-up form. An opportunity for people to speak on the items will be made available after the applicant and staff has made their presentations on the items. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will not be considered. The general public will not be permitted to cross-examine witnesses, but the public may request the Council to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. (Councilmember's to communicate exparte communication.)

A. **Resolution 2023-99**, A Request For Final Plat Approval As Submitted By Casa Marabella LLC For A Portion Of Land Having The Addresses Of 12670, 13380, And 13440 Overseas Highway, Which Is Described As Part Of Government Lot 1 And Part Of Bay Bottom Adjacent To Lot 1 Section 5 South Township 65 South Range 33 East And Government Lot 2 And Bay Bottom Northerly Of Lot 2 Section 33 South Township 65 South Range 33 East, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00099610-000000...46

9. Ordinances for Second Public Hearing and Adoption

A. **Ordinance 2023-06**, Amending The City Of Marathon’s Comprehensive Plan Modifying Chapter One, “Future Land Use Element,” And Intending To Modify Policy 1-3.5.16, “Program For Transfer Of Density And Building Rights (TDR’s And TBR’s)”, Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date.....62

B. **Ordinance 2023-07**, Amending Chapter 107, Article 2, Entitled “Transfer Of Building Rights”, And Intending To Modify Section 107.15 Entitled “Site Criteria”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; And Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing For An Effective Date.....75

C. **Ordinance 2023-08**, Amending The City Of Marathon’s Comprehensive Plan Modifying Chapter One, “Future Land Use Element,” And Intending To Modify Policy 1-3.4.5, “Protect Established Live-Aboard Vessels”, Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date.....78

D. **Ordinance 2023-19**, Amending Chapter 107, Article 8 Entitled “Landscaping” Of The City Of Marathon Land Development Regulations; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Economic Opportunity In Accordance With State Law.....90

10. Ordinances For First Public Hearing

A. **Ordinance 2023-20**, Modifying Section 32-34 Of The City Code Of Ordinances, ‘Tow Away Zones’; Add One Tow Away Zone And Adding Section 32.35 ‘Parking Prohibitions In Specified Places’; Providing For Removal Of Any Sections Of The Code Found In Conflict With This Change In The Ordinance; Providing For Severability; Providing For Incorporation Into The Code Of Ordinances; And Providing For An Effective Date.....128

B. Ordinance 2023-21, Amending The First Time Homebuyer Assistance Program; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.....133

11. Resolutions For Adoption

A. Resolution 2023-100, Authorizing The Potential Settlement Of TBRs Appealed By The Florida Department Of Commerce, Formerly Known As Florida Department Of Economic Opportunity; Authorizing The City Manager To Sign Settlement Documents On Behalf Of The City; And Providing For An Effective Date.....138

***B. Resolution 2023-101**, Approving And Accepting A Warranty Deed For The Conveyance Of Land To Be Used As Public Right Of Way, From Presbyterian Kirk Of The Keys Inc; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.....141

***C. Resolution 2023-102**, Approving And Accepting A Warranty Deed For The Conveyance Of Lands, From Marathoners II, LLC; Having Real Estate Numbers 00370660-000 And 00370670-000000, Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.....145

***D. Resolution 2023-103**, Requesting That The Monroe County Land Authority / Board Of County Commissioners Prioritize Purchase Of The Attached List Of Properties Within The City Of Marathon As Opportunity And Funding Are Available For The Purposes Of Affordable Housing, As Well As Reducing The Potential For Takings Cases Within The City; Providing For Transmittal Of This Resolution To The Land Authority; And Providing For An Effective Date.....150

***E. Resolution 2023-104**, Approving An Amended Agreement Between The City Of Marathon And Jeff D. Vastola, Esq. For Code Enforcement Special Magistrate Services; And Providing For An Effective Date.....158

***F. Resolution 2023-105**, Amending A Grant Agreement With The Florida Department Of Environmental Protection For the City of Marathon Service Area 3 Wastewater Treatment Facility Expansion; Authorizing The City Manager To Execute The Grant Amendment On Behalf Of The City; And Providing For An Effective Date163

***G. Resolution 2023-106**, Authorizing The City To Extend The Agreement With Ronald L. Book, P.A. For Professional Consulting And Lobbying Services Before The Legislature Of The State Of Florida; Authorizing The City Manager To Expend Budgeted Funds, And Execute The Extension Agreement; And Providing An Effective Date.....178

***H. Resolution 2023-107**, Approving A Contract Between The City And Hawkins, Inc. For Delivery of Chemicals to the Wastewater Treatment Plants, In An Amount Not To Exceed \$1,535,050.00; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date....183

I. Resolution 2023-108, Modifying the City’s Wastewater Rates; Authorizing The City Manager To Administer Wastewater Rate Implementation; And Providing An Effective Date.....196

***J. Resolution 2023-109, Adopting The Monroe County Multi-Jurisdictional Program For Public Information (PPI); And Providing For An Effective Date.....200**

12. Council comments

13. Adjournment

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Council with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based. ADA Assistance: Anyone needing special assistance at the City Council hearing due to disability should contact the City of Marathon City Attorney at (305) 289-4130 at least five days prior thereto. Please contact the City Clerk at clavierd@ci.marathon.fl.us if you would like to receive any of the items on the agenda by email.

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on September 12, 2023 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Gonzalez called the meeting to order at 5:06 pm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

Mayor Gonzalez welcomed Key Colony Beach Vice Mayor, Beth Vickory-Ramsay, Key Colony Beach City Manager, Dave Turner, and Sheriff Rick Ramsay.

ROLL CALL - There were present:

Councilmember Landry

Councilmember Matlock

Councilmember Smith

Vice Mayor Still

Mayor Gonzalez, comprising a quorum.

Also, in attendance were:

City Manager, George Garrett

City Clerk, Diane Clavier

City Attorney, Steve Williams

Planning Director, Brian Shea

Finance Director, Jennifer Johnson

Public Works Director, Carlos Solis

Parks & Rec Director, Paul Davis

Deputy Utilities Director, Libby Soldano

Building Official, Gerard Roussin

Code Director, Ted Lozier

Marina Director, Sean Cannon

Grants Coordinator, Maria Covelli

Monroe County Sherriff's Officer

Fire Rescue Chief Johnson, Via Zoom

Approval Of Agenda And Consent Agenda

Smith added a request for a position letter opposing the 16th and 11th circuit's court consolidation. Landry pulled the Public Works report from the consent agenda. Smith pulled Resolution 2023-83 from the consent agenda. Gonzalez pulled Resolution 2023-85 from the consent agenda. Garrett pulled Ordinance 2023-15 and Resolution 2023-87 from the agenda.

MOTION: Landry moved to approve the agenda as amended

SECOND: Smith

With no objection from the members of Council, Mayor Gonzalez declared the motion approved by unanimous consent.

First Public hearing to adopt tentative budget and millage rate.

A. Resolution 2023-89, Adopting The Tentative Millage Rate and Levy Of Ad Valorem Taxes For The City Of Marathon, Florida For The Fiscal Year 2022-23; and Providing For An Effective Date.

Johnson explained the tentative millage rate is 2.447 mills which is equal to the roll back rate. The General fund is significantly supported by our ad-valorem revenues and this millage rate will generate about 9.8 million of revenues for the general fund explained Johnson. Johnson informed everyone of the additional positions for Code, Fire, Parks and Recreation and Public Works Departments as well as increased insurance premiums and communication costs. Johnson informed everyone the affordable housing fund includes \$400,000 of appropriations to continue the first-time home buyer loan program. Johnson explained the capital infrastructure plan, which includes \$565,000 for City Hall improvements, \$1.5 million for the 7-Mile Marina, \$600,000 for the 7-Mile Park improvements, \$560,000 for Ocean Front Park improvements, \$3,187,773 for road and bridge improvements, \$400,000 for new fire hydrants, \$2.582 million for the Quay property as well as transfers to the General, Vehicle Replacement, Debt Service and Stormwater funds. The overall tentative FY2024 budget including all city funds is \$107,349,361.

Diane Scott – Commented that Jesse Hobbs Park was not in the budget, and asked to budget for trees, benches, fencing and a pavilion.

James Griffith – Spoke for Staff cost of living increases and explained the CPI was not the same on the mainland and spoke about the 2016 ALICE (Asset Limited Income Constrained Employed) survival budget numbers and the average home prices and rents in Marathon as well as insurance for dependents and child care costs.

Daniel Samess, representing the Chamber of Commerce thanked the Council for keeping the millage low.

Still commented that she was an advocate for raises, the ALICE report is completed by the United Way and in Monroe County for a family of four, the minimum income ALICE lists is \$83,520 just to

survive; they do not qualify for public assistance, and she does not want employees to have to choose to have insurance for families. Still asked the Council to give them some help; we are risking qualified employees; they are struggling, and we need to help Smith commented that he asked for a salary survey, and he wants to be fair to the tax payers as well. Smith commented that he wanted a salary survey completed and not all positions are out of whack. Matlock commented that some employees need a 20 to 30 percent increase, we are fighting for you, some need more than the 6.9%. Gonzalez commented that COLA is a standard of living increase, our standard is a lot more expensive, a few months ago, we were asked to help nonprofits and we found \$100,000 to do that and money for the hospital we continue to say yes to. We need to start thinking outside the box and he was not going to judge who has an adequate salary or not. Landry commented that as a Council, we make a commitment to see where we are low, COLA is not a raise, and asked to get the study done.

Gonzalez thanked the staff for attending and commented that it took courage to speak, and we are listening, there will be one more hearing next week.

MOTION: Smith moved to approve Resolution 2023-89
SECOND: Matlock

Vote of the Motion:

Yes: Smith, Matlock, Landry, Still, Gonzalez
No: None
Absent: None
Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

B. Resolution 2023-90 Adopting The Tentative Budget For Fiscal Year 2022-2023; and Providing For An Effective Date.

MOTION: Smith moved to approve Resolution 2023-90
SECOND: Matlock

Vote of the Motion:

Yes: Smith, Matlock, Landry, Still, Gonzalez
No: None
Absent: None
Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

City Council Items

*A. Approval of Minutes

B. Installation of a Memorial Garden at Rotary Park in Memory of Ben Segard (Mayor Gonzalez)

Gonzalez commented that Ben made a huge impact on the community and his family approves as well as Rotary supports the project and several contractors have volunteered to help. The Council gave head nods of approval.

C. Recognition of Martin “Hammer” Runyon and Sean Cannon 20-year Anniversaries with the City.

Gonzalez thanked Sean for taking the marina to a world class marina and thanked Hammer for being the go-to guy and thanked both for their service. The Council presented both staff members awards for their service to the City.

D. Workshop Discussion Items (Councilmember Smith) Smith commented on Legislative Priorities and contract services, and what contracts services we are outsourcing he would like to discuss. Matlock asked for a time and date to meet with contractors. Garrett responded early October, the first week or so. Garrett also informed everyone he would have a ratification agreement for the Fire Fighters.

* E. Smart Ride Request

* F. Florida Keys Celtic Festival January 6th and 7th Request for Use of City Property and Sale of Alcohol

G. Landry Sayer Annual Clean Up Day September 23rd

Gonzalez explained this annual event is set for 8:00 am and the mapping out what areas will be finalized by tomorrow.

H. Position Letter (Councilmember Smith)

Smith asked for a position letter or Resolution regarding the consolidation of Courts that we were not in favor of this. Garrett informed everyone there was a link to a survey on the Monroe County website. Williams commented that if they redistrict and redraw the maps to put Monroe County into Miami Dade, we will lose all local representation. Williams informed everyone the draft letter or resolution will mirror that of Monroe County.

City Manager Report

* A. MCSO Marathon Substation Report

* B. Grants Update

C. Public Works Report

Solis gave an update regarding the Boat Ramp and explained he discussed the enforcement of the 3-axle violation with PAVE, and it appears they will be able to enforce this through their review of ramp violations. They should be able to capture most of them, barring bad lighting or an angle where the axles aren't clear visible. Although they cannot change the fees automatically, they can on certain dates but will take some effort to re-program the system.

- * D. Park and Recreation Report
- * E. Marathon Fire Rescue Report
- * F. Marina Report
- * G. Code Report
- * H. Wastewater Utilities Report
- * I. Building Report
- * J. First Time Homebuyer Update
- K. Contractors Association Meeting from August 31st recap

Garrett informed everyone we had several conversations with the Contractor's Association and have committed to meeting monthly to discuss permit issues, software issues, and we will set a date for a round table meeting. Armand Messina, President of the Contractors Association, explained their meetings have been very cooperative and very positive. The response time and customer services have been good. Messina explained when things are held up, it affects the contractor's pocketbook. Messina also commented that when the door is locked into the City Hall offices and the contractor must be buzzed in, it sends a terrible message.

L. Legal

1. Authorization to initiate litigation against R&R PROGRESSIVE LLC and their property, 58876 Overseas Highway, Marathon, Florida 33050, to seek compliance with the City Code and enforce the lien(s) arising from code compliance case number C2012-0363.

2. Authorization to initiate litigation against HYDER BROWNLOW LIVING TRUST AGREEMENT 9/20/2012 and their property, 1000 97th Street, Marathon, Florida 33050, to enforce the lien(s) arising from code compliance case number C2018-0028.

Williams explained these are running fines. A few options are to foreclose or lien the property. These are years old; they are a City asset. Williams informed everyone these properties are not homesteaded and this is the first step. The Council gave head nods to move forward.

Citizens' comments

Diane Scott – commented that the consolidation of the Courts should happen, and we should get rid of the Sheriff's office. Scott commented that she does not make harassing phone calls.

Gonzalez called for a five-minute recess at 6:23 pm and called the meeting back to order at 6:31 pm.

Quasi-Judicial Public Hearings

A. **Resolution 2023-78**, Consideration Of A Request For A Conditional Use Permit For Ruth Ebert Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled "Conditional Use Permits" To Convert A Triplex Into A Single Family Residential With 11 Bedrooms; Located At 213 S. Anglers Dr; Which Is Legally Described As Lot 38 Sombrero

Anglers Club South Boot Key PB6-87, Monroe County, Florida; Having Real Estate Number 00355418-000500, Nearest Mile Marker 50.

The Clerk swore in speakers. All the Councilmembers explained they had exparte communications, but it would not affect their vote.

Shea explained the proposed conversion of a triplex into a residential development with eleven bedrooms and bathrooms. The residence the building footprint would increase from 4,176 sq ft to 7,295 sq ft. Shea recommended approval with conditions.

Patrick Stevens (agent for the applicant) explained he lived on the same Street as the subject property and asked the Council to approve with the conditions as is. Stevens explained it will be eleven bedrooms one way or another, as they could keep it a triplex and have eleven bedrooms.

Bill Sympson – spoke against the eleven bedrooms, the alternative is worse, we have not solved anything.

Yaillet Chavez -Hernandez and Mr. Hernandez, her husband spoke against the project and explained it would bring problems to the neighborhood.

Daniel Samess – explained he had hope that we can learn from this moving forward, right now, legally in the code to do so, he understood the position the Council is in, but if it is passed, he would like the conditions to be included.

John Massimilian – spoke against the project as it sounds like it will be a hotel.

Still commented that having the conditions is better than no conditions, but we need to change our LDR's, although this will not help our situation at hand. Shea commented that we can bring forward amendments, but it will not affect this. Landry asked if we could adopt zoning in progress. Williams responded we could until the new ordinance is adopted. Smith commented that we have to look at the market, 11 bedrooms are not wanted in our community, and they are trying to maximize something that is not economically feasible. Smith explained he could not support the layout and density, there isn't any parking, and it does not meet community character. Matlock agreed, this is a vacation rental, they have different impacts. Gonzalez commented that the Planning Commission came up with the best conditions, the alternative is no conditions, this is a tough decision. Matlock commented that this would be setting a precedent. Landry commented that the market will correct itself, the larger homes are renting less, we are going to address the issue and close the loophole.

MOTION: Smith moved to Deny (based upon community character.)

SECOND: Matlock

Vote of the Motion:

Yes: Smith, Matlock, Landry Still, Gonzalez

No: None

Absent: None

Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

MOTION: Smith moved to invoke Zoning in Progress in the interim due to anticipated changes to the LDRs to address the issue.

SECOND: Matlock

Shea clarified that the Zoning In Progress would not apply to one other application already in the pipeline.

Vote of the Motion:

Yes: Smith, Matlock, Landry Still, Gonzalez

No: None

Absent: None

Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

B. Resolution 2023-79, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 1, Year 32 (July 14, 2023 To January 14, 2024); And Providing For An Effective Date.

Shea recommended approval.

MOTION: Matlock moved approval of Resolution 2023-79

SECOND: Smith

Vote of the Motion:

Yes: Matlock, Smith, Landry, Still, Gonzalez

No: None

Absent: None

Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

Ordinances for Second Public Hearing and Adoption

A. Ordinance 2023-14, Amending Chapter 103 “Zoning Districts”, Article 3 “Use And Intensity Tables”, Updating Table 103.15.1 “Uses By Zoning District”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

Shea reported there were no changes since the first hearing. There were no speakers.

MOTION: Landry moved approval of Ordinance 2023-14
SECOND: Smith

Vote of the Motion:

Yes: Landry, Smith, Matlock, Still, Gonzalez
No: None
Absent: None
Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

~~**B. Ordinance 2023-15**, Amending Chapter 104 “Specific Use Regulations”, Article 1 “General Provisions”, Updating Section 104.25 “Hotels Or Motels”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.~~

C. Ordinance 2023-18, Amending City Of Marathon’s Code of Ordinances Section 10-5 Titled “Establishment of Special Magistrate System and Code Compliance Board.”; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For Inclusion In The Code Of Ordinance And Providing For An Effective Date.

Shea reported there were no changes since the first hearing. There were no speakers.

MOTION: Landry moved approval of Ordinance 2023-18
SECOND: Still

Vote of the Motion:

Yes: Landry, Still, Matlock, Smith, Gonzalez
No: None
Absent: None
Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

Ordinances For First Public Hearing

A. Ordinance 2023-19, Amending Chapter 107, Article 8 Entitled “Landscaping” Of The City Of Marathon Land Development Regulations; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Economic Opportunity In Accordance With State Law.

Shea explained the typo in the last section should read twenty, not thirty and a change on page 131 to take out the words: or within ten (10) feet of the water's edge.

Smith questioned the rationale of why we can't plant on the North side. Shea explained the shade, green landscape standards prevent this, but 107.73 provides alternatives.

MOTION: Smith moved approval with the amendments outlined.

SECOND: Landry

Vote of the Motion:

Yes: Smith, Landry, Matlock, Still, Gonzalez

No: None

Absent: None

Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

Resolutions For Adoption

***A. Resolution 2023-80** Approving A Professional Services Agreement Between The City Of Marathon And Professional Practice Support, Inc., Third Party Healthcare Billing Agreement; Authorizing the City Manager To Execute The Extension And Expend Budgeted Funds; And Providing For An Effective Date

***B. Resolution 2023-81,** Approving the Fire Rescue – EMS Medical Director Contract Agreement With Professional Emergency Services, Inc., In An Amount Not To Exceed \$60,000.00; Medical Oversight For Interfacility Transfers Will Be Billed Separately In An Amount Not To Exceed \$18,000.00; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds: And Providing For An Effective Date And Providing An Effective Date

***C. Resolution 2023-82** Authorizing The City To Extend The Agreement With Ballard Partners, Inc. For Professional Consulting And Lobbying Services Before The Legislature Of The State Of Florida; Authorizing The City Manager To Expend Budgeted Funds, And Execute The Extension Agreement; And Providing An Effective Date

D. Resolution 2023-83, Approving A Two-Year Extension To The Agreement Between The City Of Marathon And Keefe, McCullough & Co., LLP For Auditing Services; Authorizing The City Manager To Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

Smith asked how long this contract had been in place. Johnson explained in 2015 it was bid but different auditors come down every other year. Smith said he was okay for the next two years but wants it to go to bid after that. Smith asked for a list of contracted agreements for the meeting on the 21st of the month.

MOTION: Smith moved approval of Resolution 2023-83

SECOND: Still

Vote of the Motion:

Yes: Smith, Still, Landry, Matlock, Gonzalez

No: None

Absent: None

Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

E. Resolution 2023-84, Approving An Amendment To The Agreement Between The City Of Marathon And The City Of Key Colony Beach For The Provision Of Emergency Medical And Fire Rescue Services; Authorizing The City Manager To Execute The Amendment; And Providing For An Effective Date

Garrett explained he had a conversation with Dave Turner that we would keep the costs the same this year, we need to extend the agreement.

Gonzalez asked for a breakdown of the real costs. Johnson gave an overview of the costs. Garrett commented that we needed to be fair on both sides and we have been more than fair. Smith commented that he had sticker shock and needed to be fair to our tax payers because it is not fair for Marathon taxpayers to subsidize Key Colony and we need to look at the pricing on an annual basis. \$700,000 would be more fair, \$500,000 is not a number he was comfortable with and would like \$700,000 this year and review on an annual basis. Matlock agreed, there are mostly vacation rentals in Key Colony, which is most of the calls, but explained to Turner that on the bright side, Key Colony has been getting a discount. Still agreed this needed to be reviewed every three years and the numbers need to get closer to the \$752,716 number. Landry commented that this should have been addressed three years ago. Landry stated he could support \$700,000 this year, but it will have to be tried up, he wants to be fair to both cities. Smith commented that we are talking about 5% over three years compounded annually.

MOTION: Smith moved approval of Resolution 2023-84 with a change to the amount to \$700,000 for 2023 and will be revisited every year for the next three years.

SECOND: Matlock

Vote of the Motion:

Yes: Smith, Matlock, Landry, Still, Gonzalez

No: None

Absent: None

Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

F. Resolution 2023-85, Approving Tourist Development Council Inter-Local Grant Agreement No. 2990 (Coco Plum Beach Additional Parking) Authorizing The City Manager To Execute The Agreement, And Providing For Conflicts, Severability, And An Effective Date.

Gonzalez questioned that if we potentially want to put meters at Coco Plum, what risks do we have if any if we go along with the grant. Garrett explained we could put meters at the beach itself, but we purchased the parking property from DEP so we would have to pump any funds collected back into the property across from the beach.

MOTION: Gonzalez moved approval of Resolution 2023-85

SECOND: Smith

Vote of the Motion:

Yes: Gonzalez, Smith, Matlock, Landry, Gonzalez

No: None

Absent: None

Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

***G. Resolution 2023-86**, Approving Tourist Development Council Inter-Local Grant Agreement No. 2992 (Sombrero Beach Play Equipment Replacement) Authorizing The City Manager To Execute The Agreement, And Providing For Conflicts, Severability, And An Effective Date.

~~***H. Resolution 2023-87**, Waiving the City's Purchasing Policies and Approving The Purchase And Installation Of Security Equipment From Essential Net Solutions For Community Park In An Amount Not To Exceed \$41,456.85; Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, Expending Budgeted Funds; And Providing For An Effective Date~~

***I. Resolution 2023-88**, Approving A Modification To The Contract With ENS To Add Additional On-Site Staff Time To The City's Contract Agreement With ENS In The Amount Of \$5,500 Per Month; And Providing For An Effective Date

Council Comments:

Landry – Landry thanked Gonzalez for honoring the memory of Ben Segard and thanked staff for coming out and stated that Council was trying to do the best for everyone.

Smith gave thoughts and prayers to the Segard family and commented that Ben was involved in the Rotary rebuild. Smith thanked the first responders for the 9-11 event and reminded everyone of the event on Thursday at the high school. Smith thanked Johnson and the staff. Smith commented he was in full support of salary ranges where they need to be and thanked his fellow council members.

Still thanked the staff and the Council.

Gonzalez thanked staff and Johnson for her guidance and recommendations. Gonzalez thanked the first responders for the 9-11 ceremony and informed everyone the track at the high school is surrounded by flags for the event on Thursday.

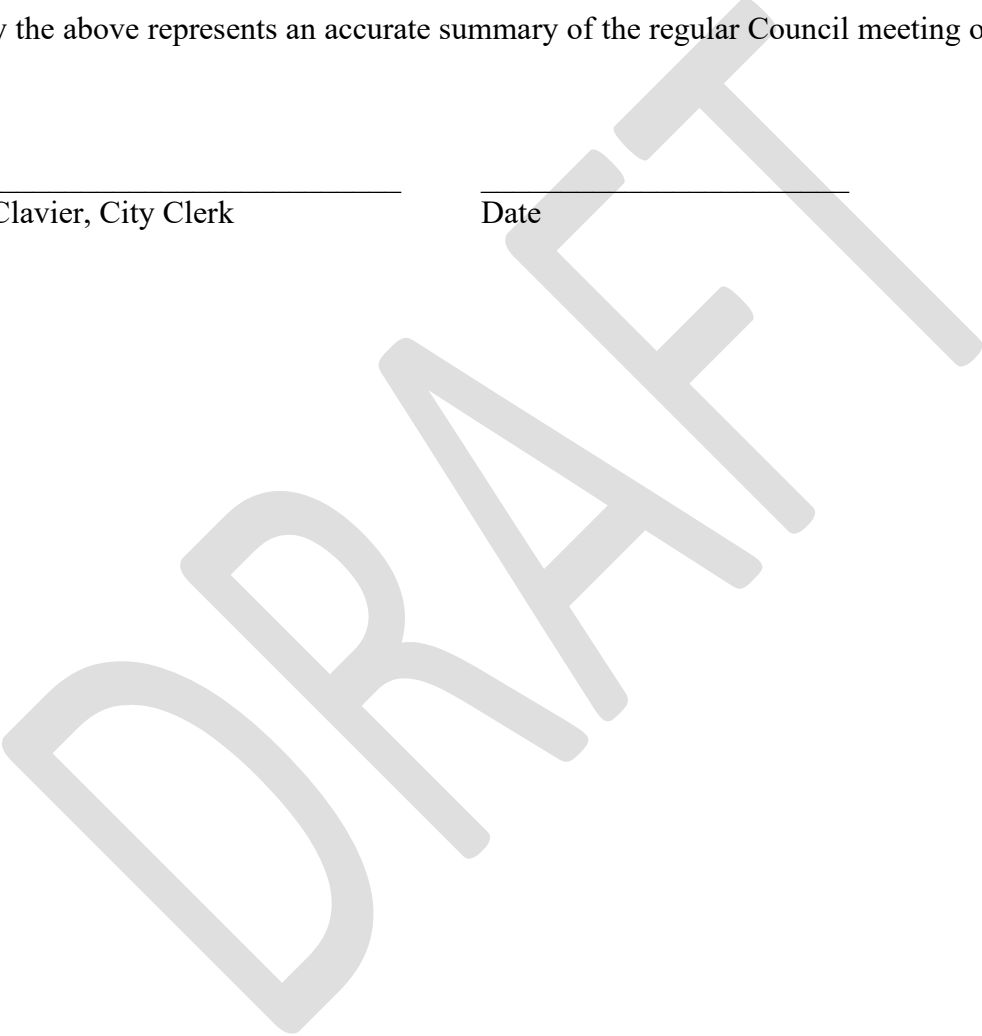
ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 7:56 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of September 12, 2023

Diane Clavier, City Clerk

Date



CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on September 12, 2023 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Gonzalez called the meeting to order at 5:06 pm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember Landry

Councilmember Matlock

Councilmember Smith

Vice Mayor Still

Mayor Gonzalez, comprising a quorum.

Also, in attendance were:

City Manager, George Garrett

City Clerk, Diane Clavier

City Attorney, Steve Williams

Planning Director, Brian Shea

Finance Director, Jennifer Johnson

Public Works Director, Carlos Solis

Parks & Rec Director, Paul Davis

Deputy Utilities Director, Libby Soldano

Building Official, Gerard Roussin

Code Director, Ted Lozier

Marina Director, Sean Cannon

Grants Coordinator, Maria Covelli

HR Director, Diana Naylor

Monroe County Sherriff's Officer

Fire Rescue Chief Johnson, Via Zoom

Mayor Gonzalez recognized former City of Marathon Councilmember John Bartus and Former Monroe County Commissioner George Neugent.

Approval Of Agenda And Consent Agenda

Still added that the week of October 16-20 is Be Like Mike Week, and there will be many opportunities to volunteer. Landry added Harbor and Quay Boat Ramp Discussion. Garrett added Resolution 2023-98 to the agenda.

MOTION: Still moved to approve the agenda as amended

SECOND: Landry

With no objection from the members of Council, Mayor Gonzalez declared the motion approved by unanimous consent.

Final Public Hearing to Adopt the Final Budget and Millage Rate

A. Resolution 2023-91, Adopting The Final Millage Rate and Levy Of Ad Valorem Taxes For The City Of Marathon of Monroe County, Florida For The Fiscal Year 2023-2024; and Providing For An Effective Date.

Johnson explained the millage rate is 2.447 mills which is equal to the roll back rate. Johnson explained the General fund is significantly supported by our ad-valorem revenues and this millage rate will generate about 9.8 million of revenues for the general fund explained Johnson. Johnson informed everyone of the additional positions for Code, Fire, Parks and Recreation and Public Works Departments as well as increased insurance premiums and communication costs. Johnson explained the capital infrastructure plan, which includes \$565,000 for City Hall improvements, \$1.5 million for the 7-Mile Marina, \$600,000 for the 7-Mile Park improvements, \$560,000 for Ocean Front Park improvements, \$3,187,773 for road and bridge improvements, \$400,000 for new fire hydrants, \$2.582 million for the Quay property as well as transfers to the General, Vehicle Replacement, Debt Service and Stormwater funds. The overall tentative FY2024 budget including all city funds is \$107,349,361.

The Mayor called for speakers.

Brian Schmitt – Congratulated the Council on getting to rollback and mentioned that Marathon was the only jurisdiction to receive rollback and the City has the greater percentage of affordable housing and this is all possible because of staff.

George Neugent – Commented that he was proud of what the City had achieved and paying staff what they need to be paid. Neugent commented that the City has done a fantastic job on affordable housing and the new construction on US1, the Quay entrance and at the other end the 7-mile Marina as well as 33rd Street project.

John Bartus – Congratulated the City on rollback and a great staff and that hopefully adopting the scenarios that give the most reward to staff and retaining staff.

Gonzalez explained we started at 9.0 CPI based on the April numbers then they trended down to 6.9 and last week trended up to 7.8. We decided when it went down, we would look at it again. Any raise we give tonight would not be unjust to our taxpayers.

Matlock agreed with the raises the entire time, and suggested people making under \$50,000 or \$60,000 should get a 10 -12 percent raise. Matlock also commented that we are adding three vacation rental positions, we could increase license fees and do away with the second-year discount.

Smith commented that adjustments to salaries were made in the middle of the year. Smith informed everyone that the national COLA for government workers was 5.5 percent. Smith said he spoke with a lot of business members who were floored at the increase, the cost of living is expensive, but it is not just our employees, just the salary increase alone is \$200 per resident, and suggested looking at a tiered system.

Landry expressed his concerns with top tier and lower tier employees, most people lie on a budget, the COLA is to maintain buying power and stated we did not want to lose employees.

Still commented that on CBS news in Miami they stated that rent was up 15 percent and that was in Miami. We need to take care of the employees and show up for them.

Matlock commented that more people are leaving town because of rent hikes on the lower end tier, the fair thing to do is to bring the lower end up, we lose more people on this end.

Smith commented that housing and food are included in the COLA number, he has asked for HR reports and that is the only department not reporting. We have 38 days over a year in reserves.

MOTION: Gonzalez moved that based on our current COLA of 7.8% taking into consideration adding 2% to make it 9.8 % total and on top of that a \$1,500 merit at the discretion of the supervisor.

SECOND: Still

Vote of the Motion:

Yes: Gonzalez, Still
No: Matlock, Smith, Landry
Absent: None
Abstain: None

Vote on the Motion: 2 Yes, 3 No, 0 Absent, 0 Abstain

MOTION: Smith moved to use a 5.5% COLA plus a \$5,000 merit for top performers.

SECOND: Matlock

Vote of the Motion:

City of Marathon
City Council Action Minutes
September 21, 2023 5:05 am City Council Special Call Meeting Minutes

Yes: Smith, Matlock
No: Landry, Still, Gonzalez
Absent: None
Abstain: None

Vote on the Motion: 2 Yes, 3 No, 0 Absent, 0 Abstain

MOTION: Still moved for a COLA at 7% plus 2% plus a \$1,500 merit.
SECOND: Gonzalez

Vote of the Motion:

Yes: Still, Gonzalez, Matlock, Landry
No: Smith
Absent: None
Abstain: None

Vote on the Motion: 4 Yes, 1 No, 0 Absent, 0 Abstain

Johnson read Section 2 of the Resolution which states: The FY 2023-2024 final millage rate for the City of Marathon is 2.4477 mills, which is \$2.4477 for each thousand dollars of taxable assessed property value; and the final millage rate is equal the rolled-back rate of 2.4477 mills.

MOTION: Smith moved to approve Resolution 2023-91
SECOND: Landry

Vote of the Motion:

Yes: Smith, Landry, Matlock, Still, Gonzalez
No: None
Absent: None
Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

B. Resolution 2023-92, Adopting The Final Budget For Fiscal Year 2023-2024; Authorizing The Expenditure Of Funds Established By The Budget; And Providing For An Effective Date.

MOTION: Smith moved to approve Resolution 2023-92
SECOND: Landry

Vote of the Motion:

Yes: Smith, Landry, Matlock, Still, Gonzalez
No: None

Absent: None
Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

Resolutions For Adoption

***A. Resolution 2023-87**, Waiving the City’s Purchasing Policies and Approving The Purchase And Installation Of Security Equipment From Essential Net Solutions For Community Park In An Amount Not To Exceed \$41,456.85; Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, Expending Budgeted Funds; And Providing For An Effective Date. **(Pulled from 9/12 Agenda)**

***B. Resolution 2023-93**, Approving Change Order #3 To The Contract With Reynolds Construction In An Amount Not To Exceed \$10,536.38 For The WWTP 7 For Installing A Privacy Fence On The Elevated Slab, Including A Time Change For The Substantial Completion For The Project For WWTP 5; Authorizing The City Manager To Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***C. Resolution 2023-94**, Accepting The Responsible Proposal And Approving A Contract Under Our Continuous Service Contract With Chris Tel Construction. In An Amount Not To Exceed \$47,864.00 For Pre-Construction Services For The Quay Restroom; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

D. Resolution 2023-95, Ratifying The Collective Bargaining Agreement Between The City Of Marathon Florida And The Professional Firefighters of Marathon, International Association Of Firefighters Local 4396, Authorizing The City Manager To Execute The Agreement On Behalf Of The City; And Providing For An Effective Date.

Garrett explained the modifications and that any changes would require the agreement to come back to the Council for a super majority vote. Williams commented that it was a pleasure to work with the fire fighters and we were able to clean some things up, the Chief was instrumental in completing the agreement.

Firefighter Goodwin – thanked the Council and commented that the raises were needed and will help us keep people in the department.

The Council thanked the Fire Department for all that they do.

MOTION: Still moved approval of Resolution 2023-95
SECOND: Gonzalez

Vote of the Motion:
Yes: Still, Gonzalez, Landry, Matlock, Smith

No: None
Absent: None
Abstain: None

E. Resolution 2023-96, Declaring The Intention Of The City to Consider Adoption Of An Ordinance Amending the City’s Land Development Regulations Relating to Chapter 102, Article 13, Conditional Use Permits, Section 102.74 “Application Process,” Chapter 103, Article 3, Table 103.15.1, “Uses By Zoning District,” Chapter 104, Article 1, Section 104.51.1 Titled “Single-Family Dwellings (7 Bedrooms or More),” And Chapter 110, Article 3; Declaring Zoning In Progress For A Period of Three Hundred And Sixty-Five Days Or Until The Adoption Of An Ordinance, Whichever Shall Occur First; Directing The Planning Department To Study And Recommend Amendments To The City’s Land Development Regulations Related to Large Single Family Home Residential Developments; Providing For Public Notice Of Zoning In Progress And Required Compliance; Providing That From The Date Of Adoption Of This Resolution And During The Pendency Of Consideration Of Such Ordinance By The City, The City Will Not Process Or Approve Development Applications Related To Large Single Family Home Residential Developments; Providing For Severability; And Providing For An Effective Date.

Williams explained that as requested at the last meeting we are bringing this forward.

MOTION: Landry moved approval of Resolution 2023-96
SECOND: Smith

Vote of the Motion:

Yes: Landry, Smith, Matlock, Still, Gonzalez
No: None
Absent: None
Abstain: None

***F. Resolution 2023-97**, Expressing Opposition To Consolidation Of Judicial Circuits, Specifically The Consolidation Of The 16th And 11th Circuits; And Providing For An Effective Date

G. Resolution 2023-98, Approving The Inventory Of City Owned Real Property That May Be Appropriate For Affordable Housing; Pursuant To 166.0451, F.S.; And Directing Staff To Post The List On The City Website.

Shea explained there was a typo and the last five properties on the list would come off the list.

MOTION: Smith, moved approval of Resolution 2023-98 as modified
SECOND: Landry

Vote of the Motion:

Yes: Smith, Landry, Matlock, Still, Gonzalez
No: None
Absent: None

Abstain: None

7. List of Contract Agreements

Garrett explained how we procure projects and we have adopted our own policies and procedures. The larger projects have a staff review committee and some contracts we can extend. Smith thanked Garrett for the list. Matlock commented that he was going to take Resolution 2023-87 off consent because this purchase was already approved without going out to bid. Garrett explained it was an error and we are correcting it.

8. Legislative Priorities

Garrett explained he would be bringing back a fully edited version of his memorandum and will fill in details as time goes on. Garrett explained we have two state lobbyists and a federal lobbyist, and he is looking into bringing on Southern Group as well as we are facing serious insurance burdens. Garrett gave an overview of federal and state initiatives.

9. Harbor Boat Ramp and Quay (Landry)

Landry suggested putting another boat ramp on the Quay property. Matlock agreed that we could make the ramp way more efficient and was in favor of looking at a new layout. Gonzalez asked that staff research adding an additional ramp and look at the different options that may work. Garrett informed everyone he did a graphic that may work, and B & A engineers are looking into it. We are already looking at it, we have \$800,000 plus in grants and we would run the possibility of losing those grants. Smith asked to make sure the new bathroom would not get in the way of anything, and he would like to see another ramp on the ocean side. Landry commented that the issue is boat ramp to launch quickly.

The council thanked Johnson and the staff.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 6:42 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of September 21, 2023

Diane Clavier, City Clerk

Date

MEMORANDUM
Grants Department



MEETING DATE: October 10, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Maria Covelli, Grants Coordinator
THROUGH: George Garrett, City Manager
SUBJECT: **Grants Report**

The Grants Department provides an update to the City Council monthly.

The following is provided as an update for Grant Department activities as of the date of submission.

**Amounts in (\$\$) are grant amounts, not necessarily project totals.*

ACTIVE GRANTS STATUS – Received since last meeting - Updates

WWTP Work - CDBG-MIT Infrastructure Unmet Needs – Florida Commerce (formerly DEO)
(\$6,259,423.00)

- Projects out for bid
 - Received Commerce approval for area 6 flood wall bid documents
 - Received Commerce approval for Power Conditioning bid documents

Hazard Mitigation Grant Generators – DEM (\$129,459.56) – completion date 12/31/22 req. extension

- Requested budget increase to cover actual costs – DEM reviewing
- MFG moved Fire Department delivery out to the end of May 2024
 - Requested project deadline extension from DEM - reviewing
- Marina Unit install complete
- Per MFG – Fire Dept Unit cannot be expedited
- Permits Issued

FCT Parks and Open Space (2018 grant program) – (1,488,000)

- Salty's/7 Mile Marina
 - Received executed grant agreement from FCT
 - Submitted due diligence documents as required by FCT
 - Creating a management plan for the site as required by FCT
- FCT Required appraisals complete; Submitted to FCT
- Environmental Assessment Phase I completed
- PW Preparing RFQ for project services

FCT Parks and Open Space (2018 grant program) – (\$844,800)

- Quay Project
 - Received fully executed grant agreement
 - Gathering due diligence documents as required by FCT
 - Submitted balance of due diligence documentation
 - Submitted Management Plan to FCT for approval

City Council October 2023
Submitted 9/27/2023
Grants Update
Page 1 of 4

TDC FY 2023 Capital Funding

- Quay restroom project (\$245,000) – completion date by 3/31/2024
 - CMAR working on bid docs
 - Received fully executed agreement
 - Bids received for Contractor at Risk
- Beach Raking and Maintenance (Coco Plum & Sombrero) (\$203,050) – completion date 9/30/2025
 - Received fully executed agreement
 - Work underway

FL Recreation Development Assist Program 23/24 (FRDAP)

- Resurface Tennis Courts at Community Park (\$108,750)
 - Submitted revised budget per requirements.
 - Waiting for grant agreement from FDEP
- Resurface Basketball Courts/Add Pickleball Courts at Community Park (\$92,212)
 - Submitted revised budget per requirements.
 - Waiting for grant agreement from FDEP

Tourist Development Council FY24 Capital Improvement- Received full funding for both

- Received full funding for both. Projects can start after the 10/18 BOCC Meeting and Contract Approval.
 - New Parking Lot at Coco Plum Beach (\$119,000)
 - Waiting for BOCC to sign grant agreement.
 - Grant Agreement on Sept Agenda for Approval
 - Replace Playground Equipment at Sombrero Beach Park (\$245,250)
 - Waiting for BOCC to sign grant agreement.
 - Grant Agreement on Sept Agenda for Approval

FDOT Transportation Assistance – \$250,000 FY25 grant

- Waiting for grant agreement from FDOT
- Bicycle and Pedestrian Master Plan
 - Presented project at FDOT Distt meeting.

FDOT Transportation Alternatives Program (FY 27-28)

- Waiting on grant agreements from FDOT
- Received breakout from FDOT timeline/budget: Design 2026; Construction 2028
- Awaiting grant agreements from FDOT
 - Aviation Blvd Lighting (\$1,000,000)
 - Mitigate Sombrero Beach Rd sidewalk flooding at curve (\$333,288)

FDEM – Hazard Mitigation Grant Watershed Master Plan – (\$187,068.75 of \$249,425 project – balance (match) coming from \$240,000 Coastal Resilience Grant)

- Grant signed over to Monroe County for administration.
- As approved at April’s meeting, the City is assigning this grant to the County for management.
 - Will ensure continuity of data with the County and other municipalities.

FDEP Coastal Resilience Grant (\$240,000)

- Grant signed over to Monroe County for administration
- To create a citywide vulnerability assessment for sea level rise
- Because we are using this grant as a match for the Watershed Master Plan grant, the State requires us to sign this grant over to the County for administration as well.

CDBG-DR Voluntary Home Buyout Program – DEO (\$2,600,000)

- Program Status (5) properties in program:
 - Demo, fill and sod completed on all (5) properties.
 - Project Closeout in process

GRANT APPLICATIONS SUBMITTED - Submitted since last meeting – Updates

Under Evaluation - CDBG-Small Cities Grant Program – Submitted 5/5/2023

- **Neighborhood Revitalization 41st/42nd**
 - Phase I Mitigate Flooding at Jessie Hobbs Park (\$350,000)
 - Phase II Mitigate the blight at the end of 41st to create a waterside picnic area.
- Received the list of self-scores, this project falls right in the middle, at this time.
- FL Commerce is “reviewing applications”. (emailed for update: applications are still in review)

Under Evaluation - DOT Safer Streets 4 All Grant Program – (\$240,000) - submitted 7/10/2023

- Create a Complete Streets Program.
 - Replied to request for additional information, we are still in the evaluation process
 - Planning and Demonstration Grant award decisions are expected to be announced in October 202

Under Evaluation - Resilient Florida Grant Program - Submitted 9/1/2023

- Raise 92nd Street – (\$800,000)
 - SLIP Study approved – on to next review
- Mitigation Measures on Sombrero Blvd. – (est 1.5m)

Under Evaluation - Hazard Mitigation Grant Program for Ian (\$800,000) – Submitted 8/29/2023

- Raising 92nd Street – (\$800,000)

House Appropriations Project Funding Requests – Submitting 9/28/2023

- Solar Parking Structures at City Hall

Coastal Partnership Initiative – Submitting 10/2/2023

- Elevate Generator Switch at City Hall
- Kayak Launch at the Quay (potentially)

GRANT APPLICATIONS IN PROCESS - *New since last meeting*

Florida Recreational Trails Program – next cycle TBA (usually 1st part of year)

- Complete Bike Trail on Coco Plum (Budget in process)
- Grassy Key Birding Boardwalk Trail Construction (when planning is complete)

FCT Parks and Open Spaces – opens Jan 2024

- Apply for parks and opens spaces land acquisition.

COMPLETED GRANTS - *New since last meeting* - *Updates*

GRANTS NOT RECEIVED - *New since last meeting*

Assistance to Firefighters Grant – (\$1,857,978.00) – Submitted 3/16/2023

- Did not receive – they only awarded 6 in the State of Florida
 - Waiting on feedback to improve next submission
- They are beginning to announce awards now although it's an ongoing process that goes through November. (emailed for update – “application in good standing, FEMA is still actively making grant awards weekly”)
- Financial Assistance for (9) new positions for 3 years

Tourist Development Council FY24 Capital Improvement – 2nd Round – Due 9/19/23

- Did not receive.
- Installation of Events Tiki at Oceanfront Park – (\$200,000)
 - Submitted 9/15/2023

POTENTIAL GRANT APPLICATIONS - *New since last meeting*

FEMA Assistance to Firefighters Grant – dates TBA (usually 1st part of year)

SAFER – dates TBA – (usually 1st part of the year)

Florida Boating Improvement Program (FBIP)- Opens February 24, 2024



CITY OF MARATHON PUBLIC WORKS

9805 Overseas Highway, Marathon, Florida 33050
Phone: (305) 289-4109 Fax: (305) 289-4131

MEMORANDUM

DATE: October 10, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Carlos A. Solis, P.E. Director of Public Works & Engineering
THROUGH: George Garrett, City Manager
SUBJECT: Public Works Update

The following is an update of the status of Public Works projects and related issues:

Capital Infrastructure Projects

- **Marina & Station 14 Generators:** The Generator is installed and completed. We have received notification from the contractor that Cummins now has a delivery date of March for the fire station generator. We have a back-up system in place at the fire station, provided by the contractor, to provide back-up power. .
- **117th Street & 116th Street Bridge Replacement:** The City formally terminated negotiations with the number one ranked firm, and has negotiated a contract with the number two rank firm that falls within the budget provided by FDOT. Design services are scheduled to begin within the month,.
- **112th Street Bridge:** Responses were received for the design services, and two firms responded. FDOT and FHWA requires a minimum of three respondents. We requested a waiver from FDOT for the two submittals, and were denied, therefore we are re-publishing the RFQ for two weeks as requested by FDOT. We do not expect additional submittals, and plan on bringing the rankings to council at the next meeting..

Upcoming Projects:

- **Seven Mile Marina:** We have completed the required additional survey for the expanded submerged water lease areas and our consultant is proceeding with the permit for the finger docks. FDOT continues to be a hold-up in completing the lease for the R/W portion of this project.

- **Quay Property Redevelopment** The We have returned our comments on the 60% plans and are expected to have 90% plans by the end of October for the upland portion of the site.
- **Quay Restroom:** The CMAR is working on the pre-construction aspect of this project. Part of this work is providing cost for a pre-fab building or built in place structure.
- **City Hall Office Renovation:.** Once completed, the lobby door should be open to the public, as the new lobby will have bulletproof glass and will restrict the access to the offices from the public, but will allow the public to enter the lobby and speak with a person. We are also creating a small meeting room in the lobby, which would allow staff to meet personally with the public without bringing them to the general office area unless they are invited..
- **City Hall Air Conditioning Replacement:** The Notice TO Proceed has been issued, and the contractor is in the permitting process of the replacement. The replacement units are on order, and all other work will begin upon issuance of the building permit with the intent on completing all auxiliary work prior to the arrival of the units.

General Public Works Issues and update:

- **Building Plan Review:** The Public Works & Engineering department has processed 40 permits reviews, and 98 inspections for projects requiring engineering review and inspections in the last month.
- **Boat Ramp and Beach Parking:** The revenue collected from parking and user fees for the month of July was \$67,103.40. The report shows a continued increase in boat ramp usage, which is outpacing the beach at this time of year. boat ramps. We estimate the usage for September and October to be below prior month as historically these are slower months of the year.

Stormwater Report:

We've had some often heavy rains in the past couple weeks, coupled with some very high tides, and while there has been some localized street flooding, as indicative by the coastal flood warnings, all system recovered fairly quickly. (2nd Street continues to be severely impacted by high tides. We will begin a design to address this issue with this new budget year.

By Terminal

From date: 9/1/2023, To date: 9/30/2023 11:00 PM

Top 10 Purchase Amount by Terminal

Terminal	Amount	% of Total
BOAT RAMP-1	15,330.35	22.8%
SOMBRERO-3	13,393.35	20.0%
BOAT RAMP-3	10,240.00	15.3%
SOMBRERO-4	8,975.70	13.4%
SOMBRERO-2	6,091.00	9.1%
SOMBRERO-5	5,934.00	8.8%
BOAT RAMP-2	4,345.00	6.5%
SOMBRERO-1	2,794.00	4.2%

\$67,103.40

Top 10 Collection Amount by Terminal

Terminal	Amount	% of Total
BOAT RAMP-1	15,280.00	22.8%
SOMBRERO-3	13,381.00	20.0%
BOAT RAMP-3	10,240.00	15.3%
SOMBRERO-4	8,965.00	13.4%
SOMBRERO-2	6,091.00	9.1%
SOMBRERO-5	5,934.00	8.9%
BOAT RAMP-2	4,345.00	6.5%
SOMBRERO-1	2,794.00	4.2%

\$67,103.40

Top 10 Tickets Sold by Terminal

Terminal	Tickets Sold	% of Total
SOMBRERO-3	1,440	29.4%
SOMBRERO-4	944	19.3%
SOMBRERO-2	672	13.7%
SOMBRERO-5	604	12.3%
BOAT RAMP-1	485	9.9%
SOMBRERO-1	301	6.1%
BOAT RAMP-3	295	6.0%
BOAT RAMP-2	158	3.2%

Top 10 Collection Count by Terminal

Terminal	Collection Count	% of Total
BOAT RAMP-1	30	12.8%
SOMBRERO-1	30	12.8%
SOMBRERO-2	30	12.8%
SOMBRERO-3	30	12.8%
SOMBRERO-4	30	12.8%
SOMBRERO-5	30	12.8%
BOAT RAMP-3	29	12.3%
BOAT RAMP-2	26	11.1%

MEMORANDUM

Date: September 29, 2023
To: Honorable Mayor and City Council
From: Paul Davis, Parks and Recreation Director
Through: George Garrett, City Manager
Subject: Parks and Recreation Monthly Report

OCTOBER 2023

PARKS AND RECREATION REPORT

PROGRAMS

- The Gardens at Community Park – Open House and Plant Giveaway every Wednesday from 4:00 to 6:00 p.m.
- We will be starting Start Smart flag football begins Wednesday, October 11th at 5:30 p.m. Program will be every Wednesday from 5:30 p.m. to 6:30 p.m. for 6 weeks.
- NFL Flag Football registration ends October 6th. Practices will begin October 16th. Games will start the first week of November and will be played every Monday and Wednesday starting at 5:30 p.m.
- Adult Softball league continues to play every Monday and Wednesday's starting at 7:00 p.m. and 8:15 p.m.
- Adult kickball starts Thursday, October 5th at 7:00 p.m. games will be played each Wednesday evening beginning at 7:00 p.m.
- Pickleball every Monday – Friday from 9:00 a.m. to 11:00 am. On the basketball courts.

EVENTS

- CMPR Halloween Trunk or Treat event will be Friday, October 13th at Community Park events fields. The event will be from 6:00 p.m. to 8:00 p.m.
- MYC Youth Soccer end of the season celebration at the Community Park events fields October 20th.

BEACHES

Sombrero Beach

- We continue to sanitize and restock the toilet paper in the restrooms in the mornings, afternoons, and evening hours.
- Parks and Rec staff are at the beach Monday through Friday from 8:00 a.m. to 5:00 p.m. to help greet visitors, answer questions, and monitor the beach area.
- Installed Accessmat at the westside northside of the pier to assist visitors with launching and removing their kayaks (see attached pics).
- Replaced broken barbeque grill and ash cans as necessary (see attached pics).
- Created a trash pick-up station for anyone who would like to pick up trash at Sombrero Beach (see attached pics).

Coco Plum Beach

- Everything is good at Coco Plum Beach.

PARKS

Jesse Hobbs

- Everything is good at Jesse Hobbs

Community Park

- Replenished mulch in the playground area.
- Replaced urinal in men's restroom near the amphitheater after being vandalized (see attached pics).
- The camera system installation has begun and is almost complete.

Ocean front / Events Field

- All is good at Ocean Front Park

Rotary Park / Dog Park

- Replenished mulch in playground area (see attached pics).
- Continue to inspect/maintain dog park and playground areas.

Sombrero Beach Kayak Launch Area



Trash Bucket Pick-Up Station



Barbecue Grill Replacement



Community Park – Broken Urinal





CITY OF MARATHON FIRE RESCUE

8900 Overseas Highway, Marathon, Florida 33050
Phone: (305) 743-5266 Fax: (305) 289-9834

Memorandum

Date: 10/1/2023
To: Honorable Mayor and City Council members
From: John A. Johnson, Fire Chief
Through: George Garrett, City Manager
Subject: September Month End Report

ALARM RESPONSES

	September
Fire Incidents	1
Hazardous Condition	1
Public Service	12
False Alarm Fire	17
Good Intent Call	5
EMS	93
Inter-facility Transfers	32
Total for Month:	161
Total Calls for Calendar 2022:	1786

FIRE PREVENTION

	September
Fire Inspections	8
Fire Safety Plan Review	28
Vacation Rental Inspections	99
Occupational License Inspections	0
Annual Life Safety Inspections	2
Event Inspections	0
Annual State Inspections	0
DHR Follow-Up Inspections	0

VACATION RENTALS

	September
Total Applications Processed	80
Vacation Rental Inspections	99
Total VR Fees Collected	\$92,925.00
Agent/Local Contacts Trained	66
Total VR Licenses Issued	92

OPERATIONS:

• Training:

- **Fire Officer Training:** All Fire Officers maintained daily incident management, continuing education as well as working on preparations for the upcoming storm season.
- **EMS Training:** This month the Firefighters completed 75 hours of training. This training includes monthly medication exercises, updated protocols, and an EMS equipment refresher.
- **Fire Training:** All firefighters continue to conduct daily shift drills; they also completed NFPA 1410 hose drills.
- **Tactical Medic Program:** This month one (1) firefighter participated in 12-hours of SWAT Call Out with MCSO.
- **Combined Training:** Vector Solution software for all shifts, a total of 167 courses were taken, which totaled 72.3 hours of training.
- **Instructors on Staff:** We have a total of six instructors with live fire training certifications and seven EMS instructors.

BENEVOLENT FIREFIGHTER SERVICES

The Benevolent Association has decided to meet once every three months due to lack of personnel. No meeting was held this month. We look forward to updating you following our next meeting. As always, we continue to support recruitment of additional personnel coordinated through the Marathon Fire Rescue Benevolent Association.

INFORMATION

The new Firefighters have completed their first rotation and are doing well. They will be alternating shifts during their first year of probation to ensure they are well trained and fit the Marathon Fire Rescue Department standard. The department attempts to continually recruit qualified personnel.

The first month of the cadet program focuses on emergency medical training and the students are doing well. They have been CPR certified and have participated in trauma scenarios with their instructors. The EMS training is a state certification which will help them continue their careers as EMTS or Paramedics in the future.

The City continues to monitor as well as remains prepared for any possible inclement weather. As we enter October, we cannot let our guard down as the storm season is not yet over. The department advises you to ensure you have your hurricane plans outlined and that your property is secure in case we do need to evacuate. There are 2 months of the season ahead of us. Please be prepared.

PUBLIC OUTREACH IN SEPTEMBER:

ACTIVITIES ATTENDED IN SEPTEMBER:

Weekly Director Call (4)
City Council Meeting (2)
KCB Meeting
Leadership Monroe Board Meeting
Station Tour for Kid's Birthday
Vacation Rental Meeting
9/11 Remembrance at MHS
MHS Varsity/Middle School Football Games (3)
AFLAC Meeting
Porky's Grand Opening Event
New Hire Graduation Ceremony Recruit Class 2023-001



Memorandum

To: Honorable Mayor and City Council Members

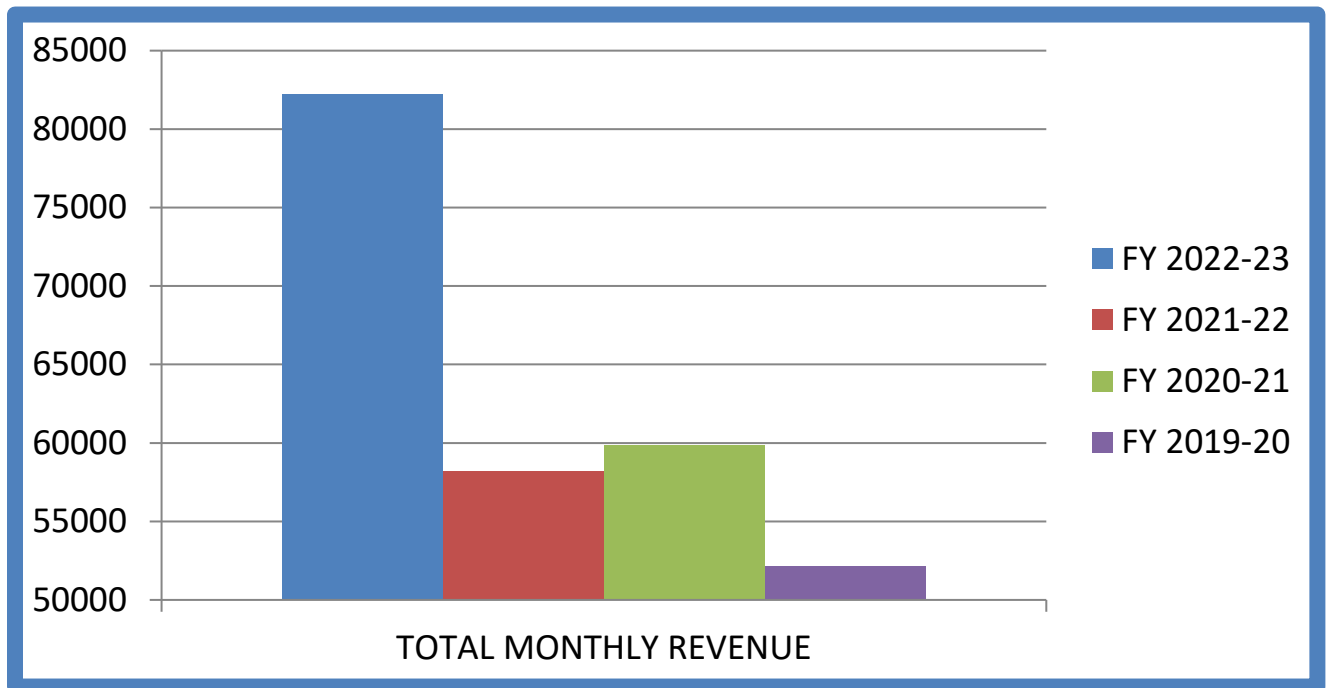
Through: George Garrett, City Manager

From: Sean Cannon, Ports Director

Date: October 10, 2023

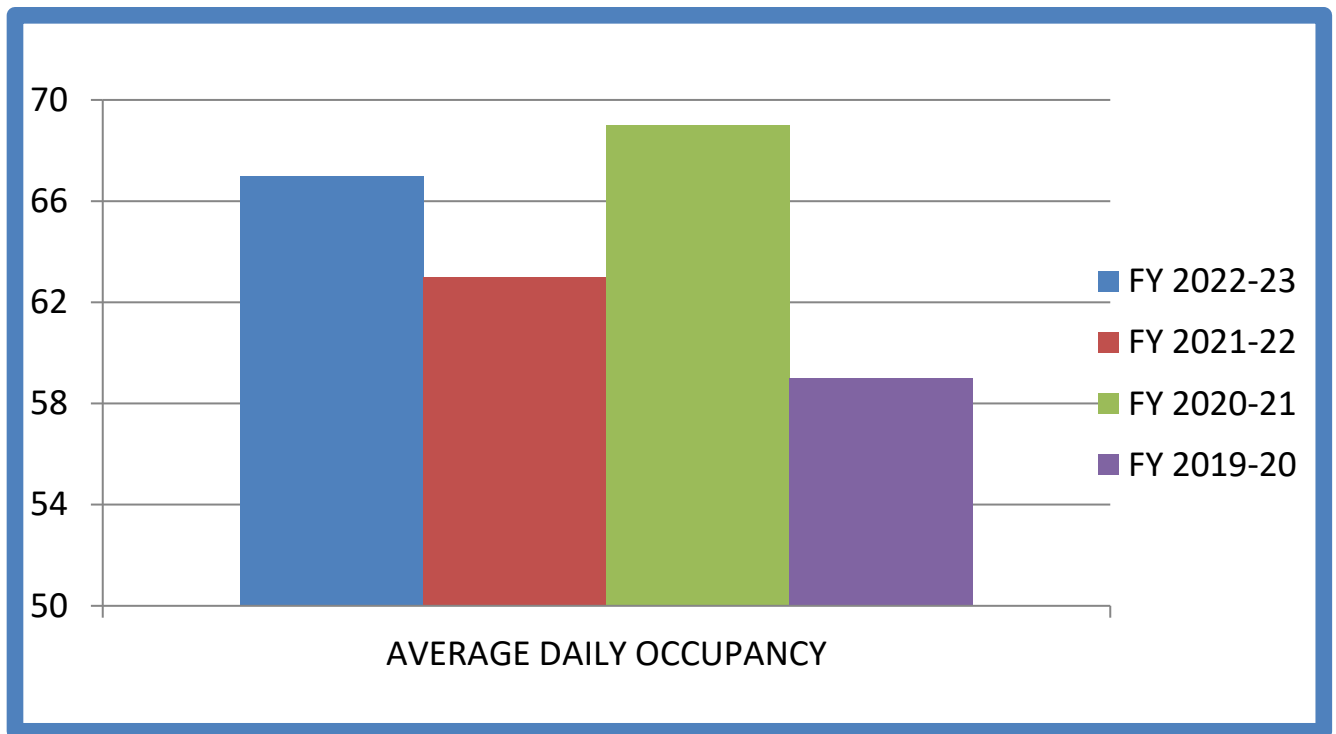
Re: September Monthly Report

Revenue: City Marina saw \$82,188 in total revenue during the month of September.





Occupancy: September's average daily occupancy was 67%



TOTAL TRANSIENT ARRIVALS

***IN-STATE VESSELS: 11**

***OUT-OF-STATE VESSELS: 2**

***FOREIGN VESSELS: 1**

***TOTAL VESSELS: 14**



News: Finishing off some summer projects before the beginning of season.

Projects: The last of tri-annual mooring inspections is scheduled for November and affected systems will be repaired as needed.

The light posts have been installed in our gravel parking lot for better security.

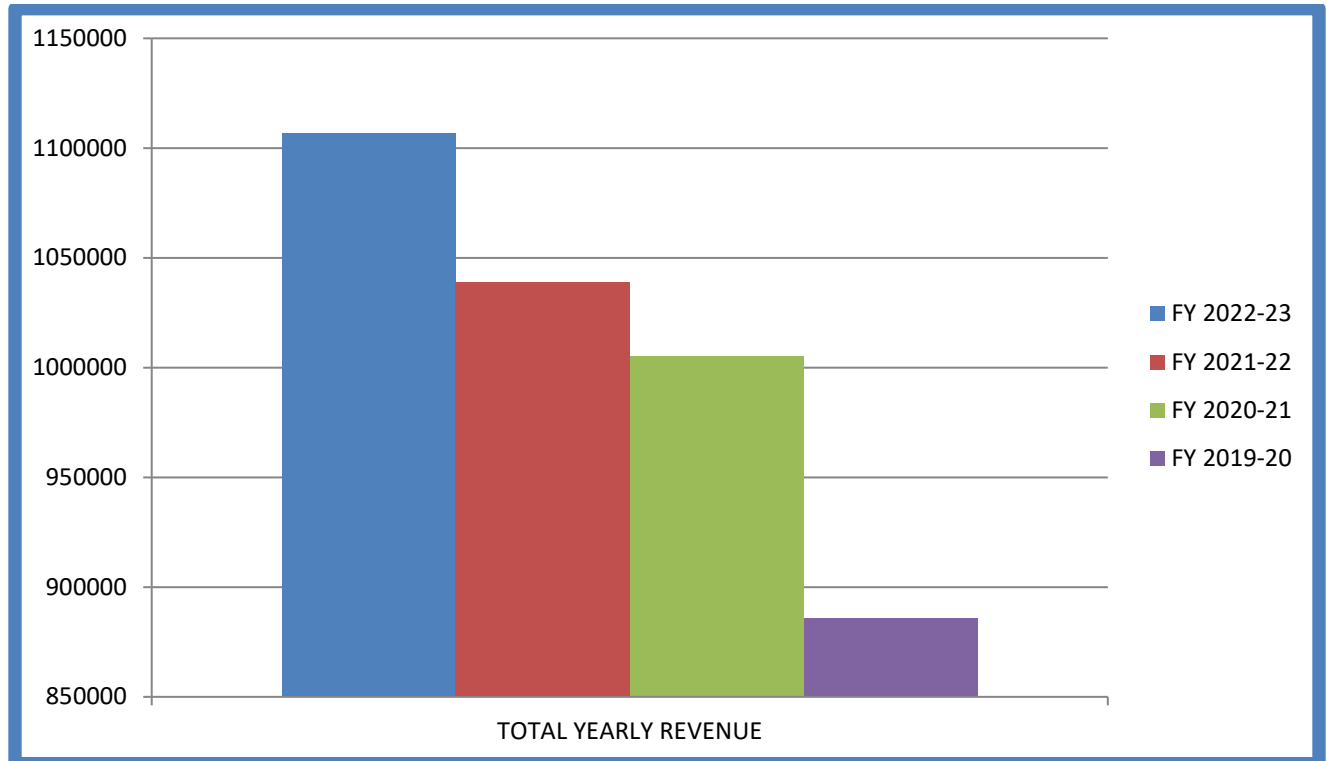




Memorandum

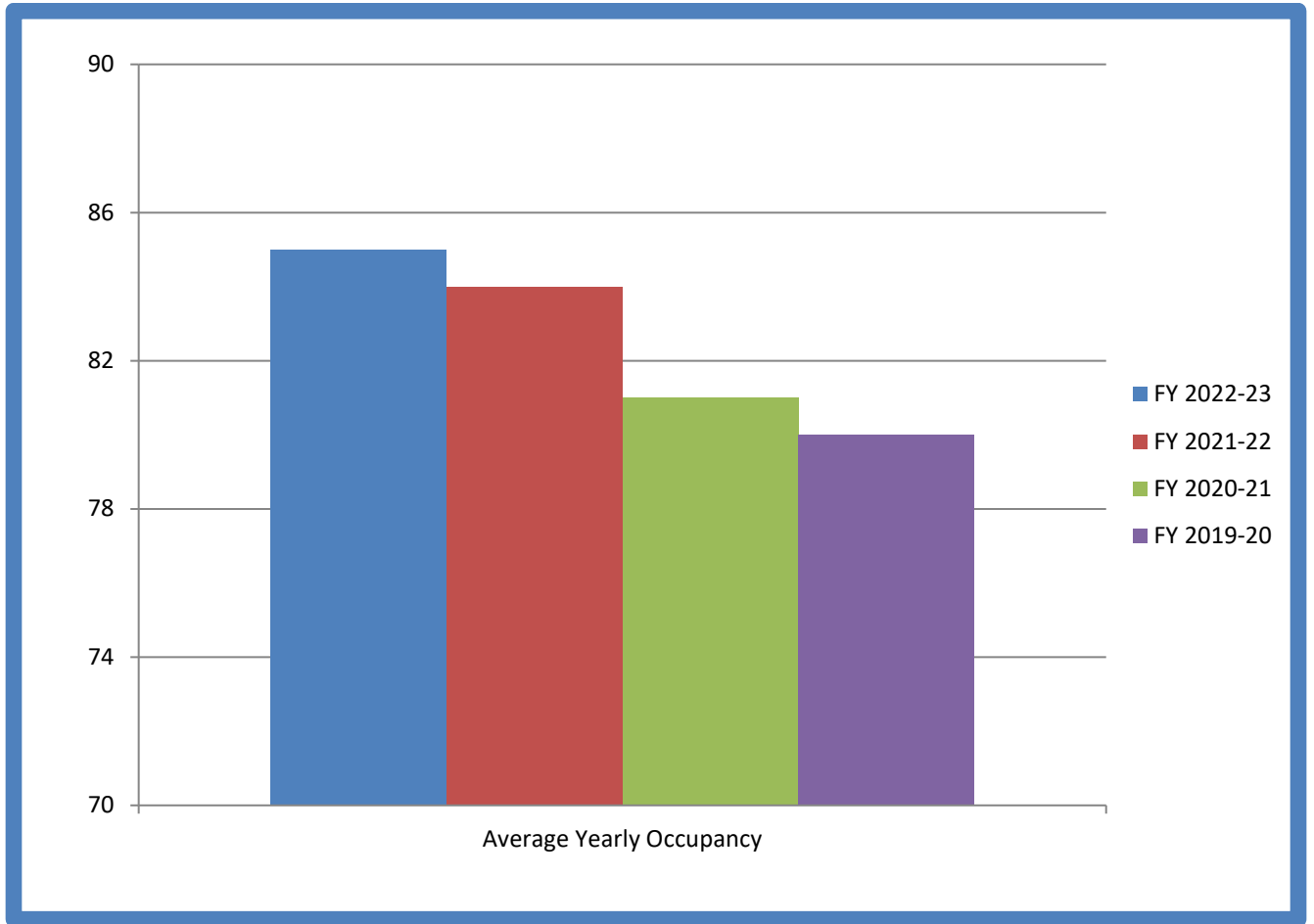
To: Honorable Mayor and City Council Members
Through: George Garrett, City Manager
From: Sean Cannon, Ports Director
Date: October 10, 2023
Re: FY 2022-2023 Year End Report

Revenue: City Marina saw \$1,106,642 in total revenue during FY 2022-2023. Moorings and dinghy dock customers exceeded last years revenue. A 6.5% increase from last fiscal year.





Occupancy: FY 2022-2023's average occupancy was 85%



TOTAL TRANSIENT ARRIVALS FOR FY 2022-2023

***IN-STATE VESSELS: 348**

***OUT-OF-STATE VESSELS: 266**

***FOREIGN VESSELS: 43**

***TOTAL VESSELS: 657**



CITY OF
MARATHON, FLORIDA
Ports Department

Latitude 24° 42' 33.8" N Longitude 81° 5' 29.1" W

We have had many new and returning customers this year who are becoming long-term residents. This year we have seen a steady occupancy of no lower than 65%. That's 147 out of 226 moorings that are occupied yearly. Transient vessels also increased this year. Marina staff was overwhelmed with vessels and people this year. Despite the crowded conditions, staff was able to manage the entire harbor's pump outs and keep up with customer demand.

The 2022-23 year brought the highest revenue the marina has seen to date. With the mooring and dinghy dock increase and including our CVA grant award, the marina grossed \$1,135,416. Staff is working to create a comprehensive C.I.P. for the future, with the help of some grants, which will include the replacement of the sea wall, a new dumpster enclosure, and new roof and gutters for the marina building.

Maintenance and repairs continue on the buildings, property, equipment, and mooring field and will go on throughout the next few months. The mooring field was inspected and are being repaired as needed, with some only requiring a new pickup line, and others needing several components replaced. The bath house and laundry room had its yearly preventative maintenance and all necessary repairs were completed. The docks and ramps were repaired and repainted. New lighting posts were installed in the gravel parking lot for better security and the recycling bins were repaired as needed. The new generator is also installed and awaiting final inspections and finishing touches.

The timing of necessary repairs with anticipated revenue looks to be coordinating well. Customers continue to be pleased with the service and atmosphere of the marina and its staff as well as the improvements being made around the marina. City Marina intends on maintaining the successful programs we have while constantly seeking ways to improve our efficiency and reduce our expenses in the years to come.

CITY OF MARATHON



Memorandum

Meeting Date: October 10, 2023
To: Honorable Mayor Luis Gonzalez and City Council Members
Through: George Garrett, City Manager
From: Ted Lozier, P.E. Code Compliance Director
Subject: Code Compliance Report

Complaint Investigations	72
New Code Cases	63
Code Cases Closed	50
September Code Hearing – cases noticed	20
October Code Hearing – cases	17
Trash Service Violations	28
Trash Violation Citations	15
Stop Work Orders Posted	7
Vacation Rental Licensing Violations	35

Seventy-two new code complaints were investigated, 63 new code cases were opened, and 50 code cases were closed.

The Code Department had 20 notices for the September hearing; 3 cases were withdrawn through compliance, 8 cases were continued, and the remaining 9 cases were heard and found to be in violation. The October Code Hearing is scheduled for October 19, 2023, at 2:00 PM at Marathon City Hall Council Chambers, 9805 Overseas Highway, Marathon, FL. Seventeen cases will be noticed for the hearing.

Code Responses & Permit Reviews: 776 & 97

In August, staff responded to 776 code follow-up actions and inquiries received by telephone, email, online, or in-person. Staff also conducted 97 permit reviews.

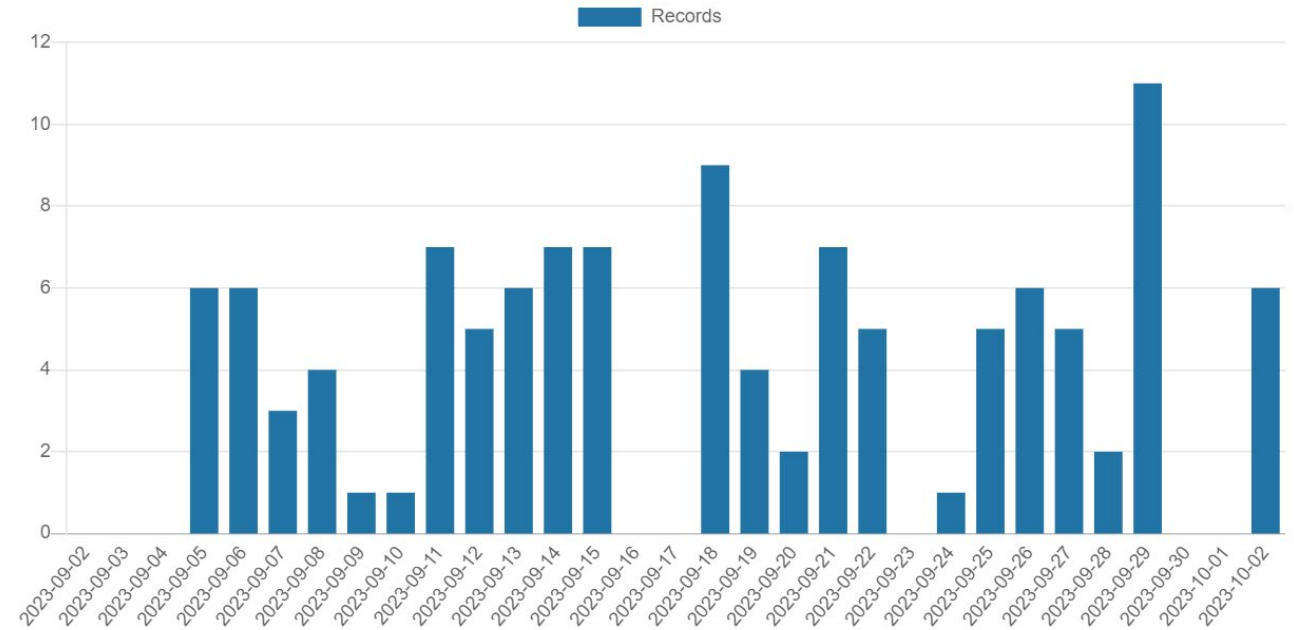
Vacation Rental Compliance: A seminar targeted at vacation rental agents, owners and 24-hour-contacts will be held twice (10:30 a.m. and 1:30 p.m.) on Tuesday, October 3, at the Coldwell Banker/ Schmitt Real Estate offices. Vacation rental licensing and vacation rental rules will be discussed along with a question-and-answer session.

Fees And Fines: After the monthly Hearing, fees and fines for the code cases are invoiced, and reminder notices are delivered for past due invoices. For September:

Amount Invoiced	Amount Collected
\$90,300.00	\$95,700.00

SEPTEMBER '23


Records submitted over time




Totals

 **117**
Records Created

 **937**
Inspections Done

 **\$103,383.92**
Revenue Collected

 **123**
Permits Issued

CITY MANAGER



Meeting Date: October 10, 2023

To: Honorable Mayor & Council Members

From: George Garrett, City Manager

Subject: FINAL
Establishment of Legislative Priorities for the 2023 Legislative Session and the 2nd Session of the 117th Congress

The City of Marathon retains three lobbying firms. We would potentially like to add a fourth, Southern Group.

At the state level, Ballard Partners and Ron L. Book, P.A work principally on legislative issues for the City as noted amongst the issues listed below. They may also work on special legislative issues, special project appropriations through the Legislature, or with setting up specific meetings with state agencies and/or Legislators. Florida Keys Day will be held the first part of 2024 with a welcome event the evening before. We need to determine whether Council wants to participate. The City typically also meets with agency and key Legislative members on relevant issues for the session.

At the federal level the City has retained the firm of Robertson, Monagle, & Eastaugh for the City's federal activities. The greatest extent of the firm's responsibility revolves around the appropriation of funds through the Florida Keys Water Quality Improvement Act (FKWQIP) of 1998. The original Authorization from Congress provided for the ultimate appropriate of up to \$100 million dollars. To date approximately \$75 million dollars have been appropriated. Within the next couple of years, we will have exhausted this source of revenue as originally authorized. However, in this past federal legislative year, the terms of FKWQIP have been extended and expanded for up to \$200 million. Allowed uses will now include canal restoration.

The funds are routinely split among the City, the Key Largo Wastewater Treatment District, and Islamorada. With the extension of FKWQIP, the County will likely want to become a partner in the appropriation process. There is an interesting history as to why Key Largo is a part of FKWQIP and not the County (I will save for another day). That said, they will likely want to included in any future modification of the Memorandum of Understanding that guides the split of FKWQIP funds

Our federal lobbyist also keeps an eye out for grant and funding opportunities that fit the needs of the City.

STATE INITIATIVES

State Legislative priorities are as follows:

- Options for BPAS & Hurricane Evacuation
- Workforce Housing
 Consideration of Options for the City under the Live Local Act (a part of SB 102)
 Potential modifications of last year’s legislation concerning affordable housing (SB 102 /
 HB 627
 Consideration of Modifications to Chapters 166 (125) and/or 380 F.S.
- Insurance Protections
- Vacation Rental legislation preempting local authority
 Potential Carve-out for ACSC
- The Florida Keys Stewardship Act
 Assurance of Appropriations this year (Past two years have yielded \$20 M)
 Land Acquisition Trust Fund (LATF)
- Water Quality
 Potable Water Reuse Options
- Marine Protection
 Liveboards
 Mooring options
- Sea Level Rise \ Sustainability Initiatives
- General preemption issues
- Takings cases

BPAS & Hurricane Evacuation

The City will be working with state agencies (Florida Commerce) and the Legislature in consideration of options under BPAS related to hurricane evacuation. Further, significant consideration must be made for the potential initiation of local “Taking” cases. Staff is working with Florida Commerce on the outcome of the hurricane evacuation modeling. We are equally expectant that legislation may arise modifying at least, the allowance of additional workforce housing units.

Workforce Housing

The City will participate in any considerations for modifying SB 102, the Live Local Act, particularly as it may relate to affordable housing in the Florida Keys. This may include modifications to both FS 125. 166, and 380.

In addition, the City will support County efforts to modify TDC funding options to allow TDC capital infrastructure dollars to be dedicated to the development of workforce housing.

Insurance Protections

The City will be working with its lobbyists and FIRM (Fair Insurance Rates in Monroe) to protect insured property owners in Monroe County from unwarranted insurance rate increases through Citizens and other insurers for wind and flood policies. We have already visited with senior staff and board members from Citizens. We anticipate that the Florida Office of Insurance Regulation will be visiting Monroe County in the coming month. We will then take the issue up in Tallahassee in the coming session.

Vacation Rentals

As in the past, the City must maintain home rule on this issue and at minimum, a simple status quo on the exemption that we currently hold as an Area of Critical State Concern with adoption of our grandfathered Ordinance in 2011. In the 2022 Legislative Session, efforts to further limit local jurisdiction were not strong and therefore not successful. We will work to permanently restore local jurisdiction.

Florida Keys Stewardship Act

The City will continue to support initiatives through the Stewardship Act to fund water quality improvements (wastewater and stormwater), land acquisition, and nearshore water improvements, such as canal restoration. We will support the County's efforts to make Stewardship a recurring revenue source through the Land Acquisition Trust Fund. In the 2021-2022 Session, we were able to bring home \$25M to the Keys (\$20M for wastewater-stormwater / \$5M for land acquisition). The Marathon portion of that funding is already being committed to build the sludge dewatering facility to be located at the Area 6 Wastewater Treatment facility.

Water Quality Initiatives

The City would like to develop a partnership with the Florida Keys Aqueduct Authority (FKAA) through the Legislature to fund a potable reuse project (pilot project) within the City to provide potable water back to the FKAA.

Sea Level Rise \ Sustainability Initiatives

State and local initiatives were approved last year to provide funding for issues associated with sea level rise. The City will continue to support initiatives with an eye towards developing planning and engineering level documents that may be utilized to initiate infrastructure improvement projects aimed at hardening, elevating, and extending our ability to utilize infrastructure subject to sea level rise.

Private Property Rights / Compensation

Should the initiative come up this year, the City should continue to support efforts to garner a partnership legislatively with the state toward funding takings responsibilities as they arise. This initiative failed in the past two years.

Additional Objectives

- Continue to fight for Home Rule opposing initiatives that would propose the contrary
- Continue to support funding efforts to develop work force housing and housing for essential personnel.
- Everglades Restoration

FEDERAL INITIATIVES

On the federal side, our primary focus should continue to be acquisition of funds through the Florida Keys Water Quality Improvement Program (FKWQIP). Our lobbyist, Rick Marks points out that we continue to have an excellent lobbying team in D.C. Additionally, funding for these programs has been lucrative in the past couple of years with this team in place. Rick indicates that the new administration may be poised to grant more funds to these programs rather than less. There is \$27M in authorized funds remaining in FKWQIP. Rick believes that Keys jurisdictions may be able to secure funding this year for the entire amount – \$9M for the City. Staff has already provided a list of approximately \$11M in projects to support this request.

Staff will also be working with Rick to obtain maximal funding through the Infrastructure Bill that recently has been working its way through Congress. Focused on coastal sustainability efforts, those funds may ultimately become available for major infrastructure improvements.

We will continue to monitor federal initiatives/regulatory/policy reforms that may impact the City (e.g. NFIP, FEMA, FL Keys National Marine Sanctuary, etc.).

Finally, City staff will be working with Rick to support additional funding for the National Marine Sanctuary program and the Florida Keys National Marine Sanctuary (FKNMS) in light of current issues involving significant coral loss.

CITY COUNCIL AGENDA STATEMENT



Meeting Date: October 10, 2023
To: Honorable Mayor and City Council
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-99**, A Request For Final Plat Approval As Submitted By Casa Marabella LLC For A Portion Of Land Having The Addresses Of 12670, 13380, And 13440 Overseas Highway, Which Is Described As Part Of Government Lot 1 And Part Of Bay Bottom Adjacent To Lot 1 Section 5 South Township 65 South Range 33 East And Government Lot 2 And Bay Bottom Northerly Of Lot 2 Section 33 South Township 65 South Range 33 East, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00099610-000000.

APPLICANT/ OWNER: Manny Roman Casa Marabella LLC

AGENT : Amie Owens, Don Horton Construction

LOCATION: The project site is located at 12670, 12700, & 12800 Overseas Highway. See Figure 1.

**Figure 1
Project Site**



REQUEST: A Final Plat approval for the subject property having RE 00099610-000000 to allow for the subdivision of the single parcel into three parcels.

FUTURE LAND USE MAP DESIGNATION:

Mixed Use Commercial (MU-C). See Figure 2.

**Figure 2
Future Land Use Map**



ZONING MAP DESIGNATION:
Mixed Use (MU). See Figure 3.

Figure 3
Zoning Map



LOT SIZE:
Total acreage: Approx. 80,215 sq. ft. of uplands.

SURROUNDING ZONING AND USES:

	<u><i>Zoning</i></u>	<u><i>Use</i></u>
North	NA	Gulf of Mexico
East	Mixed Use and Conservation Native Area	State Lands, a commercial property, and a billboard.
South	Mixed Use	Motel, offices and commercial
West	Mixed Use	The Quay

EXISTING CONDITIONS:

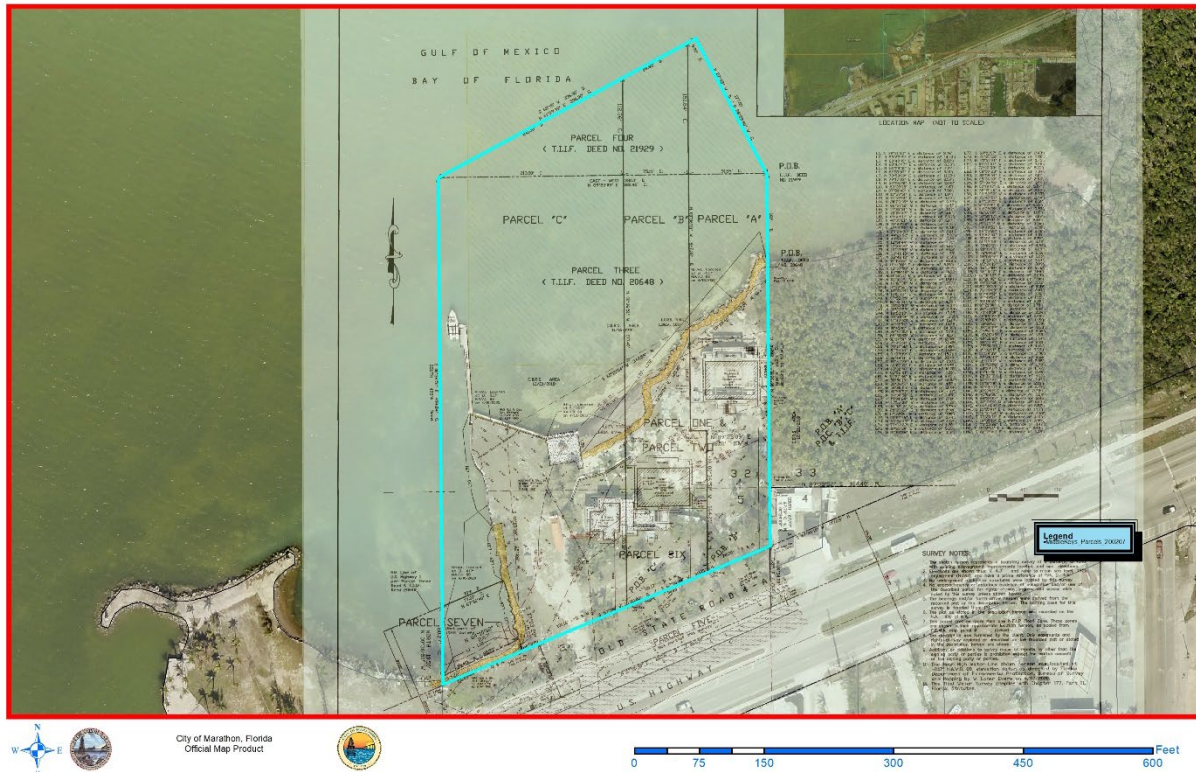
The project site consists of a large lot with three homes on the property.

PROPOSED REDEVELOPMENT:

To subdivide the lot so that each home is on its own lot.

See Figure 4 for Site Plan layout.

**Figure 4
Proposed Redevelopment Site Plan**



BACKGROUND:

The proposed project is the platting of individual lots for each unit. This report addresses the Conditional Use application associated with the Platting and Subdivision regulations.

All conditions of the Conditional Use approval will have to be met before any building permit will be approved.

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

The criteria for evaluating a Conditional Use Approval are outlined in Chapter 102, Article 13, Conditional Use Permits, in the City of Marathon Land Development Regulations.

CRITERIA

A. The proposed use is consistent with the Comprehensive Plan and LDRs;

The proposed development project is located within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City’s historic business district and the US1 Corridor, in an effort to recognize the role of US1 as the City of Marathon’s ‘Main Street.’ The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping center, specialty shopping centers, individual multi-tenant commercial buildings, automotive services and sales, fast food restaurants, affordable housing uses, transient lodging and other retail establishments that serve the community at large”.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. Using the property area, the proposed use can have up to 11 residential units, however the applicant is just subdividing the lot so that each of the existing 3 residential units is on its own lot. Table 103.15.3 further qualifies the allowed range of intensities based on the intensity of retail use.

Development Type	Proposed	Maximum Allowed
Residential Units		
Market Rate	3	11

The project as proposed meets the basic definition of development in the MU zoning district.

Therefore, the request is ***in compliance*** with the requirements of these sections.

B. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;

The proposed project is located within the Mixed-Use Commercial Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of mixed-use development patterns and to recognize established mixed use development patterns within the City.”

The existing land use pattern in the project vicinity consists of commercial use and vacant land to the east; commercial uses and (mixed use) to the south; The Quay and The Island restaurant to the west; and the Gulf of Mexico directly north.

Section 103.15, Table 103.15.2, “Uses By Zoning District,” establishes whether specific uses are allowed as of right, limited, accessory or conditional use permit. That table shows that Plats and subdivisions are permitted only when approved through the Conditional Use Permit process. Conditional Use Permit review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Otherwise, the development of the site will result in significant improvement to the site development quality, including upgraded landscaping, stormwater management, and architecture. The improvements are expected to have a positive benefit on the surrounding uses and the City of Marathon.

Therefore, the request is ***in compliance*** with the requirements of these sections.

C. The proposed use shall not adversely affect the health, safety, and welfare of the public;

The proposed conditional use does not adversely affect the health, and welfare of the public. The impacts on surrounding properties as a result of the proposed development should be positive.

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Two of the existing structures meet floodplain compliance. The third is PreFIRM (built in 1962) but is proposed to be redeveloped so that it will meet current floodplain requirements.

Therefore, the request is ***in compliance*** with the requirements of these sections.

D. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:

The existing conditions maps indicate the subject area is designated as Developed Land. Portions of the land are flagged as undeveloped land. The State-owned land next door is also listed as hammock. However, the existing and proposed development will have no impact on the neighboring hammock.

In addition, the parcels are within a ‘Species Focus Area’ as defined in the settlement for FEMA-FWS lawsuit. All permitting will be required to be reviewed for compliance using the species assessment guides.

Further improvements to water quality are expected to arise from stormwater improvements to the site, which should provide up-to-date treatment and eliminate any existing discharges to surface waters. The applicant has submitted preliminary stormwater plans suitable for the Conditional Use Application, and final plans are required prior to building permit issuance.

Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. The native vegetation will improve the environmental quality of the site and reduce irrigation needs. The applicant has previously coordinated with DOT for the removal of native vegetation in the US 1 ROW and replacement plantings within this area.

Therefore, it is staff’s opinion that the request is ***in compliance*** with the requirements of these sections.

- All development permits will require review using the species assessment guides per the FEMA/FWS settlement.

E. Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:

1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in cases of fire or catastrophe;

The existing development currently does not impede the flow of traffic through Marathon. The applicant has received preliminary approval from the FDOT for the additional driveways to be created based upon the subdivision of the parcel.

Section 107.43 requires site triangles where the access drive intersects with the street. Clear site triangles must be shown on the site plan at time of DOT permit issuance.

Therefore, with conditions, the request is **in compliance** with the requirements of these sections.

- Applicant must obtain DOT permits for the installation of the two additional driveways onto US 1.

2. Off-street parking and loading areas where required, with particular attention to item 1 above;

Parking requirements are outlined in Section 107.46 (Parking Schedule). The following table shows the parking requirement for the residential uses on the parcel:

Use	Code Citation	Requirement	Spaces Required
Single and Two-Family, attached and detached	107.46.1	2 per dwelling unit	6
Total Required			6
Total Provided			6

The existing buildings provide sufficient parking space per the code.

Therefore, the request is **in compliance** with the requirements of these sections.

3. The noise, glare, or odor effects of the conditional use on surrounding properties;

The proposed project consists of three single family dwellings. No issues of noise, glare or odor have arisen from this use, nor are they expected to.

Therefore, the request is ***in compliance*** with the requirements of this section.

4. Refuse and service areas, with particular reference to locations, screening, and Items 1 and 2 above;

Section 107.39 requires that all dumpsters and recycling bins be fully enclosed and screened. The applicant proposes individual garbage containers similar to what is existing on site. Should a shared dumpster be proposed it must be screened according to Code.

Therefore, the request is ***in compliance*** with the requirements of this section.

5. Utilities, with reference to location and availability;

Chapter 107, Article 13, establishes the City's Concurrency Management and certification requirements. This Conditional Use constitutes the City's Concurrency Level of Service Certificate, as follows:

- Wastewater: The applicant is already connected to wastewater.
- Water: The Florida Keys Aqueduct Authority already provides potable water for the facility.
- Solid Waste: Marathon Garbage Service already provides solid waste disposal.
- Surface Water: The applicant already provides stormwater retention compliance within City standards.
- Recreation and Open Space: This development will have a de minimus impact on recreation and open space.
- Roadways: The units currently exist; therefore, resulting in a de minimus impact on transportation facilities.
- Educational Facilities: This redevelopment will have a de minimus impact on educational facilities since these are existing units.

Therefore, the request is ***in compliance*** with the requirements of these sections.

6. Screening and buffering with reference to type, dimensions and character;

Section 107.71 A. requires planting requirements for MU properties along US 1. The applicant has already planted trees in coordination with DOT, and meeting the standards set forth in 107.71 A.

Table 103.15.2 outlines setback requirements in the MU district as follow: front yard 0 – 30'; side yard 1 and 2, 0 – 10; interior side yard, 10; and, street side, 0-5'.

Table 106.28.1 outlines setbacks requirements for a Principal structure on open water where original slope landward has been significantly altered by filling but a mangrove fringe exists that is contiguous from side lot line to side lot line and is at least ten (10) feet wide at the root zone; have a setback requirement of thirty (30) feet from MHWL or the landwards extent of the mangrove root system. A resource buffer distance is set at a 30-foot minimum from MHWL, since that is further landward than the root system.

This plan shows an 86’ setback on the front yard, a minimum of 8’ setback on the side yards, approximately 33’ setback on the nearest shoreline.

Setback	Required	Required Landscape	Existing	Compliant
Front	30	10	86	Y
Side	5	N/A	5	Y
Side	5	N/A	5	Y
Shoreline	30	N/A	33	Y

Therefore, with conditions, the request is *in compliance* with the requirements of these sections.

7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding uses;

No signs are proposed as these are existing single-family residences. There are also no proposed changes to the exterior lighting that would cause glare or issues with traffic safety.

Therefore, the request is *in compliance* with the requirements of these sections.

8. Required yards and other open space;

Section 106.16 established required open space for the project. The parcel is generally considered developed; therefore, a twenty percent open space requirement applies. To the greatest extent possible, the Applicant will be required to protect Regulated Trees, pursuant to Chapter 106, Article 2 of the LDRs. According to the existing survey the lots well exceed the 20% open space requirement. When the one existing preFIRM structure is replaced, the plans will be reviewed to make sure the open space requirement is continued to be met.

Therefore, the request is *in compliance* with the requirements of these sections.

9. General compatibility with surrounding properties; and

The project is subdivision of one parcel into three for the existing use of the three homes. Adjacent uses include commercial establishments. A redevelopment of residential dwellings is expected to be fully compatible with these uses. The proposed redevelopment of the PreFIRM home will be an improvement to the current state of prior development and is expected to increase compatibility with surrounding properties.

Section 107.40 restricts the height of buildings to 42’ as measured from the crown of the roadway or unimproved grade. The buildings are below 42’.

Therefore, the request is *in compliance* with the requirements of these sections.

10. Any special requirements set forth in the LDRs for the particular use involved.

Section 104.48 Residential Dwelling Units contains special requirements.

The following criteria are applicable to this redevelopment:

- Plans must show a 10' interior setback between residential units.
- Any future alterations to the existing docking facilities will require the applicant to provide a copy of the DEP and ACOE permits and shall meet all conditions for Multi-family docking facilities. Docking facilities are a permitted use by right in all zoning districts.

Therefore, with the conditions note above, the request is **in compliance** with the requirements of this section.

CONCLUSION:

The Conditional Use approval is intended to allow for the integration of certain land uses and structures within the City of Marathon based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety, or welfare of the community.

The proposed development plat allows for the subdivision of the lot into three individual lots, one for each home. As such the development, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety, or welfare.

RECOMMENDATION:

The Planning staff recommended conditional approval of the Subdivision to the Planning Commission. The proposed conditions of approval are listed below.

The Planning Commission recommended conditional approval of the subdivision to City Council (5-0). City Council Approved the Preliminary Plat and Conditional Use with the following conditions.

Conditions of Approval

1. Plans must show a 10' interior setback between residential units.
2. Any future alterations to the existing docking facilities will require the applicant to provide a copy of the DEP and ACOE permits and shall meet all conditions for Multi-family docking facilities. Docking facilities are a permitted use by right in all zoning districts.
3. Clear sight triangles must be shown on the site plan at time of DOT permit issuance.
4. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

ANALYSIS OF PLAT APPROVAL REQUEST:

The standards for re-plat approval are established in Chapter 102, Article 10 of the Land Development Regulations. The application for the preliminary plat approval is being simultaneously reviewed per Section 102.45.D.2. through the Conditional Use process. Pursuant to the Code, the Planning Commission and City Council shall give due consideration to the evaluation criteria addressed within this report as well as the Conditional Use when rendering a decision to grant or deny the requested permit.

In the title certification as done with the platting process, the area of Old State Road 4A was found to be under the ownership of the applicant. The plat was updated to bring the property lines into this area.

RECOMMENDATION:

With the following conditions, the Planning staff recommends approval of the proposed final plat.

Conditions:

1. All utility and right-of-way permits shall be obtained and issued prior to final plat approval.
2. Applicant must obtain permits from FDOT for driveway installations.
3. All conditions of the Conditional Use must be met prior to building permit issuance.

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-99**

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA APPROVING A REQUEST FOR FINAL PLAT APPROVAL AS SUBMITTED BY CASA MARABELLA LLC FOR A PORTION OF LAND HAVING THE ADDRESSES OF 12670, 13380, AND 13440 OVERSEAS HIGHWAY, WHICH IS DESCRIBED AS PART OF GOVERNMENT LOT 1 AND PART OF BAY BOTTOM ADJACENT TO LOT 1 SECTION 5 SOUTH TOWNSHIP 65 SOUTH RANGE 33 EAST AND GOVERNMENT LOT 2 AND BAY BOTTOM NORTHERLY OF LOT 2 SECTION 33 SOUTH TOWNSHIP 65 SOUTH RANGE 33 EAST, FAT DEER KEY, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00099610-000000.

WHEREAS, Casa Marabella LLC (Applicant) filed an Application on February 10, 2021 for a Conditional Use Permit for approval of a primary plat and site plan for the property into three (3) single residential lots pursuant to Chapter 177, Florida Statutes and Chapter 102, Article 10, of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, City staff reviewed the Applicant's request for a Conditional Use Permit and determined that the Applicant's project proposal was in compliance with the City's Comprehensive Plan and Land Development Regulations (LDRs) and further that there was no substantial impact on the City's Level of Service (LOS); and

WHEREAS, the Council duly considered the Applicant's request and made a determination that the request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in Compliance with the City's Comprehensive Plan and LDRs and further, that the approval is in the public interest, is consistent with its policy to encourage the redevelopment of properties within the City of Marathon and will further the health, safety and welfare of the residents of Marathon; and

WHEREAS, the purpose of the Conditional Use Permit is to allow for the integration of certain land uses and structures within the City of Marathon, based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses and on the basis of all zoning, subdivision and other ordinances applicable to the proposed location and zoning district; and

WHEREAS, on the 19th day of September, 2022, the City of Marathon Planning Commission (the "Commission") conducted a properly advertised public hearing (the "Public Hearings") regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, and on the 11th day of October, 2022, the City Council (the “Council”) conducted properly advertised public hearings (the “Public Hearings”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS; the City Council made a determination that the Applicant’s request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in Compliance with the City’s Comprehensive Plan and LDRs and further, that the approval is in the public interest, is consistent with its policy to encourage the redevelopment of properties within the City of Marathon and will further the health, safety and welfare of the residents of Marathon; and

WHEREAS, the purpose of the Conditional Use Permit is to allow for the integration of certain land uses and structures within the City of Marathon, based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses and on the basis of all zoning, subdivision and other ordinances applicable to the proposed location and zoning district,

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

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The final plat, an unsigned copy of which is attached hereto as Exhibit "A", is hereby approved for signature and recordation and otherwise has complied with or must meet all conditions of the Plat as follows:

1. All utility and right-of-way permits shall be obtained and issued prior to final plat approval.
2. Applicant must obtain permits from FDOT for driveway installations.
3. All conditions of the Conditional Use must be met prior to building permit issuance.

Section 3. This resolution shall take effect immediately upon its adoption by the City of Marathon.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10TH DAY OF OCTOBER, 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

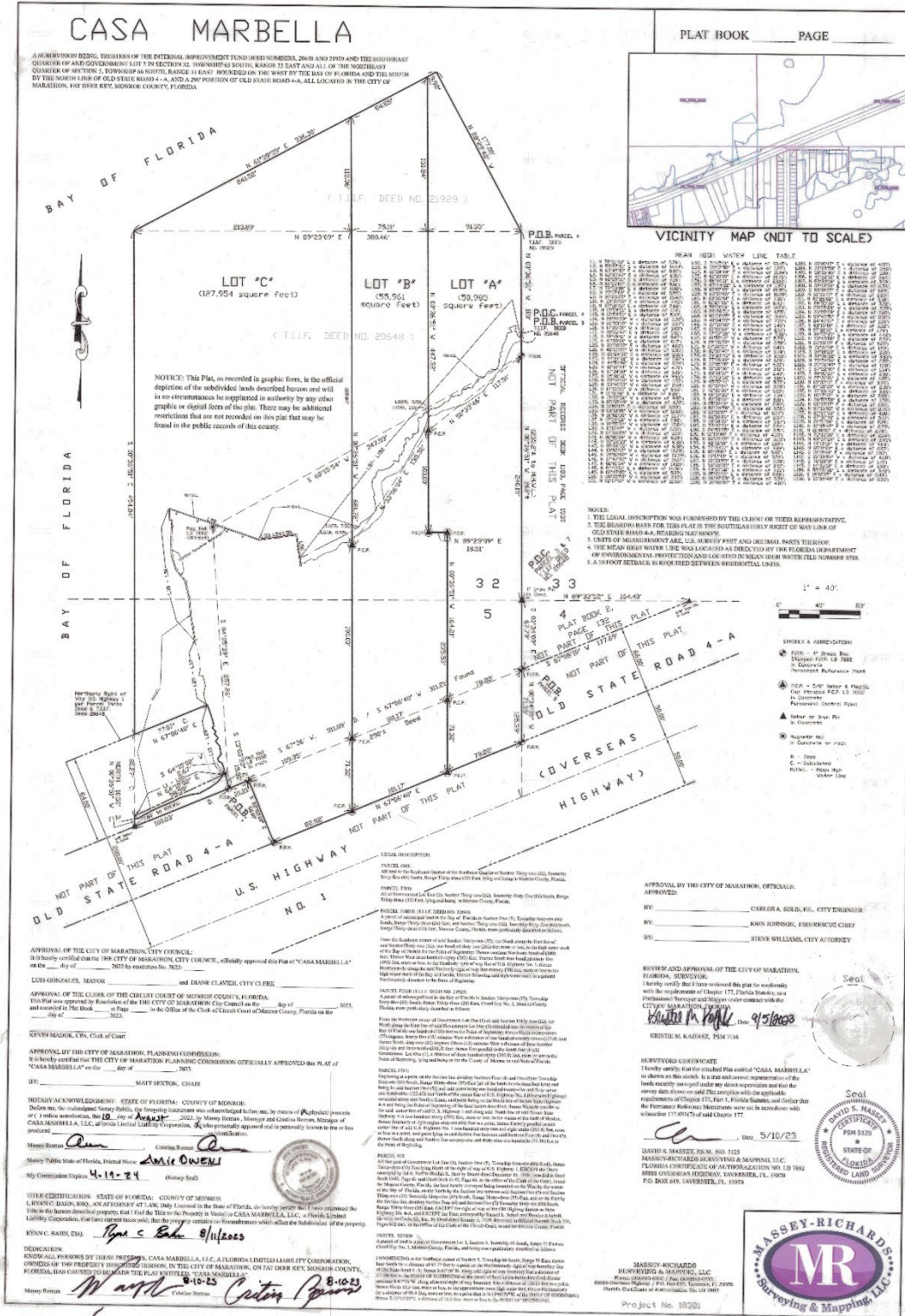
Diane Clavier, City Clerk

(City Seal)

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

Steve Williams, City Attorney

EXHIBIT A. APPROVED PLAT



CITY COUNCIL AGENDA STATEMENT



Meeting Date: October 10, 2023
To: Honorable Mayor and City Council
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Items: **Ordinance 2023-06**, Amending The City Of Marathon’s Comprehensive Plan Modifying Chapter One, “Future Land Use Element,” And Intending To Modify Policy 1-3.5.16, “Program For Transfer Of Density And Building Rights (TDR’s And TBR’s)”, Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date.

Ordinance 2023-07 Amending Chapter 107, Article 2, Entitled “Transfer Of Building Rights”, And Intending To Modify Section 107.15 Entitled “Site Criteria”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; And Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing For An Effective Date.

RECOMMENDATION:

The Planning staff recommends approval of both Ordinances modifying provisions concerning the criteria for transfer of building rights.

APPLICANT: City of Marathon

REQUEST: Amend City of Marathon Comprehensive Plan and Land Development Regulations in order to further clarify the criteria and approval process for the Transfer of Building Rights.

ANALYSIS OF COMPREHENSIVE PLAN CHANGE REQUEST:

Preface

The current Land Development Regulations provide only brief guidance concerning the review of a proposed Comprehensive Plan Amendment.

Section 102.19 simply states:

[Section 102.19. Standards for Review.](#)

When considering an application for a Comprehensive Plan Amendment, the review shall include all standards and criteria of Fla. Stat. ch. 163.

Standards in Chapter 163, F.S. offer some additional guidance, but are limited. Pertinent sections of Chapter 163 promulgate process rather than establishing criteria for the development of a proposed Comprehensive Plan Amendment. Chapter 163.3184, Process for adoption of comprehensive plan or plan amendment, define the sequential process for transmittal, review, and approval of a Comprehensive Plan Amendment. Most relevant to this delineation of process is the definition of “**compliance**” which is recited for review below:

163.3184 Process for adoption of comprehensive plan or plan amendment. --

(1) DEFINITIONS. --As used in this section, the term:

(b) "In compliance" means consistent with the requirements of ss. [163.3177](#), when a local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable. Thus, leading through an exhaustive process, the State Land Planning Agency must find a Comprehensive Plan or Plan Amendment in compliance in accordance with the above definition. Process as further defined in the section leads from Local Government Transmittal through review by the State Land Planning Agency and other required local and state government bodies to a finding of “in compliance” by the State Land Planning Agency.

Review is contemplated and expected to be completed by such agencies as the South Florida Regional Planning Council, whose responsibility it is to review the proposal for consistency with the Strategic Regional Policy Plan. Such review is not, therefore, the responsibility of the local government to determine consistency in this regard and will not be addressed herein. Though referenced in the definition of compliance and elsewhere Chapters 163.3177, 163.3191, 163.3245, and 369 will not be reviewed as a compliance matter. Chapter 163.3177 defines required elements in a comprehensive plan. The City has an approved comprehensive plan which must be assumed to have all the required elements. Chapter 163.3191 refers to the required Evaluation and Appraisal Report (EAR); a review of an approved comprehensive plan required of the City every seven years. The City is not subject to an EAR at this juncture and therefore is not relevant as a criterion to the review herein. Finally, Chapter 163.3245 refers to the development of an optional sector plan. This optional element of an approved comprehensive plan was not adopted by the City and therefore will not be used as a criterion for review in this proposed amendment. Chapter 369 refers to invasive aquatic plant control and the Wekiva River area and similarly will not be the subject of compliance review herein.

Other pertinent review elements leading to a determination of compliance are found in Chapter 163.3178 Coastal management, Chapter 163.3180 Concurrency, and the principals for guiding development in the Florida Keys Area of Critical State Concern.

Compliance Discussion

Relevant criteria promulgated in Chapters 163 and 380 F.S. can be itemized in bullets as follows based on the critical concerns more specifically identified in the City's comprehensive plan:

- Natural Resource Protection
 - Wetlands
 - Estuaries
 - Living marine resources
 - Beaches / Dunes
 - Unique wildlife habitat
 - Water Quality
- Historical Resources
- Infrastructure / Concurrency Management
 - Wastewater
 - Stormwater
 - Potable Water
 - Solid Waste
 - Transportation
- Affordable Housing
- Hazard Mitigation
 - CHHA
 - Hurricane Evacuation
- Ports
 - Marina Siting
- Public Use
 - Shoreline use and Access
 - Water dependent and independent activity
- Land Acquisition
 - Conservation
 - CHHA
 - Public Services

These bullet items should be utilized as the focus points for review of the proposed amendment and for future comprehensive plan amendments.

BACKGROUND

Staff is recommending changes to the below highlighted three sentences in the Comprehensive Plan. An analysis of properties that are over dense has noted that a majority of these sites were given the FLUM designation of RH. Based upon the current comprehensive plan, these over dense properties would only be able to transfer to other high-density properties, while still limited by the maximum density requirements of the LDRs. This does not meet the goals of infill development and reducing the potential for future takings cases. Under the existing LDRs, criteria are already in place stating that the receiving site must be zoned to meet the requested use, but also meet all other provisions of the Comp Plan and LDRs. This includes the requisite densities as set forth in Table 103.15.2. Additionally, even lots meeting the criteria as set forth in 108.13.A are eligible to

meet the density requirements. This ensures that despite the comprehensive plan change, the density requirements are still in effect, and the table referenced is still applicable to the TDR portion of the policy.

Additionally, below are the existing criteria as it pertains to environmental sensitivity. Based upon a strict interpretation of the code, this would mean that any dwelling existing on Class III habitat could not be transferred to any other lots, as there is no Class IV habitat less sensitive than Class III. This is counterintuitive, as the Affordable TBR BPAS is an allocation type specifically created that relies on units being able to be transferred. An affordable TBR is an affordable allocation granted through the BPAS process that then frees up the existing market rate, which may be transferred through the TBR process. However, as stated nothing can be less environmentally sensitive than developed land. So, by changing the wording from less to not more, this allows for the units to be transferred within the same Class, without creating additional impacts on environmentally sensitive lands.

One final change is clerical in nature. C.2 of the policy is self-referential, and states that it references c.2 above, however, there is only c.1 above. So, it simply strikes the self-referential words.

Policy 1-3.5.16 Program for Transfer of Density and Building Rights (TDR's and TBR's)

a. The transfer of density and building rights within the City's boundaries shall attempt to achieve the following:

1. Protect environmental resources in balance with the protection of property rights;
2. Encourage the replacement of substandard structures, non-conforming structures, structures within environmentally sensitive habitat; structures subject to repetitive flood damage, and units or non-residential square footage which exceeds density limitations;
3. Facilitate redevelopment and revitalize the commercial centers by concentrating mixed use activities;
4. Facilitate the redevelopment and revitalization of hotels and motels in the City;
5. Protect housing affordability and facilitate the provision of new affordable housing units throughout the City;
6. Redistribute existing residential units or densities from more environmentally sensitive properties to less environmentally sensitive properties to encourage infill development and achieve planned densities without increasing the overall density;
7. Protect environmentally sensitive sites through the removal of existing dwelling units or allocated development rights;
8. Encourage the placement of conservation easements on environmentally sensitive or flood prone parcels of land;
9. Further the public good and the goals, objectives, and policies of the Plan;
10. Protect housing affordability and facilitate the provision of new affordable housing units throughout the City.

b. Transfer of Residential Density (TDRs)

1. Residential density (TDRs) shall only be transferable from a FLUM category of lower density to one of higher density as defined in Table 1-1 of the Comprehensive Plan.

Properties with a FLUM category of Conservation shall not be eligible as TDR receiver sites. TDRs are only transferable to receiver site properties whose habitats are deemed by the City Biologist to be less sensitive than the sender site properties as defined in policy 4-1.5.8.

2. Increases in Residential Density which are greater than those allowed for a given FLUM category in Table 1-1 may occur, but shall only occur as a result of a TDR transfer. Such TDR transfers shall not exceed 20 percent of the Future Land Use Densities allowed by FLUM category in Table 1-1.
3. If a property owner intends to achieve a residential density higher than a 20 percent increase over that allowed in Table 1-1, then the owner must seek a FLUM change to a FLUM category which would allow a greater residential density. However, there shall be no presumption in any request that the request must be or will be granted by the City. If the FLUM change is granted, then the difference in residential density between the two FLUM categories must be achieved through a transfer of TDRs which shall not exceed the density allowed in Table 1-1 for the new FLUM category.
4. The transfer of TDRs is subject to approval by the City based on the criteria established in b. 1. and 2. above. All transfers of TDRs must identify the removal of the TDRs from the sender site and their transfer to the receiving site and be recorded in the chain of title for both properties.
5. Lands for which all residential density has been entirely removed must have a maintenance program to continuously remove exotic invasive vegetation or be transferred to an appropriate land management entity, such as the State of Florida or the City of Marathon.

c. **Transfer of Building Rights (TBRs)**

1. Transferable Building Rights (TBRs) shall only be transferable from a FLUM category of lower density to one of equal or higher density as defined in Table 1-1 of the Comprehensive Plan. Properties with a FLUM category of Conservation shall not be eligible as TBR receiver sites. Transferable Building Rights (TBRs) are only transferable to receiver site properties whose habitats are deemed by the City Biologist to be less sensitive than the sender site properties as defined in policy 4-1.5.8
2. The transfer of TBRs is subject to approval by the City based on the criteria established in c. 1. and 2. above. All transfers of TBRs must identify the removal of the TBRs from the sender site and their transfer to the receiving site and be recorded in the chain of title for both properties.
3. Alternatively, TBRs may be "banked" with the City for a period not to exceed two (2) years. TBRs so banked must identify the removal of the TBRs from the sender site and that they have been banked with the City pursuant to a specific agreement with the City, which shall be recorded in the chain of title of the sending site.

Policy 4-1.5.8 Require Clustering

Upon the effective date of the Plan, the City shall require development to minimize impacts on sensitive natural areas to the maximum extent feasible through the following clustering provisions. In the event development must be permitted, adverse impacts shall be mitigated by clustering.

Clustering requirements shall be as follows:

- a. Development which may impact sensitive natural resources may be required to utilize reduced construction ‘footprints’, modified construction techniques, innovative construction techniques, land use and development techniques which minimize negative environmental impacts or results, and the like;
- b. When a parcel proposed for development contains more than one (1) habitat type, development shall be:
 1. clustered on the least sensitive portion of the parcel, until the maximum allowable density is reached;
 2. if further development occurs, it shall be clustered on the next least sensitive portion of the parcel, until maximum allowable density is reached, etc.; and
 3. development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel.
 4. Modification of the development footprint to minimize the impact on existing native understory and canopy trees.

When a parcel proposed for development contains more than one (1) habitat type, all development shall be clustered on the least environmentally sensitive portions of the parcel. For the purpose of this policy, the relative sensitivity of separate habitat types shall be classified as shown below with Class I being the most sensitive and Class III being the least sensitive.

Class I

Saltmarsh and/or buttonwood association wetlands;
 Beach or berm;
 High quality hammock;
 Moderate quality hammock;
 Low quality hammock;

Class II

Disturbed beach or berm;
 Disturbed with salt marsh and/or buttonwood association wetlands (lawfully converted to disturbed uplands);
 Disturbed with hammock;

Class III

Disturbed; and
 Disturbed with exotics.

Development within the least sensitive habitat shall achieve the maximum density or intensity allowable and shall fully utilize the net buildable area of the habitat prior to expanding to the next least sensitive habitat type on the site. The OSR for Class I habitat types shall be implemented by the developer/property owners execution of a Grant of Conservation Easement Agreement (GOCEA), stating the required amount of open space.

ANALYSIS

Natural Resources

No Significant Impact would result from the proposed change, as the proposed change still maintains that development should be directed to lands suitable for redevelopment and does not further allow transfers into areas deemed environmentally sensitive, nor zoned conservation.

Historical and Cultural Resources

No Significant Impact would result from the proposed change.

Infrastructure

No Significant Impact would result from the proposed change.

Wastewater infrastructure

No Significant Impact would result from the proposed change.

Stormwater infrastructure

No Significant Impact would result from the proposed change.

Potable Water

No Significant Impact would result from the proposed change.

Solid Waste

No Significant Impact would result from the proposed change.

Transportation

No Significant Impact would result from the proposed change.

Affordable Housing

The proposed amendment will not affect the construction of affordable housing appreciably. The existing affordable housing compliance section is not being amended. By further allowing transfers that meet the development criteria under the LDRs and Comp Plan, funding will be collected for affordable housing.

Hazard Mitigation

No Significant Impact would result from the proposed change. However, the transfer process already has criteria that ensure the redevelopment of the transferred unit will be more resilient as it must meet the current Florida Building Code.

Coastal High Hazard Areas

No Significant Impact would result from the proposed change.

Hurricane Evacuation

No Significant Impact would result from the proposed change. The units must have been deemed to already have existed and are just being redistributed throughout the City with no net increase.

Ports – Marina Siting

No Significant Impact would result from the proposed change.

Public Use – Access to Water

No Significant Impact would result from the proposed change.

Land Acquisition

No Significant Impact would result from the proposed change in regard to land acquisition. Criteria is already in place to allow for conservation of lands deemed environmentally sensitive if a unit is transferred off of the site.

Alternate Compliance Review Criteria

Since there are no internal Comprehensive Plan change review criteria available in Chapter 102, Article 6, those that would apply for an LDR text change request (Chapter 102, Article 7) are useful. The basis for the LDR text change criteria is the same as for a Comprehensive Plan change ultimately.

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

Erroneous interpretations made by those not specifically granted the powers under Section 102.138 may lead to a change in policy and procedure. By amending the LDR language as written, it ensures the program continues to be managed as intended. This also allows for the continuance of other code sections to be maintained that rely on this process.

B. The consistency of the proposed amendment with the Comprehensive Plan; and

The proposed Ordinance meets three principal areas of concern reflected in the City's Comprehensive Plan. First, the proposed amendment seeks to meet all the necessary requirements

that all new development and redevelopment protect the environment. Second, the Ordinance does not allow any additional impact on environmentally sensitive areas. Third, the proposed amendment seeks to maintain the traditional community character of Marathon, which is so closely tied to the environment.

C. Whether the proposed change shall further the purposes of the LDRs, and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

The proposed regulations do further the basic goals and premises outlined in the introductory to the City’s Comprehensive Plan as follows (highlighting for emphasis):

“With the knowledge that the City needs redevelopment and new development to provide the necessary improvements to guarantee the residents of the City a clean, healthy environment and a sound economy in which to live and enjoy their families, it is the desire and intent of the City through the Goals, Objectives and Policies of the adopted Comprehensive Plan and Land Development Regulations implementing the Plan to protect our character, environment and viability through:

- Protection of the small-town family feel of the community
- Continued utilization of the established mixed-use pattern of the community
- Protection of the heritage of the commercial fishing industry
- Acknowledgement and protection of a character that is unique to the Keys
- Protection of existing and increased affordable housing opportunities
- Implementation of effective surface water management strategies
- Systematic removal of failing and inadequate on-site wastewater disposal systems
- Maintenance and management of central wastewater and stormwater facilities
- Protection and enhancement of sensitive upland, wetland, and submerged land habitat
- Protection for the existing uses, densities, and intensities
- Providing new investment and reinvestment opportunities
- Ensuring new development and redevelopment protects the environment
- Ensuring new and redevelopment compliments and enhances community character
- Implementation of thoughtful, managed growth.”

CONCLUSION:

The proposed Amendments are consistent with and furthers the goals of the City of Marathon Comprehensive Plan and Land Development Regulations.

RECOMMENDATION:

The Planning staff recommends approval of both Ordinances modifying provisions concerning the criteria for the transfer of building rights.

Sponsored By: Garrett
Planning Commission Public Hearing Date: April 17, 2023
City Council Public Hearing Date: May 9, 2023
October 10, 2023
Enactment Date: October 10, 2023

**CITY OF MARATHON, FLORIDA
ORDINANCE 2023-06**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON'S COMPREHENSIVE PLAN MODIFYING CHAPTER ONE, "FUTURE LAND USE ELEMENT," AND INTENDING TO MODIFY POLICY 1-3.5.16, "PROGRAM FOR TRANSFER OF DENSITY AND BUILDING RIGHTS (TDR'S AND TBR'S)", PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY AFTER THE FIRST HEARING BY THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

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 Economic Opportunity ("DEO"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, amending the Comprehensive Plan language ensures protection of environmentally sensitive lands, while encouraging infill developments; and

WHEREAS, the City does not want to unduly constrain development within the City of Marathon, so long as the growth is managed and environmentally appropriate; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Goals, Objectives, and Policies of the Comprehensive Plan to reflect changing conditions, pursuant to Sections 163.3191 and 163.3178(2)(f) Florida Statute.; and

WHEREAS, this Ordinance, thus passed at its first reading, shall be transmitted to DEO and sister State Agencies for their coordinated Comprehensive Plan review to obtain and receive the DEO Objections, Recommendations, and Comments (ORC) prior to final adoption,

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

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

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

SECTION 2. Amend the Comprehensive Plan, Chapter 1, Future Land Use Element, “Policy 1-3.5.16:”

Policy 1-3.5.16 Program for Transfer of Density and Building Rights (TDR’s and TBR’s)

a. The transfer of density and building rights within the City’s boundaries shall attempt to achieve the following:

1. Protect environmental resources in balance with the protection of property rights;
2. Encourage the replacement of substandard structures, non-conforming structures, structures within environmentally sensitive habitat; structures subject to repetitive flood damage, and units or non-residential square footage which exceeds density limitations;
3. Facilitate redevelopment and revitalize the commercial centers by concentrating mixed use activities;
4. Facilitate the redevelopment and revitalization of hotels and motels in the City;
5. Protect housing affordability and facilitate the provision of new affordable housing units throughout the City;
6. Redistribute existing residential units or densities from ~~more~~ environmentally sensitive properties to ~~less~~ not more environmentally sensitive properties to encourage infill development and achieve planned densities without increasing the overall density;
7. Protect environmentally sensitive sites through the removal of existing dwelling units or allocated development rights;
8. Encourage the placement of conservation easements on environmentally sensitive or flood prone parcels of land;
9. Further the public good and the goals, objectives, and policies of the Plan;
10. Protect housing affordability and facilitate the provision of new affordable housing units throughout the City.

b. Transfer of Residential Density (TDRs)

1. Residential density (TDRs) shall only be transferable from a FLUM category of lower density to one of higher density as defined in Table 1-1 of the Comprehensive Plan. Properties with a FLUM category of Conservation shall not be eligible as TDR receiver sites. TDRs are ~~only~~ not transferable to receiver site properties whose habitats are deemed by the City Biologist to be ~~less~~ more sensitive than the sender site properties as defined in policy 4-1.5.8.
2. Increases in Residential Density which are greater than those allowed for a given FLUM category in Table 1-1 may occur, but shall only occur as a result of a TDR transfer. Such TDR transfers shall not exceed 20 percent of the Future Land Use Densities allowed by FLUM category in Table 1-1.
3. If a property owner intends to achieve a residential density higher than a 20 percent increase over that allowed in Table 1-1, then the owner must seek a FLUM change to a FLUM category which would allow a greater residential density. However, there shall be no presumption in any request that the request must be or will be granted by the City. If the FLUM change is granted, then the difference in residential density between the two FLUM categories must be achieved through a transfer of TDRs which shall not exceed the density allowed in Table 1-1 for the new FLUM category.

¹Additions to existing text are shown by underline/red print; deletions are shown as ~~strikethrough~~

4. The transfer of TDRs is subject to approval by the City based on the criteria established in b. 1. and 2. above. All transfers of TDRs must identify the removal of the TDRs from the sender site and their transfer to the receiving site and be recorded in the chain of title for both properties.
5. Lands for which all residential density has been entirely removed must have a maintenance program to continuously remove exotic invasive vegetation or be transferred to an appropriate land management entity, such as the State of Florida or the City of Marathon.

c. Transfer of Building Rights (TBRs)

1. ~~Transferable Building Rights (TBRs) shall only be transferable from a FLUM category of lower density to one of equal or higher density as defined in Table 1-1 of the Comprehensive Plan.~~ Properties with a FLUM category of Conservation shall not be eligible as TBR receiver sites. Transferable Building Rights (TBRs) are ~~only~~ not transferable to receiver site properties whose habitats are deemed by the City Biologist to be ~~less~~ more sensitive than the sender site properties as defined in policy 4-1.5.8
2. The transfer of TBRs is subject to approval by the City based on the criteria established in c. 1. ~~and 2.~~ above. All transfers of TBRs must identify the removal of the TBRs from the sender site and their transfer to the receiving site and be recorded in the chain of title for both properties.
3. Alternatively, TBRs may be "banked" with the City for a period not to exceed two (2) years, unless extended in writing by the Planning Director. TBRs so banked must identify the removal of the TBRs from the sender site and that they have been banked with the City pursuant to a specific agreement with the City, which shall be recorded in the chain of title of the sending site.

SECTION 3. 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 4. The provisions of this Ordinance constitute a "Comprehensive Plan amendment" as defined by State law. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the DEO and other state agencies for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall be effective immediately upon approval by the Department of Economic Opportunity pursuant to Chapters 163 and 380, Florida Statutes.

¹Additions to existing text are shown by underline/red print; deletions are shown as ~~strikethrough~~

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA,
THIS 10th DAY OF OCTOBER, 2023.**

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven Williams, City Attorney

Sponsored By: Garrett
Planning Commission Public Hearing Date: April 17, 2023
City Council Public Hearing Date: May 9, 2023
June 13, 2023
October 10, 2023
Enactment Date: October 10, 2023

**CITY OF MARATHON, FLORIDA
ORDINANCE 2023-07**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING CHAPTER 107, ARTICLE 2, ENTITLED “TRANSFER OF BUILDING RIGHTS”, AND INTENDING TO MODIFY SECTION 107.15 ENTITLED “SITE CRITERIA”; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, CITY OF MARATHON, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

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 Economic Opportunity ("DEO"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, it is the City’s intent to amend the LDRs to ensure protection of environmentally sensitive lands, while encouraging infill developments; and

WHEREAS, the City does not want to unduly constrain development within the City of Marathon, so long as the growth is managed and environmentally appropriate; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Land Development Regulations corresponding to a similar amendment to the City’s Comprehensive Plan to reflect changing conditions, pursuant to Sections 163.3191 and 163.3178(2)(f) Florida Statute.; and

WHEREAS, this Ordinance, thus passed at its second reading, shall be transmitted to DEO for review and approval,

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

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

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

SECTION 2. Amend the Land Development regulations, Chapter 107, “General Development

Standards,” Article 2, “Transfer of Building Rights,” Section 107.15:

Section 107.14. Site Criteria.

A. *Sending Site Criteria:*

1. The parcel must have a documented building right.
2. The sending site shall not have any open permits or active code violations.
3. All bonds, assessments, back city taxes, fees, and liens (other than mortgages) affecting the parcel shall be paid in full prior to recordation of the warranty deed for the transfer of the building rights.

B. *Receiving Site Criteria:* The parcel must:

1. Be classified by the City Biologist as ~~less~~ not more environmentally sensitive than the sending site, as scored using the BPAS scoring criteria, established in Article 1 of this Chapter applicable to the type of use;
2. Be zoned to allow the requested use; and
3. Meet all provisions of the LDRs and the Comprehensive Plan relating to the type and magnitude of the proposed development.

SECTION 3. 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 4. The provisions of this Ordinance constitute an amendment to the Land Development Regulations as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the Department of Economic Opportunity for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall be effective immediately upon approval by the Department of Economic Opportunity pursuant to Chapters 163 and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10TH DAY OF OCTOBER 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

¹Additions to existing text are shown by underline/red print; deletions are shown as ~~strikethrough~~

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven Williams, City Attorney

CITY COUNCIL AGENDA STATEMENT



Meeting Date: October 10, 2023
To: Honorable Mayor and City Council
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Items: **Ordinance 2023-08**, Amending The City Of Marathon’s Comprehensive Plan Modifying Chapter One, “Future Land Use Element,” And Intending To Modify Policy 1-3.4.5, “Protect Established Live-Aboard Vessels”, Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date.

RECOMMENDATION:

The Planning staff recommends approval of ~~both~~ the Ordinances modifying provisions concerning ~~the criteria for~~ liveaboard vessels, ~~and their ability to transfer under the transfer of building rights.~~

APPLICANT: City of Marathon

REQUEST: Amend City of Marathon Comprehensive Plan ~~and Land Development Regulations~~ in order to further clarify ~~the criteria and approval process for the transfer of liveaboard vessels and~~ their protections.

ANALYSIS OF COMPREHENSIVE PLAN CHANGE REQUEST:

Preface

The current Land Development Regulations provide only brief guidance concerning the review of a proposed Comprehensive Plan Amendment.

Section 102.19 simply states:

Section 102.19. Standards for Review.

When considering an application for a Comprehensive Plan Amendment, the review shall include all standards and criteria of Fla. Stat. ch. 163.

Standards in Chapter 163, F.S. offer some additional guidance, but are limited. Pertinent sections of Chapter 163 promulgate process rather than establishing criteria for the development of a proposed Comprehensive Plan Amendment. Chapter 163.3184, Process for adoption of comprehensive plan or plan amendment, define the sequential process for transmittal, review, and approval of a Comprehensive Plan Amendment. Most relevant to this delineation of process is the definition of “**compliance**” which is recited for review below:

163.3184 Process for adoption of comprehensive plan or plan amendment. --

(1) DEFINITIONS. --As used in this section, the term:

(b) "In compliance" means consistent with the requirements of ss. [163.3177](#), when a local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable. Thus, leading through an exhaustive process, the State Land Planning Agency must find a Comprehensive Plan or Plan Amendment in compliance in accordance with the above definition. Process as further defined in the section leads from Local Government Transmittal through review by the State Land Planning Agency and other required local and state government bodies to a finding of “in compliance” by the State Land Planning Agency.

Review is contemplated and expected to be completed by such agencies as the South Florida Regional Planning Council, whose responsibility it is to review the proposal for consistency with the Strategic Regional Policy Plan. Such review is not therefore, the responsibility of the local government to determine consistency in this regard and will not be addressed herein. Though referenced in the definition of compliance and elsewhere Chapters 163.3177, 163.3191, 163.3245, and 369 will not be reviewed as a compliance matter. Chapter 163.3177 defines required elements in a comprehensive plan. The City has an approved comprehensive plan which must be assumed to have all required elements. Chapter 163.3191 refers to the required Evaluation and Appraisal Report (EAR); a review of an approved comprehensive plan required of the City every seven years. The City is not subject to an EAR at this juncture and therefore is not relevant as a criterion to the review herein. Finally, Chapter 163.3245 refers to the development of an optional sector plan. This optional element of an approved comprehensive plan was not adopted by the City and therefore will not be used as a criterion for review in this proposed amendment. Chapter 369 refers to invasive aquatic plant control and the Wekiva River area and similarly will not be the subject of compliance review herein.

Other pertinent review elements leading to a determination of compliance are found in Chapter 163.3178 Coastal management, Chapter 163.3180 Concurrency, and the principals for guiding development in the Florida Keys Area of Critical State Concern.

Compliance Discussion

Relevant criteria promulgated in Chapters 163 and 380 F.S. can be itemized in bullets as follows based on the critical concerns more specifically identified in the City’s comprehensive plan:

- Natural Resource Protection
 - Wetlands
 - Estuaries
 - Living marine resources
 - Beaches / Dunes
 - Unique wildlife habitat
 - Water Quality
- Historical Resources
- Infrastructure / Concurrency Management
 - Wastewater
 - Stormwater
 - Potable Water
 - Solid Waste
 - Transportation
- Affordable Housing
- Hazard Mitigation
 - CHHA
 - Hurricane Evacuation
- Ports
 - Marina Siting
- Public Use
 - Shoreline use and Access
 - Water dependent and independent activity
- Land Acquisition
 - Conservation
 - CHHA
 - Public Services

These bullet items should be utilized as the focus points for review of the proposed amendment and for future comprehensive plan amendments.

BACKGROUND

Staff is recommending changes to the below highlighted three sentences in the Comprehensive Plan and LDRs to allow for the protection of liveaboards and ensure proper tracking as part of redevelopment of marinas. The amendment to the comprehensive plan further delineates protection of liveaboard units by ensuring they are protected and maintained through proper permitting and procedures. The City has documented and updated the inventory of all floating structures, and all liveaboards. Liveaboards were documented under the City's Marina Siting Plan. The proposed changes thus allow for those documented liveaboards to be tracked further through the TBR process, as part of Marina redevelopment. Additionally, as the actual vessels themselves can be sailed from one liveaboard slip to another, the TBR process is purely a tracking mechanism. Therefore, the affordable compliance section is specifically not applicable to the movement of these vessels.

Policy 1-3.4.4 Protect Established Floating Structures

All floating structures anchored, moored, or otherwise located within the City on or before May 7, 2004 may remain as a legal nonconforming use in the City subject to the following conditions and criteria:

- a. The City shall maintain an inventory of the number and locations of floating structures in existence within the City on or before March 9, 2004.
- b. Owners of all such floating structures shall register with the City. Any floating structure identified in the City's inventory of floating structures that does not register within this time frame shall not be deemed to be a legal nonconforming use and shall be required to leave the City. As part of the registration process the city shall inspect the floating structure for compliance with the criteria contained in this policy.
- c. The owner of the floating structure shall execute and record in the public records of Monroe County a hold harmless agreement indemnifying the City from all claims or causes of action arising from the presence of the floating structure within the City.
- d. No density or intensity shall be allocated to any floating structure.
- e. No registered floating structure shall be entitled to transfer any density, intensity or building rights to any upland property.
- f. All registered floating structures shall be moored, anchored or otherwise located immediately adjacent to its registered location. Within thirty days of the sale, transfer, or conveyance of a registered floating structure, the owner shall update the registration information on file with the City. Failure to do so will result in the loss of its status as a legal nonconformity and shall result in its immediate removal from the City.
- g. Within one year of the registration deadline, all floating structures shall have an approved sewage receiving tank and ejection device. The onboard sewage device shall be connected to an approved moorage sewage collection system.
- h. Prior to such time as being connected to an approved moorage sewage collection system, all floating structures shall contract with an approved pump-out contractor for appropriate sewage disposal.
- i. The destruction or damage of the floating structure equal to 50 percent or more of the pre-destruction appraised value of the structure shall result in the loss of its status as a legal nonconformity and shall result in its immediate removal from the City.
- j. Floating structures shall not be required to be brought into compliance with the state minimum building code, provided:¹
 1. The building or structure is structurally sound and in occupiable condition for its intended use;
 2. The occupancy use classification for the structure is not changed as a result of the move;
 3. The structure is not substantially remodeled;
 4. Electrical, gas, and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection. Any repairs or remodeling of the registered floating structure, however, shall comply with the state minimum building code as adopted by the City.
- k. If the use of a floating structure is abandoned or derelict for a period of ninety days the floating structure shall lose its status as a legal nonconformity and shall result in its immediate removal from the City.

¹ Source for items 1-4, Florida Building Code

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 Policies in the Comprehensive Plan, including:

- a. Live-aboard inventory per Policy 4-1.12.4;
- b. The Marina Operating Permit process per Policy 4-1.12.3;
- c. Zoning District Regulations per Policy 1-3.4.6; and,
- d. Pump-out criteria per Policy 4.1.12.5.

Policy 4-1.12.2 Marina Construction

The City shall continue to maintain 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, 4-1.5.5, 4-1.5.6, 4-1.5.7, 4-1.5.8, 4-1.5.11, 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 4-1.5.13
- 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 4-1.4.5, 4-1.5.14, 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.

Policy 1-2.2.1 Implement Staged/Phased Hurricane Evacuation for Major Hurricanes (Category 3 – 5)

In order to provide for safe and efficient evacuation of the residents in the event of a major hurricane (category 3 – 5), the City shall implement, in coordination with Monroe County, the following staged/phased evacuation procedures to achieve and maintain an overall 24-hour hurricane evacuation clearance time for the resident population.

- a. Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, recreational vehicles (RVs), live-boards (transient and non-transient), and military personnel from the Keys shall be initiated. State parks and

campgrounds should be closed at this time and entry into the Florida Keys by non-residents should be strictly limited.

- b. Approximately 36 hours in advance of tropical storm winds, a mandatory evacuation of mobile home residents, special needs residents, and hospital and nursing home patients from the Keys shall be initiated.
- c. Approximately 30 hours in advance of tropical storms winds, a mandatory phased evacuation of permanent residents, by evacuation zone shall be initiated.

The actual sequence of the evacuation by zones will vary depending on the individual storm. The concepts embodied in this staged evacuation procedures should be embodied in the appropriate county operational emergency management plans.

ANALYSIS

Natural Resources

No Significant Impact would result from the proposed change.

Historical and Cultural Resources

No Significant Impact would result from the proposed change.

Infrastructure

No Significant Impact would result from the proposed change.

Wastewater infrastructure

No Significant Impact would result from the proposed change. Liveaboard marinas are required to have the appropriate pump out facilities.

Stormwater infrastructure

No Significant Impact would result from the proposed change.

Potable Water

No Significant Impact would result from the proposed change.

Solid Waste

No Significant Impact would result from the proposed change.

Transportation

No Significant Impact would result from the proposed change.

Affordable Housing

No Significant Impact would result from the proposed change.

Hazard Mitigation

No Significant Impact would result from the proposed change.

Coastal High Hazard Areas

No Significant Impact would result from the proposed change.

Hurricane Evacuation

No Significant Impact would result from the proposed change. Liveboards are already documented in the Marina Siting Plan and accounted for in the Hurricane Evacuation.

Ports – Marina Siting

No Significant Impact would result from the proposed change. Siting of new marinas requires a conditional use except in MUM zoning. However new liveboards require conditional use in all the zonings they may be permitted in. With the proposed changes, additional safeguards will be in place for the siting of new liveboard marinas.

Public Use – Access to Water

No Significant Impact would result from the proposed change.

Land Acquisition

No Significant Impact would result from the proposed change.

~~**Alternate Compliance Review Criteria**~~

~~Since there are no internal Comprehensive Plan change review criteria available in Chapter 102, Article 6, those that would apply for an LDR text change request (Chapter 102, Article 7) are useful. The basis for the LDR text change criteria is the same as for a Comprehensive Plan change ultimately.~~

~~Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:~~

A. ~~The need and justification for the change;~~

~~The City adopted the existing LDRs and Comp Plan, which included specific language for Marinas and more specifically liveaboard vessels at marinas. Table 103.15.1 lists liveaboards as a conditional use. Liveaboards themselves are documented finite units that are accounted for in the hurricane evacuation model. These units are documented in the Marina Siting Plan and are additionally documented under the Marina Operating Permits. Therefore, the only way to place new liveaboards is to first obtain the conditional use approval, and then transfer the liveaboard rights to the marina. However, the mechanism for the transfer is not clearly delineated in either the Comp Plan or LDRs. The two proposed ordinances tie the mechanisms together and create a process to track and document those properties redeveloping marinas.~~

B. ~~The consistency of the proposed amendment with the Comprehensive Plan; and~~

~~The proposed Ordinance meets three principal areas of concern reflected in the City's Comprehensive Plan. First, the proposed amendment seeks to meet all the necessary requirements that liveaboard units be accounted for and protected. Second, the Ordinances do not allow any liveaboards to be transferred upland, just to be transferred from one marina site to another marina site. This would then be similar and consistent with the existing floating structure requirements, but still maintain that liveaboards and floating structures are two distinct entities. Third, the proposed amendment seeks to maintain the traditional community character of Marathon, which is so closely tied to the environment, and has a strong history of maritime communities and uses.~~

C. ~~Whether the proposed change shall further the purposes of the LDRs, and other City Codes, regulations and actions designed to implement the Comprehensive Plan.~~

~~The proposed regulations do further the basic goals and premises outlined in the introductory to the City's Comprehensive Plan as follows (highlighting for emphasis):~~

~~“With the knowledge that the City needs redevelopment and new development to provide the necessary improvements to guarantee the residents of the City a clean, healthy environment and a sound economy in which to live and enjoy their families, it is the desire and intent of the City through the Goals, Objectives and Policies of the adopted Comprehensive Plan and Land Development Regulations implementing the Plan to protect our character, environment and viability through:~~

- ~~• ~~Protection of the small town family feel of the community~~~~
- ~~• ~~Continued utilization of the established mixed use pattern of the community~~~~
- ~~• ~~Protection of the heritage of the commercial fishing industry~~~~
- ~~• ~~Acknowledgement and protection of a character that is unique to the Keys~~~~
- ~~• ~~Protection of existing and increased affordable housing opportunities~~~~
- ~~• ~~Implementation of effective surface water management strategies~~~~
- ~~• ~~Systematic removal of failing and inadequate on-site wastewater disposal systems~~~~
- ~~• ~~Maintenance and management of central wastewater and stormwater facilities~~~~
- ~~• ~~Protection and enhancement of sensitive upland, wetland, and submerged land habitat~~~~
- ~~• ~~Protection for the existing uses, densities, and intensities~~~~

- Providing new investment and reinvestment opportunities
- Ensuring new development and redevelopment protects the environment
- Ensuring new and redevelopment compliments and enhances community character
- Implementation of thoughtful, managed growth.”

CONCLUSION:

The proposed Amendments ~~are~~ is consistent with and furthers the goals of the City of Marathon Comprehensive Plan. ~~and Land Development Regulations.~~

RECOMMENDATION:

The Planning staff recommends approval of ~~both~~ the Ordinances modifying provisions concerning ~~the criteria for~~ liveaboard vessels, ~~and their ability to transfer under the transfer of building rights.~~

Sponsored By: Garrett
Planning Commission Public Hearing Date: April 17, 2023
City Council Public Hearing Date: May 9, 2023
October 10, 2023
Enactment Date: October 10, 2023

**CITY OF MARATHON, FLORIDA
ORDINANCE 2023-08**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON’S COMPREHENSIVE PLAN MODIFYING CHAPTER ONE, “FUTURE LAND USE ELEMENT,” AND INTENDING TO MODIFY POLICY 1-3.4.5, “PROTECT ESTABLISHED LIVE-ABOARD VESSELS”, PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY AFTER THE FIRST HEARING BY THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

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 Economic Opportunity ("DEO"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, liveaboard units were documented under the Marina Siting Plan; and

WHEREAS, Marina operating permits are required as part of redevelopment of marinas, and

WHEREAS, liveaboard units are accounted for in the hurricane evacuation model, and therefore the siting of new liveaboard slips requires the transfer of documented existing liveaboard rights from one location to another; and

WHEREAS, the City does not want to unduly constrain development within the City of Marathon, so long as the growth is managed and environmentally appropriate; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Goals, Objectives, and Policies of the Comprehensive Plan to reflect changing conditions, pursuant to Sections 163.3191 and 163.3178(2)(f) Florida Statute.; and

WHEREAS, this Ordinance, thus passed at its first reading, shall be transmitted to DEO and sister State Agencies for their coordinated Comprehensive Plan review to obtain and receive the DEO Objections, Recommendations, and Comments (ORC) prior to final adoption,

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

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

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

SECTION 2. Amend the Comprehensive Plan, Chapter 1, Future Land Use Element, “Policy 1-3.4.5:”

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 Policies in the Comprehensive Plan, including:

- a. Live-aboard inventory per Policy 4-1.12.4;
- b. The Marina Operating Permit process per Policy 4-1.12.3;
- c. Zoning District Regulations per Policy 1-3.4.6; and,
- d. Pump-out criteria per Policy 4.1.12.5.
- e. **In no instance shall the liveaboard right be entitled to transfer any density, intensity or building rights to any upland portion of the property.**

SECTION 3. 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 4. The provisions of this Ordinance constitute a “Comprehensive Plan amendment” as defined by State law. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the DEO and other state agencies for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall be effective immediately upon approval by the Department of Economic Opportunity pursuant to Chapters 163 and 380, Florida Statutes.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA,
THIS 10TH DAY OF OCTOBER, 2023.**

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

¹Additions to existing text are shown by underline/red print; deletions are shown as ~~strikethrough~~

ATTEST:

Diane Clavier, City Clerk

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

Steven Williams, City Attorney

Sponsored By: Garrett
Planning Commission Public Hearing Date: June 26, 2023
City Council Public Hearing Date: August 8, 2023
September 12, 2023
Enactment Date: September 12, 2023

**CITY OF MARATHON, FLORIDA
ORDINANCE 2023-19**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 107, ARTICLE 8 ENTITLED “LANDSCAPING” OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE DEPARTMENT OF ECONOMIC OPPORTUNITY IN ACCORDANCE WITH STATE LAW.

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 Economic Opportunity ("DEO"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, a Florida-Friendly Landscape promotes the conservation of water by the use of site adapted plants and efficient watering methods which generally results in a long-term reduction of irrigation, fertilizer, and pesticide requirements, costs, energy, and maintenance; and

WHEREAS, a Florida-Friendly Landscape encourages a reduction of total energy expenditures such as water pumping and treatment, manufacture and shipping of fertilizers, insecticide, and other gardening chemicals, operation and maintenance of mowers, edgers, blowers and other combustion based yard equipment, as well as labor; and

WHEREAS, community-wide Florida-Friendly Landscape efforts are designed to save significant amounts of water to preserve local water supplies such that cumulative benefits may reduce or postpone the need for community potable water supply expansion; and

WHEREAS, The Florida Legislature enacted Florida Statutes, Chapter 481, Part II and the Board of Landscape Architecture adopted Rule 61-G-10 Florida Administrative Code, which defines and regulates the practice of landscape architecture; and

WHEREAS, the City does not want to unduly constrain development within the City of Marathon, so long as the growth is managed and environmentally appropriate; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Land Development Regulations corresponding to a similar amendment to the City’s Comprehensive Plan to reflect changing conditions, pursuant to Sections 163.3191 and 163.3178(2)(f) Florida Statute.; and

WHEREAS, this Ordinance, thus passed at its second reading, shall be transmitted to DEO for review and approval,

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

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

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

SECTION 2. Amend the Land Development regulations, Chapter 107, “General Development Standards,” Article 8, “Landscaping,” as depicted in Exhibit A.

SECTION 3. 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 4. The provisions of this Ordinance constitute an amendment to the Land Development Regulations as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the Department of Economic Opportunity for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall be effective immediately upon approval by the Department of Economic Opportunity pursuant to Chapters 163 and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 12TH DAY OF SEPTEMBER, 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

¹Additions to existing text are shown by underline/red print; deletions are shown as ~~strikethrough~~

ATTEST:

Diane Clavier, City Clerk

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

Steven Williams, City Attorney

ARTICLE 8. LANDSCAPING

[Section 107.63. - Purpose and Intent.](#)

[Section 107.64. - General Criteria.](#)

[Section 107.65. - Site Interior Landscaping.](#)

[Section 107.66. - Parking Area Landscaping.](#)

[Section 107.67. - Foundation Planting Requirements.](#)

[Section 107.68. - Plant Material Specifications and Plant List.](#)

[Section 107.69. - Landscape Plans.](#)

[Section 107.70. - Landscape Buffer Requirements.](#)

[Section 107.71. - Streetscape Treatment Types.](#)

[Section 107.72. – Residential Requirements](#)

[Section 107.73. - Alternative Compliance.](#)

Section 107.63. Purpose and Intent.

It is the purpose and intent of these regulations to establish minimum standards for the design, layout, installation and continued maintenance of landscaping. The overall character of the landscape of the City development shall be based on the enhancement of the pedestrian quality of the environment through landscape vegetation and the promotion of local and regional qualities through preservation of existing vegetation, ~~and use of native species, energy conservation, aesthetics, privacy and the use of Low Impact Development strategies.~~ It is furthermore, the purpose and intent of these regulations to promote energy efficiency and water conservation through the use of site adapted and appropriate, native plants and efficient landscape irrigation systems and watering practices, which may, in turn, result in long-term reductions in the use of fertilizers, pesticides, energy, maintenance, and the associated costs for the citizens of the City. ~~The installation of only drought resistant, locally adapted and native plant materials is highly desirable and preferred.~~

Section 107.64. General Criteria.

- A. *Existing Vegetation:* All areas of the site shall be appropriately landscaped except those areas to be maintained in their natural condition.
 1. The developer or builder may elect to selectively remove dead or non-native vegetation from such natural areas.
 2. All development shall be planned and sited to preserve existing trees and vegetation to the greatest extent practicable.
- B. *Temporary Construction Fencing/Tree Barricades:* Temporary construction fencing shall be installed according to [Section 106.08.](#) ~~Standard forestry practices and as set forth herein~~ for all existing trees and vegetation to be preserved prior to any site work. Such fencing shall be maintained intact throughout the construction period.
- C. *Site Soils:*

1. Proper soil management techniques shall be used to provide viable, high-quality plant growing and living conditions for all vegetative materials. All planting soils shall include amendments to improve permeability, drainage, water retention, and provide proper nutrients.
 2. All plantings shall be in accordance with the rules and guidelines of the Florida Keys Exotic Invasive Task Force.
- D. *Irrigation*: Sufficient irrigation, as acceptable to the Director in accordance with the landscape plan design of the area, and the requirements of the plant material to be used, shall be supplied to all landscaped areas, pursuant to the requirements of [Section 107.69](#). When required, irrigation systems shall be installed to provide coverage to target areas, they shall be installed in such a manner as to minimize spray upon public sidewalks, streets ~~or~~, adjacent properties and impervious surfaces. Irrigation systems, compatible with ~~landscaping~~ Florida Friendly Landscaping principles, shall be ~~encouraged~~ required. This may preclude permanent irrigation entirely, or may include the use of low volume, low pressure, subsurface irrigation systems, and other such methods which encourage water conservation. All automatic lawn or landscape irrigation systems shall be equipped with and operate a moisture sensor or approved automatic switch which overrides the irrigation cycle when adequate rainfall has occurred.
- E. *Mangroves*:
1. *Authority*: Mangrove trimming and removal requires a permit from the Florida Department of Environmental Protection.
 2. *Standards for Trimming*: Mangrove trimming shall be performed in accordance with Fla. Stat. §§ 403.9321—403.9334.
 3. *Supervision*: All mangrove trimming or removal shall be directly supervised by a person certified by Florida DEP or a registered landscape architect.

~~F. *Landscaping for Energy Conservation*: When preparing a landscape plan, consideration shall be given to the proper selection and placement of trees and plant species near buildings to minimize building heating and cooling requirements. When located appropriately, trees and plants of adequate size, quality, canopy, and form can decrease energy consumption in buildings. With appropriate design and planning, landscape materials can cast shade, channel winds, and reduce moisture near buildings. For example, plants that cast shadows over east- and west-facing walls during the summer can greatly reduce the heat load on a building.~~

Section 107.65. Site Interior Landscaping.

- A. *Percentage Required*: ~~Unless otherwise approved by the Director, a~~ minimum of 25 percent of the total developed area of any parcel or property shall be devoted to landscape. Landscape planting for paved areas and tree credit and replacement criteria shall comply with the minimum requirements of the City Land Development Regulations. Parking area landscaping (Sec. 107.66) is considered part of site interior landscaping.
- B. *Protection*: ~~All landscaped areas adjacent to vehicular use areas shall be protected from vehicle encroachment by curbing or wheel stops.~~ Low Impact Development (LID) Design Requirement: All site interior landscaping shall be incorporated into and be an integral component of the overall stormwater management of a site; the two shall be designed to compliment one another in order to provide maximum environmental benefit by mimicking the natural water cycle and natural site drainage features, providing effective rainfall retention, pollutant removal and water infiltration. Such design practices may include, but not be limited to: vegetated filter strips, planter boxes, bioretention areas (raingardens/ bioswales), rain barrels and cisterns, dry and wet retention basins, infiltration systems and dry wells, pervious materials, constructed wetlands or a combination thereof. This standard shall apply to all development in the City, including single-family residential.

Section 107.66. Parking Area Landscaping.

- A. *Parking Area Design*: Parking areas shall be landscaped as follows: in one (1) of the following ways:
 1. With ~~canopy~~ large and medium trees that will provide a minimum of 50 percent tree canopy coverage of the paved parking areas within 20-15 years as demonstrated by a canopy coverage study conducted by a registered landscape architect and submitted to the City Biologist for review ~~or~~.

2. With interior landscaped islands containing ~~canopy~~ trees at an average of every seven (7) parking spaces not to exceed a maximum of ten (10) parking spaces without a treed island,
 - i. Interior landscape islands shall comply with the design requirements listed in Table 107.66.1; shall comply with Section 107.68 and Table 107.70.4
 - ii. Interior landscape islands shall contain at least one (1) large tree and shall comply with Section 107.68 and Table 107.70.4.

3. and w~~With linear landscaped islands with containing canopy trees between head-to-head parking spaces.~~
 - i. Linear landscape islands shall comply with the design requirements listed in Table 107.66.1; shall comply with Section 107.68 and Table 107.70.4.
 - ii. Linear landscape islands shall contain at least one (1) large tree for every 30 linear feet and shall comply with Section 107.68 and Table 107.70.4.

4. Terminal Island Required: A terminal island shall be provided at the end of each parking area rank adjacent to the travel lanes or parking aisle serving the parking rank.
 - i. Terminal landscape islands shall comply with the design requirements listed in Table 107.66.1; shall comply with Section 107.68 and Table 107.70.4.
 - ii. Terminal islands shall contain at least one (1) large tree and shall comply with Section 107.68 and Table 107.70.4.

5. Perimeter Islands Required: Screening shall be provided at the perimeter of all parking areas .
 - i. Perimeter landscape islands shall comply with the design requirements listed in Table 107.66.1; shall comply with Section 107.68 and Table 107.70.4.A
 - ii. In addition to the above, the following options shall be utilized in designing perimeter parking landscaping:
 1. Option 1: A continuous shrub hedge, installed at a minimum height at installation of four (4) feet from existing grade at the adjacent pavement.
 2. Option 2: A continuous shrub hedge and berm combination shall be a minimum height at installation of four (4) feet in height from existing grade at the adjacent pavement. This option shall be utilized only when integral to the site's stormwater management system and as part of the LID requirement in Section 107.65.C.
 3. Option 3: A continuous shrub hedge and swale combination shall be a minimum height at installation of four (4) feet from existing grade at the adjacent pavement. This option shall be utilized only when integral to the site's stormwater management system and as part of the LID requirement in Section 107.65.C..
 4. Walls or fences consistent with the architectural character of the surrounding buildings may be used with the above screening options provided they are in combination with landscape planting that enhances the character of the structures, is continuous and allows for pedestrian connectivity to and from the site and any adjacent right of ways
 - iii. Exception: when the above requirements coincide with the installment of a Project boundary buffer or Streetscape treatment type, the Project boundary buffer and/or Streetscape Treatment type may be counted toward the required perimeter screening of a

parking area in 1-4, above. Nothing in this exception shall preclude the application of principles cited in Section 107.64.F, 107.65.B.

6. Substitutions of the parking area minimum landscape materials may be permitted if it can be shown that the intent of 107.66.A.1 is not diminished. All substitutions shall be prescribed from Table 107.66.1

Table 107.66.1

Site Interior Landscape Element Design Requirements

<u>Island Type</u>	<u>Width</u>	<u>Length</u>	<u>Minimum Plantings</u>	<u>Landscape Buffer Possible Substitutes</u>	<u>Substitute Equivalents</u>	
					<u>Option 1</u>	<u>Option 2</u>
<u>Terminal</u>	<u>12 feet</u>	<u>18 feet</u>	<u>1 Large tree</u>	<u>None</u>	<u>N/A</u>	<u>N/A</u>
<u>Linear</u>	<u>8 feet</u>	<u>varies</u>	<u>1 Large tree every 30 feet</u>	<u>30% Large trees</u>	<u>2 Medium Trees</u>	<u>6 Medium Palms</u>
<u>Interior</u>	<u>9 feet</u>	<u>18 feet</u>	<u>1 Large tree</u>	<u>50% Large trees</u>	<u>2 Medium Trees</u>	<u>N/A</u>
<u>Perimeter</u>	<u>10 feet</u>	<u>varies</u>	<u>1 Large tree every 30 feet</u>	<u>30% Large trees</u>	<u>2 Medium Trees</u>	<u>6 Medium Palms</u>

The width of the landscape islands shall be no less than the width of an approved parking space. The width of the linear landscape islands shall be no less than one half (1/2) the width of a parking space. For parking widths standards, see Section 107.52. Canopy trees for the linear landscape island shall have the trees spaced at no more than an average of 30 feet on centers. Notwithstanding the foregoing, all landscape planting islands shall be planted with a minimum of one (1) native canopy tree.

7. In addition to the requirements listed in table 107.66.1, all parking area landscape island types shall be planted with a combination of shrubs and groundcovers installed in a manner to protect tree planting areas from uninhibited access and soil compaction while providing strategic pedestrian circulation through and between parking ranks and landscape islands.
8. All parking area landscape island types shall be designed and maintained in order to provide a 'clear zone' between approximately three (3) and seven (7) feet above adjacent parking area grade.
9. -All landscape island dimensions and area calculations are to be taken from inside of curb faces or edge of pavement, whichever is less. An exception may be considered for adjacent pervious areas that are specifically designed to be accessed by a tree's root system; such areas shall be shown during design to have a direct sub surface connection, this may include installation of structural soils, root paths or a combination thereof to achieve a sustainable path for a tree's root system.
10. Protection: All landscaped island areas adjacent to parking ranks and spaces shall be protected from vehicle encroachment by curbing and/or wheel stops.
11. All lighting shall be designed and installed so as to avoid conflicts with landscape. Lighting should be designed to be below the height of the bottom of the proposed mature tree canopy.
12. Preservation of Existing Trees: The Director, at the time of final site plan approval, may reduce the frequency or number of landscape islands, may eliminate the requirement for a linear landscape island between head-to-head parking rows or approve reduced widths of landscape islands for the purpose of preservation of existing tree canopy and tree clusters in order to maintain a 50 percent tree canopy coverage of the parking area within 15 years as demonstrated by the canopy coverage study.

Canopy Tree Spacing: Canopy trees spaced along the perimeters of the parking areas shall be spaced a maximum of 30 feet on center and in no case shall the width of this perimeter buffer be less than one half ($\frac{1}{2}$) the width of a parking space.

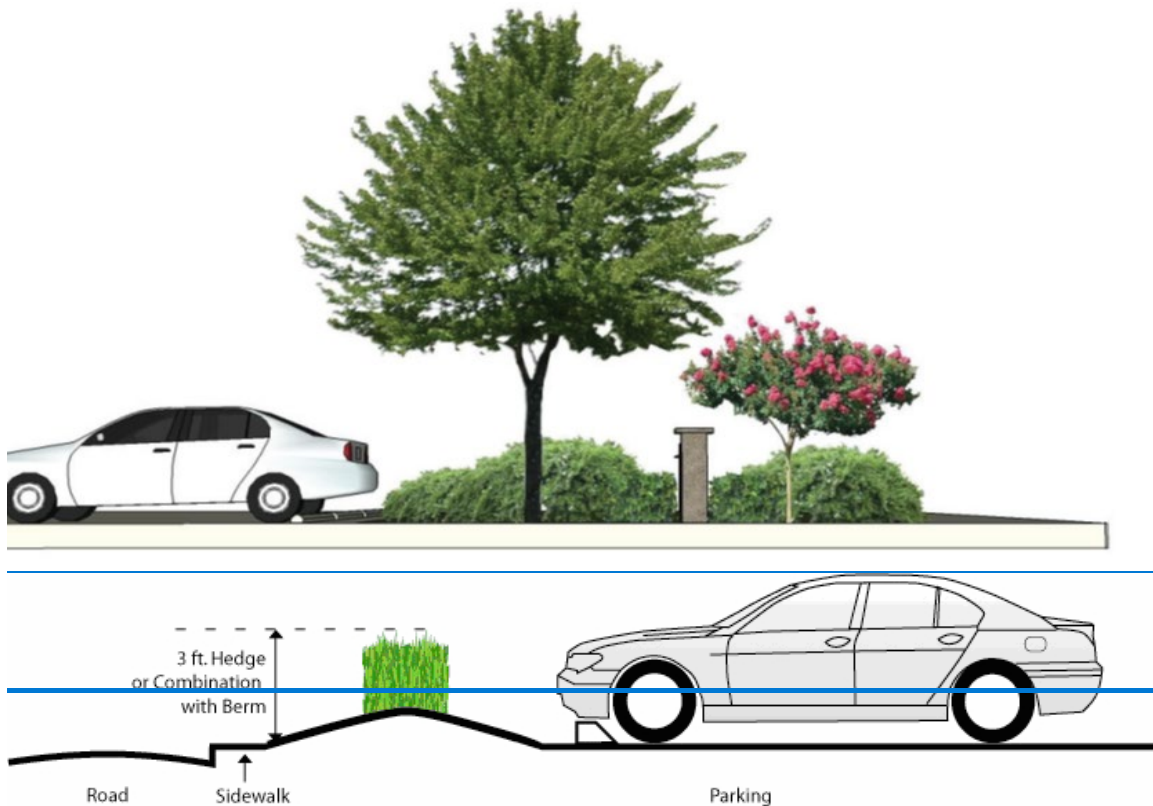
B. Preservation of Existing Trees: The Director, at the time of final site plan approval, may reduce the frequency or number of landscape islands, may eliminate the requirement for a linear landscape island between head-to-head parking rows or approve reduced widths of landscape islands for the purpose of preservation of existing tree canopy and tree clusters in order to maintain a 50 percent tree canopy coverage of the parking area within 20 years as demonstrated by the canopy coverage study.

C. Terminal Island Required: A terminal island shall be provided at the end of each parking area rank adjacent to the travel lanes or parking aisle serving the parking rank.

D. Percentage of Native Trees Established: Tree plantings utilized for the above requirements shall be 75 percent tree species selected from the City's native large tree list.

E. Visual Screening Required: A continuous hedge or combination hedge and earth berm shall be provided between the parking area and all adjacent rights of way. The hedge and hedge berm combination is required to obtain three (3) feet in height to visually screen the parking area from the right of way. Walls or fences consistent with the architectural character of the surrounding buildings may be used for this screening provided they are in combination with landscape planting that enhances the character of the structures and is continuous.

Figure 107.66.1
Parking Screening



Section 107.67. Foundation Planting Requirements.

For all nonresidential and multi-family buildings, a landscape area shall be provided around ~~the base of~~ all freestanding buildings. ~~The landscape area shall be a minimum of five (5) feet wide and be located within, equal to ten (10) feet from the structure/facade. At a minimum, there shall be a combination of two (2) medium and five (5) small shrubs and one (1) canopy tree, medium tree, or one (1) large palm -or two (2) medium palms for every 15 feet of cumulative facade perimeter and shall be evenly distributed. The height of the planted material shall be in relation to the height of the adjacent facade or wall. The cumulative minimum plantings may be grouped along select building facades when installation of landscape relates to building orientation and promotes energy efficiency, active or passive cooling, wind protection or reduction of heat island effects. Attention shall also be given to arrival areas, entrances, pedestrian walks, seating areas, and courtyards of all buildings. A planting approach shall use two (2) or three (3) layered plantings to enhance and announce the building entry. When the foundation planting requirements coincide with perimeter parking required in Section 107.66.A.5, the perimeter parking may be counted toward the required foundation planting requirements of this Section. Nothing in this exception shall preclude the application of principles cited in Section 107.64.F, 107.65.B.~~

Section 107.68. Plant Material Specifications and Plant List.

- A. *General*: The following specifications shall be utilized for all landscape materials on the project site.
1. The quality of plant material shall meet or exceed Florida Number One as defined in "Grades and Standards for Nursery Plants," Part 1 and Part 2" published by the State of Florida, Department of Agriculture and Consumer Services, 1998 or current edition.
 2. All plant materials must be suitable to the South Florida area, specifically the Florida Keys' climate and soil conditions. All plant species shall be either native species, or non-invasive non-native species. Species that meet the "drought tolerant" or "very drought tolerant" categories of "Waterwise" by South Florida Water Management District shall comprise 75 percent of the required trees of each project. ~~Xeriscaping-Florida-Friendly Landscape~~ techniques, as required in Subsection 107.69 D. of this chapter, shall be utilized to minimize water consumption.
- B. *Trees*:
1. All required trees must ~~meet the minimum ranges for spacing, caliper, height and canopy spread as listed in Table 107.70.4~~ be a minimum two (2) inches diameter caliper, at breast height, per Florida Grades and Standards at time of planting. A minimum of 75 percent of required large trees adjacent to the major right of way and within parking areas shall be from the required City native canopy trees list. ~~Table 107.68.1 provides representative examples of native trees and vegetation for landscaping. For a complete list contact the City Biologist.~~
 2. ~~Tree spacing shall be determined by species type and approved by the City Biologist.~~ Large trees shall not be planted closer than 3.5 feet from any permanent hardscape or building. Large trees shall be provided a minimum of 300 square feet of immediately accessible soil area for root growth. Up to twenty five percent (25%) of this planned soil area for root growth can be shared with another tree's planned soil area for root growth. See 107.66.F
 - 2.3. Medium trees shall not be planted closer than 2 feet from any permanent hardscape or building. Medium trees shall be provided a minimum of 150 square feet of immediately accessible soil area for root growth. Up to twenty five percent (25%) of this planned soil area for root growth can be shared with another tree's planned soil area for root growth. See 107.66.F
- C. *Shrubs and Hedges/Groundcovers*: Plant materials utilized to provide a continuous screen of hedges shrubs must be a minimum of 18-24 inches high above grade upon planting, with a maximum spacing of two (2) feet on center. See 107.66.A.6. All plant materials utilized for this screening must attain at least 50 percent visual blockage within two (2) years. A minimum of 75 percent of required shrubs and groundcovers shall be from Table 107.68.1.

- D. *Mulch*: Natural mulch shall be used in all planting areas. The use of cypress mulch is discouraged. The Department may allow substitutions of other mulch types on a case by case basis.

Table 107.68.1
Native Plant Materials

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>LARGE TREES</u>	
<u>Bursera simaruba</u>	<u>Gumbo Limbo</u>
<u>Clusia rosea</u>	<u>Pitch Apple</u>
<u>Conocarpus erectus</u>	<u>Buttonwood</u>
<u>Coccoloba uvifera</u>	<u>Sea Grape</u>
<u>Ficus citrifolia</u>	<u>Short Leaf Fig</u>
<u>Lysiloma latisiliquum</u>	<u>Lysiloma</u>
<u>Mastichodendrom foetidissimum</u>	<u>Mastic</u>
<u>Piscidia piscipula</u>	<u>Jamaican Dogwood</u>
<u>Simarouba glauca</u>	<u>Paradise Tree</u>
<u>Swietenia mahagoni</u>	<u>Mahogany</u>
<u>MEDIUM TREES</u>	
<u>Amyris elemifera</u>	<u>Torchwood</u>
<u>Ardisia escallonooides</u>	<u>Marlberry</u>
<u>Bourreria succulenta</u>	<u>Strongbark</u>
<u>Canella winterana</u>	<u>Cinnamon Bark</u>
<u>Conocarpus erectus 'sericeus'</u>	<u>Silver Buttonwood</u>
<u>Chrysophyllum oliviforme</u>	<u>Satinleaf</u>
<u>Coccoloba diversifolia</u>	<u>Pigeon Plum</u>
<u>Cordia sebestena</u>	<u>Orange Geiger</u>
<u>Guapira discolor</u>	<u>Bolly</u>
<u>Guaiacum sanctum</u>	<u>Lignum Vitae</u>
<u>Krugiodendrom ferreum</u>	<u>Black Ironwood</u>
<u>Myrcianthes fragrans</u>	<u>Simpson Stopper</u>
<u>LARGE SHRUBS</u>	
<u>Acacia choriophylla</u>	<u>Cinnecord</u>
<u>Capparis cynophallophora</u>	<u>Jamaican Caper</u>
<u>Calyptranthes pallens</u>	<u>Spicewood</u>
<u>Citharexylum spinosum</u>	<u>Fiddlewood</u>
<u>Conocarpus erectus 'sericeus'</u>	<u>Silver Buttonwood</u>
<u>Eugenia axillaris</u>	<u>White Stopper</u>
<u>Eugenia confusa</u>	<u>Red Berry Stopper</u>
<u>Eugenia foetida</u>	<u>Spanish Stopper</u>
<u>Eugenia rhombea</u>	<u>Red Stopper</u>
<u>Foresteriera segregata</u>	<u>Florida Privet</u>
<u>Genipa clusifolia</u>	<u>Seven Year Apple</u>
<u>Gymnanthes lucida</u>	<u>Crabwood</u>

Rapanea punctata	Myrsine
Schaefferia frutescens	Florida Boxwood
<u>MEDIUM SHRUBS</u>	
Brysonima lucida	Locust Berry
Chrysobalanus icaco	Cocoplum
Duranta repens	Golden Dew Drop
Erithalis fruticosa	Black Torch
Hamelia patens	Firebush
Pithecellobium keyense	Florida Keys Blackbead
Psychotria nervosa	Wild Coffee
Randia aculeata	Indigo Berry
Suriana maritima	Bay Cedar
<u>SMALL SHRUBS</u>	
Argusia gnaphalodes	Sea Lavender
Callicarpa americana	Beauty Berry
Chiococca alba	Snowberry
Jacquinia keyensis	Joewood
Lantana involucrata	White Lantana
Psychotria ligustrifolia	Dwf. Wild Coffee
Savia bahamensis	Maiden Bush
Senna mexicana 'chapmanii'	Bahama Cassia
Serenoa repens	Saw Palmetto
Sophora tomentosa	Necklace Pod
<u>GROUNDCOVER</u>	
Arachis glabrata	Perennial Peanut
Asclepias tuberosa	Butterfly Weed
Borrichia arborescens	Sea Ox-Eye Daisy
Coreopsis leavenworthii	Tickseed
Crinum americanum	Swamp Lily
Emodia littoralis	Golden Creeper
Flaveria linearis	Yellowtop
Gaillardia puchella	Blanket Flower
Helianthus debilis	Dune Sunflower
Hymenocallis latifolia	Spider Lily
Ipomea pes-caprae	Goatsfoot
Lantana depressa	Pineland Lantana
Muhlenbergia capillaris	Muhly Grass
Nephrolepis exaltata	Sword Fern
Salvia coccinea	Native Salvia
Scaevola plumieri	Inkberry
Scuteleria havanensis	Havana Skullcap
Sesuvium portulacastrum	Sea Purslane

<u>Spartina patens</u>	<u>Cordgrass</u>
<u>Stachytarpheta jamaicensis</u>	<u>Porterweed</u>
<u>Tripsacum floridanum</u>	<u>Dwarf Fakahatchee</u>
<u>Uniola paniculata</u>	<u>Sea Oats</u>
<u>Zamia pumila</u>	<u>Coontie</u>
<u>LARGE PALMS</u>	
<u>Roystonea elata</u>	<u>Royal Palm</u>
<u>MEDIUM PALMS</u>	
<u>Sabal palmetto</u>	<u>Palmetto</u>
<u>SMALL PALMS</u>	
<u>Coccothrinax argentata</u>	<u>Silver Palm</u>
<u>Pseudophoenix sargentii</u>	<u>Buccaneer Palm</u>
<u>Thrinax radiata</u>	<u>Thatch Palm</u>
<u>Thrinax morrisii</u>	<u>Keys Thatch Palm</u>
<u>Note: This list is not complete and is to be used as a representative sampling of the required native planting material. For a complete list, contact the City Biologist.</u>	

<u>Common Name</u>	<u>Botanical Name</u>	<u>Maximum Height</u>	<u>Native Status</u>
<u>CANOPY TREES</u>			
<u>Gumbo Limbo</u>	<u>Bursera simaruba</u>	<u>40—60 feet</u>	<u>Keys</u>
<u>Jamaican Dogwood</u>	<u>Piscidia piscipula</u>	<u>35—50 feet</u>	<u>Keys</u>
<u>Mahogany</u>	<u>Swietenia mahogany</u>	<u>40 feet</u>	<u>Keys</u>
<u>Green Buttonwood</u>	<u>Conocarpus erectus</u>	<u>30 feet</u>	<u>Keys</u>
<u>Pigeon Plum</u>	<u>Coeloba diversifolia</u>	<u>40 feet</u>	<u>Keys</u>
<u>Silver Buttonwood</u>	<u>Conocarpus erectus</u>	<u>15—20 feet</u>	<u>Keys</u>
<u>Satinleaf</u>	<u>Chrysophyllum oliviforme</u>	<u>30 feet</u>	<u>Keys</u>
<u>Autograph Tree, Pitch Apple</u>	<u>Clusia rosea</u>	<u>30 feet</u>	<u>Keys</u>
<u>Locustberry</u>	<u>Brysonima lucida</u>	<u>15 feet</u>	<u>Keys</u>

Lignum Vitae	<i>Guaiacum sanctum</i>	25 feet	Keys
SHRUBS			
Jamaica Caper	<i>Capparis eunophallophora</i>	6—15 feet	Keys
Coco Plum	<i>Chrysobalanus icaco</i>	12 feet	Florida
Necklace Pod	<i>Sophora tomentosa</i>	6—8 feet	Keys
Golden Dewdrop	<i>Duranta repens</i>	18 feet	Florida
Bay Cedar	<i>Suriana maritima</i>	10—15 feet	Keys
Wild Coffee	<i>Psychotria nervosa</i>	4—6 feet	Florida
Firebush	<i>Hamelia patens</i>	18—30 inches	Florida
GROUND COVER			
Golden Creeper	<i>Ernoda littoralis</i>	1—3 feet	Florida
Blanket Flower	<i>Gaillardia pulchella</i>	1—1.5 feet	Florida
Railroad Vine	<i>Ipomoea pes-caprae</i>	0.3—0.6 feet	Florida
Sea Purselane	<i>Sesuvium portulacastrum</i>	1—1.5 feet	Florida
Sea Oats	<i>Uniola paniculata</i>	3—5 feet	Keys
Dwarf Lantana	<i>Lantana involucrata</i>	0.7 feet	Keys
Blue Porterweed	<i>Stachytarpheta jamaicensis</i>	1—1.5 feet	Keys
Spider Lily	<i>Hymenocallis latifolia</i>	1—3 feet	Florida
Crinum Lily	<i>Crinum</i> Spp.	5 feet	Florida
Beach Sunflower	<i>Helianthus debilis</i>	1—2 feet	Keys
Coontie	<i>Zamia pumila</i>	1—3 feet	Keys

PALMS			
Florida Thatch Palm	<i>Thrinax radiata</i>	30 feet	Keys
Key Thatch Palm	<i>Thrinax morrissi</i>	25 feet	Keys
Florida Silver Palm	<i>Coccothrinax argentata</i>	40 feet	Keys
Saw Palmetto	<i>Serenoa repens</i>	20 feet	Keys
Buccaneer Palm	<i>Pseudophoenix sargentii</i>	10 feet	Keys
Cabbage Palm	<i>Sabal palmetto</i>	40 feet	Keys
Dwarf Palmetto	<i>Sabal minor</i>	6 feet	Keys

Table 107.68.2
Approved Non-Native Plant Materials

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
<u>LARGE TREES</u>	
<u>Bulnesia arborea</u>	<u>Verawood</u>
<u>Cassia fistula</u>	<u>Golden Shower</u>
<u>Cananga odorata</u>	<u>Ylang Ylang</u>
<u>Jacaranda mimosifolia</u>	<u>Jacaranda</u>
<u>Mangifera indica</u>	<u>Mango</u>
<u>Tamarindus indica</u>	<u>Tamarind</u>
<u>MEDIUM TREES</u>	
<u>Caesalpinia pulcherrima</u>	<u>Dwarf Poinciana</u>
<u>Senna surattensis</u>	<u>Glaucous Cassia</u>
<u>LARGE SHRUBS</u>	
<u>Citrus aurantifolia</u>	<u>Key Lime</u>
<u>Clusia guttifera</u>	<u>Small Leaf Clusia</u>
<u>MEDIUM SHRUBS</u>	
<u>Acalypha hispida</u>	<u>Chenille Plant</u>
<u>Acalypha wilkesiana</u>	<u>Copperleaf</u>
<u>Codiaeum variegatum</u>	<u>Croton</u>
<u>Galphimia gracilis</u>	<u>Thryallis</u>
<u>SMALL SHRUBS</u>	
<u>Bougainvillea speciosa</u>	<u>Bougainvillea</u>
<u>Cariss macrocarpa 'Emerald Blanket'</u>	<u>Emerald Blanket Carissa</u>

Clerodendron thomsoniae	Bleeding Heart
Hamelia patens 'Compacta'	Dwarf Firebush
Pandora jasminoides	Bower Vine
Plumbago auriculata	Leadwort
Zamia furfuracea	Cardboard Palm
GROUNDCOVER	
Crossandra infundibuliformis	Crossandra
Euphorbia millii	Crown of Thorns
Ficus microcarpa 'Green Island'	Green Island Ficus
Lantana camara	Lantana
Microsorium scolopendrium	Wart Fern
Nephrolepis falcata	Macho Fern
Pentas lanceolata	Star Flower
Philodendron 'Burle Marx'	Burle Marx Philodendron
Ruellia brittonia	Ruellia
Russelia equisetiformis	Firecracker
LARGE PALMS	
Bismarkia nobilis	Bismark Palm
Cocus nucifera	Coconut
Phoenix canariensis	Canary Date Palm
Phoenix dactylifera 'Medjool'	Medjool Date Palm
MEDIUM PALMS	
Veitchii montgomeryana	Montgomery Palm
Wodyetia bifurcata	Foxtail Palm
SMALL PALMS	
Dyopsis cabadae	Cabada Palm
Ptychosperma elegans	Alexander Palm
Note: This list is not complete and is to be used as a representative sampling of the required native planting material. For a complete list, contact the City Biologist.	

Section 107.69. Landscape Plans.

- A. **Planting Plan:** [Site designs and landscape construction documents shall be prepared in accordance with the requirements of all applicable Florida Statutes. All landscape and irrigation system designs shall be consistent with the standards required under 373.228 Florida Statutes.](#) A copy of the planting plan shall be submitted to the Department for final review.
- B. **Drawing Requirements:** [Planting drawings shall indicate all existing and proposed landscape buffers, easements, utilities, right-of-ways, structures, and overhead lines associated with the parcel. All multi-family and non-residential landscape plans shall be prepared by a landscape architect licensed to practice in the State of Florida, or by persons authorized by Chapter 481, Florida Statutes, to prepare landscape plans or drawings.](#)

B.C. Natural Vegetation: The preservation and utilization of a site's ~~natural~~-native trees, understory, and other vegetation shall be incorporated into the overall site development and planting plans to the greatest extent practicable.

C.D. Xeriscaping Florida Friendly Landscapes: The following ~~table lists those~~ principles ~~that~~ shall be utilized ~~by the TRC~~ in the ~~preparation,~~ review, evaluation, and approval of all required landscape plans. These principles shall only be required to apply to new construction or substantial improvements, as applicable.

Table 107.69.1

Florida Friendly Landscape Requirements (R= Compliance Required, O= Compliance Optional)	Non- Residential	Residential
1. <u>Site Planning and Design:</u>	<u>R</u>	<u>R</u>
a. <u>The Site Plan shall consider natural drainage features to minimize runoff. The use of pervious surfaces and areas is preferred. Therefore impervious surfaces and materials within the landscaped area shall be limited to borders, sidewalks, stepping stones, and other similar elements of design and shall not exceed 15 percent of the landscaped area. Use of pervious paving materials is strongly encouraged and relative imperviousness will be considered.</u>	<u>R</u>	<u>R</u>
b. <u>Site plans shall identify all vegetated areas to be preserved, including but not limited to water resource and wetland buffers adjoining all waters of the state. Such buffers should be native, or if previously disturbed, constructed in accordance with USDA-NRCS conservation practices. Water resource and wetland buffers shall comply with Section 106.28 in order to protect water bodies from nonpoint source pollution generated by up gradient development.</u>	<u>R</u>	<u>R</u>
c. <u>All invasive exotic plant species shall be noted on the Site Plan and be removed from each site prior to the beginning of construction. For purposes of determining plant species to remove, refer to Department of Agriculture and Consumer Services "Noxious Weeds" rule Chapter 5B-57, F.A.C. and the Florida Keys Exotic Invasive Task Force rules and guidelines.</u>	<u>R</u>	<u>R</u>
d. <u>Gravel, river rock, shell and similar materials shall not be used as a major landscape ground cover or mulch as they increase the need for herbicide use, have no habitat value, reflect rather than absorb heat, do not produce oxygen like plants and the runoff from crushed gravel results in high turbidity in near shore waters, resulting in layers of silt, which can kill off sea grass, corals and marine life. In no case may the use of these materials exceed 30 percent of the total pervious site area.</u>	<u>R</u>	<u>R</u>

<p>e. <u>The solar orientation of the property and its relationship to other properties should be considered as this may produce different microclimate exposures (e.g., sun vs. shade, southern vs. northern exposure, surrounded by heat-reflective surfaces, etc). When preparing a landscape plan, consideration should be given to the proper selection and placement of tree species near buildings to minimize building heating and cooling requirements. When located appropriately, trees of adequate size, quality, canopy, and form can decrease energy consumption in buildings in the summer by reducing heat absorption and in the winter by allowing for passive solar heating and providing protection from the wind. Maximum cooling savings will result when deciduous trees are planted to shade the eastern and/or western wall and windows of buildings. To shade the roof or wall of a one-family residential structure, for example, trees that will mature to a medium-to-large size should be planted within thirty (30) feet of the structure. Smaller trees can also be planted closer to the house and used to shade walls and window areas.</u></p>	<p><u>R</u></p>	<p><u>R</u></p>
<p>f. <u>The Landscape Construction Documents shall be drawn to scale and include property boundaries, north arrow, graphic scale, and date. They shall also include, but not be limited to the following :</u></p>	<p><u>R</u></p>	<p><u>R</u></p>
<p>i. <u>Location of all underground and above ground utilities and boxes including overhead utilities;</u></p>	<p><u>R</u></p>	<p><u>R</u></p>
<p>ii. <u>Existing and proposed trees, shrubs, ground covers and turf areas within the developed landscape area;</u></p>	<p><u>R</u></p>	<p><u>R</u></p>
<p>iii. <u>Plants by botanical and common name, where applicable cultivar name, plant spacing, quantities of plant for each type, planted sizes including notation of field grown or container size, and mature height and spread of each plant;</u></p>	<p><u>R</u></p>	<p><u>O</u></p>
<p>iv. <u>Existing and proposed property lines, streets, street names and public utilities;</u></p>	<p><u>R</u></p>	<p><u>R</u></p>
<p>v. <u>Existing and proposed hardscape features such as driveways, patios, and sidewalks as necessary as well as existing or proposed nonorganic mulched areas;</u></p>	<p><u>R</u></p>	<p><u>O</u></p>
<p>vi. <u>Existing and proposed structures such as pools, fountains, fences and retaining walls;</u></p>	<p><u>R</u></p>	<p><u>R</u></p>
<p>vii. <u>Existing and proposed buildings;</u></p>	<p><u>R</u></p>	<p><u>R</u></p>
<p>viii. <u>Tabulation of the total square footage(s) of the various landscape hydrozones on the plan. If more than one (1) water meter serves the site, the total hydrozone square footages of all the various hydrozones must be identified with each Point of Connection (POC) and meter providing water service.</u></p>	<p><u>R</u></p>	<p><u>O</u></p>
<p>g. <u>Irrigation plans must be designed to recognize differential irrigation requirements of the landscape as described in this article. It is suggested that As-Built construction documents be submitted prior to issuance of the Certificate of Occupancy, with a copy delivered to the property owner. This will help to prevent later damage from digging by utility workers or the property owner and assist the owner with understanding the system design. The irrigation plan shall include the following:</u></p>	<p><u>R</u></p>	<p><u>R</u></p>
<p>i. <u>Irrigation point(s) of connection and design capacity;</u></p>	<p><u>R</u></p>	<p><u>R</u></p>
<p>ii. <u>Water service pressure at irrigation POCs;</u></p>	<p><u>R</u></p>	<p><u>R</u></p>

iii. <u>Water meter size;</u>	<u>R</u>	<u>R</u>
iv. <u>Reduced-pressure-principle backflow-prevention devices for each irrigation POC on potable water systems;</u>	<u>R</u>	<u>R</u>
v. <u>Major components of the irrigation system shall include, but not be limited to: pumps, filters, valves, mainline pipes, lateral pipes, controllers, tubing, and pipe sizes;</u>	<u>R</u>	<u>R</u>
vi. <u>Precipitation rate expressed in inches per hour for each valve circuit. The preparer must attach to the Project Data Sheet the calculations for deriving precipitation rates for each irrigation valve circuit;</u>	<u>R</u>	<u>O</u>
vii. <u>Total flow rate (flow velocity not to exceed five (5) feet per second) in gallons per minute (gpm) and operating pressure (psi) for each individual overhead and bubbler circuit, and gallons per hour (gph) and operating pressure for low-flow point irrigation circuit;</u>	<u>R</u>	<u>R</u>
<u>elements: Separate symbols for all irrigation equipment. For each irrigation head type the legend shall show coverage patterns, precipitation rates, operation pressure requirements, gallons required and associated time periods, brand and model names, and pressure compensating devices (if applicable). A general description of all other equipment, including brand name and model number, sizes, special features, and materials. For all specified equipment for low-flow systems the legend shall contain recommended operating pressure, brand name and model names, precipitation rates, distribution patterns, and spacing of emitters or drip tubing;</u>	<u>R</u>	<u>R</u>
ix. <u>The same requirements for use of a recycled water irrigation system shall apply. Reclaimed water, grey water, or other nonpotable water shall be used for irrigation provided an acceptable source for that water is available and identified by the City;</u>	<u>R</u>	<u>R</u>
x. <u>Identify location of the rain shut-off devices and any soil moisture sensors;</u>	<u>R</u>	<u>R</u>
xi. <u>The irrigation system must clearly account for any slopes over ten (10%) percent and any elevation differences over five (5) feet. If the irrigation plan does not clearly show design for these situations, a grading plan may be required which shall indicate all finish grades by either spot elevations or contours or both along with drainage patterns within the developed irrigated area.</u>	<u>R</u>	<u>O</u>
<u>2. Soils:</u>	-	-
a. <u>Analysis: When required, as determined by the City Biologist, a soil analysis shall provide the following information, at a minimum:</u>	<u>R</u>	<u>O</u>
i. <u>Determination of soil texture, indicating the percentage of organic matter;</u>	<u>R</u>	<u>O</u>
ii. <u>Measurement of pH of the soil, and total soluble salts; and</u>	<u>R</u>	<u>O</u>
iii. <u>Estimated soil infiltration rate.</u>	<u>R</u>	<u>O</u>
b. <u>Use of Existing Top Soil: Existing horticulturally suitable topsoil shall be stockpiled and re-spread during final site grading. Any new soil required shall be similar to the existing soil in pH, texture, permeability, and other characteristics, unless a Soil Analysis provides evidence that either soil amendment is needed or a different soil type is required. The use of solid waste compost as a soil amendment is encouraged where it is appropriate.</u>	<u>R</u>	<u>O</u>

<u>3. Land Clearing Standards and Preservation of Native Vegetation:</u>	-	-
a. <u>Unless otherwise approved by the City, clearing of a site shall preserve all native vegetation.</u>	R	R
b. <u>Vegetation which is set aside for preservation shall be protected from all on-site construction. Protective barriers shall be installed along the perimeter of all preserve areas. Protective barriers shall be constructed at such intervals to prevent machinery from passing between them.</u>	R	R
c. <u>No equipment or materials shall be permitted to be stored within the set-aside areas, and dumping of excess soil, liquids, or any other construction debris within the preservation areas is prohibited.</u>	R	R
d. <u>Removal or re-grading of soils within preservation areas is prohibited.</u>	R	R
e. <u>Any damaged vegetation within the set-aside areas shall be replaced with vegetation equivalent to the vegetation destroyed before any certificates of occupancy or other approvals may be issued.</u>	R	R
<u>4. Appropriate Plant Selection, Location, and Arrangement:</u>	-	-
a. <u>Appropriate Plant Selection: Plant selection should be based on the plant's adaptability to the existing conditions present within the planted area and the Keys native plant communities. Plant species that are drought tolerant are preferred. For purposes of determining prohibited and controlled plant species refer to the Department of Agriculture and Consumer Services rule, Chapter 5B-57 Florida Administrative Code. Plants named in this rule may not be used except as allowed in Chapter 5B-57.</u>	R	R
b. <u>Location: Plants shall be grouped in accordance with their respective water and maintenance needs. Plants with similar water and cultural (soil, climate, sun, and light) requirements shall be grouped together. Where natural conditions are such that irrigation is not required, the presence of site appropriate plants shall not be considered a high water use hydrozone.</u>	R	R
c. <u>Arrangement: The combined size of all high water use hydrozones shall be limited to 30 percent of the total planted area including turf. In planted areas irrigated with recycled water, the allowable size of all high water use zones shall be increased to not more than 60 percent of the total planted area including turf. These high water use limits do not apply to planted areas requiring large amounts of turf for their primary functions, e.g., ballfields and playgrounds; soil moisture sensors shall be installed in these areas.</u>	R	O
<u>5. Turf Areas:</u>	-	-
a. <u>Type and Location: The type of turf shall be selected from c.1, below and the location of turf areas shall be chosen in the same manner as with all the other plantings. Irrigated turf areas, as opposed to non-irrigated turf areas, are considered to be a high water use hydrozone. Irrigated turf shall not be treated as a fill-in material but rather as a planned element of the landscape. Turf shall be placed so that it can be irrigated using separate zones.</u>	R	R

b. <u>Arrangement: While turf areas provide many practical benefits in a landscape, how and where it is used can result in a significant reduction in water use. Irrigated turf grass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, provide cover for waste treatment drainfields and required drainfield reserve areas, or provide soil erosion control such as on slopes or in swales; and where turfgrass is used as a design unifier, or other similar practical use.</u>	R	O
c. <u>No turf grass that requires mowing shall be allowed on slopes greater than 4:1 or within ten (10) feet of the water's edge. For turf areas (where a planting plan is required), areas shall be identified on the plan by biological and common name and by variety and by the square footage covered by the turf.</u>	R	R
<u>1. Turf Types Appropriate for the Keys</u>	-	-
<u>St. Augustine</u>	-	-
<u>Bermuda</u>	-	-
<u>Zoysia</u>	-	-
<u>Bahia</u>	-	-
<u>6. Efficient Irrigation:</u>	-	-
a. <u>Design Guidelines: An irrigation system shall be designed and constructed in accordance with the Site Planning and Design Requirements of this Article. All irrigation installations after the effective date of this ordinance shall meet the irrigation standards identified per 373.228 F.S. These include:</u>	-	-
i. <u>Irrigation systems shall be designed to meet the needs of the plants in the landscape (not the other way around).</u>	R	R
ii. <u>Whenever feasible, irrigation systems shall be designed to separately serve turf and non-turf areas.</u>	R	R
iii. <u>The irrigation system plans and specifications shall identify the materials to be used and the construction methods.</u>	R	R
iv. <u>The design shall consider soil, slope, and other site characteristics in order to minimize water waste, including overspray, the watering of impervious surfaces and other non-vegetated areas, and off-site runoff.</u>	R	O
v. <u>The system shall be designed to minimize free flow conditions in case of damage or other mechanical failure.</u>	R	O
vi. <u>The system shall be designed to use the lowest quality water feasible.</u>	R	O
vii. <u>Rain switches or other approved devices, such as soil moisture sensors, to prevent unnecessary irrigation, shall be incorporated. (Section 373.62, F.S.)</u>	R	R
viii. <u>A recommended seasonal operating schedule and average precipitation rates for each irrigation zone for both establishment and maintenance conditions shall be provided.</u>	R	O
ix. <u>Control systems shall provide the following minimum capabilities:</u>	-	-
i. <u>Ability to be programmed in minutes, by day of week, season and time of day.</u>	R	R
ii. <u>Ability to accommodate multiple start times and programs</u>	R	R
iii. <u>Automatic shut off after adequate rainfall.</u>	R	R
iv. <u>Ability to maintain time during power outages for a minimum of three days</u>	R	O
v. <u>Operational flexibility to meet applicable year-round water conservation requirements and temporary water shortage restrictions.</u>	R	O
x. <u>Recommended maintenance activities and schedules shall be included.</u>	R	O

<u>xi. Precipitation rates for sprinklers and all other emitters in the same zone shall be matched, except that microirrigation emitters may be specified to meet the requirements of individual plants.</u>	<u>R</u>	<u>O</u>
<u>xii. Irrigation systems shall be designed to maximize uniformity, considering factors such as:</u>	<u>R</u>	<u>R</u>
<u> i. Emitter types.</u>	<u>R</u>	<u>R</u>
<u> ii. Head spacing.</u>	<u>R</u>	<u>R</u>
<u> iii. Sprinkler pattern.</u>	<u>R</u>	<u>R</u>
<u> iv. Water pressure at the emitter.</u>	<u>R</u>	<u>R</u>
<u>xiii. Irrigation systems with main lines larger than two inches or designed to supply more than seventy gallons per minute shall incorporate a means to measure irrigation water use, at a minimum of ninety-five percent accuracy across the flow range.</u>	<u>R</u>	<u>O</u>
<u>xiv. Irrigation system plans and specifications shall require the system installer to conduct final testing and adjustments to achieve design specifications prior to completion of the system and acceptance by the owner or owner's representative.</u>	<u>R</u>	<u>O</u>
<u>xv. Irrigation system plans and specifications shall require that the installer provide property owners and users with the following post-construction documentation, including as-constructed drawings, recommended maintenance activities and schedules, operational schedule, design precipitation rates, instructions on adjusting the system to apply less water after the landscape is established, maintenance schedule, water source, water shut-off method, and the manufacturer's operational guide for their irrigation controller. To the extent feasible, similar information should be made available for subsequent property transfers.</u>	<u>R</u>	<u>O</u>
<u>b. Arrangement: The irrigation system shall be designed to correlate to the organization of plants into zones as described in this Article. The water use zones shall be shown on the Irrigation Plan (where plan is required). All plants (including turf) require watering during plant establishment. Temporary irrigation systems may be installed to facilitate establishment of plants and turf. Irrigation must be conducted in accordance with WMD restrictions.</u>	<u>R</u>	<u>O</u>
<u>c. Rain Water Collection: Whenever feasible, the installation of rainwater catchment systems such as cisterns or rain barrels to reduce dependency on the use of potable water for outdoor irrigation and to reduce stormwater treatment volumes shall be required.</u>	<u>R</u>	<u>O</u>
<u>d. Check Valves: Check valves may be required to be installed in irrigation heads prevent low head drainage and puddling, when the head exceeds eight (8) feet above the POC.</u>	<u>R</u>	<u>O</u>
<u>e. Precipitation Rate: Nozzle precipitation rates for all heads within each valve circuit must be matched.</u>	<u>R</u>	<u>O</u>
<u>f. Irrigated areas shall not be less than 4 feet wide, except when next to contiguous property or when using micro or drip irrigation.</u>	<u>R</u>	<u>O</u>
<u>g. Pressure Regulating Valves: A pressure-regulating valve shall be installed and maintained if static service pressure exceeds 80 pounds per square inch. The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and set at not more than 50 pounds per square inch when measured at the most elevated fixture in the structure served. This requirement may be waived if satisfactory evidence is provided that high pressure is necessary in the design and that no water will be wasted as a result of high-pressure operation. [Rationale: The purpose of this requirement is twofold, to</u>	<u>R</u>	<u>O</u>

protect against system failure during pressure surges, and to avoid wasted water due to operation of the system significantly above commonly used design values.]

7. Yard Waste Management, Composting and Use of Mulches:

a. Yard Waste Management: In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable. Yard wastes shall not be stored by shorelines, in ditches or swales, or near storm drains. [Rationale: Yard wastes release nutrients as they decompose which may pollute the receiving water. Improper disposal of yard wastes can also contribute to flooding by causing stormwater runoff to backup in drainage systems. In addition, improper disposal may lead to spreading of invasive plants to new areas.]

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b. Composting: Shredded yard clippings and leaves should be used for mulch or be composted for use as fertilizer. Diseased organic material should not be stored, composted or used as mulch and should be properly disposed of to avoid spreading disease.

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c. Use of Mulches:

i. Composting of organic yard wastes provide many benefits and their use is strongly encouraged. The resulting materials are excellent soil amendments and conditioners. Other recycled organic solid waste products are also available and should be used when appropriate.

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ii. Grass clippings are a benefit to lawns by replacing nutrients drawn from the soil and as mulch that helps retain moisture lessening the need to irrigate. Grass clippings should be left on the lawn. Mulching mowers are recommended, because the grass clippings are chopped very finely by special blade and shroud configurations.

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iii. If a conventional mower equipped with a side discharge chute is used, the following practices should be employed. When mowing near the shoreline, direct the chute away from the waterbody. When mowing upland areas, direct the chute back onto the yard, not onto the road or driveway.

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iv. Other mulches (except grass clippings) can be applied and maintained at appropriate depths in planting beds to assist soils in retaining moisture, reducing weed growth, and preventing erosion. These mulches can also be used in places where conditions aren't adequate for or conducive to growing quality turf or ground covers. Mulches are typically wood bark chips, wood grindings, pine straws, nut shells, and shredded landscape clippings.

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v. A layer of organic mulch three (3) inches deep shall be specified on the planting plans in plant beds and around individual trees in turfgrass areas. Use of a byproduct or recycled mulch is recommended. Mulch is not required in annual beds.

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vi. <u>Mulch rings should extend to at least three (3) feet around freestanding trees and shrubs.</u>	R	O
vii. <u>All mulch should be renewed periodically.</u>	R	O
viii. <u>Mulches should be kept at least six (6) inches away from any portion of a building or structure. Mulches should be kept two to four (2—4) inches away from all tree trunks and certain types of shrubs and ground covers.</u>	R	R
ix. <u>Plastic or other impervious materials shall not be used under mulched areas.</u>	R	O
8. <u>Installation and Maintenance: All planting, excluding private residences, shall be installed according to accepted commercial planting procedures and executed by a qualified and licensed landscape contractor using the quality and type of materials recommended by the City Biologist and stated herein.</u>	R	O
1. <u>Site Planning and Design:</u>		
a. The Site Plan shall consider natural drainage features to minimize runoff. The use of pervious surfaces and areas is preferred. Therefore impervious surfaces and materials within the landscaped area shall be limited to planting borders, sidewalks, stepping stones, and pedestrian seating and shall not exceed 35 percent of the landscaped area. Use of pervious paving materials is strongly encouraged even for these limited uses which will decrease the relative impervious area of the site.		
b. Site plans shall identify all vegetated areas to be preserved		
c. All invasive exotic plant species shall be noted on the Site Plan and be removed from each site prior to the beginning of construction. For purposes of determining plant species to remove, refer to Department of Agriculture and Consumer Services "Noxious Weeds" rule Chapter 5B-57, F.A.C. and the Florida Keys Exotic Invasive Task Force rules and guidelines.		
d. Gravel, river rock, shell and similar materials shall not be used as a major landscape ground cover or mulch as they increase the need for herbicide use, have no habitat value, reflect rather than absorb heat, do not produce oxygen like plants and the runoff from crushed gravel results in high turbidity in near shore waters, resulting in layers of silt, which can kill off sea grass, corals and marine life. In no case may the use of these materials exceed 30 percent of the total pervious site area.		
e. The Landscape Construction Documents shall include, but not be limited to the following:		
i. Location of all underground and above ground utilities and boxes including overhead utilities;		
ii. Existing and proposed trees, shrubs, ground covers and turf areas within the developed landscape area;		
iii. Plants by botanical and common name, where applicable cultivar name, plant spacing, quantities of plant for each type, planted sizes including notation of field grown or container size, and mature height and spread of each plant;		
iv. Existing and proposed property lines, streets, street names and public utilities;		
v. Existing and proposed hardscape features such as driveways, patios, and sidewalks as necessary as well as existing or proposed nonorganic mulched areas;		
vi. Existing and proposed structures such as pools, fountains, fences and retaining walls;		
vii. Existing and proposed buildings;		

- ~~viii. Tabulation of the total square footage(s) of the various landscape hydrozones on the plan. If more than one (1) water meter serves the site, the total hydrozone square footages of all the various hydrozones must be identified with each Point of Connection (POC) and meter providing water service.~~
- ~~f. Irrigation plans must be designed to recognize differential irrigation requirements of the landscape as described in this article. It is suggested that As-Built construction documents be submitted prior to issuance of the Certificate of Occupancy, with a copy delivered to the property owner. This will help to prevent later damage from digging by utility workers or the property owner and assist the owner with understanding the system design. The irrigation plan should show the following:
 - ~~i. Irrigation point(s) of connection and design capacity;~~
 - ~~ii. Water service pressure at irrigation POCs;~~
 - ~~iii. Water meter size;~~
 - ~~iv. Reduced pressure principle backflow prevention devices for each irrigation POC on potable water systems;~~
 - ~~v. Major components of the irrigation system shall include, but not be limited to; pumps, filters, valves, mainline pipes, lateral pipes, controllers, tubing, and pipe sizes;~~
 - ~~vi. Precipitation rate expressed in inches per hour for each valve circuit. The preparer must attach to the Project Data Sheet the calculations for deriving precipitation rates for each irrigation valve circuit;~~
 - ~~vii. Total flow rate (flow velocity not to exceed five (5) feet per second) in gallons per minute (gpm) and operating pressure (psi) for each individual overhead and bubbler circuit, and gallons per hour (gph) and operating pressure for low flow point irrigation circuit;~~
 - ~~viii. Irrigation legend will have the following elements: Separate symbols for all irrigation equipment. For each irrigation head type the legend shall show coverage patterns, precipitation rates, operation pressure requirements, gallons required and associated time periods, brand and model names, and pressure compensating devices (if applicable). A general description of all other equipment, including brand name and model number, sizes, special features, and materials. For all specified equipment for low flow systems the legend shall contain recommended operating pressure, brand name and model names, precipitation rates, distribution patterns, and spacing of emitters or drip tubing;~~
 - ~~ix. The same requirements for use of a recycled water irrigation system shall apply. Reclaimed water, grey water, or other nonpotable water shall be used for irrigation provided an acceptable source for that water is available and identified by the City;~~
 - ~~x. Identify location of the rain shut off devices and any soil moisture sensors;~~
 - ~~xi. The irrigation system must clearly account for any slopes over ten (10%) percent and any elevation differences over five (5) feet. If the irrigation plan does not clearly show design for these situations, a grading plan may be required which shall indicate all finish grades by either spot elevations or contours or both along with drainage patterns within the developed irrigated area.~~~~

~~2. Soils:~~

- ~~a. Analysis: When required, as determined by the City Biologist, a soil analysis shall provide the following information, at a minimum:
 - ~~i. Determination of soil texture, indicating the percentage of organic matter;~~
 - ~~ii. Measurement of pH of the soil, and total soluble salts; and~~
 - ~~iii. Estimated soil infiltration rate.~~~~

- b. ~~*Use of Existing Top Soil:* Existing horticulturally suitable topsoil shall be stockpiled and re-spread during final site grading. Any new soil required shall be similar to the existing soil in pH, texture, permeability, and other characteristics, unless a Soil Analysis provides evidence that either soil amendment is needed or a different soil type is required. The use of solid waste compost as a soil amendment is encouraged where it is appropriate.~~

3. ~~Land Clearing Standards and Preservation of Native Vegetation:~~

- a. ~~Unless otherwise approved by the City, clearing of a site shall preserve all native vegetation.~~
- b. ~~Vegetation which is set aside for preservation shall be protected from all on-site construction. Protective barriers shall be installed along the perimeter of all preserve areas. Protective barriers shall be constructed at such intervals to prevent machinery from passing between them.~~
- c. ~~No equipment or materials shall be permitted to be stored within the set aside areas, and dumping of excess soil, liquids, or any other construction debris within the preservation areas is prohibited.~~
- d. ~~Removal or re-grading of soils within preservation areas is prohibited.~~
- e. ~~Any damaged vegetation within the set aside areas shall be replaced with vegetation equivalent to the vegetation destroyed before any certificates of occupancy or other approvals may be issued.~~

4. ~~Appropriate Plant Selection, Location, and Arrangement:~~

- a. ~~*Appropriate Plant Selection:* Plant selection should be based on the plant's adaptability to the existing conditions present within the planted area and the Keys native plant communities. Plant species that are drought tolerant are preferred. For purposes of determining prohibited and controlled plant species refer to the Department of Agriculture and Consumer Services rule, Chapter 5B-57 Florida Administrative Code. Plants named in this rule may not be used except as allowed in Chapter 5B-57.~~
- b. ~~*Location:* Plants shall be grouped in accordance with their respective water and maintenance needs. Plants with similar water and cultural (soil, climate, sun, and light) requirements shall be grouped together. The water use zones (hydrozones) shall be shown on the Irrigation, Layout, and Planting Plans (where required). Where natural conditions are such that irrigation is not required, the presence of site appropriate plants shall not be considered a high water use hydrozone.~~
- c. ~~*Arrangement:* The combined size of all high water use hydrozones shall be limited to 40 percent of the total planted area including turf. In planted areas irrigated with recycled water, the allowable size of all high water use zones shall be increased to not more than 75 percent of the total planted area including turf. These high water use limits do not apply to planted areas requiring large amounts of turf for their primary functions, e.g., ballfields and playgrounds.~~

5. ~~Turf Areas:~~

- a. ~~*Type and Location:* The type of turf shall be selected from Table 107.69.1, below and the location of turf areas shall be chosen in the same manner as with all the other plantings. Irrigated turf areas, as opposed to non irrigated turf areas, are considered to be a high water use hydrozone. Irrigated turf shall not be treated as a fill in material but rather as a planned element of the landscape. Turf shall be placed so that it can be irrigated using separate zones.~~
- b. ~~*Arrangement:* While turf areas provide many practical benefits in a landscape, how and where it is used can result in a significant reduction in water use. Irrigated turf grass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, provide cover for waste treatment drainfields and required drainfield reserve areas, or provide soil erosion control such as on slopes or in swales; and where turfgrass is used as a design unifier, or other similar practical use. No turf grass that requires mowing shall be allowed on slopes greater than 4:1 or within six (6) feet of the water's edge, except where adjacent to seawalls and bulkheads or where needed to control erosion. For turf areas (where a planting plan is required) areas shall be identified on the plan by biological and common name and by variety and by the square footage covered by the turf.~~

Table 107.69.1
Turf Types
Appropriate for the Keys

St. Augustine
Bermuda
Zoysia
Bahia

6. ~~Efficient Irrigation:~~

- ~~a. **Design Guidelines:** An irrigation system shall be designed and constructed in accordance with the Site Planning and Design Requirements of this Article.~~
- ~~b. **Irrigation Schedule:** Water can be conserved through the use of a properly designed, managed, maintained, and timed irrigation system. Irrigation scheduling information, equipment manuals, and instructions for seasonal, daily and weekly timing (as appropriate), and proper sensor settings, shall be provided to the owner at the time of installation by the irrigation contractor. An irrigation valve location map, gallons per minute demands, precipitation rates, plant types within valve circuits, and operating pressure requirements for each valve shall be developed and provided to the property owner. This map shall be attached inside each irrigation controller, pump station, or be kept in another readily available location as is practical and maintained as a permanent record for the irrigation system.~~
- ~~c. **Arrangement:** The irrigation system shall be designed to correlate to the organization of plants into zones as described in this Article. The water use zones shall be shown on the Irrigation Plan (where plan is required). All plants (including turf) require watering during plant establishment. Temporary irrigation systems may be installed to facilitate establishment of plants and turf.~~
- ~~d. **Rain Water Collection:** The City encourages the installation of rainwater catchment systems such as cisterns or rain barrels to reduce dependency on the use of potable water for outdoor irrigation.~~

7. ~~Other Requirements:~~

- ~~a. **Moisture Sensing Equipment:** Moisture sensing equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall and/or soil moisture. Rain shut-off switch equipment shall be required on all new irrigation systems and any systems that are significantly modified or repaired. Said equipment shall consist of an automatic mechanical or electronic sensing device or switch that will override the irrigation controller the irrigation system when adequate rainfall has occurred.~~
- ~~b. **Protection of Lines:** The installation of tracer wire along main lines and laterals is strongly encouraged to permit easy location and prevent inadvertent cutting of pipes.~~
- ~~c. **Check Valves:** Check valves may be required to be installed in irrigation heads prevent low head drainage and puddling, when the head exceeds eight (8) feet above the POC.~~

- d. ~~Precipitation Rate:~~ Nozzle precipitation rates for all heads within each valve circuit must be matched.
- e. ~~Pressure Regulating Valves:~~ A pressure regulating valve shall be installed and maintained if static service pressure for the irrigation system is too excessive to allow for valves or heads to operate within the manufacturer's recommendations for that equipment. ~~[Rationale: The purpose of this requirement is twofold, to protect against system failure during pressure surges, and to avoid wasted water due to operation of the system significantly above commonly used design values.]~~

8. ~~Yard Waste Management, Composting and Use of Mulches:~~

- a. ~~Yard Waste Management:~~ Yard wastes shall not be disposed of or stored by shorelines, in ditches or swales, or near storm drains. ~~[Rationale: Yard wastes release nutrients as they decompose which may pollute the receiving water. Improper disposal of yard wastes can also contribute to flooding by causing stormwater runoff to backup in drainage systems. In addition, improper disposal may lead to spreading of invasive plants to new areas.]~~
- b. ~~Composting:~~ Shredded yard clippings and leaves should be used for mulch or be composted for use as fertilizer. Diseased organic material should not be stored, composted or used as mulch and should be properly disposed of to avoid spreading disease.
- c. ~~Use of Mulches:~~
 - i. ~~Composting of organic yard wastes provide many benefits and their use is strongly encouraged. The resulting materials are excellent soil amendments and conditioners. Other recycled organic solid waste products are also available and should be used when appropriate.~~
 - ii. ~~Grass clippings are a benefit to lawns by replacing nutrients drawn from the soil and as mulch that helps retain moisture lessening the need to irrigate. Grass clippings should be left on the lawn. Mulching mowers are recommended, because the grass clippings are chopped very finely by special blade and shroud configurations.~~
 - iii. ~~If a conventional mower equipped with a side discharge chute is used, the following practices should be employed. When mowing near the shoreline, direct the chute away from the waterbody. When mowing upland areas, direct the chute back onto the yard, not onto the road or driveway.~~
 - iv. ~~Other mulches (except grass clippings) can be applied and maintained at appropriate depths in planting beds to assist soils in retaining moisture, reducing weed growth, and preventing erosion. These mulches can also be used in places where conditions aren't adequate for or conducive to growing quality turf or ground covers. Mulches are typically wood bark chips, wood grindings, pine straws, nut shells, and shredded landscape clippings.~~
 - v. ~~A layer of organic mulch three (3) inches deep shall be specified on the planting plans in plant beds and around individual trees in turfgrass areas. Use of a byproduct or recycled mulch is recommended. Mulch is not required in annual beds.~~
 - vi. ~~Mulch rings should extend to at least three (3) feet around freestanding trees and shrubs.~~
 - vii. ~~All mulch should be renewed periodically.~~

viii. ~~Mulches should be kept at least six (6) inches away from any portion of a building or structure. Mulches should be kept two to four (2—4) inches away from all tree trunks and certain types of shrubs and ground covers.~~

ix. ~~Plastic or other impervious materials shall not be used under mulched areas.~~

9. ~~**Installation and Maintenance:** All planting, excluding private residences, shall be installed according to accepted commercial planting procedures and executed by a qualified and licensed landscape contractor using the quality and type of materials recommended by the City Biologist and stated herein.~~

~~10.1. Exemptions to Xeriscaping:~~ Exempted from the provisions of ~~this Article~~ [Table 107.69.1](#), if applicable, are the following:

a. Golf courses and specialized athletic fields; [*Rationale: These have specialized needs not addressed in the general references, and are usually managed by highly trained professionals*]

~~b. One and two family dwelling units on individual lots.~~

~~e.b.~~ Any development that is governed by an approved, final site plan or a valid building permit issued prior to the effective date of this Ordinance, is exempted from retrofitting or meeting the specific provisions of ~~this Article~~ [Table 107.69.1](#). However, no existing development is exempted from meeting the provisions affecting management, maintenance, or the education of maintenance personnel of this Ordinance.

~~d.c.~~ Rights-of-way for public utilities, including electrical transmission and distribution lines, and natural gas pipelines.

~~e.d.~~ Conditional exemption may be granted by the City Biologist for individual projects if the applicant can, in writing, define the areas of exemption and demonstrate acceptable reasons for the requested exemption.

~~11. Alternative Compliance:~~

~~a. An applicant may submit a landscape or planting plan which varies from the strict application of the xeriscaping requirements of this Article in order to accommodate unique site features, or characteristics, the preservation of water views or to utilize innovative design.~~

~~b. An alternative compliance landscape or planting plan may be approved only upon a finding that it fulfills the purpose and intent of the xeriscaping requirements of the Plan and of this Article as well as or more effectively than would adherence to the strict requirements.~~

~~c. In evaluating proposed alternative compliance landscape or planting plans, considerations shall be given to proposals which preserve existing native vegetation and where the design ensures the maximum preservation of existing non-invasive vegetation on the site.~~

Section 107.70. Landscape Buffer Requirements.

A. *Project Boundary Buffers:*

1. *General Provisions:*

a. Project Boundary Buffers shall be located along the outer perimeter of the parcel to be developed extending inward from the parcel boundaries. The project Boundary Buffer shall be applied to the sides and back of the property. The TRC has the authority to approve the placement of a buffer at an adequate distance from the parcel boundary when it can be shown that a conflict exists with an existing utility easement.

- b. Buffers on residential developments shall be designated as common areas and shall not be included within lots.
- c. Buffers on nonresidential sites may be included within lots and counted toward setback requirements.
- d. No structures are permitted in buffers except fire hydrants, concrete valve markers, underground utility markers, switches, bus shelters or benches, incidental signs not exceeding two (2) square feet in area, and screening.
- e. No parking is permitted within a buffer zone.
- f. Buffer areas may include portions of the stormwater management system if the applicant demonstrates that the character and intent of the buffer is not diminished. At a minimum, the buffer shall include all of the required plantings at the normal grade of the site at the property line.
- g. Pedestrian access through a buffer to adjacent uses may be permitted.
- h. Utility lines may cross the buffer provided that the amount of buffer compromised is minimized while maintaining the specified number of plantings required in Table 107.70.2.
- i. Trails within a buffer may be permitted provided the character and intent of the buffer is not diminished.

2. *Required Project Boundary Buffers:*

a. Minimum buffers types (i.e. low medium high) required on property boundaries between zoning districts are shown in Table 107.70.1. For the purpose of prescribing appropriate Project Boundary Buffers from the City of Marathon Landscape Design Manual, the following shall apply to Table 107.70.1

- a. H = H Type Buffer = H2, H4, H5, or H6
- b. M = M Type Buffer = M2, M3, or M5
- c. L = Low Type Buffer = L1, or L3

~~a-b.~~ Minimum width and planting ~~specifications—quantities~~ for required project boundary buffers are shown in ~~the table below~~ Table 107.70.2. Substitution of plant materials may be allowed pursuant to Table 107.70.3 provided the character and intent of the buffer is not diminished. General arrangement of plant material within buffers shall be required to substantially comply with the latest edition of the City of Marathon Landscape Design Manual, adopted herein by reference.

~~b-c.~~ The TRC may reduce the required buffer width by up to 50 percent where it can be shown by the applicant that the reduction is warranted by unique site features or characteristics. This would include, but is not limited to, situations where the buffer would be located adjacent to a waterbody or open space area or if a permanent buffer exists on the adjacent property.

~~e-d.~~ The following additional buffering shall be provided where off-street loading exists:

- i. Loading bay areas shall be screened from any residential district.
- ii. In the MU land use districts, off-street loading shall be screened from US1.

Table 107.7066.1
Project Boundary Buffer Standards

Zoning District of Subject Property	Zoning District of Adjacent Property														
	A	C-NA	C-OI	I-G	I-M	MU	MU-M	PR	P	R-MH	RH	RM	RM-1	RL	RLC
A	N/A	H	H	H	H	H	H	H	H	H	H	H	H	H	H
C-NA	H	N/A	M	H	H	H	H	H	H	H	H	H	H	H	H
C-OI	H	M	N/A	H	H	H	H	H	H	H	H	H	H	H	H
I-G	H	H	H	N/A	L	H	H	H	H	H	H	H	H	H	H
I-M	H	H	H	H	N/A	M	M	H	H	H	H	H	H	H	H
MU	H	H	H	H	M	N/A	L	M	M	M	M	H	H	H	H
MU-M	H	H	H	H	M	L	N/A	M	L	M	M	H	H	H	H
PR	H	H	H	H	H	M	M	N/A	L	M	M	H	H	H	H
P	H	H	H	H	H	M	L	L	N/A	M	M	H	H	H	H
R-MH	H	H	H	H	H	M	M	M	M	N/A	M	M	H	H	H
R-H	H	H	H	H	H	M	M	M	M	M	N/A	M	L	L	L
RM	H	H	H	H	H	H	H	H	H	M	M	N/A	M	M	L
RM-1	H	H	H	H	H	H	H	H	H	H	H	M	N/A	M	L
RL	H	H	H	H	H	H	H	H	H	H	H	M	M	N/A	L
RL-C	H	H	H	H	H	H	H	H	H	H	H	H	L	L	N/A

Table 107.70.2
Project Boundary Buffer Minimum Width and Planting Requirements

Buffer Type	Minimum Width	Canopy Tree	Understory Tree	Non-Deciduous	Shrub	Screening
L-Low	10 feet	2	6	0	6	No
M-Medium	15 feet	4	2	2	16	No
H-High	20 feet	10	5	5	30	Yes

<u>Buffer Type</u>	<u>Buffer Width</u>	<u>Large Tree Qty</u>	<u>Medium Tree Qty</u>	<u>Large Shrub Qty</u>	<u>Medium Shrub Qty</u>	<u>Small Shrub Qty</u>	<u>Ground Cover Qty</u>	<u>Large Palm Qty</u>	<u>Medium Palm Qty</u>
L1	10'	0	5	4	8	26	48	-	-
L2	10'	0	4	0	9	24	72	-	-
L3	10'	3	4	0	6	18	60	-	-
L4	10'	0	4	0	6	24	42	-	-
M1	15'	2	2	6	6	25	92	-	-
M2	15'	3	4	6	6	29	28	-	-
M3	15'	3	4	0	12	18	80	-	-
M4	15'	0	3	0	10	29	48	-	-
M5	15'	0	0	6	17	28	30	-	9
H1	20'	3	0	0	12	42	74	-	-
H2	20'	3	2	9	10	15	54	-	-
H3	20'	2	2	0	6	36	108	-	-
H4	20'	2	4	9	16	32	27	-	3
H5	20'	3	4	9	16	34	27	-	-
H6	20'	0	3	10	12	24	50	-	-

<u>Table 107.70.3</u>			
<u>Landscape Buffer Substitutes</u>			
<u>Buffer Type</u>	<u>Landscape Buffer Possible Substitutes</u>	<u>Tree and Palm Substitute Equivalents</u>	
		<u>Option 1</u>	<u>Option 2</u>
<u>L1</u>	<u>40% Medium Trees</u>	<u>1 Medium Tree= 1 Large Palm</u>	<u>1 Medium Tree= 3 Medium Palms</u>
<u>L2</u>	<u>None</u>	<u>N/A</u>	<u>N/A</u>

L3	50% Medium Trees	1 Medium Tree= 1 Large Palm	1 Medium Tree= 3 Medium Palms
L4	50% Medium Trees	1 Medium Tree= 1 Large Palm	1 Medium Tree= 3 Medium Palms
M1	None	N/A	N/A
M2	50% Medium Trees	1 Medium Tree= 1 Large Palm	1 Medium Tree= 3 Medium Palms
M3	50% Medium Trees	1 Medium Tree= 1 Large Palm	1 Medium Tree= 3 Medium Palms
M4	None	N/A	N/A
M5	30% Large Shrubs	2 Large Shrubs = 3 Medium Palms	1 Large Shrub= 3 Small Palms
H1	None	N/A	N/A
H2	50% Medium Trees	1 Medium Tree= 1 Large Palm	1 Medium Tree= 3 Medium Palms
H3	None	N/A	N/A
H4	30% Large Trees	1 Large Tree = 1 Large Palm	1 Large Tree = 3 Medium Palms
H5	50% Medium Trees	1 Medium Tree= 1 Large Palm	1 Medium Tree= 3 Medium Palms
H6	30% Medium Trees	1 Medium Tree= 1 Large Palm	1 Medium Tree= 3 Medium Palms

Table 107.70.4
Landscape Material Installation Specifications

MATERIAL TYPE	MINIMUM SPACING	INSTALL CALIPER	INSTALL HEIGHT	CANOPY SPREAD
LARGE TREES	20'- 40'	4"	12'-14'	8'-10'
MEDIUM TREES	15'- 40'	2 1/2"	10'-12'	6'-8'
LARGE SHRUBS	10'- 15'	NA	8'-10'	4'-6'
MEDIUM SHRUBS	5'- 10'	NA	24"-36"	24"-36"
SMALL SHRUBS	3'- 5'	NA	24"-36"	24"-36"

3. *Project Boundary Buffer Standards:*

- a. Examples of appropriate species for planting in buffers are listed in Table 107.68.1. [and 107.68.2](#)
- b. Plant materials and installation shall meet the requirements of [Section 107.68](#), [Section 107.69](#) and meet the minimum ranges for spacing, caliper, height and canopy spread as listed in [Table 107.70.4](#)
- c. The required planting shall generally be spaced or grouped to provide a natural appearance. The required planting shall be evenly spaced to provide a natural appearance.
- d. The plant materials specified in [Table 107.70.2](#) ~~is represent~~ the minimum materials required per 100 linear feet of buffer; the total quantity of materials required shall be determined by dividing the actual length of the buffer.

- e. Canopy-Large trees shall be planted no closer than four (4) feet from any property line.
- f. Shrubs ~~shall~~should be selected that provide a variety of heights at maturity.
- g. Where screening is required or proposed in conjunction with a project boundary buffer (side and rear buffers) ~~as indicated in Table 107.70.1,~~ it shall consist of one (1) of the following:
 - i. A six-foot tall masonry wall;
 - ii. A six-foot tall opaque fence, such as vinyl or wood (no chain-link);
 - iii. Existing dense vegetation not invasive, at least six (6) feet in height; or
 - iv. A berm three (3) feet in height, located entirely within the dense buffer and planted with materials that at maturity shall reach a combined minimum height of six (6) feet.
- h. The location of the wall, fence or berm within the buffer strip shall be subject to TRC determination.
- i. Pedestrian connections through walls or fences that can provide access to adjacent neighborhoods or other uses are encouraged.
- j. Walls and fences shall be landscaped along the entire exterior side so that one-third (1/3) or more of the vertical face of the fence or wall is screened by plantings. The applicant shall be required to demonstrate provision for access and maintenance of landscaping at the time of landscape or planting approval.
- k. Walls and fences more than 60 feet long shall have varying wall alignments, use appropriate scale/massing for planted materials, and include decorative features and sound absorbing or scattering materials.
- l. When a berm is used to form a visual screen in lieu of or in conjunction with a hedge or wall, such berm shall have a stabilized slope of one to three (1:3) rise/run and shall be completely covered with shrubs, sod or other landscape quality living ground cover.
- m. Existing non-invasive vegetation may be used to fulfill buffering and screening requirements where such existing natural vegetation is of sufficient height or can be augmented to reach a sufficient height and opacity to provide an effective visual and acoustical buffer giving consideration to the existing and proposed uses.

Roadway Buffers: Specific roadway buffers shall be required as established in [Section 107.71](#), "Streetscape Treatment Types" below. Any vegetation planted near driveways and road intersections shall be selected so that the requirements in Article 5, [Section 107.43](#) for clear sight triangle can be met.

B. *Measurements:*

1. Driveway widths (measured at the inside edge of the buffer) shall not be counted in the calculation of the plant material required.
2. All buffers shall be measured from the future right-of-way line determined during the site plan review, unless additional public utility easement is required between the right-of-way line and the buffer to provide utility clearance.

Section 107.71. Streetscape Treatment Types.

Streetscape treatments encompass the organization of outdoor space and all elements creating that space, including trees and vegetation, parking areas, hardscape structures such as fences, walls, furniture, and sidewalks, and the correct orientation and proper scale of building facades. Streetscape treatment shall be applied to the front setback, in particular those fronting a street or road.

The following streetscape treatment types shall apply throughout the City:

- A. *Type 1: (A, MU, MU-M, P, PR zoning districts):* It is the expressed intent of Streetscape Treatment Type 1 to provide an environment which mitigates the impacts of automobile-oriented areas in order to make them more livable. This includes reduction of visual clutter, including signage and location of auto parking areas, and the provision of landscaping to enhance and soften the environment through the provision of screening, shade, and buffers. It shall apply to all parcels along US 1, with the exception of the Old Town area.
1. The landscape treatment area shall be prescribed from the buffer types found in Table 107.70.2. The buffer type and minimum width shall be determined by average depth of the property or parcel being developed, redeveloped or substantially improved and shall be prescribed from Table 107.71.1.
 2. Minimum width and planting quantities for required Streetscape Treatment Types are shown in Table 107.70.2. Substitution of plant materials may be allowed pursuant to Table 107.70.3 provided the character and intent of the streetscape treatment is not diminished. A single substitution is permitted per 100 linear feet. General arrangement of plant material within buffers shall be required to substantially comply with the latest edition of the City of Marathon Landscape Design Manual, adopted herein by reference.
 3. Plant materials and installation shall meet the requirements of Section 107.68, Section 107.69, Section 107.70.A.3 and shall meet the minimum ranges for spacing, caliper, height and canopy spread listed in Table 107.70.4

Table 107.71.1

<u>Average Lot Depth</u>	<u>Streetscape Buffer width</u>
<u>≤ 101 feet</u>	<u>L- Low</u>
<u>>101 - 299 feet</u>	<u>M- Medium</u>
<u>> 300 feet</u>	<u>H- High</u>

- ~~1. be planted within a ten foot wide buffer predominantly with shrubs and native canopy trees of at least two (2) inches caliper at breast height, approximately 50 feet on center.~~
- ~~2. A minimum of four (4) understory trees per 240 feet of frontage, or fraction thereof, shall be planted in and about access points. In addition smaller accent trees shall be planted every 120 feet and staggered midway between the large canopy trees.~~
- ~~3.4. Large Canopy and understory medium trees shall be placed in compliance with Section 107.66.A.1, wherever applicable. so as to provide at least 50 percent canopy coverage of sidewalks along US1, except where prohibited by overhead utility restrictions or as required to preserve the water view when traveling along the highway.~~
- ~~4.5. Plantings within utility easements shall be consistent with any such easement agreement dictating type and height of such plantings at maturity. Plantings of shrubs and small trees may be located within the utility easement upon agreement and approval of FKAA and FKEC only. When the utility easement is narrow, the plantings shall be placed on the road side of the easement. In such instances~~

the planting area shall be a minimum width of five (5) feet between the back of the curb and the sidewalk, in accordance with the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, latest edition, incorporated in Rule 14-15.002, F.A.C.

~~5.6.~~ Parking spaces shall not be placed on the front of parking lots abutting US1.

~~6.7.~~ All parking not located to the rear of buildings shall be screened from the right-of-way by a landscaped buffer along US1, ~~including a continuous hedge or combination hedge and earth berm providing a three-foot high visual screen within two (2) years of planting.~~

~~7.8.~~ Parcels which propose drive-thru windows shall be sited so as to locate such windows to the side or rear of buildings and that the drive isles for those windows be predominantly to the side and rear also.

B. *Type 2: (MU, MU-M):* Detailed design of the streetscape shall be accomplished in concert with the architectural design, specific use standards, streetscape design, and special parking requirements. It shall be applied to the Old Town area along US 1 only.

1. *Parking Standards:*

- a. Parking lots shall be located at the rear or side of street-front uses and shall be screened from the streets, sidewalk, and open spaces by low walls, fences, or low berms in combination with plantings to achieve at least a three-foot high visual screen. Walls or fences must be softened through use of vegetation.
- b. Parking lots and parking garages shall not abut street intersections, be adjacent to squares or parks, or occupy lots that terminate at a vista, except when specifically designed to incorporate massing, scale, and detail that contributes to the adjoining public space.
- c. Adjacent parking lots shall have vehicular connections and shared street access wherever possible.

2. *Land Use Standards:*

- a. All open spaces, including public, conservation, and community spaces, shall be a focal element around which other land uses are organized.
- b. Provisions for alternative transportation shall be included in the overall design including specific accommodations for integration of mass transit facilities.
- c. Development shall be divided into an interconnected grid system.
- d. Appropriate locations for all pedestrian/bicycle access ways shall encourage a continuous system of access. Proposed pedestrian/bicycle access shall connect to existing pedestrian/bicycle access in appropriate manner.

3. *Required Tree Plantings:*

- a. Native canopy street trees shall be required along both sides of US1. Spacing is determined by species type. Unless the planting of the canopy tree will interfere with the water views when traveling along US1, street trees shall be spaced an average of 40 feet on center. Examples of appropriate canopy trees are identified in Table 107.68.1.
- b. All planting shall be coordinated with existing and planned utilities and their infrastructure in such a way as to not interfere with those utilities.
- c. Street trees shall be planted between the street and the sidewalk whenever space permits to protect pedestrians and calm traffic. In such instances the planting area shall be a minimum width of five (5) feet between the back of the curb and the sidewalk, in accordance with the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, latest edition, incorporated in Rule 14-15.002, F.A.C.

C. ~~Street Treatment~~ Type 3: (All zoning districts on other City streets):

1. All multi-family and nonresidential developments shall be required to provide ~~one (1) of the following buffers~~ a Low type buffer prescribed from the buffer types found in Table 107.70.2 along the entire street frontage:
 - a. ~~Minimum width and planting quantities for required Streetscape Treatment Types are shown in Table 107.70.2. Substitution of plant materials may be allowed pursuant to Table 107.70.3 provided the character and intent of the streetscape treatment is not diminished. A single substitution is permitted per 100 linear feet. General arrangement of plant material within buffers shall be required to substantially comply with the latest edition of the City of Marathon Landscape Design Manual, adopted herein by reference.~~
 - b. ~~Plant materials and installation shall meet the requirements of Section 107.68, Section 107.69, Section 107.70.A.3 and shall meet the minimum ranges for spacing, caliper, height and canopy spread listed in Table 107.70.4~~
 - a. ~~Two (2) canopy trees and two (2) understory trees per 100 linear feet of property frontage, located within a ten-foot wide landscape buffer. Spacing of canopy trees will be determined by species, but in no case shall they be planted further than 40 feet on center. Examples of appropriate canopy trees are identified in Table 107.68.1.~~
 - b. ~~Under utility lines only, four (4) understory trees per 100 linear feet of property frontage, located within a ten-foot wide landscape buffer.~~
2. All single- and two-family residential uses shall be required to ~~provide a minimum of two (2) canopy street trees for every 100 linear feet of property frontage along local streets. Spacing will be determined by species, but in no case shall they be planted further than 50 feet on center. Examples of appropriate canopy trees are identified in Table 107.68.1~~ comply with Section 107.69.C-E., when applicable and Section 107.72.
3. Utility allocations shall be designed to provide utilities' required separation between trees and utility facilities.
4. Street trees shall be planted between the street and the sidewalk whenever space permits to protect pedestrians and calm traffic. In such instances the planting area shall be a minimum width of five (5) feet between the back of the curb and the sidewalk, in accordance with the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, latest edition, incorporated in Rule 14-15.002, F.A.C.
5. For streets without curbing, all street trees shall be planted no further than ten (10) feet from the back of right-of-way.

Section 107.72 Residential Requirements

(A) Notwithstanding the requirements in Section 107.71.C above, all new and substantially improved residential development, as defined in Section 107.100, shall comply with the following standards:

(1) All one-family detached lots that are twelve thousand (12,000) square feet or larger shall be planted as follows:

(i) Plant a minimum of four (4) large trees and three (3) medium trees or palms per lot.

(ii) At least two (2) of the large trees shall be planted on the south and/or west and/or east side and within twenty (20) feet, where feasible, of the residential structure.

(iii) At least one (1) of the required large trees and one (1) of the medium trees shall be located in the front yard or, in the case of a corner lot, in the front or side yard facing the street. This shade tree may also count toward fulfillment of the landscaping for energy conservation requirement in (ii), above, if located in accordance with such requirement.

(2) All one-family detached lots that are seven thousand, five hundred (7,500) square feet or larger but less than twelve thousand (12,000) square feet shall be planted as follows:

(i) Plant a minimum of three (3) large trees and three (3) medium trees or palms per lot.

(ii) At least one (1) of the large trees shall be planted on the south and/or west and/or east side and within **twenty** (20) feet, where feasible, of the residential structure.

(iii) At least one (1) of the required large trees shall be located in the front yard or, in the case of a corner lot, in the front or side yard facing the street. This large tree may also count toward fulfillment of the landscaping for energy conservation requirement in (ii), above, if located in accordance with such requirement.

(3) All one-family detached lots that are larger than four thousand, five hundred (4,500) square feet but less than seven thousand, five hundred (7,500) square feet shall be planted as follows:

(i) Plant a minimum of three (3) large trees and three (2) medium trees or palms per lot.

(ii) At least one (1) of the large trees shall be planted on the south and/or west and/or east side and within **twenty** (20) feet, where feasible, of the residential structure.

(iii) At least one (1) of the required large or medium trees shall be located in the front yard or, in the case of a corner lot, in the front or side yard facing the street. This large tree may also count toward fulfillment of the landscaping for energy conservation requirement in (ii), above, if located in accordance with such requirement.

(4) All one-family detached lots that are four thousand, five hundred (4,500) square feet or less in size shall be planted as follows:

(i) Plant a minimum of two (2) large trees and two (2) medium trees or palms per lot.

(ii) At least one (1) of the required large or medium trees shall be located in the front yard or, in the case of a corner lot, in the front or side yard facing the street.

(5) Townhouses, One-Family Attached and Duplex Dwellings, Arranged side-by side shall be planted as follows:

(i) Plant a minimum of one and one-half (1.5) large trees and one (1) medium tree per dwelling unit located on individual lots and/or common open space to best fulfill the objectives and design guidelines of this section.

(6) Townhouses, One-Family Attached and Duplex Dwellings, Arranged over-under shall be planted as follows

(i) Plant a minimum of two (2) large trees and one and one-half (1.5) medium trees per dwelling unit located in common open space to best fulfill the objectives and design guidelines of this section. Fractional amounts shall be rounded up.

(B) An existing native tree, equal or exceeding four (4) inches diameter at breast height (dbh) located on an individual lot within twenty (20) feet of a dwelling unit may be counted toward fulfillment of the requirement for a tree on that lot, provided that the size (dbh), genus, condition, and location of each tree to be counted toward the fulfillment of this requirement is shown on the landscape plan. The site and landscape plan must also demonstrate that a minimum of seventy percent (70%) of the critical root zone of such tree will remain undisturbed. The Critical Root Zone (“CRZ”) of a tree shall be determined by the drip line of the canopy.

(C) When a project boundary buffer as required by Section 107.70 Landscape Buffer Requirements, is located on a single-family detached lot, the following shall apply:

(1) If less than twenty percent (20%) of the area of the lot is occupied by the buffer strip, none of the trees required by Section 107.72 may be located in the buffer strip.

(2) If more than twenty percent (20%) of the area of the lot is occupied by the buffer strip, one (1) of the large trees or two (2) of the medium trees required by Section 107.72, Residential Requirements, may be located in the buffer strip and may also count toward fulfillment of the boundary buffer requirement.

Section 107.7273. Alternative Compliance.

~~(d)~~(a) The provisions of this article shall be liberally construed to effectively carry out the purpose and the intent of the Plan and of this article in the interest of the health, safety and welfare of the residents of the City.

~~(e)~~(b) An applicant may submit a landscape or planting plan which varies from the strict application of the requirements of this article in order to accommodate unique site features, or characteristics, the preservation of water views or to utilize innovative design.

~~(f)~~(c) An alternative compliance landscape or planting plan may be approved only upon a finding that it fulfills the purpose and intent of the Plan and of this article as well as or more effectively than would adherence to the strict requirements.

~~(g)~~(d) In evaluating proposed alternative compliance landscape or planting plans, considerations shall be given to proposals which preserve existing native vegetation and use ~~xeriscape~~ Xeriscape-Florida Friendly and other low water use landscape design principles and where the design ensures the maximum preservation of existing vegetation on the site.

Sponsored by: Garrett
Introduction Date: October 10, 2023
Public Hearing Dates: October 10, 2023
November 14, 2023
Enactment Date: November 14, 2023

**CITY OF MARATHON, FLORIDA
ORDINANCE 2023-20**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, MODIFYING SECTION 32-34 OF THE CITY CODE OF ORDINANCES, ‘TOW AWAY ZONES’; ADD ONE TOW AWAY ZONE AND ADDING SECTION 32.35 ‘PARKING PROHIBITIONS IN SPECIFIED PLACES’; PROVIDING FOR REMOVAL OF ANY SECTIONS OF THE CODE FOUND IN CONFLICT WITH THIS CHANGE IN THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 32-34 of the City’s Code of Ordinances was last amended in 2022;
and

WHEREAS, said Code Section establishes the specific location and criteria for the development and enforcement of tow away zones; and

WHEREAS, this proposed Ordinance modifies the existing Code section by adding one tow away zone predicated on previous Council actions; and

WHEREAS, this proposed Ordinance modifies the existing Code section by adding section 32.35; and

WHEREAS, modification of this Ordinance is in the best interest of the citizens of the City of marathon, in protection of their life / safety,

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

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

Section 2. Section 32-34 *Tow away zones* is hereby modified to read:

Sec. 32-34. - Tow away zones.

(a) **Direction and Criteria Established:** This Section provides the criteria for approving and specific for areas established pursuant to City Council direction to establish tow away zones.

Unless otherwise prescribed for a specific area or zone set out in Section 32-34 (b), the following rules apply:

(1) In designating a tow away zone, staff and the City Council shall determine the need based on community character considerations, impact on local neighborhoods and vehicular and pedestrian traffic, and on basic life safety considerations.

(2) Once created, City staff is authorized to post "tow-away zone" signs within the areas so designated in Section 32-34 (b) below, spaced at such intervals as to place a motorist on notice of the area's designation. After this area, or any portion thereof, has been designated and posted as a "tow-away zone," no vehicle shall be permitted to park in the designated and posted areas.

(3) The "tow-away zone" signs shall indicate that the vehicle may be towed and provide a contact number for vehicle owners to call to determine the location of towed vehicles.

(4) Violators of this section shall have their vehicle, including any trailers or other items attached to the vehicle, towed away at the owner's expense.

(5) This section shall only be enforceable by the Sheriff's Office, the City Manager, or his/her designee. If a Sheriff's Officer, the City Manager, or his/her designee discovers a vehicle parked in violation of this section, they may have the vehicle towed and impounded by an operator qualified under the City's towing ordinance, at the owner's expense. The cost of such towing and impoundment shall be a lien against the vehicle, and shall not exceed the rates listed in Subsection 32-2(d) of this Code.

(6) This section shall not apply to law enforcement, fire or ambulance, or government vehicles that are parked in furtherance of their public service responsibilities.

(b) Tow Away Zones Established:

(1) Aviation Boulevard: A tow away zone is established along the entire length of the Aviation Boulevard right-of-way, **from its intersection within U.S. Highway 1 to 107th Street** ~~except; for~~

a. the areas in front of residential homes so long as parking in front of those areas does not obstruct traffic;

b. the area off the pavement on the north side of the road within 250 feet west of the intersection of Aviation Boulevard with Stirrup Key Boulevard; and

c. designated parking spaces on the south side of the road between Shark Street and 107th Street.

(2) Harbor Drive: A tow away zone is established along a portion of Harbor Drive, beginning at the intersection of Harbor Drive with Aviation Boulevard, and extending north for 500 feet on both sides of the street, including all land located within the Harbor Drive right-of-way.

(3) Sombrero Boulevard: A tow away zone is established along the golf course side of Sombrero Boulevard which prohibits parking except in designated parking areas by passenger vehicles only and further prohibits parking of trailers of any type, RVs, travel trailers, fifth wheels, and other similar vehicles.

(4) Sombrero Beach Road: A tow away zone is established from the Sombrero Beach Park residence to Spoonbill Drive along both sides of the Right-Of-Way of Sombrero

Beach Road. The City Council may relax entirely this restriction by their specific direction provided at a Council meeting for requested events and holidays. The 4th of July holiday shall be a specific exception for enforcement of this tow away zone.

(5) 25th Street: A tow away zone is established along the right-of-way of 25th Street which prohibits parking except in designated parking areas by passenger vehicles only and further prohibits parking of trailers of any type, RVs, travel trailers, fifth wheels, and other similar vehicles.

Section 3. Section 32-35 *Parking prohibitions in specified places* is hereby to read:

Sec. 32.35 - Parking prohibitions in specified places.

(a) No person shall stop, stand, or park a vehicle within any of the following places:

(1) On a sidewalk, shared-use path, or bikelane except to lawfully load and unload passengers or freight for any period of time longer than is necessary for the expeditious loading or unloading of passengers or merchandise,

(2) Within a utility easement when utilities are being constructed, maintained or repaired at the direction of City of Marathon employees or contractors. Notice must be given to the owner of any parked vehicle by notice attached to the vehicle in a conspicuous at least 48 hours before any work in the easement. After which the vehicle may be towed at owners' expense.

(b) This section shall not apply to law enforcement, fire or ambulance, or government vehicles that are parked in furtherance of their public service responsibilities.

(c) Violators of this section shall have their vehicle or property, including any trailers or other items attached to the vehicle, towed at the owner's expense. . The cost of such towing and impoundment shall be a lien against the vehicle. In the event that a court of the Sixteenth Judicial Circuit determines that the noncriminal violation charged was invalid.

(1)The vehicle shall be immediately released without charge and the lien provided for in this section automatically extinguished; or

(2) If the owner or operator has paid the cost of towing and impoundment, the amount paid shall be refunded from the City's general fund.

(d) This section shall only be enforceable by the Sheriff's Office, the City Manager, or his/her designee. If a Sheriff's Officer, the City Manager, or his/her designee discovers a vehicle parked in violation of this section, they may have the vehicle towed and impounded by an operator qualified under the City's towing ordinance, at the owner's expense. The cost of such towing and impoundment shall

be a lien against the vehicle, and shall not exceed the rates listed in Subsection 32-2(d) of this Code.

(6) The noncriminal civil penalty for a violation of Subsection (a) of this Section is \$250.00. A law enforcement officer or parking enforcement specialist who discovers a vehicle parked in violation of Subsection (a) of this Section may issue a ticket in the form used by the City for parking violations to the driver or, if the vehicle is unattended, attach the ticket to the vehicle in a conspicuous place. The liability for payment of the ticket is pursuant to Fla. Stat. § 316.1967. Penalties collected under this Section may be remitted to the City's general fund.

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

Section 5. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall 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 5. It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. This Ordinance shall become effective immediately upon adoption on second reading.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14th DAY OF NOVEMBER, 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(CITY SEAL)

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

City Attorney
Steven T. Williams



COUNCIL AGENDA STATEMENT

Meeting Date: October 10, 2023

To: Honorable Mayor and Council Members

From: Brian Shea, Planning Director

Through: George Garrett, City Manager

Agenda Item: **Ordinance 2023-21** Of The City Of Marathon, Florida, Amending The First Time Homebuyer Assistance Program; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date

BACKGROUND:

The proposed change in the definition of first-time home buyers to include those currently residing in multifamily affordable home ownership units built by Habitat for Humanity is a significant step towards promoting social mobility and homeownership opportunities for low to median-income individuals and families by freeing up habitat units. The fact that Habitat for Humanity has voluntarily removed itself from being able to access the first-time homebuyer program in the past demonstrates a commitment to prioritizing the needs of its beneficiaries and promoting equitable access to housing opportunities. By foregoing eligibility for the program, Habitat for Humanity has shown its dedication to serving low to median-income individuals and families and ensuring that the assistance they receive is directed at those who have not yet had the chance to experience homeownership.

Promoting Graduation from Affordable Housing: By allowing current occupants of Habitat for Humanity-built affordable housing units to be considered first-time home buyers, the program encourages a pathway for them to graduate from affordable housing to market-rate housing. This progression will enable these individuals and families to experience upward mobility and gain access to a wider range of housing options. As they move to market-rate housing, the affordable housing unit they previously occupied becomes available for other deserving families, creating a continuous cycle of assistance to those in need.

Ensuring Financial Stability: One of the essential eligibility criteria for Habitat for Humanity-built affordable housing is that the occupants cannot make more than 100% of the median income. By extending first-time home buyer eligibility to this group, the program ensures that individuals who are still within the income threshold are given an opportunity to transition to market-rate housing. This ensures that the occupants are financially stable enough to handle the responsibilities that come with homeownership, reducing the risk of default and foreclosure.

Financial Literacy Programs: The fact that Habitat for Humanity is now conducting financial literacy programs further strengthens the argument for including their occupants in the first-time home buyer program. These financial literacy programs equip individuals with the necessary knowledge and skills to manage their finances effectively, including

budgeting, saving, understanding mortgage terms, and maintaining a good credit score. As a result, the occupants will be better prepared for the challenges of homeownership, reducing the likelihood of financial difficulties and promoting sustainable homeownership.

Expanding Homeownership Opportunities: By allowing Habitat for Humanity occupants to qualify as first-time home buyers, the program broadens the pool of potential home buyers who can access assistance and favorable terms in the real estate market. This not only increases homeownership rates among low to moderate-income households but also contributes to a more inclusive housing market.

Social and Economic Impact: Homeownership has long been associated with various social and economic benefits, including improved stability for families, better educational outcomes for children, and increased wealth accumulation. By facilitating the transition of individuals and families from affordable housing to market-rate housing, the proposed change in definition can positively impact the overall well-being of the community.

Extending first-time home buyer eligibility to include individuals currently residing in Habitat for Humanity-built affordable housing units is a progressive and pragmatic approach. It leverages the financial stability of these individuals, their successful experience with affordable housing, and their exposure to financial literacy programs to enable a smoother transition to market-rate housing. Ultimately, this change will create a positive impact on both the individuals and the broader affordable housing landscape, fostering a cycle of support and mobility for those in need.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u> X </u>	<u> </u>
2. Other –Sewer Mandate	<u> </u>	<u> No </u>

FISCAL NOTE:

NA

APPROVED BY FINANCE DIRECTOR:

RECOMMENDATION:

Approval of proposed revisions to the First Time Home Buyers Program Ordinance.

Sponsored by: Garrett
Introduction Date: October 10, 2023
Public Hearing Dates: October 10, 2023
November 14, 2023
Enactment date: November 14, 2023

**CITY OF MARATHON, FLORIDA
ORDINANCE 2023-21**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,
AMENDING THE FIRST TIME HOMEBUYER ASSISTANCE
PROGRAM; PROVIDING FOR THE REPEAL OF ALL CODE
PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS
ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR
INCLUSION IN THE CODE OF ORDINANCES, CITY OF MARATHON,
FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City of Marathon (the “City”) has experienced a large disparity between the sales price of single-family and multi-family dwelling units and the median family income in the City;

WHEREAS, consequently, substantial savings for a down payment is required for a home purchase; and

WHEREAS, in Section 104.03 of the City’s Land Development Regulations (the “LDRs”), the City has set forth the income requirements for affordable housing in the City; and

WHEREAS, families that meet the affordable housing income criteria set forth in the LDRs find it difficult to save money for a down payment; and

WHEREAS, the City Council has provided the ability for First Time Home Buyers to more affordably acquire a first home in the Florida Keys through the First Time Home Buyers Assistance Program; and

WHEREAS, the City has established an Affordable Housing Program fund to collect fees and other amounts owing by developers and property owners in connection with affordable housing contributions under development agreements or otherwise pursuant to the LDRs; and

WHEREAS, the City Council requested that staff to begin revisions to the FTHBP in accordance with the Council’s additional deliberations and direction; and

WHEREAS, revision of the First Time Home Buyers Assistance Program is in the public interest as it will assist in expanding the privilege of home ownership to individuals of low and moderate income levels by providing no interest down payment loans.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:¹

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

Section 2. Chapter 3, Article III, of the Code of Ordinances, City of Marathon, Florida, is hereby amended to read as follows:

ARTICLE III. FIRST TIME HOMEBUYER ASSISTANCE PROGRAM

Sec. 3-41. Definitions.

Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa. Words of one (1) gender include the correlative words of the other gender, unless the sense indicates otherwise. Additionally, the terms set forth below have the following meaning except where the context clearly otherwise requires:

Adjusted gross income shall have the same definition as set forth in Section 104.03 of the LDRs.

Department means the Planning Department of the City.

Director means the Director of the Planning Department of the City.

First time homebuyer means a person or persons who have not had an interest in real property for at least the past three (3) years. First time homebuyer also means any person or persons currently residing in a two or more unit Habitat for Humanity affordable housing, and would not apply to those who have already received first time home buyer funds.

LDRs means the City's Land Development Regulations set forth in Chapter 16 of the City Code.

Primary employment income refers to a person's income that is derived from at least 70 percent of employment within Monroe County.

Resident of the City means the person's principal residence and domicile is within the City.

Resident of the County but within the extended qualification area means the person's principal residence and domicile is within the Florida Keys from Big Pine Key to Conch Key.

(Ord. No. 2010-01, § 2(2-200), 2-9-2010; Ord. No. 2016-08 , § 2, 10-25-2016)

Section 3. If any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

¹ / Additions and new text are shown by underline, deletions are shown as ~~strike through~~.

Section 5. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Marathon, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Marathon Code.

Section 6. This Ordinance shall be effective immediately upon enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14th DAY OF NOVEMBER 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier
City Clerk

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

Steven Williams, City Attorney



CITY COUNCIL AGENDA STATEMENT

Meeting Date: October 10, 2023
To: Honorable Mayor and City Council
From: George Garrett, City Manager

Agenda Item: **Resolution 2023-100**, Authorizing The Potential Settlement Of TBRs Appealed By The Florida Department Of Commerce, Formerly Known As Florida Department Of Economic Opportunity; Authorizing The City Manager To Sign Settlement Documents On Behalf Of The City; And Providing For An Effective Date.

BACKGROUND:

The City of Marathon approved the following TBRs: TBR-22-27, TBR-22-28, TBR-22-7, TBR-22-15, TBR-22-19, TBR-22-20, TBR-22-23, TBR-22-26, TBR-22-29, TBR-22-9, TBR-22-21, TBR-22-22, TBR-22-40, TBR-22-16. The Department of Economic Opportunity appealed the TBRs to the Florida Land and Water Adjudicatory Commission (FLWAC) who referred the cases to the Division of Administrative Hearings.

A motion to abate the Cases No. 22-2572DRI through 22-2574DRI and Case No. 22-2578DRI through Case No. 22-2588DRI was filed July 12th. The Department of Commerce, formerly known as Department of Economic Opportunity, has drafted conceptual framework for a settlement. The conceptual framework requires action by the City of Marathon City.

The conceptual framework is amenable to the City and will require the City to enter into the settlement agreement. The resolution authorizes the City to enter into the settlement agreement and authorizes the City Manager to sign any necessary documents under the advisement of the City Attorney.

RECOMMENDATION:

Approval of the Resolution.

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-100**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE POTENTIAL SETTLEMENT OF TBRs APPEALED BY THE FLORIDA DEPARTMENT OF COMMERCE, FORMERLY KNOWN AS FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AUTHORIZING THE CITY MANAGER TO SIGN SETTLEMENT DOCUMENTS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon approved the following TBRs: TBR-22-27, TBR-22-28, TBR-22-7, TBR-22-15, TBR-22-19, TBR-22-20, TBR-22-23, TBR-22-26, TBR-22-29, TBR-22-9, TBR-22-21, TBR-22-22, TBR-22-40, TBR-22-16; and

WHEREAS, the Department of Economic Opportunity appealed the TBRs to the Florida Land and Water Adjudicatory Commission (FLWAC); and

WHEREAS, FLWAC referred the cases to the Division of Administrative Hearings; and

WHEREAS, the Department's consolidated challenge to TBRs issued by the City of Marathon authorizing the transfers of building rights (Case No. 22-2572DRI through 22-2574DRI and Case No. 22-2578DRI through Case No. 22-2588DRI) were consolidated into one case; and

WHEREAS, the parties have reached a conceptual framework to settle this consolidated case which would negate the need for a final hearing. The conceptual framework requires action by the City of Marathon City Council; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, that:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council hereby authorizes the City Manager to enter into a settlement agreement and sign any necessary documents under the advisement of the City Attorney.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10th DAY OF OCTOBER 2023.

THE CITY OF MARATHON, FLORIDA

Mayor Luis Gonzalez

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

Steven T. Williams, City Attorney



COUNCIL AGENDA STATEMENT

Meeting Date: October 10, 2023
To: Honorable Mayor and Council Members
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-101**, Approving And Accepting A Warranty Deed For The Conveyance Of Land To Be Used As Public Right Of Way, From Presbyterian Kirk Of The Keys Inc; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

BACKGROUND & JUSTIFICATION

The portion of the Kirk property that serves as access to 88th Street has been split off through SSUB-23-5. The ROW parcel is now being deeded over as a 20' public road dedication.

CONSISTENCY CHECKLIST:

Yes No

1. Comprehensive Plan

_____ _____

FISCAL NOTE:

RECOMMENDATION:

Approval of Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-101**

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA, APPROVING AND ACCEPTING A WARRANTY DEED FOR THE CONVEYANCE OF LAND TO BE USED AS PUBLIC RIGHT OF WAY, FROM PRESBYTERIAN KIRK OF THE KEYS INC; AUTHORIZING ITS RECORDING IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for simple subdivision SSUB-23-5 was approved to split off a portion of the Presbyterian Kirk of the Keys Inc property; and

WHEREAS, said parcel provides access to the right of way known as 88th Street.

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

Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. Subject to payment of all taxes and review and approval by the City Attorney, the Statutory Warranty Deed (the "Deed"), submitted by Presbyterian Kirk of the Keys Inc. attached as Exhibit "A" is approved and accepted by the City.

Section 3. A survey of the parcel is attached as Exhibit "B".

Section 4. The City Council finds and determines that the property being dedicated to the City is to be used as a right of way. The City Clerk is directed to forward a copy of this resolution to the Monroe County Property Appraiser and Tax Collector.

Section 5. The warranty deed shall be recorded in the public records of Monroe County.

Section 6. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10TH DAY OF OCTOBER 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

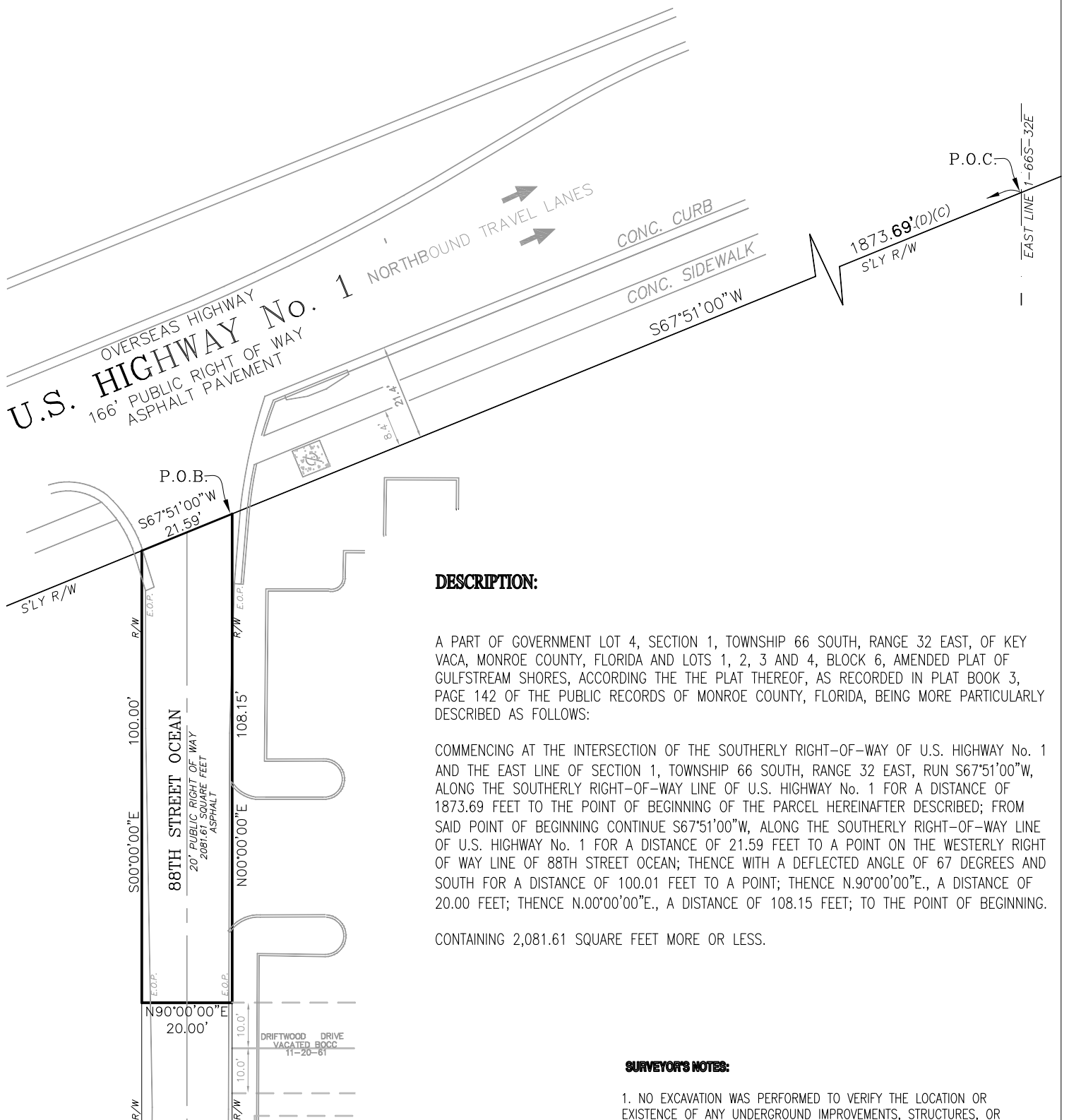
Diane Clavier, City Clerk

(City Seal)

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

Steve Williams, City Attorney

88th STREET OCEAN – 20' PUBLIC ROAD DEDICATION
 A PART OF GOVERNMENT LOT 4
 SECTION 1, TOWNSHIP 66 SOUTH, RANGE 32 EAST
 CITY OF MARATHON



DESCRIPTION:

A PART OF GOVERNMENT LOT 4, SECTION 1, TOWNSHIP 66 SOUTH, RANGE 32 EAST, OF KEY VACA, MONROE COUNTY, FLORIDA AND LOTS 1, 2, 3 AND 4, BLOCK 6, AMENDED PLAT OF GULFSTREAM SHORES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 142 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY No. 1 AND THE EAST LINE OF SECTION 1, TOWNSHIP 66 SOUTH, RANGE 32 EAST, RUN S67°51'00"W, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1 FOR A DISTANCE OF 1873.69 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE S67°51'00"W, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1 FOR A DISTANCE OF 21.59 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF 88TH STREET OCEAN; THENCE WITH A DEFLECTED ANGLE OF 67 DEGREES AND SOUTH FOR A DISTANCE OF 100.01 FEET TO A POINT; THENCE N.90°00'00"E., A DISTANCE OF 20.00 FEET; THENCE N.00°00'00"E., A DISTANCE OF 108.15 FEET; TO THE POINT OF BEGINNING.

CONTAINING 2,081.61 SQUARE FEET MORE OR LESS.

SURVEYOR'S NOTES:

1. NO EXCAVATION WAS PERFORMED TO VERIFY THE LOCATION OR EXISTENCE OF ANY UNDERGROUND IMPROVEMENTS, STRUCTURES, OR FOUNDATIONS. UNDERGROUND UTILITIES SHOWN HEREON ARE SHOWN PER ABOVE GROUND EVIDENCE AND/OR RECORD DRAWINGS OR MUNICIPAL ATLAS INFORMATION AND THE LOCATION OF ALL UNDERGROUND UTILITY LINES ARE APPROXIMATE ONLY. THIS DOCUMENT SHOULD NOT BE RELIED UPON FOR EXCAVATION OR CRITICAL DESIGN FUNCTIONS WITHOUT FIELD VERIFICATION OF UNDERGROUND UTILITY LOCATIONS. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST.
2. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
3. ANY USE OF THIS SURVEY FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
4. BEARINGS ARE BASED UPON THE MONUMENTED CENTERLINE OF 88TH STREET OCEAN BEING N.00°00'00"E. PER PLAT (ASSUMED).
5. THIS IS NOT A BOUNDARY SURVEY

Prospect Surveying, LLC
 Certificate of Authorization No. LB 7921

BRENT JOSEPH THURKETTLE
 FLORIDA LICENSE – LS 6794

THIS IS NOT A BOUNDARY SURVEY

SKETCH OF DESCRIPTION 88TH STREET 20' PUBLIC ROAD DEDICATION
 GOVERNMENT LOT 4 SECTION 1, TOWNSHIP 66 SOUTH, RANGE 32 EAST
 KEY VACA CITY OF MARATHON MONROE COUNTY FLORIDA

Date: 7-3-23



Prospect Surveying, LLC
 Surveying • Planning • GIS
 99353 Overseas Highway
 Unit 13
 Key Largo FL 33037
 www.prospectsurveying.net



COUNCIL AGENDA STATEMENT

Meeting Date: October 10, 2023
To: Honorable Mayor and Council Members
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-102**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From Marathoners II, LLC; Having Real Estate Numbers 00370660-000000 & 00370670-000000; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

BACKGROUND & JUSTIFICATION

As part of the award of BPAS allocations at the September Council Meeting, the above applicant must deed over parcels to the City of Marathon. This resolution accepts the warranty deed for the parcels.

CONSISTENCY CHECKLIST:

Yes No

1. Comprehensive Plan

X

FISCAL NOTE:

RECOMMENDATION:

Approval of Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-102**

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA, APPROVING AND ACCEPTING A WARRANTY DEED FOR THE CONVEYANCE OF LAND FROM MARATHONERS II, LLC; HAVING REAL ESTATE NUMBERS 00370660-000000 & 00370670-000000; AUTHORIZING ITS RECORDING IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 107 of the Land Development Regulations ("LDRs") of the City of Marathon, Florida, (the "City") provide that applicants for allocations in the Building Permit Allocation System ("BPAS") may dedicate up to two parcels in order to receive points which would enhance the applicant's numerical score; and

WHEREAS, if a landowner proposes to dedicate land to the City as set forth above, the landowner is required to execute a statutory warranty deed conveying such land to the City that must be approved by the City Council prior to its recording in the public records of Monroe County, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, that:

Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. Subject to payment of all taxes and review and approval by the City Attorney, the Statutory Warranty Deed (the "Deed"), submitted by Marathoners II, LLC attached as Exhibit "A" is approved and accepted by the City.

Section 3. The City Council finds and determines that the property being dedicated to the City is within an area proposed for conservation or resource protection and shall be held or used for public purposes, specifically for conservation and resource protection use. The City Clerk is directed to forward a copy of this resolution to the Monroe County Property Appraiser and Tax Collector.

Section 4. The warranty deed shall be recorded in the public records of Monroe County.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10TH DAY OF OCTOBER 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

Steve Williams, City Attorney

Prepared by and return to:

Wolfe Stevens PLLC
6807 Overseas Highway
Marathon, FL 33050
(305)743-9858

Parcel Identification No. 00370660-000000/00370670-000000

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture, Made this _____ day of October 2023

Between

Marathoners II, LLC, a Florida limited liability company
post office address is 11765 3rd Ave Ocean, Marathon, FL 33050

City of Marathon, an agency and instrumentality of the State of Florida
whose post office address is 9805 Overseas Highway, Marathon, FL 33050

Grantee:

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

Lots 3 and 4, Block 34, Crains Subdivision of Grassy Key, according to the plat thereof as recorded in Plat Book 1, Page 51, Public Records of Monroe County, Florida.

THE HEREIN DESCRIBED PROPERTY IS VACANT LAND AND NOT THE HOMESTEAD OF THE GRANTOR.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Marathoners II, LLC

Witness Name:
Witness # 1 _____

By: Randy Acres, Manager

Witness Name:
Witness # 2 _____

By: Sandy Acres, Manager

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of __ physical presence or __ online notarization this ____ day of April 2022 Randy Acres and Sandy Acres, Managers on behalf of said company who are personally known to me or who have produced a _____ driver license as identification.

Notary Public, State of
Printed Name: _____
My Commission Expires: _____



COUNCIL AGENDA STATEMENT

Meeting Date: October 10, 2023
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-103**, Requesting That The Monroe County Land Authority / Board Of County Commissioners Prioritize Purchase Of The Attached List Of Properties Within The City Of Marathon As Opportunity And Funding Are Available For The Purposes Of Affordable Housing, As Well As Reducing The Potential For Takings Cases Within The City; Providing For Transmittal Of This Resolution To The Land Authority; And Providing For An Effective Date.

BACKGROUND & JUSTIFICATION:

The City of Marathon wishes to create an affordable housing land acquisition list in compliance with Comprehensive Plan Policy 4-1.2.14 of the City Comprehensive Plan.

Policy 2-1.1.10 Affordable/Workforce Housing Land Acquisition and Partnerships

The City shall continue to identify potential acquisition sites for affordable/ workforce housing and shall establish partnerships with non-profit organizations to construct affordable housing using state funds.

The purpose of this list is to acquire parcels of land throughout the City of Marathon for affordable housing purposes in compliance with the City’s Comprehensive Plan. This list will be reviewed by staff at least annually, and may be amended from time to time based upon said review.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	XXX	___
2. Other _____	___	___

FISCAL NOTE:

RECOMMENDATION:

Planning Staff recommends that the City Council approve Resolution 2023-103.

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-103**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, REQUESTING THAT THE MONROE COUNTY LAND AUTHORITY / BOARD OF COUNTY COMMISSIONERS PRIORITIZE THE PURCHASE OF THE ATTACHED LIST OF PROPERTIES WITHIN THE CITY OF MARATHON AS OPPORTUNITY AND FUNDING ARE AVAILABLE FOR THE PURPOSES OF AFFORDABLE HOUSING, AS WELL AS REDUCING THE POTENTIAL FOR TAKINGS CASES WITHIN THE CITY; PROVIDING FOR TRANSMITTAL OF THIS RESOLUTION TO THE LAND AUTHORITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the “City”) is located within the Florida Keys, a designated Area of Critical State Concern; and

WHEREAS, the City Council of Marathon (the “City Council”) is elected to represent the best interests of City residents; and

WHEREAS, the Comprehensive Plan for the City of Marathon requires that the City ensure adequate housing sites for all residents of Marathon, including very low, low, moderate, and market income housing; and

WHEREAS, the City has identified two hundred thirty-six (236) parcels, in no particular priority, that are available to construct affordable housing that are remaining in private ownership within the City of Marathon; and

WHEREAS, there are multiple reasons for selecting the 329 parcels identified, including potential for development under the City’s Land Development Regulations, and minimization of potential takings cases; and

WHEREAS, the 236 parcels suggested for purchase sum to a total of approximately 61 acres with a range in size from approximately 0.04 acres to as large as 2.74 acres; and

WHEREAS, the City requests that the Monroe County Land Authority / Board of County Commissioners purchase the parcels suggested based on a concerted effort to purchase the parcels and as funding is available,

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

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council of the City of Marathon requests that the Monroe County Land Authority / Board of County Commissioners in a concerted effort, seek the purchase of two hundred thirty-six (236) within the City of Marathon, as identified in Exhibit A, for the purposes of affordable housing, and minimization of potential takings cases.

Section 3. The City further requests that the land thus acquired be transferred to the City of Marathon for management by the City.

Section 4. Transmittal. The City Council hereby directs that a copy of this Resolution be transmitted to the Executive Director of the Land Authority, the County Administrator, and any other appropriate parties as soon as possible.

Section 5. Effective Date. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10TH DAY OF OCTOBER 2023

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

Steve Williams, City Attorney

EXHIBIT A

ID	RECHAR	PC	LOCATION	ACRES	SQFT	MAXDENS	ZONING
1	00326500-000000	1100	1901 OVERSEAS Hwy, MARATHON	0.09	3750.11	1	MU
2	00326450-000000	9400	VACANT LAND, MARATHON	0.67	29130.76	10	MU-M
3	00326460-000000	4900	VACANT LAND, MARATHON	0.43	18749.93	4	I-M
4	00102980-000100	1000	4680 OVERSEAS Hwy, MARATHON	0.05	1969.79	0	RM
5	00326480-000000	4100	1919 OVERSEAS Hwy, MARATHON	0.17	7499.95	2	I-M
6	00326570-000000	1200	1733 OVERSEAS Hwy, MARATHON	0.40	17270.45	6	MU
7	00338980-000000	1700	6803 OVERSEAS Hwy, MARATHON	0.31	13337.44	5	MU
8	00339110-000100	1000	6853 OVERSEAS Hwy, MARATHON	0.37	16148.19	6	MU
9	00339230-000000	1000	310 69TH St OCEAN, MARATHON	0.43	18769.59	6	MU
10	00102980-000000	1200	4680 OVERSEAS Hwy, MARATHON	0.65	28392.25	7	RM
11	00320840-000100	0803	150 23RD St OCEAN Unit 1, MARATHON	0.06	2459.97	1	RM
12	00320840-000000	1100	2315 OVERSEAS Hwy, MARATHON	0.08	3364.46	1	MU
13	00320850-000000	1100	2355 OVERSEAS Hwy, MARATHON	0.16	6875.63	2	MU
14	00320860-000000	0805	152 23RD St OCEAN Unit 1 THRU 5, MARATHON	0.14	5999.94	2	MU
15	00320950-000000	1101	2357 OVERSEAS Hwy, MARATHON	0.11	4881.93	2	MU
16	00320720-000000	1100	2225 OVERSEAS Hwy, MARATHON	0.08	3625.07	1	MU
17	00320960-000000	1200	2375 OVERSEAS Hwy, MARATHON	0.13	5727.84	2	MU
18	00327040-000000	1600	2219 OVERSEAS Hwy, MARATHON	0.26	11481.96	4	MU
19	00320730-000000	1200	321 23RD St, MARATHON	0.59	25838.60	9	MU
20	00327020-000000	1100	2191 OVERSEAS Hwy, MARATHON	0.16	6959.61	2	MU
21	00321420-000000	0802	235 27TH St OCEAN Unit 1-2, MARATHON	0.17	7500.04	3	MU
22	00321350-000000	0805	174 26TH St OCEAN, MARATHON	0.17	7499.37	3	MU
23	00321330-000000	1100	2673 OVERSEAS Hwy, MARATHON	0.34	14952.00	5	MU
24	00101190-000200	1100	7603 OVERSEAS Hwy, MARATHON	0.93	40504.53	14	MU
25	00101190-000101	1200	7849 OVERSEAS Hwy, MARATHON	0.23	10144.90	3	MU
26	00347010-000000	1700	7885 OVERSEAS Hwy, MARATHON	0.32	13753.03	5	MU
27	00320710-000000	1200	2279 OVERSEAS Hwy, MARATHON	0.06	2674.75	1	MU
28	00340990-000000	2100	6495 OVERSEAS Hwy, MARATHON	1.03	44862.65	15	MU
29	00321330-000100	1100	2601 OVERSEAS Hwy, MARATHON	0.12	5047.67	2	MU
30	00343500-000000	1200	7537 OVERSEAS Hwy, MARATHON	1.61	70230.49	24	MU
31	00334680-000000	1000	11300 MARATHON LLC	0.33	14199.93	5	MU
32	00336160-000000	3900	6200 OVERSEAS Hwy	1.18	51448.36	18	MU
33	00336170-000000	3900	6200 OVERSEAS Hwy	1.26	54782.91	19	MU
34	00348171-000000	1000	8151 OVERSEAS Hwy	0.80	34801.77	12	MU
35	00347420-000000	0000	VACANT LAN 80TH St OCEAN, MARATHON	0.15	6721.07	2	RM
36	00347360-000000	0000	647 80TH St OCEAN, MARATHON	0.15	6721.02	2	RM
37	00347680-000000	0000	858 83RD St OCEAN, MARATHON	0.11	4999.92	1	RM
38	00347960-000000	0000	8425 OVERSEAS Hwy, MARATHON	0.29	12495.61	4	MU
39	00348130-000000	0000	904 84TH St OCEAN, MARATHON	0.11	4999.97	1	RM
40	00347770-000000	0000	1033 84TH St, MARATHON	0.11	4999.97	1	RM
41	00347790-000000	0000	977 84TH St OCEAN, MARATHON	0.11	4999.97	1	RM
42	00348020-000000	0000	320 84TH St OCEAN, MARATHON	0.11	5000.09	1	RM
43	00348750-000000	0000	768 82ND St OCEAN, MARATHON	0.11	5000.07	1	RM
44	00347760-000000	0000	1037 84TH St OCEAN, MARATHON	0.11	4999.97	1	RM
45	00347780-000000	0000	1031 84TH St OCEAN, MARATHON	0.11	4999.96	1	RM
46	00347870-000000	0000	555 84TH St OCEAN, MARATHON	0.11	4999.96	1	RM
47	00348050-000000	0000	510 84TH St OCEAN, MARATHON	0.11	4999.99	1	RM
48	00349000-000000	0000	393 83RD St OCEAN, MARATHON	0.11	4999.95	2	MU

49	00348850-000000	0000	1049 83RD St OCEAN, MARATHON	0.23	9999.96	2	RM
50	00348770-000000	0000	1040 82ND St OCEAN, MARATHON	0.11	4999.96	1	RM
51	00348930-000000	0000	711 83RD St OCEAN, MARATHON	0.11	4999.92	1	RM
52	00347330-000000	0000	VACANT LAND, MARATHON	0.15	6721.04	2	RM
53	00349020-000000	0000	vacant 83RD St OCEAN, MARATHON	0.23	9999.99	3	MU
54	00347860-000000	0000	649 84TH St OCEAN, MARATHON	0.11	4999.97	1	RM
55	00347440-000000	0000	969 80TH St OCEAN, MARATHON	0.15	6721.19	2	RM
56	00347820-000000	0000	883 84TH St OCEAN, MARATHON	0.11	4999.97	1	RM
57	00348080-000000	0000	698 84TH St OCEAN, MARATHON	0.11	4999.99	1	RM
58	00335630-000000	0000	11010 1ST Ave GULF, MARATHON	0.19	8250.14	2	RM
59	00326800-000000	0000	325 15TH St, MARATHON	0.11	4982.94	3	R-MH
60	00326980-000100	0000	1425 OCEAN Ter, MARATHON	0.06	2491.56	1	R-MH
61	00326760-000000	0000	263 15TH St OCEAN, MARATHON	0.11	4982.96	2	MU
62	00326790-000000	0000	325 15TH St, MARATHON	0.15	6477.88	4	R-MH
63	00326920-000100	0000	1405 OCEAN Ter, MARATHON	0.25	10889.68	6	R-MH
64	00339260-000000	0000	VACANT 69TH St OCEAN, MARATHON	0.23	10000.04	6	R-MH
65	00339070-000000	0000	934 68TH St OCEAN, MARATHON	0.46	19999.89	5	RM
66	00334120-000000	0000	VACANT LAN 4TH Ave GULF, MARATHON	0.10	4431.64	1	RM
67	00357840-000000	0000	1365 122ND St OCEAN, MARATHON	0.18	8052.77	2	RM
68	00334440-000100	0000	10727 3RD Ave GULF, MARATHON	0.10	4428.40	1	RM
69	00347650-000000	0000	VACANT LAN 83RD St OCEAN, MARATHON	0.11	4999.91	1	RM
70	00334240-000000	0000	10875 4TH Ave, MARATHON	0.10	4427.42	1	RM
71	00334320-000000	0000	3RD Ave, MARATHON	0.10	4425.98	1	I-G
72	00100390-003000	0000	OVERSEAS Hwy, MARATHON	0.15	6318.78	2	MU
73	00360330-000000	0000	CORNER OF BAILEY St, GRASSY KEY	0.20	8784.21	2	RM
74	00360440-000000	0000	57496 BAILEY St, GRASSY KEY	0.14	6000.08	1	RM
75	00336730-000000	0000	3911 LOUISA St GULF, MARATHON	0.11	5000.05	3	R-MH
76	00332820-000000	0000	E 355 105TH St OCEAN, MARATHON	0.08	3666.09	2	R-MH
77	00332810-000000	0000	430 105TH St OCEAN, MARATHON	0.13	5832.09	3	R-MH
78	00357040-000000	0000	COPA D'ORO W, MARATHON	0.14	5979.23	1	RM
79	00350630-000000	0000	701 91ST St OCEAN, MARATHON	0.13	5611.91	3	R-MH
80	00350540-000000	0000	495 91ST St OCEAN, MARATHON	0.19	8399.93	5	R-MH
81	00355820-000000	0000	982 OCOTILLO Ln, MARATHON	0.27	11562.89	3	RM
82	00356940-000000	0000	CAMINO REAL, MARATHON	0.14	6250.78	1	RM
83	00100650-000100	0000	125TH St GULF, MARATHON	0.17	7224.96	2	RM
84	00360370-000000	0000	57529 BAILEY St, GRASSY KEY	0.14	6000.08	1	RM
85	00337490-000000	0000	319 TUSKEGEE St, MARATHON	0.06	2500.07	1	R-MH
86	00327800-000000	0000	43RD St GULF, MARATHON	0.34	14686.98	3	RM
87	00337150-000000	0000	VACANT LAND, MARATHON	0.04	1874.99	1	R-MH
88	00338000-000000	0000	VACANT LAN 37TH St GULF, MARATHON	0.11	5000.01	2	MU
89	00337250-000000	0000	VACANT 41ST St GULF, MARATHON	0.23	9999.75	6	RH
90	00337230-000000	0000	VACANT LAND, MARATHON	0.23	9999.95	3	MU
91	00332840-000100	0000	W 476 105TH St OCEAN, MARATHON	0.08	3666.15	2	R-MH
92	00332830-000100	0000	W 470 105TH St OCEAN, MARATHON	0.08	3666.09	2	R-MH
93	00340020-000000	0000	VACANT LAND, MARATHON	0.17	7457.95	3	MU
94	00353820-000000	0000	VACANT BULEVAR DE PALMAS, MARATHON	0.19	8128.26	2	RM
95	00363580-000000	0000	VACANT LAND, MARATHON	0.24	10577.46	1	RM-1
96	00354430-000000	0000	328 CALZADA DE BOUGANVILLEA, MARATHON	0.17	7199.84	2	RM
97	00353870-000000	0000	VACANT LAN CAMINO DEL VIENTOS, MARATHON	0.27	11550.19	3	RM

98	00353860-000000	0000	VACANT LAN CAMINO DEL VIENTOS, MARATHON	0.29	12424.71	3	RM
99	00353690-000000	0000	1163 CAMINO DEL VIENTOS, MARATHON	0.23	9999.99	2	RM
100	00349970-000000	0000	451 92ND St OCEAN, MARATHON	0.13	5850.07	3	R-MH
101	00350640-000000	0000	VACANT LAND, MARATHON	0.13	5611.98	3	R-MH
102	00354310-000000	0000	VACANT CALLE LIMON, MARATHON	0.17	7200.07	2	RM
103	00350620-000000	0000	653 91ST St OCEAN, MARATHON	0.19	8399.94	5	R-MH
104	00322410-000000	0000	710 28TH St OCEAN, MARATHON	0.16	7000.01	2	RM
105	00321470-000000	0000	VACANT LAND, MARATHON	0.18	8000.04	2	RM
106	00332750-000000	0000	W 866 105TH St OCEAN, MARATHON	0.08	3666.05	2	R-MH
107	00347020-000000	0000	275 79TH St OCEAN, MARATHON	0.26	11199.86	4	MU
108	00342670-000000	0000	1360 74TH St OCEAN, MARATHON	0.12	5364.93	1	RM
109	00320990-000100	0000	24TH St, MARATHON	0.14	6000.07	1	RM
110	00342270-000000	0000	VACANT LAND, MARATHON	0.21	9000.00	3	MU
111	00342950-000000	0000	1723 74TH St OCEAN, MARATHON	0.12	5365.52	3	RH
112	00343100-000000	0000	VACANT 75TH St, MARATHON	0.22	9762.01	2	RM
113	00333450-000100	0000	10608 7TH Ave GULF, MARATHON	0.11	4999.94	2	MU
114	00360840-000100	0000	57535 GOODLEY St, GRASSY KEY	0.14	5999.94	1	RM
115	00342830-000000	0000	863 74TH St OCEAN, MARATHON	0.25	10731.23	6	RH
116	00321940-000000	0000	343 29TH St OCEAN, MARATHON	0.11	5000.00	1	RM
117	00321950-000000	0000	29TH St OCEAN, MARATHON	0.11	5000.04	1	RM
118	00321460-000000	0000	VACANT LAND, MARATHON	0.18	7999.96	2	RM
119	00322000-000000	0000	677 29TH St OCEAN, MARATHON	0.13	5500.04	1	RM
120	00330920-000000	0000	1608 HARBOR Dr, MARATHON	0.26	11250.06	3	RM
121	00342340-000000	0000	920 73RD St OCEAN, MARATHON	0.21	8999.95	5	RH
122	00343040-000000	0000	W 995 75TH St OCEAN, MARATHON	0.22	9761.96	2	RM
123	00342870-000000	0000	1135 74TH St OCEAN, MARATHON	0.25	10731.25	6	RH
124	00342510-000200	0000	256 74TH St, MARATHON	0.12	5364.98	2	MU
125	00333510-000000	0000	10690 7TH Ave GULF, MARATHON	0.11	5000.06	2	MU
126	00332780-000000	0000	W 940 105TH St OCEAN, MARATHON	0.08	3666.20	2	R-MH
127	00103810-000000	0000	VACANT LAN 75TH St OCEAN, MARATHON	0.82	35657.46	8	RM
128	00332840-000000	0000	E 599 105TH St OCEAN, MARATHON	0.08	3666.05	2	R-MH
129	00332880-000000	0000	E 713 105TH St OCEAN, MARATHON	0.08	3665.94	2	R-MH
130	00332960-000000	0000	E 500 105TH St, MARATHON	0.08	3668.58	2	R-MH
131	00332970-000100	0000	E 560 105TH St OCEAN, MARATHON	0.08	3668.55	2	R-MH
132	00342961-001200	0000	1053 76TH St OCEAN, MARATHON	0.16	7015.05	2	RM
133	00319760-000000	0000	W 20 KYLE Way, MARATHON	0.18	8049.92	5	RH
134	00329300-000000	0000	459 MARGATE Dr, MARATHON	0.34	14999.60	3	RM
135	00329500-000000	0000	7780 WAHOO Dr, MARATHON	0.68	29738.92	7	RM
136	00328900-000000	0000	7625 GULFSTREAM Blvd, MARATHON	0.60	26324.58	6	RM
137	00329450-000000	0000	498 PORGY Dr, MARATHON	0.39	16943.40	4	RM
138	00319880-000000	0000	7 KYLE WAY E, MARATHON	0.18	8050.09	5	RH
139	00319780-000000	0000	VACANT LAN KYLE WAY W, MARATHON	0.18	8049.99	5	RH
140	00333140-000000	0000	W 956 B 105TH St OCEAN, MARATHON	0.08	3666.21	2	R-MH
141	00341280-000000	0000	6620 65TH St OCEAN, MARATHON	0.11	4838.79	2	MU
142	00341970-000000	0000	VACANT LAND, MARATHON	0.19	8214.81	2	RM
143	00341940-000000	0000	VACANT LAND, MARATHON	0.12	5017.02	1	RM
144	00101140-000300	0000	VACANT LAND, MARATHON	0.29	12518.99	3	RM
145	00101140-000400	0000	VACANT LAND, MARATHON	0.29	12519.00	3	RM
146	00341590-000000	0000	872 65TH St OCEAN, MARATHON	0.11	4999.97	1	RM

147	00342961-002500	0000	VACANT 97TH St OCEAN, MARATHON	0.16	6963.75	2	RM
148	00340280-000000	0000	813 64TH St OCEAN, MARATHON	0.17	7499.98	2	RM
149	00327220-000000	0000	VACANT LAN 50TH Ct, MARATHON	0.13	5668.38	1	RM
150	00327980-000000	0000	VACANT LAND, MARATHON	0.12	5158.39	2	MU
151	00340010-000000	0000	VACANT LAND, MARATHON	0.17	7457.99	3	MU
152	00101140-000500	0000	VACANT LAND, MARATHON	0.29	12518.97	3	RM
153	00319870-000000	0000	11 KYLE WAY E, MARATHON	0.18	8050.01	5	RH
154	00327200-000000	0000	VACANT LAN 50TH Ct, MARATHON	0.13	5668.29	1	RM
155	00327210-000000	0000	VACANT LAN 50TH Ct, MARATHON	0.13	5668.28	1	RM
156	00338320-000000	0000	VACANT LAND, MARATHON	0.22	9769.04	2	RM
157	00325240-000100	0000	615 51ST St GULF, MARATHON	0.29	12665.88	3	RM
158	00327230-000000	0000	VACANT LAN 50TH Ct GULF, MARATHON	0.13	5668.43	1	RM
159	00329840-000000	0000	GULFSTREAM Blvd, MARATHON	0.21	8955.72	2	RM
160	00329820-000000	0000	VACANT GULFSTREAM Blvd, MARATHON	0.21	9021.39	2	RM
161	00326080-000100	0000	1400 52ND St GULF, MARATHON	0.24	10333.07	2	RM
162	00326080-000200	0000	1450 52ND St GULF, MARATHON	0.22	9526.25	2	RM
163	00331040-000100	0000	VACANT HARBOR Dr, MARATHON	0.26	11250.15	3	RM
164	00331040-000200	0000	VACANT TUNA Dr, MARATHON	0.22	9548.58	2	RM
165	00320730-000100	0000	VACANT 23RD St, MARATHON	0.14	6249.99	2	MU
166	00338950-000100	0000	735 68TH St OCEAN, MARATHON	0.23	9999.98	2	RM
167	00335360-000100	0000	VACANT 109TH St GULF, MARATHON	0.23	10041.30	2	RM
168	00330070-000100	0000	7943 PORPOISE Dr, MARATHON	0.21	9076.81	2	RM
169	00339240-000000	0000	420 69TH St OCEAN, MARATHON	0.23	9999.95	3	MU
170	00326580-000000	1000	VACANT LAND, MARATHON	0.29	12560.30	4	MU
171	00326560-000000	1100	1777 OVERSEAS Hwy, MARATHON	0.51	22217.88	8	MU-M
172	00326490-002500	1000	200 20TH St OCEAN, MARATHON	0.23	9913.06	2	I-M
173	00349330-000000	4900	8501 OVERSEAS Hwy, MARATHON	0.95	41225.87	14	MU
174	00326600-000000	1200	1757 OVERSEAS Hwy, MARATHON	2.10	91666.08	32	MU
175	00348440-000000	0000	1071 82ND St OCEAN, MARATHON	0.11	4634.49	1	RM
176	00348570-000000	0000	525 82ND St OCEAN, MARATHON	0.11	4634.61	1	RM
177	00331061-000700	0000	VACANT LOT AVIATION Blvd, MARATHON	0.17	7500.08	2	RM
178	00348360-000000	0000	984 81ST St OCEAN, MARATHON	0.11	4634.49	1	RM
179	00355290-000104	0000	VACANT SOMBRERO BEACH Rd, MARATHON	0.32	14000.09	8	RH
180	00363290-000000	0000	62 COCO PLUM Dr, COCO PLUM KEY	0.28	12000.06	4	MU-M
181	00100620-000000	0000	12550 OVERSEAS Hwy, MARATHON	1.46	63785.75	15	RM
182	00367010-000000	0000	VACANT OVERSEAS Hwy, GRASSY KEY	0.86	37271.25	9	RM
183	00103980-000000	0000	1480 OCEANVIEW Ave, MARATHON	0.10	4287.19	1	MU-M
184	00101340-000000	0000	250 GULF Ter Unit 5, MARATHON	0.89	38965.24	13	MU
185	00338780-000100	0000	W VACANT LAN 63RD St OCEAN, MARATHON	0.16	7157.57	2	RM
186	00331160-000000	0000	534 70TH St GULF, MARATHON	0.31	13574.79	3	RM
187	00101340-000200	0000	VACANT GULF Ter, MARATHON	0.94	40798.21	14	MU
188	00105240-001900	0000	VACANT TREASURE Rd, MARATHON	0.23	9805.87	2	RM
189	00358040-000000	0000	VACANT LAN 122ND St OCEAN, MARATHON	0.13	5744.59	1	RM
190	00358150-000000	0000	415 122ND St, MARATHON	0.20	8835.64	2	RM
191	00331061-005600	0000	VACANT PATRICIA Ln, MARATHON	0.17	7499.96	2	RM
192	00355310-000117	0000	IBIS Ln, MARATHON	0.40	17568.09	4	RM
193	00104430-000200	0000	797 106TH St OCEAN, MARATHON	1.12	48619.56	11	RM
194	00348830-000000	0000	1235 83RD St OCEAN, MARATHON	0.29	12825.25	3	RM
195	00350210-000000	0000	848 91ST Ct OCEAN, MARATHON	0.07	3199.99	2	R-MH

196	00350240-000000	0000	952 91ST Ct OCEAN, MARATHON	0.07	3200.03	2	R-MH
197	00100830-000000	0000	1290 91ST Ct OCEAN, MARATHON	0.16	6999.85	4	R-MH
198	00101030-000200	0000	1157 91ST Ct OCEAN, MARATHON	0.11	4611.98	3	R-MH
199	00333641-003800	0000	VACANT LAND, MARATHON	0.23	9888.43	2	RM
200	00349800-000000	0000	VACANT LAND, MARATHON	0.15	6440.03	1	RM
201	00104900-000500	0000	811 SOMBRERO BEACH Rd Unit A & B, MARATHON	0.44	18958.99	4	RM
202	00355418-001800	0000	S ANGLERS Dr, MARATHON	0.23	9999.87	2	RM
203	00347480-000100	0000	E VACANT 79TH St OCEAN, MARATHON	0.35	15365.20	4	RM
204	00100910-000000	0000	720 90TH St OCEAN, MARATHON	0.13	5455.79	3	R-MH
205	00344370-000000	0000	11189 5TH Ave OCEAN, MARATHON	0.12	5156.74	1	RM
206	00344350-000000	0000	11109 5TH Ave OCEAN, MARATHON	0.11	4645.92	1	RM
207	00350340-000000	0000	850 92ND St OCEAN, MARATHON	0.07	3199.99	2	R-MH
208	00104900-000000	0000	VACANT LAN SOMBRERO BEACH Rd, MARATHON	0.44	18967.02	4	RM
209	00323050-000000	0000	1021 27TH St, MARATHON	0.09	3721.14	2	R-MH
210	00322060-000000	0000	225 30TH St OCEAN, MARATHON	0.11	4992.70	1	RM
211	00322310-000000	0000	vacant 29TH St, MARATHON	0.11	4999.92	1	RM
212	00102220-000000	0000	949 A 24TH St OCEAN, MARATHON	0.09	3849.99	2	R-MH
213	00343350-000000	0000	E 950 75TH St OCEAN, MARATHON	0.32	14022.34	3	RM
214	00343300-000000	0000	W 1024 75TH St OCEAN, MARATHON	0.16	6810.90	2	RM
215	00323420-000000	0000	VACANT LAND, MARATHON	0.09	3749.98	2	R-MH
216	00324810-000000	0000	48TH St OCEAN, MARATHON	0.17	7462.15	4	RH
217	00325080-000000	0000	99 52ND St OCEAN, MARATHON	0.16	6928.44	4	RH
218	00329650-000000	0000	VACANT GULFSTREAM Blvd, MARATHON	0.24	10590.89	2	RM
219	00350350-000000	0000	854 92ND St OCEAN, MARATHON	0.07	3200.01	2	R-MH
220	00343450-000100	0000	VACANT 75TH St OCEAN, MARATHON	0.13	5571.25	1	RM
221	00352080-000000	0000	467 100TH St OCEAN, MARATHON	0.20	8640.10	2	RM
222	00101020-000000	0000	VACANT LAN 91ST Ct, MARATHON	0.11	4612.02	3	R-MH
223	00349240-000000	0000	VACANT LAND, MARATHON	0.12	5400.02	1	RM
224	00347480-000200	0000	E 1320 79TH St OCEAN, MARATHON	0.24	10351.70	2	RM
225	00355416-001200	0000	N 300 ANGLERS Dr, MARATHON	0.23	9999.82	2	RM
226	00319560-000000	0000	27 KYLE WAY W, MARATHON	0.29	12800.03	7	RH
227	00319550-000000	0000	KYLE WAY W, MARATHON	0.29	12612.04	4	MU
228	00319580-000000	0000	47 KYLE WAY W, MARATHON	0.30	12858.99	7	RH
229	00319570-000000	0000	37 KYLE WAY W, MARATHON	0.30	13141.12	8	RH
230	00352640-000000	0000	VACANT 101ST St OCEAN, MARATHON	0.15	6697.44	2	RM
231	00333170-000000	0000	W 960 105TH St OCEAN, MARATHON	0.10	4567.08	3	R-MH
232	00352560-000000	0000	VACANT 100TH St OCEAN, MARATHON	0.34	14880.07	3	RM
233	00104441-000300	0000	W 886 105TH St OCEAN, MARATHON	0.34	14744.20	8	R-MH
234	00351430-000000	0000	860 96TH St OCEAN, MARATHON	0.11	5004.89	1	RM
235	00352210-000100	0000	VACANT 99TH St OCEAN, MARATHON	0.20	8695.97	2	RM
236	00102050-000000	1000	VACANT LAND, MARATHON	2.74	119553.96	41	MU
				61.00		839	

COUNCIL AGENDA STATEMENT



Meeting Date: October 10, 2023
To: Honorable Mayor and Council Members
From: Ted Lozier, Code Compliance Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-104**, Approving An Amended Agreement Between The City Of Marathon And Jeff D. Vastola, Esq. For Code Enforcement Special Magistrate Services; And Providing For An Effective Date.

BACKGROUND

The City of Marathon entered into a one-year agreement with Jeff Vastola in 2021 to perform Code Compliance Special Magistrate services . The terms of this agreement allow for the option to renew the agreement for additional one-year periods. The City continues to require the services of a Code Compliance Special Magistrate, and the parties wish to enter into an additional one-year period. The agreement also provides for the hourly rate be adjusted annually by an Amendment to the Agreement, after mutual written agreement of the parties, and approved by City Council. The parties have negotiated an Amendment to increase the hourly basis rate of \$225 to \$250. All other terms and conditions of the Contract shall remain in full force and effect.

CONSISTENCY CHECKLIST:

		Yes	No
1. Comprehensive Plan	N/A	_____	_____
2. Other – 2010 Sewer Mandate	N/A	_____	_____

FISCAL NOTE:

The Adopted FY24 Code Department Budget in the General Fund includes appropriations of \$12,000 for this service.

RECOMMENDATION:

Approval of Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-xxx**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MARATHON AND JEFF D. VASTOLA, ESQ. FOR CODE ENFORCEMENT SPECIAL MAGISTRATE SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution 2021-115 the CITY of Marathon (“City”) and Jeff Vastola entered into an agreement to perform services associated with presiding over Code Compliance Hearings as a Code Compliance Special Magistrate; and

WHEREAS, the Agreement provides for additional one-year renewals; and

WHEREAS, the City continues to require the services of a Code Compliance Special Magistrate; and

WHEREAS, the parties wish to enter into an additional one-year period; and

WHEREAS, the Agreement provides for the hourly rate be adjusted by an Amendment to the Agreement, after mutual written agreement of the parties, annually. The parties have negotiated an Amendment to increase the hourly basis rate of \$225 to \$250. All other terms and conditions of the Contract shall remain in full force and effect.

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

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council hereby approves an additional one-year period of the Agreement, as Amended, between Jeff Vastola and the City, a copy of which is attached hereto as Exhibit “A,” for code enforcement special magistrate services, together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney.

Section 3. The City Manager is authorized to execute the contract on behalf of the City.

Section 4. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS X DAY OF OCTOBER 2023.

THE CITY OF MARATHON, FLORIDA

Mayor Gonzalez

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk
(City Seal)

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

Steve Williams, City Attorney

**AMENDMENT TO AGREEMENT
FOR
SPECIAL MAGISTRATE SERVICES**

This amendment to the Agreement for Code Compliance Special Magistrate services (the “Amendment”) made and entered into **this ___ day of October 2023** between the City of Marathon, Florida, a municipal corporation organized and existing under the laws of the State of Florida, with its address at 9805 Overseas Highway, Marathon, Florida, 33050 (hereinafter referred to as “City”) and Jeff D. Vastola, Esq. with his address at 91495 Overseas Highway, Suite C, Tavernier, Florida, 33070, (hereinafter referred to as “Special Magistrate”).

WITNESSETH:

WHEREAS, in November of 2021, the City and the Special Magistrate entered into an Agreement for Code Compliance Special Magistrate Services (the “Agreement”); and

WHEREAS, the City and Special Magistrate desire to renew the term for one year to expire in 2024.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth in this Amendment and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby amend the Agreement to read as follows:

Section 1.0 **Term**

1.2 The term of this Agreement shall ~~be for one (1) year, commencing upon the effective date~~ continue through November 30, 2024, unless otherwise terminated as provided herein.

Section 3.0 **Compensation**

3.1.1 The CITY shall pay SPECIAL MAGISTRATE on an hourly basis at a rate of ~~\$225.00~~ \$250.00 per hour for all of SPECIAL MAGISTRATE's time, inclusive of all costs incurred to provide said services. There will be no additional charges for office overhead to include administrative assistants/secretaries and other support personnel. The CITY will not provide reimbursement for travel, meals, or mileage.

All other terms and conditions of the Agreement shall remain in full force and effect.

[THE REMAINDER OF THIS PAGE SHALL REMAIN BLANK]

IN WITNESS WHEREOF, the City and Special Magistrate have set their hands and seals, as of the day and year first above written.

Attest:

City Of Marathon, Florida

Diane Clavier,
City Clerk

George Garrett,
City Manager

Approved As To Form And Legality For The Use
And Reliance Of The City Of Marathon, Florida Only:

Steve Williams, City Attorney

Special Magistrate

Jeff D. Vastola, Esq.

COUNCIL AGENDA STATEMENT



Meeting Date: October 10, 2023
 To: Honorable Mayor and City Councilmembers
 From: Jennifer Johnson, Finance Director
 Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-105**, Amending A Grant Agreement With The Florida Department Of Environmental Protection For the City of Marathon Service Area 3 Wastewater Treatment Facility Expansion; Authorizing The City Manager To Execute The Grant Amendment On Behalf Of The City; And Providing For An Effective Date

BACKGROUND & JUSTIFICATION:

In 2013 the City entered into an interlocal agreement with Monroe County and other local stakeholders in the Florida Keys that agreed upon a calculation for the distribution of future funding received from the State. The Florida Keys Environmental Stewardship Act was passed by the Florida State Legislature and signed into law in 2016. The Florida Keys received \$20 million in 2023, 2022 and 2021, \$6 million in 2019, \$5 million in 2018, \$13.3 million in 2017, and \$5 million in 2016 from the Stewardship Act. Of which, based on the distribution agreement, the City has been awarded \$3,500,000, \$3,500,000, \$3,500,000, \$1,050,000, \$875,000, \$2,333,333 and \$875,000, respectively.

Staff recommends utilizing \$3,500,000 of the funding for the City of Marathon service area 3 wastewater treatment facility expansion. This is a cost reimbursable grant.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u>X</u>	_____
2. Other – 2010 Sewer Mandate	_____	_____
3. Not applicable	_____	_____

FISCAL NOTE:

Approval of this agreement will provide the City with cost reimbursement funding up to \$5,058,189 for the City of Marathon service area 3 wastewater treatment facility expansion and extends the agreement to October 31, 2025.

RECOMMENDATION: Approval of Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-105**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AMENDING A GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE SERVICE AREA 3 WASTEWATER TREATMENT FACILITY EXPANSION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AMENDMENT ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Department of Environmental Protection (DEP) has provided a grant amendment for reimbursement funding for the City of Marathon service area 3 wastewater treatment facility expansion; and

WHEREAS, the City Council desires to approve the grant amendment with DEP for City of Marathon service area 3 wastewater treatment facility expansion for an additional \$3,500,000 of funding that was appropriated by the State in FY2023 and extend the agreement to October 31, 2025.

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

Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. The City Council hereby approves the Grant Agreement, in Exhibit “A,” with the Florida Department of Environmental Protection for canal and culvert projects.

Section 3. The City Manager is authorized to execute the Grant Agreement with the Florida Department of Environmental Protection.

Section 4. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10TH DAY OF OCTOBER 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

Steven Williams, City Attorney

**AMENDMENT NO. 3
TO AGREEMENT NO. LPA0080
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
CITY OF MARATHON**

This Amendment to Agreement No. LPA0080 (Agreement), as previously amended, is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and the City of Marathon (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for Marathon Service Area 3 Wastewater Treatment Facility (WWTF) Expansion (Project), effective January 22, 2020; and,

WHEREAS, \$3,500,000 in additional funding for this Project is provided under Line Item 1709 of the 2023-2024 General Appropriations Act; and the total funding for this Agreement is now \$5,058,189.00; and,

WHEREAS, the reimbursement period for the additional funding provided under Line Item 1709 of the 2023-2024 General Appropriations Act begins on July 1, 2023; and,

WHEREAS, an extension to the Agreement is needed to provide additional time to complete the Project; and

WHEREAS, other changes to the Agreement are necessary; and,

WHEREAS, the parties have agreed to amend the Agreement as set forth herein.

NOW THEREFORE, the parties agree as follows:

1. Section 3. of the Standard Grant Agreement is hereby revised to change the Date of Expiration to October 31, 2025. The Department and the Grantee shall continue to perform their respective duties during this extension period pursuant to the same terms and conditions provided in the Agreement.
2. Section 5. of the Standard Grant Agreement is hereby revised to the following:

Total Amount of Funding:	Funding Source?	Award #s or Line Item Appropriations:	Amount per Source(s):
\$5,058,189.00	<input checked="" type="checkbox"/> State <input type="checkbox"/> Federal	Keys, GAA LI 1580A, FY 18-19, GR	\$728,989
	<input checked="" type="checkbox"/> State <input type="checkbox"/> Federal	Keys, GAA LI 1660A, FY 19-20, LATF	\$829,200
	<input checked="" type="checkbox"/> State <input type="checkbox"/> Federal	Keys, GAA LI 1709, FY 23-24, GR	\$3,500,000
	<input type="checkbox"/> State <input type="checkbox"/> Federal		
	<input type="checkbox"/> State <input type="checkbox"/> Federal		
	<input type="checkbox"/> Grantee Match		
Total Amount of Funding + Grantee Match, if any:			\$5,058,189.00

3. Section 6. of the Standard Grant Agreement is hereby revised to the following:

Department's Grant Manager	Grantee's Grant Manager
Name: Sarah Louissaint	Name: George Garret
Address: Florida Dept. of Environmental Protection 3900 Commonwealth Blvd., MS 3602 Tallahassee, FL 32399-3000	Address: 9805 Overseas Hwy Marathon, Florida 33050
Phone: 850-245-2916	Phone: 305-743-0033
Email: Sarah.Louissaint@FloridaDEP.gov	Email: garrettg@ci.marathon.fl.us

4. The following is hereby added to Attachment 1 as Section 8.k.:

State Funds Documentation. Pursuant to section 216.1366, F.S., if Contractor meets the definition of a non-profit organization under section 215.97(2)(m), F.S., Contractor must provide the Department with documentation that indicates the amount of state funds:

- i. Allocated to be used during the full term of the contract or agreement for remuneration to any member of the board of directors or an officer of Contractor.
- ii. Allocated under each payment by the public agency to be used for remuneration of any member of the board of directors or an officer of the Contractor.

The documentation must indicate the amounts and recipients of the remuneration. Such information must be posted on the State's contract tracking system and maintained pursuant to section 215.985, F.S., and must be posted on the Contractor's website, if Contractor maintains a website.

5. Attachment 3-3, Revised Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment 3-4, Revised Grant Work Plan, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment 3 shall hereinafter refer to Attachment 3-4, Revised Grant Work Plan.
6. Attachment 5, Special Audit Requirements, is hereby deleted in its entirety and replaced with Attachment 5-1, Revised Special Audit Requirements, attached hereto and made a part of the Agreement. All references in the Agreement to Attachment 5, shall hereinafter refer to Attachment 5-1, Revised Special Audit Requirements.
7. All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistency may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

CITY OF MARATHON

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Authorized Signature

By: _____
Secretary or Designee

George Garret, City Manager
Print Name and Title

Angela Knecht, Division Director
Print Name and Title

Date: _____

Date: _____

Sarah Louissaint, DEP Grant Manager

Nathan Jagoda, DEP QC Reviewer

List of attachments/exhibits included as part of this Amendment:

<u>Specify Type</u>	<u>Letter/ Number</u>	<u>Description</u>
Attachment	3-4	Revised Grant Work Plan
Attachment	5-1	Revised Special Audit Requirements

**ATTACHMENT 3-4
REVISED GRANT WORK PLAN**

PROJECT TITLE: Marathon Service Area 3 Wastewater Treatment Facility (WWTF) Expansion

PROJECT LOCATION: The Project will be within the City of Marathon in Monroe County; Lat/Long (24.7126, -81.0873). See Figure 1 for a site plan.

PROJECT BACKGROUND: The City of Marathon (Grantee) adopted the planning documents for the Marathon Regional Wastewater Project in October of 2006. The project was funded through a combination of State Revolving Fund (SRF) loans, grants, and property owner assessments. The initial phase was completed in 2009.

This project will improve the Grantee's central wastewater treatment system and will positively affect the water quality in their canals and adjacent nearshore waters, which include Florida Bay and the Atlantic Ocean within the Florida Keys National Marine Sanctuary and surrounding the Florida Keys Area of Critical State Concern.

PROJECT DESCRIPTION: The Grantee will design, permit, and construct a plant expansion for the Service Area 3 Wastewater Treatment Facility. The work includes design for conversion of the existing digester tank into a fourth sequencing batch reactor tank which will increase the capacity of the treatment facility by 20 percent.

The Grantee will also construct a re-pumping station to allow wastewater collected in Service Area 3 to be diverted to the Service Area 4 WWTF for treatment and disposal.

TASKS:

Task 1: Design and Permitting

Deliverables: The Grantee will complete the design of the plant expansion for the Service Area 3 WWTF and obtain all necessary permits for construction of the project.

Documentation: The Grantee will submit: 1) a signed acceptance of the completed work to date, as provided in the Grantee's Certification of Payment Request; and 2) a summary of design activities to date, indicating the percentage of design completion for the time period covered in the payment request. For the final documentation, the Grantee will also submit a copy of the design completed with the funding provided for this task and a list of all required permits identifying issue dates and issuing authorities.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables are completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

Task 2: Bidding and Contractor Selection

Deliverables: The Grantee will prepare a bid package and publish notice and solicit bids, conduct pre-bid meetings, and respond to bid questions, in accordance with the Grantee's procurement process, to select

one or more qualified and licensed contractors to complete construction of the plant expansion for the Service Area 3 WWTF plant expansion for the Service area 3 wastewater treatment facility

Documentation: The Grantee will submit: 1) the public notice of advertisement for the bid; 2) the bid package; and 3) a written notice of selected contractor(s).

Performance Standard: The Department’s Grant Manager will review the documentation to verify that the deliverables are completed as described above. Upon review and written acceptance by the Department’s Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement following the conclusion of the task.

Task 3: Construction

Deliverables: The Grantee will construct the plant expansion for the Service Area 3 WWTF and the re-pumping station in accordance with the construction contract documents.

Documentation: The Grantee will submit 1) a copy of the final design; 2) a signed acceptance of the completed work to date, as provided in the Grantee’s Certification of Payment Request; and 3) a signed Engineer’s Certification of Payment Request.

Performance Standard: The Department’s Grant Manager will review the documentation to verify that the deliverables are completed as described above. Upon review and written acceptance by the Department’s Grant Manager, the Grantee may proceed with payment request submittal.

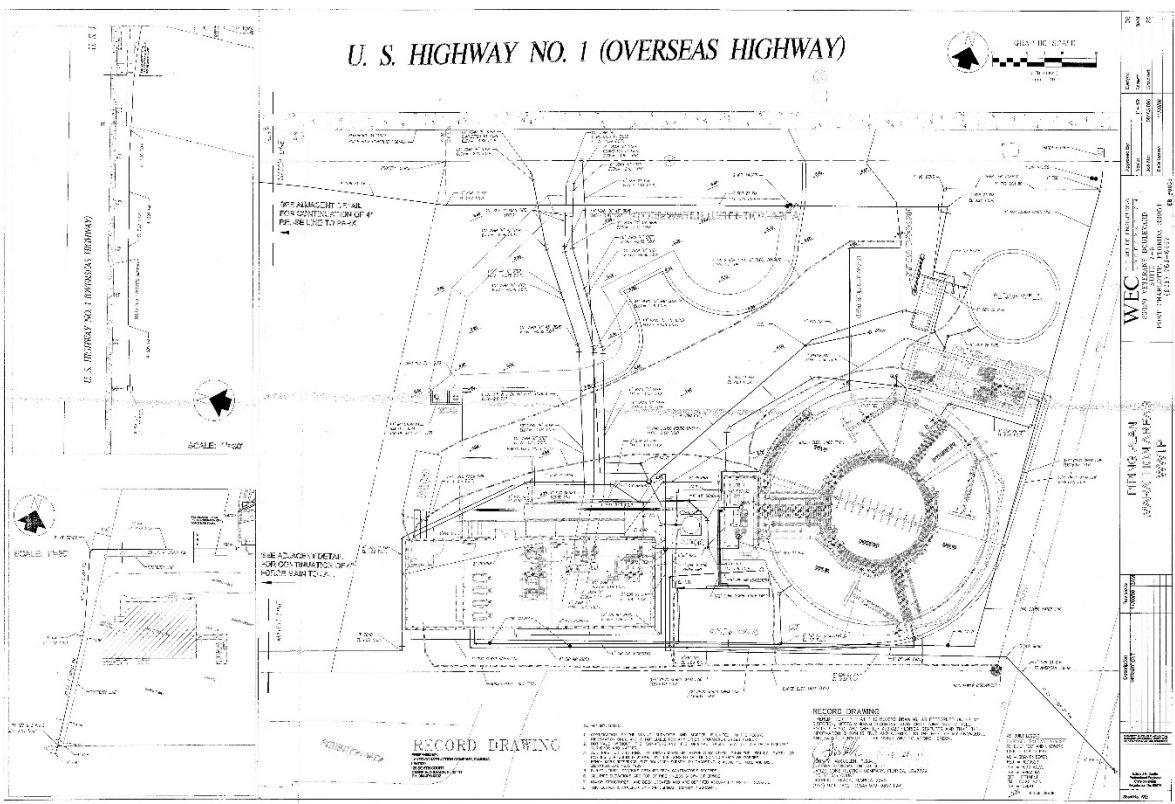
Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

PROJECT TIMELINE & BUDGET DETAIL: The tasks must be completed by, and all documentation received by, the corresponding task end date.

Task No.	Task Title	Budget Category	Budget Amount	Task Start Date	Task End Date
1	Design and Permitting	Contractual Services	\$215,377	07/01/2019	04/30/2025
2	Bidding and Contractor Selection	Contractual Services	\$10,000	07/01/2019	04/30/2025
3	Construction	Contractual Services	\$4,832,812	07/01/2019	04/30/2025
Total:			\$5,058,189		

Note that, per Section 8.h. of Attachment 1, authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of the Department if the Legislature reduces or eliminates appropriations. Extending the contract end date carries the risk that funds for this project may become unavailable in the future. This should be a consideration for the Grantee with this and future requests for extension.

Figure 1. Site Plan



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Revised Special Audit Requirements
(State and Federal Financial Assistance)

Attachment 5-1

The administration of resources awarded by the Department of Environmental Protection (*which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the agreement*) to the recipient (*which may be referred to as the "Recipient", "Grantee" or other name in the agreement*) may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this attachment.

MONITORING

In addition to reviews of audits conducted in accordance with 2 CFR Part 200, Subpart F-Audit Requirements, and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by DEP Department staff, limited scope audits as defined by 2 CFR 200.425, or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer (CFO) or Auditor General.

AUDITS

PART I: FEDERALLY FUNDED

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in 2 CFR §200.330

1. A recipient that expends \$750,000 or more in Federal awards in its fiscal year, must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR Part 200, Subpart F. EXHIBIT 1 to this Attachment indicates Federal funds awarded through the Department of Environmental Protection by this Agreement. In determining the federal awards expended in its fiscal year, the recipient shall consider all sources of federal awards, including federal resources received from the Department of Environmental Protection. The determination of amounts of federal awards expended should be in accordance with the guidelines established in 2 CFR 200.502-503. An audit of the recipient conducted by the Auditor General in accordance with the provisions of 2 CFR Part 200.514 will meet the requirements of this part.
2. For the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in 2 CFR 200.508-512.
3. A recipient that expends less than \$750,00 in federal awards in its fiscal year is not required to have an audit conducted in accordance with the provisions of 2 CFR Part 200, Subpart F-Audit Requirements. If the recipient expends less than \$750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F-Audit Requirements, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other federal entities).
4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at www.cfda.gov

Attachment 5-1

1 of 6

PART II: STATE FUNDED

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2), Florida Statutes.

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year of such recipient (for fiscal years ending June 30, 2017, and thereafter), the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, F.S.; Rule Chapter 69I-5, F.A.C., State Financial Assistance; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this form lists the state financial assistance awarded through the Department of Environmental Protection by this agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.
2. In connection with the audit requirements addressed in Part II, paragraph 1; the recipient shall ensure that the audit complies with the requirements of Section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than \$750,000 in state financial assistance in its fiscal year (for fiscal year ending June 30, 2017, and thereafter), an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$750,000 in state financial assistance in its fiscal year, and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. For information regarding the Florida Catalog of State Financial Assistance (CSFA), a recipient should access the Florida Single Audit Act website located at <https://apps.fldfs.com/fsaa> for assistance. In addition to the above websites, the following websites may be accessed for information: Legislature's Website at <http://www.leg.state.fl.us/Welcome/index.cfm>, State of Florida's website at <http://www.myflorida.com/>, Department of Financial Services' Website at <http://www.fldfs.com/> and the Auditor General's Website at <http://www.myflorida.com/audgen/>.

PART III: OTHER AUDIT REQUIREMENTS

(NOTE: This part would be used to specify any additional audit requirements imposed by the State awarding entity that are solely a matter of that State awarding entity's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements). Pursuant to Section 215.97(8), Florida Statutes, State agencies may conduct or arrange for audits of State financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State awarding agency must arrange for funding the full cost of such additional audits.)

PART IV: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with 2 CFR Part 200, Subpart F-Audit Requirements, and required by PART I of this form shall be submitted, when required by 2 CFR 200.512, by or on behalf of the recipient directly to the Federal Audit Clearinghouse (FAC) as provided in 2 CFR 200.36 and 200.512
 - A. The Federal Audit Clearinghouse designated in 2 CFR §200.501(a) (the number of copies required by 2 CFR §200.501(a) should be submitted to the Federal Audit Clearinghouse), at the following address:

By Mail:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

Submissions of the Single Audit reporting package for fiscal periods ending on or after January 1, 2008, must be submitted using the Federal Clearinghouse's Internet Data Entry System which can be found at <http://harvester.census.gov/facweb/>

2. Copies of financial reporting packages required by PART II of this Attachment shall be submitted by or on behalf of the recipient directly to each of the following:

A. The Department of Environmental Protection at one of the following addresses:

By Mail:

Audit Director
Florida Department of Environmental Protection
Office of Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:

FDEPSingleAudit@dep.state.fl.us

B. The Auditor General's Office at the following address:

Auditor General
Local Government Audits/342
Claude Pepper Building, Room 401
111 West Madison Street
Tallahassee, Florida 32399-1450

The Auditor General's website (<http://flauditor.gov/>) provides instructions for filing an electronic copy of a financial reporting package.

3. Copies of reports or management letters required by PART III of this Attachment shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at one of the following addresses:

By Mail:

Audit Director
Florida Department of Environmental Protection
Office of Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:

FDEPSingleAudit@dep.state.fl.us

4. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this Agreement shall be submitted timely in accordance with 2 CFR 200.512, section 215.97, F.S., and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

5. Recipients, when submitting financial reporting packages to the Department of Environmental Protection for audits done in accordance with 2 CFR 200, Subpart F-Audit Requirements, or Chapters 10.550 (local governmental entities) and 10.650 (non and for-profit organizations), Rules of the Auditor General, should indicate the date and the reporting package was delivered to the recipient correspondence accompanying the reporting package.

PART V: RECORD RETENTION

The recipient shall retain sufficient records demonstrating its compliance with the terms of the award and this Agreement for a period of **five (5)** years from the date the audit report is issued, and shall allow the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General upon request for a period of **three (3)** years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

EXHIBIT – 1

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Note: If the resources awarded to the recipient represent more than one federal program, provide the same information shown below for each federal program and show total federal resources awarded

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program A	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category
				\$	
Federal Program B	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category
				\$	

Note: Of the resources awarded to the recipient represent more than one federal program, list applicable compliance requirements for each federal program in the same manner as shown below:

Federal Program A	First Compliance requirement: i.e.: (what services of purposes resources must be used for)	
	Second Compliance requirement: i.e.:(eligibility requirement for recipients of the resources)	
	Etc.	
	Etc.	
Federal Program B	First Compliance requirement: i.e.: (what services of purposes resources must be used for)	
	Second Compliance requirement: i.e.: (eligibility requirement for recipients of the resources)	
	Etc.	
	Etc.	

Note: If the resources awarded to the recipient for matching represent more than one federal program, provide the same information shown below for each federal program and show total state resources awarded for matching.

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:					
Federal Program A	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category
Federal Program B	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

Note: If the resources awarded to the recipient represent more than one state project, provide the same information shown below for each state project and show total state financial assistance awarded that is subject to section 215.97, F.S.

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:						
State Program A	State Awarding Agency	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	Florida Department of Environmental Protection	2018-2019	37.039	Statewide Surface Water Restoration and Wastewater Projects	\$728,989	141115
Original Agreement	Florida Department of Environmental Protection	2019-2020	37.039	Statewide Surface Water Restoration and Wastewater Projects	\$829,200	141115
Amendment 3	Florida Department of Environmental Protection	2023-2024	37.039	Statewide Water Quality Restoration Projects	\$3,500,000	141115
State Program B	State Awarding Agency	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category

Total Award	\$5,058,189	
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Note: List applicable compliance requirement in the same manner as illustrated above for federal resources. For matching resources provided by the Department for DEP for federal programs, the requirements might be similar to the requirements for the applicable federal programs. Also, to the extent that different requirements pertain to different amount for the non-federal resources, there may be more than one grouping (i.e. 1, 2, 3, etc.) listed under this category.

For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [www.cfda.gov] and/or the Florida Catalog of State Financial Assistance (CSFA) [<https://apps.fldfs.com/fsaa/searchCatalog.aspx>], and State Projects Compliance Supplement (Part Four: State Projects Compliance Supplement [https://apps.fldfs.com/fsaa/state_project_compliance.aspx]). The services/purposes for which the funds are to be used are included in the Agreement's Grant Work Plan. Any match required by the Recipient is clearly indicated in the Agreement.

COUNCIL AGENDA STATEMENT



Meeting Date: October 10, 2023
To: Honorable Mayor and City Council
From: George Garrett, City Manager

Agenda Item: **Resolution 2023-106** Authorizing The City To Extend The Agreement With Ronald L. Book, P.A. For Professional Consulting And Lobbying Services Before The Legislature Of The State Of Florida; Authorizing The City Manager To Expend Budgeted Funds, And Execute The Extension Agreement; And Providing An Effective Date

BACKGROUND & JUSTIFICATION:

The City has contracted with Ronald L. Book, P.A. for lobbying and professional consulting services before the State of Florida since 2013. Ronald L. Book, P.A. has been very effective on the City’s behalf before the Florida Legislature, the executive branch of the Florida government and various regional and local governments. Ronald L. Book, P.A. has also kept the City informed on budget and policy differences, funding on items affecting the Florida Keys, including economic development incentives, and the State’s tourism marketing activities.

The yearly rate of \$60,000 is included in the City’s adopted budget for FY 2024. The contract extension otherwise does not otherwise change from the language in the previous version of the contract, other than the term. This extension would bring the contract term expiration to November 1, 2024.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u> X </u>	<u> </u>
2. Other _____	<u> </u>	<u> </u>
3. Not applicable _____		

FISCAL NOTE:

Funding for this contract is included in the FY24 Adopted City Council and Wastewater Utility budgets. (50%/50% split)

RECOMMENDATION:

Council approve Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-106**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA AUTHORIZING THE CITY TO EXTEND THE AGREEMENT WITH RONALD L. BOOK, P.A. FOR PROFESSIONAL CONSULTING AND LOBBYING SERVICES BEFORE THE LEGISLATURE OF THE STATE OF FLORIDA; AUTHORIZING THE CITY MANAGER TO EXPEND BUDGETED FUNDS, AND EXECUTE THE EXTENSION AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Marathon (the “City”) recognizes the importance of monitoring and participating in the State legislative process in order to protect the interests of the City and its residents; and

WHEREAS, the Consultant and City, through mutual negotiation, have agreed upon a scope of services and fee for legislative consulting services on behalf of the City before the Florida Legislature, the executive branch of the Florida government, and various regional and local governments; and

WHEREAS, the firm of Ronald L. Book, P.A., (the “Consultant”), wishes to extend the term of the agreement for one year in order to continue to provide professional legislative consulting and lobbying services before the legislature of the State of Florida on behalf of the City.

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

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

Section 2. The extension to the professional services agreement between the City and Consultant, a copy of which is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is hereby approved. The City Manager is authorized to execute the extension and expend budgeted funds on behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10th DAY OF OCTOBER, 2023.

THE CITY OF MARATHON, FLORIDA

Mayor Gonzalez

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(CITY SEAL)

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

City Attorney, Steven T. Williams

**EXTENSION TO CONTRACT
FOR
LOBBYING SERVICES**

This extension to the Contract for Lobbying Services (the “Extension”) made and entered into this ___ day of November, 2023 between the City of Marathon, Florida, a municipal corporation organized and existing under the laws of the State of Florida, with its address at 9805 Overseas Highway, Marathon, Florida, 33050 (hereinafter referred to as “City”) and Ronald L. Book P.A., a Florida corporation, with its address at 18851 NE 29th Ave. Ste. 1010, Aventura, FL 33180, (hereinafter referred to as “Consultant”).

WITNESSETH:

WHEREAS, on November 16, 2017, the City and Consultant entered into a Contract for Lobbying Services (the “Contract”); and

WHEREAS, the City and the Consultant desire to extend the term for one year to expire in 2024.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth in this Extension and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby amend the Agreement to read as follows:

Section 2. Term/Commencement Date

2.1 TERM:

This Contract shall continue through November 1, 2024 unless terminated earlier in accordance with Section 8.

[THE REMAINDER OF THIS PAGE SHALL REMAIN BLANK]

IN WITNESS WHEREOF, City and Contractor have set their hands and seals, as of the day and year first above written.

Attest:

City Of Marathon, Florida

Diane Clavier,
City Clerk

George Garrett,
City Manager

Approved As To Form And Legality For The Use
And Reliance Of The City Of Marathon, Florida Only:

Steve Williams, City Attorney

Ronald L. Book, PA.

Mr. Ronald L. Book, President
President

COUNCIL AGENDA STATEMENT



Meeting Date: October 10, 2023
To: Honorable Mayor & Members of the City Council
From: Dan Saus, Utilities Manager
Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-107**, Approving A Contract Between The City And Hawkins, Inc. For Delivery of Chemicals to the Wastewater Treatment Plants, In An Amount Not To Exceed \$1,535,050.00; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

BACKGROUND & JUSTIFICATION:

On July 31, 2023 the city put out an invitation to bid ITB-ITBLF-0-2023/LF called “Chemical Delivery for Wastewater Treatment Plants”. The bids were received and opened on August 30, 2023 at 11:00 AM at City Hall. There were three bidders in total. A bid tabulation is attached as Exhibit “A”. We had only one bidder that was responsive and responsible and provided a price for chemical needs of our treatment facilities. Due to that fact, Staff recommends awarding the contract to Hawkins Group Inc.

CONSISTENCY CHECKLIST:

	<u>YES</u>	<u>NO</u>
1. Comprehensive Plan	<u>X</u>	
2. Other (2010 State Mandate)	<u>X</u>	

FISCAL NOTE:

\$425,000 is appropriated in the Adopted FY23/24 Wastewater Utility budget for chemicals. Funding for future years will have to be appropriated during the annual budget process.

RECOMMENDATION:

Approval of Resolution.

Chemical Delivery to Wastewater
Facilities Bid
8/30/23
Ham

① Allied universal Corporation
Addendum I ✓
NO Bid.

② univar Solutions USA
NO Bid

③ Hawkins
Addendum I ✓
\$ 1,535,050.00

present: Lily Jones
Hillary Palmer

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING A CONTRACT WITH HAWKINS, INC. FOR CHEMICAL DELIVERY IN AN AMOUNT NOT TO EXCEED \$1,535,050; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on July 31, 2023 the City of Marathon (the “City”) published An Invitation to Bid for “Chemical Delivery Bid” (the “Project”); and

WHEREAS, on August 30, 2023, 3 bids were received with the only responsive and responsible bid being submitted by Hawkins, Inc., (the “Contractor”) and City staff subsequently reviewed and determined the City’s local preference regulations applied to the Project, but not for any of the bidders, and the bid was complete and the bidder was responsive and responsible; and

WHEREAS, the City finds that accepting the bid from Hawkins Inc. is in the best interest of the City and entering into a contract with the Contractor is also in the best interest of the City.

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

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Contract between the City and the Contractor for the construction of the Project in an amount not to exceed \$1,535,050.00, a bid tabulation is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the City Manager and approved as to form by the City Attorney, is hereby approved. The City Manager is authorized to execute the Contract and expend budgeted funds on behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MARATHON, FLORIDA, THIS __ DAY OF _____ 2023
THE CITY OF MARATHON, FLORIDA**

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

Steve Williams, City Attorney

**SECTION 2
CONTRACT FOR
CHEMICAL DELIVERY TO WASTEWATER FACILITIES**

THIS CONTRACT is made this 10th day of October, 2023 by and between the City of Marathon, Florida (the "City") and Hawkins, Inc. (the "Contractor").

The parties, for the consideration provided for below, mutually agree as follows:

- 2.1. **SCOPE OF WORK**- The Contractor shall furnish all labor, materials, supervision, equipment, supplies, and incidentals required to perform the "Scope of Work," included in Section 4 of this bid package.
- 2.2. **COMPENSATION/PAYMENT**-
 - 2.2.1. Contractor shall provide the City with an invoice on a monthly basis within ten (10) days of the end of each month stating the services provided in the preceding month.
 - 2.2.2. The City shall make payment on said invoices of approved amounts due, as required under the Florida Prompt Payment Act. No payments shall be due or payable for Work not performed or materials not furnished.
 - 2.2.3. The Contractor shall be compensated at the unit prices specified in Exhibit A based upon the actual Work completed for the month.
- 2.3. **TERM**- This Contract shall be effective upon execution by both parties and shall continue for (3) three years through **October 31, 2026**. The City Manager may, at his/her sole option, extend this Contract on the same terms and conditions for an additional term of two (2) one (1) year periods. Such extension shall be effective upon receipt of a written notice from the City Manager to the Contractor received no later than 60 days prior to the date of termination.
- 2.4. **CONTRACTOR'S DUTY TO INSPECT**- The Contractor has carefully examined the described the areas for the Work contemplated in Section 4 and has made sufficient tests and other investigations to fully satisfy himself as to site conditions, and he assumes full responsibility therefore. The Contractor shall be responsible for the repair or replacement of any property damaged by the Contractor.
- 2.5. **NON-WAIVER**- The approval, and/or acceptance of any part of the Work by the City shall not operate as a waiver by City of any other terms and conditions of the Contract.
- 2.6. **PROTECTION OF PROPERTY AND THE PUBLIC**- The Contractor shall protect public and private property from injury or loss arising in connection with this contract as follows:
 - 2.6.1. The Contractor shall take all necessary precautions for the safety of employees in the performance of the Work on, about or adjacent to the premises, and shall comply with

all applicable provisions of Federal, State, and local laws, including, but not limited to the requirements of the Occupational Safety and Health Act of 1970, and amendments thereto, the Construction safety Act of 1969, and amendments thereto, and building codes to prevent accidents or injury to persons on, about or adjacent to the premises where the Work is being performed.

2.6.2. The Contractor shall erect and properly maintain at all times, all necessary safeguards, including sufficient lights and danger signals on or near the Work, from sunset to sunrise, suitable railings, barricades, or other hazards or other protective devices about unfinished work, open trenches, embankments, or other hazards and obstructions to traffic; provide all necessary security staff on the Work by day or by night for the safety of the public; and take all necessary precautions to prevent accidents and injuries to persons or property on or near the Work.

2.6.3. The Contractor shall be completely responsible for, and shall replace and make good all loss, injury, or damage to any property (including landscaping, walks, drives, or structures of the City) and of any land adjoining any work sites, which may be caused by Contractor. The Contractor shall, at all times while the Work is in progress, use extraordinary care to see that adjacent property, whether real or personal, is not endangered in any way by reason of fire, water, or delivery operations, and shall take all necessary or directed steps, to protect the property. The same care shall be exercised by all Contractor's and subcontractor's employees.

2.6.4. Buildings, sidewalks, fences, shade trees, lawns and all other improvements shall be duly protected from damage by Contractor. Property obstructions, such as sewers, drains, water or gas lines, conduits, railroads, poles, walls, posts, galleries, bridges, manholes, valve boxes, meter boxes, street monuments, etc., shall be carefully protected from injury and shall not be displaced.

2.7. **INDEMNIFICATION-**

2.7.1. The Contractor shall indemnify and hold harmless the City, its officers, agents and employees from and against all liability, claims, damages, losses and expenses, including reasonable attorney's fees and costs at both trial and appellate levels arising out of or resulting from the performance of Work under this contract, caused by any act or omission of the Contractor or anyone directly or indirectly employed by Contractor or anyone for whose acts Contractor may be liable.

2.7.2. This indemnification obligation shall survive the termination of this Contract.

2.7.3. The Contractor shall defend the City or provide for such defense, at the City's option.

2.7.4. The Contractor shall be held responsible for any violation of laws, rules, regulations or ordinances affecting in any way the conduct of all persons engaged in or the materials or methods used by him, on the Work. Contractor shall give all notices and comply with

all laws, ordinances, rules, regulations and orders of any public authority bearing on the performance of the Work under this contract. Contractor shall secure and pay for all permits, fees, licenses, and inspections necessary for the execution of the Work, and upon termination of this contract for any reason, Contractor shall transfer such permits, if any, and if allowed by law, to the City.

- 2.8. **CONTRACT DOCUMENTS-** The following documents shall, by this reference, be considered part of this Contract:

Instructions to Bidders;
All Addendums;
Contract Agreement;
Bid Documents;
Scope of Work/Specifications;
Qualification Statement;
Insurance Certificates; and
Bonds.

- 2.9. **CONTRACTOR'S EMPLOYEES-**

2.9.1. Contractor's employees shall wear a clean uniform that provides identification of both the Contractor's company and the name of the employee.

2.9.2. Contractor shall, upon receipt of a written request from the City Manager, immediately exclude any employee of Contractor from providing Work under this Contract.

2.9.3. The Work contemplated in this Contract is on public property, accordingly no alcoholic beverages shall be allowed.

2.9.4. The same care shall be exercised by all Contractor's and subcontractor's employees.

- 2.10. **VEHICLES AND EQUIPMENT-** Contractor shall have on hand at all times and in good working order such vehicles, machinery, tools, accessories, and other items necessary to perform the Work under this Contract. All vehicles used by Contractor to provide services under this Contract shall be painted uniformly with the name of Contractor, business telephone number, and the number of the vehicle in letters legible by the public. The City Manager may require the repair or replacement of equipment as reasonably necessary. No other advertising shall be permitted on the vehicles.

- 2.11. **INSURANCE-** The Contractor shall secure and maintain throughout the duration of this Contract, insurance of such type and in such amounts necessary to protect its interest and the interest of the City against hazards or risks of loss as specified below. The underwriter of such insurance shall be qualified to do business in Florida, be rated AB or better, and have agents upon whom service of process may be made in the State of Florida. The insurance coverage shall be primary insurance with respect to the City, its officials, employees, agents and volunteers, and naming the City as an additional insured. Any

insurance maintained by the City shall be in excess of the Contractor's insurance and shall not contribute to the Contractor's insurance. The insurance coverages shall include a minimum of:

INSURANCE REQUIREMENTS - STATUTORY LIMIT

Commercial General Liability – Coverage shall apply to premises and/or operations, products and completed operations, independent contractors, contractual liability exposures with minimum limits of:

- \$1,000,000 per occurrence
- \$2,000,000 general aggregate
- \$1,000,000 products and completed operations
- \$1,000,000 personal and advertising injury

Worker's Compensation – Statutory benefits as defined by FS 440 encompassing all operations contemplated by this contract to apply to all owners, officers and employees regardless of the number of employees. Worker's Compensation exemptions may be accepted with written proof of the State of Florida's approval of such exemption. Employer's liability will have minimum limits of:

- \$100,000 per accident
- \$100,000 disease limit
- \$500,000 disease policy limit

Business Auto Liability – Coverage shall apply to all owned, hired and non-owned vehicles used with limits of:

- \$1,000,000 combined single limit

Pollution Liability – Covering a transporter moving hazardous products or waste as cargo with minimum limits of:

- \$1,000,000 bodily injury/property damage, cleanup including wrongful delivery

2.11.1 **Comprehensive Automobile and Vehicle Liability Insurance:** This insurance shall be written in comprehensive form and shall protect the Contractor and the City against claims for injuries to members of the public and/or damages to property of others arising from the Contractor's use of motor vehicles or any other equipment and shall cover operation with respect to onsite and offsite operations and insurance coverage shall extend to any motor vehicles or other equipment irrespective of whether the same is owned, non-owned, or hired. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability Policy, without restrictive endorsement, as filed by the Insurance Services Office.

2.11.2 **Commercial General Liability.** This insurance shall be written in comprehensive form and shall protect the Contractor and the City against claims arising from injuries to members of the public or damage to property of others arising out of any act or omission to act of the Contractor or any of its agents, employees, or subcontractors. Coverage must

be afforded on a form no more restrictive than the latest edition of the Commercial General Liability Policy, without restrictive endorsements, as filed by the Insurance Services Office, and must include: (1) Premises and/or Operations; (2) Independent contractors and Products and/or completed Operations; (3) Broad Form Property Damage, Personal Injury and a Contractual Liability Endorsement, including any hold harmless and/or indemnification agreement.

2.11.3 **Certificate of Insurance:** Contractor shall provide the City Manager with Certificates of Insurance for all required policies. The Certificates of Insurance shall not only name the types of policy(ies) provided, but also shall refer specifically to this Contract and shall state that such insurance is as required by this Contract. The City reserves the right to require the Contractor to provide a certified copy of such policies, upon written request by the City. If a policy is due to expire prior to the completion of the services, renewal Certificates of Insurance or policies shall be furnished thirty (30) calendar days prior to the date of their policy expiration. Each policy certificate shall be endorsed with a provision that not less than thirty (30) calendar days' written notice shall be provided to the City before any policy or coverage is cancelled or restricted. Acceptance of the Certificate(s) is subject to approval of the City Manager.

2.11.4 **Additional Insured** - The City is to be specifically included as an Additional Insured for the liability of the City resulting from operations performed by or on behalf of Contractor in performance of this Contract. Contractor's insurance, including that applicable to the City as an Additional Insured, shall apply on a primary basis and any other insurance maintained by the City shall be in excess of and shall not contribute to Contractor's insurance. Contractor's insurance shall contain a severability of interest provision providing that, except with respect to the total limits of liability, the insurance shall apply to each Insured or Additional Insured in the same manner as if separate policies had been issued to each.

2.11.5 All deductibles or self-insured retentions must be declared to and be approved by the City Manager. The Contractor shall be responsible for the payment of any deductible or self-insured retentions in the event of any claim.

2.12. **ASSIGNMENT AND AMENDMENT**- No assignment by the Contractor of this contract or any part of it; or any monies due or to become due, shall be made, nor shall the Contractor hire a subcontractor to perform its duties under this Contract without prior written approval of the City Manager. This Contract may only be amended by the parties with the same formalities as this Contract.

2.13. **TERMINATION-**

2.13.1. Either party may terminate this Contract without cause upon 30 days written notice to the other party.

2.13.2. Upon notice of such termination, the City shall determine the amounts due to the Contractor for services performed up to the date of termination. The Contractor shall not be entitled to payment of any lost profits or for Work performed after the date of termination.

2.13.3. After receipt of a notice of termination, and except as otherwise directed, the Contractor shall stop all Work under this Contract, and shall do so on the date specified in the notice of termination.

2.13.4. The City may terminate this Contract upon five (5) days written notice if the Contractor defaults on any material term of this Contract.

2.14. **CHOICE OF LAW-** This Contract shall be governed by the laws of the State of Florida. Venue shall lie in Monroe County.

2.15. **ATTORNEY'S FEES-** . If either the City or Contractor is required to enforce the terms of the contract by court proceedings or otherwise, whether or not formal legal action is required, the parties shall bear their own attorney fees, costs and expenses, at the trial and appellate level.

2.16. **ACCESS TO PUBLIC RECORDS-** **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT CITYCLERK@CL.MARATHON.FL.US OR 305-743-0033.**

2.17. **INSPECTION AND AUDIT-** During the term of this Contract and for three (3) years from the date of Termination the Contractor shall allow City representatives access during reasonable business hours to Contractor's records related to this Contract for the purposes of inspection or audit of such records. If upon audit of such records, the City determines the Contractor was paid for services not performed, upon receipt of written demand by the City, the Contractor shall remit such payments to the City.

2.18. **SEVERABILITY-** If a term, provision, covenant, contract or condition of this contract is held to be void, invalid, or unenforceable, the same shall not affect any other portion of this contract and the remainder shall be effective as though every term, provision, covenant, contract or condition had not been contained herein.

- 2.19. **WAIVER OF JURY TRIAL** - The parties irrevocably, knowingly agree to waive their rights to a trial by jury in any action to enforce the terms or conditions of this Contract.
- 2.20. **COUNTERPARTS**- This Contract may be signed in one or more counterparts, each of which when executed shall be deemed an original and together shall constitute one and the same instrument.
- 2.21. **NOTICES**- Whenever any party is required to give or deliver any notice to any other party, or desires to do so, such notices shall be sent via certified mail or hand delivery to:

For City:

Geroge Garrett, City Manager
City of Marathon
9805 Overseas Highway
Marathon, Florida 33050
Telephone: (305) 289-4102
Facsimile: (305) 289-4123

For City:

Steve Wiliams, City Attorney
9805 Overseas Highway
Marathon, Florida 33050
Telephone: (305) 289-4103
Facsimile: (305) 289-4123

For Contractor:

Hawkins Inc.
2263 Clark St.
Apopka, FL 32703
Telephone: (800) 330-1369
Facsimile: (800) 524-9315

E-VERIFY

3. **E-Verify System** - Beginning January 1, 2021, in accordance with F.S. 448.095, the Contractor and any subcontractor shall register with and shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the work authorization status of all new employees hired by the Contractor during the term of the Contract and shall

expressly require any subcontractors performing work or providing services pursuant to the Contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the work authorization status of all new employees hired by the subcontractor during the Contract term. Any subcontractor shall provide an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien. The Contractor shall comply with and be subject to the provisions of F.S. 448.095

IN WITNESS WHEREOF the parties hereto have executed this Contract on the day and date first above written.

Attest:

CITY OF MARATHON

By: _____
Diane Clavier, City Clerk

By: _____
George Garrett, City Manager

By: _____
Steve Williams, City Attorney

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE CITY OF MARATHON ONLY:

Signed, sealed and witnessed in the
presence of:

As to Contractor:

By: _____

By: _____

(*) In the event that the Contractor is a corporation, there shall be attached to each counterpart a certified copy of a resolution of the board of the corporation, authorizing the officer who signs the contract to do so in its behalf.

EXHIBIT "A" – BID FORM

(Bidder should consider all SECTION 4 requirements in item prices bid)

A	B	C	D	E	F
Item	Description	Unit of Measure	Price Per Unit	Estimated Annual Usage	Bid Amount (column D times Column E)
1	Sodium Hydroxide (Caustic Soda), Liquid	Per Gallon		13,000	\$6.25
2	Aluminum Sulfate, Liquid	Per Gallon		95,000	\$3.18
3	Glycerine, Liquid	Per Gallon		160,000	\$6.25
4	Sodium Hypochlorite (NaOCl) – Liquid	Per Gallon		82,000	\$1.85
	Grand Total			350,000	\$ 1,535,050.00

Grand Total in written words: One million five hundred thirty five thousand fifty dollars

I. BIDDER HAS EXAMINED AND CAREFULLY STUDIED THE BIDDING DOCUMENTS, THE OTHER RELATED DATA IDENTIFIED IN THE BIDDING DOCUMENTS, AND THE FOLLOWING ADDENDA, RECEIPT OF ALL, WHICH IS HEREBY ACKNOWLEDGED.

Addendum No.

Addendum Date

#1 _____

08/04/2023 _____

COUNCIL AGENDA STATEMENT



Meeting Date: October 10, 2023

To: Honorable Mayor & Members of the City Council

From: Daniel Saus, Utilities Director

Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-108**, Modifying the City’s Wastewater Rates; Authorizing The City Manager To Administer Wastewater Rate Implementation; And Providing An Effective Date

BACKGROUND & JUSTIFICATION:

The City recently completed a utility rate study. The study recommends wastewater rate increases for the next several fiscal years. These rate increases would apply to the admin, base and flow components of the rate. The FY24 recommended rate increase is 16%, with a tentative 7% increase for FY25-FY27, and a tentative 1% increase in FY28.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u>X</u>	_____
2. Other – 2010 Sewer Mandate	<u>X</u>	_____
3. Not applicable	_____	_____

FISCAL NOTE:

The increased rates will allow the City to meet debt service coverage requirements, while still adequately maintaining the system.

RECOMMENDATION:

Approval of Resolution.

Sponsored By: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION NO. 2023-108**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, MODIFYING THE CITY’S RATE; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER WASTEWATER RATE IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Marathon, Florida (the “City”) enacted Ordinance 02-07-12 and Ordinance 2008-10 (the “Ordinances), which establish a Wastewater Utility and authorizes, by City Council resolution, the imposition of fees, charges procedures as appropriate to the construction, operation and maintenance of the wastewater system;

WHEREAS, the City Council desires to adjust the Wastewater Utility Rate Schedule.

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

Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. This resolution is adopted pursuant to the provisions of Ordinance No. 02-07-12, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 3. This resolution increases the base capacity charge per EDU, and the Per Customer Administrative Charge, and the Flow Rate by 16% in FY24, 7% in FY25-FY27 and 1% in FY28 (as enumerated in “Exhibit “A”).

Section 4. This resolution shall take effect immediately upon its adoption.

PASSED AND APROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10TH DAY OF OCTOBER, 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

Steve Williams, City Attorney

EXHIBIT A

Description	2024	2025	2026	2027	2028
Rate Adjustment	16.00%	7.00%	7.00%	7.00%	1.00%
Administrative Charge per Account	\$16.79	\$17.97	\$19.23	\$20.58	\$20.79
Base Charge per EDU	26.85	28.73	30.74	32.89	33.22
Usage Charge per 1,000 Gallons [1]	9.51	10.18	10.89	11.65	11.77

[1] Usage charge is capped at 12,000 gallons per month for individually metered residential customers.

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-109**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, ADOPTING THE MONROE COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (PPI); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon is currently a participating community in the National Flood Insurance Program (NFIP); and

WHEREAS; the City of Marathon became eligible and applied for FEMA's Community Rating System (CRS) in 2016; and

WHEREAS, the City of Marathon's voluntary participation in the NFIP's Community Rating System (CRS) provides residents of Marathon with a discount on a standard NFIP flood insurance policy in the Special Flood Hazard Area (SFHA); and

WHEREAS, the entire City of Marathon is located within the SFHA; and

WHEREAS, the City of Marathon participated in the Monroe County Multi-Jurisdictional Program for Public Information; and

WHEREAS; the City of Marathon previously adopted Resolution 2017-27 adopting the 2017 version of the Monroe County Multi-Jurisdictional Program for Public Information; and

WHEREAS; the Monroe County Program for Public Information Committee has identified important messages to be communicated to target audiences in a Multi-Jurisdictional Program for Public Information in this 2023 update;

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

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council hereby adopts the Monroe County Multi-Jurisdictional Program for Public Information, a copy of which is attached hereto.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10TH DAY OF OCTOBER, 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

Steve Williams, City Attorney

Monroe County Multi-jurisdictional Program for Public Information



March 21, 2017
(Revised 7/10/2018)
(Updated 8/1/2023)

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1. Background

Monroe County is located in the southernmost region of Florida. The County consists of a largely uninhabited mainland section, mostly contained within Everglades National Park and the Big Cypress National Preserve, and the chain of islands known as the Florida Keys. More than 99 percent of the County's population lives in the Keys.

The Florida Keys consist of a uniquely situated archipelago, 220 miles in length, located between the Gulf of Mexico and the Atlantic Ocean. They have 600 miles of exposed coastline. The majority of these islands are bordered by a mangrove plant system. Unlike many of Florida's coastal barrier islands, sandy beaches are uncommon and are mostly located on the Atlantic side of the islands.

Essentially, the Florida Keys consist of a string of coral islands with an average elevation of 4 to 7 feet above mean sea level. Much of the Keys would be flooded in a Category 5 worst case storm event. Two sections in the City of Key West and several coral ridges on Key Largo are the only areas above the predicted flood level.

The Monroe County Comprehensive Emergency Management Plan notes that:

Monroe County's highway transportation system is exceptionally unique in that a single road with connecting bridges forms the backbone of the entire county transportation network, and the sole link to the Florida mainland.

United States Highway One (US 1) is two-lane highway for most of its length. It links the islands with 41 bridges. The bridge system comprises a total of 19 miles of the 126-mile-long roadway. US 1 is the main evacuation route for the Florida Keys.

The Florida Keys have been named by the National Hurricane Center as an area most prone to the effects of tropical cyclones. In addition to this risk, they are a popular destination for 15,000 to 50,000 seasonal and holiday overnight visitors. Shelters located in Monroe County do not provide adequate protection for evacuees in the event of a Category 3 or stronger storm. Therefore, evacuating the population plus the visitors is a major issue, complicated by the fact that there is only one highway serving as the sole evacuation route.

An increase in the frequency of flood inundation has been predicted due to the impacts of climate change and the resulting sea level rise. These changes mean that the County's citizens need to be educated on both the larger floods from hurricanes and the smaller, more frequent, floods from local storms and king tides.

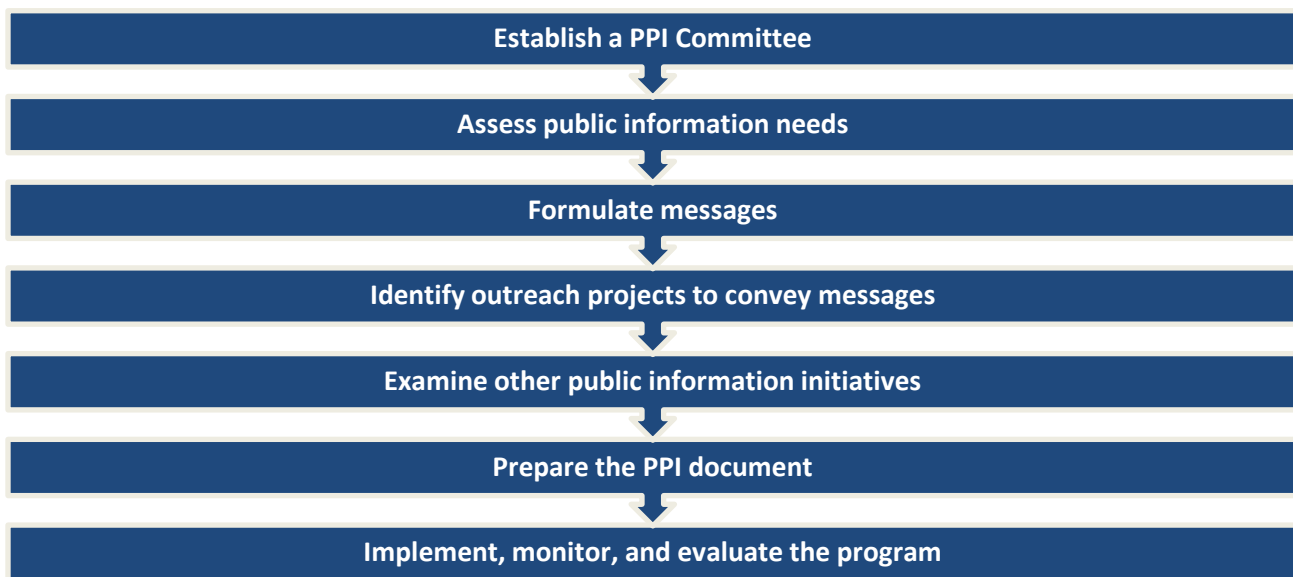
One important floodplain management program is the National Flood Insurance Program (NFIP) and its Community Rating System (CRS). All six communities in the County participate in the CRS. In 2016, Monroe County, Islamorada, Marathon, and Key West, agreed that, given the unique flooding hazards in the Florida Keys, enhanced and uniform communications are critical elements in saving lives and avoiding property damage. Therefore, they would work together to prepare a joint Program for Public Information (PPI).

In 2018, the PPI was revised to include the City of Key Colony Beach. The 2023 PPI Update includes the City of Layton. The PPI now includes all municipalities in Monroe County. The Committee agrees that having all of the municipalities disseminating unified messaging is vital to educate citizens on how to best prepare for flooding and to protect life and property in a flooding event.

2. Objective

The objective of this Program for Public Information is to develop and deliver unified messages to affected residents and businesses so they will take actions to reduce their exposure to the danger and property damage caused by flooding.

This Program for Public information was prepared following a step-by-step process encouraged by the Community Rating System.



As part of the 2023 Update to the PPI, each step of the process was evaluated and updated as directed by the PPI Committee.

3. The PPI Committee

The Monroe County Program for Public Information began with the creation of the PPI Committee with representatives of both public stakeholders and local governmental staff. All Monroe County jurisdictions were invited to an organizational meeting in April of 2016 to discuss the formation of this PPI Committee. It was decided that each community participating in the PPI would have committee members appointed by their local governing boards.

More than half of the committee members are from local stakeholder groups which include lending institutions, the real estate industry, insurance agencies, the University of Florida, and Fair Insurance Rates for Monroe (FIRM). The balance of the committee members consists of floodplain administrators and the Monroe County Public Information Officer.

The PPI Committee Members are updated due to staff changes, the addition of Key Colony Beach and Layton along with shifts in Stakeholder availability to participate with the PPI Committee. The updated committee is in Table 1. below.

Table 1. Monroe County PPI Committee Members		
Member	Affiliation	Jurisdiction
Kimmeron Lisle Resident		City of Key Colony Beach
Karl Bursa Building Assistant		City of Key Colony Beach
Jay W. Hall Senior Vice President / Commercial Banker	Truist	City of Key West
Rebeca Horan, Insurance Agent	Keys Anchor Insurance Agency	City of Key West
Raj Rahmsing Building Official		City of Key West
Brian Shea Planning Director		City of Marathon
Brian Schmitt, Real Estate Agent	Coldwell Banker Schmitt Real Estate Co.	City of Marathon
Theresa Faber Commercial Loan Officer	Centennial Bank	City of Marathon
Alicia Betancourt, M.A. CFCS County Extensions Director	University of Florida, Extension	Islamorada, Village of Islands
Alina Davis Realtor	Coldwell Banker Schmitt Real Estate Co.	Islamorada, Village of Islands
Megan Rumbaugh Floodplain/CRS Coordinator		Islamorada, Village of Islands
Mimi Young CRS Coordinator		Layton
Megan Jones Realtor	Caldwell Bankers	Layton
Kristen Livengood Public Information Officer		Monroe County
Mel Montagne Vice President Sales	Insurance Office of America	Monroe County
Michele White President Monroe County Market	First Horizon Bank	Monroe County
Mike Maurer MOCO Resident		Monroe County
Alternate PPI Committee Member		
Tom Harding Commissioner		Key Colony Beach

The PPI Committee has met bi-annual since 2015 to accomplish the following tasks.

- ❖ Assess and identify any additional county wide public information needs.
- ❖ Determine if the priority groups that warrant special outreach attention are still appropriate.
- ❖ Evaluate the PPI messages and outcomes and make recommendations as necessary.
- ❖ Identify the need for new outreach projects to convey messages.
- ❖ Examine other public information initiatives.

The meetings were held in a public forum. Notifications of these meetings were published on the Monroe County Website. Additionally, email notifications were sent to local officials, emergency management, and floodplain development staff and the public information officers in the participating jurisdictions.

The first official PPI Committee meeting was held on June 28, 2016. The meeting was opened with a general overview of the steps found in the above outline. Committee members exchanged ideas regarding current effective outreach, and the need to fill the gaps within outreach projects designed to relay clear messages. The umbrella outcome was that the target groups of critical concern should begin to change their behaviors and act to reduce exposure to flood-related hazards.

The second meeting of the PPI committee on August 28, 2016, included the discussion of the inventory of projects and messages currently disseminated by local jurisdictions, stakeholders, and other public entities. Each committee member was given the information summarized in the tables in Section 4.4 Flood Insurance Assessment. The consensus of the committee was that an assessment of the current level of flood insurance coverage should be included in the PPI and monitored by the Committee.

At the third meeting on November 15, 2016, the group focused on stakeholders and priority messages. The PPI committee heard two guest speakers, Jonathan Rizzo, a Warning Coordination Meteorologist with NOAA's National Weather Service (NWS), and Julie Botteri, Upper/Middle Keys Stringer and Web Editor for the Monroe County Tourist Development Council (TDC). NWS and TDC have been longtime partners in disseminating messages to visitors, businesses, local government and citizens.

It was decided that:

- ❖ The PPI should continue the current partnership with the NWS.
- ❖ FIRM (Fair Insurance Rates for Monroe) will continue to promote acquisition of flood insurance, provide education, and relay important messages to other groups.
- ❖ The University of Florida Extensions will partner with, and endorse, the PPI messages to targeted groups.
- ❖ The PPI will support the State of Florida Division of Emergency Management's "Get A Plan!" campaign. This campaign delivers the same messages supported by the committee.

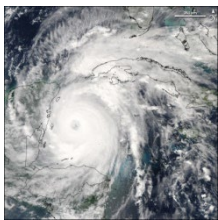
The final meeting was held by the PPI Committee on March 21, 2017. The messages and projects were agreed on and the overall directions for the Multi-jurisdictional Monroe County Program for Public Information were discussed. The Committee unanimously voted to recommend approval of the program to each of the community's governing body.

The PPI Committee began working on an update to the PPI during the 2021 PPI meetings. In 2022 the Committee agreed on the necessary 2023 updates to the PPI. It was decided that the partnership with stakeholders has been successful and should be continued.

The PPI Committee's final updated recommendations on target audiences, outcomes, messages, and outreach projects are summarized in Table 8. Minutes of the committee meetings are available separately.

4. Assessment of Public Information Needs

4.1 The Flood Hazard



Monroe County is in an area of the United States most vulnerable to the threat of flood damage due to tropical cyclones (hurricanes, tropical storms and tropical depressions). The frequency and severity of flooding is expected to increase in the future due to sea level rise. Climate change has also been predicted to cause more frequent and severe rainfall events.

Based on SLOSH (Sea, Lake, and Overland Surges from Hurricanes) mapping models, the National Hurricane Center has determined that the Florida Keys would be inundated by storm surges from all categories of hurricanes and some tropical storms (see Figure 2, next page). Because of this, the Monroe County Evacuation strategy for a Category 3 or greater storm calls for a mandatory evacuation of all Monroe County residents and visitors.

The inherent erratic and irregular tracks of tropical cyclones make it difficult to predict where hurricanes will make landfall. Severe weather is often localized to a specific area due to the geographical makeup of the Florida Keys. The time needed to evacuate all visitors, residents, hospitals, and Special Needs clients could range from 12 hours to more than 30 hours.

A problem unique to the Florida Keys – due to its remote location and single evacuation route by land – is the need to begin evacuations well in advance of a storm's projected landfall, before the storm's track and intensity can be qualified with any great certainty. During years with multiple storm threats and evacuations for cyclone impacts that ultimately never make landfall, the public becomes very complacent with evacuation warnings, increasing the likelihood that greater numbers of people won't evacuate.

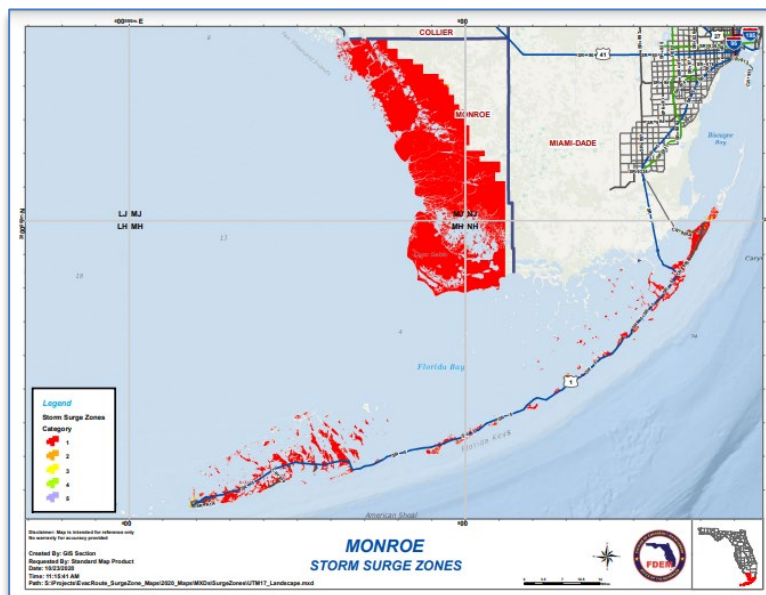
Another important factor in the time required to prepare for a hurricane threat and subsequent evacuation is the influx of tourists attending annual events, peak vacation windows and holidays. These reasons, coupled with the limited capacity of US1, the main evacuation route, have compelled Monroe County to implement a phased evacuation system (see Figure 1).

Figure 1. Evacuation Map

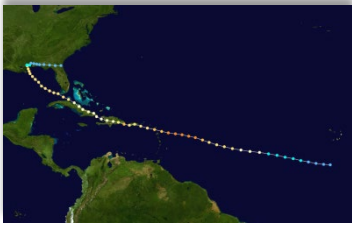


In all storm categories, any visitors (tourists, campers, day-trip travelers, etc.), will be the first to be instructed to evacuate to the mainland in order to ensure their safety. In the event of a rapidly escalating storm, a general evacuation to the mainland would be necessary. It is imperative to have a communications program in place to provide crucial information to help visitors safely exit the Florida Keys.

Figure 1. Florida Keys Surge Map



The Florida Keys have weathered numerous hurricanes and tropical storms. The paragraphs below describe six most significant storms. The “Big Six,” caused the lion’s share of the NFIP claims in the Keys.



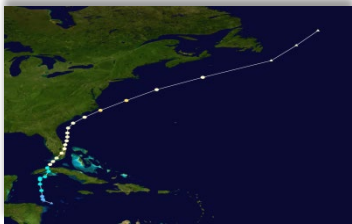
Hurricane Georges – September 1998

Hurricane Georges had winds of up to 155 mph, just below Category 5 status. The eye of the storm passed near Key West. Upon making landfall, Hurricane Georges brought a storm surge of up to 12 feet on Tavernier Key. With waves, as high as 10 feet, many parts of US1 were under water. Georges’ waves damaged an estimated 1,536 houses, and destroyed over 170 residences.



Hurricane Mitch – November 1998

Mitch formed in the western Caribbean Sea and ultimately struck Florida as a strong tropical storm. Mitch caused a storm surge of up to 4 feet in the lower Florida Keys before making landfall on the Florida west coast. Many buildings that had been damaged by Hurricane Georges were leveled by Mitch. In all, Mitch caused \$40 million in damage in Florida and two deaths from drowning.



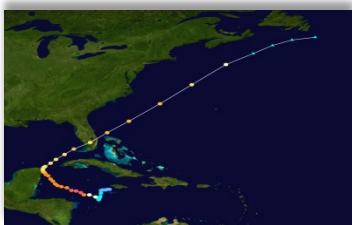
Hurricane Irene – October 1999

Irene struck Florida as a Category 1 hurricane. While moving through the Keys, Irene produced a storm surge of up to 2.3 feet in Key Vaca, while Key West reported a surge of 1.5 feet. Irene produced heavy rainfall in the Keys, including 12 inches of rain in Key West. The rain flooded roads throughout the Keys, prompting officials to close 50 miles of US 1.



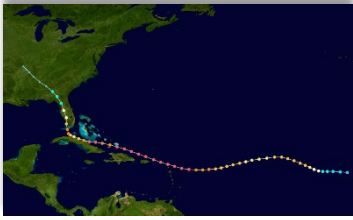
Hurricane Rita – September 2005

Rita passed approximately 45 mi south of Key West as a Category 2 storm. Most of the Keys experienced rainfall accumulations of three or more inches. A maximum storm surge of 5 feet was recorded, with at least 200 flooded homes in a four-block section of Key West. The Upper Keys suffered extensive damage from this storm system. Claims to NFIP for flood damage were submitted from the entire 126 miles stretch of the Florida Keys.



Hurricane Wilma – October 2005

Flooding from Wilma occurred twice. First, the approaching storm pushed water across the Florida Keys from south to north. As the storm finally crossed into the Everglades, all the water that had been pushed there by the storm was released as Wilma crossed the peninsula. The water then raced back across the Lower Keys a second time and emptied into the sea. The “backwash” of up to 8 feet constituted the peak of the storm surge.



Hurricane Irma – September 2017

Irma made landfall as a category 4 hurricane in the Florida Keys. The combined effect of storm surge and the tide produced maximum inundation levels of 5 to 8 ft above ground level for portions of the Lower Florida Keys from Cudjoe Key eastward to Big Pine Key and Bahia Honda Key. Irma caused widespread devastation across the affected areas and was one of the strongest and costliest hurricanes on record in the Atlantic basin.

Conclusions: Based on the 2023 PPI review of past flooding and the threat of increased hazards due to climate change, the PPI Committee concluded:

- ❖ The primary threat to life safety in the Florida Keys is flooding from hurricanes and larger storms that may over wash the islands.
- ❖ The best way to protect against this life safety threat is evacuation. There are many obstacles to evacuating the Keys in time, so public information messages on how to do it right are vital.
- ❖ The primary threat to property is flooding from storm surge and waves from hurricanes and larger storms.

4.2 Natural Floodplain Functions

Monroe County is home to many varieties of protected or endangered species of wildlife. These species and their habitats deserve protection. A great deal of emphasis has been placed on the protection of Species Focus Areas in Monroe County.



Measures to be taken for the conservation and protection of the natural floodplain and habitat areas include:

- ❖ Preventing disturbance to areas that provide critical flood water storage and filtration functions, including mangroves, salt ponds, saltmarsh and buttonwood wetlands, and freshwater wetlands.
- ❖ Preventing excessive clearing and disturbance to natural upland vegetation within the floodplain.
- ❖ Minimizing any alteration of natural drainage patterns within the floodplain.
- ❖ Protecting areas that provide natural water storage and filtration, such as wetlands.

In addition to limiting development related activities that have an adverse impact on natural floodplain functions, the 2022 State Florida Statutes, Article XL, Chapter 704.06 (b) and (f) prohibits the dumping of waste or other materials that are detrimental to drainage and flood control. Each community

participating in the PPI has multiple ways of reporting illegal dumping. Code enforcement procedures are in place to limit or stop offenders.

Conclusions: The PPI Committee concluded that the public information program should continue to encourage citizens to appreciate the natural beauty and environment in the Keys by protecting endangered species and their habitat, preventing detrimental development, and reporting illegal activity or uses of land within the floodplain.

4.3 Priority Areas

The 2023 review of the current flood maps, the history of flooding, and the projections for the future led to the conclusion that there are two types of priority flood hazard areas:

1. The entire area of the Florida Keys is subject to inundation and/or isolation by flooding. People are at risk everywhere. The entire Keys can be considered priority area #1 because the entire Keys would be under water during a Category 5 hurricane and the entire area should be evacuated when a large storm threatens.
2. Priority area #2 is where there is repetitive flooding. Repetitive loss properties are properties where two or more flood insurance claims of at least \$1,000 were paid over a ten-year period. A review of the communities’ flood insurance records found that 96% of the repetitive loss properties got their designation from the Big Five storms discussed above.

Mapping repetitive loss areas is a requirement for participation in the Community Rating System. Each community with repetitive loss areas continues to monitor the repetitive loss data and update the repetitive loss area accordingly. The table below summarizes the areas affected.

For the 2023 update, the Committee discussed adding a priority area which would include areas subject to tidal flooding due to sea level rise. However, it was decided that not enough data and mapping exist at this time to determine the specific priority area. In addition, at this time, the tidal flooding is limited to streets. The committee will reassess this during the annual meeting.

Table 1. Repetitive Loss

Community	Total Buildings	Buildings in RL Areas
Islamorada, Village of Islands	4,980	221
City of Key Colony Beach	1,098	160
City of Key West	10,807	1,301
City of Layton	182	0
City of Marathon	4,773	176
Monroe County	21,875	7,477

4.4 Flood Insurance Coverage Assessment

The committee began reassessing the level of flood insurance coverage by looking at three sets of data provided by FEMA:

- ❖ Policy coverage by FIRM Zone,
- ❖ Coverage by type of occupancy, and
- ❖ Coverage for pre-FIRM and post-FIRM buildings

It was concluded that coverage by FIRM Zone remain exactly the same as was previously reported and would not be productive because almost all the policies, like the land in the County, are in the SFHA. Risk Rating 2.0 has also been implemented and insurance rates are determined by risk rather than FIRM Zone furthering the argument to look at total coverage rather than coverage by Zone. Here are the numbers:

Table 2. NFIP Policies in the SFHA

Community	Percentage
Islamorada, Village of Islands	95%
City of Key Colony Beach	100%
City of Key West	85%
City of Layton	100%
City of Marathon	100%
Monroe County	96%

The other two sets of data were worth assessing. The number of policies by type are compared to the number of buildings by type, using data from the County property assessor and local GIS data. There was not an exact match of occupancy type, but as seen in Table 4, the categories are close:

Table 3. Insurance Coverage Table Categories

Table 5 Category	Insurance	Property Assessor and Local GIS
Single family home	Single family home	Single family home, mobile home,
Multi family residence	2-4 family, all other residential	Multi-family, condominium units and buildings
Table 6 Category		
Pre-FIRM	Pre-FIRM	Certificate of occupancy issued before 12/31/1974 *
Post-FIRM	Post-FIRM	Certificate of occupancy issued after 12/31/1974 *

*All six communities' FIRMs were issued before 12/31/1974. A building constructed after that date is considered Post-FIRM if the FIRM was published earlier.

The PPI Committee has been reviewing the number of buildings insured under these categories and reporting the trends annually in the CRS Annual PPI Progress Report since 2016. In general, the trend has been that the number of policies has decreased slightly while the average coverage per building remained fairly steady.

Coverage by occupancy: Coverage by single family is useful, however, the multi family coverage percentage and amount of coverage appear skewed by the number of condo buildings and unit policies. This is particularly evident in Key Colony Beach due to the disproportionate number of condo units to single family occupancies ratios in the city. The Committee also discussed that comparing the total number of residential (Single Family and Multi-Family) may give a better picture of the NFIP insurance trends by occupancy. The results of the coverage by occupancy are demonstrated in Table 5 below.

Table 4. Insurance Coverage by Occupancy Type

Islamorada, Village of Islands					
Occupancy	Policies in Force	Buildings	% of Buildings	Amount of Coverage	
	Number	Number	Covered	Amount	Average
Single Family	1,904	4,057	47%	\$545,611,000	\$286,560
Multi-Family	1,259	121	1040%	\$277,558,900	\$220,460
Total	3,163	4,178	76%	\$823,169,900	\$260,250

City of Key West					
Occupancy	Policies in Force	Building	% of Buildings	Amount of Coverage	
	Number	Number	Covered	Amount	Average
Single Family	3,656	7,852	47%	\$1,016,653,900	\$278,078
Multi-Family	2,813	897	314%	\$603,881,300	\$214,675
Total	6,469	8,749	74%	\$1,620,535,200	\$250,508

Key Colony Beach					
Occupancy	Policies in Force	Building	% of Buildings	Amount of Coverage	
	Number	Number	Covered	Amount	Average
Single Family	474	720	66%	\$127,990,200	\$270,022
Multi-Family	527	378	139%	\$109,723,000	\$208,203
Total	1,001	1,098	91%	\$237,713,200	\$237,476

City of Layton					
Occupancy	Policies in Force	Building	% of Buildings	Amount of Coverage	
	Number	Number	Covered	Amount	Average
Single Family	73	149	49%	\$18,079,400	\$247,663
Multi-Family	7	31	23%	\$2,017,000	\$288,143
Total	80	180	44%	\$20,096,400	\$251,205

City of Marathon					
Occupancy	Policies in Force	Building	% of Buildings	Amount of Coverage	
	Number	Number	Covered	Amount	Average
Single Family	1,974	3,698	53%	\$508,149,300	\$137,412
Multi-Family	1,110	527	211%	\$239,379,200	\$215,657
Total	3,084	4,225	73%	\$747,528,500	\$242,389

Monroe County					
Occupancy	Policies in Force	Building	% of Buildings	Amount of Coverage	
	Number	Number	Covered	Amount	Average
Single Family	9,093	20,855	44%	\$2,323,484,650	\$255,525
Multi-Family	3,933	948	415%	\$697,196,000	\$177,268
Total	13,026	21,803	60%	\$3,020,680,650	\$231,896

It was noted that the data provided is for total coverage. The data does not show if policies include contents coverage. Nationally, most policies do not, so it can be assumed that most policies in Monroe County do not have contents coverage. That assumption is supported by the fact that the average policy is below the maximum available for structure-only coverage (\$250,000 for 1 – 4 family residences and \$500,000 for five or more family residential and nonresidential policies). The Committee decided that although the NIFP insurance coverage for residential structures has remained fairly stable, and the amount is understandable, the coverage the but could also be improved, especially if the policies do not include contents.

Pre- and Post-FIRM building coverage: Table 6 on the next page shows the amount of coverage based on the age of the buildings.

In Key West, pre-FIRM buildings have higher levels of coverage. Key West is a historic City with older properties that hold higher values, which explains why the coverage is higher for pre-FIRM buildings. However, as noted earlier, the amount coverage on all properties could be improved.

Key Colony Beach coverage continues to indicate that the number of condo units insured are inflating pre- and post- FIRM coverage estimates.

The County coverage for pre- and post-FIRM building has moved toward being evenly split.

Coverage Influencers: The committee recognized that there are challenges to relying on a public information program to improve flood insurance coverage. The decision to purchase an NFIP flood insurance policy is dependent on a myriad of factors, including, but not limited to:

- ❖ The increasing cost of flood insurance under RR 2.0
- ❖ RR 2.0 reporting of the CRS discounts on NFIP policies
- ❖ The economic climate
- ❖ Structure values
- ❖ Structures with Federally backed loans

The Committee discussed two additional factors that may be influencing insurance trends:

Citizens Flood Insurance Requirement:

Flood insurance coverage is now required as of April 1, 2023, for new Citizens personal residential policies that include wind coverage for covered property within the special flood hazard area. The requirement to secure and maintain flood coverage for Personal Lines residential policies will be phased in for all such policyholders over the next four years under a plan the Florida Legislature approved in December.

The flood insurance requirements apply only to Citizens policyholders who have a Personal Lines residential policy.

New Personal Lines residential policyholders seeking Citizens coverage, including coverage for the peril of wind, in areas designated by the Federal Emergency Management Agency (FEMA) as a Special Flood Hazard Area are required as of April 1, 2023, to have flood insurance coverage to be eligible for a Citizens policy. Existing Citizens policyholders in designated FEMA flood hazard areas whose policy includes wind coverage will be required to have flood insurance to renew their Citizens policies on or after July 1, 2023.

For all other Citizens Personal Lines residential policies that include wind coverage, the flood insurance requirement will be phased in for new and renewing policyholders over the next four years as follows:

- January 1, 2024, for policies insuring property valued at \$600,000 or more
- January 1, 2025, for policies insuring property valued at \$500,000 or more
- January 1, 2026, for policies insuring property valued at \$400,000 or more
- January 1, 2027, for all other policies

Citizens does not provide flood insurance, and flood coverage is not provided under standard multiperil policies. Requiring flood coverage better protects you from potentially expensive out-of-pocket repairs. Federally backed mortgages typically require flood insurance for properties located within flood zones.

If you don't wish to purchase flood insurance, you will not be eligible for a Personal Lines residential policy with Citizens. Contact your agent to discuss options that may be available within the private insurance market. Private policies that may offer more comprehensive coverage now might be comparably priced. Citizens' policyholders are subject to a potential assessment of up to 45% of their premium following a major storm or series of storms.

It is key to note that it is estimated that more than 90% of the insurance coverage in Monroe County is through Citizens.

RR2.0

Risk Rating 2.0 is a new pricing methodology from FEMA for flood risk. It is designed to better reflect a property's unique flood risk while also providing rates that are easier for agents and policyholders to understand. It will use the latest actuarial practices to set risk-based rates, allowing consumers to make more informed decisions about flood insurance and reducing the complexity for insurance agents to generate quotes. Some customers may experience a change in premium. To make the changes more

equitable, FEMA will look at detailed flood risk variables such as distance to a water source, flood frequency, flood types, and property characteristics like the cost to rebuild and elevation. The Committee annually addresses the question of adequate flood insurance coverage.

4.5 Coverage Improvement

Recommendations: The Committee continues to agree that flood insurance coverage does not appear to be adequate and could be improved. While it is impossible to expect a public information program to control coverage, the committee determined that tracking the number of policies and coverage would clearly be useful.

To that end, the committee recommends that flood insurance policy counts be monitored annually. Each year, the spreadsheet used to create Tables 5 and 6 will be populated with current data and community building counts. The calculations will provide information regarding the general trends of insurance coverage in each jurisdiction that can then be compared to trends in previous years. The annual assessment will also track and report on the outside factors that may be impacting the decision of residents in purchasing new flood insurance policies and the renewal of those already in existence.

Table 5. Summary of Pre and Post FIRM Policies

Islamorada, Village of Islands					
Type	Policies in Force	Buildings	% of Buildings	Amount of Coverage	
	Number	Number	Covered	Dollar	Average
Pre-FIRM	869	1,670	52%	\$241,900,100	\$278,366
Post-Firm	2,600	3,278	79%	\$720,360,300	\$277,062
Total	3,469	4,948	70%	\$962,260,400	\$277,388

City of Key Colony Beach					
Type	Policies in Force	Buildings	% of Buildings	Amount of Coverage	
	Number	Number	Covered	Dollar	Average
Pre-FIRM	539	223	242%	\$113,895,400	\$211,309
Post-Firm	480	497	97%	\$130,562,800	\$272,006
Total	1,019	720	142%	\$244,458,200	\$239,900

City of Key West					
Type	Policies in Force	Buildings	% of Buildings	Amount of Coverage	
	Number	Number	Covered	Dollar	Average
Pre-FIRM	3,819	5,622	68%	\$1,055,517,800	\$276,386
Post-Firm	3,289	4,720	70%	\$880,218,900	\$267,625
Total	7,108	10,342	69%	\$1,935,736,700	\$272,332

City of Layton					
Type	Policies in Force	Buildings	% of Buildings	Amount of Coverage	
	Number	Number	Covered	Dollar	Average
Pre-FIRM	33	69	48%	\$8,137,400	\$246,588
Post-Firm	60	117	51%	\$18,548,000	\$309,133
Total	93	186	50%	\$26,685,400	\$286,940

City of Marathon					
Type	Policies in Force	Buildings	% of Buildings	Amount of Coverage	
	Number	Number	Covered	Dollar	Average
Pre-FIRM	1,433	1,989	72%	\$322,146,700	\$224,806
Post-Firm	1,975	3,153	63%	\$556,631,600	\$281,839
Total	3,408	5,142	66%	\$878,778,300	\$257,857

Monroe County					
Type	Policies in Force	Building	% of Buildings	Amount of Coverage	
	Number	Amount	Covered	Dollar	Average
Pre-FIRM	3,865	6,877	56%	\$833,401,600	\$215,628
Post Firm	9,027	17,002	53%	\$2,475,873,750	\$274,274
Total	12,892	23,879	54%	\$3,309,275,350	\$256,692

4.6 Coverage Improvement Message

The following recommendations were made by the committee to promote the value of insuring one's property for damage by a flood:

1. Encourage evaluation of flood insurance for sufficient coverage, including that for contents, by renters, owners, nonresident owners and business owners in the repetitive loss areas.
2. Inform all residents that homeowner' insurance policies do not cover damage from flood.
3. Educate property owners and residents in repetitive loss areas of ways to reduce risk from flood which could lower flood insurance premiums.
4. Inform home buyers of the importance of knowing the flood risks and the availability of NFIP flood insurance.
5. Continue partnerships with community stakeholders in order to promote the understanding of how flood insurance works and ways to mitigate risk.

4.6. Priority Audiences

Some areas and people deserve more attention than others. For that reason, a Program for Public Information should identify priority areas and audiences that would receive different messages. After reviewing and assessing the flood hazard threats and flood insurance data, the PPI Committee continues to recommend the following priority audiences (Pas):

PA #1: is priority area #1, i.e., All residents, businesses, and visitors in the Florida Keys. As noted in Section 4, people are at risk everywhere. People throughout the Keys (including tourists) need to know about the flood hazard, evacuation and safety precautions, rules for construction, and protecting natural floodplain functions.

PA #2: is priority area #2, the repetitive loss areas. Repetitive loss area owners need information on ways to protect their properties from repeated flooding.

PA #3: is key professionals involved with real estate transactions. Real estate and insurance agents along with lenders need to know how to help protect house hunters and others looking for property by advising them of potential flood hazards and the benefits of flood insurance.

PA #4: the tourist industry. The ultimate audience is all tourists. However, they are hard to contact, and it is difficult for a centralized program to reach them all. Therefore, the audience for PPI materials would be the hotels, restaurants, and other businesses that deal directly with tourists. The PPI materials should advise these businesses to give tourists information on flood hazards, evacuation procedures, and flood safety measures.

PA #5: The electronic media, radio and television stations that cover the Keys. They should give listeners and viewers messages on the flood hazard, evacuation procedures, and flood safety measures.

PA #6: Building department customers, i.e., everyone considering a construction project, needs to know to hire a licensed contractor.

4.7. Current Outreach Efforts

The PPI Committee reviewed the outreach efforts currently being implemented by public agencies and private organizations. These are listed in Table 7, below.

Table 6. Current Outreach Projects

Agency/Organization	Project	Distribution Area	Type	When
Contractor Licensing Board	Licensed Contractor Advertisement	County-wide	Keys Weekly and Barometer Newspaper	Annual
FEMA	Various Brochures	County-wide	Building Department	Ongoing
FIRM	Property Insurance Users Guide	County-wide	FIRM Website	Ongoing
FIRM	Mitigation Workshops	County-wide	YouTube	Ongoing
Islamorada	EM Events	Islamorada	Booths	Annual
Islamorada	Newspaper Insert	Islamorada	Brochure	Annual
Islamorada	RL Brochure	Islamorada	Brochure	Annual
Islamorada, Marathon, Key Colony Beach, Key West, Layton, MOCO	Website	Islamorada, Marathon, Key Colony Beach, Key West, Layton, MOCO	Website	Ongoing
Key Colony Beach	Hurricane Season Letter	Key Colony Beach	Letter	Annual
Key Colony Beach	RL Area Letter	Key Colony Beach	Letter	Annual
Key West	RL Brochure	Key West	Brochure	Annual
Key West	Real Estate Brochure	Key West	Brochure	Ongoing
Key West	Website	County-wide	Website	Ongoing
Key West	Brochure to Lenders, Realtors, Insurance Industry	Key West	Brochure	Annual

Agency/Organization	Project	Distribution Area	Type	When
Keys Weekly	Hurricane Guide	County-wide	Brochure	Annual
Layton	Flood Brochure	Layton	Brochure	Annual x2
Layton	Target Group Letter	Layton	Letter	Annual
Marathon	Flood Brochure	Marathon	Brochure	Annual
MOCO Building	Facts on Flooding	MOCO Everyone	Brochure	Annual
MOCO Building	Repetitive Loss Outreach	MOCO RL Areas	Brochure	Annual
MOCO Building	Know Before You Buy Brochure	MOCO Realtors, Lenders, Insurance	Letter and Brochure	Annual
MOCO EM	Evacuation Signs	County-wide	Signs	Ongoing
MOCO EM	Protecting Paradise	County-wide	Newspaper Insert/ Citizen, Barometer, Keynoter	Annual
MOCO EM	Channel 76 Broadcast	County-wide	Television	Annual
MOCO EM	Various Presentations Monroe County EM	County-wide	Events	Annual
MOCO EM	Emergency Management Website	County-wide	Website	Ongoing
MOCO EM	Facebook	County-wide	Social Media	Ongoing
MOCO EM	Flood Brochure EM Events	County-wide	Monroe County EM	Various
MOCO PIO	Monroe County Media Book and Flood Brochure	Media	Media Blitz	Annual
NWS	Facebook	County-wide	Social Media	Annual
NWS Keys	Hurricane Program and Responding to Disasters	County-wide	Workshop	Annual
NWS Keys	Storm Spotting Class	County-wide	Workshop	2 Annual
NWS Keys	Florida Keys NWS Website/publications	County-wide	Website	Ongoing
NWS Keys	FB and Twitter	County-wide	Social Media	Annual
Publix	Hurricane Brochure	County-wide	Brochure	Ongoing
TDC	Prepared in Paradise	County-wide	Tourist Related Businesses	Ongoing
TDC	Tourist Industry Workshop	County-wide	Tourist Related Businesses	Annual
TDC	Facebook	County-wide	Social Media	Annual

An assessment of these current efforts concluded that they provide a lot of coverage on flood insurance and floodplain management issues, in addition to hurricanes and hazard topics. The Committee felt that the following media would be the most effective and supportive of the PPI's messages.

News media

Media outlets distribute current weather conditions, warnings, evacuation and emergency response information as needed during and after approaching storms. Newspapers post an annual hurricane guide that includes information about warning systems, preparation for storms and storm safety.

It is important to note that there are no local TV news stations on the Keys and that all TV broadcast news comes from the mainland. The communication of pertinent local information becomes a challenge given the difference in the potential impact of storms on the mainland in comparison to those experienced in the Keys.

NWS Key West

Before hurricane season, NWS Key West provides outreach to educate residents and visitors of the potential dangers associated with hurricane season. The messages include ways to stay informed, prepare for storms and evacuate safely. NWS disseminates messages in the following ways:



- ❖ Hurricane Awareness Week
- ❖ Social media
- ❖ Booths at local events
- ❖ Various workshops
- ❖ Website information, brochures, videos, up-to-date weather

Tourist Development Council (TDC)

The Florida Keys TDC has a formal communication program that is closely coordinated with local emergency management officials. The TDC provides crucial information to ensure that visitors are able to safely exit the Florida Keys in the event a hurricane threatens the region. The TDC communicates their messages by:

- ❖ Hosting an annual “Hurricane Preparedness Workshop for the Tourism Industry “
- ❖ Posting hurricane information on the TDC website homepage for the duration of the hurricane season
- ❖ Social media posts to Facebook and Twitter
- ❖ Participation in the annual Media Blitz
- ❖ Distribution of the “Protecting Paradise” Brochure



Nov. 8, 2022 • 2:15 p.m.

Keys Remain Out of Watch or Warning Regions for Tropical Storm Nicole

FIRM (Fair Insurance Rates Monroe)

FIRM’s outreach program has a strong emphasis on obtaining adequate insurance and the proper rating of risk. This grassroots organization has recently begun offering a series of workshops to help residents understand insurance and the value of mitigation. An “Insurance Users Guide” is posted on the FIRM website in addition to other valuable information related to purchasing flood insurance coverage. FIRM also maintains a YouTube channel with videos on mitigation.

Monroe County Emergency Management

The Monroe County Emergency Management Division is responsible for the coordination of response to storm events in all of Monroe County. The Division actively promotes storm safety, preparedness, warning, shelters, and evacuation plans. A variety of methods is employed for delivering relevant information regarding storm events, and preparedness including:

- ❖ Interactive Website
- ❖ Booths at local events
- ❖ Publications in local newspapers
- ❖ Alert notifications
- ❖ Social media



UF/IFAS Extension Monroe County

The Monroe County Extension Office is dedicated toward serving Monroe County by providing objective information to individuals, businesses, and agencies for better decision making and by creating programs and services that provide learning opportunities that empower people to improve their lives.

The UF Extensions Office has supported the PPI effort since the Program’s beginning; and continues to participate on the PPI Committee and is a Stakeholder for the Flood Facts Brochure.



Communities

The committee also reviewed additional projects currently being implemented by the participating jurisdictions. These projects were largely put in place to meet the CRS and NFIP objectives that include mailers to everyone, the SFHA, repetitive loss areas, insurance agents, realtors, and lenders. Other efforts include outreach via messages on websites and social media, and the distribution of publications at events and public buildings.

5. Outcomes and Messages

The committee came to the following conclusion: Despite the abundant and even redundant messaging in Monroe County by the public and private sector, gaps would continue to exist in communicating important without the current projects implemented by communities as recommend by the PPI Committee. The jurisdictions are doing a good job of filling these gaps.

The primary objective of the PPI is to encourage people to change their behavior. In order to achieve this behavioral change, the committee selected the outcomes, i.e., what they wanted to actually change. Outcomes are indicators, not exact measures of the success of these campaigns. Progress toward the outcomes will be tracked and reported at the annual committee meeting.

The outcomes and messages recommended by this PPI report are in Table 8 on the next page

Table 8. Topic, Outcome and Messages

Topic Outcome Message	PA #1 Everyone	PA #2 Rep Loss Areas	PA #3 Key Professionals	PA #4 Tourist Industry	PA #5 Media	PA #6 Permit Customers
1. Know your flood hazard						
Outcome: Everyone evacuates when told						
Message: All areas of the Keys are subject to a flood hazard	✓			✓	✓	
Outcome: Increased requests for map information						
Message: Find out what FEMA mapped flood zone you are in	✓		✓			
Outcome: Residents in repetitive loss areas are aware of the hazard						
Message: Your property is in an area that has repetitively flooded		✓				
2. Insure your property						
Outcome: Improved flood insurance coverage						
Message: Call your agent to discuss your coverage	✓	✓	✓		✓	
3. Protect your property from the hazard						
Outcome: Increase in requests for mitigation assistance						
Message: Contact your community for flood protection assistance	✓		✓		✓	
Outcome: Increase in the number of permits for mitigation projects						
Message: *Elevate your equipment above the flood level		✓				
4. Protect people from the hazard						
Outcome: Increase in the number of peoples signed up to receive alerts.						
Message: Sign up for alerts	✓		✓	✓	✓	
Outcome: Everyone evacuates when told						
Message: Prepare a flood evacuation plan		✓				
5. Build responsibly						
Outcome: Fewer cases of unpermitted work						
Message: Check with the Floodplain Official before planning a project	✓	✓	✓		✓	
6. Protect natural floodplain functions						
Outcome: Increase in reports of illegal activities						
Message: Keep natural areas undisturbed	✓		✓			
Message: Report illegal dumping or clearing		✓			✓	
7. Building mitigation						
Outcome: Decrease in the number of insurance claims						
Message: Learn about mitigation options and available mitigation programs	✓	✓	✓		✓	
8. Hurricane evacuation – 1						
Outcome: Everyone evacuates when told						
Message: Know your evacuation zone number	✓	✓	✓	✓	✓	
9. Hurricane evacuation – 2						
Outcome: Everyone evacuates when told						
Message: Get a mobile flood app on your phone	✓	✓	✓	✓	✓	
10. Licensed Contractors						
Outcome: Fewer cases of unpermitted work						
Message: Hire only licensed contractors	✓	✓	✓		✓	✓

*Each community can add the required elevation above flood level

6. Delivering the Messages

The committee has recognized that an effective program for communication must be concise and progressive and should take into consideration current trends in the way people get their news. A variety of message delivery methods were discussed. The committee has determined that the following six means of delivery will most effectively reach the primary target audience.



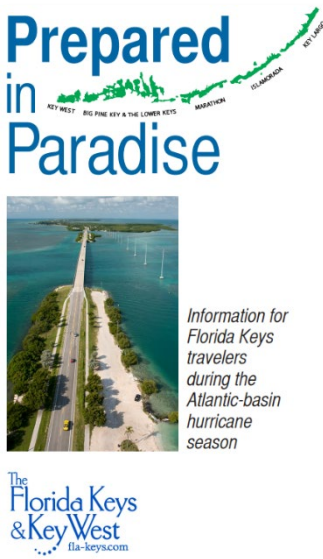
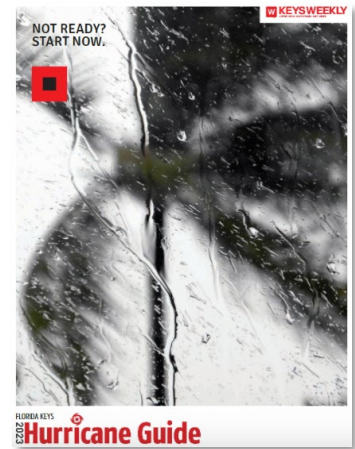
Direct Mail Brochures & Letters –

Direct mail is an effective means of communication for audiences such as the SFHA and the repetitive loss areas. This focuses on the hazards specific to these areas and can be integrated with Web and social media in an effort to direct the recipient to more detailed discussion of topics most important to each of the areas. Brochures and letters can also provide contact information to aid in contacting local officials. The use of QR codes will also be incorporated to solicit the reader's active participation.

Informational material in public places –

Target audiences were described in some instances as “customers” who frequent businesses or local governments and other public places. Informational material is useful for the tourist industry and residents

in order to communicate potential hazards, preparedness and evacuation procedures during hurricane season. Materials placed in many different locations that convey the same messages are likely to have a very high saturation rate for diverse audiences.



Public workshops –

Annual workshops held with the media, tourist industry and local residents provide 2-way communication between the target groups and local officials. Stakeholders often hold workshops in conjunction with emergency management to convey messages in a unified way.

Booths at events –

Events and outdoor activities are popular and well attended in the Florida Keys by both residents and visitors alike. Local emergency management departments as well as stakeholders such as the NWS place booths at major festivals and events.



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TV –

Monroe County does not have local news reporting TV stations. All news is sent from neighboring counties. Since television is still the number one source of news, it is imperative that the media in the surrounding areas be kept abreast of local conditions. Monroe County conducts a “Media Blitz” on an annual basis to ensure that the media has current emergency and contact information. The TV stations are provided with both written and digital material. Monroe County does have TV Channel 76, a local outlet that broadcasts public meetings and pre-recorded material.

Internet websites –

Today, an overwhelming number of people, including seniors, search the Internet for news and events. Search engines are used as a means to obtain immediate answers to questions and current events. Currently, the only news source outranking the Internet is TV. Locally maintained websites on the Internet can offer readers much more in-depth information regarding the flood hazard, how to prepare for a weather event, protecting property and lives, and a vast array of other flood- related topics. Website information is easily kept up-to-date with the most current information. This is a distinct advantage over printed materials that become quickly outdated and obsolete. In fact, most printed material provides website addresses and tells the reader to “go” to the site for more information.

Social and mobile media –

Social media is an essential tool for emergency management. It allows emergency management to communicate with our community and share information quickly and efficiently. A Pew Research Center study conducted in 2021, the study states that; “Fully 81% of Americans get at least some of this news through websites, apps or social networking sites. And this digital news intake is increasingly mobile. Among those who get news both on desktop computers and mobile devices, more than half prefer mobile.”



7. Outreach Projects

Based on the public information needs assessment and the review of current outreach projects in section 4, the PPI Committee endorsed the current projects and recommended improvements to some. The projects will include priority messages that encourage taking actions to produce the outcomes identified in Table 8.

Table 7. Planned Outreach Projects

OP	Project	Topic/Message									
		1	2	3	4	5	6	7	8	9	10
1	Facts on Flooding Brochure	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	Repetitive Loss Area Brochure	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	Know Before You Buy Brochure	✓	✓			✓		✓		✓	✓
4	TDC Hurricane Confab	✓		✓					✓		
5	Licensed Contractor Signs										✓
6	Media Blitz / Flood Brochure	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
7	Brochures in Permitting Department	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
8	Keys Weekly Hurricane Guide				✓				✓	✓	✓
9	KW Licensed Contractor Notice										✓
10	Evacuation Signs			✓							
11	Channel 76 Monroe County TV				✓				✓	✓	
12	Social Media	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
13	EM County-wide Events/Flood Brochure	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

The main goal of the PPI is to develop a coordinated approach to the communication of public information. This is accomplished by delivering unified messages from multiple sources directed to priority audiences. In order to ensure that there is unified messaging throughout the communities' public information; recommendations are made for the following activities:

Map Information Service: Providing accurate hazard information is a vital component in the continuing effort to protect lives and property. All jurisdictions will publicize the availability of personal assistance provided by the FIRMs and understanding other risks associated with flooding and other special flood related hazards. The PPI Committee recommends that, where applicable, the information provided by each community should include the items underlined:

- ❖ All FIRM panel information
- ❖ FIRM zone and base flood elevation
- ❖ Coastal High Hazard Area
- ❖ Coastal Barriers Resources Act areas
- ❖ A note that even if a property is outside the SFHA, all parts of the Florida Keys are subject to flooding from a large storm
- ❖ Preserved wetlands
- ❖ Species focus area

Hazard Disclosure: Realtors and prospective buyers are of special concern to all of Monroe County and are identified by the PPI as a priority audience. The PPI Committee recommends that real estate agents be sent a brochure to give to customers looking to purchase property. The brochure advises the buyer to contact their local floodplain official to “Know Before You Buy.” Realtors should also receive a publication endorsed by the National Association of Realtors and FEMA outlining what they should know and say to customers about flood risk and flood insurance.

Website: As discussed earlier, the Internet is fast becoming one of the primary means in which people access news and information. Websites allow for more in-depth exploration into topics of concern to each audience reader and can be tailored to local conditions. The PPI Committee recommends that all four communities’ websites and Monroe County Emergency Management website include links to other websites that have more detailed information on the PPI’s priority topics and messages.

The websites should be checked monthly to ensure the links are still working. They should be updated annually to reflect the changes recommended by the PPI committee during the annual evaluation process.

Flood Protection Assistance: One of the priority messages determined by the committee is mitigation for flood prone structures. Flood protection messages are included in the outreach to residents of the repetitive loss areas and SFHA. The outreach projects proposed in this PPI should include reminders that property owners are encouraged to call their community’s floodplain official for assistance with flood and repetitive flooding issues on their property.

The staff providing the assistance should remind everyone that they face a flood hazard regardless of their location. They should encourage property owners to consider mitigation efforts both large and small in order to reduce flooding loss. They should also promote those retrofitting measures that can impact flood insurance premiums.

Drainage Maintenance: The State of Florida regulation prohibits dumping of non-solid waste in any waterway and all local jurisdictions have local codes that prohibit dumping of solid waste on any property, whether privately or publicly owned. One of the PPI priority messages is to encourage citizens to report illegal dumping. That message should be included in all outreach projects possible, including those disseminated to all people, not just those going to the SFHA or repetitive loss areas.

Table 10 identifies the annual projects that the committee decided would most be appropriate to deliver the important messages outlined in Table 8. Many of the projects are endorsed by locally recognized stakeholders and community elected officials. Some of the projects were already being implemented while others were created to fill “gaps” recognized by the committee.

Table 8 Annual Public Information Projects

Projects	Assignment	Delivery	Schedule	Stakeholder
OP 1. Facts on Flooding Brochure	CRS Coordinator	Mailed to everyone	June	UF Extensions
OP 2. Repetitive Loss Brochure	CRS Coordinator	Mailed to RLAs	June	FIRM
OP 3. Know Before You Buy	CRS Coordinator	Key real estate professionals, i.e. lenders, insurance and real estate agents	June	FIRM
OP 4. TDC Hurricane Workshop	TDC, MOCO PIO, NWS	Workshop Tourist Industry	May	NWS
OP 5. Licensed Contractor Signs	MOCO	Permitting customers	Ongoing	
OP 6. Media Blitz	TDC, MOCO PIO, NWS	Face to Face meetings with all media	May	NWS
OP 7. Brochures Permitting Dept.	CRS Coordinator	Displays public places	Ongoing	UF Extensions
OP 8. Keys Weekly Hurricane Guide	Hurricane Guide	60K Distributed to all businesses county-wide	Ongoing	Keys Weekly
OP 9. KW Licensed Contractor Notice	MOCO	Building Department Hurricane Guides	May	Contractor License Board
OP 10. Evacuation Signs	MOCO EM	120 Miles of US 1	Ongoing	
OP 11. Channel 76 MOCO TV	MOCO EM	Local TV Broadcast	Hurricane Season	
OP 12. Social Media	MOCO PIO	Facebook and NextDoor	Ongoing	
OP 13. County-wide Events	MOCO EM	Booth at Events	5 Various Events	UF Extensions

Note: OP #1 is endorsed by elected officials

The committee acknowledged that different types of projects are more effective than others for reaching priority audiences. Table 11 demonstrates the project types. The project types are:

Targeted projects (T) – Projects distributed directly to all the members of a priority audience. The messages clearly explain that the recipient is receiving the messages because he/she is part of a priority audience.

General Outreach Projects (G) – These are newspaper articles, signs, tweets, presentations, etc. that reach out to the audiences, but don’t necessarily reach all the members.

Informational Projects (I) – Typically these are brochures, flyers and similar documents that are in a public place or made available on request. Unlike General Outreach, the audience has to seek out the messages in Informational Projects. For CRS purposes, websites are considered to be informational projects.

Table 9. Type of Project

Projects	PA #1 Everyone	PA #2 Rep Loss Areas	PA #3 Key Professionals	PA #4 Tourist Industry	PA #5 Media	PA #6 Permit Customers
Facts on Flooding Brochure	T					
Repetitive Loss Area Brochure		T				
Know Before You Buy Brochure			T			
TDC Hurricane Confab				G		
Licensed Contractor Signs						G
Media Blitz / Flood Brochure					G	
Brochures in Permitting Department				G		
Keys Weekly Hurricane Guide	I					
KW Licensed Contractor Notice	G					
Evacuation Signs	G					
Channel 76 Monroe County TV	G					
Social Media- FB and ND	G					
County -wide EM Events	G					

8. Flood Response Projects

Projects in Table 10 are to be implemented every year. They convey flood protection measures that are appropriate for motivating people to take steps to protect themselves and their property from damage prior to a flooding event. Flood response messages are delivered just prior to, during, and after a storm or flood. The messages typically tell people to take short term precautions to prepare for and recover from an event. The committee reviewed and made minor updates to response outcomes and messages in Table 12 on the next page:

Table 10. Flood Protection Messages for All Monroe County Communities

Timing	Topic Outcome Messages	Everyone in the Keys	Visitors	Businesses	Mobile home residents	Returning residents	Permit applicants
Threatening storm or flood	1. Know your hazard						
	Outcome: Reduced number of rumor related calls to hotline						
	Message: Know where to turn for reliable and up-to-date information		✓	✓		✓	
	Message: Sign up for alerts @ Monroecountyem.com	✓			✓		
	3. Protect property from hazard						
	Outcome: Less damage from flying debris						
	Message: Trim your trees and bring in outdoor furniture	✓			✓		
	Message: Put shutters or plywood on windows			✓			
	Outcome: Visitors stay informed and evacuate as asked						
	Message: Visit the Florida Keys Website		✓	✓			
	4. Protect people from hazard						
	Outcome: People follow evacuation procedures						
	Message: Evacuate if told to do so		✓	✓			
	Message: Mobile home residents must evacuate for all hurricanes	✓			✓		
	8. Hurricane evacuation						
	Outcome: People evacuating don't get stranded						
Message: Do not get on the road without a chosen destination	✓	✓	✓	✓			
9. Hurricane preparedness							
Outcome: Mobile homes do not become debris							
Message: Check your mobile home tie-downs				✓			

Timing	Topic Outcome Messages	Everyone in the Keys	Visitors	Businesses	Mobile home residents	Returning residents	Permit applicants
After a storm or flood	2. Insure your property						
	Outcome: People buy insurance						
	Protect yourself from the next flood with flood insurance	✓		✓	✓		✓
	4. Protect people from hazard						
	Outcome: People stay safe						
	Message: Monitor TV, Radio and internet for when is it safe to re-enter	✓	✓	✓	✓	✓	
	Outcome: Access to information from mobile device						
	Message: Check-in with family and friends by texting or social media	✓	✓	✓	✓		
	5. Build responsibility						
	Outcome: Flooded buildings properly repaired						
	Message: Hire a licensed contractor			✓	✓	✓	✓
	Message: Contact local floodplain official for information on regulation	✓					
7. Building Mitigation							
Buildings built or repair stronger and safer							
Message: Contact the local floodplain official about grants to rebuild.	✓		✓				
Message: Talk to your insurance agent. Your flood policy could help with the cost to elevate your building.					✓	✓	

Based on the public information needs assessment in Section 4 and review of current flood response projects, the PPI Committee concluded that the projects listed in Tables 13 continue to be appropriate and relayed priority messages that are consistent with the finding of the assessment. As with the annual public information projects, the committee found that many of the existing project’s relay and repeat the important messages for flood response both before and after a storm or flooding event.

The committee also determined that along with the priority topics of know your hazard, insure your property, protect your property and people, that special attention should be given to 3 additional topics, which are hurricane evacuation, hurricane preparedness and building mitigation. The desired outcomes and messages are included in Table 12.

Table 11. Flood Response Planned Projects

FRP	Project	Topic/Message								
		1	2	3	4	5	6	7	8	9
1	News Releases	✓	✓	✓	✓	✓		✓	✓	✓
2	Social Media	✓	✓	✓	✓	✓		✓	✓	✓
3	MOCO EM Website	✓	✓	✓	✓			✓	✓	✓

Since pre-event projects need to be delivered quickly and reach as many audiences as possible, the committee continues to support unified messages delivered via TV new, radio, internet and social media. The information delivered by these methods can be updated quickly to reflect current conditions. The communities in the FL Keys coordinate with the NWS Key West, the TDC and the Monroe County Emergency Management Director and the Monroe County PIO to ensure that messages are consistent.

Table 14 identifies the projects that the committee decided would be appropriate to deliver the important messages when preparing for a storm event and to help with the recovery efforts.

Table 12. Flood Response Project Delivery

Projects	Assignment	Delivery	Stakeholder
FRP 1. News Releases	MOCO PIO NWS	Everyone Visitors Businesses Mobile home residents	NWS
FRP 2. Social Media	MOCO PIO NWS TDC	Everyone Visitors Businesses Mobile home residents	NWS TDC
FRP 4. MOCO EM Website	MOCO PIO	Everyone Visitors Businesses Mobile home residents	NWS

Flood response messages will be disseminated as deemed appropriate by the Monroe County Emergency Manager and the Monroe County Public Information Officer (PIO). Jurisdictions and TDC will support and mirror the projects and messages. The general projects are listed in Table 14. The Monroe County Public Information Officer in conjunction with the County Division of Emergency Management will work together to update the flood response projects annually just prior to hurricane season.

FRP #1 News Release – The MOCO Emergency Manager and the MOCO PIO will identify which news releases will include the messages in Table 10.

FRP #2 Social Media Messages and Posts – The MOCO Emergency Manager, MOCO PIO, TDC and NWS Key West will coordinate posts on Facebook and tweets on Twitter. The messages will be repeated and updated to reflect current conditions.

FRP #3 MOCO Website – All messages for residents and visitors will be repeated on the MOCO website. All jurisdictions are encouraged to provide links to the MOCO website with the goal being unified and constant messages appropriate for the flood event.

It was concluded that although most of the projects and messages would be appropriate for all audiences, there are certain audiences that need to be reached with specific messages. Table 15 below is an accounting of the types of projects deemed most effective in reaching the target audiences. The description of each type of project is included in the narrative prior to Table 11.

Table 13. Type of Flood Response Project

FRP	Project	Everyone in the FL Keys	Visitors	Businesses	Mobile home residents	Returning residents	Permit applicants
1	News Releases	T	T	T	T		
2	Social Media	G	G	G	G	G	G
3	MOCO EM Website	G	G	G	G	G	G

9. Implementation and Evaluation

The PPI committee will meet once each year in November or early December to review activities and evaluate the program. At the Committees request, the meeting months may be shifted if necessary due to storm events or other foreseen circumstances.

The Committee will review the following outcomes:

- ❖ Requests for FIRM information
- ❖ Numbers of flood insurance policies, by category
- ❖ Flood protection assistance request
- ❖ Number of permits for mitigating floodprone property
- ❖ Number of people registered for alerts
- ❖ Evaluation of code cases for flood related unpermitted work
- ❖ Code cases for illegal dumping or clearing
- ❖ Number of mitigated repetitive loss structures

PPI committee will also review insurance coverage trends and evaluate projects. An evaluation report will be prepared and sent to the governing boards of each jurisdiction and submitted with each jurisdiction's annual recertification. Where the evaluation indicates, revisions are warranted, such as replacing a project or redirecting messages, the committee will vote to adjust the projects accordingly.

In the years where there is a storm event the committee will review emergency management after action reports to evaluate:

- ❖ Evacuation statistics including occupancy of shelters and traffic counts on US 1 if available
- ❖ General information on the extent of flooding
- ❖ General information on injuries and property damage
- ❖ Statistics on flood-related construction and violations for unpermitted work

Every five years, the entire PPI will be updated, and insurance coverage evaluated.