

# *City of Marathon* **MARINA SITING PLAN**

*APPROVED AUGUST 23, 2005  
Resolution Number 2005-112*



1781 Navigational Chart of Florida Keys

FOUR  GATES

THE FOUR GATES COMPANY

*In association with Patricia McNeese*

## ACKNOWLEDGEMENTS

*The Marina Siting Plan was prepared under the guidance of the City Council, City Planning Commission, members of the Near-Shore Waters Committee, Planning Department, the Port Operations Department, and the citizens of Marathon who generously gave their time at public meetings and workshops.*

### **City Council**

*Mayor John Bartus  
Vice Mayor Chris Bull  
Marjie Mearns  
Bob Miller  
Jeff Pinkus*

### **City Planning Commission**

*Bill Smith  
Mike Cinque  
Morgan Hill  
Tracy Holder  
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### **Near-Shore Waters Committee**

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Jeri Sears  
Jim Wallsten  
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### **City Staff**

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Gail Kenson, Planning Director  
Elizabeth Bergh, Biologist/Land Steward  
Wendy Dyer, City Biologist*



**CITY OF MARATHON, FLORIDA  
RESOLUTION 2005-112**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MARATHON, FLORIDA, APPROVING AND ADOPTING THE MARINA  
SITING PLAN**

**WHEREAS**, water-related activities and marinas are a vital component of the City of Marathon's community and economy; and

**WHEREAS**, under State Law, all proposed marina construction is required to undergo development-of-regional-impact (DRI) review; and

**WHEREAS**, Section 380.06(24)(k), State Law, establishes a process for allowing an exemption of marinas from the DRI review process through the adoption of a Marina Siting Plan; and

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

**WHEREAS**, the City of Marathon contracted with The Curtis and Kimball Company in January 2004 and later The Four Gates Company, Inc. in May 2005 to develop and prepare the Marina Siting Plan

**WHEREAS**, the City held public workshops on November 4, 2004 and May 19, 2005 to discuss the proposed Plan and gather input from the community; and

**WHEREAS**, the Marina Siting Plan has been developed in accordance with State Law, and was established to fulfill certain goals, objectives, and policies of the Comprehensive Plan.

**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.

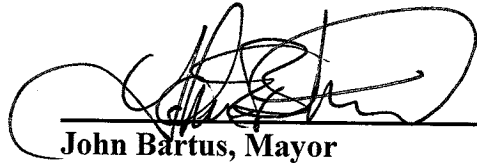
**Section 2.** The City Council hereby approves and adopts the Marina Siting Plan, a copy of which is attached hereto as Exhibit "A".

**Section 3.** The City Manager is directed to take all necessary steps to implement the Marina Siting Plan approved and adopted herein.

**Section 4.** This resolution shall take effect immediately upon its adoption.

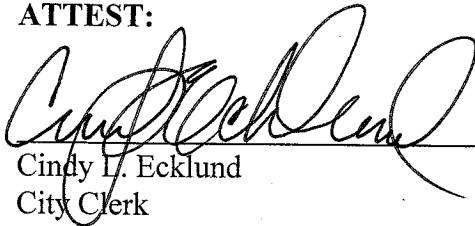
**PASSED AND APPROVED** by the City Council of the City of Marathon, Florida, this 23<sup>rd</sup> day of August, 2005.

**THE CITY OF MARATHON, FLORIDA**

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

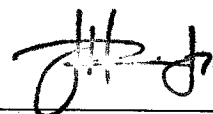
AYES: Bull, Mearns, Miller, Pinkus, Bartus  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
\_\_\_\_\_  
Cindy L. Ecklund  
City Clerk

(City Seal)

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

  
\_\_\_\_\_  
City Attorney



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## SECTION A





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## SECTION A

### Introduction to the Marina Siting Plan

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#### THE VISION

Marine uses along Marathon's shores are one of the community's most important and treasured resources.



Marinas activate the waterfront, provide important commercial areas and public spaces, contribute to the economy, and embody the history of Marathon as a boating center and working waterfront. The City's marinas welcome visitors, serve its residents, and harbor its fishing industry.

During a workshop on November 4, 2004, community members defined their vision for Marathon's marine waterfront:



- Protect and enhance the City's reputation as the cruising center of the Florida Keys as well as its value to residents who live, work and recreate along the waterfront;
- Respect the environmental resources along our waterfront and in our nearshore waters;
- Enhance the economic value and diversity provided by marinas in the City;
- Celebrate the history of the waterfront;
- Protect the working waterfront, including commercial fishing enterprises and boat repair businesses;
- Provide active, mixed uses along the waterfront with public access and public spaces; and,
- Ensure that marina operation sets high standards for cleanliness and environmental sensitivity.



This Marina Siting Plan seeks to understand the City's marina industry and find ways to secure the community's vision as the City moves into the future.

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*Above: Vaca Key and Boot Key; Middle: Vaca Key East; Bottom: Fat Deer Key, Crawl Keys and Grassy Key (Source: NOAA, 1992)*



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## THE MARINA SITING PLAN

In 2002 the Florida Legislature passed a new law to help communities shape the future of their waterfronts. While the statute was developed primarily to address large scale marina developments, it also enables local governments, like the City of Marathon, to make a holistic assessment of their marina assets and guide boating facility developments of all sizes through their Comprehensive Plan.

Marathon has long contemplated the development of a Marina Siting Plan as part of its overall establishment of policies and ordinances to guide the newly incorporated City. However, the need for a Marina Siting Plan has increased with the growing realization that the Marina Siting Plan offers the best local tool for waterfront management. Specifically, the Marina Siting Plan will enable the organized, thoughtful development and redevelopment of marina facilities, including mooring fields, within the City.

The area addressed by the Siting Plan is shown in **Figure A-1, Study Area**.

### WHY A MARINA SITING PLAN FOR MARATHON?

Florida guides large scale development through the Development of Regional Impact (DRI) process. Projects over certain thresholds are deemed regionally significant and must submit an Application for Development Approval to the regional planning council for review. Marinas with 150 wet slips or 300 dry slips (or a relative combination of both) are defined as a DRI.

The DRI process is project specific; while it may trigger larger land use planning and management issues within a community, it does not provide a means to address these issues outside of the project undergoing review. In a city like Marathon, where the need for better marina siting and management is widely acknowledged, the DRI process provides a good means for responding to a particular project, but a poor means for addressing the underlying issues facing the community as development and redevelopment pressures increase.

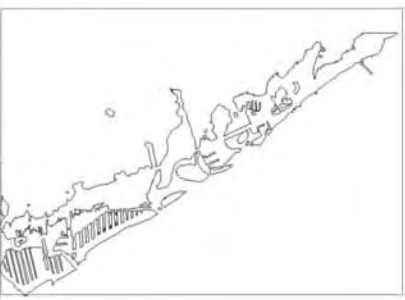
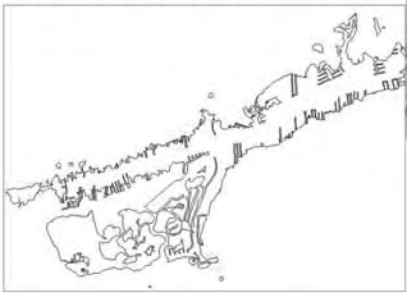
Thus, when faced with a project which meets the DRI marina threshold - the Boot Key Harbor Mooring Field - the City was faced with the option of submitting a DRI application for the project, or stepping back and taking a more comprehensive look at marina siting and management issues throughout the City. The Four Gates Company was hired by the City to help assess which planning tool would provide the fastest resolution to the



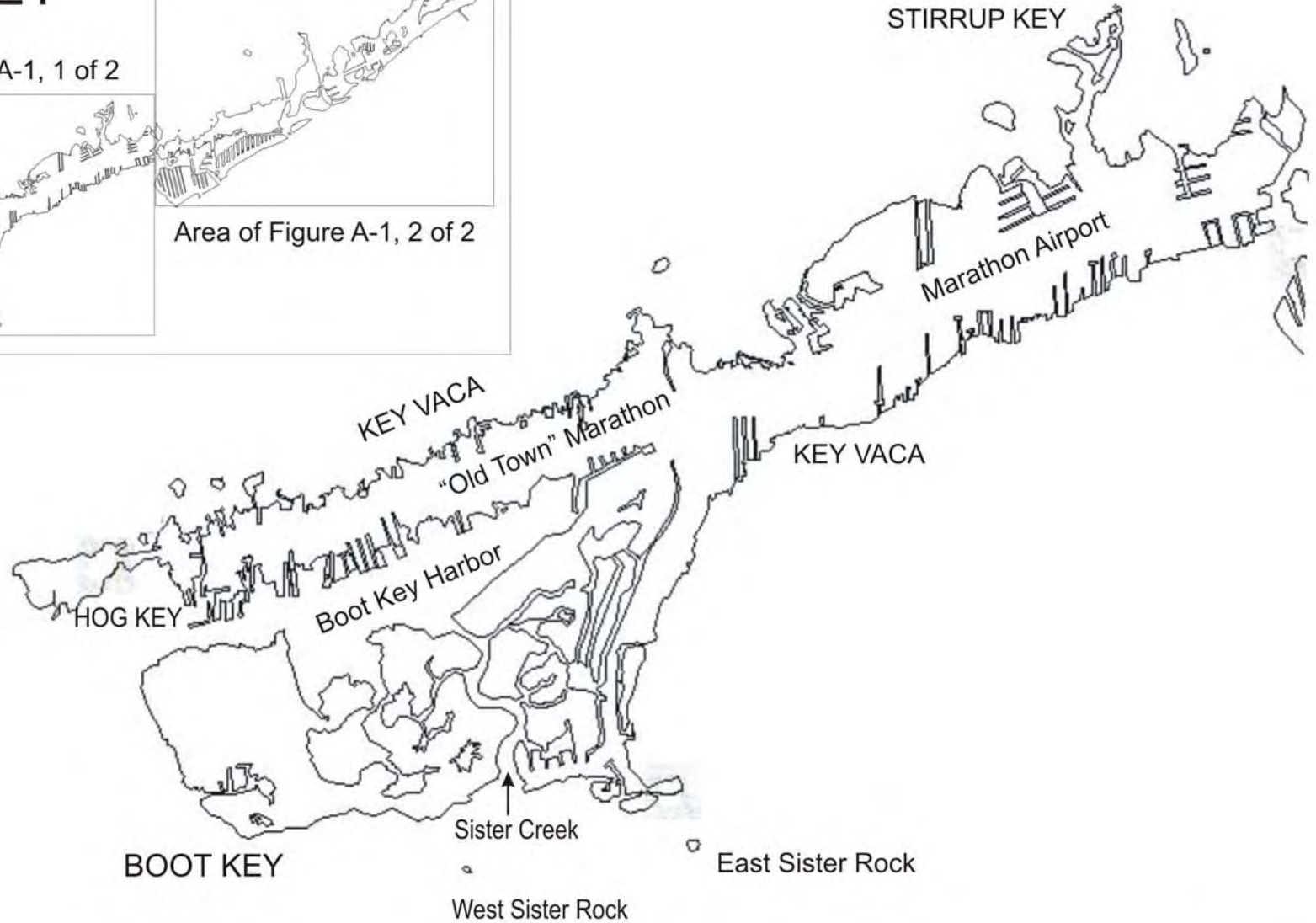
*Above: Marathon is considered the "most important staging area in the Florida Keys for vessels voyaging to Cuba, the eastern and western Caribbean and the Bahamas" (Quote: Seven Seas Report, Sail Miami, 2004; photograph Cruisingguide.com, 2004)*

# MAP KEY

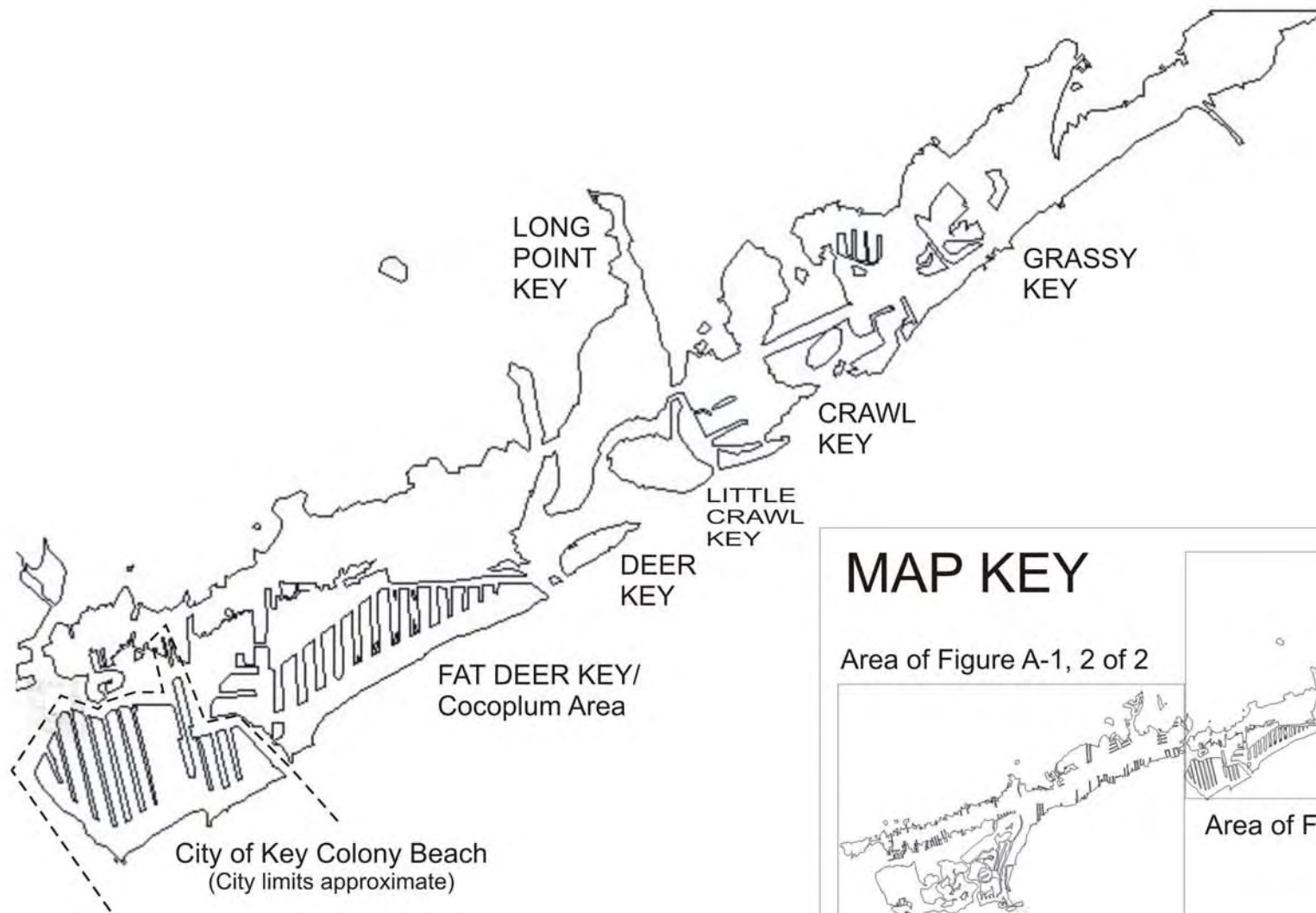
Area of Figure A-1, 1 of 2



Area of Figure A-1, 2 of 2

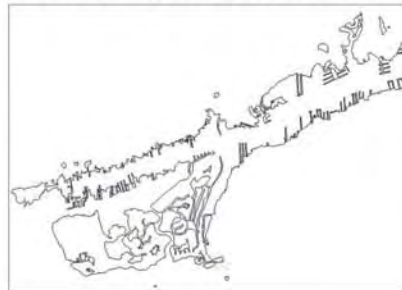


**Figure A-1, 1 of 2**  
**STUDY AREA**  
**City of Marathon**  
**Marina Siting Plan**



## MAP KEY

Area of Figure A-1, 2 of 2



Area of Figure A-1, 2 of 2



**Figure A-1, 2 of 2**  
**STUDY AREA**  
**City of Marathon**  
**Marina Siting Plan**



Boot Key Harbor Mooring Field approval process and the best management tool for the City as a whole. After discussions with state and regional planning officials and internal analysis, it was determined that the Marina Siting Plan offered the best planning option for the City.

Benefits of the Marina Siting Plan are well described by the Department of Community Affairs as follows:

**Improves Predictability:** By defining appropriate locations for marinas, local governments can improve the predictability of the permitting process. This will reduce permitting costs and ensure stakeholders have input in the siting process.



*Above: Cocoplum Area (Source: City of Marathon, 2005)*

**Saves Time:** The DRI review process can be lengthy. Through appropriate siting, the need for special conditions and mitigation can be reduced, resulting in a shorter, streamlined permitting process.

**Avoids Duplication:** The DRI review of marinas generally focuses on permitting standards and mitigation requirements that often duplicate the state's permitting programs. The siting plan is a value-added process that can complement rather than duplicate permitting programs.

**Considers Community Needs:** The permitting process occurs on a case-by-case, applicant-driven basis and does not consider the long-term needs of the community. The siting plan provides a process to comprehensively evaluate existing and future demands for marinas so that user needs may be met, while minimizing unnecessary impacts on the environment.

**Improves Monitoring:** The siting plan provides a process for identifying the factors that impact natural resource protection. This process provides a basis for monitoring the impacts of marinas over time and making adjustments to ensure marina impacts are minimized. (Source: DCA, 2003)

## THE STATUTE

A Marina Siting Plan is defined in Chapter 380 of the Florida Statutes, which states:

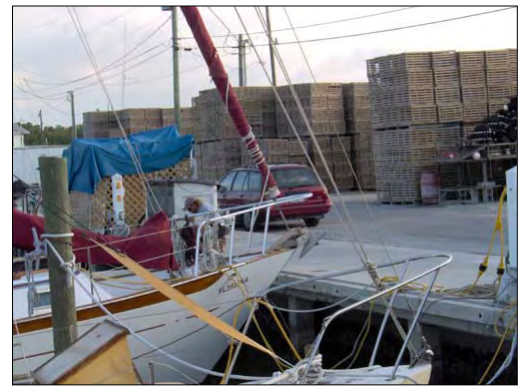
Any waterport or marina development is exempt from the provisions of this [Development of Regional Impact] section if the relevant county or municipality has adopted a boating facility siting plan or policy which includes applicable criteria, considering such factors as natural resources, manatee protection needs and recreation and economic demands as generally outlined in the Bureau of Protected Species Management Boat Facility Siting Guide, dated August 2000, into the coastal



management or land use element of its comprehensive plan. The adoption of boating facility siting plans or policies into the comprehensive plan is exempt from the provisions of s. 163.3187(1). Any waterport or marina development within the municipalities or counties with boating facility siting plans or policies that meet the above criteria, adopted prior to April 1, 2002, are exempt from the provisions of this section, when their boating facility siting plan or policy is adopted as part of the relevant local government's comprehensive plan. Chapter 380.06(24)(k)1.

In more simplistic terms, the Marina Siting Plan guides marina development through maps or siting criteria, or a combination of both. It is based on collection and analysis of data on marina uses, natural resources, and recreation and socio-economic issues. The Plan is manifested through a set of objectives and policies adopted in the local Comprehensive Plan and implemented through local ordinances, including Land Development Regulations.

The Florida Fish and Wildlife Conservation Commission (FWC) Bureau of Protected Species Management Boat Facility Siting Guide, dated August 2000, is specifically referenced in the statute; marina siting plans must consider the factors generally outlined in the Boat Facility Siting Guide. The Department of Community Affairs (DCA) provides additional guidance and technical assistance in their expanded document entitled *Preparing a Boating Facility Siting Plan: Best Management Practices for Marina Siting* (DCA 2003).



*Above: Sailboats at Pancho's fuel dock abut Marathon Seafood Company.*

## MARATHON'S PLAN

The City of Marathon's marina siting needs are unique. Most of Florida's waterfront communities focus marina siting around the primacy of manatee protection. Although manatees are occasionally present in Marathon, the low frequency of manatee sitings and mortalities here means that the approach to the Plan must expand to accommodate other pressing local concerns such as water quality and protection of submerged habitat (especially seagrasses and corals). In addition, much of the shoreline in Marathon has already been developed, leaving very few areas where significant new marina construction can occur. Therefore, the City's marina siting plan will focus on the following natural resource issues:

- Adequacy of existing water depths;
- Presence of seagrass beds and other submerged resources;
- Adequacy of flushing;
- Need for new dredging; and,
- Proximity to open water and popular boating destinations.



These items are consistent with the focus areas identified by the FWC in their Guide.

Further, due to the extent of existing policy guidance and ordinances now regulating development in the City, the Marina Siting Plan will seek to minimize the regulatory burden upon applicants and maximize the effectiveness of existing plans and approval processes.



*Above: Docks Marina is indicative of Marathon's relaxed, open waterfront; the restaurant and bar overlook anchorages in Boot Key Harbor, and the boardwalk provides a promenade for visitors. When Docks recently stopped servicing the live-aboard community, many residents were surprised at the change in what seemed an almost historic use.*

This Plan anticipates that marina siting provisions will be implemented through two methods:

- Adoption of amendments to the City's Comprehensive Plan; and,
- Adoption of amendments to the City's Code of Ordinances, including the Land Development Regulations.

This document does not include all the expected implementing amendments to the Code of Ordinances; the full set of amendments is expected to be included in the City's ongoing overall revisions to the Land Development Regulations. However, this Plan does include a proposed ordinance enabling the Marina Operating Permit process as an important step towards managing the waterfront.

## **PUBLIC INPUT**

The first public meeting for the City of Marathon Marina Siting Plan was held on November 4, 2004 at the Marathon Garden Club. The purpose of the meeting was to introduce the public to the concept of the Marina Siting Plan and to solicit input on the community's hopes and concerns about the future of marina development. Input from this meeting formed the basis of the recommendations presented in Section C of this Plan. A meeting summary was prepared and is included as **Attachment A, Public Meeting Summary**, of this document.

A second community meeting was held on May 19, 2005, to present the first draft of the plan and get public feedback on the direction of the document. A summary of the meeting is provided in **Attachment B, Public Workshop Summary**. Extensive discussion of the draft plan was held at the workshop, and a productive dialog emerged as key recommendations were described and probed. At the end of the meeting the public ranked the draft plan and generally found it to reflect the needs and concerns of the community. Further changes to the plan were made after the meeting in coordination with City staff.

A final draft plan will be presented to the Planning Commission and then the City Council. Once the Plan is approved by City Council the implementing provisions of the Plan will be adopted and transmitted to the Department of Community Affairs for review.



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## **AGENCY COORDINATION**

Agencies with jurisdiction over, or interest in, the siting and development of marinas were identified and asked for input during the development stage of the plan. The following agencies were contacted:

U.S. Army Corps of Engineers (Corps)  
U.S. Fish and Wildlife Service (FWS)  
Florida Keys National Marine Sanctuary (FKNMS)  
U.S. Coast Guard (Coast Guard)  
Florida Department of Community Affairs (DCA)  
Florida Department of Environmental Protection (FDEP)  
South Florida Water Management District (SFWMD)  
Florida Fish and Wildlife Conservation Commission (FWC)  
South Florida Regional Planning Council (SFRPC)  
Monroe County

The issues, parameters and procedures identified in the Marina Siting Plan appear to be consistent with agency concerns and requirements.

## **ORGANIZATION OF THE SITING PLAN**

This plan is organized into the following sections:

- Section A, Introduction to the Siting Plan;
- Section B, Resource Inventory, which describes the natural resources, community character, land use patterns, and socio-economic issues pertaining to marina siting;
- Section C, Siting Plan Analysis, which recommends changes to the existing regulatory and management approach to marinas to better determine the future of the City's waterfront;
- Section D, References, which lists the resources used to prepare this plan;
- Exhibits, which include the portions of the plan proposed for adoption either in the Comprehensive Plan or Code of Ordinances; and,
- Attachments, which include relevant but lengthy pieces of the plan.



## SECTION B



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## SECTION B

### Resource Inventory

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#### A "LARGE AND SPACIOUS HARBOR"

##### Waterfront History

Newspaper ads placed by John Fiveash and Joshua Appleby in 1818 described the merits of Marathon – which they christened “Port Monroe” -- as a safe harbor with “ample” provisions (Historic Preservation Society of the Upper Keys, 2005). Although Marathon has undergone many transformations since that time, its basic attributes have remained constant: it is a community with a rich, welcoming waterfront.

The City of Marathon’s marinas and anchorages are supported by a web of natural resources, socio-economic factors, and community desires. Residents and visitors are attracted to the heart of the Florida Keys by the great fishing, wide open, blue vistas, protected embayments and historic charm of Marathon.

This section of the Marina Siting Plan seeks to understand each of the factors supporting marinas in the City and where those elements are being stressed. This understanding will form the basis for the suggestions in Section C for better marina siting and protection of the City’s rich cultural and natural history on the waterfront.

##### General Conditions

The City of Marathon is comprised of at least nine connected islands extending from approximately Mile Marker 47 to Mile Marker 60 along the Overseas Highway in the Florida Keys. The population center is located on Key Vaca. Certain areas, such as Boot Key Harbor and the major navigational channels were dredged early (1900s to 1930s) in conjunction with railroad and highway construction. Several previously unconnected islands were also connected at that time with filled causeways, especially from Grassy Key to Key Vaca. The islands in the western portion of the City including Key Vaca, Knight’s Key, Hog Key and part of Boot Key were significantly altered, primarily during the 1950s and 1960s, to allow for commercial and residential development. Land areas and submerged areas were modified by dredge and fill methods and subdivisions were platted and developed. A

look at historic maps of the Keys shows that the areas of Key Vaca, Boot Key and the City of Key Colony Beach were the center of some of the most extensive dredge and fill activities to



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**Top:** Marathon (Vaca Keys) in 1908. **Middle:** A 1933 chart shows dredge and fill changes primarily associated with the construction of the FEC rail line. **Bottom:** Significant dredge and fill has occurred by the time this 1968 chart was published. (Source: USE, 2004; NOAA, 2004)

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create land in the Florida Keys at this time. Fat Deer Key, Long Point Key, Crawl Key and Grassy Key in the eastern part of the City are all less developed and still contain some tracts of natural habitat.

The majority of the dredging was done to accomplish the expansion of land area and to increase the linear feet of shoreline through the construction of canals. Dredging to deepen the natural bottom and create channels in existing open water was generally unnecessary and therefore less prevalent here than, for example, in the Lower Keys where shallow flats are more extensive. Canal shorelines were generally not stabilized on completion of construction. For some subdivisions, such as those on the north side of the Marathon airport, the Key Largo limestone bedrock is at or above the mean high water (MHW) line so erosion of the deposited dredge spoil is generally limited to the top of the rock elevation. In other areas, such as Cocoplum Beach, where surface rock is well below the MHW line severe erosion of unstabilized dredge spoil occurs in response to wind driven waves and boat wakes. As properties developed and subdivisions built out, individual land owners generally stabilized shorelines where necessary at their own expense using bulkheads or revetments. Existing depths and land configurations are generally shown on **Figure B-1, NOAA Chart**.

## NATURAL RESOURCES

This section provides a brief description of natural resources within the City, particularly as they relate to marina development. A complete inventory and full description of natural resources in the City of Marathon can also be found in the technical documents of the comprehensive plan.

### Benthic Habitat

The Florida Keys National Marine Sanctuary (FKNMS) and the Florida Fish and Wildlife Research Institute (FWRI, formerly the Florida Marine Research Institute) have mapped the benthic habitats for the Florida Keys including the Marathon area. **Figure B-2, Benthic Habitat** depicts habitats found within the nearshore areas of Marathon (generally within City jurisdiction of 1,200 feet off shore). Each habitat is described below.



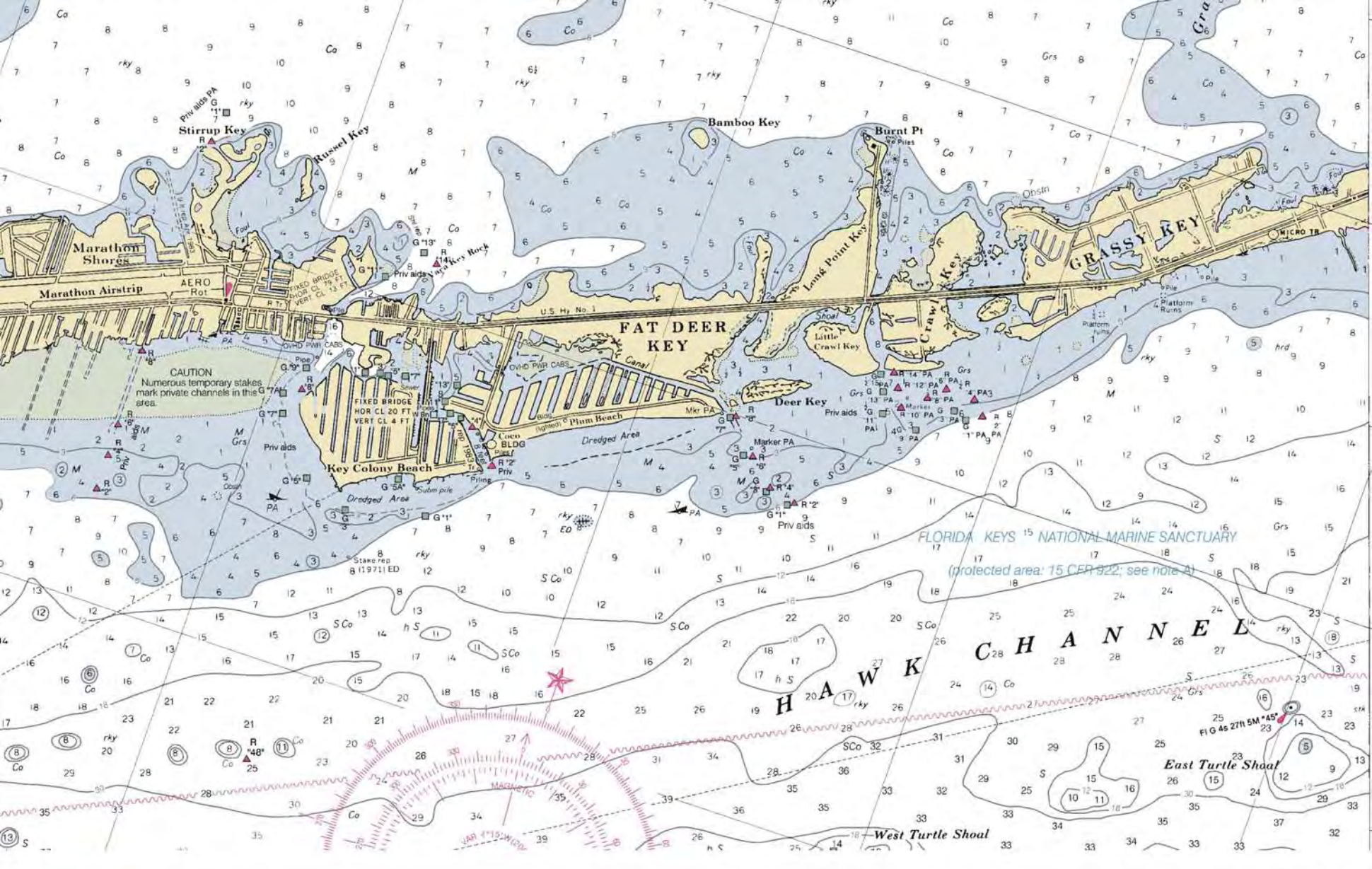
*Above: A typical seagrass bed near Marathon. Source: Keys Environmental Trust Fund*

### Continuous Seagrass

Continuous seagrass beds represent large expanses of relatively uniform coverage usually on a sandy or silty sand substrate. Large expanses occur as sand flats primarily on the ocean sides of Key Vaca, Long Point Key, Crawl Keys and Grassy Key. As one moves offshore these shallow flats slope down to continuous seagrass beds in waters as deep as 30 feet. Deeper continuous beds also occur in previously dredged areas on the ocean side adjacent to Fat Deer Key and the City of Key Colony Beach. Dominant seagrasses in the Keys include turtlegrass, *Thalassia testudinum*, manatee grass, *Syringodium filiforme*, and shoal grass, *Halodule wrightii*. Seagrass beds can also be mixed with a variety of calcareous and fleshy algae. The primary production



**Figure B-1, 1 of 2**  
**NOAA Chart**  
**City of Marathon**  
**Marina Siting Plan**



**Figure B-1, 2 of 2**  
**NOAA Chart**  
**City of Marathon**  
**Marina Siting Plan**



afforded by seagrass and mixed seagrass/algal communities supports a large ecosystem made up of diverse vertebrate and invertebrate fauna. Many of these animals are permanent residents, some use the seagrass habitat primarily during early life stages and others use it periodically through their life histories. Because of its high natural resource value, particular focus is directed towards protection of seagrass habitat through several public programs and regulatory mechanisms.

#### Hardbottom with Seagrass

Hardbottom habitat with discontinuous seagrass is primarily found on the bayside from eastern Key Vaca up through Grassy Key. This habitat type consists primarily of a hard limerock substrate that is variably vegetated with calcareous and fleshy algae and with patches of seagrass. Dominant green algae that can form extensive stands on the rock include genera such as *Halimeda*, *Penicillus*, *Udotea* and others. Seagrass occurs in small stands or tufts in solution holes through the rock or on scattered mounds of sand. Hard and soft corals are often found throughout these areas including the genera *Porites*, *Siderastrea*, *Manicina*, and *Plexaura*. Sponges such as the loggerhead sponge, *Spechiospongia vesparium* and others are also abundant here.

#### Patchy (Discontinuous) Seagrass

Areas mapped as patchy seagrass often occur in siltier substrate near shore especially just west of Boot Key, within Boot Key Harbor, and just east of Boot Key in Vaca Key Bight. Waters in these areas are calmer and more protected than other areas. Patchy grass on shifting sand substrate occurs directly adjacent to the ocean side of Boot Key and throughout Vaca Cut.

#### Hardbottom

Hardbottom substrate that is virtually devoid of seagrass occurs just offshore of the south side of Boot Key and also west of Knight's Key. This substrate consists of hard limerock vegetated with algae, sponges, corals and other organisms as described above with little soft substrate for seagrass recruitment.

#### Bare Substrate

Bare substrate is mostly associated with dredged areas in the City including the center portions of Boot Key Harbor, Shelter Bay and Bonefish Bay. Natural and dredged channels and embayments visible in Figure B-1 include Sombrero Lagoon, Sister Creek, Dodge Lake, Sea Air Estates and Stirrup Key. Bare substrate in these areas is usually silty or muddy and in very deep areas (depths over 8 feet) can often be restricted to anoxic biotic communities largely colonized by sulfide bacteria.

#### Manmade Waterbodies

The dredging and filling methods used to develop land in Marathon resulted in significant alteration to both upland and submerged areas. Sometimes natural channels - such as Sister Creek -- were simply deepened and were not otherwise altered in terms of their natural course. In several other areas canals were dredged into existing uplands, such as on Key Vaca, or



submerged lands were dredged to create canals with the spoil being deposited to create adjacent dry land such as Cocoplum Beach Subdivision on Fat Deer Key.

Mapping of benthic habitat in the many canals, boat basins and channels throughout the City was beyond the scope of the FKNMS benthic mapping project. Therefore only a few of these areas are shown in Figure B-2, including Sombrero Lagoon, Dodge Lake, Sea Air Estates, Stirrup Key and canals located on Fat Deer Key in Cocoplum Beach Subdivision. These areas are generally mapped as bare substrate. Some of these areas, such as the Sister Creek network of waterways and lagoons are natural waterbodies that have since been dredged and, in some cases, had their shorelines altered. Others, including most of the canals in the City are entirely manmade. Many times dredging extended well below the depth needed for boating access, sometimes to as deep as 10 to 20 feet. This was done to obtain fill material for building up land for development.

#### Impacts to Benthic Habitat

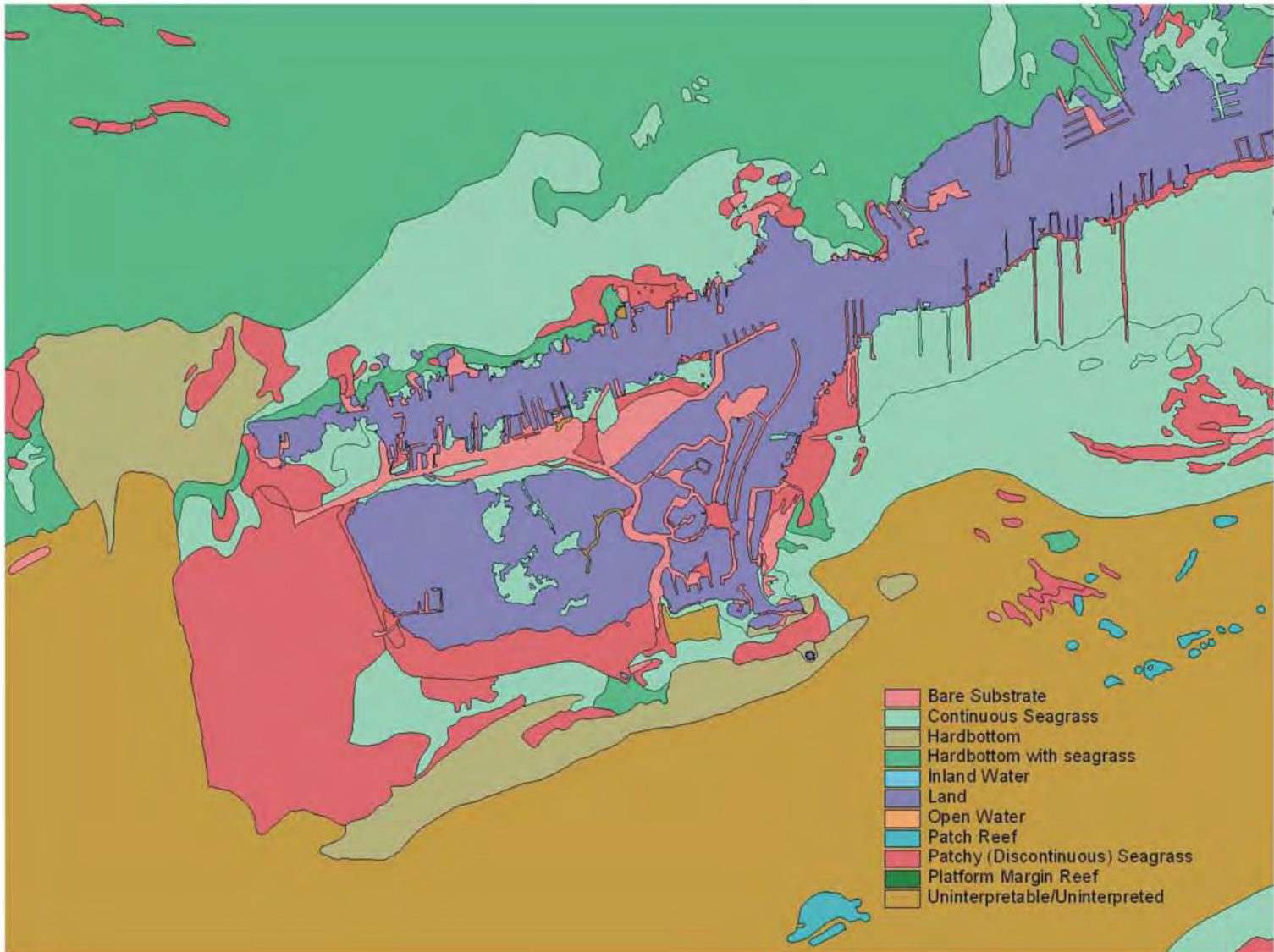
Impacts to benthic habitat occur directly from construction and use of shoreline structures and from boating activities. Water quality problems also indirectly impact the quality of benthic habitats. Boating impacts and water quality are discussed in separate sections below. Impacts from the construction of shoreline and docking structures occur due to the direct removal and modification of habitat. Mitigation for this type of impact is often required for the issuance of state and federal permits. Longer term impacts on benthic habitats, particularly seagrasses, may result from structural shading of the bottom. Reduction in sunlight irradiance levels affects the growth of seagrasses. State and federal agencies have developed dock design standards for reducing shading.

#### **General Bathymetric/Navigation Data**

In general, the bay side shorelines in the City enjoy fairly good water depth nearshore, often five feet or greater. On the ocean side of Marathon, nearshore waters are generally shallower and most boating access is afforded by dredged canals and channels rather than directly along the shoreline. At the west end of the City deep water access to open water is primarily from Boot Key Harbor and the network of waterways leading to Sister Creek. Canals and deep waterways are also available from the Shelter Bay, Bonfish Bay and Cocoplum Beach areas through Vaca Cut and channels east and west of Fat Deer Key south of U.S. 1. Water access along the south side of Key Vaca east of Boot Key is somewhat problematic due to extensive flats there. There are several marginal channels there serving mostly single family residential development. Much of the ocean side of Grassy Key is also fairly shallow for some distance off shore. General navigation features in the study area are shown on **Figure B-1, NOAA Chart**.

#### **Prop Scars**

In the Florida Keys and elsewhere around the state, damage to shallow seagrass flats may occur when boats navigate out of established channels and into areas of inadequate water depths. Boat groundings on seagrass flats may result in damage to the benthic habitat from the grounding hull and, if the operator tries to power off the flat, from the propellers. Large

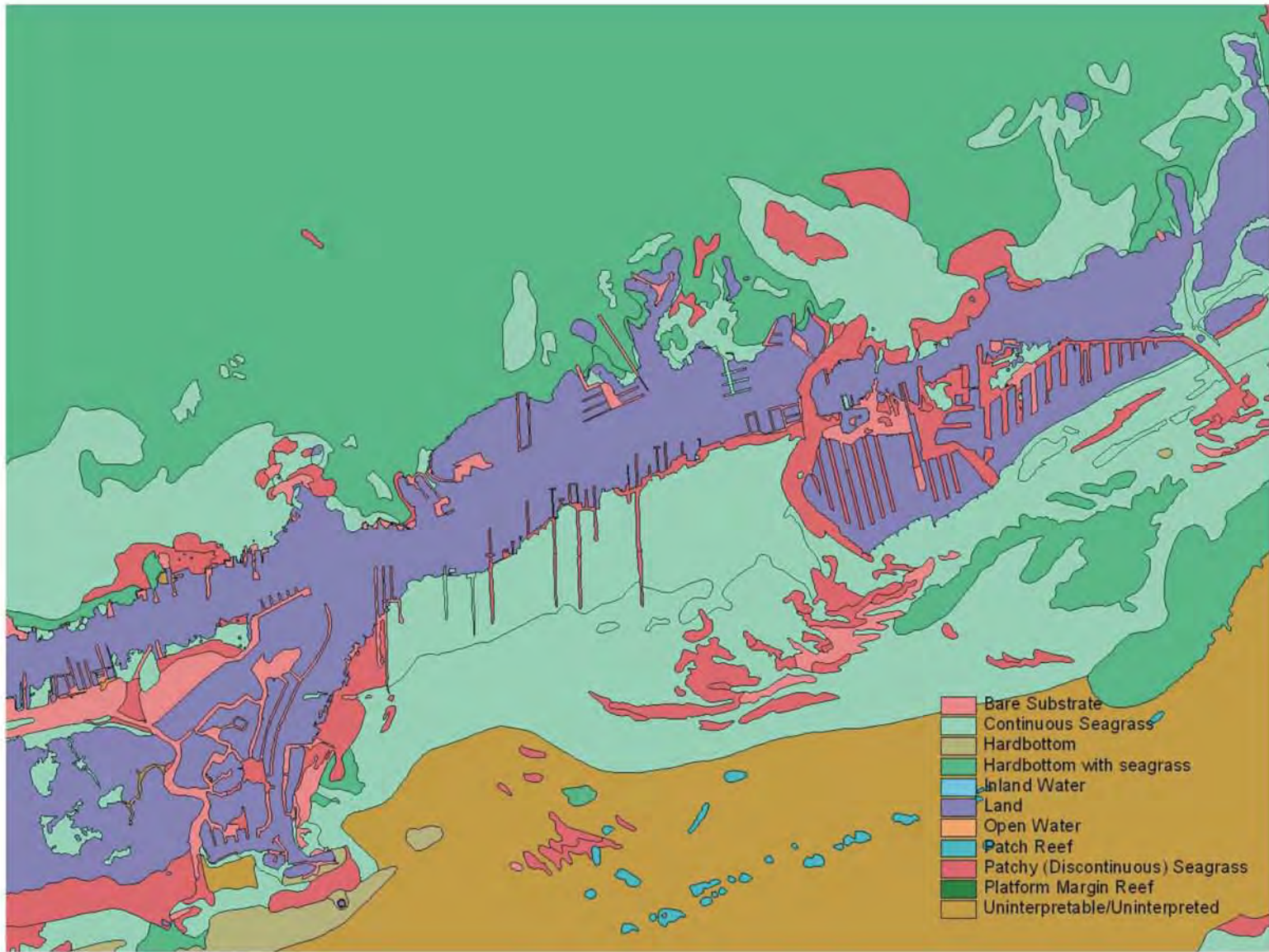


- Bare Substrate
- Continuous Seagrass
- Hardbottom
- Hardbottom with seagrass
- Inland Water
- Land
- Open Water
- Patch Reef
- Patchy (Discontinuous) Seagrass
- Platform Margin Reef
- Uninterpretable/Uninterpreted

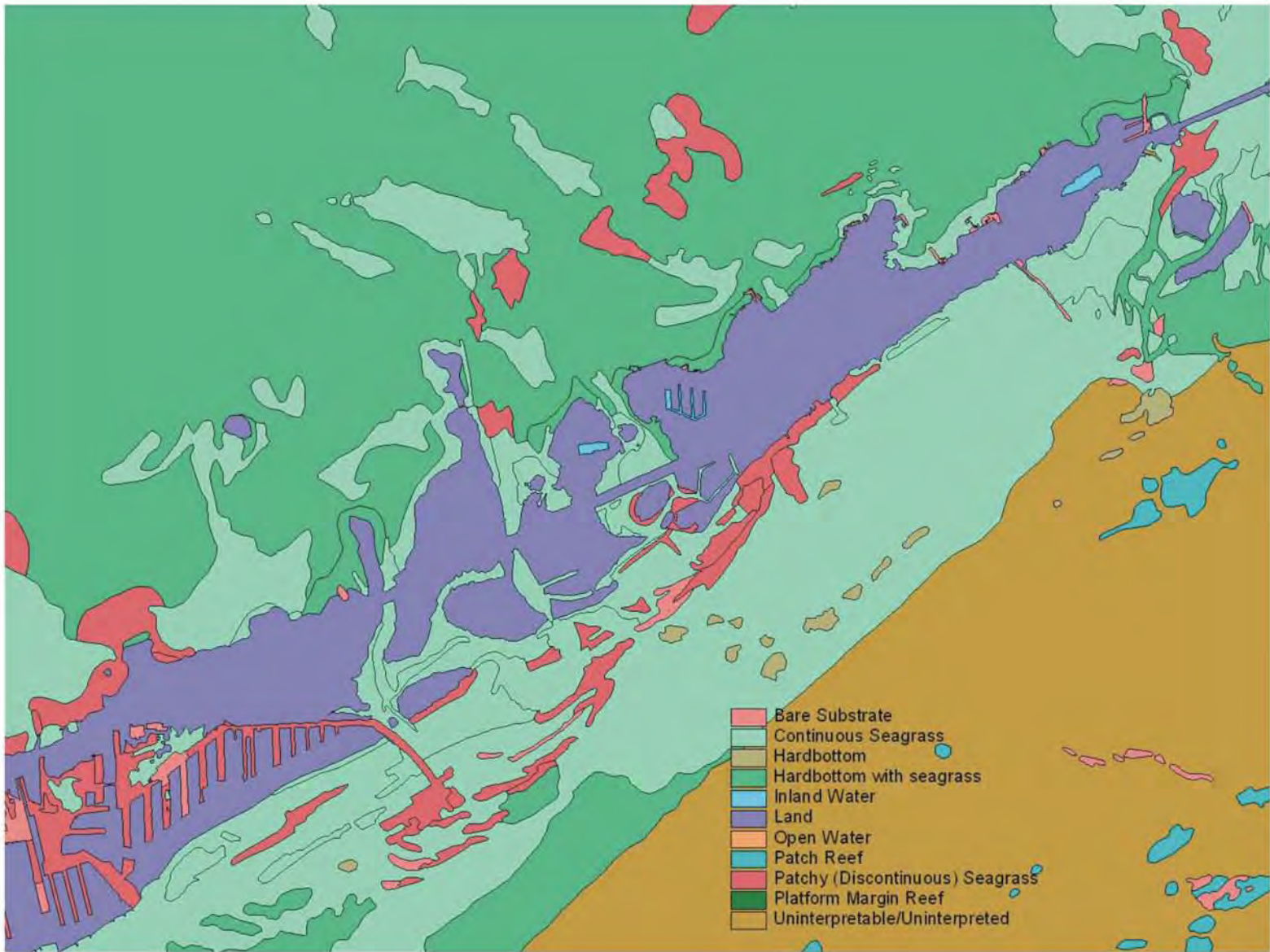
**Figure B-2, 1 of 3  
Benthic Map  
City of Marathon  
Marina Siting Plan**







**Figure B-2, 2 of 3  
Benthic Map  
City of Marathon  
Marina Siting Plan**



- Bare Substrate
- Continuous Seagrass
- Hardbottom
- Hardbottom with seagrass
- Inland Water
- Land
- Open Water
- Patch Reef
- Patchy (Discontinuous) Seagrass
- Platform Margin Reef
- Uninterpretable/Uninterpreted



**Figure B-2, 3 of 3  
Benthic Map  
City of Marathon  
Marina Siting Plan**



“blowholes” and mounds of excavated sand may be created during attempts to dislodge a grounded vessel. Boats traveling across a flat prior to grounding, or without grounding at all, may excavate bottom sediments with their propellers creating deep paths on the flat known as propeller scars or “prop scars.” Boating impacts mainly affect seagrass habitats through direct cutting or uprooting of seagrasses and through alteration of the topography. Secondary impacts often occur through continued erosion of the damaged area. Boat grounding and prop scarring are common problems in the Florida Keys and are becoming an increasing resource management concern as the number and size of vessels increases. In 1994 the FWRI (formerly the Florida Marine Research Institute) completed a mapping and analysis of boating damage to benthic habitat (Sargent et al. 1994). The study covered the entire state of Florida but the Florida Keys was mapped at a more detailed scale based on available aerial photography and the local knowledge of the study team (Kruer 1994).

**Figure B-3, Propeller Scarring Map**, shows mapping results for the Marathon area. A general review of the map shows the heaviest damage corresponding with areas of continuous seagrass in shallow waters (see comparison between Figures B-2 and B-3). This may seem obvious but not all shallow seagrasses are affected at the same level. The damage patterns indicate boat traffic patterns. The following damage levels were defined and mapped in the 1994 study:

- Severe Scarring (red shaded areas in Figure B-3): Areas of severe scarring where more than 20% of the shaded area was impacted by boats.
- Moderate Scarring (yellow shaded areas in Figure B-3): Areas of moderate scarring where 5% to 20% of the shaded area was impacted by boats.
- Light Scarring (green shaded areas in Figure B-3): Areas of light scarring where less than 5% of the shaded area was impacted by boats.



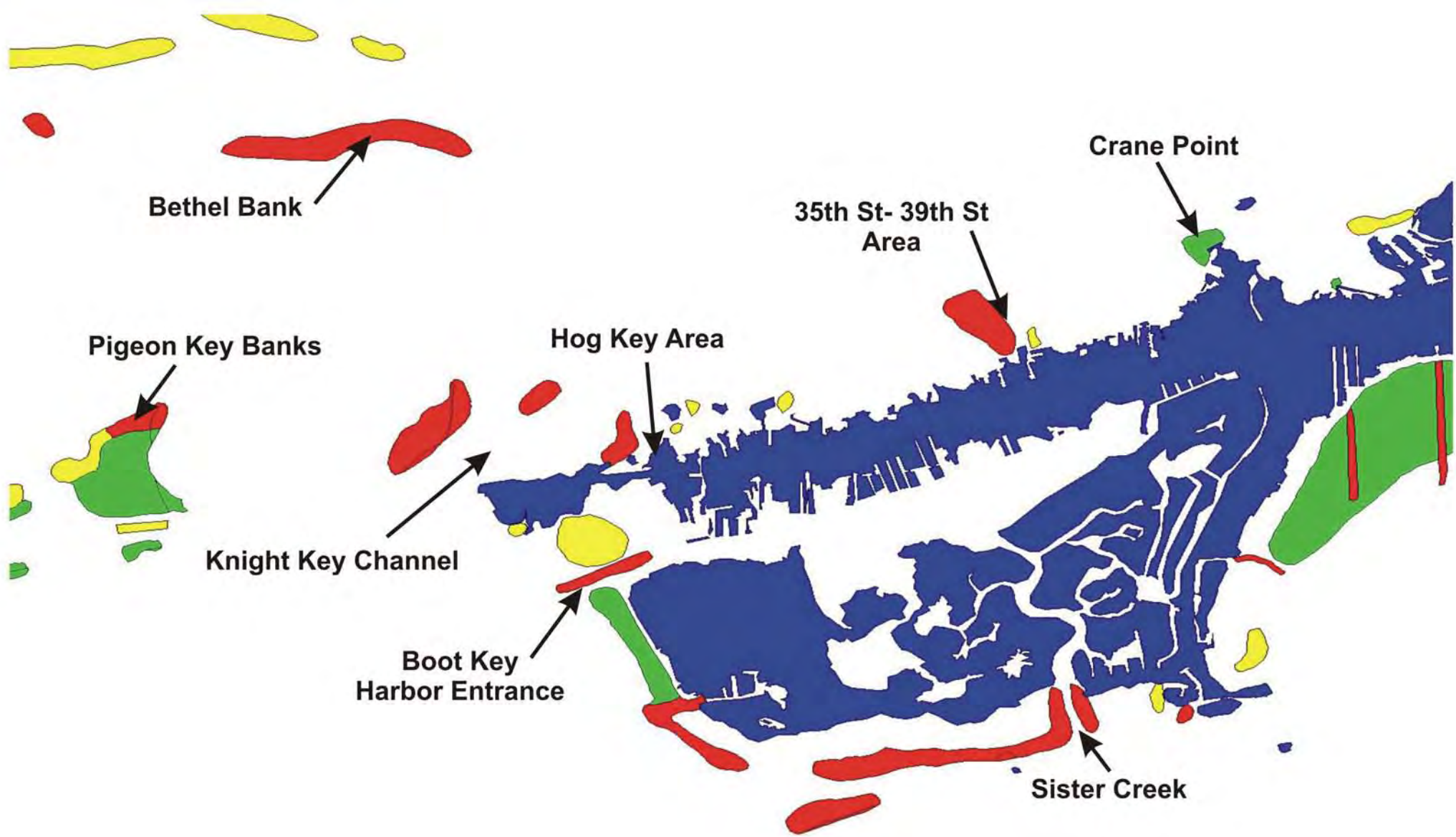
*Above: Scarring of seagrass beds from vessel props is a common type of damage in the Marathon area. Source: Seagrass Outreach Partnership*

#### Damage Causes and Problem Areas

In Marathon, scarring is generally associated with existing boating access channels, shallow oceanside flats and offshore banks. In comparing the mapped damage areas with existing uses in the vicinity, some general patterns of likely damage causes and sources can be determined.

**Inadequate Channel Depth:** Inadequate channel depth is a factor when vessels that are too large for a channel traverse it. A channel may meet local and state regulatory requirements for water depth and still suffer damage if traversed by boats that are too large for the design depth. Some areas where inadequate channel depth may be contributing to scarring include:

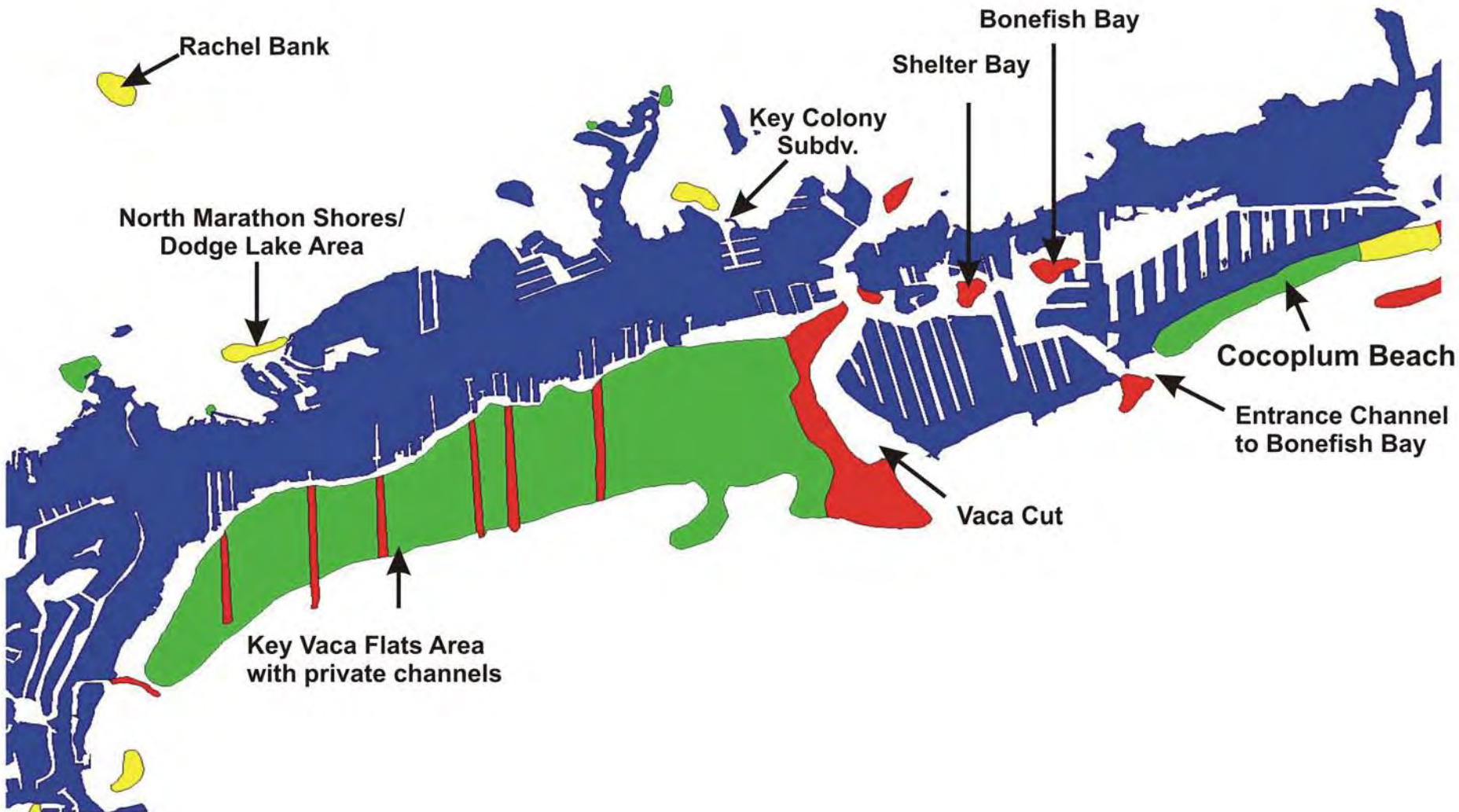
- western entrance to Boot Key Harbor; main sources are probably sailboats and larger cruisers that use Boot Key Harbor mooring site
- channels on the oceanside flats adjacent to Key Vaca; main source is residential users
- entrance to the commercial fishing canals on west Boot Key; source is commercial users
- some bayside areas of Marathon; sources are both commercial and residential users



Legend

<span style="color: blue;">■</span> Land	<span style="color: yellow;">■</span> Moderate
<span style="color: green;">■</span> Light	<span style="color: red;">■</span> Severe

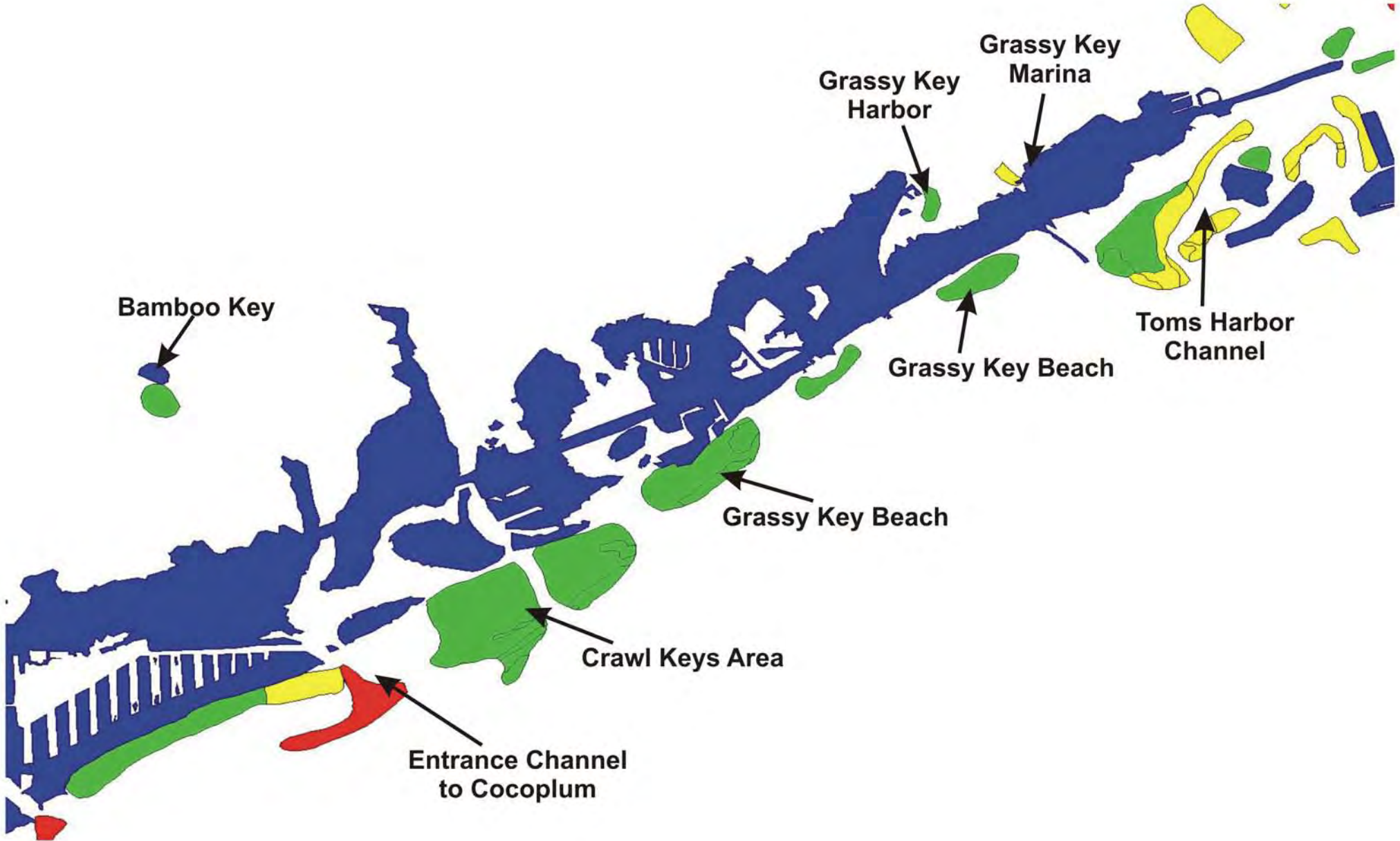
**Figure B-3, Figure 1 of 3  
Propeller Scarring Map  
City of Marathon  
Marina Siting Plan**



Legend

- |   |   |
|---|---|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> Land   | <span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> Moderate |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> Light | <span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> Severe      |

**Figure B-3, Figure 2 of 3  
Propeller Scarring Map  
City of Marathon  
Marina Siting Plan**



Legend

<span style="color: blue;">■</span> Land	<span style="color: yellow;">■</span> Moderate
<span style="color: green;">■</span> Light	<span style="color: red;">■</span> Severe

**Figure B-3, Figure 3 of 3  
Propeller Scarring Map  
City of Marathon  
Marina Siting Plan**



Operator Error: Vessel operator error occurs when the operator fails to properly read channel markers and navigational charts or when the operator intentionally attempts to shortcut the channel. Operator error is probably the major cause for damage over the seagrass flats adjacent to Vaca Cut. Vaca Cut was identified as a problem area based on this report and other data. Additional markers have recently been placed there to try to reduce the amount of boater error and resultant prop scarring. Operator error is probably a contributing factor to damage in all of the areas listed below. Many times, it appears that boaters following a channel out to open water will tend to leave it too soon when reaching open water. Consequently, many channel entrances have peripheral scarring (see Figure B-3)

- Vaca Cut (bayside and oceanside); traversed by virtually all users in the City
- Knight Key Channel: traversed by all virtually users in the City
- Hog Key bayside: source is mainly commercial users
- Sister Creek south entrance: sources are residential users and Boot Key Harbor users
- Cocoplum Beach channel entrance: sources are mainly commercial users and fewer residential users
- Bonefish Bay channel entrance: main sources are commercial users from the City of Marathon and residential users from the City of Key Colony Beach
- Tom's Harbor Channel; sources are commercial and residential users
- scattered areas on the bayside of Marathon (Dodge Lake, Stirrup Key, Key Colony Subdivision): source is mainly residential users

Channel Scour: Channel scour occurs when the vessel operator powers up when reaching open water traveling from the land base. The action of powering up lowers the boat's propeller temporarily until the boat achieves a more level "plane." The lowered propeller may cause bottom damage. Channel scour may be occurring at locations such as:

- Sister Creek south entrance: sources are Boot Key Harbor users and residential users
- entrance to Cocoplum Beach: source is mainly commercial users
- 35<sup>th</sup>-39<sup>th</sup> Street Bayside area: source is mainly commercial users

Inappropriate Use: Some shallow areas are probably being damaged due to inappropriate use of the area by all types of vessels from live-aboards to personal watercraft and even due to disturbance of the bottom by waders and swimmers. Areas where this may be occurring include:

- moderate scarring area just north of western entrance to Boot Key Harbor
- area along the western Boot Key mangrove shoreline
- Cocoplum Beach flats
- Crawl Keys Oceanside flats
- Grassy Key Beach flats
- adjacent to some offshore islands such as Bamboo Key and Tom's Harbor Keys



Banks: Severe boat damage to banks in open water occurs mainly due to the vessel operator's failure to identify a bank in the area either by using charts, markers, visual clues (i.e. "reading the water"), or all three, before running over it. Bank damage is largely restricted to the bayside in Marathon. The following examples show some level of damage:



*Above: A grounded vessel atop a seagrass bed. Source: Seagrass Outreach Partnership.*

- Knight's Key Channel banks
- Pigeon Key Banks
- Bethel Bank
- Red Bay Bank (north of the Seven Mile Bridge)
- Rachel Bank

While some of the bottom damage in the Marathon area is found in areas of regular boat traffic from various sources, there are several specific damage areas that may be associated with particular commercial and residential areas.

### **Water Quality**

Water quality has been a major focus of concern for the entire Florida Keys at the federal, state and local levels. The scope of concern ranges from water quality impacts due to regional and mainland development to local efforts towards the replacement of septic tanks with central sewage treatment facilities. Marina-generated water quality impacts have prompted efforts towards two main actions: provision of sewage pump-out and treatment for live-aboards and cruisers, and proper treatment and disposal of site generated stormwater and wastes. The design and location of water bodies in which marinas are developed also dictate, to some extent, the level of water quality problems that may be experienced.

### Sewage

In 2002 the Florida Keys National Marine Sanctuary established a "no-discharge zone" sanctuary-wide prohibiting the discharge of treated or untreated sewage ("black water") into waters of the sanctuary. The no-discharge zone was established as soon as a minimum threshold was reached for availability of pump-outs in the Florida Keys. This was done to provide assurance that the public could reasonably comply with the new law. The City of Marathon has built upon this effort by adopting new comprehensive plan policies requiring liveaboard marinas to provide pump-out facilities and by providing a mobile pump-out service themselves. As additional pump-outs are phased in, the City will continue to make progress on bringing all sewage generators into compliance whether they are existing or newly proposed.

### Stormwater and Waste

Many of the properties housing marinas in Marathon were developed and built during the 1950s through the 1970s, well before the advent of local stormwater handling requirements. Even after that, most sites fell below the state's threshold requirements for stormwater permitting due to the small property sizes in the Keys. Monroe County adopted a stormwater ordinance in the early 1990s and the City of Marathon has continued with this practice. New development must comply with this ordinance and redeveloping properties, including marinas,





are brought into compliance as much as possible given existing site conditions. In addition, the City is preparing a National Pollutant Discharge Elimination System (NPDES) Plan and existing facilities may need to be monitored or retrofitted.

At the state level, the Florida Department of Environmental Protection (FDEP) addresses marina pollutants in two ways. When a FDEP permit is required for development, conditions are placed on the issued permit that restrict or prohibit marina operations that may pollute the water. These types of operations may include boat repair and washing, boat painting (including anti-fouling paint), and disposal of chemicals and hazardous materials. FDEP also conducts an incentive program called "Clean Marinas" aimed at encouraging existing marinas to implement best management practices (BMPs) that reduce or eliminate water quality problems. In return for implementing these actions and receiving certification, a marina is listed by the state as a Clean Marina and can advertise this status to attract and educate an environmentally aware clientele. Currently the City Marina is the only Marathon marina listed on the FDEP web site as a Clean Marina.

#### Water Body Design

As previously mentioned, significant dredge and fill activity was conducted in Marathon in the 1950s through the 1970s. Canals and boat basins were sometimes dug fairly deep and often were not designed to flush back out to open water. These "dead end canals" have become sinks for pollutants generated from stormwater runoff, septic tanks and cesspools, and trash and debris. Most canals are oriented perpendicular to the shoreline and depending on their location some canals and basins are a natural trap for floating vegetative wrack which sinks to the bottom and decays. The deeper canals and basins often become anoxic on the bottom supporting primarily a bacterial community on an unvegetated silt bottom. Dredging to create new waterbodies and access is now prohibited so water body design is not a major concern in siting new marinas.

#### **Terrestrial Habitats**

**Figure B-4, Habitat Map**, shows terrestrial habitats mapped for the City of Marathon. The majority of land in Marathon has been altered to allow for development. Most of the alteration occurred from Knight's Key to Key Vaca. Notable areas with large tracts of remaining natural habitat include the western half of Boot Key, Fat Deer Key, Long Point Key, the Crawl Keys and Grassy Key. Habitats of particular concern in Marathon fall into three categories: mangroves, salt marsh/buttonwood wetlands and tropical hardwood hammocks.



Above: A mangrove swamp. Source: Keys Environmental Restoration Fund

#### Mangroves

Mangroves are wetland plants that form the intertidal marine wetland community in the Florida Keys. Three species are found here: red mangroves, *Rhizophora mangle*, black



- Habitats.shp
- BUTTONWOODS
  - DEVELOPED
  - DUNE
  - EXOTICS
  - FRESHWATER HARDWOODS
  - HAMMOCKS
  - MANGROVES
  - RIDGE/HAMMOCK
  - SALT MARSH
  - SCRUB MANGROVES
  - TRANSPORTATION
  - WATER



**Figure B-4**  
**Habitat Map**  
**City of Marathon**  
**Marina Siting Plan**



mangroves, *Avicennia germinans*, and white mangroves, *Laguncularia racemosa*. These trees form the basis of a diverse and productive wetland community. Figure B-4 shows mangrove forests and scrub mangrove flats occurring in large stands in the City mainly on Boot Key, Fat Deer Key, the Crawl Keys and Grassy Key. Development of these lands have been prohibited by local regulations for many years and these communities are also protected under state and federal jurisdictions. Fringing mangroves occur on many developed and undeveloped properties in Marathon, consisting of shoreline-fringing communities bordering a landward natural or developed upland community. Fringing mangroves occur on natural, altered and created shorelines throughout the City. Mapping resolution used to produce Figure B-4 did not allow delineation of all fringing mangrove communities in the City. These are usually identified on a site-by-site basis as development applications are received. Various regulatory measures are applied to development in and near mangrove fringing communities at the federal, state and local levels.

#### Salt Marsh and Buttonwood Wetlands

Salt marsh and buttonwood wetlands occur at higher elevations than mangroves but are still regularly influenced by tidal waters. Marshes are dominated by salt tolerant succulent herbs and marsh grasses. Higher elevations may have woody vegetation dominated by green buttonwoods (*Conocarpus erectus*). Areas of salt marsh and buttonwood are scattered throughout the City and most occur in association with mangrove wetlands in areas such as western Boot Key, Fat Deer Key, Long Point Key, Crawl Keys, and Grassy Key. Like mangrove wetlands, these areas are under the jurisdiction of state and federal resource agencies and city regulations prohibit their development.

Tropical Hardwood Hammocks The hardwood forests of the Keys are known as tropical hardwood hammocks. These upland forests occur at high elevations and much of the City of Marathon was once covered by them. The largest remaining stand of forest is found on Fat Deer Key and is now part of the Curry Hammock State Park. Other significant remaining hammocks can be found on western Boot Key, Key Vaca, Long Point Key, north Crawl Key and Grassy Key. The three remaining large stands on Key Vaca have been purchased for preservation by the State of Florida. Hardwood hammocks are protected by City regulations and clearing for development may be restricted to small areas. Palm hammocks, a special type of rockland hammock with a proliferation of Florida thatch palms (*Thrinax radiata*), are specially protected in the City.

#### **Potential Listed Species Habitat**

Due to its highly disturbed and developed landscape, Marathon is an area of moderate wildlife diversity compared to other less developed parts of the Florida Keys. The remaining undisturbed natural habitats provide important food sources for migrating and resident songbirds and wading birds. While the Marathon area does harbor rudimentary populations of mammals and herpetofauna, these are mainly concentrated within undeveloped areas of Fat Deer Key to Grassy Key. Similar to Key West, Marathon has developed healthy populations of exotic animals especially on Key Vaca, the City's main developed island. These include the



marine toad (*Bufo marinus*), the Eurasian collared dove (*Streptopelia risoria*), the green iguana (*Iguana iguana*) and the fruit rat (*Rattus rattus*). Some native wildlife, such as the raccoon (*Procyon lotor*) have developed urbanized populations and the City also has its share of feral domestic cats (*Felis domesticus*).

Resident listed animal species found in Marathon include the white crowned pigeon (*Columba leucocephala* - a summer resident), the osprey (*Pandion haliaetus*) and the Florida tree snail (*Liguus fasciatus*). Seasonal visitors to the City include the Atlantic loggerhead turtle (*Caretta caretta*) which uses the beaches for nesting, and the West Indian manatee as previously mentioned. Mainly because of its position in the Keys, Marathon is a major stopover and roosting area for migrating and marine birds including brown pelican (*Pelecanus occidentalis*), Arctic peregrine falcon (*Falco peregrinus tundrius*), bald eagle (*Haliaeetus leucocephalus*) and numerous raptors, wading birds and shorebirds. Some listed herpetofauna have also been recorded for the Marathon area, particularly on Grassy Key. These include the Miami black-headed snake (*Tantilla oolitica*) and the Florida Keys mole skink (*Eumeces egregius egregius*). These records are several years old and the status of these species in Marathon is unknown at this time.



Above: A sea turtle feeding over grass beds  
(Source: Seagrass Outreach Partnership).

Perhaps the most important listed animal species for the City to be aware of in planning for marina development is the loggerhead sea turtle. This turtle currently nests in the City at Sombrero Beach, Cocoplum Beach, Grassy Key and, perhaps, Boot Key. This species along with the green turtle, *Chelonia mydas mydas*, utilizes the near shore seagrass beds and other habitats, especially during the nesting season from April through November, although the green turtle has not yet been recorded nesting in Marathon. Some threats to these species include disturbance of nesting activities and nests, accidental ingestion of or tangling in foreign materials (fishing and rope lines, plastic bags, etc.) and collisions with watercraft.

The remaining hardwood hammock forests and one cactus barren in Marathon provide habitat for a diversity of tropical plants. This is one reason these marginal and upland habitats have been specially targeted by state and local authorities for protection. Long-standing federal, state and local regulations have virtually eliminated development of undisturbed wetlands, so remaining upland habitats are typically subject to greater development pressures. Several state protected plants occur in hammocks. One federally protected plant, Garber's spurge (*Chamaesyce garberi*) can be found on Grassy Key near U.S. Highway 1.

### Manatee Use Patterns

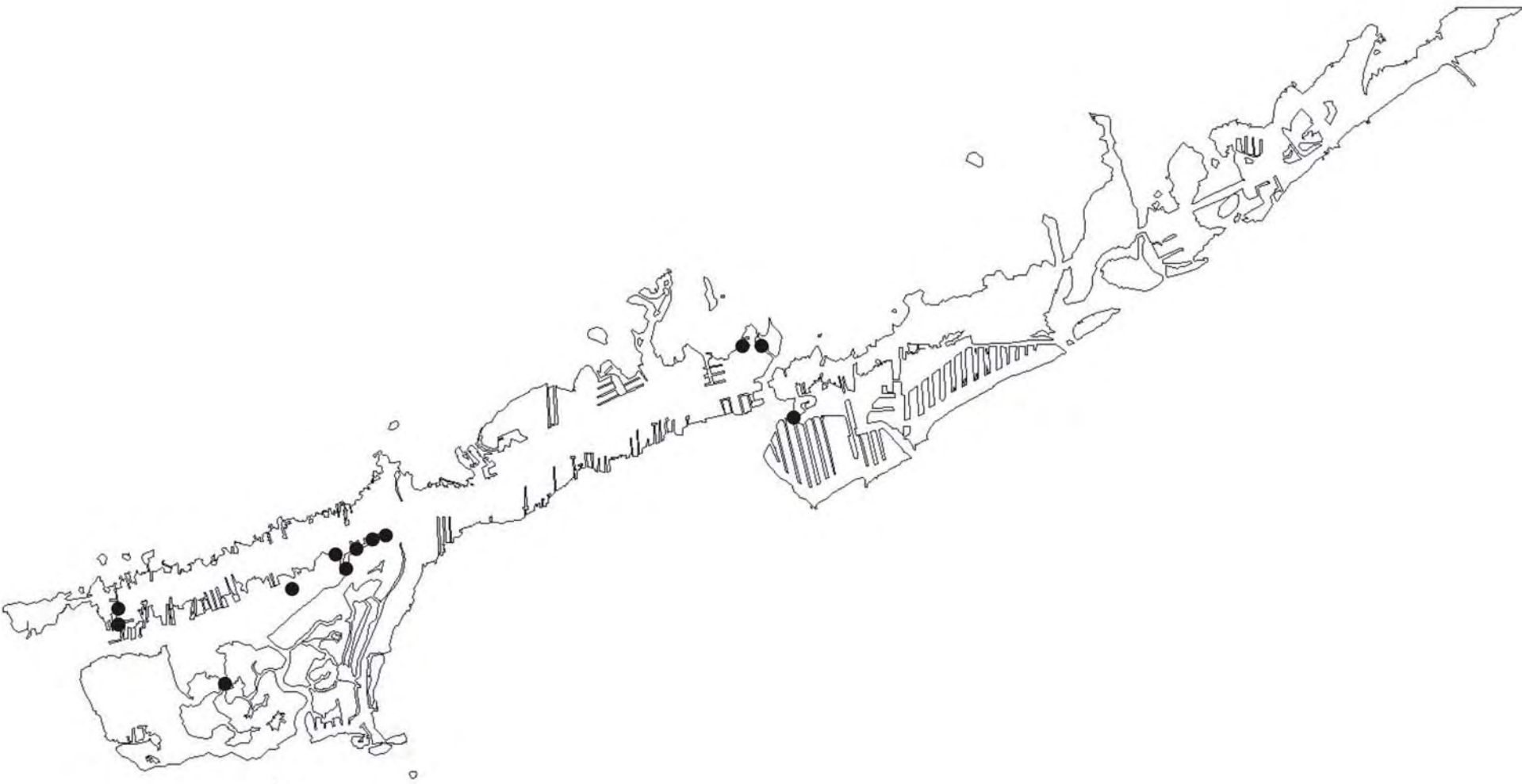
Marina siting in much of the State has focused on the reduction of boating impacts on manatees. Therefore, a detailed inventory of manatee occurrence in Marathon is presented here. The Florida subspecies of the West Indian manatee (*Trichechus manatus latirostris*), or the Florida manatee, is a marine mammal found in the Southeastern United States. Manatee distribution



and migration patterns are entirely driven by appropriate ambient water temperatures. Manatees subjected to water temperatures of 68 degrees Fahrenheit or below for more than a few days may suffer hypothermia and eventually death. When water temperatures begin to drop during the late fall months manatees migrate to warm water “refugia” to spend the winter. All of these warm water areas are in Florida and include warm springs of the northern coasts and man-made warm water outfalls from constant generating sources such as electric power plants. Manatees living in Florida Bay, Biscayne Bay and the Everglades may remain there throughout the winter since water temperatures generally stay above 70 degrees Fahrenheit.

Manatees in the Florida Keys are usually solitary and are most commonly seen in Florida Bay from Windley Key north. In Marathon, manatee sightings are regular but infrequent and they are generally known to be occasional visitors to the area. Manatee sighting data, available from the Florida Fish and Wildlife Conservation Commission (FWC) gives an indication of the level of manatee occurrence in Marathon. The FWC conducts aerial surveys throughout Florida in areas frequented by manatees. From 1991 through 2004 a total of twelve manatees have been sighted in the City, an average of 0.8 manatees per year (**Figure B-5, Manatee Sighting, 1990-2004**). The FWC also has mortality data throughout the State of Florida since 1974. A total of 165 manatee deaths have been recorded for Monroe County. Data for the Florida Keys portion of Monroe County from 1974 through 2004 is summarized in Table B-1 and a map of locations of salvaged or reported dead manatees in the City of Marathon is shown in **Figure B-6, Manatee Mortality Map**. A total of four deaths have been recorded in the Marathon area including one in the City of Key Colony Beach. The cause of the Key Colony Beach mortality is listed as undetermined. One watercraft related mortality was recorded at Sister’s Creek in Marathon. The other two deaths were by natural causes. By comparison, a total of 24 deaths have been recorded from Long Key north with 12 of those recorded to be watercraft related. The remainder of the 137 manatee deaths occurring in Monroe County over the 31-year period occurred on the Florida mainland.

The U.S. Fish and Wildlife Service (FWS) and FWC implement an organized review process for new “watercraft access” facilities in Florida. The process applies to the 35 counties in Florida where watercraft-related manatee mortality has been recorded, including Monroe County. The process addresses the adoption of manatee protection plans and the implementation of manatee protection measures by counties. It also lays out the FWS review process for new watercraft facility applications. The State of Florida also designated 13 “Key” counties that were required to write manatee protection plans. Monroe County is not included in that designated list but the FWS does maintain review authority over docking facilities since the county exceeds the review threshold of more than 0.5 watercraft-related manatee deaths per year over the last ten years.

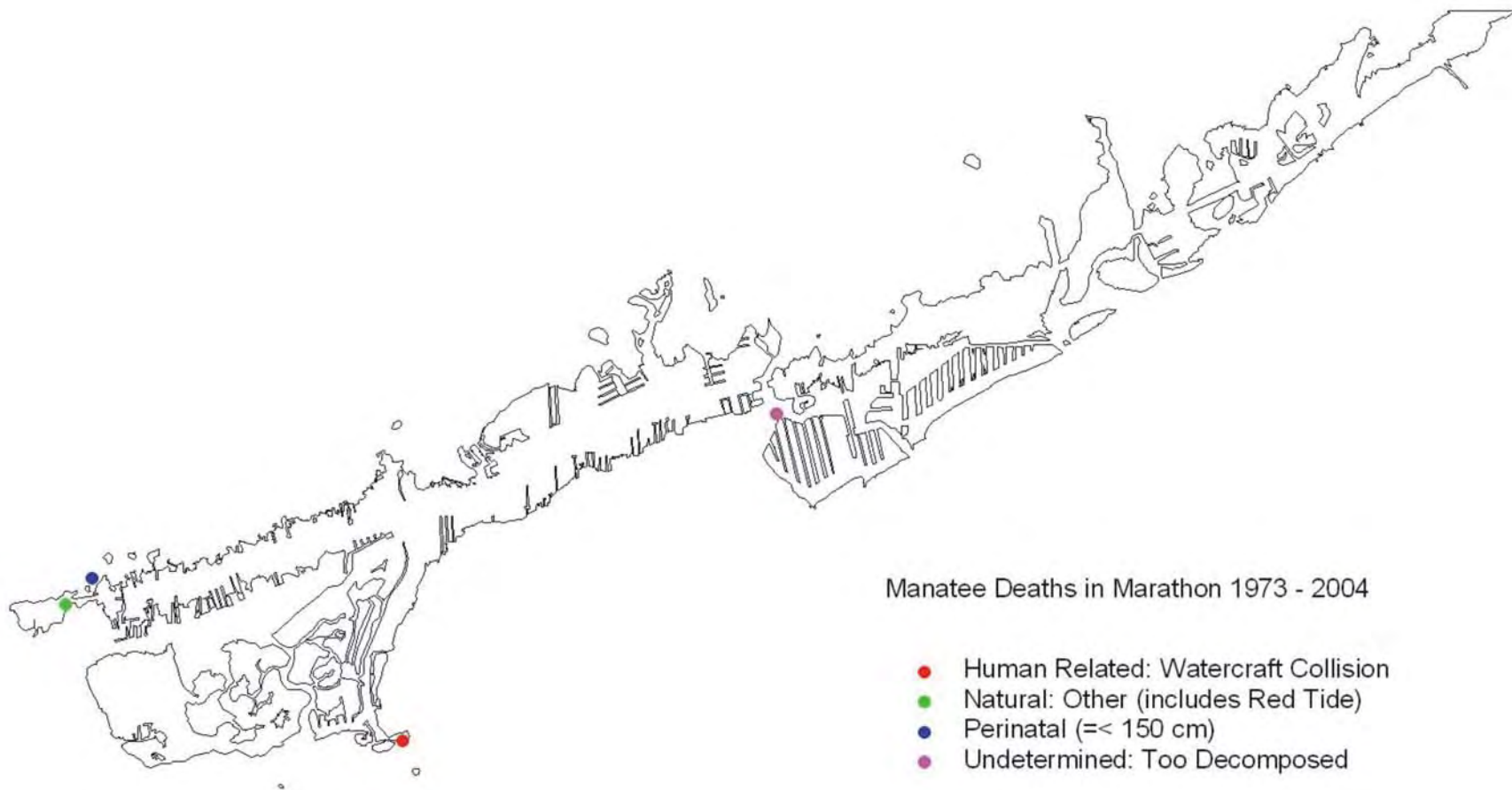


LEGEND

● Manatee Sighting



**Figure B-5**  
**Manatee Sightings 1990-2004**  
**City of Marathon**  
**Marina Siting Plan**



**Legend**

- M5 Marina Reference Number
- MS 5 Mooring Field Reference Number

**Figure B-6**  
**Manatee Mortality Map**  
**City of Marathon**  
**Marina Siting Plan**



Since January 2001, the FWS review has been initiated by the U.S. Army Corps of Engineers (USACE) when they receive an application for a watercraft facility. The USACE determines the level of review to be conducted based on a “manatee key” developed to concentrate review on the areas in Florida where manatee impacts are more likely to occur. For Monroe County, the manatee key depicts the southern boundary of the review area at the east end of the Seven Mile Bridge which includes the City of Marathon. Therefore, the heightened review process is followed and manatee protection measures are required at appropriate facilities in Marathon. This heightened review is triggered by the FWS threshold of more than 0.5 watercraft-related mortalities per year over the last ten years county-wide. The vast majority of these deaths have occurred on the mainland. In the Florida Keys, the FWC data (Table B-1) shows that 11 watercraft-related deaths (average of 1.1/year) have occurred from Lower Matecumbe Key north, while The City of Marathon has had only 1 watercraft-related manatee death over the last ten years (average of 0.1 per year). The FWS can take these local differences into account in their review. For Marathon and the Lower Keys, where watercraft-related mortality is a rare occurrence, the USACE is usually authorized to evaluate individual permit applications with respect to the level of review needed.

Table B-1. Manatee mortality from 1974 through 1993 (74-93) and from 1994 through 2004 (94-04) in the Florida Keys.						
Location	Watercraft-Related		Natural Cause		Undetermined Cause	
	74-93	94-04	74-93	94-04	74-93	94-04
Key Largo	1	7	2	6	1	1
Plantation Key		3	1	1		
Lower Matecumbe Key		1				
Key Colony Beach					1	
Marathon Boot Key		1				
Marathon Hog Key				1		
Marathon Knight's Key				1		
Totals:	1	12	3	9	2	1

### Key Resource Protection Areas

The Florida Keys marine and land areas have developed a diverse and abundant population of plants and animals including excellent fisheries and the only living coral barrier reef in the United States. Because of the Keys’ unique and productive natural areas federal, state and local governments have established designated areas to focus efforts on natural resource protection.

### Florida Keys National Marine Sanctuary

The Florida Keys National Marine Sanctuary (FKNMS) was established in 1990 and covers the entire Florida Keys and surrounding waters including the coral reef. Therefore, all of the City of Marathon and its surrounding waters are within FKNMS. A management plan for FKNMS





was completed in 1996. Among the many programs managed by FKNMS are seagrass protection and water quality protection including the encouragement of participation in Florida's Clean Marinas program. One federal law that significantly affects marinas and mooring fields is the establishment of the Florida Keys No Discharge Zone (NDZ), in effect since June 2002. This law prohibits the discharge of sewage (black water) from all vessels into Florida waters, whether the sewage is treated or not. Previously, the discharge of raw sewage was prohibited under Florida's Clean Vessel Act (F.S. 327.53). The FKNMS highly encourages the installation of pump-out facilities throughout the Keys in order to make it easier for vessels to comply with this new federal law.

#### Coastal Barrier Resource System

The Coastal Barrier Resources Act of 1982 established the Coastal Barrier Resources System (CBRS). The Act was designed to restrict federally subsidized development of undeveloped coastal barrier islands in order to minimize the loss of life and property as well as reducing the potential for damage to fish and wildlife habitat. The intent is to limit wasteful expenditure of federal revenue in these areas. Most expenditures of federal funds for projects that would encourage development (e.g., public infrastructure) are prohibited within designated units of the CBRS. Two CBRS units exist within the City of Marathon.

The first designation covers most of Fat Deer Key, Long Point Key, Little Crawl Key and Deer Key (latter is an offshore island). Most of this CBRS unit is undeveloped and is contained within the Curry Hammock State Park. Most of the state park is occupied by native hardwood hammock habitat and is slated for preservation but the park does include a restroom facility and several planned campsites on Little Crawl Key. The park has access to deep water that could probably accommodate a marina but no such plans have been proposed by the state.

The second CBRS unit covers the western half of Boot Key (all of the area west of Sister's Creek). This area is privately owned but other than installation of a bridge and road to the island it has remained largely undeveloped with the exception of a commercial fishing operation and radio station that occupy a small portion of the island. The undeveloped portion of the island is occupied by mangroves, salt marsh, rockland hardwood hammock and beach berm hardwood hammock habitats.

#### Outstanding Florida Waters

All Florida Keys waters have been designated as Outstanding Florida Waters (OFW) pursuant to Chapter 62-302.700, Florida Administrative Code (FAC). In Marathon, this includes all waters except for those in "artificial waterbodies...including canals" (62-302-700(9)(i)13.c, FAC). Waters within the OFW are afforded the highest level of water quality protection at the state level. No activity can be permitted which causes a degradation of water quality beyond its current level.



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### Curry Hammock State Park

The Curry Hammock State Park covers much of the islands of Fat Deer Key and Long Point Key and all of Little Crawl Key in Marathon. The park was established after the State acquired several large tracts of remaining undisturbed hardwood hammock habitat during the early 1990s. Curry Hammock contains the only remaining significant stand of rockland palm hammock in the Keys located on Fat Deer Key. Approximately half of the island of Little Crawl Key had been filled and platted prior to being acquired and this area is now being developed by the State into a modest campground. The park management plan is currently being drafted. Plans for the park include only a modest canoe launching facility and perhaps a docking facility for park operations. No full-scale marina is planned for the park (Steve Eibl, pers. comm.).

### Florida Keys Ecosystem Lands

Florida Forever is a statewide land acquisition program aimed at preserving the state's remaining significant natural and cultural resources. The Florida Keys Ecosystem project has been on the state's approved acquisition list for many years in various forms. Some significant remaining tracts in Marathon were purchased through this program, including lands of the Curry Hammock State Park, the Blue Heron Hammock on Key Vaca and the Vaca Cut Hammock, also on Key Vaca. In 2005, the Florida Acquisition and Restoration Council voted to prioritize the Florida Keys project and accelerate the pace of acquisition there. The list of approved projects in the City of Marathon has expanded significantly and includes virtually all of the remaining natural habitat.

### Local Parks

City Parks in Marathon currently include the Marathon Community Park, the Jesse Hobbs Park, Rotary Children's Park, Sombrero Beach Park and Cocoplum Beach Park. Three of the parks border the shoreline but none have deep water access. The Marathon Community Park is located adjacent to the City Marina and as such offers supporting amenities that are directly convenient to marina users.

## **LAND USE CONSIDERATIONS**

The City of Marathon governs the use of land through a hierarchal set of documents: its Comprehensive Plan, which sets forth the City's policy-level approach to development, and the implementing Code of Ordinances (including the Land Development Regulations), which specifically establishes the City's criteria for development, operation of facilities and enforcement capabilities. Accordingly, the basic policies guiding marina siting are located in the Comprehensive Plan, while specific guidelines for development and operation of marinas are included in the Code.

This portion of the Marina Siting Plan summarizes how marinas are addressed in the adopted (but not yet in effect) Marathon Comprehensive Plan and existing Code of Ordinances/Land Development Regulations. It also outlines the existing development approval process for new and redeveloping marinas.



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### **Existing Comprehensive Plan**

The City of Marathon and Monroe County are located within an Area of Critical State Concern and are highly regulated both at the policy and regulatory levels. When the City was incorporated from the County in 1999, the Monroe County Comprehensive Plan and associated regulations were put in place to serve as transition documents until the City could adopt its own Comprehensive Plan and implementing regulations. The City's new Comprehensive Plan (which at the time of this report draft is adopted but not yet in effect) reflects the general direction of the County plan upon which it is based. Therefore, the City has inherited a large body of policy direction that reflects a long history of state guidance through the Area of Critical State Concern program. It comes as no surprise, then, that marinas are already heavily regulated at the local level, both in the transition planning documents and in the proposed new Comprehensive Plan.

The Comprehensive Plan contains a broad array of existing policies addressing issues relevant to marina siting, including:

- Live-aboard Vessel-related Policies 1-3.4.5 and 1-3.4.6, which limit where live-aboard vessels can be located and requires them to be inventoried and to contract with pump-out contractors;
- Natural Resource Protection-related Policies 4-1.2.2, 4-1.2.3, 4-1.2.11, 4-1.2.12, 4-1.3.1, 4-1.3.2, 4-1.3.4, 4-1.4.1, 4-1.4.4, 4-1.4.6, 4-1.5.1, 4-1.5.2, 4-1.5.3, 4-1.5.4, 4-1.5.5, 4-1.5.6, 4-1.5.7, 4-1.5.10, 4-1.7.1, 4-1.11.1, 4-1.11.7 and 4-1.11.8, which among other things protect plant and animal species, limit development impacts on wetlands (including mangroves and saltmarsh) and living marine resources such as seagrasses, require open space at ratios which are higher when natural resources are present, use clustering and protect seaturtles;
- Shoreline Alteration-related Policies 4-1.3.5, 4-1.3.6, 4-1.3.7, 4-1.3.8, 4-1.3.9 and 4-1.5.12, including measures to protect shorelines and prohibit construction of new hardened vertical shoreline structures on open water;
- Water Quality-related Policies 4-1.3.10, 4-1.4.3, 4-1.11.13, 4-1.11.14 and 4-1.18.6, which prevent negative changes to water circulation and tidal flushing and address runoff.
- Waste Management-related Policy 4-1.9.1, which requires proper management of hazardous materials and solid wastes;
- Development Approval-related Policies 4-1.4.5, 4-1.5.13, 4-1.11.5 and 4-1.18.1 which require federal and state dredge and fill permits prior to permit application to the City, ensure a development approval process, and specify when special approvals and variances are warranted;
- Setback-related Policies 4-1.4.2, 4-1.4.8, 4-1.4.9, 4-1.4.10 and 4-1.4.12, which ensure that wetland buffers and open water setbacks are provided;
- Walkway-related Policy 4-1.4.11, which establishes maximum widths for walkways over mangroves, wetlands and submerged lands;



- Dock and Mooring-related Policies 4-1.11.2, 4.1.11.3, 4-1.11.4, 4-1.11.6 and 4.11.15 which require a minimum depth of (-) 4 feet for all docking facilities and mooring sites, establish formulas for determining dock length, and prohibit dock termination over natural resources unless allowed by state and federal agencies;
- Prioritization of Use-related Policies 4-1.13.1 and 4-1.13.2, which establish the priority of water-dependent and water-related uses on shorelines;
- Public Access-related Objective 4.1.14 and Policies 4-1.3.5, 4-1.14.2 through 4-1.14. 4, which require that the impacts of development on public access be assessed during the development review process and protect scenic views of the water;
- Hazard Mitigation-related Policies 4-1.3.3, 4-1.15.1 and 4.1.22.8, which enforce land use controls within the Coastal High Hazard Area and regulate redevelopment of non-conforming structures;
- Concurrency-related Policy 4-1.17.2, which requires necessary infrastructure to support a development to be available concurrent with development impacts; and,
- Dredging-related Policies 4-1.18.2, 4-1.18.3 and 4-1.18.4, which limit new dredging and regulate maintenance dredging.

The City's Comprehensive Plan includes Future Land Use designations that further encourage the location of commercial fishing and traditional uses to the Mixed Use Commercial classification and restrict industrial marinas to the Industrial classification (reference Policy 1-3.1.3.). Although the residential classifications are silent on marina development (perhaps in part because residential marinas are not included in the existing marina definition, as is discussed later in this section), it is likely that density and intensity limitations would generally restrict marina development to Residential Medium and Residential High. Policy 1-3.5.6 restricts allocation of commercial development to Mixed Use and Industrial classifications which could have a significant impact on the development and expansion of commercial marinas in the City.

Further, the Comprehensive Plan requires a marina siting plan and anticipates certain aspects of the plan in Objective 4-1.12 and its accompanying policies.

Together, these existing policies represent a fairly extensive approach to siting issues and concerns, with the result that most new marina development, as well as expansion of existing marinas, will be allowed only under the following very specific conditions:

- Docks must terminate in four feet of water at MLW and have continuous access of (-) four feet MLW to deeper water;
- New and maintenance dredging is not allowed except in existing navigational channels and in canals when certain conditions are met;
- Impacts to native vegetation, including shoreline vegetation such as mangroves, is extremely limited, if not outright prohibited in some cases. Buffering, setbacks and clustering are required;



- Pump-out is required for all live-aboards and on-site pump out for new marinas over 10 slips;
- Bulkheading and other shoreline hardening is generally prohibited on open water; and,
- Tidal flushing and circulation changes are closely evaluated.

While existing policies may not address every aspect of marina siting, or cover every concern particular to the Marathon community, they offer an expansive basis for construction of this Marina Siting Plan. Relevant comprehensive plan policies have been organized and cross-referenced and are included in **Attachment C, Adopted Comprehensive Plan Policies Relevant to Marina Siting**.

### **Existing Code and Land Development Regulations**

#### Definition of Marina

The definition of a marina in the City of Marathon is in the Land Development Regulation Chapter of the Code of Ordinances:

*“Marina means a facility for the storage (wet and dry), launching and mooring of boats together with accessory retail and service uses, including restaurants and live-aboards, charter boat and sport diving uses, except where prohibited, but not including docks accessory to a land-based dwelling unit limited to the use of owners or occupants of those dwelling units.”* Section 9.5-4 (M-5)

As a result of this definition, only docks related to a commercial use are deemed marinas. In theory, this would allow a new or existing multi-family development to build significant numbers of slips without being defined as a marina so long as it did not offer commercial services. This definition also appears to be silent on industrial use marinas because accessory retail and service uses do not include repair and manufacturing typically associated with boatyards.

#### Zoning

The land development regulations indicate the prevalence of marinas in the City of Marathon by allowing marinas in most land use designations as Major Conditional Uses. Only the Park and Refuge District permits marinas as of right. The land use designations that permit marinas as a Major Conditional Use are:

- Urban Commercial District (UC)
- Urban Residential District (UR)
- Urban Residential Mobile Home District (URM)
- Urban Mobile Home - Limited District (URM - L)
- Sub Urban Commercial District (SC)
- Sub Urban Residential District (SR)



*Above: The entrance to Boot Key Harbor  
(Source: City of Marathon, 2005).*



- Sparsely Settled Residential District (SS)
- Native Area District (NA)
- Destination Resort District (DR)
- Recreational Vehicle District (DR)
- Commercial Fishing Area District (CFA)
- Mixed Use District (MU)
- Industrial District (I)
- Maritime Industries District (MI)

Marinas are not permitted in the following land use districts:

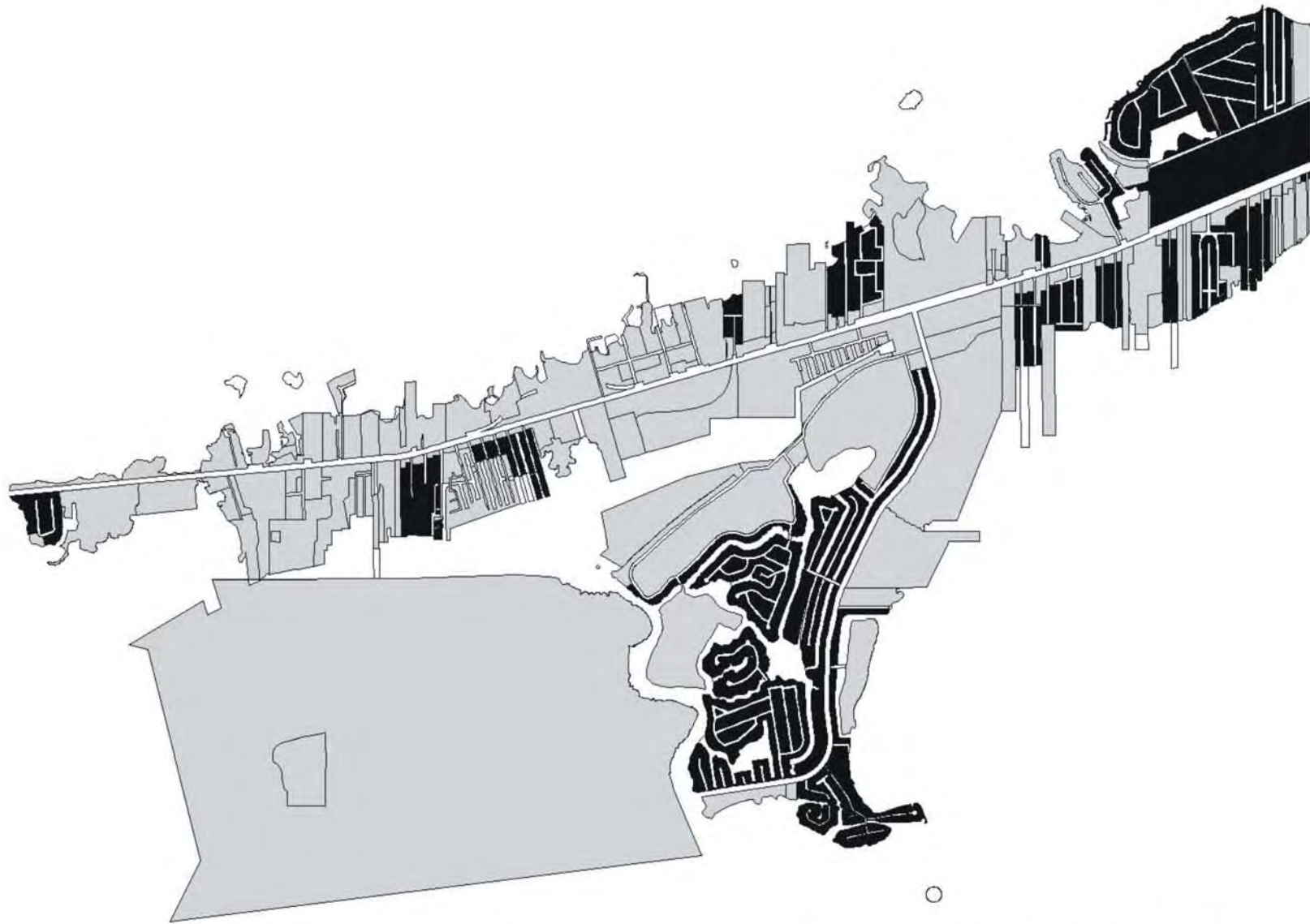
- Sub Urban Residential District (Limited) (SRL)
- Mainland Native Area (MN)
- Offshore Island District (OS)
- Improved Subdivision District (IS)
- Airport District (AD)
- Conservation District (CD)

Because commercial fishing has historically been an integral part of the Marathon economy, several districts have been established to preserve and protect this operation. The Commercial Fishing Village District (CFV) allows for commercial fishing operations including the mooring of boats. Existing commercial fishing operations in Commercial Fishing Residential districts are grandfathered in. In addition, Commercial Fishing Special Districts (CFSD) establish areas where commercial fishing has traditionally been carried out but prohibits additional commercial fishing uses which are inconsistent with the natural environment, immediate vicinity, or community character of the area.

**Figure B-7, Future Land Use Considerations Map**, shows the land use classifications where marinas appear to be allowed. As the map illustrates, marinas could be a potentially appropriate use in most parts of the City. However, newly adopted Comprehensive Plan policies, including Future Land Use descriptions and commercial development allocation limitations, may result in modifications to where marinas are permitted; interpretation of the adopted policies and application to the Land Development Regulations is expected to occur as part of the City's ongoing revisions to the Code of Ordinances to reflect the adopted Comprehensive Plan.

#### Regulatory Restrictions

Site development and redevelopment in Marathon, and the Florida Keys as a whole, is heavily regulated and allowable densities and intensities are almost never achieved once environmental criteria, stormwater requirements, parking (including parking required for marina slips), loading zones, landscaping, access and other lot, yard and bulk regulations are applied to the site. Therefore new development and redevelopment of marinas is restricted by a constellation of regulations with a cumulative impact that is hard to quantify without application to a specific



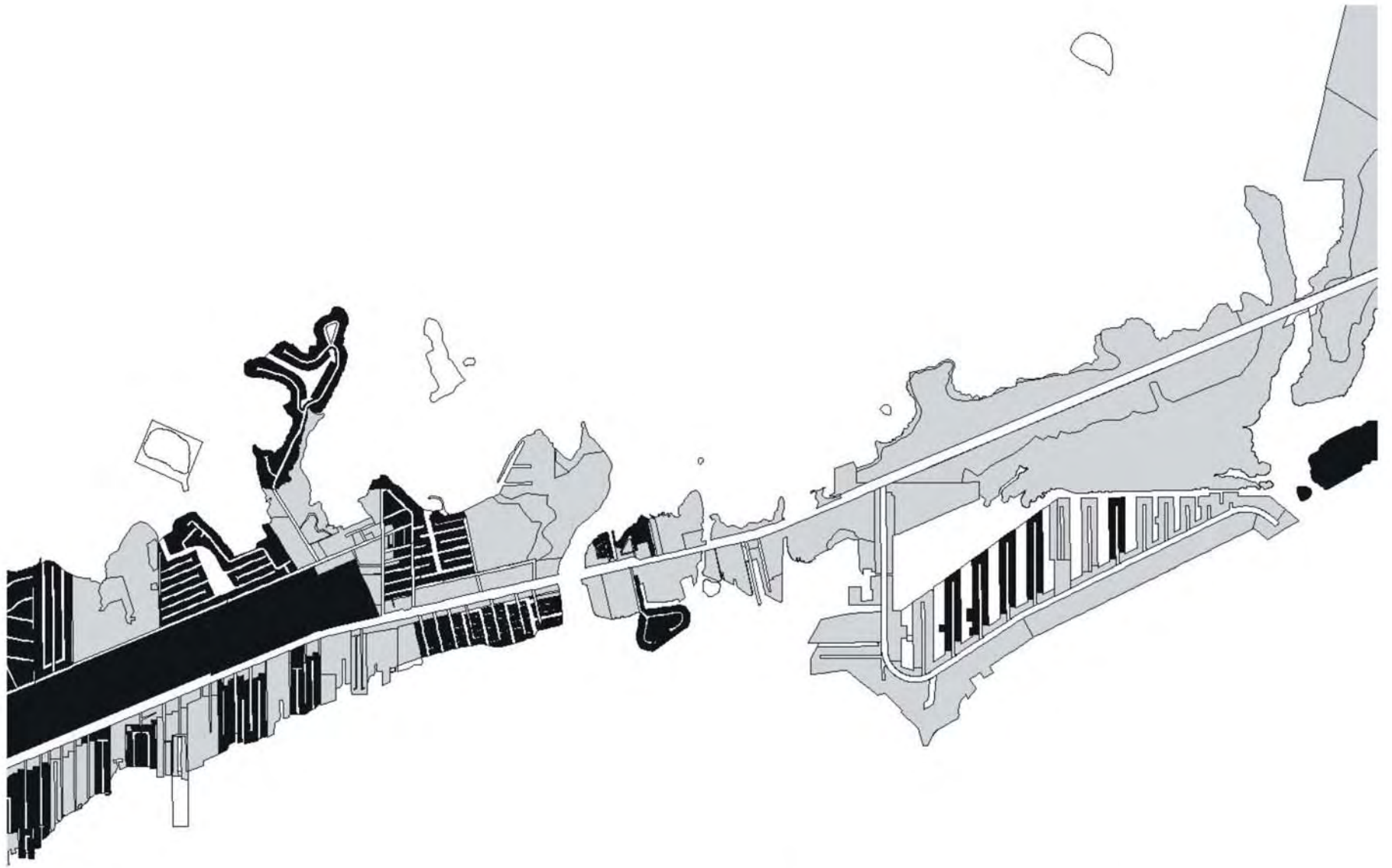
Note: This map is for illustrative purposes only. Many factors affect marina siting in addition to zoning and marina development feasibility must be addressed on a site by site basis.



**Legend**

- Zoning categories where marinas are a permitted or conditional use
- Zoning categories which do not allow marinas

**Figure B-7, 1 of 3**  
**Zoning Considerations Map**  
**KNIGHT KEY AND VACA KEY WEST**  
**City of Marathon**  
**Marina Siting Plan**



Note: This map is for illustrative purposes only. Many factors affect marina siting in addition to zoning and marina development feasibility must be addressed on a site by site basis.

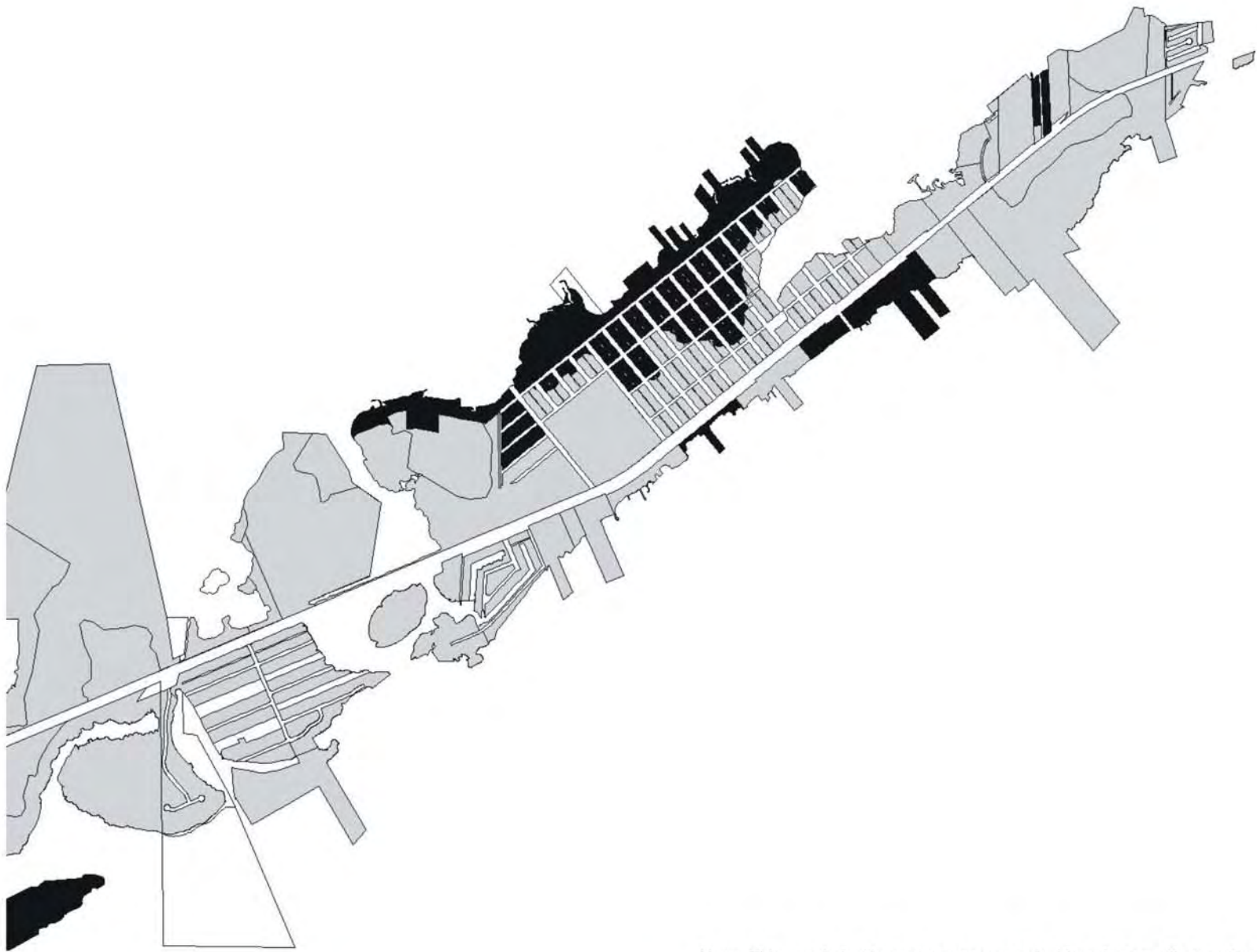


**Legend**

- Zoning categories where marinas are a permitted or conditional use
- Zoning categories which do not allow marinas as permitted uses

**Figure B-7, 2 of 3**  
**Zoning Considerations Map**  
**VACA KEY EAST AND FAT DEER KEY**  
**City of Marathon**  
**Marina Siting Plan**





Note: This map is for illustrative purposes only. Many factors affect marina siting in addition to zoning and marina development feasibility must be addressed on a site by site basis.



**Legend**

- Zoning categories where marinas are a permitted or conditional use
- Zoning categories which do not allow marinas as permitted uses

**Figure B-7, 3 of 3**  
**Zoning Considerations Map**  
**CRAWL KEY AND GRASSY KEY**  
**City of Marathon**  
**Marina Siting Plan**



site. However, key regulatory restrictions pertinent to the development of marinas, per Chapter 9.5, Land Development Regulations (LDRs), of the Code of Ordinances, are identified below. Some revisions to these LDRs are expected in the next year to ensure consistency with the most recently adopted Comprehensive Plan. Key criteria are included in **Attachment D, Existing City of Marathon Land Development Regulations Pertinent to Marina Siting**, and include the following:

- Environmental Design Criteria for structures developed, used or occupied on land classified as mangroves, wetlands or submerged lands, including limits to new and maintenance dredging and filling, and requirements for buffers between development and wetlands (per Section 9.5-348); and,
- Shoreline Setback Criteria, which requires setbacks from open water shorelines, ensures stormwater management, prohibits most shoreline hardening, and sets forth specific dock construction criteria (per Section 9.5-349). Dock criteria includes limits to how far docks can extend across water bodies, water depth requirements at dock terminus, when docks can be constructed over seagrasses or corals, and limits to dock construction in sea turtle nesting areas.

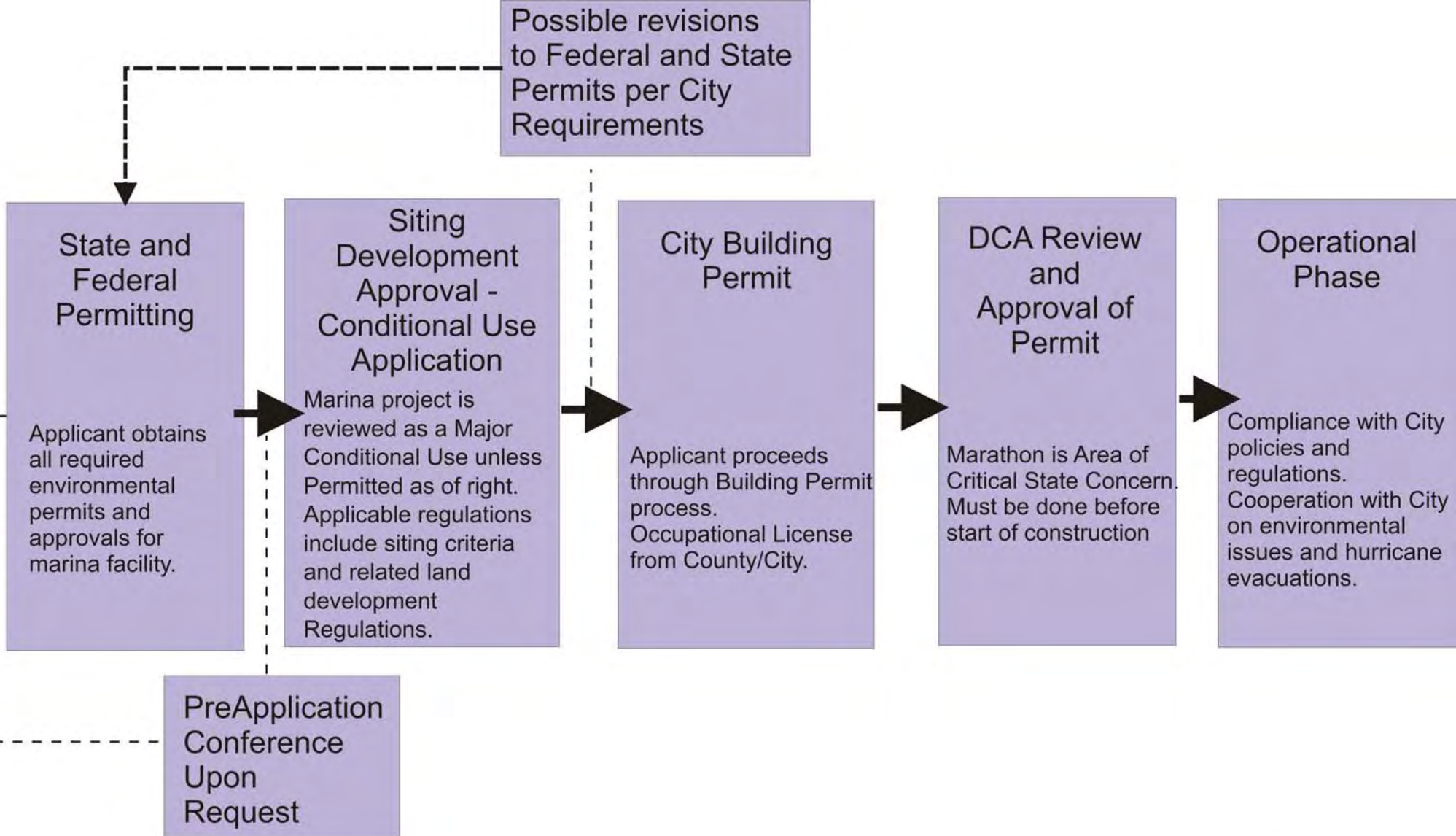
The Code of Ordinances does not include any specific regulations governing the operation of marinas. Any inspection or enforcement activity would occur under general provisions addressing overall use of land and public health, safety and welfare, in the City.

Section 5 of the Code regulates the general construction and management of mooring fields (see Attachment D). The ordinance does not provide extensive guidance on the siting of mooring fields relative to natural resources, although it does guide the proximity of mooring areas to manmade canals.

### **Development Approval Process**

Marinas (except for those in the Park and Refuge District) are subject to the City's Conditional Use Approval Process, as governed by Section 9.5-6 of the Land Development Regulations.

**Figure B-8, Current Marina Approval Process**, outlines the five basic steps involved in Development Approval. Attachment D, Existing City of Marathon Land Development Regulations Pertinent to Marina Siting, includes key regulations relevant to the approval process. Each step is generally described below.



**Figure B-8  
Current Marina Approval Process**

**City of Marathon  
Marina Siting Study**





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### State and Federal Permitting

The applicant is required to obtain all environmental approvals prior to submitting an Application for Development Approval to the City of Marathon. Depending upon the size and scope of the facility, issuance of an Environmental Resource Permit (ERP) from the Florida Department of Environmental Protection (FDEP) and a Dredge and Fill Permit from the United States Army Corps of Engineers (USACE) can take between six months and two years. Recently issuance of the federal permit has been the lead item due to extensive delays in receiving comments and opinions from the U.S. Fish and Wildlife Service and National Marine Fisheries Service. Although the City Biologist may be given the opportunity to comment during the state permitting process, the federal and state agencies are focused on their standards for permit issuance and do not incorporate City regulations into their decision-making process.

### Pre-Application Conference

A Pre-Application Conference can be requested by the applicant at any time prior to City application submittal. This voluntary process allows the applicant to obtain feedback from City staff on the proposed project and applicable local regulations.

### Siting Development Approval/Conditional Use

The applicant submits an Application for Development Approval for a Major Conditional Use to the City. The application requires provision of site information, including natural resource information and bathymetric data, as well as site plans. The project is reviewed according to the regulations and also the standards for issuance of conditional uses as specified in Section 9.5-65. The Conditional Use process allows some discretionary application of regulations and standards by the Planning Director. The Application is reviewed by the Development Review Committee (which consists of City staff) and then the application is approved, denied or deferred by the Planning Commission. Final Plan approval is required to demonstrate conformity with conditions of approval.

### Possible Revisions to State and Federal Permits

Typically inconsistencies between the project as approved by the state and federal agencies and Marathon regulations are identified during the early stages of the Conditional Use Application review. In many instances the City's Code is stricter than state or federal law, and the applicant may be required to revise marina plans to conform with local regulations. Depending upon the scale of the modification, the applicant may be required to delay completion of development approval at the City until state and federal permits are modified.

### City Building Permit

The project is constructed after a Building Permit is issued. Any occupational licenses required are obtained from the County.

### Area of Critical State Concern Review

The Department of Community Affairs must review and approve the project as consistent with the Guiding Principles of the Area of Critical State Concern in order for development to proceed.



### Operation

The marina facility begins operation and is required to be compliant with the City's Code of Ordinances. No specific marina-related operating permit or inspections are included in the Code.

The existing Development Approval process for marinas appears to address siting issues, although the efficacy of the approval process for the developer deserves further scrutiny. However, operation of marinas has little regulatory oversight, and is mostly dependent upon general code provisions which are not specific to the marine industry.

### **Marina Development Potential**

A preliminary evaluation of the potential for development of marinas within the City of Marathon, especially with respect to Florida's Development of Regional Impact (DRI) regulations, was conducted. Because state law allows local governments with an approved Marina Siting Plan to be exempt from DRI requirements, this analysis is particularly important to understanding the extent of probable regulatory relief expected to generate from this plan.

The inventory of existing marinas, interviews with City staff and review of maps and aerials of the City provided the basis for this evaluation and identify factors affecting the potential for future marina development and to draw some general conclusions.

This analysis summarizes the relevant DRI thresholds and then addresses the following different types of marina development:

- New Marinas;
- Redeveloped or Expanded Marinas; and,
- Mooring Fields.

### Developments of Regional Impact

Florida Statutes Section 380.0651 defines the threshold at which new or expanded marinas will be reviewed as a Developments of Regional Impact (DRI). The statute reads as follows:

"The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except one designed for:

- 1.a. The wet storage or mooring of fewer than 150 watercraft used exclusively for sport, pleasure, or commercial fishing, or
- b. The dry storage of fewer than 200 watercraft used exclusively for sport, pleasure, or commercial fishing, or



c. The wet or dry storage or mooring of fewer than 150 watercraft on or adjacent to an inland freshwater lake except Lake Okeechobee or any lake which has been designated an Outstanding Florida Water, or

d. The wet or dry storage or mooring of fewer than 50 watercraft of 40 feet in length or less of any type or purpose. The exceptions to this paragraph's requirements for development-of-regional-impact review shall not apply to any waterport or marina facility located within or which serves physical development located within a coastal barrier resource unit on an unbridged barrier island designated pursuant to 16 U.S.C. s. 3501.

In addition to the foregoing, for projects for which no environmental resource permit or sovereign submerged land lease is required, the Department of Environmental Protection must determine in writing that a proposed marina in excess of 10 slips or storage spaces or a combination of the two is located so that it will not adversely impact Outstanding Florida Waters or Class II waters and will not contribute boat traffic in a manner that will have an adverse impact on an area known to be, or likely to be, frequented by manatees. If the Department of Environmental Protection fails to issue its determination within 45 days of receipt of a formal written request, it has waived its authority to make such determination. The Department of Environmental Protection determination shall constitute final agency action pursuant to chapter 120.

2. The dry storage of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

3. Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under sub-subparagraphs 1.a. and b. and subparagraph 2. "

A comparison of the DRI regulatory thresholds for marinas with the Marina Inventory was conducted as part of this analysis to determine if any existing facilities were at, or near, the thresholds for marina development.

#### New Marinas

For the purposes of this analysis, new marinas were determined to be those built at upland sites that are currently vacant. A review of aerial photography, natural resource information, bathymetry data and land use classifications and zoning was conducted to identify significant privately owned vacant lands that may have site attributes capable of supporting a new marina. First, vacant parcels that met the following three criteria were identified:



- Having one acre or more of upland and at least twenty linear feet of shoreline frontage, or, have had an inquiry from an owner regarding possible construction of a new marina; and,
- Appear from review of aerial photography to possibly have water depth access sufficient to meet the requirements of the land development regulations.

Nine parcels, listed below, were identified that could possibly meet these criteria. These parcels were not surveyed on the ground to verify whether the criteria were actually met.

Of the nine parcels identified, four were eliminated from further consideration due to the Future Land Use designation on each of these parcels not allowing new commercial or residential marinas. The five remaining parcels, listed below, are all disturbed and may have enough waterfront to accommodate a facility of 10 or more slips.

1. RE#103090; spit of land behind Home Depot extending into Boot Key Harbor
2. RE#104440, Edwards property at approximately 104<sup>th</sup> Street ocean side
3. RE#100740, Buechele property along the east side of Vaca Cut (ocean side)
4. RE#100740-100, Keys Tropical property along the east side of Vaca Cut (bay side)
5. RE#100750, Lime Grove Estates (unrecorded plat), west side of Cocoplum Drive

This list does not represent an exhaustive or detailed survey of available marina sites or imply that these sites are indeed appropriate for marina development. All sites, whether listed below or not, must be assessed on an individual basis to determine if they meet all the siting criteria developed in the Plan, as well as state and federal laws governing marina development. The City has received at least one inquiry regarding the development of a new marina on vacant land; this inquiry pertains to Site 1 on the above list. There were no parcels identified in the analysis as having the potential to support DRI-threshold level facilities. This conclusion was based on a review of the existing regulatory framework that guides marina size and layout (see discussion of "Regulatory Restrictions") and also on the existing physical limitations on the development of large marinas in Marathon, discussed below.

#### Physical Limitations on New Marinas

There are some physical limitations to large marina expansion and development in Marathon. The potential new marina sites listed above present prime examples of locations where layout and slip number are limited by natural and manmade physical barriers. In Marathon, the following characteristics of the water and boating environment have served to limit the layout and size of marinas in the past and will continue to do so in the future.

- Navigational Access: Of course, all docking structures must conform to the City of Marathon's restrictions on dock size that limit pre-emption of navigable waterway access and unsafe obstructions (excessively long docks - see Policy 4-1.11.4 in Exhibit 1). This applies to all canals and channels but a review of Marathon's shoreline areas shows that it presents a significant limitation on areas of concentrated marina development.



- Boot Key Harbor and Entrance Channel - Marinas on the shoreline of Boot Key Harbor and its entrance channel must be able to extend their docking structures far enough to achieve slip depths of four feet or more at mean low water to meet regulatory requirements. At the same time, they cannot extend so far that they block navigation through the harbor or cause interference with mooring areas. Excellent examples of docking structures that are limited only by navigational considerations are those at Marathon Marina (commercial marina example) and Cobia Point (residential marina example). In the list of potential new marina sites presented above, Site 1, behind the Home Depot, would be limited by navigational considerations as well.
- Bonefish Harbor Entrance Channel - This area is another example where extension of a docking structure out from the shoreline would interfere with navigation. In the list of potential new marina sites above, Site 5 at Lime Grove Estates would be limited by this restriction.
- Bayside Exposure: The bayside shoreline of the City of Marathon is not well sheltered, especially from winter cold fronts. This is a very real limitation on the extent of docking facilities that owners have been willing to build in the past. Old areas of the shoreline constructed generally prior to the 1980s may have breakwaters, causeways or basins constructed for the purpose of providing protective barriers. Good examples of this are seen at Key Lime Resort (a.k.a, Indigo Reef), Seawatch Condominium, Keys Fisheries, Coconut Cay, Yardarm Motel, and several other older hotel and development sites on the bayside. Single family docks in these areas utilize extra mooring piles, boat lifts, or seasonal removal of boats to avoid damage to their boats. The lack of large multi-slip facilities extending into open water on the bayside of Marathon despite the presence of adequate water depth in many places is a testimonial in itself to the reluctance of owners to construct such facilities. Under the current regulatory guidelines at federal, state and local levels, breakwaters and filled causeways would generally no longer be permitted in open water so protective structures are limited to those that currently exist.
- Oceanside Flats: As mentioned previously (see discussion of "General Bathymetric/Navigation Data"), water depth is an obvious physical restriction to the number and configuration of boat slips that can be accommodated on many sites. This is especially true on the oceanside of the City's islands. The number and layout of slips in these areas is dictated by the configuration of existing boat basins and channels that have been dredged to deeper depths in the past.
  - Vaca Key Oceanside - This area is an especially good example where slip number and layout are severely limited by existing dredged waterbody configuration and by water depths that may be marginal at best. The Edwards property, Site 2 on the list of potential new marina sites, is a good example of this.
  - Fat Deer and Grassy Keys - On Cocoplum Beach and Grassy Key Beach, the same shallow flats occur but with virtually no dredged basins or channels. In fact, in anticipation of requests for extra long docks, the City of Marathon has





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specifically prohibited variances to the dock length for the oceanside shoreline of Grassy Key (see Policy 4-1.11.5 in Exhibit 1).

- **Channel Currents:** At least one area of Marathon, Vaca Cut, may be limited not only by navigational access but by unsafe conditions in the channel itself. This channel has very swift-moving currents that flow daily back and forth with each tide. Extra care is required to navigate this channel and docking at a structure adjacent to this channel can be especially challenging. Only one marina, Captain Hook's, has docking structures actually situated on the channel. That marina is partially sheltered by the adjacent U.S. Highway 1 bridge abutment and boats are docked adjacent to that landing on the inside of the pier. Sites 3 and 4 on the list of potential new marina sites above would be limited along most of their shoreline lengths due to hazardous conditions in this channel.

### Marina Expansion and Redevelopment

Several factors indicate that the focus of City marina development will be on redevelopment and expansion of existing facilities. First, the City has received inquiries from owners of at least 15 properties regarding marina expansion and/or redevelopment. Second, due to the largely built-out character of the City, the limits on new building and the age and condition of many marinas, the City and the Keys in general have experienced a surge of requests for redevelopment. Third, as the pace of development in the Keys has slowed, boating facilities are becoming more valuable as the likelihood of developing new marinas diminishes, especially those serving cruising and recreational vessels. The same regulatory and physical restrictions on new slips described above for new marinas apply to redeveloping marinas that involve slip expansions. Most inquiries regarding expansion and redevelopment have involved the potential for less than 30 new slips.

Existing marina redevelopment could result in moderate increases in the number of slips, either through reconfiguration or redevelopment of existing areas. However, there is no indication that any of these facilities could increase slip numbers so significantly as to approach the DRI thresholds.

Due to growth restrictions and redevelopment pressures, changes in use have also been occurring at marinas in the City. Some older recreational vehicle parks and hotels are being redeveloped as multi-family housing, for example. Another recent affect has been the changeover of some commercial fishing slips and marinas to serve the recreational boating industry, and elimination of live-aboard services at private marinas. Although these changes may not increase the number of slips, the City needs to consider potential trends in changing marina usage and plan accordingly.

### Mooring Field Development

The assessment of the potential for new mooring fields and the expansion of existing mooring fields is based primarily upon existing mooring patterns and the identification by City staff of potential mooring needs. Boot Key Harbor is the only officially designated mooring site



currently operating in the City. Plans there call for up to 230 mooring slips within the harbor; this number of moorings is above the DRI threshold.

Three other potential mooring areas include Boot Key Harbor Entrance, Shelter Bay and Bonefish Bay (see **Figure B-9, Existing and Potential Mooring Fields**). The City has stated an interest in eventually establishing and operating mooring fields at these sites, and existing usage in these areas indicates that a managed facility is needed. Mooring at these sites would accommodate approximately 25 vessels or less per site at any given time. The City has also identified two small potential mooring field opportunities on the bay side. These sites would not be in protected harbors and would be used seasonally by probably six vessels per site or less. Therefore, it appears that the only mooring field of DRI proportions is City-owned, and that other mooring fields developed by the City, should they be aggregated with Boot Key Harbor, would add to the existing DRI-level facility, not trigger DRI thresholds in and of themselves.

## **SOCIOECONOMIC ISSUES**

Marathon was incorporated on November 30, 1999. As a result, the Census Bureau considered the City of Marathon as its own Census Place (Number 1298) for the 2000 Census. According to the 2000 Census, the population of Marathon was 10,255. Approximately 52% of the population was male, and 48% was female. The median age of Marathon residents is 43.8 years old, nearly 25% higher than the median age of the United States at large, 35.3 years old. Population projections prepared by the Marathon Planning Department show very modest increases in population over the next fifteen years, with the population in 2020 estimated to be 10,941.

The largest occupational category in Marathon is the service sector, with 1,114 residents, or approximately 20% of the over-16 labor force (5,549 persons), working in this field. Occupations in the service sector include persons employed in hotels, motels, and restaurants that cater to visitors. Tourism contributes to the economy and provides significant employment opportunities to residents. Twenty-four marinas that responded to a marina survey have some type of activity linked to tourism at their marinas, such as charter boats or rentals of water recreation equipment.

*Below: Fara Blanco, a landmark marina in Marathon.*



The 2000 Census lists fishing as an occupation that employs 217 people in the City in eight establishments. Five of these establishments are finfish fishing and three are shellfish fishing. However, the marina inventory conducted for this report found a total of 15 locations conducting commercial fishing operations at their marinas. Commercial fishing has historically had a significant presence on the landscape and character of Marathon.



**Figure B-9**  
**Existing and Potential Mooring Areas**  
**City of Marathon**  
**Marina Siting Plan**





Wages in marina jobs and in the commercial fishing categories are higher than those in the service sector. According to 2003 data from the Florida Agency for Workforce Innovation, the average weekly wage for a job in the fishing industry in Monroe County is \$550 and for a job in a marina it is \$499. Service jobs generally pay significantly less, averaging \$485 weekly for jobs in hotels, and \$346 weekly for jobs in the full-service restaurant industry.

Marinas provide support for recreational activities, tourism and commercial fishing industries, all important segments of the economy. Importantly, these activities help to define Marathon as a boating and commercial fishing center. Adequate facilities to support tourism, especially water based tourism, are critical to ensure the growth of this industry.

### **Slip Demand**

While Marathon's resident population is projected to grow at less than 0.4% per year, a steady demand for boat slips is expected to continue. Boater registration in Monroe County, for example, has grown at an average of about 2% per year since 2000, steadily exceeding City and County population growth. In-county boater registration is expected to remain steady. However, in Monroe County a significant segment of the boating population consists of visitors whose boats are registered outside of the county. These visiting boaters include the cruising population and recreational boaters who regularly trailer in vessels registered elsewhere. These boats may be using Marathon waters for just a few days or they may be staying for a full season.

While a specific slip occupation survey was not conducted during the inventory phase of this project, several trends indicated that the market is driving slip demand:

- Marinas visited during the survey did not have obvious large amounts of vacant wet or dry slips. In fact, many marinas visited appeared to have every available square foot of storage occupied;
- The City has received input from marina owners and the public that indicates a market demand for additional slips (see discussion of "Marina Expansion and Redevelopment");
- While the City is experiencing some changes in the types of uses at particular marinas (from commercial to residential, for example), retention of existing slips has proved to be a very important asset by most owners due to the demand;
- During discussions with the City and during the collection of data for the marina inventory, there was no indication that any marinas in the City were experiencing difficulty filling slips and storage spaces and no record of any marinas that had failed or were under stress due to lack of demand for spaces;
- Significant limitations on addition of new slips exist in the City driven by physical configuration of available waterfront (see discussion of "New Marinas" and "Marina Expansion and Redevelopment") and also driven by the existing regulatory framework (see discussion of "Regulatory Restrictions") and a projected 50 or more new slips per



year that would be needed just to meet new registered boater demand cannot be accommodated; and,

- Overall development of marinas in the state is limited due to environmental restrictions and local siting control, particularly in counties (Miami-Dade, Broward and Collier Counties) most proximate to Monroe County, thereby increasing the value of existing marinas.



Based on these trends, it is concluded that slip demand will exceed and may already exceed available space.

While it is difficult to tease apart marine-industry related jobs and economic impact from overall tourism and industrial figures provided by the state, it is evident that Marathon's importance as a center for cruising and other boating activity and the obvious continued demand for boating access through marinas creates a significant direct and indirect impact on the local economy. Direct impacts are likely to be seen through the industries that support marine transportation: boat sales, repair and servicing, fishing guides and recreational boating rentals, and boating suppliers. Indirect impacts are created through restaurant and other service sales from cruising and boating populations.

### **Socioeconomic Impacts on Waterfront Uses**

Two particular areas of policy concern with respect to marina siting are the prioritization of water-dependent uses and the maintenance of public access to the waterfront. While these may ultimately be land use concerns, in Marathon they are heavily influenced by socioeconomic trends.

#### Prioritization of Waterfront Uses/Commercial Fishing

Prioritization of waterfront uses in Marathon primarily concerns retention of traditional and working waterfront areas including live-aboard service areas, boatyards and repair facilities and commercial fishing. General guidance is provided in the comprehensive plan on these issues but there is very little in the way of practical application of these policies through the regulations or other programs, most likely because the issues are complex

and challenging. Commercial fishing is the primary focus of concern. A look at 2000 census employment figures show commercial fishing to support about 217 jobs, or about 4% of the labor force, at higher than average wages. However, this is only part of the picture of the importance of commercial fishing to the community. Monroe County has been a state leader in commercial fish landings for many years (Adams 1992). It is noted that commercial fishing is the county's only base industry, meaning that it is the only industry to produce product for major export outside of the county. The commercial fishing catch for Monroe County in 1992, for example was worth \$48.4 million dockside generating \$32.2 million in earnings and \$90.2 million in overall economic impact (Adams 1992). Further, commercial fishing provides fresh



*Top: Commercial fishing equipment at Keys Fisheries;  
Above: The Marathon Marina Boatyard.*



product for area restaurants and residents, and contributes to the ambiance of the waterfront. These facts have not necessarily translated to the retention of commercial fishing dock space by marina owners. Commercial fishing operations provide income but also comprise an industrial-type operation that takes up significant land space in addition to dockage. A trend has developed through Florida and in the Keys, over the years, of catering to the increasing recreational boating market which generally provides higher marina revenues. This is reflected by commercial fishing landings data which shows a decline from 1994 through 1998 in Key West and Marathon landings while Tortugas, Everglades and Fort Myers landings (all off the west coast of Florida) increased during the same time period (Hutchinson et al. 2001). This is not to say that a lack of docking space is the sole reason for the decline in commercial fishing activity. Changes in the industry itself and how it is regulated have also contributed to this decline. Overall costs of living associated with the Florida Keys is also likely a factor.

Significant changeover of traditional commercial fishing sites in some areas of the Keys has already occurred; the City of Key West is an example of a complete transition of all commercial fishing dock space to other uses by the mid-1980s. Some areas of Marathon have already experienced loss of commercial dockage (e.g., Boot Key Harbor City Marina, M27 in Table B-2). Other areas are implementing mixed uses that have resulted in reductions of commercial fishing dockage (e.g., Burdines Water Front, M16 in Table B-2, and, Keys Fisheries Market & Marina, M28 in Table B-2). Commercial fishing areas are currently recognized in the plan and land development regulations primarily through zoning classifications but the trend towards mixing of uses in these areas and the eventual possibility of net loss of commercial fishing dockage is generally not addressed.



*Above: Private businesses often provide a sense of public access. Restaurants, like Castaways, or boardwalks like that at Marathon Marina, are inviting waterfront areas for the public.*

### Public Access

One particular area of policy concern with respect to land use is public access to the waterfront. General guidance is provided in the comprehensive plan but there is no program or specific regulations addressing this issue. Although the initial inventory of marinas did not include a specific category for availability of public access, a review of the specific services available at marinas (see Table B-2) indicates that most Marathon marinas serve and are directly open to the recreational and cruising public. While working waterfront is not open to direct public access due to the nature of their activities, it does provide support services and products to the public.



Residential marinas associated with landside condominium units or condominium docks are generally not open to the public although there are a few exceptions.

The “condominium-ization” of recreation dock space (the sale of slips to individual owners managed under an association) is apparently experiencing a significant increase in Marathon and the rest of the county; these marinas were often accessible to the public prior to these sales. A recent example is the termination of service to the Boot Key Harbor liveaboard community at the Sombrero Marina & Dockside (M36 in Table B-2). This marina is transitioning towards the sale of dock space in a condominium format. At other sites, such as the Knight’s Key Campground (M1 in Table B-2), transient recreational space may trend towards condominium units with associated private marinas. These trends have been generally observed but not yet quantified. The extent of active preservation of public access is currently restricted to publicly owned sites, although there is no structured program of acquisition focused on public shoreline access. These sites include existing street rights-of-way and neighborhood boat ramps, existing park sites such as the Marathon Community Park and the 98<sup>th</sup> Street property, and the existing

City Marina. There is currently no requirement or regulatory incentive for retaining public access at private marinas.



*Above: Boats in anchorage in Boot Key Harbor (Source: City of Marathon).*

## **BOAT USE AND TRAFFIC PATTERNS**

Most coastal cities and counties have a limited amount of shoreline in relation to their land area. Residents and visitors from the entire community must be funneled to available marina space that can provide access to open water. Therefore, most marina siting plans must carefully consider the number and location of access points to deep water and the traveling distance from marinas to these access points. The City of Marathon, as

with most of the Upper Keys, is unique in that the shoreline to land area ratio is very high. Direct deep water access to the bay or ocean is available along the majority of shoreline in Marathon (although there are several specific problem areas with respect to water depth, as discussed in the Prop Scar section of the Natural Resource section of this report). **Figure B-1, NOAA Chart.** shows the navigation chart for the City of Marathon area. The majority of dredging has been done to create more shoreline and water area in order to accommodate more vessels. Very little dredging to deepen the bottom in existing open water areas was done to construct marinas. Since access to the ocean or bay is generally available within a few minutes from virtually any point on the shoreline, marinas have tended to be fairly evenly distributed throughout the City. Boat use and traffic patterns are less affected by accessibility, therefore, than they are by other factors such as available amenities and safe mooring or docking.



### **Local Use**

Local boat use and traffic is centered on recreational and commercial use of natural resources for fishing and diving available in the local (Florida Keys) area. The primary recreational activity available locally is deep-water fishing, followed by flats fishing and diving. Most of the deep-water fishing and virtually all diving is concentrated on the Atlantic Ocean side of the City, directly accessible to those who live on the southern side of U.S. 1. For bay side residents, major access points to the ocean in Marathon include Moser Channel (under the 7-mile bridge), Vaca Cut, and Tom's Harbor Channel. Most of the commercial marinas in Marathon are concentrated near easy deep-water access including Boot Key Harbor, the bayside of old town, Vaca Cut and Cocoplum Beach.

Marina and dock patterns are also driven by safe mooring conditions. Many areas of Marathon have dredged canals and boat basins that offer some shelter from strong currents, wind and waves. Of course, Boot Key Harbor, Shelter Bay and Bonefish Bay are natural protected areas that are heavily used. Natural shoreline areas on the bayside of Marathon are fortunate to have deep water available within a few dozen feet from shore but these areas are exposed to strong winter cold fronts. Dock owners must take extra precautions in mooring vessels there. Vaca Cut is another area where mooring can be tricky due to the swift currents that flow through the narrow cut on each tide. Problem traffic areas with respect to vessel impacts on benthic resources are specifically discussed in the background section of this document under "Prop Scars."

### **Cruising Use**

Use and traffic patterns for cruisers are driven primarily by availability of amenities. The cruising public is generally arriving from the Florida mainland and from the Bahamas with fewer coming in from the Lower Keys. The Intracoastal Waterway (ICW), located on the bayside of the Keys veers north at Long Key and continues well north of Marathon to round Big Pine Key and the Lower Keys. Therefore, cruisers from the mainland are leaving the ICW coming into Marathon across Florida Bay or down Hawk Channel. Cruisers coming from the west coast of Florida pass through the Keys on their way to the Bahamas. The Seven Mile Bridge offers one of the few high-rise channel passes through the Keys and for that reason, Boot Key Harbor is a convenient staging area for Bahamas trips. Of course, Boot Key Harbor is a popular destination due to the availability of marinas and moorings and the amenities. Boot Key Harbor and Newfound Harbor (Big Pine Key) are the only truly protected anchorages in the middle and lower keys but only Boot Key Harbor offers the necessary amenities to cruisers. It is touted on the City's web site and other web sites ([bootkeyharbor.com](http://bootkeyharbor.com)) as a central cruising destination for travel through the Keys, to Bahamas and Cuba and it is a central focus of the City as a cruise destination.

Prior to the advent of City management of the City Marina, the reputation of Boot Key Harbor had been suffering due to aging and changing shoreline uses and a prevalence of derelict vessels. Some marinas had been redeveloped and improved during the 1990s, such as Burdine's Waterfront, Pancho's Fuel Dock, Marathon Marina and Faro Blanco Oceanside.





However, the establishment of the City Marina and the focus of the City Ports Department on clean-up and improvement of the harbor area over the last 6 years has been a turning point for the harbor's reputation and popularity, as evidenced in trade publications (Stinemetz 2002, DeGrasse and DeGrasse 2003). Cruisers have become a large and expanding component of the City's boating economy and the City also feels that encouragement of the cruising industry in Marathon will help retain more traditional service marinas (e.g., boat repair, hauling and painting, etc.) that are rapidly being retired in favor of increased space for recreational and condominium dockage. The City also recognizes that the limited dockage and service space in Marathon will provide a carrying capacity for this activity as defined by the cruising market.

## BOATING FACILITIES INVENTORY

A survey of the boating facilities in the City of Marathon was conducted as part of the study. The City provided information on existing marinas from its records, and additional marinas (using the City's existing definition of marina<sup>1</sup>) were identified using field reconnaissance and aerial map interpretation. Marinas were numbered and mapped, and then the Four Gates team updated and expanded information through phone interviews and, for those facilities that did not respond by phone, site visits. In addition, random field visits were used to check the general veracity of information provided by phone and to include marinas that were encountered in the field but not initially identified.

Docking facilities associated with multifamily structures were not initially included as part of the survey because they are not defined as marinas in the City's existing definition. However, as the study progressed, it became apparent that some of these facilities would fall under the proposed definition; therefore, some multi-family docking facilities were identified and added to the inventory. The inventory did not assess the legality of use or development under federal, state or local laws; nor is the survey expected to be exhaustive. Rather, it is intended to provide base information on the types and extent of existing marinas within the city.

The information included in the survey is listed below:

- Number of wet and dry slips
- Rentals of jetskis, kayaks, etc.
- Availability of non-liveaboard docking
- Presence of charter fishing operations
- Presence of commercial fishing operations



*Above: Maries, a live-aboard marine; and, vessels docked at the Bonefish Yacht Club.*



- Operation of a boatyard
- Number of permanent live-aboards
- Number of transient live-aboards
- Presence of a boat ramp
- Ownership of a pump-out
- Presence of fueling operations
- Future plans for expansion

Approximately 108 marinas and mooring sites are included in the inventory. **Table B-2, Marina Inventory**, summarizes the results of the survey. **Figure B-10, Marina Inventory**, details the location of the marinas that are included in the survey. Based on the results, the City of Marathon has approximately 1,224 wet slips and 1,225 dry slips. The varied marina uses identified in the survey reflect the importance of boating in Marathon. Twenty-four marinas either have charter boats that depart from their facilities, or rentals of jet-skis or boats. Thirteen marinas responded that they had commercial fishing operations at their site. Ten marinas operate boatyards.

Seventeen marinas responded that they had permanent live-aboard vessels. An additional six marinas responded that they had transient live-aboard boaters using their slips, but no permanent residents. Of these 23 marinas, 11 do not have pump-out facilities available. Of the marinas that had live-aboard vessels, there were a total of 56 permanent live-aboard vessels and 76 transient live-aboard vessels. There were some marinas that indicated they had live-aboard boaters but did not provide a number. Several respondents noted that the winter months, or high season, bring in more transient live-aboard boaters.

TABLE B-2, MARINA INVENTORY

Map Reference Number	Marina	Total Number of Slips		Recreational		Commercial			Live-A-Boards		Pump Out/STP Status	Fuel	Boat Ramp	Any Future Plans for Expansion
		Wet Slips	Dry Slips	Rental (Including Jet Skis)	Non-Livaboard Docking	Charter	Fishing	Boatyards	Permanent	Transient				
TBD	7 Mile Grill													
M46	Abaco Sails & Marine	2	0	NO	NO	NO	NO	NO	2	NO	NO	NO	NO	NO
M47	Anchorlite Motel													
M31	Banana Bay Marina	51	0	Y - powerboats, wave runners, kayaks, canoes	20	Dive for Guests	NO	NO	NO	NO	YES	NO	YES	NO
M32	BlackFin Resort & Marina	27	0	no	no	no	no	no	approx. 10	season dependent	Owner pays for City boat	no	yes	not at this time
M22	Blue Waters Resort Motel	6	NO	NO	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
M52	Boat House, The	28	125	Sublease part of dock area for boat rentals	YES	NO	NO	NO	NO	NO	YES for customers only	YES (No Diesel)	YES	NO
M53	Bonefish Bay Motel	8	12	NO	NO	1 - 30 FT	NO	NO	NO	NO	NO	NO	YES	NO
M79	Bonefish Resort	0	0	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
M73	Bonefish Yacht Club & Marina	59	0	NO	YES	YES	NO	NO			YES			
M27	Boot Key Harbor City Marina	6	0	NO	NO	NO	NO	NO	NO	YES	YES	NO	WILL GET 2 BY END OF YEAR	YES
M16	Burdines Water Front	22	0	NO	YES	NO	NO	NO	NO	MONTHLY LIVABOARDS	NO	YES - Gas & Diesel	NO	no
M93	Cannon Marine & Harbor Point	0	100	NO	NO	NO	NO	YES	NO	20	NO	NO	YES - Also have Forklift	NO
M48	Captain Hook's Marina	12	0	NO	YES	DIVE	YES	NO	NO	NO	NO	YES	NO	NO
M6	Captain Pip's Marina & Hideaway	30	0	30 Boats	YES	NO	NO	NO	NO	NO	NO	YES - for own boats	NO	NO
M62	Captains Three Fisheries	4	0	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO
M98	Casa Cayo Condominium													
M64	charters (name?)													
M106	Cobia Point Condominium													
M63	Coco Plum Marina & Storage Inc.	10	70	BOAT	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
M39	Coconut Cay (north) Resort & Marina	12	0	NO	NO	NO	NO	NO	12	12	YES	NO	NO	YES-TRANSIENT DOCK SPACE
M41	Coconut Cay (south) Resort & Marina	15	0	KAYAKS	YES	NO	NO	PARKING LOT	NO	NO	NO	NO	YES	NO
M89	Coconut Palmas Inc.	4	15	Boats	NO	YES	NO	YES	NO	NO	YES	YES	NO	NO
M92	CocoPlum Beach Yacht Club	50	0	NO	NO	NO	NO	NO	YES	NO	YES	NO	NO	NO
M117	Cocoplum Terraces Condominium													
M118	Commercial Fishing/Name Unknown													
M13	Commercial Fishing/Name Unknown													
M65	Commercial Fishing/Name Unknown													

TABLE B-2, MARINA INVENTORY

Map Reference Number	Marina	Total Number of Slips		Recreational		Commercial			Live-A-Boards		Pump Out/STP Status	Fuel	Boat Ramp	Any Future Plans for Expansion
		Wet Slips	Dry Slips	Rental (Including Jet Skis)	Non-Livaboard Docking	Charter	Fishing	Boatyards	Permanent	Transient				
M66	Commercial Fishing/Name Unknown													
M71	Commercial Fishing/Name Unknown													
M70	Coral Island Yachts													
M51	Coral Lagoon Resort & Marina	0	0	NO	18 docks for guests	NO	NO	NO	NO	NO	NO	NO	NO	NO
M37	Crane Point/Florida Keys National Marine Sanctuary													
M33	Crystal Bay Resort & Marina	30	0	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES - knock out existing, put in 2 room suites, add 10 slips
M61	D&D Seafood	5	0	NO	NO	NO	YES	NO	NO	NO				
M60	Driftwood Marina & Storage	0	120	NO	waiting for permit	NO	NO	YES	NO	NO	NO	NO	NO - (Have Forklift)	YES - new office, new high & dry, scenic highway access to add dealership
M9	Faro Blanco Resort	80	0	NO	YES	YES	NO	NO	12	YES	City Pump-Out	YES, diesel and gas	NO	Yes, has a renovation plan
TBD	Faro Blanco Resort Gulfside (Upper Deck)													
M17	Faro Blanco Resort Oceanside													
M59	Fat Deer Key Marina, LLC	8	2	NO	YES	NO	NO	NO	4	NO	YES	NO	NO	NO
M94	Father & Son Boat Storage													
M67	Ferro's Seafood													
M19	Fisherman's Point													
M95	Galway Bay Trailer Park and Marina	60	0	NO	NO	NO	NO	NO	YES	YES	NO	NO	YES	NO
M85	Grassy Key Marina of Marathon	33	110	NO	YES	NO	YES	YES	NO	NO	YES	YES	YES	don't know (need to make profit first)
M82	Grassy Key Resort	0	0	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
M84	Gulf View Waterfront Resort	0	0	CANOES, KAYAKS & PADDLE BOATS	YES	NO	NO	NO	NO	NO	NO	NO	YES	YES - addition to living space (library, study)
M101	Gulfpointe Condominium													
M29	Gulfstream Village													
M96	Harbour Cay Club Inc.	24	0	very limited	YES	NO	NO	NO	YES	YES	YES	NO	YES	NO
M109	Harbour House Condominium, The													
M23	Hidden Harbor	21	0	NO	YES	NO	NO	NO	YES	2	NO	NO	YES	NO
M54	Holiday Inn	15	0	BOAT & WAVERUNNER	YES	1 - DIVE	2	PARKING LOT	NO	NO	NO	NO	YES	NO
M105	Island Condominium, The													
M55	Island Tiki Bar	0	0	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
M88	Jolly Roger RV Park	30	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES	NO
M99	Key Lime Condominium													
M30	Keys Boat Works Inc.	32	130	NO	YES	NO	YES, 1	YES	10	22	NO, portable units	NO	NO	YES

TABLE B-2, MARINA INVENTORY

Map Reference Number	Marina	Total Number of Slips		Recreational		Commercial			Live-A-Boards		Pump Out/STP Status	Fuel	Boat Ramp	Any Future Plans for Expansion
		Wet Slips	Dry Slips	Rental (Including Jet Skis)	Non-Livaboard Docking	Charter	Fishing	Boatyards	Permanent	Transient				
M97	Keys Fisheries (Joe's Stone Crab)	7	0	NO	NO	1 - Traps	6 - For Industry	NO	NO	NO	NO	YES	NO	NO
M28	Keys Fisheries Market & Marina	20	0	People that rent Slips	YES	NO	NO	NO	NO	NO	NO	NO	YES	NO
M114	Keys RV Park													NO
M40	Kingsail Resort Motel	13	0	NO	YES	NO	NO	PARKING LOT	NO	NO	NO	NO	YES	NO
M1	Knight's Key Campground	48	150	NO	YES	NO	NO	PARKING LOT	NO	NO	YES	NO	YES	NO
M21	L&L Moving and Storage	0	0	NO	NO	NO	NO	PARKING LOT	NO	NO	NO	NO	YES	NO
M90	Lion's Lair RV Park	10	0	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES	N/A
M20	Marathon Boat Yard	Dock	0	NO	YES	NO	NO	YES	NO	NO	NO	NO	NO - (Have Forklift)	NO
M103	Marathon Country Club Condominium													
M25	Marathon Government Center													
M91	Marathon Lady and party boats	Dock	0	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO
M10	Marathon Marina & Boat Yard	105	100	NO	YES	1 - Bed and Breakfast	7	YES	6 Months		YES	YES	NO	YES
M14	Marathon Seafood	Dock	0	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
M26	Marathon Yacht Club	20	0	NO	YES	NO	NO	NO	NO	YES	YES	NO	NO	NO
M74	Marie's Yacht Harbor Marina	15	0	NO	YES	NO	NO	PARKING LOT	12	NO		NO	YES	NO
M11	Ocean Breeze RV Park and Marina	15	0	NO	YES	NO	NO	NO	YES	YES	NO	NO	YES	NO
M115	Ocean Isles Fishing Village													
M18	Ocean Seafood													
M12	Oceanside Marine Service, Inc.	7	12	NO	YES	NO	NO	YES	NO	SOMETIMES	NO	NO	NO	YES
M68	Outta The Blue Marina	5	10	NO	NO	NO	NO	YES	YES	NO		NO	NO	
M15	Pancho's Fuel Dock & Marina	20	0	NO	YES	NO	NO	NO	NO	YES	NO	YES	NO	YES
M87	Pelican Resort	15	0	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES	NO
M56	Quay													
M78	Rainbow Bend Resort & Marina	15	0	BOAT	YES	NO	NO	NO	NO	NO	NO	YES	NO	NO
M57	Ramada Inn													
M113	Reef at Marathon Condominium, The													
M50	Royal Hawaiian Motel/BoTel	8	0	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES	NO
M58	Sea Cove Motel	22	50	NO	YES	NO	NO	NO	YES	YES	NO	NO	YES	NO
M4	Sea Dog and other charters	5	0	NO	NO	NO	YES - 5	NO	NO	NO	NO	NO	NO	NO
M76	Sea Shell Beach Resort	0	0	Pontoon Boat	NO	NO	NO	NO	NO	NO	NO	NO	YES	NO
M42	Seascape Resort	15	NO	NO	YES	NO	NO	NO	NO	YES	NO	NO	YES	YES
M43	Seaward Motel													
M100	Seawatch Condominium													
M2	Seven Mile Marina	18	0	BOAT	YES	NO	7	NO	NO	NO	NO	YES	NO	NO
M72	Shelter Bay Marine DBA/INC	3	119	NO	NOI	NO	NO	YES	NO	NO	Yes, sewage connection	YES (in process)	NO	EXPANDING NOW
M36	Sombrero Marina & Dockside	44	0	NO	YES	NO	NO	NO	22	20	YES	NO	NO	YES
M35	Sombrero Resort Lighthouse Marina	54	0	YES	YES	YES	NO	NO	YES	YES	In the works	NO	YES	NO

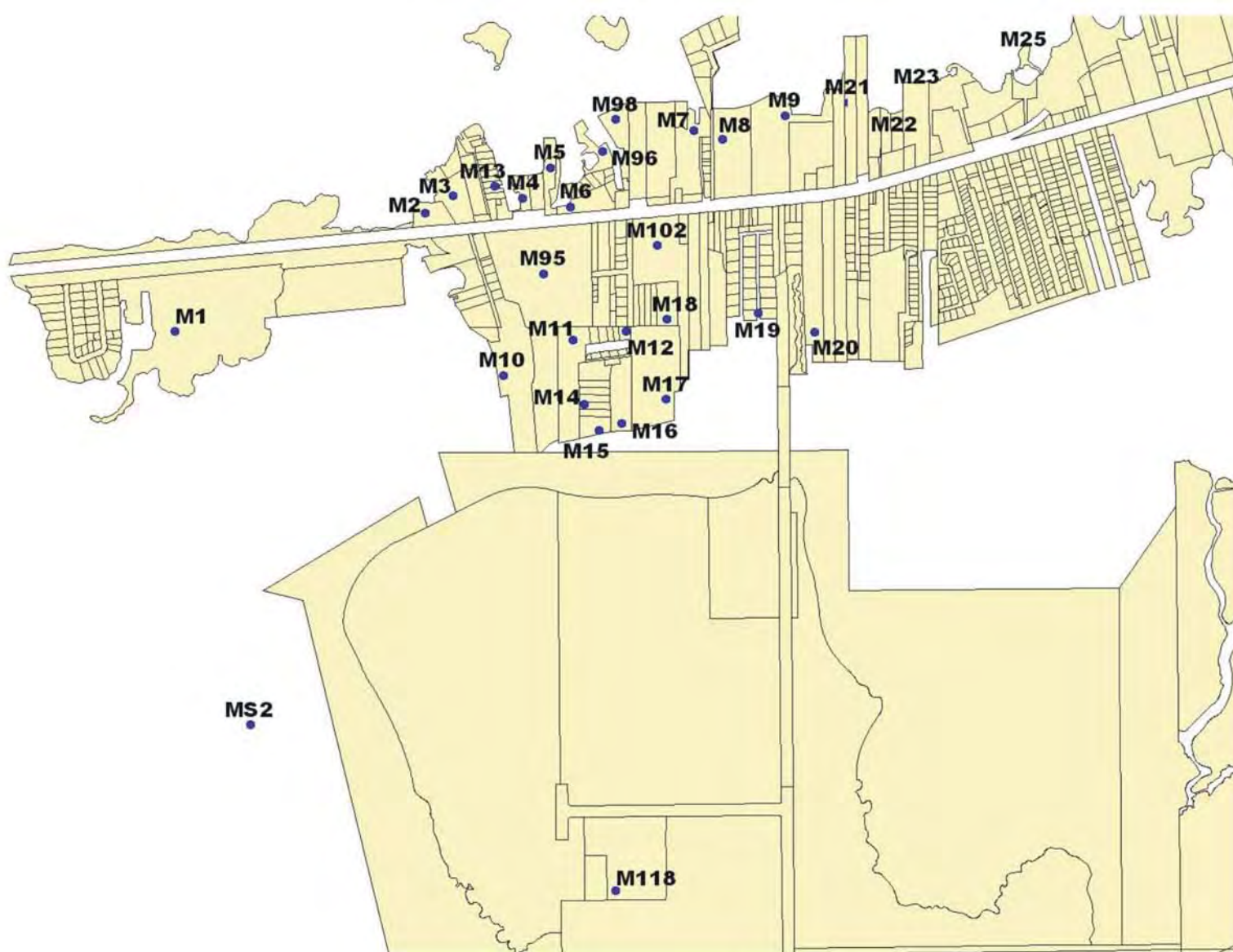
TABLE B-2, MARINA INVENTORY

Map Reference Number	Marina	Total Number of Slips		Recreational		Commercial			Live-A-Boards		Pump Out/STP Status	Fuel	Boat Ramp	Any Future Plans for Expansion
		Wet Slips	Dry Slips	Rental (Including Jet Skis)	Non-Livaboard Docking	Charter	Fishing	Boatyards	Permanent	Transient				
M34	Sombrero Resort Lighthouse Marina (north)	20	NO	NO	YES	NO	NO	NO	YES	YES	In the works	NO	NO	NO
M107	Sombrero Ridge													
M108	Spanish Galleon Condominium, The													
M7	The Hammocks of Marathon	14	0	BOAT & JETSKI	YES	NO	4 BOATS	NO	NO	NO	NO	NO	NO	NO
M104	Tradewinds													
M102	Trailerama													
M80	Trailers By The Sea													
M116	Treasure Cay Condominium													
M3	Turn Key Marina & Boat Yard	0	100	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO
M8	U.S. Coast Guard													
M49	Vaca Cut Motel													
M5	Vaca Key Marina	11	0	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO
M75	Valhalla Beach	9	0	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES	YES
M69	Voyager's Kayak Center													
M83	Whispering Pines RV Park	0	0	NO	NO	NO	NO	For Residents	NO	NO	NO	NO	NO	NO
M77	White Sands Inn	0	0	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
M38	Yardarm Motel	2	0	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
M81	Yellowtail Inn	0	0	KAYAKS	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
<b>TOTAL</b>		<b>1224</b>	<b>1225</b>											

MOORING SITES														
	bayside west	6												
	bayside east	6												
MS3	Bonefish Bay	10												
MS4	Shelter Bay	15												
MS1	Boot Key Harbor	64												
MS2	Boot Key Harbor Entrance	20												
<b>TOTAL</b>		<b>121</b>												

Note: This inventory is a draft only; information in the inventory is subject to change as further information becomes available to the City of Marathon. Inclusion in this inventory in no way indicates that marinas are in compliance with local,



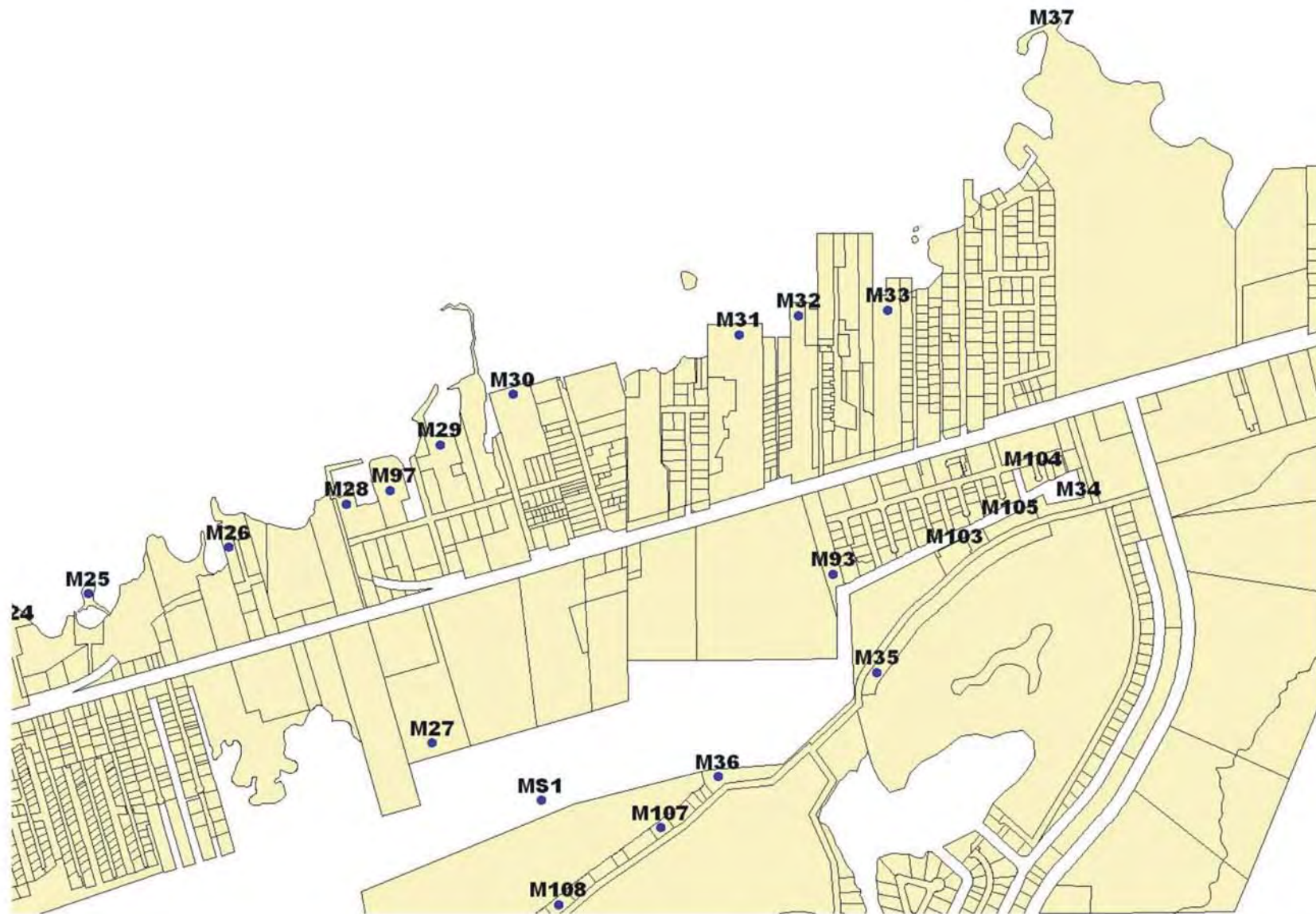
Note: This map is for illustrative purposes only. Many factors affect marina siting in addition to zoning and marina development feasibility must be addressed on a site by site basis.



**Legend**

- M5 Marina Reference Number
- MS 5 Mooring Field Reference Number

**Figure B-10, 1 of 7**  
**Marina and Mooring Field Location Map**  
**Knight's Key and Vaca Key West**  
**City of Marathon**  
**Marina Siting Plan**



Note: This map is for illustrative purposes only. Many factors affect marina siting in addition to zoning and marina development feasibility must be addressed on a site by site basis.

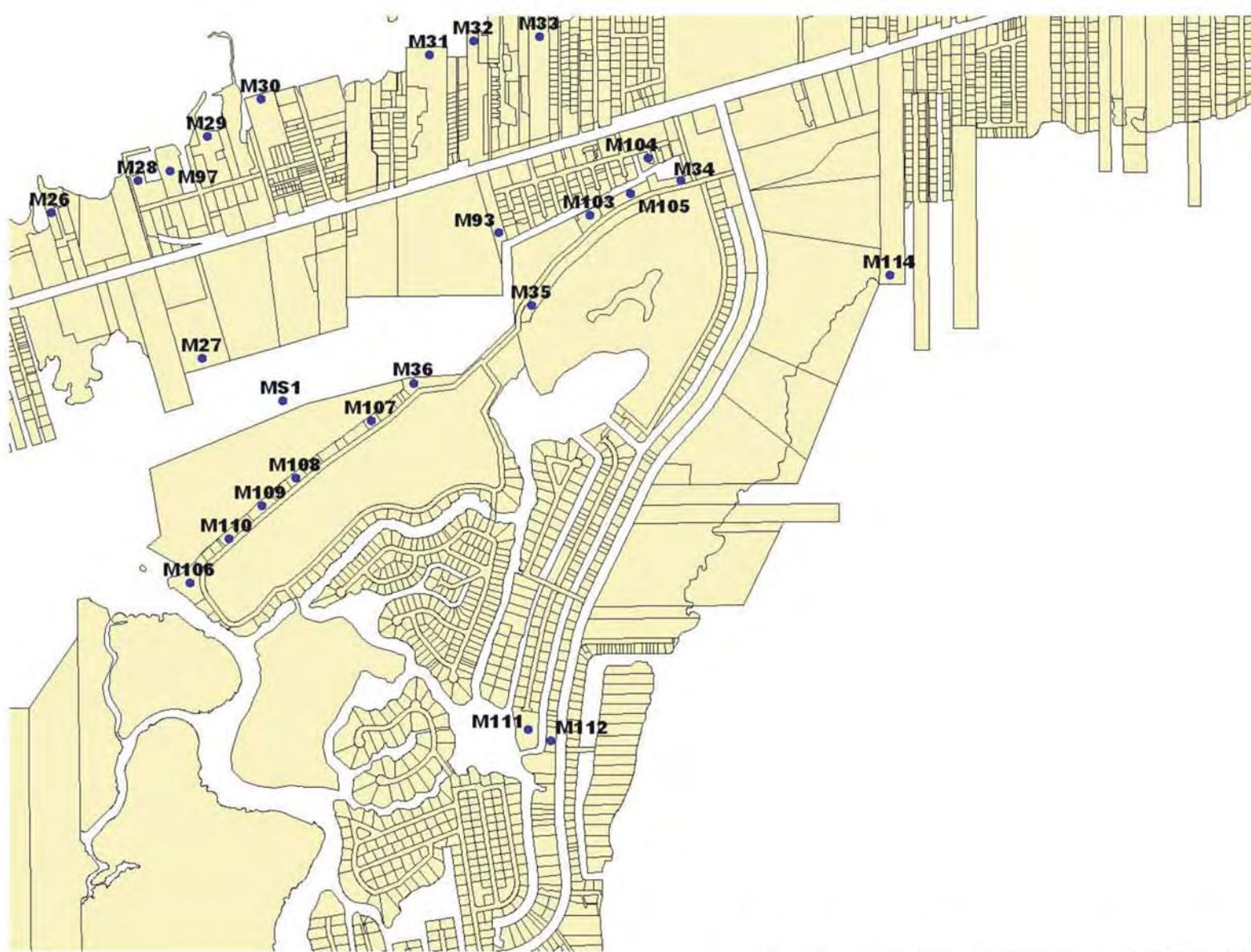


**Legend**

- M5 Marina Reference Number
- MS 5 Mooring Field Reference Number

**Figure B-10, 2 of 7**  
**Marina and Mooring Field Location Map**  
**VACA KEY CENTER AND BOOT KEY**  
**City of Marathon**  
**Marina Siting Plan**





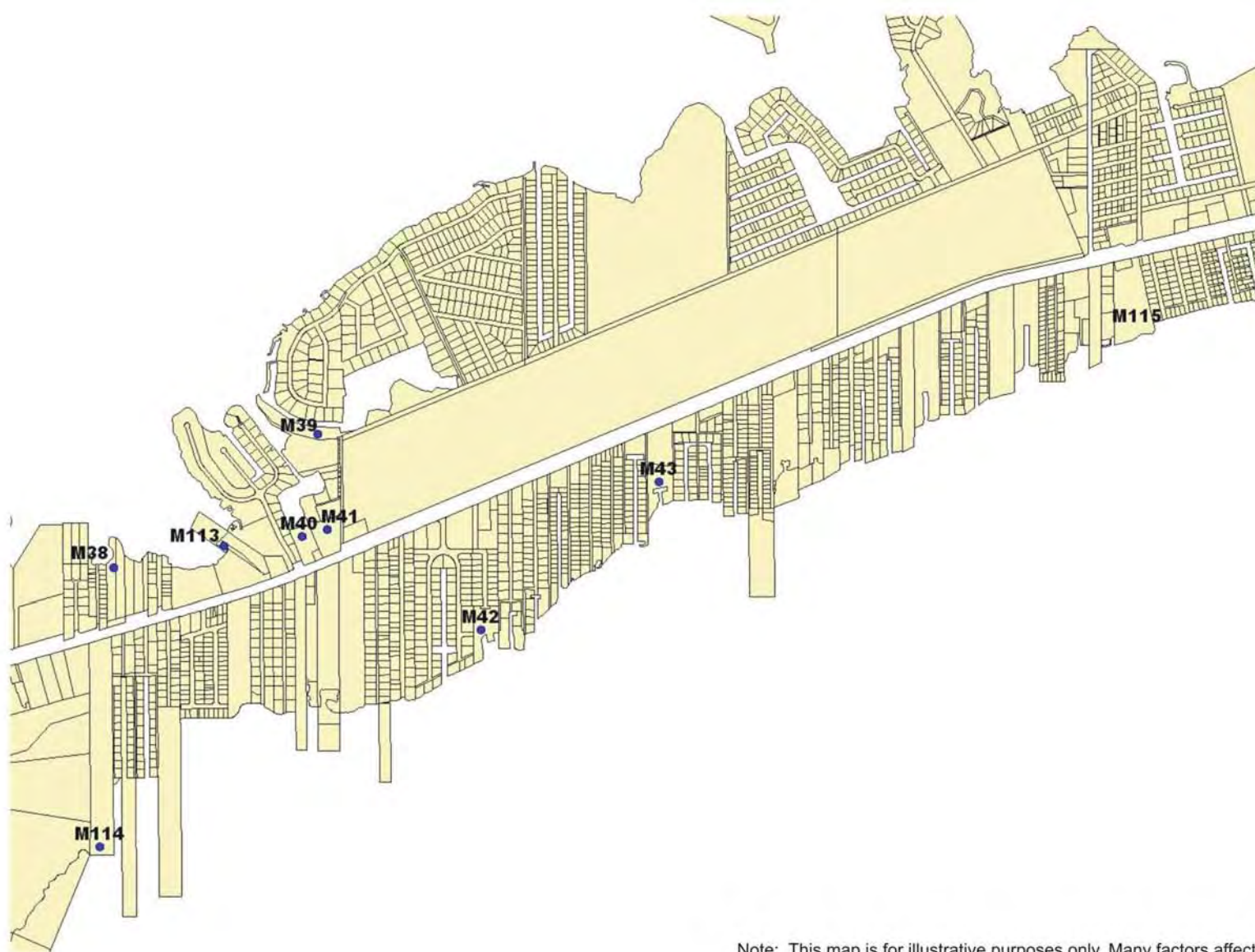
Note: This map is for illustrative purposes only. Many factors affect marina siting in addition to zoning and marina development feasibility must be addressed on a site by site basis.



**Legend**

- M5 Marina Reference Number
- MS 5 Mooring Field Reference Number

**Figure B-10, 3 of 7**  
**Marina and Mooring Field Location Map**  
**VACA KEY WEST**  
**City of Marathon**  
**Marina Siting Plan**



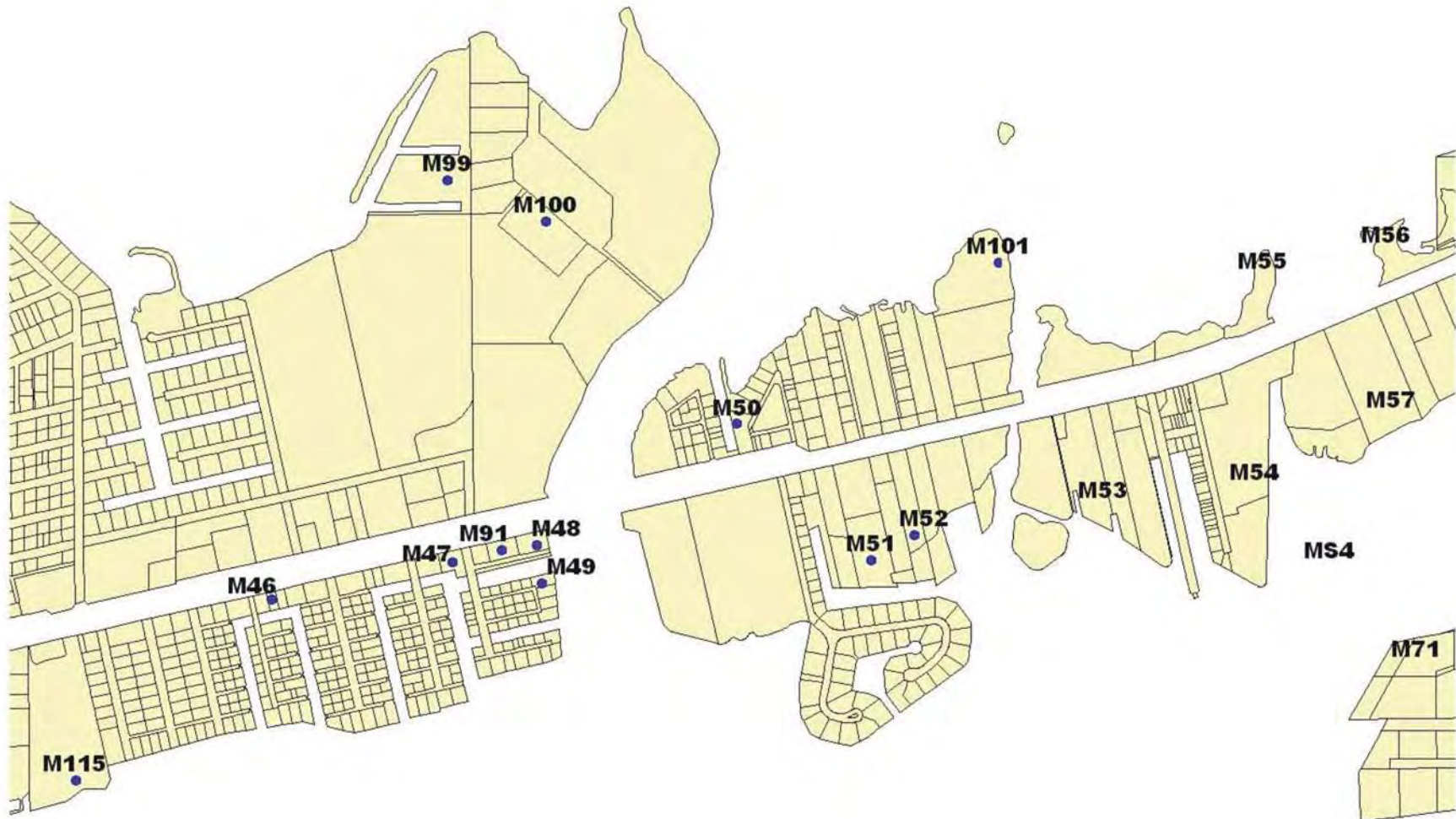
Note: This map is for illustrative purposes only. Many factors affect marina siting in addition to zoning and marina development feasibility must be addressed on a site by site basis.



**Legend**

- M5 Marina Reference Number
- MS 5 Mooring Field Reference Number

**Figure B-10, 4 of 7**  
**Marina and Mooring Field Location Map**  
**VACA KEY CENTER**  
**City of Marathon**  
**Marina Siting Plan**



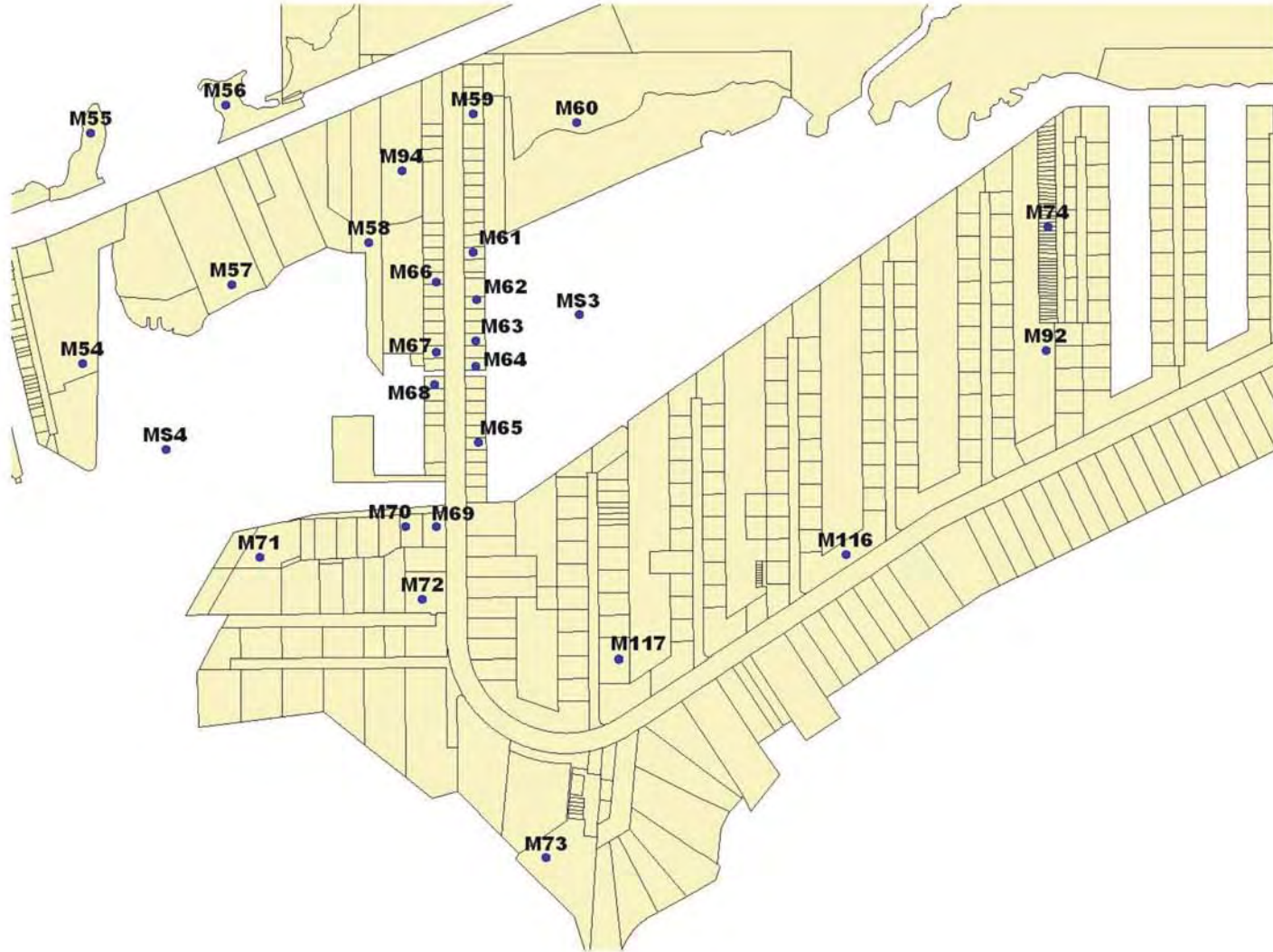
Note: This map is for illustrative purposes only. Many factors affect marina siting in addition to zoning and marina development feasibility must be addressed on a site by site basis.



**Legend**

- M5 Marina Reference Number
- MS 5 Mooring Field Reference Number

**Figure B-10, 5 of 7**  
**Marina and Mooring Field Location Map**  
**VACA KEY EAST AND FAT DEER KEY WEST**  
**City of Marathon**  
**Marina Siting Plan**



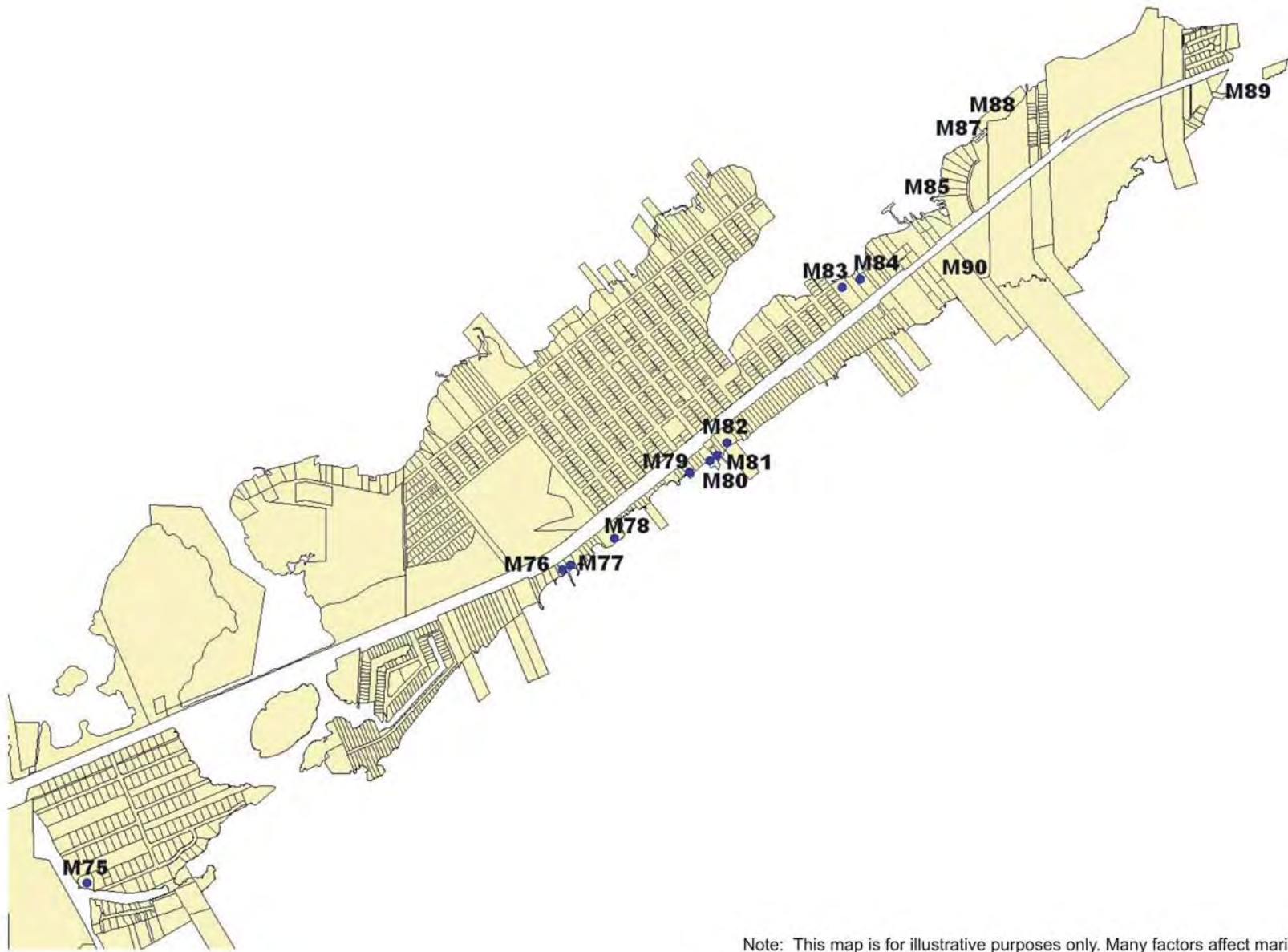
Note: This map is for illustrative purposes only. Many factors affect marina siting in addition to zoning and marina development feasibility must be addressed on a site by site basis.



**Legend**

- M5 Marina Reference Number
- MS 5 Mooring Field Reference Number

**Figure B-10, 6 of 7**  
**Marina and Mooring Field Location Map**  
**FAT DEER KEY**  
**City of Marathon**  
**Marina Siting Plan**



Note: This map is for illustrative purposes only. Many factors affect marina siting in addition to zoning and marina development feasibility must be addressed on a site by site basis.



**Legend**

- M5 Marina Reference Number
- MS 5 Mooring Field Reference Number

**Figure B-10, 7 of 7**  
**Marina and Mooring Field Location Map**  
**CRAWL KEYS AND GRASSY KEY WEST**  
**City of Marathon**  
**Marina Siting Plan**

## SECTION C

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## SECTION C

### Siting Analysis

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#### INTRODUCTION

Marathon's waterfront is not immediately apparent from US 1; but turn off of US 1 onto a local road and the City's rich and diverse marina environment quickly becomes apparent. Whether one sees live-aboard boats at anchorage, piled traps next to a fishing boat docked on a residential canal, a row of recreational vessels behind a condominium, or charter boats advertising fishing or diving, all are part of what constitutes this small and historic community's vital marina character. The analysis in Section B demonstrates that a Marina Siting Plan appropriate to Marathon must acknowledge the unique aspects of the City and cannot follow the templates established for other, distinctly different places.



*Above: Boats at anchor in Boot Key Harbor.*

The original statute enabling Marina Siting Plans focused on providing an alternative approval process for new large-scale marinas which would otherwise be considered Development of Regional Impacts under state law. Of particular concern was the impact of marinas on natural resources, especially manatee populations. However, as the analysis in Section B shows, the City of Marathon has a low potential for DRI-threshold marinas (in fact, the only known DRI-threshold marina is the City's Mooring Field at Boot Key Harbor). Further, the analysis shows that manatees, while important, are not the dominant natural resource protection concern in Marathon; protection of benthic resources, especially seagrasses, and water quality are dominant

local concerns. Importantly, the information in Section B also demonstrates that there is a large body of existing policies and regulation in the City that guide the siting and approval of new and redeveloping marinas, and that this body of existing information provides a strong basis for marina siting planning with some minor revisions. Because most land within the City is already developed, the focus on redevelopment is quite important in the Plan.

The City's detailed approach to land development regulation, as well as the dearth of detailed natural resource mapping in the City, indicate that a criteria-based, rather than map-based, approach to marina siting is appropriate for the City of Marathon.

Thus, the objectives for marina siting in the City of Marathon will acknowledge and where appropriate expand upon the Florida Fish and Wildlife Conservation Commission (FWC) Boat Facility Guide (2000) natural resource criteria referenced in the statute to include the following direction:



- Address FWC Guide directives as follows:
  - Expansion of existing facilities may be preferred over new facilities if environmentally sound
  - There should be no impact to seagrass
  - Mitigation for seagrass destruction should not be allowed
  - Areas with adequate depth and good flushing which require no new dredging are preferable
  - Locations near inlets and popular boating destinations are preferable
  - Piling construction is preferred over dredge and fill techniques
  - Marinas should not be sited in essential manatee habitats
  - Marinas should not be situated in areas with high manatee mortality occurrence.
- Provide for implementation of the public vision for the Marina Siting Plan, as determined through the Public Meeting: to support marinas in the City, promote a clean marina environment, maintain public access to the waterfront, and support the working waterfront.
- Organize and apply the existing body of regulations in the City's Comprehensive Plan and Land Development Regulations since they form an extensive set of criteria guiding marina development. Minor modifications to existing Comprehensive Plan polices to clarify processes, organize information, and address public visioning results are all that is needed to create a Comprehensive Plan level set of policies.
- Create a Plan that is criteria-based, not map-based due to the lack of detailed information needed to map marina expansion areas and due to the fact that development potential for new marinas is extremely limited (see Section B discussion of Marina Development Potential). The criteria, together with other existing regulations, will establish the ultimate limit on marina development in the City.
- Improve the City's Development Approval Process to provide more information to potential developers and alert marina developers about criteria early in the process of marina development. This should provide for savings for the developer and a better project for the community.
- Provide for a mechanism for proper management of marinas and for implementation of Best Management Practices at the local level which ties to the larger goals of the Florida Department of Environmental Protection's Clean Marina Program.



*Above: A 1910 photograph of the Gibbon Boys on the Marathon shore; Marathon's development history dates back into the 1800's. Source: Florida Archives*





- Ensure that the Marina Siting Plan will eliminate the need for the City to prepare a Development of Regional Impact for Boot Key Harbor.

In the following narrative the extent to which the current comprehensive plan policies address each of these criteria or objectives will be assessed, using information in Section B as the basis. Areas where improved or new policies are needed are identified.

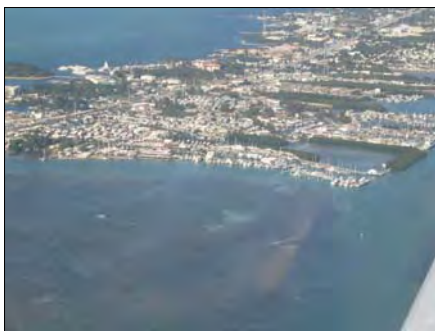
## RESOURCE PROTECTION

### Manatees and Other Wildlife

Manatee presence and conflicts with watercraft use have driven the majority of marina siting plans in Florida. The FWC's recommended siting criteria include the following (FWC 2000):

- Marinas should not be sited in essential manatee habitats,
- Marinas should not be situated in areas with high manatee mortality occurrence.

There are no established critical or essential habitats for any listed species in the City of Marathon and therefore, the first criteria is automatically met by virtue of the City's location and current conditions. The City of Marathon experiences a low occurrence of manatees and has had a very low rate of manatee mortality overall. Therefore, manatee-watercraft conflicts will not drive the siting of marinas within the City. For the City of Marathon, the focus of



*Above: Grassflats at the entrance to Boot Key Harbor.*

protection efforts for manatees will be on awareness and education to be incorporated into marina design. There are currently no policies in the City's comprehensive plan requiring marinas to educate users regarding protection of manatees and other wildlife. State and/or federal permits issued for marina development and redevelopment may include some of these requirements. At least one policy will be added to the City's plan requiring drafting of best management practices (BMPs) including the incorporation of manatee and wildlife educational signage into marina design as appropriate for various types of marinas.

The City currently provides for specific protection of marine turtles, especially with respect to nesting activities (Policies 4-1.4.8 and 4-1.11.8). The City is also required to adopt restrictions on coastal lighting that apply to all development on or near nesting beaches and these requirements would apply to marina development (Policy 4-1.11.7). Requirements for educational signage may be needed to increase awareness with respect to marine turtles, especially near nesting beaches.

Some existing policies in the plan including Policies 4-1.2.2, 4-1.2.3, 4-1.3.6, 4-1.4.4, 4-1.5.5 and 4-1.5.6 provide for protection of listed plant and animal species that may inhabit or utilize land within the City. These policies apply to all developments and are judged to be adequate for addressing any impacts of marinas on listed species.



In summary, wildlife and listed species protection is addressed in the current plan. Only the following revision is needed:

- Marina Siting Criteria - Policy 4-1.12.3 – Require environmental signage as appropriate in the Marina Operating Permit

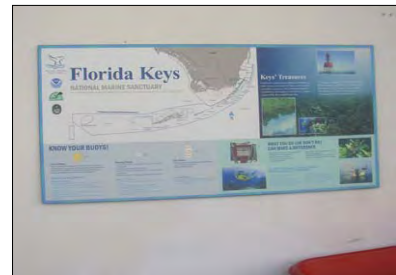
### **Benthic Resources and Boating Impacts**

Marathon, similar to the rest of the Keys, has extensive areas of productive subtropical marine benthic communities near shore including seagrass beds and hardbottom communities. It appears from our analysis that the major causes of significant disturbance to benthic communities is from boating impacts and shoreline construction including docking structures. Protection of benthic resources is a key consideration in developing marina siting criteria for the City. The FWC's recommended siting criteria include the following (FWC 2000):


- No impact to seagrass
- Areas with adequate water depth and good flushing sites which require no new dredging are preferable
- Locations near inlets and popular destinations are preferable
- Piling construction is preferred over dredge and fill techniques



Current comprehensive plan policies and regulations require adequate water depth (-4 feet at mean low water) for docking facilities and prohibit docking over sensitive benthic communities including seagrasses and hardbottoms (Policies 4-1.3.1, 4-1.4.11, 4-1.11.1, 4-1.11.2, 4-1.11.3, 4-1.11.4, 4-1.11.5, 4-1.11.6 and 4-1.12.6). Based on available navigation data and on visits to selected sites, it appears that most of the marina facilities in Marathon meet the existing water depth criteria. However, some existing marinas are served by inadequate channel access. It is noted that channel depth should be defined with respect to the state-defined mean low water (MLW) level to provide a consistent measuring datum. In other areas channel depth access may be adequate but boaters need aid in determining the channel path and staying in it. The analysis of prop scarring (Figure B-3) shows some known problem areas and others that need more documentation. It appears that those damage areas that can be linked to a land point usually involve a group of commercial users (marinas) or a combination of commercial and residential users. There is an opportunity, through the marina siting plan and marina operating permit program to improve current navigation through channel marking and education efforts. Education efforts could include environmental signage showing boating routes and directing boaters on how to avoid shallow areas.



*Above: Educational signage, such as these existing sign examples in the Florida Keys, may help protect resources from boater error.*



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Current policies limit new dredging (Policy 4-1.18.2) so creation or expansion of access is unlikely. Therefore, existing marinas that have non-conforming water depths should not be allowed to expand. The comprehensive plan does allow for maintenance dredging of previously dredged areas pursuant to state and federal law (Policy 4-1.18.3). Also, City staff has identified the need to provide for greater depth requirements of up to -6 feet at mean low water for mooring facilities. This will provide for proper mooring of the sailboats and other larger vessels that typically use these sites. Since the focus of marina development in Marathon will be on redevelopment and expansions at existing sites, the City's focus will be on requiring documentation of adequate depth and benthic communities for expansions. Existing policies will require only slight refinement.

In summary, there are many policies in the current plan that address the protection of benthic resources. The following changes will improve on these policies:

- Marina Siting Criteria - new policy - write a new policy calling for a MLW definition that is consistent with the state definition.
- Marina Siting Criteria - Policy 4-1.12.3 - provide for channel marking and environmental signage as part of the Marina Operating Permit.
- Dock and Mooring Restrictions - Policy 4-1.11.2 - provide for greater water depth requirements at mooring fields.
- Dock and Mooring Restrictions - new policy - require low-impact techniques for mooring field construction.

### **Water Quality**

Water quality concerns with respect to physical siting of marinas are mostly related to the configuration and potential for alteration of the waterbody in which the marina is proposed. Related to this, the FWC's recommended siting criteria include the following (FWC 2000):

- Areas with adequate water depth and good flushing sites which require no new dredging are preferable
- Piling construction is preferred over dredge and fill techniques

Generally new marinas are encouraged at sites with good tidal flushing and turnover rates. The creation or alteration of waterbodies to accommodate marinas is permissible over much of Florida as long as these waterbodies meet appropriate design criteria for maintenance of good water quality. In Marathon existing marinas occur both in manmade waterbodies and in natural unaltered areas. New dredging is prohibited by the existing comprehensive plan (Policy 4-1.18.2) and so creation of new waterbodies for marinas is also prohibited. This prohibition also applies to the deepening of existing waterbodies. Therefore, the current configuration of waterways, boat basins and available natural deep water sites cannot be physically altered in ways that will degrade water quality. However, there is significant opportunity to promote the improvement of currently degraded sites through two mechanisms:

- Incorporation of physical water quality improvements into marina design,



- Development of regulations and best management practices aimed at minimizing or eliminating water-degrading activities at the marina itself.

The current comprehensive plan provides for addressing physical design issues that may affect water quality, especially through sedimentation and stormwater runoff from upland development (Policies 4-1.3.1, 4-1.3.2, 4-1.3.5, 4-1.3.6, 4-1.3.7, 4-1.3.8, 4-1.3.9, 4-1.3.10, 4-1.4.1, 4-1.4.3, 4-1.4.8, 4-1.4.9, 4-1.4.10, 4-1.4.12, 4-1.11.13, 4-1.11.14, 4-1.18.1, 4-1.18.4 and 4-1.18.6). These policies should adequately address the impact of physical marina design on water quality mainly by discouraging shoreline alteration practices and inadequate stormwater handling that could lead to chronic sedimentation and pollution.



*Above: Most of Marathon has been developed or is protected; the large undeveloped tract to the north is Blue Heron Hammock. Source: NOAA*

The City of Marathon is within the Florida Keys National Marine Sanctuary No Discharge Zone. Existing policies in the Comprehensive Plan reiterate the importance of providing pump-out facilities for vessels and require pump-outs for many marina types (Policy 4-1.12.4). These policies should be strengthened by providing stronger monitoring and enforcement capabilities to City staff through a Marina Operating Permit program (Policy 4-1.12.3).

The remainder of marina activities which could impact water quality will generally be regulated through best management practices (BMPs) required in conjunction with the marina operating permit (Policy 4-1.12.3). These will generally be accomplished through the marina design regardless of location. This will be a crucial addition to Marathon's marina policies since it will address common marina pollution sources known to degrade water quality. The BMPs will complement and expand on the existing state Clean Marina Program which addresses on-site pollution sources.

In summary, many of the water quality issues associated with marinas are addressed in the current plan. The following changes will improve upon current policies:

- Marina Siting Criteria - Policy 4-1.12.3 - provide for pollution control activities and best management practices through the Marina Operating Permit.
- Marina Siting Criteria - Policies 4-1.12.3 and 4-1.12.4 - Improve on current pump-out requirements.

### **Shoreline and Terrestrial Resources**

The FWC suggests the following siting criteria for protecting undeveloped natural communities (FWC 2000):



- Expansion of existing facilities may be preferred over new facilities if environmentally sound; and,
- Marinas should not be sited in essential habitats.

There are several existing land use zoning classifications that allow marina development (Figure B-7). However, large portions of these areas are located within protected wetland and upland habitats (Figure B-4). The most significant expanse of upland natural habitat remaining in the City is within the Curry Hammock State Park. These large habitat areas are essentially excluded from marina development by virtue of existing regulations. Therefore, the focus on habitat conservation is on mainly on remnants of habitat that exist on developed and disturbed sites. Due to the rarity and value of Marathon's remaining upland, wetland and shoreline habitat, there are several policies addressing their protection (Policies 4-1.2.11, 4-1.2.12, 4-1.3.1, 4-1.3.4, 4-1.3.5, 4-1.3.6, 4-1.3.7, 4-1.3.8, 4-1.3.9, 4-1.4.2, 4-1.4.6, 4-1.4.8, 4-1.4.9, 4-1.4.10, 4-1.4.11, 4-1.4.12, 4-1.5.1, 4-1.5.2, 4-1.5.3, 4-1.5.4, 4-1.5.5, 4-1.5.7, 4-1.5.12, 4-1.7.1, 4-1.11.1 and 4-1.18.6). These policies apply to all development types including marinas. Although there are no essential or critical habitats designated in Marathon, there are remaining natural areas used by listed species and wildlife in general. In addition, native vegetation and maintenance of naturally vegetated shorelines are recognized as being valuable to upland wildlife, especially birds, in addition to promoting water quality. Given the expected focus of marina development at already disturbed sites, the existing policies should serve to incorporate upland conservation into marina design.

## LAND USE

### Definition of Marina

The City's definition of marinas must be carefully constructed to ensure that all facilities with the potential to impact the social, environmental or economic fabric of the community are considered. The City's existing definition, which is derived from Monroe County, has several perceived weaknesses: it excludes marinas associated with multifamily development, regardless of size, even though those marinas can have the same impacts as other types of marinas; and, it does not clearly define commercial and industrial marina associations.

In order to modify the definition, a review of Florida Statute, Florida Administrative Code, and definitions used by other local governments in Florida and throughout the nation, was conducted to determine how best to approach a new definition. After an initial draft, extensive coordination with City staff on the unique aspects of marinas in Marathon and the Florida Keys was conducted, and various iterations of the definition were drafted.

The resulting draft definition seeks to define different types of marinas by type and impact thresholds. Single family docks and multifamily docks of less than ten slips are excluded from the definition, so long as live-aboard vessels are not docked at these facilities. A suggested new definition is presented below:



*Marina* means any facility with: one or more wet slips (including moorings) together with a commercial use (a commercial marina); ten or more dry/boat storage spaces (a storage facility); one or more slip used for commercial fishing purposes (a commercial fishing marina); one or more live-aboard slip or live-aboard mooring anchor (a live-aboard marina); a mooring field with ten or more anchors (a mooring field); a boat launching or ramp facility together with accessory retail and service uses (a commercial ramp or launching facility); or, ten or more wet slips associated with a condominium or multifamily development (a multifamily marina). Numeric thresholds set herein shall be subject to Section 9.5-256 of the Land Development Regulations, Aggregation of development, for purposes of development review.

As a policy document, rather than a detailed regulation, the Comprehensive Plan does not define marinas; the definition is in the Code of Ordinances. However, a new policy, Policy 4-1.12.1 is proposed to enable adoption of a new marina definition in the Code of Ordinances/Land Development Regulations within one year of the effective date of the Plan.

### **New Development**

A review of the development potential for new marinas and mooring fields in the City found the following:



*Above: Potential new development and redevelopment in Marathon must meet extensive environmental standards before it can be approved. Mangroves and other natural communities are extensively protected.*

- Most viable land within the City has already been developed with boating facilities of some kind. Very few new marinas are proposed at this time or are expected to be proposed in the future.
- Most requests to the City for marina development have been for redevelopment or expansion of existing marinas and we expect the majority of future marina development to be of these types.
- The level of expansion and number of added new slips is expected to be low for individual redevelopment projects based on significant existing regulatory and physical limitations operating in the City. Redevelopment trends may be more towards changes in use and reconfiguration of existing slips.
- Although the possibility always exists that marinas exceeding the DRI threshold could be proposed, only one project, Boot Key Harbor, exceeds the DRI threshold now and no other project is expected to be a DRI based purely on marina thresholds in the future.



- Careful review and perhaps regulation of changes in marina use is merited to ensure that the balance of uses remains consistent with the City’s overall vision of the waterfront.

These findings suggest that focusing marina siting policies on smaller scale development and redevelopment is appropriate; further, they help define an issue that was raised during the Public Meeting and has appeared repeatedly in news reporting in Marathon: changes in type of marina usage and perceived public access are important local issues.

The City’s existing Comprehensive Plan policies address prioritization of water dependent and water-related uses as well as public access (see Shoreline Uses and Public Access Policies 4-1.3.5, 4-1.14, 4-1.14.2, 4-1.14.3, 4-1.14.4 and Prioritization of Uses Policies 4-1.13.1, 4-1.13.2). However, the first public meeting highlighted the importance of public access to the community, as well as disturbing trends in the loss of public access as marinas are redeveloped. The Plan should strengthen existing public access policies to ensure that the waterfront resource is not eliminated from the public realm. At the same time, property rights need to be protected through a fair process which balances the rights and responsibilities of the public and private sector.



*Above: Faro Blanco Oceanside is an example of one redevelopment site in the City where the nature of the waterfront is expected to change.*

Further, while the prioritization of water dependent and water related uses creates a preference for marina uses, it does not address identified trends where the type of marina and services may change within the overall marina land use framework. The public identified concerns about the loss of commercial fishing, and several people noted that commercial uses should not be deemed a conflict with residential uses along the waterfront – in other words, commercial fishing facilities should in fact be seen as a more water dependent type of use than docks associated with residential development. It was the general consensus that commercial fishing uses should be protected from assertions of incompatibility by adjacent uses and from redevelopment into other marina types.

Live-aboard vessels have long provided the community with an affordable housing option. Proper management of live-aboards is essential, and is amply addressed in existing Comprehensive Plan policies (1-3.4.5 and 1-3.4.6) and proposed Marina Operating Permit policies. However, services provided to the live-aboard population by marinas are not currently protected. Without a place to dock dinghies and access mainland amenities live-aboard populations will be negatively impacted. A policy to help protect live-aboard services should be contemplated.

Another trend in the change of marina use types is the transition of slips into “dockominiums” which are individually owned but managed under a common association, just like



condominium units. While this trend may trigger other land use concerns, if it does not appear to essentially change the use of the slips this type of impact is already captured in other changes recommended by the siting plan.

Although not specifically noted as an issue for Marathon at this point in the process, loss of industrial marinas is a growing problem throughout the state as economic pressures for development of these areas as recreational marinas increases. Because Marathon's full service capabilities is an important part of its success as a cruising destination, and due to the need locally for facilities to service residents, industrial uses should also receive consideration in the Comprehensive Plan.

In summary the following policy changes are recommended:

- Live-aboards - new policy - provide guidance for a definition of live-aboards.
- Live-aboards - Policy 4-1.12.3 - provide for adequate landside services, pump-out and other provisions through the Marina Operating Permit.
- Prioritization of Use - new policy - community character policy to be added that provides guidance for retention of mixed uses and industrial uses, preservation of traditional uses, and prevention of adverse impacts from changes in use.

### **Development Approval**

The process for approval of new or redeveloping marinas is not well understood by most applicants, and Section B identified several steps in the existing process where applicants may increase overall approval timeframes by not fully understanding local regulations. An analysis of the existing approval process for new, expanded or redeveloped marinas in the City of Marathon revealed the possibility of streamlining and improving the application process for both the applicant and City staff (see plan objectives in the introduction to this section).

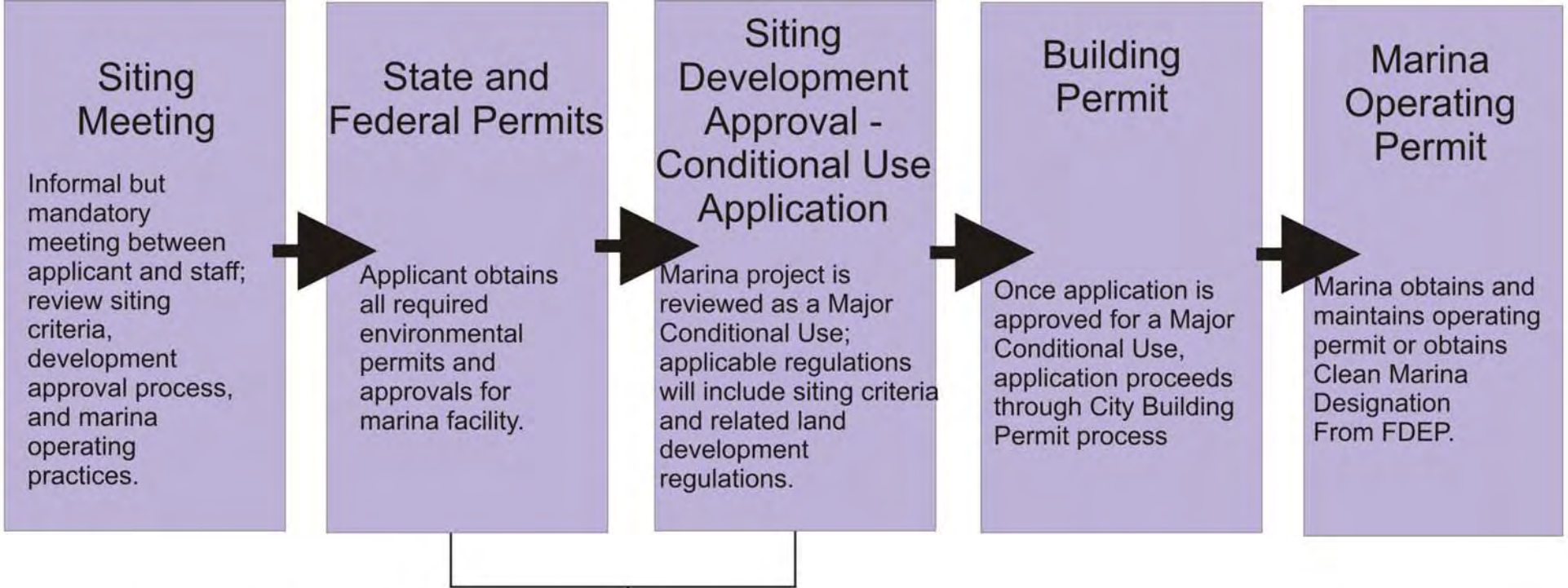
**Figure C-1, Proposed New Marina Approval Process**, shows the recommended approach to new and redeveloping marinas for the City. The recommended process seeks to provide all the City requirements up front, to avoid any costly and time consuming coordination glitches later during the environmental permitting process with state and federal agencies. Note: This process assumes that the LDRs have been amended to ensure that marinas are major conditional uses wherever they are contemplated in each land use classification.

1. Siting meeting with City Planning Department and Port Department Staff, including, but not limited to, City Biologist and Fire Marshall.

Purpose: Informal but mandatory meeting between Applicant and Staff to review siting criteria, development approval process, and marina operating practices.

Applicant should submit Request for Pre-Application Conference Application along with the fee of \$600.00 made payable to the City of Marathon. Applicant should provide three copies of the following items at the meeting:





\* Commission may approve concurrent process

\* Because Marathon is in an Area of Critical State Concern, Department of Community Affairs needs to review all development applications



**Figure C-1**  
**Boating Facility Siting Plan**  
**Proposed New Marina Approval Process**  
**City of Marathon**  
**Marina Siting Study**



- Survey of the subject property
- Preliminary site plan
- Written description of size and type of development
- Location map of facility
- Aerial photograph of site
- Site photographs
- Bathymetry survey

If available, the following information will also be useful at this meeting:

- Vegetation survey
- Environmental Designation Survey

The City will provide the Applicant with the Application for Development Approval - Major Conditional Use and a Marina Development Guide at this meeting. A commitment letter from the City will not be provided.

2. Applicant obtains state and federal permits for the project.
3. Applicant submits Application for Development Approval to City

The Applicant will submit the Application for Development Approval - Major Conditional Use to the City of Marathon with all required documentation. In addition, copies of the state and federal permits or letter of exemption must be submitted.

4. City review of Conditional Use application

Marina project is reviewed by City as a Conditional Use including public hearings. Any structural improvements required in Best Management Practices, including signage, must be approved at this time.

5. Building Permit

Once application is approved for a conditional use, application proceeds through City of Marathon Building Permit process to acquire a Building Permit.

6. Marina Operating Permit

As a condition of the Certificate of Occupancy, the marina obtains and maintains Marina Operating Permit. Marina follows Best Management Practices. Marina Operating Permit must be renewed annually.

Existing policy 4-1.12.7 requires better coordination of the marina approval process. These recommended changes are suggestions for the implementing phase of the policy.

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## IMPLEMENTING PROVISIONS

### Proposed Comprehensive Plan Amendments

The City of Marathon's Marina Siting Plan will use siting criteria to manage marina development and redevelopment in the future. The criteria will be adopted in the City's Comprehensive Plan. **Exhibit 1, Comprehensive Plan Amendments** represents the City of Marathon's Marina Siting Criteria, as suggested in the Marina Siting Guidelines (DCA 2003). Since the Marathon Comprehensive Plan already contains many of the policies needed to direct new, expanding and redeveloping marinas to appropriate locations, these policies are listed for specific marina siting components. Policy revisions, shown in strikethrough and underline format, are based on the siting analysis and recommended changes listed above in this section for each area of concern.



*Above: The deck at Dockside was a favorite gathering spot for members of the live-aboard community until support services for live-aboards were discontinued.*

### Proposed Marina Operating Permit Ordinance

Typically Marina Siting Plans stop at the policy level, leaving detailed implementation to the later drafting (usually within one year or less) of implementing regulations. However, in the process of conducting the analysis associated with this plan, it became clear that marina management was one of the most important potential outcomes of the plan (see plan objectives in the introduction to this section). Therefore the first piece of implementing regulation – the Marina Operating Permit -- has been drafted as part of the plan and is proposed for adoption concurrently with the amendments to the Comprehensive Plan. The proposed **Marina Operating Permit Ordinance** is included as **Exhibit C-2** at the end of this Section. A draft **Marine Operating Permit Application** is included as **Attachment E** of this Plan.

## CONCLUSION

The analysis in this plan demonstrates that the City of Marathon is different than other local jurisdictions with Marina Siting Plans. Of specific note is that:

- Manatees are not a primary environmental consideration and there is no issue of boat/manatee conflict in Marathon. Therefore, slip to shoreline ratios used in some counties with essential manatee habitat does not have a basis for application in Marathon.
- Marathon has a high shoreline to land area ratio and nearly all available areas of shoreline have already been developed.
- The City's permanent residents, while a constant factor in the use of marinas, are not the only and probably not the primary users. Marathon is a cruising and recreational



boating center and has a much greater seasonal and tourist population factored into their marina use than do other communities.

- Based on review of existing conditions, boat registrations, tourism and the marina inventory in Marathon, all indications are that market demand will remain steady and that all available slips will be used to their fullest extent. Build-out of slips will be the limiting factor on capacity.
- Lastly, and most importantly, with the regulatory and physical factors operating in Marathon to limit new and expanding marinas, the overall projected increase in the number of slips is expected to be low.

Therefore the approach recommended in this Plan is criteria based with an emphasis on a analysis of individual sites to evaluate whether they can meet environmental, land use and site planning requirements. Marina expansions are automatically limited in this way for each individual site.

This Marina Siting Plan attempts to satisfy state-generated concerns about natural resource protection and socio-economic issues, while also beginning to address some of the larger issues impacting the City's waterfront character. The City is well on its way to sound guidance of marina development and active management of marina facilities; the larger challenge will come with implementing policies which strive to address balancing uses, public access, and housing policies. These challenges are not unique to Marathon, and in fact are similar to struggles throughout the nation where traditional uses are threatened. However, Marathon is unique in what it still has to offer; its diversity, character and even challenges make it one of the state's most important waterfronts. This Plan hopes to offer City leaders a policy basis for decisions facing the City as it faces forces of change.

## SECTION D



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## SECTION D

### Literature Cited

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## EXHIBITS

**PROPOSED AMENDMENTS TO THE ADOPTED GOALS, OBJECTIVES AND POLICIES**

Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
<b>Note: Proposed amendments are shown in cross-out and underline style below.</b>		
Marina Siting Criteria	Objective 4-1.12	<del>Establish Marina Siting Criteria</del> –Protect and enhance the character, history, economic viability and environmental quality of Marathon’s marina community through marina siting and operation criteria. <del>The City shall establish criteria for marina siting which shall meet or exceed State standards to protect marine resources.</del>
Marina Siting Criteria addresses: Benthic Resources Prioritization of Use	Policy 4-1.12.1	<u>Definitions</u> Within one year of the effective date of the Plan, the City shall modify the Code of Ordinances and/or adopt Land Development Regulations to define marinas. The definition of marinas shall include commercial marinas, commercial fishing marinas, boat launching and ramp facilities, mooring fields, and multifamily marinas.
Marina Siting Criteria	Policy 4-1.12.1-2	<del>Marina Construction</del> –Adoption of Land Development Regulations Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations to <u>implement marina siting criteria through the Development Approval Process. Marina uses will be defined as Conditional Uses in all land use 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:</u> <ul style="list-style-type: none"> <li>• <u>Live-aboard Vessels: Policies 1-3.4.5 and 1-3.4.6</u></li> <li>• <u>Natural Resource Protection: Policies 4-1.2.2, 4-1.2.3, 4-1.2.11, 4-1.2.12, 4-1.3.1, 4-1.3.2, 4-1.3.4, 4-1.4.1, 4-1.4.4, 4-1.4.6, 4-1.5.1, 4-1.5.2, 4-1.5.3, 4-1.5.4, 4-1.5.5, 4-1.5.6, 4-1.5.7, 4-1.5.10, 4-1.7.1, 4-1.11.1, 4-1.11.7 and 4-1.11.8</u></li> <li>• <u>Shoreline Alterations: Policies 4-1.3.5, 4.1.3.6, 4-1.3.7, 4-1.3.8, 4-1.3.9 and 4-1.5.12</u></li> <li>• <u>Water Quality: Policies 4-1.3.10, 4-1.4.3, 4-1.11.13, 4-1.11.14 and 4-1.18.6</u></li> <li>• <u>Waste Management: Policy 4-1.9.1</u></li> <li>• <u>Development Approval: Policies 1-1.4.5, 4-1.5.13, 4-1.11.5 and 4-1.18.1</u></li> <li>• <u>Setbacks: 4-1.4.2, 4-1.4.8, 4-1.4.9, 4-1.4.10 and 4-1.4.12</u></li> <li>• <u>Walkways: 4-1.4.11</u></li> <li>• <u>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</u></li> <li>• <u>Prioritization of Uses: Policies 4-1.13.1 and 4-1.13.2,</u></li> <li>• <u>Public Access: Objective 4.1.14 and Policies 4-1.3.5, 4-1.14.2 through 4-1.14. 4</u></li> <li>• <u>Hazard Mitigation: Policies 4-1.3.3, 4-1.15.1 and 4.1.22.8</u></li> <li>• <u>Concurrency: Policy 4-1.17.2</u></li> <li>• <u>Dredging: Policies 4-1.18.2, 4-1.18.3 and 4-1.18.4</u></li> </ul>



**PROPOSED AMENDMENTS TO THE ADOPTED GOALS, OBJECTIVES AND POLICIES**

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		<p><del>New and redeveloping marinas must demonstrate consistency with all the criteria listed above in order to receive development approval.</del></p> <p><del>-to establish criteria for marina siting which shall meet or exceed state standards. In general, marinas shall be located in areas where maximum physical advantages exist and where no unreasonable or excessive impacts are foreseen on coastal or marine resources. Marina construction shall reflect consideration of the following:</del></p> <ul style="list-style-type: none"> <li><del>a. Benthic vegetation and marine sea life communities;</del></li> <li><del>b. Adequacy of circulation and tidal flushing;</del></li> <li><del>c. Access to deep water through existing channels of adequate depth;</del></li> <li><del>d. Minimizing shoreline modifications;</del></li> <li><del>e. Quality and size of upland areas and degree of alteration necessary;</del></li> <li><del>f. Ability to restore and enhance marina resource values at sites subject to past alteration;</del></li> <li><del>g. Location of propeller dredging problem areas; and</del></li> <li><del>h. Impact of boats on crocodiles, manatees, and marine turtles.</del></li> </ul>
<p>Marina Siting Criteria addresses: wildlife resources benthic resources water quality prioritization of use</p>	<p>Policy 4-1.12.3</p>	<p><del>Marina Registration Operating Permit</del></p> <p><u>The City shall require all marinas to obtain and annually renew a Marina Operating Permit, which at a minimum shall provide for information for the City's marina inventory and compliance with Best Management Practices. The Best Management Practices shall include at a minimum, as appropriate:</u></p> <ul style="list-style-type: none"> <li><u>a. Provision for clear and concise safety and environmental signage;</u></li> <li><u>b. Appropriate handling and storage of hazardous materials;</u></li> <li><u>c. Spill prevention and control;</u></li> <li><u>d. Guidelines on discharges related to boat repair and maintenance;</u></li> <li><u>e. Hurricane evacuation and preparedness;</u></li> <li><u>f. Sewage pump-out requirements;</u></li> <li><u>g. Provision of adequate support facilities for the maximum number of vessels anticipated at each facility and the type of services offered at the facility. Support facilities shall include bathrooms, recreation and laundry facilities, parking facilities, waste disposal and, where appropriate, access and dinghy docking areas for mooring fields; and,</u></li> <li><u>h. Compliance with stormwater management requirements.</u></li> </ul> <p>Within six months of the effective date of <u>the ordinances and/or LDRs implementing the Marina</u></p>

**PROPOSED AMENDMENTS TO THE ADOPTED GOALS, OBJECTIVES AND POLICIES**

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		<p><u>Operating Permit this Plan</u>, all lawfully established marinas shall <del>register</del> <u>submit a complete Marina Operating Permit application to the City, and within one year of the effective date the applicant will be required to obtain a Marina Operating Permit or a valid extension. All marinas unable to obtain a permit or extension, because the marina is an unlawful use, or for other reasons cannot meet criteria, shall be subject to enforcement action under the City Code.</u></p>
Marina Siting Criteria	Policy 4-1.12.2-4	<p><del>Inventory and Registration of Existing Marinas</del>            The City shall continue to update and expand its current inventory of marinas <u>through the Marina Operating Permit (MOP) process. The City's inventory will be updated annually using information gathered through permit applications and annual renewals. Through development review this inventory shall also be expanded to include other commercial uses providing dockage within the City. This inventory shall at a minimum be updated annually.</u> The inventory shall include per marina:</p> <ul style="list-style-type: none"> <li>a. Number of wet and dry slips;</li> <li>b. <del>Breakout of slips by vessel size</del> <u>Type of berths (recreational, commercial and live-aboard);</u></li> <li>c. List of on-site amenities;</li> <li>d. <del>Number of parking spaces provided;</del></li> <li>e. <del>Number</del> <u>Provision of boat ramps provided;</u></li> <li>f. Availability of pump-out facilities; and</li> <li>g. <del>Availability for public use</del> <u>Presence of fueling facilities.</u></li> </ul>
Marina Siting Criteria addresses: water quality	Policy 4-1.12.4 5	<p>4-1.12.5 Pump-Out Criteria            To reduce pollutant discharges into surface waters, within one year of the effective date of this Plan, the City shall, through the <u>Marina Operating Permit and other Regulations, develop and implement siting and discharge regulations, fee requirements, and enforcement provisions designed to ensure good management of marinas and reduce pollutant discharges into surface waters from docked and moored/anchored vessels (live-aboards) in nearshore waters. At a minimum these regulations shall include the following:</u> 9J-5.011(2)(c)1</p> <ul style="list-style-type: none"> <li>a. Establish criteria that living on board vessels of any type shall only be allowed in designated mooring, anchorage and marinas;</li> <li>b. Recognize that occupancy of a vessel for less than a 72 hour period does not constitute a live-aboard use;</li> <li>c. Require all marinas, regardless of size <u>or type</u>, to provide signage conspicuously posted</li> </ul>

**PROPOSED AMENDMENTS TO THE ADOPTED GOALS, OBJECTIVES AND POLICIES**

Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
		<p>at dockage sites which educate the <del>live-aboard</del> public about the importance of pumping out and which give clear directions to the nearest pump-out stations;</p> <p>d. Prohibit the mooring or dockage of a live-aboard vessel unless such vessel has an operable, <u>USCG-approved Type III MSD holding tank</u>;</p> <p>e. Require new marinas proposing ten (10) or more slips (wet or dry), or at which a live-aboard vessel is proposed to be docked, to provide an on-site pump-out station and appropriate sewage treatment to accommodate the number of slips present according to all applicable State and Federal standards. <u>Marinas accessory to a multi-family principal use are exempt from this requirement if the total slip number is less than 20; and,</u></p> <p>f. <del>Require existing marinas making application for site improvements to provide a 'Pump-out Upgrade Plan' for retrofitting existing facilities to include an on-site pump-out station and sewage treatment. This requirement shall apply to all marinas having ten (10) or more slips (wet or dry), or at which a live-aboard vessel is docked. Implementation of the Plan shall be a condition of permit issuance for site improvements at existing marinas. The Pump-out Upgrade Plan shall be fully implemented within one year of permit issuance;</del></p> <p><del>g. f</del> Require that all existing marinas having ten (10) or more slips (wet or dry), or at which a live-aboard vessel is docked, which have not been retrofitted pursuant to a site improvement project, to <del>submit a 'Pump-out Upgrade Plan' to the City for retrofitting existing facilities to include</del> provide an on-site pump-out station and sewage treatment in order to obtain their annual Marina Operating Permit. <del>The specific dates to require submittal and implementation of these plans shall be established in the Land Development Regulations;</del> <u>Existing marinas accessory to a multi-family principal use are exempt from this requirement if the total slip number is less than 20.</u></p> <p>h. <del>Establish implementation and enforcement criteria for the points listed above.</del></p>
Marina Siting Criteria	Policy 4-1.12.5 <u>6</u>	<p>Derelict Vessels</p> <p>Within one year of the effective date of this Plan, the City shall <u>implement a program and where appropriate</u> adopt Regulations relating to derelict vessels which shall include:</p> <p>a. Establishing a definition for a derelict vessel;</p> <p>b. Identification of procedures for locating and inventorying derelict vessels;</p> <p>c. Establishing a method to prioritize the removal of;</p> <p>d. Establishing a coordination program with external agencies having jurisdiction; <del>and,</del></p>

**PROPOSED AMENDMENTS TO THE ADOPTED GOALS, OBJECTIVES AND POLICIES**

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		<p>e. Identification of procedures and funding sources for removal of derelict vessels, <u>and</u></p> <p>f. <u>Require marinas to mark entrance channels as necessary and permittable with applicable agencies.</u></p>
<p>Marina Siting Criteria addresses: benthic resources</p>	<p>Policy 4-1.12.6-7</p>	<p>Vessel Impacts Within one year of the effective date of this Plan, the City shall adopt Regulations to protect submerged lands in shallow water areas from boating impacts. These regulations shall include strategies to reduce seagrass propeller scarring and to minimize vessel groundings. To accomplish this, the City shall:</p> <p>a. Identify problem areas and issues related to channel and shallows marking;</p> <p>b. Establish criteria and priorities for identifying channels and shallows to be marked;</p> <p>c. Make recommendations, in coordination with all appropriate local, State and Federal agencies for channel marking;</p> <p>d. Seek funding sources and, as funding is available, install markers; <del>and</del></p> <p>e. Consider adopting speed controls in nearshore waters and/or the creation of a boating restricted or “no vessel” protection zone; <u>and</u></p> <p>f. <u>Require marinas to mark entrance channels as necessary and permittable.</u></p>
<p>Marina Siting Criteria</p>	<p>Policy 4-1.12.7 8</p>	<p>Coordination of Development Affecting Marine Resources To ensure consistency, the City shall coordinate with all external agencies having jurisdiction over marine resources in the development of marina, mooring, derelict vessels, boating education and impact management policies. Within one year of the effective date of this Plan, the City shall adopt Regulations to establish coordination procedures with all external agencies having jurisdiction, relating to permitting, monitoring and enforcement, regarding mooring, vessels and marine resources.</p>
<p>Marina Siting Criteria</p>	<p>Policy 4.1.12.9</p>	<p>Community Character <u>The City shall encourage the maintenance of community character, public values and traditional uses on the waterfront as identified in the visioning associated with the marina siting plan formulation process. To accomplish this, the City shall adopt land development regulations and/or other regulations to:</u></p> <p>a. <u>Ensure public access from water and land and creation of public spaces in new development and redevelopment of commercial marina facilities through the provision of pedestrian access along the shoreline, protection of view sheds, and creation of public open spaces, subject to reasonable limits;</u></p> <p>b. <u>Support mixed use development adjacent to commercial marinas which provides a broad range of services and activities for boaters and their families, including restaurants, shops, and other</u></p>

**PROPOSED AMENDMENTS TO THE ADOPTED GOALS, OBJECTIVES AND POLICIES**

Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
		<p><u>activities for residents and visitors:</u></p> <p>c. <u>Protect the viability of the working waterfront by: establishing that commercial fishing activities are an important community value and that impacts associated with these uses are normal and compatible with other uses of the waterfront;</u></p> <p>d. <u>Coordinate with Monroe County in their efforts to study and protect traditional uses and consider adopting County recommendations as appropriate into the City's Comprehensive Plan or ordinances;</u></p> <p>e. <u>Ensure that changes in uses and services provided at existing commercial fishing, industrial and live-aboard marinas do not occur unless those uses are demonstrably replaced at another facility.</u></p> <p>f. <u>Allow variances to lot, yard, bulk and setback regulations to enable traditional uses, such as public access, commercial fishing, industrial marinas and liveaboard access and facilities, as stipulated in this policy. Develop guidelines defining traditional uses and establishing possible variances for consideration.</u></p>
<b>These existing objectives and policies are incorporated by reference into the Marina Siting Criteria, as identified in Policy 4-1.12.2</b>		
Live-aboard vessels	Policy 1-3.4.5	<p>Protect Established Live-aboard Vessels</p> <p>All live-aboard vessels docked, moored, anchored, or otherwise located within the City may remain in the City subject to the following conditions and criteria:</p> <p>a. Within ninety days of the effective date of the Marina Siting Plan, the City, in cooperation with all of the marinas located within the City, shall inventory the number and locations of live-aboard vessels in existence within the City;</p> <p>b. Prior to such time as being connected to an approved moorage sewage collection system, all live-aboard vessels shall contract with an approved pump-out contractor for appropriate sewage disposal.</p>
Live-aboard vessels addresses: prioritization of use	Policy 1-3.4.6	<p>Live-aboards not Permitted in Residential Zoning Districts</p> <p>Live-aboard vessels of any type are prohibited in residential zoning districts. <del>Accessory docks in residential districts shall not be deemed to be a lawfully established marina wet or dry slip for purposes of this policy.</del></p>
Registration of marine uses	Policy 1-3.4.7	<p><del>Registration for Commercial Marinas Including the Docking, Mooring, or Storage of Boats</del></p> <p><del>Any property containing improvements or facilities used predominately for the commercial docking, mooring, or storage (wet or dry) or otherwise meeting the definition of a marina as set forth in the Land Development Regulations and which has not been lawfully permitted shall make application to the City and appropriate federal and state agencies within six months of the effective date of this Plan in order to continue operation of said use. All necessary approvals and permits must be obtained within three years</del></p>

## PROPOSED AMENDMENTS TO THE ADOPTED GOALS, OBJECTIVES AND POLICIES

Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
		<del>of the effective date of this Plan or such use shall be discontinued.</del>
Resource Protection addresses: wildlife resources	Policy 4-1.2.2	<p>Protect Plant and Animal Species</p> <p>Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations that restrict development activities, which may adversely impact plant and animal species designated, by a State or Federal agency, as endangered, threatened or of special concern. These regulations shall also apply to the City's list of regionally important plant species and mature native species of substantial size. These regulations shall steer development away from environmental sensitive habitats through the following methods: identify and rank habitats, define open space, transplantation and mitigation criteria, and encourage the dedication of conservation easements or deed restrictions.</p>
Resource Protection addresses: wildlife resources	Policy 4-1.2.3	<p>Promote Recovery of Federally Listed Species</p> <p>The City shall work cooperatively with the US Fish and Wildlife Service (FWS) to protect and promote the recovery of plant and animal species designated by the Federal government as threatened and endangered. Related activities shall include:</p> <ol style="list-style-type: none"> <li>a. Require notification to the FWS when development proposals are received for sites documented as having historic and/or current occurrences of federally designated species;</li> <li>b. Continued technical assistance coordination consultation with the FWS; and</li> <li>c. Cooperation with the FWS in locating potential introduction sites for federally designated plant and animal species.</li> </ol>
Resource Protection addresses: terrestrial resources	Policy 4-1.2.11	<p>Limit Development Impacts on Wetlands</p> <p>Wetlands shall be protected from physical or hydrologic alterations in order to maintain their natural functions. No structures shall be permitted in submerged lands, mangroves, salt ponds, freshwater wetlands, undisturbed wetlands or high quality salt marsh or high quality buttonwood association wetlands, except for elevated, pile supported walkways, docks, piers, water observation platforms and utility pilings. No fill shall be permitted in submerged lands, mangroves, salt ponds, freshwater wetlands, undisturbed wetlands or high quality salt marsh or high quality buttonwood association wetlands except:</p> <ol style="list-style-type: none"> <li>a. As specifically defined in the environmental design criteria within the Land Development Regulations for mooring facilities, water observation or access facilities, navigational markers, rip-rap, seawalls, bulkheads, boat ramps or retaining walls;</li> <li>b. To fill a manmade, excavated waterbody such as a canal, boat slip, boat basin or swimming pool with approval by ACOE and DEP; or</li> <li>c. As needed for the siting of necessary public facilities when it can be demonstrated that the siting</li> </ol>

**PROPOSED AMENDMENTS TO THE ADOPTED GOALS, OBJECTIVES AND POLICIES**

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		<p>will serve a legitimate public purpose and an analysis has been undertaken prior to finalizing plans for the siting of any new or any significant expansion (greater than 25 percent) of existing public facilities. The analysis shall include an evaluation of need; evaluation of alternative sites and design alternatives for the selected sites and an assessment of impacts on surrounding land uses and natural resources or as needed for shoreline stabilization or beach re-nourishment projects with a valid public purpose that furthers the goals of the City's Plan, as determined by the City Manager or designee. All such projects shall require approval by the Florida DEP and the US ACOE prior to issuance of a City building permit.</p>
<p>Resource Protection addresses: terrestrial resources</p>	<p>Policy 4-1.2.12</p>	<p>Limit Development Impacts on Disturbed Wetlands Within one year of the of the effective date if the Plan, the City shall adopt Land Development Regulations which provide a methodology for calculating the mitigation value of disturbed wetlands identified as developable through the KEYWEP. The debit value will be calculated based on the quality and the size of the wetland area to be developed.</p>
<p>Resource Protection addresses: water quality benthic resources shoreline resources terrestrial resources</p>	<p>Policy 4-1.3.1</p>	<p>Protect, Conserve and Enhance Coastal Resources, Wetlands, Water Resources, Living Marine Resources, Wildlife Habitats and Other Natural Resources and the Environmental Health of Florida Bay, the Atlantic Ocean and All Surface and Ground Waters The City shall adopt Land Development Regulations to protect, by:</p> <ol style="list-style-type: none"> <li>a. Preventing adverse impacts of development and redevelopment on wetlands, estuaries, water resources, living marine resources and other natural resources;</li> <li>b. Maintaining or improving coastal environmental quality by commencing the Stormwater Management Plan identified in this Plan;</li> <li>c. Regulating land development activities that could have negative impacts on coastal shorelines, including impacts on water quality, living marine organisms, seagrass beds and wetlands;</li> <li>d. Directing growth away from VE Flood Zones through Local Mitigation Strategies and the Building Permit Allocation System identified in this Plan;</li> <li>e. Creating a Transfer of Development Rights (TDR) Program that directs growth away from VE zones as described in this Plan;</li> <li>f. Managing nearshore waters and flats through the enforcement of speed limits, no wake zones and no motor zones;</li> <li>g. Regulating activities with potentially adverse impacts on coastal resources, including but not limited to ultra-light planes, seaplanes, live-aboard vessels and personal watercraft;</li> <li>h. Preventing adverse impacts of lighting on coastal resources;</li> <li>i. Prohibiting the mooring of live aboard vessels outside of approved marinas;</li> </ol>

## PROPOSED AMENDMENTS TO THE ADOPTED GOALS, OBJECTIVES AND POLICIES

Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
		<p>j. Prohibiting boat launching from various rights-of-way that are not designated as public boat ramps and restricting random water access points; and</p> <p>k. Regulating the impacts of development on native vegetative communities and wildlife habitats.</p>
Resource Protection addresses: water quality	Policy 4-1.3.2	Protect and Conserve Outstanding Florida Waters The Land Development Regulations shall prohibit development activities that adversely impact water quality, contribute to shoreline erosion and sedimentation or negatively impact wetlands.
Resource Protection addresses: terrestrial resources	Policy 4-1.3.4	Restrict Development in Wetlands Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations that prohibit development within undisturbed wetlands and limit development of disturbed wetlands as described in Policy 4-1.2.12. The City shall encourage the dedication of conservation easements for all wetlands and upland buffer areas adjacent to wetlands. Wetlands shall be defined per Subsection 373.019(22), F.S., further described by the delineation methodology in Section 373.4211, F.S. All development in wetlands shall have approval or a letter of exemption by the DEP and the ACOE prior to review by the City. ...
Resource Protection addresses: water quality	Policy 4-1.4.1	Protect Living Marine Resources, Wetlands and Seagrass Beds Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations that prevent adverse impacts of development on seagrass beds, wetlands and other living marine resources. Since these areas are sensitive to increased turbidity, stormwater runoff and other forms of pollution, the introduction of nutrients shall be regulated through effective water quality management. Development impacting marine resources shall be coordinated with State and Federal agencies having jurisdiction prior to the City granting plan approval and/or prior to release of any permit for construction.
Resource Protection addresses: wildlife resources	Policy 4-1.4.4	Promote Propagation of Fish and Wildlife The City shall incorporate criteria in the Land Development Regulations that prevent adverse impacts from development on submerged lands, water quality, reef systems and other habitats for fish and wildlife.
Resource Protection addresses: shoreline resources	Policy 4-1.4.6	<del>Mangrove Trimming or Removal-Shoreline Vegetation Removal</del> Within one year of the effective date of this Plan, the City shall adopt Land Development Regulations to regulate the trimming or removal of shoreline vegetation, excluding mangroves. <del>The City shall coordinate with the DEP to regulate mangrove trimming or removal pursuant to rules found in the F.A.C.</del>



**PROPOSED AMENDMENTS TO THE ADOPTED GOALS, OBJECTIVES AND POLICIES**

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>										
Resource Protection addresses: shoreline resources terrestrial resources	Policy 4-1.5.1	<p><b>Establish Incentives to Conserve Sensitive Habitat</b>                      Within one year of the effective date of the Plan, the City shall adopt regulations providing for protection of native vegetative communities and land clearing which mandate that new development preserve, at a minimum, all undisturbed wetlands and ninety percent (90%) of high quality tropical hammocks on the parcel being developed. These regulations shall further provide for the preservation and transplantation of plant species that have been designated as endangered, threatened or of special concern by a State or Federal agency. These regulations shall also apply to the City's list of regionally important plant species. An incentive program shall be provided for the conservation of upland areas containing recognized sensitive plant communities and species.</p>										
Resource Protection addresses: terrestrial resources	Policy 4-1.5.2	<p><b>Require Removal of Invasive Exotic Vegetation</b>                      Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations that require the owner/applicant to remove all invasive exotic vegetation from the subject site as a condition of development. Prior to the removal of vegetation, a vegetation survey or habitat analysis shall be required if deemed necessary by the City. These regulations shall require the site be maintained free of invasive exotic vegetation for a period of at least two (2) years. The list of invasive exotic vegetation will be developed pursuant to the Florida Exotic Pest Plant Council annual recommendations. 9J-5.013(2)(c)3</p>										
Resource Protection addresses: terrestrial resources	Policy 4-1.5.3	<p><b>Provide for Open Space</b>                      Upon the effective date of the Plan, the City shall provide for open space as a part of the requirements for all development and redevelopment. Open space areas shall be designated and treated in such a manner as to maintain the integrity whether the primary purpose is to serve as natural vegetative or wildlife habitat, or as cultivated landscaped space. No land shall be developed, used or occupied such that the amount of open space on the parcel proposed for development is less than the open space ratios (OSR) listed below in Table 4-1, for each ecological community.</p> <table border="1" data-bbox="695 1162 1923 1370"> <thead> <tr> <th colspan="2" data-bbox="695 1162 1923 1230"><b>TABLE 4-1 OPEN SPACE RATIOS</b></th> </tr> <tr> <th data-bbox="695 1230 1604 1268"><b>Ecological Community</b></th> <th data-bbox="1604 1230 1923 1268"><b>OSR</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="695 1268 1604 1305">Submerged Lands (Open Water)</td> <td data-bbox="1604 1268 1923 1305">1.00</td> </tr> <tr> <td data-bbox="695 1305 1604 1343">Mangrove and Freshwater Wetlands</td> <td data-bbox="1604 1305 1923 1343"></td> </tr> <tr> <td data-bbox="695 1343 1604 1370">Undisturbed</td> <td data-bbox="1604 1343 1923 1370">1.00</td> </tr> </tbody> </table>	<b>TABLE 4-1 OPEN SPACE RATIOS</b>		<b>Ecological Community</b>	<b>OSR</b>	Submerged Lands (Open Water)	1.00	Mangrove and Freshwater Wetlands		Undisturbed	1.00
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Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)																																								
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Resource Protection addresses: terrestrial resources	Policy 4-1.5.4	<p>Limit Clearing of Native Vegetation</p> <p>Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations which shall limit the clearing of native vegetation to the immediate development area. The immediate development area shall include the area of approved clearing shown on the approved site plan. The immediate development area shall be fenced throughout the duration of construction. During construction, there shall be no disturbances of the ground surface and vegetation within required open space areas.</p>																																								
Resource Protection Addresses: wildlife resources terrestrial resources	Policy 4.1.5.5	<p>Prohibit Development Impacts on Certain Native Vegetation</p> <p>Development shall not disturb the following vegetation:</p> <ol style="list-style-type: none"> <li>a. champion trees;</li> <li>b. specimen trees (diameter at breast height that is greater than seventy-five (75) percent</li> </ol>																																								

**PROPOSED AMENDMENTS TO THE ADOPTED GOALS, OBJECTIVES AND POLICIES**

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		<p align="center">of the record tree of the same species for the State of Florida); and</p> <p align="center">c. plant species listed by the FWS as threatened and endangered. [9J-5.013(2)(c)3]</p>
<p>Resource Protection</p> <p>addresses:</p> <p>wildlife resources</p>	<p>Policy 4.1.5.6</p>	<p>Limit Impacts on Native, Threatened, Endangered or Commercially Exploited Species</p> <p>Development shall be sited so as to minimize impacts on the following plants:</p> <ul style="list-style-type: none"> <li>a. species listed by the Florida Department of Agriculture and Consumer Services as threatened, endangered or commercially exploited (excluding those specifically protected by Policy 4-1.5.6);</li> <li>b. other locally rare native species; and</li> <li>c. native trees with diameter at breast height (dbh) of four (4) inches or greater.</li> </ul> <p>In those instances, where an applicant can demonstrate that avoidance of such species or trees is not possible by clustering or by an alternate design approach, then successful transplantation of such species shall be considered on-site. "Successful" transplantation shall be defined as one-hundred (100) percent survival after a period of one (1) year. Where the probability of survivability of transplanted plants is low (as determined in writing by the City Biologist), then the applicant shall be required to pay into the City Restoration Fund, or to donate nursery stock to city or state restoration projects. Donated nursery stock shall be identical in species composition to that which will be lost to construction. Stock shall be donated according to the following replacement schedule:</p> <ul style="list-style-type: none"> <li>a. for native trees over four (4) inches dbh, three (3) replacements for each taken;</li> <li>b. for listed species of any size, three (3) replacements for each taken; and</li> <li>c. for locally rare native species, three (3) replacements for each taken.</li> </ul> <p>In situations where replacement stock is not available, then a replacement schedule utilizing alternative species shall be approved in writing by the City Biologist. This alternative shall be utilized only after all possible sources of replacement species have been exhausted. In situations where payments are made in lieu of donations of stock, such payments shall be sufficient to purchase stock in numbers corresponding to the above replacement schedule.</p>
<p>Resource Protection</p> <p>addresses:</p> <p>terrestrial resources</p>	<p>Policy 4-1.5.7</p>	<p>Require Clustering</p> <p>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.</p>

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<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		<p>Clustering requirements shall be as follows:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b. When a parcel proposed for development contains more than one (1) habitat type, development shall be:               <ul style="list-style-type: none"> <li>1. clustered on the least sensitive portion of the parcel, until the maximum allowable density is reached;</li> <li>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</li> <li>3. development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel.</li> <li>4. Modification of the development footprint to minimize the impact on existing native understory and canopy trees.</li> </ul> </li> </ul> <p>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.</p> <p style="margin-left: 40px;">Class I Saltmarsh and/or buttonwood association wetlands; Beach or berm; High quality hammock; Moderate quality hammock; Low quality hammock;</p> <p style="margin-left: 40px;">Class II Disturbed beach or berm; Disturbed with salt marsh and/or buttonwood association wetlands (lawfully converted to disturbed uplands); Disturbed with hammock;</p>

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		<p align="center">Class III Disturbed; and Disturbed with exotics.</p> <p>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.</p>
Resource Protection addresses: terrestrial resources	Policy 4-1.7.1	Wetland Densities In accordance with the Future Land Use Element, allocated density (dwelling units per acre) shall be assigned to high quality disturbed wetlands, undisturbed wetlands, salt ponds and mangrove forests only for use as transferable development rights (TDR's) away from these habitats. High quality disturbed and undisturbed wetlands shall be assigned a density of 0.25 dwelling units per acre as a sender site. Submerged lands shall not be assigned density for the purposes of development right transfers.
Resource Protection addresses: shoreline resources benthic resources	Policy 4-1.11.1	Enhance Coastal Marine Resources Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations to implement each of the policies defined within this objective to protect, conserve and enhance coastal and marine resources.
Resource Protection addresses: wildlife resources	Policy 4-1.11.7	Maximize Protection of Sea Turtles The City shall adopt Land Development Regulations to maximize protection of sea turtles. Such regulations shall apply to existing and new development and shall generally accomplish the following: <ul style="list-style-type: none"> <li>a. Prohibit activities disruptive to marine turtles;</li> <li>b. Establish standards for preventing interior or exterior lighting from illuminating nesting areas during the nesting season;</li> <li>c. Establish nesting habitat setbacks;</li> <li>d. Establish standards for mechanical beach cleaning; and</li> <li>e. Protect marine turtles from predation.</li> </ul>

**PROPOSED AMENDMENTS TO THE ADOPTED GOALS, OBJECTIVES AND POLICIES**

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
Resource Protection addresses: wildlife resources	Policy 4-1.11.8	<p>Protect Sea Turtles From Land Development Activities</p> <p>The City shall protect marine turtles from land development activities. Notwithstanding the provisions above for shoreline development, no development other than pile supported docks and walkways designed to minimize adverse impacts on marine turtles shall be allowed within fifty (50) feet of any portion of potential nesting area for marine turtles. All such development shall comply with the City Code and the following:</p> <ol style="list-style-type: none"> <li>a. On shorelines with no distinct berm, the nesting area is recognized as the first fifty (50) feet from the MHWL. The setback is measured from this fifty (50) foot line for a required setback of one hundred (100) feet from MHWL. If a berm is present, the fifty (50) foot setback shall be measured from the landward toe of the most landward beach berm. At no time shall the maximum total setback exceed one hundred (100) feet from MHWL.</li> <li>b. Known or potential nesting areas for marine turtles are those areas identified as such on the City's adopted Protected Animal Species Maps. Within mapped nesting areas, the City Planning and Development staff may, in cooperation with the DEP, determine that specific segments of shorelines have been previously, lawfully altered to such a degree that suitable nesting habitat for marine turtles is no longer present. In such cases, the City Planning and Development staff in cooperation with the Florida DEP may recommend reasonable measures to restore the nesting habitat. If such measures are not feasible, the specific requirements of this subsection do not apply. Restoration of suitable nesting habitat shall be required for unlawfully altered beaches.</li> <li>c. Any such dock or walkway shall be designed to the following criteria to minimize adverse impacts on marine turtles.</li> <li>d. The structure shall have a minimum horizontal distance of four (4) feet between pilings or other upright members.</li> <li>e. The structure shall have a minimum clearance of two (2) feet above grade.</li> <li>f. If stairs or a ramp with less than the minimum two (2) feet clearance above grade is required, such stairs or ramp shall be enclosed with vertical barriers no more than two (2) inches apart.</li> </ol>
Shoreline Alterations addresses: water quality shoreline resources	Policy 4-1.3.5	<p>Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations mandating that the potential impacts of shoreline development be analyzed as part of the development review process. The City shall not approve a development order until the potential impacts identified by the applicant and public entities having jurisdiction over the impacted resources have been considered by the City. The applicant shall bear the burden of demonstrating that adverse impacts on natural resources of the coastal zone will be prevented and that all applicable State and/or Federal regulatory measures have been satisfied. The development review process shall involve all local, regional, State</p>

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<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		<p>and Federal entities with jurisdictional authority. All development shall:</p> <ul style="list-style-type: none"> <li>a. Protect fish and wildlife habitat;</li> <li>b. Prevent degradation of water quality and estuaries;</li> <li>c. Manage surface water run-off to prevent water quality degradation;</li> <li>d. Protect living marine resources;</li> <li>e. Reduce exposure to natural hazards; and</li> <li>f. Ensure adequate public access.</li> </ul>
<p>Shoreline Alterations</p> <p>addresses:                      water quality                      shoreline resources                      wildlife resources</p>	<p>Policy 4-1.3.6</p>	<p><b>Protect, Stabilize and Enhance Shorelines</b></p> <p>Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations that stipulate that no native vegetation shall be removed from shorelines without a duly authorized permit. Similarly, criteria shall be included requiring applicants for development along the shoreline to re-vegetate, stabilize and enhance damaged vegetative shorelines by planting native plant species, which:</p> <ul style="list-style-type: none"> <li>a. Contribute to fish and wildlife habitat, marine productivity and water quality;</li> <li>b. Offer protection from erosion and flooding;</li> <li>c. Contribute to the natural soil building process;</li> <li>d. Provide habitat for a diverse community of plants and animals, including species listed by the State of Florida as endangered, threatened, or species of special concern; and</li> <li>e. Are aesthetically pleasing and can be reasonably incorporated as a landscaping asset for waterfront residences.</li> </ul> <p>Native vegetation shall not be removed unless the applicant agrees to a mitigation plan to ensure that re-vegetation occurs.</p>
<p>Shoreline Alterations</p> <p>addresses:                      water quality                      shoreline resources</p>	<p>Policy 4-1.3.7</p>	<p><b>Prohibit Construction of New Bulkheads, Seawalls or Other Hardened Vertical Shoreline Structures on Open Water</b></p> <p>No hardening of shorelines shall be permitted unless for erosion control where the applicant can demonstrate that native vegetation will not suffice. Where erosion control is necessary then rip-rap shall be permitted to the minimum extent necessary in conjunction with native shoreline vegetation. Geotextiles and geogrids are flat, interlocking shore protection structures which follow the natural slope of the shore. Rip-rap <del>are</del> <u>is</u> natural or concrete boulders <u>material</u> that <u>meets</u> the following guidelines:</p>

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		<ul style="list-style-type: none"> <li>a. It is constructed in a manner that would not prevent the establishment of native vegetation;</li> <li>b. It consists only of natural boulders or clean concrete rubble six (6) inches to three (3) feet in diameter or in average dimensions;</li> <li>c. The slope of the riprap is no steeper than 2H:1V and the horizontal distance is no more than eight (8) feet;</li> <li>d. There are no reinforcing rods or other similar protrusions in concrete rubble and all rubble or boulders are free of attached sediments;</li> <li>e. Neither the distance nor the use of the riprap interferes with navigation or infringes upon the riparian rights of the adjacent property owners; and</li> <li>f. There is no filling or dredging associated with the placement of riprap other than the riprap material itself.</li> </ul>
Shoreline Alterations addresses: water quality shoreline resources	Policy 4-1.3.8	<p><b>Enact Measures to Stabilize Canals and Shorelines</b> In lieu of constructing bulkheads, seawalls or other hardened vertical shoreline structures, residential canals and altered shorelines shall be stabilized by maintaining native vegetation. When it can be demonstrated that native vegetation will not prevent erosion, then riprap or sloping rock revetments shall be permitted to the minimum extent necessary, in conjunction with native vegetation as approved by the Planning Manager.</p>
Shoreline Alterations addresses: water quality shoreline resources	Policy 4-1.3.9	<p><b>Limit Hardened Shorelines</b> Bulkheads, seawalls or other hardened vertical shoreline structures shall be permitted on residential canals and altered shorelines only in the following situations and then utilizing materials consistent with Policies 4-1.3.6 and 4-1.3.7 for the following purposes:</p> <ul style="list-style-type: none"> <li>a. To replace an existing deteriorated bulkhead or seawall; or</li> <li>b. To stabilize a severely eroding shoreline area where riprap in conjunction with native vegetation will not suffice.</li> </ul>
Shoreline Alterations addresses: shoreline resources	Policy 4-1.5.12	<p><b>Define Altered and Unaltered Shorelines</b> The City shall adopt Land Development Regulations that define 'altered shoreline' and 'unaltered shoreline', which shall be written to recognize the following general features of each:</p> <ul style="list-style-type: none"> <li>a. Altered shorelines. Altered shorelines generally are located directly along dredged canals, basins and channels and/or have been filled or vertically bulkheaded to such a degree that the original natural slope landward of the water is no longer present.</li> </ul>



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Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
		b. Unaltered shorelines. Unaltered Shorelines generally are located along natural non-dredged waterways and open water and have a sloping profile typical of the original natural conditions of the shoreline even though fill or riprap may be present.
Water Quality addresses: water quality	Policy 4-1.3.10	Prevent Adverse Impacts to Water Quality Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations to prevent development activities that adversely impact water quality through shoreline erosion and sedimentation over-wash onto wetlands.
Water Quality addresses: water quality	Policy 4-1.4.3	Manage Impacts of Coastal Development on Tidal Flushing and Circulation Patterns No development shall produce changes in the tidal flushing and circulation patterns unless all agencies having jurisdiction grant clearance. Any project that may produce changes in circulation patterns or tidal flushing shall be approved only after sufficient hydrographic information is available to allow an accurate evaluation of the possible impacts of the project. Previously existing manmade alterations shall be evaluated so as to determine whether more hydrological benefits will accrue through their removal as part of the project.
Water Quality addresses: water quality	Policy 4-1.11.13	Dead End Canals The City shall work cooperatively with the DEP, ACOE and other applicable agencies to identify the water quality and permitting issues relating to the opening of dead-end canals.
Water Quality addresses: water quality	Policy 4-1.11.14	Seaweed Restriction Devices The City shall work cooperatively with the DEP, ACOE and other applicable agencies to identify and permit appropriate use of aerators or other weed restriction devices as a means of improving water quality.
Water Quality addresses: water quality terrestrial resources	Policy 4-1.18.6	Control Use of Non-Vegetative Landscape Material Within one year of the effective date of this Plan, the City shall adopt Land Development Regulations that establish criteria and regulations which encourages the placement of alternative materials for use in landscaping and parking areas and discourages the use of crushed gravel in order to protect the City's nearshore waters from surface water runoff through crushed gravel. Runoff from crushed gravel results in high turbidity in our near-shore waters, resulting in layers of silt, which can kill off sea grass, corals and marine life.
Waste Management	Policy 4-	Assure Proper Management of Solid and Hazardous Wastes

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	1.9.1	The City shall cooperate with the appropriate Federal, State and local agencies to assure that solid and hazardous wastes generated within the City are properly managed to protect the environment.
Development Approval	Policy 4-1.4.5	Require Necessary External Agency Permits Within one year of the effective date of this Plan, the City shall adopt Land Development Regulations to require that all applicants for a permit to develop in submerged lands or wetlands obtain necessary permits from all applicable State and Federal regulatory agencies prior to submittal to the City.
Development Approval	Policy 4-1.5.13	Protect Natural Resources through Development Review The City shall require development review of all proposed development or redevelopment to prevent unnecessary destruction or inappropriate use of existing natural resources and natural sites. Through the development review process the City shall enforce qualitative and quantitative development criteria consistent with the Plan that governs:  a. The management of surface water; b. The preservation of open space; c. The preservation of native vegetation and environmentally sensitive habitats; and d. Protection of tidal flushing and circulation patterns.
Development Approval	Policy 4-1.11.5	Special Approvals The City shall establish and adopt a variance or special approval procedure to allow the minimum relaxation of the above restrictions when it is necessary to provide the upland owner reasonable access to adjacent waters. This procedure shall allow the minimum relaxation of the above restrictions and incorporate, among other criteria, requirements that such structures not be inconsistent with community character, not interfere with public recreational uses in or on adjacent waters, and poses no navigational or public safety hazard.  a. For structures serving commercial uses, public uses, or more than three dwelling units, the City Manager or designee may approve deviations from these adopted standards through a special approval process. Such approval may include additional structures or uses provided that such approval is consistent with and furthers the purposes of the Plan, is consistent with the general standards applicable to all uses, and the proposed structures are located in a disturbed area of an altered shoreline. Additional conditions to mitigate for such development shall be established by the City Manager or designee, such as requiring a water quality-monitoring program, a reduction

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		<p>of impervious surfaces, or installation of additional landscaping material.</p> <p>b. The City Manager or designee may approve designs that address unique circumstances such as odd shaped lots, even if such designs are inconsistent with the above standards. Such approval may be granted only upon the City Manager or designee's written concurrence with the applicant's written finding that the proposed design furthers the purpose of this section and the goals of this Plan. Site Plan approval shall strive for the least possible deviation from the above standards to address the unique circumstances.</p> <p>c. Nonconforming structures lawfully existing within the shoreline setback along manmade canals, channels, or basins, or serving three or fewer dwelling units on any shoreline, may be rebuilt in the same footprint provided that there will be no adverse impacts on surface water runoff or navigation.</p> <p>d. Existing docks or docking facilities lawfully established along the shoreline of manmade canals, channels, or basins, or serving three or fewer dwelling units on any shoreline, may be expanded or extended beyond the size limitations contained in this section in order reach the water depths specified for docking facilities in Policy 4-1.11.2. Any dock or docking facility so enlarged must comply with all other requirements of this Plan.</p> <p>e. The City shall establish and adopt a long dock variance procedure to allow the minimum relaxation of the above restrictions for new docks or docking facilities requiring lengths that exceed the established minimums in order to reach adequate water depths. Due to inaccessibility to sufficient water depth, prevalence of marine turtle nesting habitat and abundant seagrass communities, this variance procedure shall not be available for new docks located on the ocean side of Grassy Key.</p>
Development Approval addresses: water quality	Policy 4-1.18.1	Support County, State and Federal Policies The City shall support County, State and Federal policies and regulations concerning the permitting of dredge and fill activity, except in those instances where more stringent regulations, as adopted by the City, shall supercede other agency standards.
Setbacks addresses: terrestrial resources	Policy 4-1.4.2	Maintain a 50 Foot Buffer Adjacent to Wetlands The City shall require minimum vegetated setbacks of fifty (50) feet to be maintained as an open space buffer for development occurring adjacent to all types of wetlands except for tidally inundated mangrove fringes or permitted under Objectives 4-1.2 and 4-1.11. If a fifty (50) foot setback results in less than 2,000 square feet of principal structure footprint of reasonable configuration then the setback may be reduced to allow for 2,000 square feet of principal structure footprint of reasonable configuration,

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		<p>provided the setback is not reduced to less than twenty-five (25) feet. On properties classified as scarified adjacent to wetlands, the wetland setback may be reduced to twenty-five (25) feet, without regard to buildable area if the entire setback area is planted and maintained in native vegetation with a site-suitable stormwater management plan, and thereafter placed under conservation easement. The wetland setback required by this subsection shall not apply to mangrove or wetland fringes occurring along man-made canals, channels or basins. 'Development' shall include all activities as currently defined in the F.S. 380.05, hereby incorporated by reference.</p>
<p>Setbacks addresses: wildlife resources water quality shoreline resources</p>	<p>Policy 4-1.4.8</p>	<p>Shoreline Setback Development Criteria Minimum coastal construction setbacks in the City shall be established in the Land Development Regulations to protect:</p> <ol style="list-style-type: none"> <li>a. Natural shoreline vegetation;</li> <li>b. Marine turtle nesting habitat;</li> <li>c. Water quality through assimilative and filtrative uptake of pollutants by upland setback buffer areas;</li> <li>d. Structures from the effects of long-term sea level rise;</li> <li>e. Beaches and shorelines from erosion; and</li> <li>f. The character and overwater views of the community.</li> </ol>
<p>Setbacks addresses: water quality shoreline resources</p>	<p>Policy 4-1.4.9</p>	<p>Principal Structure Shoreline Setbacks The City shall establish that, at a minimum, all principal structures shall be setback from shorelines as follows. For the purposes of this policy cut-in boat slips shall be excluded from the shoreline setback requirements for lots 5,000 square feet or less in area. Such lots must meet all applicable regulations including, but not limited to, ten (10) foot setback from the cut-in boat slip, stormwater management, other required setbacks, and open space ratio.</p> <ol style="list-style-type: none"> <li>a. All principal structures shall be setback twenty (20) feet, as measured from mean high water line ("MHWL") or landward edge of the mangrove fringe, whichever is further landward, for manmade canals, channels, basins and lawfully altered shorelines.</li> <li>b. On open water, all principal structures shall be setback fifty (50) feet, as measured from the MHWL or the landward extent of the mangroves, whichever is further landward, for all unaltered and unlawfully altered shorelines.</li> <li>c. On open water, all principal structures shall be setback thirty (30) feet, as measured from the landward extent of the mangroves, where the original slope landward of the water has been significantly altered by filling but a mangrove fringe exists that is contiguous from side lot line to side</li> </ol>

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		<p>lot line and is at least ten (10) feet wide at the root zone.</p> <p>d. On open water where the original slope landward of the water has been significantly altered by filling where no bulkhead, significant armoring or mangrove fringe exists that is contiguous from side lot line to side lot line, all principal structures shall be setback thirty (30) feet, as measured from the MHWL, provided that native vegetation exists or is planted and maintained in at least a ten (10) foot width across the entire shoreline; otherwise the setback shall be fifty (50) feet, as measured from the MHWL.</p> <p>e. On in-fill lots along open water shorelines which have been altered by the legal placement of fill, have a bulkhead, or significant armoring with no contiguous mangrove fringe and which are surrounded by significant development where principal structures are set back less than fifty (50) feet from the MHWL or the landward extent of the mangroves, the City Manager or designee may evaluate the community character, the presence or absence of environmental features, and the setbacks on adjacent developed properties within two parcels on either side of the proposed development, and may allow principal structures to be setback as far as is practicable or in line with adjacent principal structures. In no event shall the setback be less than twenty (20) feet. On shorelines where the existing pattern of setback is greater than thirty (30) feet, the greater setback shall apply. This setback relaxation shall not be available for recognized Marine Turtle nesting habitats.</p>
<p>Setbacks</p> <p>addresses: water quality shoreline resources</p>	<p>Policy 4-1.4.10</p>	<p>Accessory Structure Shoreline Setbacks</p> <p>An exception to the shoreline setback requirement shall be allowed only for utility pilings, fences, docks, boat ramps, boat slips, boat shelters, seawalls, retaining walls, riprap, bulkheads, walkways, and outdoor sport and recreational accessory structures such as, but not limited to, non-enclosed decks, gazebos, pools, spas, permanent barbecues, fish cleaning tables, picnic tables and seating structures, which are allowed within the shoreline setback. All accessory structures shall be setback from shorelines as follows:</p> <p>a. All permissible accessory structures within the shoreline setback other than docks, docking facilities, utility pilings, fences, boat ramps, boat slips, boat shelters, seawalls, retaining walls, riprap, bulkheads, walkways, water observation platforms and water observation walkways must maintain a twenty-five (25) foot setback from the MHWL or the landward extent of the mangroves, whichever is further landward, on all unaltered shorelines.</p> <p>b. All permissible accessory structures within the shoreline setback other than docks, docking facilities, utility pilings, fences, seawalls, retaining walls, riprap, walkways, water observation platforms and water observation walkways must maintain a fifteen (15) foot setback from the landward extent of the mangroves on all significantly filled shorelines on open water with a contiguous mangrove fringe.</p> <p>c. Provided that native vegetation exists or is planted and maintained in at least a ten (10) foot width</p>

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		<p>across the entire shoreline, on all significantly filled shorelines on open water where there is no bulkhead, significant armoring or mangrove fringe that is contiguous from side lot line to side lot line, all permissible accessory structures within the shoreline setback other than docks, docking facilities, utility pilings, fences, seawalls, retaining walls, riprap, walkways, water observation platforms and water observation walkways must maintain a fifteen (15) foot setback from the landward edge of the ten (10) foot wide shoreline bufferyard; otherwise, for scarified parcels all permissible accessory structures must maintain the setbacks established for unaltered shorelines on open water.</p> <p>d. All permissible accessory structures within the shoreline setback other than docks, docking facilities, utility pilings, fences, seawalls, retaining walls, riprap, walkways, water observation platforms and water observation walkways must maintain a ten (10) foot setback from mean high water along lawfully altered shorelines.</p>
<p>Setbacks</p> <p>addresses: water quality shoreline resources</p>	<p>Policy 4-1.4.12</p>	<p>Shoreline Setback Development Limits</p> <p>In no event shall the total combined area of all upland accessory structures within the shoreline setback occupy more than sixty percent (60%) of the required shoreline setback area along manmade canals, channels, basins and lawfully altered shorelines. In no event shall the total, combined area of all upland structures within the shoreline setback occupy more than thirty percent (30%) of the required shoreline setback area for all other shorelines.</p>
<p>Walkways</p> <p>addresses: benthic resources shoreline resources</p>	<p>Policy 4-1.4.11</p>	<p>Shoreline Walkways</p> <p>Walkways landward of mean high water serving nonresidential uses or residential uses of more than three (3) dwelling units shall not exceed eight (8) feet in width. Walkways serving all other uses shall not exceed five (5) feet in width. All walkways and access ways extending over mangrove, wetlands, or submerged lands shall be pile supported and not exceed four (4) feet in width.</p>
<p>Dock and Mooring Restrictions</p> <p>addresses: benthic resources</p>	<p>Policy 4-1.11.2</p>	<p>Minimum Water Depth for Docking Facilities</p> <p>Except as provided herein, the siting of docking facilities <del>and boat slips on manmade water bodies</del> shall require minus four (-4) feet mean low water (MLW) depth at the terminal end. These structures must have continuous access to open water at depths of minus four (-4) feet MLW or greater over a channel width of twenty (20) feet, or access to open water via a marked, Federal and State approved navigation channel.</p> <p>a. Docking facilities may be developed on any shoreline if there is a MLW depth of at least minus four (-4) feet at the terminal end of the docking facility, and continuous access to open water; or</p>

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		<p>b. Docking facilities may be developed on the shoreline if there is a MLW depth of at least minus four (-4) feet at the terminal end of the docking facility and the docking facility is located in a channel, canal or basin that connects five or more contiguous lots, with continuous access to open water.</p> <p>For the purposes of this policy 'open water' means the <del>portion</del> <u>area beyond (-) 6 feet MLW or deeper</u> of the Straits of Florida, Florida Bay, the Gulf of Mexico or the Atlantic Ocean, which consists of an uninterrupted expanse of water <del>deeper than four (4) feet at MLW</del> and 'continuous access' means a natural passage or an existing manmade channel no shallower than four (4) feet at MLW and no narrower than twenty (20) feet.</p>
Dock and Mooring Restrictions  addresses: benthic resources	Policy 4-1.11.3	<b>Minimum Water Depth for Mooring Sites</b> The minimum water depth requirement at a mooring site shall be minus four (-4) feet MLW. <u>Access to and from the mooring site will have minus four feet mean low water, per Policy 4.1.11.2.</u>
Dock and Mooring Restrictions  addresses: benthic resources	Policy 4-1.11.4	<b>Regulate Docks</b> The following restrictions shall apply to all structures built over or adjacent to water: <ol style="list-style-type: none"> <li>a. The maximum permitted length of docks shall be commensurate with the shoreline width of the land parcel at which the dock is located, subject to a maximum length of 100 feet from the mean low water line;</li> <li>b. The length of docks shall not exceed ten percent (10%) of the width of the water body as measured laterally across the water body from the proposed location of placement and from the point of mean low water to the opposing point of mean low water. An exception to this shall be made in cases where adequate depth at the terminal end of the dock pursuant to Policy 4-1.11.2 is not available. In such cases the dock may be lengthened only enough to allow the centerline of an average width vessel to lie in four feet of water at mean low water;</li> <li>c. No dock or mooring structure together with a moored vessel shall preempt more than twenty-five percent (25%) of the navigable portion of a manmade water body;</li> <li>d. All fishing, swimming and other piers, and observation decks shall conform to design criteria to be adopted in the Land Development Regulations, which prohibit their use as a dock;</li> <li>e. Only designs perpendicular to the shoreline shall be allowed except where such structures would preclude lawful navigation of the waterway; or where perpendicular designs are not feasible; and</li> <li>f. A parallel structure may be permitted provided that the structure does not exceed eight (8) feet in</li> </ol>

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Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
		width. Where a continuous mangrove fringe exists along the shoreline, a dock with a walkway perpendicular to the shoreline, such as a "T" or "L" dock, shall be the design permitted.
Dock and Mooring Restrictions  addresses: benthic resources	Policy 4-1.11.6	Protect Living Marine Resources Regardless of water depth, docking facilities and piers shall not terminate on submerged land which is vegetated with sea grasses or is characterized by coral reef or a hard-bottom community except as may be permitted by DEP and ACOE; this shall also apply to mooring fields. The Land Development Regulations shall adopt design criteria to permit sunlight to reach the bottom.
<u>Dock and mooring Restrictions</u>  addresses: benthic resources	<u>Policy 4-1.11.15</u>	<u>Mooring Field Construction</u> <u>Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations to ensure that mooring field construction is accomplished using low-impact techniques which minimize alteration of bottom topography and sediments and to ensure that mooring fields are sited in areas with a minimum water depth of minus six (-6) feet MLW. Access to and from the mooring site will have minus four feet mean low water, per Policy 4.1.11.2.</u>
Prioritization of Uses  addresses: prioritization of use	Policy 4-1.13.1	Shoreline Uses Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations to establish shoreline land use priorities. These regulations shall categorize water-dependent and water-related land uses, establish permitting criteria and use priorities. Priority shall be given to water dependent uses over water related. Water-dependent and water-related uses shall take priority over uses that are not water-dependent or -related. In conjunction with the development of these regulations, the City shall:  a. Identify environmentally suitable waterfront areas and recommend strategies for reserving such areas for water-dependent and water-related development sites consistent with estimated need; b. Analyze conflicts among existing shoreline uses and recommend strategies for reducing or eliminating such conflicts; c. Identify strategies for encouraging appropriate mixed use development that includes water-dependent and water-related uses and is compatible with existing land uses; d. Develop strategies to protect the waterfront sites exhibiting Keys Unique Character; e. Complete a survey of all other water-dependent uses; and f. Complete an inventory of public access points to the beach or shoreline through public and through private lands.



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Prioritization of Uses addresses: prioritization of use	Policy 4-1.13.2	Establish Criteria for Prioritizing Shoreline Uses When reviewing applications for shoreline development, shoreline uses shall be prioritized as follows: <ul style="list-style-type: none"> <li>a. Approved public and private shoreline protection, re-vegetation or restoration programs;</li> <li>b. Approved water-dependent shoreline uses available to the public;</li> <li>c. Recreational and water-related uses available to the public;</li> <li>d. Commercial water-related uses available to the public;</li> <li>e. Docks and commercial marina expansion. Priority shall be directed to water-dependent uses that are available for public use;</li> <li>f. Parking facilities for shoreline access;</li> <li>g. Protection of sites designated as having Keys Unique Character;</li> <li>h. Residential water-dependent shoreline uses; and</li> <li>i. Residential water-related shoreline uses.</li> </ul>
Public Access addresses: public access	Policy 4-1.3.5	Protect Coastal and Estuarine Environmental Quality and the Shoreline Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations mandating that the potential impacts of shoreline development be analyzed as part of the development review process. The City shall not approve a development order until the potential impacts identified by the applicant and public entities having jurisdiction over the impacted resources have been considered by the City. The applicant shall bear the burden of demonstrating that adverse impacts on natural resources of the coastal zone will be prevented and that all applicable State and/or Federal regulatory measures have been satisfied. The development review process shall involve all local, regional, State and Federal entities with jurisdictional authority. All development shall: <ul style="list-style-type: none"> <li>g. Protect fish and wildlife habitat;</li> <li>h. Prevent degradation of water quality and estuaries;</li> <li>i. Manage surface water run-off to prevent water quality degradation;</li> <li>j. Protect living marine resources;</li> <li>k. Reduce exposure to natural hazards; and</li> <li>l. Ensure adequate public access.</li> </ul>

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Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
Public Access addresses: public access	Objective 4-1.14	Public Access to Water Bodies and Salt-water Beaches The City shall maintain land use policies that provide new or enhance public access to water bodies and salt-water beaches. Beaches shall remain unobstructed and, to the extent lawful, no barriers shall be erected which prevents pedestrian access along the shoreline, subject to reasonable regulations, such as closing times, access, protection of endangered species and use. As such, the City shall enforce standards contained within the following policies.
Public Access addresses: public access	Policy 4-1.14.2	Provide Beach Access at Publicly Funded Oceanfront Developments Publicly funded projects that improve, change or in some way support shorefront development shall provide for public access to the shoreline, as well as the necessary support facilities and services, such as boardwalks, beach / dune walkovers, parking lots and restrooms.
Public Access addresses: public access	Policy 4-1.14.3	Consider Scenic Views in All Site Plans The Land Development Regulations shall include stipulations requiring all site plans for waterfront sites to include design measures, which provide, enhance and preserve scenic views of the water from public rights-of-way (R-O-W).
Public Access addresses: public access	Policy 4-1.14.4	Retain Public R-O-W's that Terminate on Water The City shall adopt Regulations establishing criteria <del>for the to be used</del> in evaluating requests for the abandonment of Public rights-of-way that terminate on the water. <u>Abandonment of these rights-of-way shall generally be discouraged but in cases where they are granted, the City may require that an access easement in favor of the City be retained for possible future public benefit.</u>
Hazard Mitigation	Policy 4-1.3.3	Surface Water Management and Flood Damage Prevention Within one year of the effective date of the Plan the City shall adopt surface water management and flood damage prevention regulations. New development encroaching into the 100 year floodplain shall incorporate elevation and flood protection measures sufficient to protect against the 100 year flood. The City shall maintain consistency with program policies of the National Flood Insurance Program. The City shall monitor new cost effective programs for minimizing flood damage. Such programs may include modifications to construction setback requirements or other site design techniques, as well as upgraded building and construction techniques.

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Hazard Mitigation	Policy 4-1.17.2	<p>Manage Coastal Hazards and Coordinate Updates of the Hazard Mitigation Plan</p> <p>The City shall continue to participate in the Monroe County Technical Coordinating Committee to prepare the hazard mitigation component of the Local Peacetime Emergency Plan. The City shall enforce land use controls within the CHHA, including but not limited to:</p> <ul style="list-style-type: none"> <li>a. Mandating that all development and redevelopment within the CHHA comply with the following regulatory techniques for hazard mitigation:               <ul style="list-style-type: none"> <li>1. State and local regulations to establish shoreline setbacks, as well as applicable State and local construction codes regulating construction activity in coastal areas;</li> <li>2. Surface water management improvements, which mitigate loss of floodplain and comply with adopted surface water management level of service standards for drainage;</li> <li>3. Publicly funded infrastructure shall not be built within the coastal high hazard area unless the facility is for the protection of public health, safety and welfare; and</li> <li>4. Land use controls shall ensure that wetlands are preserved and protected from the adverse impacts of development.</li> </ul> </li> <li>b. A multi-agency development review process shall be initiated to ensure that all proposed development or redevelopment having potential adverse impacts on water quality, wetlands, shoreline stabilization, natural habitats, fish or wildlife, hurricane evacuation or other coastal resources shall be coordinated with County, State, Federal or regional agencies having jurisdiction. A primary function of this review process shall be to effectively reconcile hazard mitigation issues prior to issuance of any development orders.</li> </ul>
Hazard Mitigation	Policy 4-1.22.8	<p>Regulate Redevelopment of Structures Non-Conforming to the Required Base Flood Elevation</p> <p>If an existing structure which is non-conforming to the required base flood elevation is substantially damaged (based on the definition in Chapter 161, F.S.) or abandoned, it shall be rebuilt only to the extent that complies with the current Flood Plain Management standards for the affected property.</p>
Concurrency	Policy 4-1.15.1	<p>Ensure Available Infrastructure and Coordinate Timing and Staging of Public Facilities with Private Development</p> <p>Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations which ensure that future development is directed only to those areas where public facilities, which meet the City's adopted level of service standards, are available concurrent with the impacts of the development or redevelopment. The City shall ensure that funds for future needed</p>

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		<p>infrastructure improvements are phased to coincide with demands generated by development or redevelopment. The infrastructure shall be designed in a manner consistent with the existing and projected future demands generated by development and redevelopment, at the densities permitted through the Future Land Use Element of this Plan. In order to ensure appropriate timing and staging, no development order shall be granted until a plan is submitted by the developer/applicant to the City which demonstrates that all required infrastructure shall be in place and available for use by the development concurrent with the impacts of development. The infrastructure shall also be consistent with applicable local, regional and State coastal resource protection policies.</p>
<p>Dredging addresses: benthic resources</p>	<p>Policy 4-1.18.2</p>	<p><b>Limit New Dredging</b> There shall be no new dredging within the City of Marathon except to maintain a consistent water depth within existing navigable channels maintained by the US Coast Guard or canals that were unevenly dredged as documented in a report from a qualified expert. Dredging shall be the minimum required to match surrounding depths, not to exceed minus 7 feet Mean Low Water. This policy does not authorize the opening of dead end canals. Dredging that would increase flushing from contained water bodies such as boat basins, canals, or tidal pools to open water that would result in water quality degradation to receiving waters shall not be permitted. Impacts to natural communities shall be minimized if such impacts occur appropriate mitigation shall be required.</p>
<p>Dredging addresses: benthic resources</p>	<p>Policy 4-1.18.3</p>	<p><b>Regulate Maintenance Dredging</b> Within one year of the effective date of this Plan, the City shall adopt Land Development Regulations to establish criteria for maintenance dredging. Such Regulations shall prevent dredging within areas vegetated with seagrass beds or characterized by hard bottom communities except for maintenance in public navigation channels. To facilitate the establishment of bottom vegetation, maintenance dredging in artificial waterways shall not exceed depths greater than minus seven (-7) feet mean low water unless other wise permitted by the ACOE and DEP in order to maintain safe, navigable waterways.</p>
<p>Dredging addresses: water quality</p>	<p>Policy 4-1.18.4</p>	<p><b>Placement of Dredged Spoil</b> All dredged spoil resulting from maintenance dredging shall be appropriately disposed of or placed on permitted upland sites where drainage can be contained on-site with appropriate turbidity controls, or as may be permitted by the ACOE and DEP. <u>With ACOE and DEP approval, clean dredge spoil may also be used to restore previously dredged artificial waterbodies.</u></p>

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## EXHIBIT 2

### Marina Operating Permit Ordinance Draft

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*(Note: Compliance with these regulations may require development activities; therefore, these regulations may need to be referenced in the Land Development Regulations)*

Section \_\_\_\_, Marina Operating Permit (MOP)

(a) Intent: The Marina Operating Permit (MOP) is intended to ensure that marinas within the City of Marathon are operated in an environmentally sound manner which is consistent with environmental permits, development approvals and applicable best management practices.

(b) Applicability of Permit Requirement: All marinas in the City of Marathon must have a MOP in order to operate. Existing marinas must submit a complete Marina Operating Permit Application within six months of the effective date of this ordinance and obtain a Marina Operating Permit within twelve months of the effective date of this permit in order to continue operation. All new or expanded marina and boat ramp facilities must obtain a Marina Operating Permit prior to operating the new or expanded portions of facilities.

(c) Operating Permit Conditions: Each MOP will include operating conditions specific to the facility, consisting of the following:

- (1) Carry-over Operating Conditions from County, State or Federal Permits: The applicant will submit copies of relevant permits and identify conditions pertinent to operation of the facility;
- (2) Development Approval Conditions relevant to operation; and,
- (3) Applicable Best Management Practices or a Clean Marina Designation in good standing.

Activities allowed at the facility will be limited to those activities described in the MOP. It is the permittee's responsibility to implement the MOP and ensure compliance of facility users.

Any changes to ownership of facility, mailing address, waste generation rates, or types of materials stored require notification to the City of Marathon within 10 days of the change and an updated permit application within 30 days.

(d) Definitions:

(1) *Marina* means any facility with: one or more wet slips (including moorings) together with a commercial use (a commercial marina); ten or more dry/boat storage spaces (a storage facility); one or more slip used for commercial fishing purposes (a commercial fishing marina); one or more live-aboard slip or live-aboard mooring anchor

(a live-aboard marina); a mooring field with ten or more anchors (a mooring field); a boat launching or ramp facility together with accessory retail and service uses (a commercial ramp or launching facility); or, ten or more wet slips associated with a condominium or multifamily development (a multifamily marina). Numeric thresholds set herein shall be subject to Section 9.5-256 of the Land Development Regulations, Aggregation of development, for purposes of development review. For the purposes of this definition, the following terms are also defined:

(a) *Boat launching or ramp facility* means a facility designed or used for moving vessels from the land into the water, typically through a graded ramp or a davit.

(b) *Commercial* means any structure or activity that generates revenue by any means or serves as an accessory activity or facility to any revenue-generating operation, such as docking for restaurants, hotels, motels, commercial fishing, shipping and boat or ship construction, repair and sales; and, any structure or activity non-revenue generating associated with entities such as governments, non-profit organizations, and agencies. However, the following shall not be construed to be revenue-generating: the sole act of mooring a commercial vessel at the vessel owner's private residential single family dock, incidental aquaculture activities on a private residential dock or pier; rental of a private single-family residence with a dock or pier; or construction by a developer of a private residential single-family or multi-family dock or pier.

(c) *Live-aboard vessel* means any vessel used solely as a residence or any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. Any vessel with a person or persons living aboard that is anchored, moored, or docked in the same location for seventy-two (72) consecutive hours is presumed to be a live-aboard. A commercial fishing boat is expressly excluded from the term "live-aboard vessel."

(d) *Mooring field* means a designated area for anchoring and management of vessels, as established by the City of Marathon and approved by the state.

(2) *Mean Low Water (MLW)* means the average height of the low waters over a 19-year period. For shorter periods of observation, corrections are applied to eliminate known variations and reduce the result to the equivalent of a mean 19-year value.

(3) *Open water* means an area beyond the (-) 6 feet contour or deeper, with continuous access to Hawk's Channel or the Intercoastal Waterway.

(e) *Best Management Practices*: Best Management Practices will be part of the operating permit for each facility. These practices were developed in order to establish practices that will conserve Marathon's marine environment. Some or all of these

practices will apply to each permitted facility as noted. Application of specific BMPs will be at the discretion of the Port Manager at the time of application processing. These BMPs cannot cover all possible situations, and new technologies or experiences may result in better solutions to pollution producing activities. Therefore, these BMPs may be revised, discontinued, or supplemented as required. Marinas which obtain and maintain a Clean Marina Designation from the Florida Department of Environmental Protection can present the designation in lieu of meeting these specific Best Management Practices. However, the City will have the ability to inspect and enforce compliance with the designation.

(1) Resource Protection:

In order to better protect natural resources in nearshore water, all marinas, except for commercial fishing marinas, shall provide the following types of signage when it is deemed appropriate by the City of Marathon's Ports Department:

- *Upland signage illustrating the best route from the marina to open water.* The best route shall provide adequate depth (- 4 ft MLW), adequate width (20 ft wide), and shall avoid benthic resources (seagrasses and hardbottom communities). Number and location of signs will be determined by the Ports Department on a case by case basis. Signage shall be a graphic depiction showing area bathymetry, existing channel markers, land marks and the best route to open water. Signs must comply with the City's sign regulations. Information on this sign may be combined with the ecological signage required below.
- *Ecological signage pertaining to protection of manatees and benthic resources.* The upland sign shall educate the public regarding manatees and describe the value of benthic resources, the need to avoid damage to those resources and steps to take in the event of a grounding. Signs must comply with the City's sign regulations. Information on this sign may be combined with the route signage described above.
- *Private aids to navigation.* Marinas with access channels within 5 ft of shallow benthic resources (seagrass or hardbottom communities in less than 5 ft MLW) shall install uniform private aids to navigation from the docking or mooring point to open water or government marked channel. Benthic mapping of the entire access will only be required if the marina owner wishes to demonstrate the absence of benthic resources. The marina owner shall obtain all necessary authorizations for the installation of private aids to navigation.

(2) Hurricane Preparedness Plan: All facilities except commercial boat ramps shall prepare a written hurricane preparedness plan for their facility and provide a copy to all vessel owners using the permitted facility throughout hurricane season (June 1 through November 30).

(3) Hurricane Evacuation Plan: All facilities with live-aboard vessels (either temporary or permanent) shall provide an evacuation component to their Hurricane Preparedness Plan for those individuals who live on boats docked or moored at the

facility. Permittees must document when mandatory evacuations are announced at the facility, and provide a count of total individuals residing in live-aboard vessels at the time of the announcement and the total individuals who follow the evacuation order. These records must be maintained for each separate evacuation event.

(4) Pump-out Facility: All marinas with ten or more vessel slips (wet or dry) or at which a live-aboard vessel is docked shall provide either fixed or portable pump-out facilities. Marinas accessory to a multi-family principal use are exempt from this requirement only if the total slip number of the facility is less than 20. Pump-out facilities shall be served by appropriate sewage treatment to accommodate the number of slips present according to all applicable State and Federal standards.

All marinas required to have a pump-out facility pursuant to the above shall maintain a pump-out log showing the sewage disposal history of each vessel during its dockage at the marina.

All marinas, regardless of size, will post appropriate signage about the importance of pumping out and which gives clear directions to the nearest pump-out stations.

(5) Discharge of Sewage from Vessels: All marina operators shall advise all tenants of the following:

A. It is illegal to discharge treated or untreated sewage from vessels into the waters of the National Marine Sanctuary and the City of Marathon; and

B. Illegal discharge of sewage from vessels is subject to stiff fines; and

C. The location of the nearest public sewage pumpout facility.

D. No vessels may be docked or moored within the City unless such vessel has an operable, USCG-approved Type III MSD. All vessels docked or moored within the City must place a hardened plastic seal tie supplied by the City of Marathon on the vessel's Marine Sanitation Device equipment to ensure that the tank remains locked and sealed until it leaves City waters.

(6) Provision of Upland Facilities: Marinas with one or more live-aboard must provide upland sanitary facilities and support infrastructure for the maximum number of potential marina tenants, as follows:

- Adequate shower facilities
- Garbage disposal
- Laundry facilities
- Waste recycling receptacles
- Recreation / Open space facilities
- Dedicated dingy-docking area if a mooring field is included



Facilities will be provided in accordance with the City's land development regulations. Prior to adoption of land development regulations addressing these issues the standards will be established by the Port Operations Manager.

(7) Monofilament Recycling: Facilities with charter fishing or commercial fishing vessels, as well as facilities with 10 or more wet or dry slips, will provide monofilament recycling receptacles and disposal facilities.

(8) Petroleum Products (general): Petroleum products shall not be discharged into a storm drain, septic tank, package plant or onto the open ground or surface waters. Care must be taken in handling these products and spills cleaned up promptly at the time detected. All permitted facilities shall maintain a supply of petroleum absorbent material and "spill dry" in a readily accessible location.

(9) Used Oil (general): Used oil includes used engine oil, transmission fluid, hydraulic oil and gear oil. Used oil must be stored in a non-leaking container clearly marked "used oil" on an impervious surface, and covered in a manner that will prevent rain water from entering the container. Oil spills must be prevented from leaving the area by means of a berm or retaining structure. Used oil must be removed from the site by a permitted used oil transporter and receipts and records must be retained for inspection.

(10) New Oil (general): New oil includes new engine oil, transmission fluid, hydraulic oil and gear oil. These petroleum products must be kept in a clearly marked non-leaking container on an impervious surface with a surrounding berm or retaining structure, and covered in a manner that will prevent rain water from entering the container. Leaking containers must be emptied promptly upon detection, either by transferring the product to a non-leaking container or by disposing of it in the "used oil" container.

(11) Anti-Freeze Engine Coolant (general): Anti-freeze is considered a hazardous product and when drained from an engine, it must be stored in a clearly marked container (marked "used antifreeze") on an impervious surface with a surrounding berm or retaining structure, and covered to prevent rain water from entering the container. It must be removed from the site by a permitted liquid waste transporter, and receipts and records must be retained for inspection.

(12) Waste Gasoline (general): Must be stored in a non-leaking container, on an impervious surface with a surrounding berm or retaining structure, and covered to prevent rain water from entering the container. The container must be clearly labeled "waste gasoline" and the storage location must conform to local Fire Codes. Whenever possible, waste gasoline shall be filtered and used as a fuel. Waste gasoline shall not be discharged to the ground, storm sewers or to surface waters of the City of Marathon. Waste gasoline must be removed from the site by a waste transporter permitted to handle this waste product and receipts must be retained for inspection.

(13) Waste Diesel, Kerosene and Mineral Spirits (general): These materials must be stored in non-leaking containers on an impervious surface with a surrounding berm or retaining structure, and covered to prevent rain water from entering the container. Each container must be clearly labeled with its contents. The storage locations shall conform to local Fire Codes. Waste products must be removed from the site by a waste transporter permitted to handle this waste product and receipts must be retained for inspection.

(14) Oil Spills on Land (general): Oil spills shall be collected and put into the used oil container. Oil residues may be absorbed with "spill-dry" or a similar product and disposed of with the regular trash.

(15) Fuel Spills on Land (general):

(a). Spilled diesel fuel shall be collected and placed in the waste diesel container. Uncollectible amounts may be absorbed using "spill-dry" or other petroleum absorbent materials and disposed with the regular trash. If absorbent pads are used, they shall be double-bagged in plastic and disposed of with the regular trash. (This BMP pertains to spills of twenty five (25) gallons or less.)

(b). Spilled gasoline shall be collected and placed in the waste gasoline container. Residues remaining on the ground may be absorbed with "spill-dry" or absorbent pads, but the absorbent material must be thoroughly aerated before disposing with the regular trash to remove gasoline vapors.

(13) Grease (general): Spilled or waste grease shall be collected and put into the used oil container. Residues remaining on the ground may be absorbed with "spill-dry" or a similar product and disposed of with the regular trash.

(16) Oil Filters (general): These must be drained before disposal by placing the filter in a funnel over the used oil collection container so as to allow the excess petroleum product to drain into the container. The drained filters must be stored, whole or crushed, in a DOT approved container and held for pick up by a permitted used oil filter transporter and receipts and records must be retained for inspection. Gasoline and diesel filters must also be drained (they can be drained into the used oil container) and can then be disposed of in the same used filter container.

(17) Fueling Operations (general): Permittees with fueling operations should be aware of the Florida Statutes that pertain to their type of facility. These are Chapter 62-761 Underground Stationary Tank Rule and Chapter 62-762 Aboveground Stationary Tank Rule. In addition, this State agency also operates a pollution control program pertaining to the sale of diesel (not gasoline), and information on this program can be obtained from the same address. There have been significant changes in governmental requirements regarding many aspects of fueling operations, and it is in the best interest

of any permittee dispensing fuel to be aware of these requirements and to anticipate any upgrades that may be required.

(a) Action Plan: All marine facilities with fueling operations must have a written action plan to deal with large petroleum product spills. This plan must include, at a minimum, the names and telephone numbers of all agencies involved with fuel spills and a private cleanup contractor who can be contacted and hired in the event of a major spill.

(b) Containment Booms: Floating containment booms must be kept in the immediate vicinity of the fueling facility. The booms must be large enough to enclose the area of surface water where a fueling spill may reasonably occur, but with a minimum length of fifty feet. Petroleum absorbent materials shall also be kept available to absorb fuel spills on the surface water or on land. Reporting requirements for fuel spills shall be followed as per Coast Guard regulations. All staff at fueling facilities shall have proper training in the deployment of fuel spill equipment and materials.

(c) Fueling: Fuel nozzles must have automatic back pressure shutoffs and must not have a holding clip to keep the nozzle open (i.e., the nozzle shall only be held open by hand.) In the immediate vicinity of the dispenser, there must be petroleum absorbent pads readily accessible in the event of a small spill. A petroleum absorbent pad should be held next to the nozzle while filling, to catch small accidental spills and the few drops of fuel that fall from the nozzle when it is removed from the fill fitting. If fuel accidentally spills in the water or onto the ground, the person fueling the boat shall use the absorbent pads to remove the fuel from the water surface or from the ground. These absorbent pads shall be dried in the open air under sunlight and may then be disposed of with the regular trash.

(d) Mobile Fueling Operations: Mobile fueling operations at any permitted facility shall be the joint responsibility of the permitted marine facility, the tank truck operator, and the vessel owner.

(18) Bilge Waste Water (general): Bilge waste water and "gray" water that is not contaminated by oil, fuel or other regulated contaminants may be discharged onto surface waters or on land. Federal, state and local regulations prohibit the discharge of bilge waste water and "gray" water that is contaminated by oil, fuel or other regulated contaminants. Boat owners shall be liable for complying with these regulations and marine facilities shall inform them of this. Marine facilities shall have supplies and equipment available to remove oil and fuel from bilge water so that it may be legally discharged. These shall include petroleum absorbents and a written action plan to deal with larger quantities of oil, fuel or other regulated contaminants.

"Gray" water shall mean waste water from galley operations (dishwashing) and from hand basins and showers.

(19) Used Lead-Acid Batteries (general): Used lead acid batteries must be stored on an impervious surface, under cover, and sent to or picked up by an approved recycler. Receipts and records must be retained for inspection.

(20) Pressure Cleaning (general): The use of high or low pressure water cleaning equipment for the initial rinse-off of a vessel hauled from the water is acceptable. However, any accumulated algae, oyster or barnacle build-up must be properly collected and disposed of in the regular trash. The use of this equipment to remove bottom paint from hulls shall be restricted to an area with an impervious surface, where the waste water shall be contained, collected and treated to remove paint solids.

(21) Automated Boat Washing Facilities (similar in concept to existing automated car washing facilities) (general): Waste wash water generated by an automated boat washing facility shall be considered an "industrial waste water".

(22) Bottom Paint Removal (general): Paints containing tin compounds are regulated by the U.S. EPA and these paints may be applied or removed only by persons or organizations licensed by the U.S. EPA. The U.S. EPA regulations regarding storage, application, disposal of paint containers and paint residues, sanding dust, etc. are incorporated herein by reference.

Paint containing copper compounds shall be removed as follows:

(a) Wet: Removing copper bottom paint by high pressure water or with a low pressure hose and a scrubber or scraper produces an "industrial waste water".

As a result, this activity must be conducted over an impervious surface (not over open ground) with a retaining berm so that the waste water can be contained. This waste water may be recycled or disposed of, but prior to disposal, it must be treated so as to reduce the levels of concentrations of heavy metals (principally copper) and meet the applicable standards for wastewater disposal. Paint solids may be collected and disposed of with the regular trash if placed in double plastic bags.

(b) Dry: Removing copper bottom paint by dry sanding (either by hand or with power tools) produces a sanding dust containing potentially hazardous metals (principally copper). This sanding must be done over an impervious surface (not over open ground) and there must be a berm or retaining wall surrounding the area so that the sanding dust can be swept up or vacuumed up, double bagged in plastic, and disposed of with the regular trash.

(23) Hand Sanding Hull or Topsides (general): There are no restrictions in regard to sanding without power tools, provided that reasonable efforts are taken to control sanding dust. The sanding generated may be swept up and disposed of with the regular trash.

(24) Sanding Hull or Topsides with Power Tools (general): The sanding dust generated by this activity must be swept up and disposed with the regular trash and may not be intentionally discharged into a storm drain or onto surface waters.

(25) Engine and Parts Storage (general): Engines and engine parts must be stored on a covered, impervious surface. Care must be taken to prevent oil and grease from leaking onto the open ground.

(26) Engine Parts Washing (general): Parts washing may not be done over open ground. Parts washing must be done in a container or parts washer. The parts must be rinsed or air dried over the parts cleaning container. The dirty parts washing fluid must be recycled or disposed of by a licensed waste hauler. The preferred disposal method is by a permitted parts washing contractor who brings new fluid and takes away the sludge and dirty fluid.

(27) Disposal of Solid Waste (general): Disposal or discharge of all solid waste in the waters of City of Marathon is prohibited. All facilities shall provide an adequate number of leak proof containers for the disposal of solid waste and garbage.

(29) Spray Painting (general): If spray painting is to be done outside of a spray booth, then measures must be taken to contain the overspray. Measures such as impervious shields, screens or tarpaulins may control the overspray, however more stringent control measures may be required for site specific applications. Spray painting can only be done over an impervious surface such as asphalt, concrete or a tarpaulin, so that the paint does not contact the open ground. When spray painting is to be done on a vessel in the water, both floats and screens must be used so that overspray or other process materials do not enter the surface waters. If winds increase to the speed where overspray cannot be controlled, the spray painting must cease until the winds diminish.

It is the responsibility of the facility to have Material Safety Data sheets on the products being used in spray painting operations. This information will determine how the waste products generated by spray painting are to be disposed of. Waste solvents, catalysts and paint mixtures should be collected in DOT approved containers and may be recycled or disposed of by a permitted hazardous transporter.

Each facility is responsible for the actions of its employees and for the actions of independent contractors and it is the responsibility of the facility to inform such persons of the possible enforcement action and citations for violations of the regulations pertaining to spray painting.

(30) Sandblasting (general): During sandblasting operations, the facility must provide "reasonable and adequate" measures to contain the waste generated by the sandblasting process. For example, sandblasting shall take place only over an impervious surface and not over open ground, and the waste generated shall not enter the surface waters. Screens, shields or tarpaulins shall be used to control the dust

generated by sandblasting. Sandblasting shall not take place during periods of high winds when it is impossible to control the waste material.

Sandblasting of tin-based paints generates a RCRA Hazardous Waste subject to strict U.S. EPA regulations, including regulations controlling the disposal of the waste material.

The sandblasting of steel hulls may generate a hazardous waste material. The facility can determine this by testing a composite profile sample. If the test establishes that the waste material is hazardous, then it must be disposed of as RCRA Hazardous Waste. If the material is non-hazardous, then it can be disposed of as described above, depending on the quantity.

(31) Asbestos Removal (general): Facilities involved in the renovation or demolition of marine vessels should be aware of the very stringent Federal and State regulations relating to the disturbance of asbestos containing materials.

(32) Hazardous Waste Management (general): Any hazardous wastes not already covered in these BMPs must be disposed of properly. It is the responsibility of the marina owner to be aware of the quantity of hazardous waste generated at the marina and its EPA classification. Marina must comply with all EPA requirements of its classification. Marina should provide convenient containers for the disposal of small quantities of hazardous waste generated by marina patrons.

(33) Storm water runoff (general): The EPA "NPDES" program, City of Marathon, and State of Florida require that each marine facility have a plan detailing how the facility deals with its rainwater runoff and the pollution carried by rainwater.

(34) Boat Cleaning in the Water (general): Pressure washing should not be used for boat cleaning in the water. In the water hull scraping and any other abrasive process is discouraged. Detergents containing ammonia, sodium hypochlorite, chlorinate solvents, petroleum distillates, lye, or any traditional sudsing detergents that must be rinsed off are prohibited. Boaters should be encouraged to use biodegradable and phosphate-free soaps and detergents.

(35) Mercury Containing Lamps and Devices (general): Provide watertight containers in secure areas for the disposal of unusable mercury bilge pump float switches and a/c thermostats. Containers should be clearly marked and preferably indoors. Properly recycle or dispose of leaking switches.

(36) Fire Safety (general): Smoking should be prohibited near fueling operations. Marina should have an evacuation plan for people and boats in case of fire. Ensure that marina is up to date on all local fire department regulations.

## ATTACHMENTS



**Meeting Summary  
City of Marathon Marina Siting Plan  
November 4, 2004, 6:30 pm  
Garden Club**

The first public meeting for the City of Marathon Marina Siting Plan was held on November 4, 2004 at the Marathon Garden Club.

**Team Members Present:**

Amy Kimball-Murley, The Curtis and Kimball Company  
Pat McNeese  
Alicia Corral, The Curtis and Kimball Company

**City Officials Present:**

Harry DeLashmutt, City of Marathon  
Wendy Dyer, City of Marathon

Attached is the public sign-in sheet.

The purpose of the meeting was to introduce the public to the work that is in progress on the marina siting plan, as well as to present the direction that the plan will take in the future. The meeting was structured so that the public would be able to comment and ask questions after each section.

Following is the official agenda of the meeting annotated with the comments and questions that were discussed during each part of the meeting.

***Our commitment: All of your comments matter and will be summarized and recorded during the meeting; please help us by keeping your comments short and by trying not to repeat what others have already said; and, please remember to be courteous!***

**A. Introductions**

Harry DeLashmutt  
Amy Kimball-Murley

**B. Review Agenda and Meeting Approach**

**C. Purpose of the Marina Siting Plan**

- 1 – Creation of vision for marina facilities in City
- 2 – Implementation of vision through siting and management
- 3 – Environmental stewardship
- 4 – Organizing mandates, including existing policies, regulations, and programs



- How many more navigation rights are to be taken by City and State?
- Sanctuary has no jurisdiction.
- Will plan have any provisions to address the loss of commercial fishing docks?
  - City marina welcomes commercial fishermen, but does not allow them to conduct commercial fishing there.
- Will there be any facility to accommodate commercial fishing in the plan?
- Jurisdiction ends at MHW line.

D. Components of the Plan

- 1 – What it will include and accomplish
- 2 – What is benefit for community

- Condominiumization of community is an issue.
- Waterfront being privatized so there is a loss of public access to waterfront.
- Where does City jurisdiction begin and end?
- Will plan require that all marinas be Clean Marinas?
- Does plan mean more development regulations? No.
- Plan should simplify the educational materials and make them more eye catching.
- Lack of pumpouts is a health issue and there should be a record to ensure that liveaboards are pumping out.
- There is no need to require grey water pumpout.
- Utilize zoning to maintain and preserve the commercial fishing industry.

E. What we have done so far

- 1 – Marina and data inventory
- 2 – Existing plans and programs
- 3 – Preliminary meeting with DCA

- Will plan make accommodations for the different types of marinas?
- What is the process and timeline? Will it be approved by Council?
- What does proposed process look like?
- Process will take effect when LDRs are adopted.
- Provide maps, survey, and table to public.

F. **REFRESHMENT BREAK**

- Take a look at the Inventory and Maps on the wall and write down your comments
- Think about your vision for marinas in the City
- Have a refreshment!

G. Marinas: The Positives and Negatives that You See Today

- 1 – Speak out on positives
- 2 – Speak out on negatives and make suggestions for how to address them

## Positives

- Marinas are part of City character and history
- Marinas provide the public with access to the water.
- Marinas provide economic diversity because Marathon can't rely solely on tourism.
- Marinas provide fresh seafood.
- Marinas provide a housing option.
- Waterfront draws people to socialize.
- Relieve the shortage of boat slips that exist elsewhere.
- Private marina pumpouts work very well.
- Commercial boatyards are an economic engine.
- Marinas bring outsiders who bring business to Marathon.

## Negatives

- Marinas can be destructive to the environment due to the lack of pump outs for a liveaboard population.
- Commercial fishing may not be a sustainable resource due to cheaper seafood from elsewhere.
- Commercial fishing can potentially be ugly and smelly.
- Trap boats leave early and are loud.
- Condos destroy the ability of commercial fishermen to operate (impose restrictions, rules, and regulations).
- Regulatory impacts have hurt commercial fishing.
- There are not enough mooring fields.
- Crowding during the high season.
- There is a lack of educational signage – safety, anchoring, life jackets, water depth, etc.
- Uneducated boaters harm the underwater environment with their lack of knowledge about the underwater environment, how to navigate, sanctuary regulations, yellow balls, etc.

### H. Collaborate on Community Vision for Marathon Marina Waterfront

- Visitors should say "I'll come back".
- Marinas should be clean as part of a community effort.
- There will be easy public access to the waterfront.
- Improved access for boaters to restaurants and shops.
- There will be more dinghy docks.
- Waterfront will include a boardwalk with activities for visitors and residents.
- Public marinas should be developed as social spaces (i.e. Key West Bight).
- There will be a greater need for marinas if Cuba opens.
- Marinas will provide clear, concise, and effective safety and environmental message to boaters. Should be multilingual.
- Marathon is "friendly" to boaters.
- There should be a good land-based interface:
  - Place to put boat in.

- Parking for trailers
  - Easy access to services for boaters.
- City will have a centralized sewer for ease of pumpouts.
- There should be a mechanism for sale of development rights.
  - Tax breaks
  - Easements
  - Other incentives
- Marinas will be used to protect the commercial fishing heritage of Marathon.
- Waterfront attractions can include a commercial fishing museum.
- The waterfront will be family-oriented and for residents.
- There will be a “working” waterfront and a place for commercial fishing.
- There should be an appreciation of and more pride in Marathon’s history.
- Sportfishing.
- Charter fishing.
- Sport Diving.
- Simplified connections between activities.
  - Fish
  - Sleep
  - Eat
  - Entertainment
- Increased visibility of water industries.
- Improved directions to water industries.
- An increase in tourism.
- A quiet town does have its advantages.
- There should be upland activities (i.e. shopping) for non-water activity participants.
- Marathon needs the business of tourism to survive.
- Private development should be required to maintain some public access.

I. Next steps

- Team will provide existing marina site maps to City for inclusion on City webpage.

**PUBLIC WORKSHOP SUMMARY**  
**City of Marathon Marina Siting Plan**  
**May 19, 2005, 6:30 pm**  
**Monroe County Sheriff's Hanger**

**Introduction**

The May 19, 2005, Public Workshop was the second public meeting held on the draft Marina Siting Plan. The intention of the workshop was to review the draft Marina Siting Plan, as published on the City's website, and receive input from the interested public on the preliminary recommendations. The agenda for the meeting follows:

- Introduction
- Agenda Review
- Plan Organization
- Key Issues
- Preliminary Findings
- BREAK
- Review of Key Recommendations
- Public Input
- Next Steps

The meeting was held from 6:30 pm to approximately 9:30 pm at the Monroe County Sheriff's Department Hanger.

The following summary follows the outline of the agenda.

**Meeting Summary**

**Introductions:** Harry DeLashmutt welcomed the public and introduced the consulting team (Amy Kimball-Murley, The Four Gates Company, and Patricia McNeese, Environmental Consultant).

**Agenda Review:** Amy Kimball-Murley reviewed the agenda and outlined the goals of the meeting.

**Plan Organization, Key Issues and Preliminary Findings:** A power point presentation was used to present information on the marina siting planning process and the key issues identified during the data and analysis stage of the process.

**Review of Key Recommendations:** Recommendations were reviewed in the following key areas:

- **REGULATION**
- **Comments:**

- Plenty of Regulation
- Pump-Outs requirements should not just pertain to live-aboards since other boaters also generate waste
- Don't want pump-out overkill; if service provided in-house, shouldn't have to provide for public or others.
- Regarding increase in marinas, may want to allow gradual percent increase in slips, but allow lost slips to be replaced at the same number of uses - types. Example: Indigo filling bay bottom; if slips lost, should be reclaimed.
- Limiting numbers of boats per linear feet of shoreline or dockage amounts may not make sense - differences in vessel size impact amount of vessel docking that can occur in some areas
- Access owned by private developers. City can encourage access but should exercise care on private land.
- If marina siting is criteria - based, there should not be an overall cap on slip numbers
- No net loss approach could be applied both to:
  1. Change in use
  2. Loss of docking

➤ **DEFINITION**

➤ **Comments:**

- Are the thresholds in the definition too low?
- Would Island be a marina?
- Do we want to regulate condos? Is this too much regulation?
- Where will multifamily marinas dispose of pump-out? They may be pumping out at fuel docks now.
- Availability of facilities to pump-out. What are people really doing? Concern that there are some boaters who do not comply with no discharge rules

➤ **DEVELOPMENT APPROVAL**

➤ **Comments:**

- Why not get City permits prior to state and federal approvals?
- Concern that private homeowners will be required to allow public access
- Public access can be voluntary through conditional use approval process
- Needs to be more public launch access. If private sector required to add public launches, there could be a user fee or charge
- Existing ramps may be poor quality
- Permitting issues with improving existing ramps.
- Focus on voluntary provision of access.
- Access from both sides of the waterline, especially for dinghies
- Mixed use issues are already in Comprehensive Plan
- Need to clarify City's existing right-of-way policy.

- Support is key for commercial fishing.
- Newcomers don't understand historic/cultural aspects of City.
- Cannot duplicate marina opportunities in Marathon. Matter of time before economic pressures force out traditional uses.
- There is concern in the community about longevity of commercial fishing. Will benefits from mooring field conflict with commercial fishing.
- Boats not creating conflict with other uses with commercial fishing; gear is.
- Regulations don't include tools now to protect traditional uses.
- Need better understanding of what commercial fishing is and where ancillary uses are needed.
- Setback changes for traditional uses are a good idea, but DCA will probably not agree

➤ **Marina Operating Permit**

➤ **Comments:**

- Existing Comprehensive Plan policy which allows City Manager to allow variances. What does this mean?
  1. Variances allowed thru City Manager
  2. To be defined in LDRS
- New dredging? Existing Comprehensive Plan policy allows dredging in certain situations now.
- Use dredged material to raise elevations in deep canals to improve water quality
- Are there provisions for breakwaters for marinas in open water?
- Education for renters of vessels:
  1. Don't add more regulations.
  2. Not just signage but other ways of sharing information
- Post-Disaster recovery for marinas
  1. May need to be City-wide?
  2. Accelerate redevelopment of marinas
  3. Vested rights
  4. Make sure Marina Siting Plan won't prohibit

➤ **Overall Ranking of the Plan**

Ranking:	1	2	3	4	5
Votes:	0	5	6	0	0

Where 1 = Totally on Track; 2 = Very Close; 3 = Pretty Good; 4 = Needs Work; and 5 = Really off-track

What issues need to be better addressed:

- Post disaster recovery.
- Better protection of commercial fishing
- Better property owner protection. Supply and demand should rule.
- Don't over-regulate MOP. Is this pushing too hard on clean marina program?

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
Marina Siting Criteria	Objective 4-1.12	The City shall establish criteria for marina siting which shall meet or exceed State standards to protect marine resources.
Marina Siting Criteria	Policy 4-1.12.1	<p>Marina Construction</p> <p>Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations to establish criteria for marina siting which shall meet or exceed state standards. In general, marinas shall be located in areas where maximum physical advantages exist and where no unreasonable or excessive impacts are foreseen on coastal or marine resources. Marina construction shall reflect consideration of the following:</p> <ul style="list-style-type: none"> <li>a. Benthic vegetation and marine sea life communities;</li> <li>b. Adequacy of circulation and tidal flushing;</li> <li>c. Access to deep water through existing channels of adequate depth;</li> <li>d. Minimizing shoreline modifications;</li> <li>e. Quality and size of upland areas and degree of alteration necessary;</li> <li>f. Ability to restore and enhance marina resource values at sites subject to past alteration;</li> <li>g. Location of propeller dredging problem areas; and</li> </ul> <p>Impact of boats on crocodiles, manatees, and marine turtles.</p>
Marina Siting Criteria	Policy 4-1.12.2	<p>Inventory and Registration of Existing Marinas</p> <p>The City shall continue to update and expand its current inventory of marinas. Through development review this inventory shall also be expanded to include other commercial uses providing dockage within the City. This inventory shall at a minimum be updated annually. The inventory shall include per marina:</p> <ul style="list-style-type: none"> <li>a. Number of wet and dry slips;</li> <li>b. Breakout of slips by vessel size;</li> <li>c. List of on-site amenities;</li> <li>d. Number of parking spaces provided;</li> <li>e. Number of boat ramps provided;</li> <li>f. Availability of pump-out facilities; and</li> <li>g. Availability for public use.</li> </ul>
Marina Siting Criteria	Policy 4-	<u>Marina Registration</u>



Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
	1.12.3	Within six months of the effective date of this Plan, all lawfully established marinas shall register with the City.
Marina Siting Criteria	Policy 4-1.12.4	<p>Pump-Out Criteria</p> <p>To reduce pollutant discharges into surface waters, within one year of the effective date of this Plan, the City shall, through the Regulations, develop and implement siting and discharge regulations, fee requirements, and enforcement provisions designed to reduce pollutant discharges into surface waters from moored/anchored vessels (live-aboards) in nearshore waters. At a minimum these regulations shall: 9J-5.011(2)(c)1</p> <ul style="list-style-type: none"> <li>a. Establish criteria that living on board vessels of any type shall only be allowed in designated mooring, anchorage and marinas;</li> <li>b. Recognize that occupancy of a vessel for less than a 72 hour period does not constitute a live-aboard use;</li> <li>c. Require all marinas, regardless of size, to provide signage conspicuously posted at dockage sites which educate the live-aboard public about the importance of pumping out and which give clear directions to the nearest pump-out stations;</li> <li>d. Prohibit the mooring or dockage of a live-aboard vessel unless such vessel has an operable holding tank;</li> <li>e. Require new marinas proposing ten (10) or more slips (wet or dry), or at which a live-aboard vessel is proposed to be docked, to provide an on-site pump-out station and appropriate sewage treatment to accommodate the number of slips present according to all applicable State and Federal standards;</li> <li>f. Require existing marinas making application for site improvements to provide a 'Pump-out Upgrade Plan' for retrofitting existing facilities to include an on-site pump-out station and sewage treatment. This requirement shall apply to all marinas having ten (10) or more slips (wet or dry), or at which a live-aboard vessel is docked. Implementation of the Plan shall be a condition of permit issuance for site improvements at existing marinas. The Pump-out Upgrade Plan shall be fully implemented within one year of permit issuance;</li> <li>g. Require that all existing marinas having ten (10) or more slips (wet or dry), or at which a live-aboard vessel is docked, which have not been retrofitted pursuant to a site improvement project, to submit a 'Pump-out Upgrade Plan' to the City for retrofitting existing facilities to include an on-site pump-out station and sewage treatment in order to</li> </ul>

Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
		<p>obtain their annual operating permit. The specific dates to require submittal and implementation of these plans shall be established in the Land Development Regulations; and</p> <p>h. Establish implementation and enforcement criteria for the points listed above.</p>
Marina Siting Criteria	Policy 4-1.12.5	<p>Derelict Vessels</p> <p>Within one year of the effective date of this Plan, the City shall adopt Regulations relating to derelict vessels which shall include:</p> <ul style="list-style-type: none"> <li>a. Establishing a definition for a derelict vessel;</li> <li>b. Identification of procedures for locating and inventorying derelict vessels;</li> <li>c. Establishing a method to prioritize the removal of;</li> <li>d. Establishing a coordination program with external agencies having jurisdiction; and,</li> <li>e. Identification of procedures and funding sources for removal of derelict vessels.</li> </ul>
Marina Siting Criteria	Policy 4-1.12.6	<p>Vessel Impacts</p> <p>Within one year of the effective date of this Plan, the City shall adopt Regulations to protect submerged lands in shallow water areas from boating impacts. These regulations shall include strategies to reduce seagrass propeller scarring and to minimize vessel groundings. To accomplish this, the City shall:</p> <ul style="list-style-type: none"> <li>a. Identify problem areas and issues related to channel and shallows marking;</li> <li>b. Establish criteria and priorities for identifying channels and shallows to be marked;</li> <li>c. Make recommendations, in coordination with all appropriate local, State and Federal agencies for channel marking;</li> <li>d. Seek funding sources and, as funding is available, install markers; and</li> <li>e. Consider adopting speed controls in nearshore waters and/or the creation of a boating restricted or "no vessel" protection zone.</li> </ul>
Marina Siting Criteria	Policy 4-1.12.8	<p>Coordination of Development Affecting Marine Resources</p> <p>To ensure consistency, the City shall coordinate with all external agencies having jurisdiction over marine resources in the development of marina, mooring, derelict vessels, boating education and impact management policies. Within one year of the effective date of this Plan, the City shall adopt Regulations to establish coordination procedures with all external agencies having jurisdiction, relating to permitting, monitoring and enforcement, regarding mooring, vessels and marine resources.</p>
Live-aboard vessels	Policy 1-	Protect Established Live-aboard Vessels

**Attachment B: Adopted Comprehensive Plan Policies Relevant to Marina Siting**

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
	3.4.5	<p>All live-aboard vessels docked, moored, anchored, or otherwise located within the City may remain in the City subject to the following conditions and criteria:</p> <ul style="list-style-type: none"> <li>a. Within ninety days of the effective date of the Marina Siting Plan, the City, in cooperation with all of the marinas located within the City, shall inventory the number and locations of live-aboard vessels in existence within the City;</li> <li>b. Prior to such time as being connected to an approved moorage sewage collection system, all live-aboard vessels shall contract with an approved pump-out contractor for appropriate sewage disposal.</li> </ul>
Live-aboard vessels	Policy 1-3.4.6	<p>Live-aboards not Permitted in Residential Zoning Districts            Live-aboard vessels of any type are prohibited in residential zoning districts. Accessory docks in residential districts shall not be deemed to be a lawfully established marina wet or dry slip for purposes of this policy.</p>
Registration of marine uses	Policy 1-3.4.7	<p>Registration for Commercial Marinas Including the Docking, Mooring, or Storage of Boats            Any property containing improvements or facilities used predominately for the commercial docking, mooring, or storage (wet or dry) or otherwise meeting the definition of a marina as set forth in the Land Development Regulations and which has not been lawfully permitted shall make application to the City and appropriate federal and state agencies within six months of the effective date of this Plan in order to continue operation of said use. All necessary approvals and permits must be obtained within three years of the effective date of this Plan or such use shall be discontinued.</p>
Resource Protection	Policy 4-1.2.2	<p>Protect Plant and Animal Species            Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations that restrict development activities, which may adversely impact plant and animal species designated, by a State or Federal agency, as endangered, threatened or of special concern. These regulations shall also apply to the City's list of regionally important plant species and mature native species of substantial size. These regulations shall steer development away from environmental sensitive habitats through the following methods: identify and rank habitats, define open space, transplantation and mitigation criteria, and encourage the dedication of conservation easements or deed restrictions.</p>
Resource Protection	Policy 4-1.2.3	<p>Promote Recovery of Federally Listed Species            The City shall work cooperatively with the US Fish and Wildlife Service (FWS) to protect and promote the recovery of plant and animal species designated by the Federal government as threatened and endangered. Related activities shall include:</p> <ul style="list-style-type: none"> <li>a. Require notification to the FWS when development proposals are received for sites documented</li> </ul>

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		<ul style="list-style-type: none"> <li>b. as having historic and/or current occurrences of federally designated species;</li> <li>b. Continued technical assistance coordination consultation with the FWS; and</li> <li>c. Cooperation with the FWS in locating potential introduction sites for federally designated plant and animal species.</li> </ul>
Resource Protection	Policy 4-1.2.11	<p>Limit Development Impacts on Wetlands Wetlands shall be protected from physical or hydrologic alterations in order to maintain their natural functions. No structures shall be permitted in submerged lands, mangroves, salt ponds, freshwater wetlands, undisturbed wetlands or high quality salt marsh or high quality buttonwood association wetlands, except for elevated, pile supported walkways, docks, piers, water observation platforms and utility pilings. No fill shall be permitted in submerged lands, mangroves, salt ponds, freshwater wetlands, undisturbed wetlands or high quality salt marsh or high quality buttonwood association wetlands except:</p> <ul style="list-style-type: none"> <li>a. As specifically defined in the environmental design criteria within the Land Development Regulations for mooring facilities, water observation or access facilities, navigational markers, rip-rap, seawalls, bulkheads, boat ramps or retaining walls;</li> <li>b. To fill a manmade, excavated waterbody such as a canal, boat slip, boat basin or swimming pool with approval by ACOE and DEP; or</li> <li>c. As needed for the siting of necessary public facilities when it can be demonstrated that the siting will serve a legitimate public purpose and an analysis has been undertaken prior to finalizing plans for the siting of any new or any significant expansion (greater than 25 percent) of existing public facilities. The analysis shall include an evaluation of need; evaluation of alternative sites and design alternatives for the selected sites and an assessment of impacts on surrounding land uses and natural resources or as needed for shoreline stabilization or beach re-nourishment projects with a valid public purpose that furthers the goals of the City's Plan, as determined by the City Manager or designee. All such projects shall require approval by the Florida DEP and the US ACOE prior to issuance of a City building permit.</li> </ul>
Resource Protection	Policy 4-1.2.12	<p>Limit Development Impacts on Disturbed Wetlands Within one year of the of the effective date if the Plan, the City shall adopt Land Development Regulations which provide a methodology for calculating the mitigation value of disturbed wetlands identified as developable through the KEYWEP. The debit value will be calculated based on the quality and the size of the wetland area to be developed.</p>
Resource Protection	Policy 4-1.3.1	<p>Protect, Conserve and Enhance Coastal Resources, Wetlands, Water Resources, Living Marine Resources, Wildlife Habitats and Other Natural Resources and the Environmental Health of Florida Bay, the Atlantic Ocean and All Surface and Ground Waters</p>

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		<p>The City shall adopt Land Development Regulations to protect, by:</p> <ul style="list-style-type: none"> <li>a. Preventing adverse impacts of development and redevelopment on wetlands, estuaries, water resources, living marine resources and other natural resources;</li> <li>b. Maintaining or improving coastal environmental quality by commencing the Stormwater Management Plan identified in this Plan;</li> <li>c. Regulating land development activities that could have negative impacts on coastal shorelines, including impacts on water quality, living marine organisms, seagrass beds and wetlands;</li> <li>d. Directing growth away from VE Flood Zones through Local Mitigation Strategies and the Building Permit Allocation System identified in this Plan;</li> <li>e. Creating a Transfer of Development Rights (TDR) Program that directs growth away from VE zones as described in this Plan;</li> <li>f. Managing nearshore waters and flats through the enforcement of speed limits, no wake zones and no motor zones;</li> <li>g. Regulating activities with potentially adverse impacts on coastal resources, including but not limited to ultra-light planes, seaplanes, live-aboard vessels and personal watercraft;</li> <li>h. Preventing adverse impacts of lighting on coastal resources;</li> <li>i. Prohibiting the mooring of live aboard vessels outside of approved marinas;</li> <li>j. Prohibiting boat launching from various rights-of-way that are not designated as public boat ramps and restricting random water access points; and</li> <li>k. Regulating the impacts of development on native vegetative communities and wildlife habitats.</li> </ul>
Resource Protection	Policy 4-1.3.2	<p>Protect and Conserve Outstanding Florida Waters</p> <p>The Land Development Regulations shall prohibit development activities that adversely impact water quality, contribute to shoreline erosion and sedimentation or negatively impact wetlands.</p>
Resource Protection	Policy 4-1.3.4	<p>Restrict Development in Wetlands</p> <p>Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations that prohibit development within undisturbed wetlands and limit development of disturbed wetlands as described in Policy 4-1.2.12. The City shall encourage the dedication of conservation easements for all wetlands and upland buffer areas adjacent to wetlands. Wetlands shall be defined per Subsection 373.019(22), F.S., further described by the delineation methodology in Section 373.4211, F.S. All development in wetlands shall have approval or a letter of exemption by the DEP and the ACOE prior to review by the City. ...</p>
Resource Protection	Policy 4-	Protect Living Marine Resources, Wetlands and Seagrass Beds

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
	1.4.1	Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations that prevent adverse impacts of development on seagrass beds, wetlands and other living marine resources. Since these areas are sensitive to increased turbidity, stormwater runoff and other forms of pollution, the introduction of nutrients shall be regulated through effective water quality management. Development impacting marine resources shall be coordinated with State and Federal agencies having jurisdiction prior to the City granting plan approval and/or prior to release of any permit for construction.
Resource Protection	Policy 4-1.4.4	Promote Propagation of Fish and Wildlife The City shall incorporate criteria in the Land Development Regulations that prevent adverse impacts from development on submerged lands, water quality, reef systems and other habitats for fish and wildlife.
Resource Protection	Policy 4-1.4.6	Mangrove Trimming or Removal Within one year of the effective date of this Plan, the City shall adopt Land Development Regulations to regulate the trimming or removal of shoreline vegetation, excluding mangroves. The City shall coordinate with the DEP to regulate mangrove trimming or removal pursuant to rules found in the F.A.C.
Resource Protection	Policy 4-1.5.1	Establish Incentives to Conserve Sensitive Habitat Within one year of the effective date of the Plan, the City shall adopt regulations providing for protection of native vegetative communities and land clearing which mandate that new development preserve, at a minimum, all undisturbed wetlands and ninety percent (90%) of high quality tropical hammocks on the parcel being developed. These regulations shall further provide for the preservation and transplantation of plant species that have been designated as endangered, threatened or of special concern by a State or Federal agency. These regulations shall also apply to the City's list of regionally important plant species. An incentive program shall be provided for the conservation of upland areas containing recognized sensitive plant communities and species.
Resource Protection	Policy 4-1.5.2	Require Removal of Invasive Exotic Vegetation Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations that require the owner/applicant to remove all invasive exotic vegetation from the subject site as a condition of development. Prior to the removal of vegetation, a vegetation survey or habitat analysis shall be required if deemed necessary by the City. These regulations shall require the site be maintained free of invasive exotic vegetation for a period of at least two (2) years. The list of invasive exotic vegetation will be developed pursuant to the Florida Exotic Pest Plant Council annual recommendations. 9J-5.013(2)(c)3
Resource Protection	Policy 4-	Provide for Open Space

Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)																																																
	1.5.3	<p data-bbox="676 311 1915 493">Upon the effective date of the Plan, the City shall provide for open space as a part of the requirements for all development and redevelopment. Open space areas shall be designated and treated in such a manner as to maintain the integrity whether the primary purpose is to serve as natural vegetative or wildlife habitat, or as cultivated landscaped space. No land shall be developed, used or occupied such that the amount of open space on the parcel proposed for development is less than the open space ratios (OSR) listed below in Table 4-1, for each ecological community.</p> <table border="1" data-bbox="693 522 1915 1318"> <thead> <tr> <th colspan="2" data-bbox="701 529 1906 587">TABLE 4-1 OPEN SPACE RATIOS</th> </tr> <tr> <th data-bbox="701 594 1604 623">Ecological Community</th> <th data-bbox="1604 594 1906 623">OSR</th> </tr> </thead> <tbody> <tr> <td data-bbox="701 630 1604 659">Submerged Lands (Open Water)</td> <td data-bbox="1604 630 1906 659">1.00</td> </tr> <tr> <td data-bbox="701 665 1604 695">Mangrove and Freshwater Wetlands</td> <td data-bbox="1604 665 1906 695"></td> </tr> <tr> <td data-bbox="701 701 1604 730">    Undisturbed</td> <td data-bbox="1604 701 1906 730">1.00</td> </tr> <tr> <td data-bbox="701 737 1604 766">    Disturbed</td> <td data-bbox="1604 737 1906 766">.90</td> </tr> <tr> <td data-bbox="701 773 1604 802">Salt Marsh and Buttonwood Wetlands</td> <td data-bbox="1604 773 1906 802"></td> </tr> <tr> <td data-bbox="701 808 1604 837">    Undisturbed</td> <td data-bbox="1604 808 1906 837">1.00</td> </tr> <tr> <td data-bbox="701 844 1604 873">    Disturbed</td> <td data-bbox="1604 844 1906 873">.60</td> </tr> <tr> <td data-bbox="701 880 1604 909">Beach Berm Complex</td> <td data-bbox="1604 880 1906 909"></td> </tr> <tr> <td data-bbox="701 915 1604 945">    Undisturbed</td> <td data-bbox="1604 915 1906 945">.95</td> </tr> <tr> <td data-bbox="701 951 1604 980">    Disturbed</td> <td data-bbox="1604 951 1906 980">.40</td> </tr> <tr> <td data-bbox="701 987 1604 1016">Off Shore Island</td> <td data-bbox="1604 987 1906 1016">.95</td> </tr> <tr> <td data-bbox="701 1023 1604 1052">Hammocks</td> <td data-bbox="1604 1023 1906 1052"></td> </tr> <tr> <td data-bbox="701 1058 1604 1088">    Palm Hammock</td> <td data-bbox="1604 1058 1906 1088">.90</td> </tr> <tr> <td data-bbox="701 1094 1604 1123">    Cacti Hammock</td> <td data-bbox="1604 1094 1906 1123">.90</td> </tr> <tr> <td data-bbox="701 1130 1604 1159">    High Quality Hammock</td> <td data-bbox="1604 1130 1906 1159">.90</td> </tr> <tr> <td data-bbox="701 1166 1604 1195">    Moderate Quality Hammock</td> <td data-bbox="1604 1166 1906 1195">.70</td> </tr> <tr> <td data-bbox="701 1201 1604 1230">    Low Quality Hammock</td> <td data-bbox="1604 1201 1906 1230">.50</td> </tr> <tr> <td data-bbox="701 1237 1604 1266">    Disturbed</td> <td data-bbox="1604 1237 1906 1266"></td> </tr> <tr> <td data-bbox="701 1273 1604 1302">        Disturbed with Hammock</td> <td data-bbox="1604 1273 1906 1302">.40</td> </tr> <tr> <td data-bbox="701 1308 1604 1338">        Disturbed Saltmarsh Buttonwood Association</td> <td data-bbox="1604 1308 1906 1338">.30</td> </tr> <tr> <td data-bbox="701 1344 1604 1373">        Disturbed with exotics</td> <td data-bbox="1604 1344 1906 1373">.20</td> </tr> <tr> <td data-bbox="701 1380 1604 1409">        Scarified</td> <td data-bbox="1604 1380 1906 1409">.20</td> </tr> </tbody> </table>	TABLE 4-1 OPEN SPACE RATIOS		Ecological Community	OSR	Submerged Lands (Open Water)	1.00	Mangrove and Freshwater Wetlands		Undisturbed	1.00	Disturbed	.90	Salt Marsh and Buttonwood Wetlands		Undisturbed	1.00	Disturbed	.60	Beach Berm Complex		Undisturbed	.95	Disturbed	.40	Off Shore Island	.95	Hammocks		Palm Hammock	.90	Cacti Hammock	.90	High Quality Hammock	.90	Moderate Quality Hammock	.70	Low Quality Hammock	.50	Disturbed		Disturbed with Hammock	.40	Disturbed Saltmarsh Buttonwood Association	.30	Disturbed with exotics	.20	Scarified	.20
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Resource Protection	Policy 4-	Limit Clearing of Native Vegetation																																																

Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
	1.5.4	Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations which shall limit the clearing of native vegetation to the immediate development area. The immediate development area shall include the area of approved clearing shown on the approved site plan. The immediate development area shall be fenced throughout the duration of construction. During construction, there shall be no disturbances of the ground surface and vegetation within required open space areas.
Resource Protection	Policy 4.1.5.5	<p>Prohibit Development Impacts on Certain Native Vegetation</p> <p>Development shall not disturb the following vegetation:</p> <ul style="list-style-type: none"> <li>a. champion trees;</li> <li>b. specimen trees (diameter at breast height that is greater than seventy-five (75) percent of the record tree of the same species for the State of Florida); and</li> <li>c. plant species listed by the FWS as threatened and endangered. [9J-5.013(2)(c)3]</li> </ul>
Resource Protection	Policy 4.1.5.6	<p>Limit Impacts on Native, Threatened, Endangered or Commercially Exploited Species</p> <p>Development shall be sited so as to minimize impacts on the following plants:</p> <ul style="list-style-type: none"> <li>a. species listed by the Florida Department of Agriculture and Consumer Services as threatened, endangered or commercially exploited (excluding those specifically protected by Policy 4-1.5.6);</li> <li>b. other locally rare native species; and</li> <li>c. native trees with diameter at breast height (dbh) of four (4) inches or greater.</li> </ul> <p>In those instances, where an applicant can demonstrate that avoidance of such species or trees is not possible by clustering or by an alternate design approach, then successful transplantation of such species shall be considered on-site. "Successful" transplantation shall be defined as one-hundred (100) percent survival after a period of one (1) year. Where the probability of survivability of transplanted plants is low (as determined in writing by the City Biologist), then the applicant shall be required to pay into the City Restoration Fund, or to donate nursery stock to city or state restoration projects. Donated nursery stock shall be identical in species composition to that which will be lost to construction. Stock shall be donated according to the following replacement schedule:</p> <ul style="list-style-type: none"> <li>a. for native trees over four (4) inches dbh, three (3) replacements for each taken;</li> <li>b. for listed species of any size, three (3) replacements for each taken; and</li> <li>c. for locally rare native species, three (3) replacements for each taken.</li> </ul>



Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
		<p>In situations where replacement stock is not available, then a replacement schedule utilizing alternative species shall be approved in writing by the City Biologist. This alternative shall be utilized only after all possible sources of replacement species have been exhausted. In situations where payments are made in lieu of donations of stock, such payments shall be sufficient to purchase stock in numbers corresponding to the above replacement schedule.</p>
Resource Protection	Policy 4-1.5.7	<p>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.</p> <p>Clustering requirements shall be as follows:</p> <ol style="list-style-type: none"> <li>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;</li> <li>b. When a parcel proposed for development contains more than one (1) habitat type, development shall be: <ol style="list-style-type: none"> <li>1. clustered on the least sensitive portion of the parcel, until the maximum allowable density is reached;</li> <li>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</li> <li>3. development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel.</li> <li>4. Modification of the development footprint to minimize the impact on existing native understory and canopy trees.</li> </ol> </li> </ol> <p>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.</p> <p style="text-align: center;">Class I  Saltmarsh and/or buttonwood association wetlands;  Beach or berm;</p>

Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
		<p>High quality hammock; Moderate quality hammock; Low quality hammock;</p> <p>Class II Disturbed beach or berm; Disturbed with salt marsh and/or buttonwood association wetlands (lawfully converted to disturbed uplands); Disturbed with hammock;</p> <p>Class III Disturbed; and Disturbed with exotics.</p> <p>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.</p>
Resource Protection	Policy 4-1.5.10	<p>Adopt a Habitat Analysis Methodology The City shall adopt the existing Monroe County habitat analysis methodology which will serve as interim. Within one year of the effective date of the Plan, the City shall adopt an updated City specific methodology and enforce Land Development Regulations that require a habitat analysis to be prepared and submitted as a part of a development application for all proposed development projects stated herein. Should this application or permit be denied, expired or abandoned, the habitat analysis shall be revised and resubmitted according to the applicable standards at the time of submittal of a new application for development. Any development that impacts the following environmentally sensitive lands shall require a habitat analysis:</p> <ul style="list-style-type: none"> <li>a. Tropical hardwood hammock as identified on the Existing Conditions Maps; or</li> <li>b. Wetlands as identified on the ADID maps; or</li> <li>c. As determined by the Planning Manager.</li> </ul> <p>The habitat analysis shall analyze the distribution and quality of undisturbed lands within the parcel</p>

Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
		<p>proposed to be developed. The habitat analysis shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> <li>a. A written methodology for completing the habitat analysis;</li> <li>b. Requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and</li> <li>c. Evaluation criteria, which will differentiate high, medium, and low quality habitat.</li> </ul>
Resource Protection	Policy 4-1.7.1	<p><b>Wetland Densities</b>  In accordance with the Future Land Use Element, allocated density (dwelling units per acre) shall be assigned to high quality disturbed wetlands, undisturbed wetlands, salt ponds and mangrove forests only for use as transferable development rights (TDR's) away from these habitats. High quality disturbed and undisturbed wetlands shall be assigned a density of 0.25 dwelling units per acre as a sender site. Submerged lands shall not be assigned density for the purposes of development right transfers.</p>
Resource Protection	Policy 4-1.11.1	<p><b>Enhance Coastal Marine Resources</b>  Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations to implement each of the policies defined within this objective to protect, conserve and enhance coastal and marine resources.</p>
Resource Protection	Policy 4-1.11.7	<p><b>Maximize Protection of Sea Turtles</b>  The City shall adopt Land Development Regulations to maximize protection of sea turtles. Such regulations shall apply to existing and new development and shall generally accomplish the following:</p> <ul style="list-style-type: none"> <li>a. Prohibit activities disruptive to marine turtles;</li> <li>b. Establish standards for preventing interior or exterior lighting from illuminating nesting areas during the nesting season;</li> <li>c. Establish nesting habitat setbacks;</li> <li>d. Establish standards for mechanical beach cleaning; and</li> <li>e. Protect marine turtles from predation.</li> </ul>
Resource Protection	Policy 4-1.11.8	<p><b>Protect Sea Turtles From Land Development Activities</b>  The City shall protect marine turtles from land development activities. Notwithstanding the provisions above for shoreline development, no development other than pile supported docks and walkways designed to minimize adverse impacts on marine turtles shall be allowed within fifty (50) feet of any portion of potential nesting area for marine turtles. All such development shall comply with the City Code and the following:</p>

Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
		<ul style="list-style-type: none"> <li>a. On shorelines with no distinct berm, the nesting area is recognized as the first fifty (50) feet from the MHWL. The setback is measured from this fifty (50) foot line for a required setback of one hundred (100) feet from MHWL. If a berm is present, the fifty (50) foot setback shall be measured from the landward toe of the most landward beach berm. At no time shall the maximum total setback exceed one hundred (100) feet from MHWL.</li> <li>b. Known or potential nesting areas for marine turtles are those areas identified as such on the City's adopted Protected Animal Species Maps. Within mapped nesting areas, the City Planning and Development staff may, in cooperation with the DEP, determine that specific segments of shorelines have been previously, lawfully altered to such a degree that suitable nesting habitat for marine turtles is no longer present. In such cases, the City Planning and Development staff in cooperation with the Florida DEP may recommend reasonable measures to restore the nesting habitat. If such measures are not feasible, the specific requirements of this subsection do not apply. Restoration of suitable nesting habitat shall be required for unlawfully altered beaches.</li> <li>c. Any such dock or walkway shall be designed to the following criteria to minimize adverse impacts on marine turtles.</li> <li>d. The structure shall have a minimum horizontal distance of four (4) feet between pilings or other upright members.</li> <li>e. The structure shall have a minimum clearance of two (2) feet above grade.</li> <li>f. If stairs or a ramp with less than the minimum two (2) feet clearance above grade is required, such stairs or ramp shall be enclosed with vertical barriers no more than two (2) inches apart.</li> </ul>
Shoreline Alterations	Policy 4-1.3.5	<p>Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations mandating that the potential impacts of shoreline development be analyzed as part of the development review process. The City shall not approve a development order until the potential impacts identified by the applicant and public entities having jurisdiction over the impacted resources have been considered by the City. The applicant shall bear the burden of demonstrating that adverse impacts on natural resources of the coastal zone will be prevented and that all applicable State and/or Federal regulatory measures have been satisfied. The development review process shall involve all local, regional, State and Federal entities with jurisdictional authority. All development shall:</p> <ul style="list-style-type: none"> <li>a. Protect fish and wildlife habitat;</li> <li>b. Prevent degradation of water quality and estuaries;</li> <li>c. Manage surface water run-off to prevent water quality degradation;</li> <li>d. Protect living marine resources;</li> </ul>

Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
		<ul style="list-style-type: none"> <li>e. Reduce exposure to natural hazards; and</li> <li>f. Ensure adequate public access.</li> </ul>
Shoreline Alterations	Policy 4-1.3.6	<p>Protect, Stabilize and Enhance Shorelines</p> <p>Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations that stipulate that no native vegetation shall be removed from shorelines without a duly authorized permit. Similarly, criteria shall be included requiring applicants for development along the shoreline to re-vegetate, stabilize and enhance damaged vegetative shorelines by planting native plant species, which:</p> <ul style="list-style-type: none"> <li>a. Contribute to fish and wildlife habitat, marine productivity and water quality;</li> <li>b. Offer protection from erosion and flooding;</li> <li>c. Contribute to the natural soil building process;</li> <li>d. Provide habitat for a diverse community of plants and animals, including species listed by the State of Florida as endangered, threatened, or species of special concern; and</li> <li>e. Are aesthetically pleasing and can be reasonably incorporated as a landscaping asset for waterfront residences.</li> </ul> <p>Native vegetation shall not be removed unless the applicant agrees to a mitigation plan to ensure that re-vegetation occurs.</p>
Shoreline Alterations	Policy 4-1.3.7	<p>Prohibit Construction of New Bulkheads, Seawalls or Other Hardened Vertical Shoreline Structures on Open Water</p> <p>No hardening of shorelines shall be permitted unless for erosion control where the applicant can demonstrate that native vegetation will not suffice. Where erosion control is necessary then rip-rap shall be permitted to the minimum extent necessary in conjunction with native shoreline vegetation. Geotextiles and geogrids are flat, interlocking shore protection structures which follow the natural slope of the shore. Rip-rap are <u>is</u> natural or concrete boulders <u>material</u> that <u>meets</u> the following guidelines:</p> <ul style="list-style-type: none"> <li>a. It is constructed in a manner that would not prevent the establishment of native vegetation;</li> <li>b. It consists only of natural boulders or clean concrete rubble six (6) inches to three (3) feet in diameter or in average dimensions;</li> <li>c. The slope of the riprap is no steeper than 2H:1V and the horizontal distance is no more than eight (8) feet;</li> <li>d. There are no reinforcing rods or other similar protrusions in concrete rubble and all rubble or boulders are free of attached sediments;</li> </ul>

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		<ul style="list-style-type: none"> <li>e. Neither the distance nor the use of the riprap interferes with navigation or infringes upon the riparian rights of the adjacent property owners; and</li> <li>f. There is no filling or dredging associated with the placement of riprap other than the riprap material itself.</li> </ul>
Shoreline Alterations	Policy 4-1.3.8	<p>Enact Measures to Stabilize Canals and Shorelines</p> <p>In lieu of constructing bulkheads, seawalls or other hardened vertical shoreline structures, residential canals and altered shorelines shall be stabilized by maintaining native vegetation. When it can be demonstrated that native vegetation will not prevent erosion, then riprap or sloping rock revetments shall be permitted to the minimum extent necessary, in conjunction with native vegetation as approved by the Planning Manager.</p>
Shoreline Alterations	Policy 4-1.3.9	<p>Limit Hardened Shorelines</p> <p>Bulkheads, seawalls or other hardened vertical shoreline structures shall be permitted on residential canals and altered shorelines only in the following situations and then utilizing materials consistent with Policies 4-1.3.6 and 4-1.3.7 for the following purposes:</p> <ul style="list-style-type: none"> <li>a. To replace an existing deteriorated bulkhead or seawall; or</li> <li>b. To stabilize a severely eroding shoreline area where riprap in conjunction with native vegetation will not suffice.</li> </ul>
Shoreline Alterations	Policy 4-1.5.12	<p>Define Altered and Unaltered Shorelines</p> <p>The City shall adopt Land Development Regulations that define 'altered shoreline' and 'unaltered shoreline', which shall be written to recognize the following general features of each:</p> <ul style="list-style-type: none"> <li>a. Altered shorelines. Altered shorelines generally are located directly along dredged canals, basins and channels and/or have been filled or vertically bulkheaded to such a degree that the original natural slope landward of the water is no longer present.</li> <li>b. Unaltered shorelines. Unaltered Shorelines generally are located along natural non-dredged waterways and open water and have a sloping profile typical of the original natural conditions of the shoreline even though fill or riprap may be present.</li> </ul>
Water Quality	Policy 4-1.3.10	<p>Prevent Adverse Impacts to Water Quality</p> <p>Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations to prevent development activities that adversely impact water quality through shoreline erosion and</p>

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		sedimentation over-wash onto wetlands.
Water Quality	Policy 4-1.4.3	<p>Manage Impacts of Coastal Development on Tidal Flushing and Circulation Patterns</p> <p>No development shall produce changes in the tidal flushing and circulation patterns unless all agencies having jurisdiction grant clearance. Any project that may produce changes in circulation patterns or tidal flushing shall be approved only after sufficient hydrographic information is available to allow an accurate evaluation of the possible impacts of the project. Previously existing manmade alterations shall be evaluated so as to determine whether more hydrological benefits will accrue through their removal as part of the project.</p>
Water Quality	Policy 4-1.11.13	<p>Dead End Canals</p> <p>The City shall work cooperatively with the DEP, ACOE and other applicable agencies to identify the water quality and permitting issues relating to the opening of dead-end canals.</p>
Water Quality	Policy 4-1.11.14	<p>Seaweed Restriction Devices</p> <p>The City shall work cooperatively with the DEP, ACOE and other applicable agencies to identify and permit appropriate use of aerators or other weed restriction devices as a means of improving water quality.</p>
Water Quality	Policy 4-1.18.6	<p>Control Use of Non-Vegetative Landscape Material</p> <p>Within one year of the effective date of this Plan, the City shall adopt Land Development Regulations that establish criteria and regulations which encourages the placement of alternative materials for use in landscaping and parking areas and discourages the use of crushed gravel in order to protect the City's nearshore waters from surface water runoff through crushed gravel. Runoff from crushed gravel results in high turbidity in our near-shore waters, resulting in layers of silt, which can kill off sea grass, corals and marine life.</p>
Waste Management	Policy 4-1.9.1	<p>Assure Proper Management of Solid and Hazardous Wastes</p> <p>The City shall cooperate with the appropriate Federal, State and local agencies to assure that solid and hazardous wastes generated within the City are properly managed to protect the environment.</p>
Development Approval	Policy 4-1.4.5	<p>Require Necessary External Agency Permits</p> <p>Within one year of the effective date of this Plan, the City shall adopt Land Development Regulations to require that all applicants for a permit to develop in submerged lands or wetlands obtain necessary permits from all applicable State and Federal regulatory agencies prior to submittal to the City.</p>

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Development Approval	Policy 4-1.5.13	<p>Protect Natural Resources through Development Review  The City shall require development review of all proposed development or redevelopment to prevent unnecessary destruction or inappropriate use of existing natural resources and natural sites. Through the development review process the City shall enforce qualitative and quantitative development criteria consistent with the Plan that governs:</p> <ul style="list-style-type: none"> <li>a. The management of surface water;</li> <li>b. The preservation of open space;</li> <li>c. The preservation of native vegetation and environmentally sensitive habitats; and</li> <li>d. Protection of tidal flushing and circulation patterns.</li> </ul>
Development Approval	Policy 4-1.11.5	<p>Special Approvals  The City shall establish and adopt a variance or special approval procedure to allow the minimum relaxation of the above restrictions when it is necessary to provide the upland owner reasonable access to adjacent waters. This procedure shall allow the minimum relaxation of the above restrictions and incorporate, among other criteria, requirements that such structures not be inconsistent with community character, not interfere with public recreational uses in or on adjacent waters, and poses no navigational or public safety hazard.</p> <ul style="list-style-type: none"> <li>a. For structures serving commercial uses, public uses, or more than three dwelling units, the City Manager or designee may approve deviations from these adopted standards through a special approval process. Such approval may include additional structures or uses provided that such approval is consistent with and furthers the purposes of the Plan, is consistent with the general standards applicable to all uses, and the proposed structures are located in a disturbed area of an altered shoreline. Additional conditions to mitigate for such development shall be established by the City Manager or designee, such as requiring a water quality-monitoring program, a reduction of impervious surfaces, or installation of additional landscaping material.</li> <li>b. The City Manager or designee may approve designs that address unique circumstances such as odd shaped lots, even if such designs are inconsistent with the above standards. Such approval may be granted only upon the City Manager or designee's written concurrence with the applicant's written finding that the proposed design furthers the purpose of this section and the goals of this Plan. Site Plan approval shall strive for the least possible deviation from the above standards to address the unique circumstances.</li> <li>c. Nonconforming structures lawfully existing within the shoreline setback along manmade canals, channels, or basins, or serving three or fewer dwelling units on any shoreline, may be rebuilt in</li> </ul>



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		<p>the same footprint provided that there will be no adverse impacts on surface water runoff or navigation.</p> <p>d. Existing docks or docking facilities lawfully established along the shoreline of manmade canals, channels, or basins, or serving three or fewer dwelling units on any shoreline, may be expanded or extended beyond the size limitations contained in this section in order reach the water depths specified for docking facilities in Policy 4-1.11.2. Any dock or docking facility so enlarged must comply with all other requirements of this Plan.</p> <p>e. The City shall establish and adopt a long dock variance procedure to allow the minimum relaxation of the above restrictions for new docks or docking facilities requiring lengths that exceed the established minimums in order to reach adequate water depths. Due to inaccessibility to sufficient water depth, prevalence of marine turtle nesting habitat and abundant seagrass communities, this variance procedure shall not be available for new docks located on the ocean side of Grassy Key.</p>
Development Approval	Policy 4-1.18.1	<p>Support County, State and Federal Policies  The City shall support County, State and Federal policies and regulations concerning the permitting of dredge and fill activity, except in those instances where more stringent regulations, as adopted by the City, shall supercede other agency standards.</p>
Setbacks	Policy 4-1.4.2	<p>Maintain a 50 Foot Buffer Adjacent to Wetlands  The City shall require minimum vegetated setbacks of fifty (50) feet to be maintained as an open space buffer for development occurring adjacent to all types of wetlands except for tidally inundated mangrove fringes or permitted under Objectives 4-1.2 and 4-1.11. If a fifty (50) foot setback results in less than 2,000 square feet of principal structure footprint of reasonable configuration then the setback may be reduced to allow for 2,000 square feet of principal structure footprint of reasonable configuration, provided the setback is not reduced to less than twenty-five (25) feet. On properties classified as scarified adjacent to wetlands, the wetland setback may be reduced to twenty-five (25) feet, without regard to buildable area if the entire setback area is planted and maintained in native vegetation with a site-suitable stormwater management plan, and thereafter placed under conservation easement. The wetland setback required by this subsection shall not apply to mangrove or wetland fringes occurring along man-made canals, channels or basins. 'Development' shall include all activities as currently defined in the F.S. 380.05, hereby incorporated by reference.</p>
Setbacks	Policy 4-1.4.8	<p>Shoreline Setback Development Criteria  Minimum coastal construction setbacks in the City shall be established in the Land Development Regulations to protect:</p>

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		<ul style="list-style-type: none"> <li>a. Natural shoreline vegetation;</li> <li>b. Marine turtle nesting habitat;</li> <li>c. Water quality through assimilative and filtrative uptake of pollutants by upland setback buffer areas;</li> <li>d. Structures from the effects of long-term sea level rise;</li> <li>e. Beaches and shorelines from erosion; and</li> <li>f. The character and overwater views of the community.</li> </ul>
Setbacks	Policy 4-1.4.9	<p>Principal Structure Shoreline Setbacks</p> <p>The City shall establish that, at a minimum, all principal structures shall be setback from shorelines as follows. For the purposes of this policy cut-in boat slips shall be excluded from the shoreline setback requirements for lots 5,000 square feet or less in area. Such lots must meet all applicable regulations including, but not limited to, ten (10) foot setback from the cut-in boat slip, stormwater management, other required setbacks, and open space ratio.</p> <ul style="list-style-type: none"> <li>a. All principal structures shall be setback twenty (20) feet, as measured from mean high water line (“MHWL”) or landward edge of the mangrove fringe, whichever is further landward, for manmade canals, channels, basins and lawfully altered shorelines.</li> <li>b. On open water, all principal structures shall be setback fifty (50) feet, as measured from the MHWL or the landward extent of the mangroves, whichever is further landward, for all unaltered and unlawfully altered shorelines.</li> <li>c. On open water, all principal structures shall be setback thirty (30) feet, as measured from the landward extent of the mangroves, where the original slope landward of the water 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.</li> <li>d. On open water where the original slope landward of the water has been significantly altered by filling where no bulkhead, significant armoring or mangrove fringe exists that is contiguous from side lot line to side lot line, all principal structures shall be setback thirty (30) feet, as measured from the MHWL, provided that native vegetation exists or is planted and maintained in at least a ten (10) foot width across the entire shoreline; otherwise the setback shall be fifty (50) feet, as measured from the MHWL.</li> <li>e. On in-fill lots along open water shorelines which have been altered by the legal placement of fill, have a bulkhead, or significant armoring with no contiguous mangrove fringe and which are surrounded by significant development where principal structures are set back less than fifty (50) feet from the MHWL or the landward extent of the mangroves, the City Manager or designee may evaluate the</li> </ul>

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		community character, the presence or absence of environmental features, and the setbacks on adjacent developed properties within two parcels on either side of the proposed development, and may allow principal structures to be setback as far as is practicable or in line with adjacent principal structures. In no event shall the setback be less than twenty (20) feet. On shorelines where the existing pattern of setback is greater than thirty (30) feet, the greater setback shall apply. This setback relaxation shall not be available for recognized Marine Turtle nesting habitats.
Setbacks	Policy 4-1.4.10	<p>Accessory Structure Shoreline Setbacks</p> <p>An exception to the shoreline setback requirement shall be allowed only for utility pilings, fences, docks, boat ramps, boat slips, boat shelters, seawalls, retaining walls, riprap, bulkheads, walkways, and outdoor sport and recreational accessory structures such as, but not limited to, non-enclosed decks, gazebos, pools, spas, permanent barbecues, fish cleaning tables, picnic tables and seating structures, which are allowed within the shoreline setback. All accessory structures shall be setback from shorelines as follows:</p> <ol style="list-style-type: none"> <li>a. All permissible accessory structures within the shoreline setback other than docks, docking facilities, utility pilings, fences, boat ramps, boat slips, boat shelters, seawalls, retaining walls, riprap, bulkheads, walkways, water observation platforms and water observation walkways must maintain a twenty-five (25) foot setback from the MHWL or the landward extent of the mangroves, whichever is further landward, on all unaltered shorelines.</li> <li>b. All permissible accessory structures within the shoreline setback other than docks, docking facilities, utility pilings, fences, seawalls, retaining walls, riprap, walkways, water observation platforms and water observation walkways must maintain a fifteen (15) foot setback from the landward extent of the mangroves on all significantly filled shorelines on open water with a contiguous mangrove fringe.</li> <li>c. Provided that native vegetation exists or is planted and maintained in at least a ten (10) foot width across the entire shoreline, on all significantly filled shorelines on open water where there is no bulkhead, significant armoring or mangrove fringe that is contiguous from side lot line to side lot line, all permissible accessory structures within the shoreline setback other than docks, docking facilities, utility pilings, fences, seawalls, retaining walls, riprap, walkways, water observation platforms and water observation walkways must maintain a fifteen (15) foot setback from the landward edge of the ten (10) foot wide shoreline bufferyard; otherwise, for scarified parcels all permissible accessory structures must maintain the setbacks established for unaltered shorelines on open water.</li> <li>d. All permissible accessory structures within the shoreline setback other than docks, docking facilities, utility pilings, fences, seawalls, retaining walls, riprap, walkways, water observation platforms and water observation walkways must maintain a ten (10) foot setback from mean high water along lawfully altered shorelines.</li> </ol>

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
Setbacks	Policy 4-1.4.12	<p>Shoreline Setback Development Limits</p> <p>In no event shall the total combined area of all upland accessory structures within the shoreline setback occupy more than sixty percent (60%) of the required shoreline setback area along manmade canals, channels, basins and lawfully altered shorelines. In no event shall the total, combined area of all upland structures within the shoreline setback occupy more than thirty percent (30%) of the required shoreline setback area for all other shorelines.</p>
Walkways	Policy 4-1.4.11	<p>Shoreline Walkways</p> <p>Walkways landward of mean high water serving nonresidential uses or residential uses of more than three (3) dwelling units shall not exceed eight (8) feet in width. Walkways serving all other uses shall not exceed five (5) feet in width. All walkways and access ways extending over mangrove, wetlands, or submerged lands shall be pile supported and not exceed four (4) feet in width.</p>
Dock and Mooring Restrictions	Policy 4-1.11.2	<p>Minimum Water Depth for Docking Facilities</p> <p>Except as provided herein, the siting of docking facilities and boat slips on manmade water bodies shall require minus four (-4) feet mean low water (MLW) depth at the terminal end. These structures must have continuous access to open water at depths of minus four (-4) feet MLW or greater over a channel width of twenty (20) feet, or access to open water via a marked, Federal and State approved navigation channel.</p> <ul style="list-style-type: none"> <li>a. Docking facilities may be developed on any shoreline if there is a MLW depth of at least minus four (-4) feet at the terminal end of the docking facility, and continuous access to open water; or</li> <li>b. Docking facilities may be developed on the shoreline if there is a MLW depth of at least minus four (-4) feet at the terminal end of the docking facility and the docking facility is located in a channel, canal or basin that connects five or more contiguous lots, with continuous access to open water.</li> </ul> <p>For the purposes of this policy 'open water' means the portion of the Straits of Florida, Florida Bay, the Gulf of Mexico or the Atlantic Ocean, which consists of an uninterrupted expanse of water deeper than four (4) feet at MLW and 'continuous access' means a natural passage or an existing manmade channel no shallower than four (4) feet at MLW and no narrower than twenty (20) feet.</p>
Dock and Mooring Restrictions	Policy 4-1.11.3	<p>Minimum Water Depth for Mooring Sites</p> <p>The minimum water depth requirement at a mooring site shall be minus four (-4) feet MLW.</p>

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Dock and Mooring Restrictions	Policy 4-1.11.4	<p>Regulate Docks The following restrictions shall apply to all structures built over or adjacent to water:</p> <ul style="list-style-type: none"> <li>a. The maximum permitted length of docks shall be commensurate with the shoreline width of the land parcel at which the dock is located, subject to a maximum length of 100 feet from the mean low water line;</li> <li>b. The length of docks shall not exceed ten percent (10%) of the width of the water body as measured laterally across the water body from the proposed location of placement and from the point of mean low water to the opposing point of mean low water. An exception to this shall be made in cases where adequate depth at the terminal end of the dock pursuant to Policy 4-1.11.2 is not available. In such cases the dock may be lengthened only enough to allow the centerline of an average width vessel to lie in four feet of water at mean low water;</li> <li>c. No dock or mooring structure together with a moored vessel shall preempt more than twenty-five percent (25%) of the navigable portion of a manmade water body;</li> <li>d. All fishing, swimming and other piers, and observation decks shall conform to design criteria to be adopted in the Land Development Regulations, which prohibit their use as a dock;</li> <li>e. Only designs perpendicular to the shoreline shall be allowed except where such structures would preclude lawful navigation of the waterway; or where perpendicular designs are not feasible; and</li> <li>f. A parallel structure may be permitted provided that the structure does not exceed eight (8) feet in width. Where a continuous mangrove fringe exists along the shoreline, a dock with a walkway perpendicular to the shoreline, such as a "T" or "L" dock, shall be the design permitted.</li> </ul>
Dock and Mooring restrictions	Policy 4-1.11.6	<p>Protect Living Marine Resources Regardless of water depth, docking facilities and piers shall not terminate on submerged land which is vegetated with sea grasses or is characterized by coral reef or a hard-bottom community except as may be permitted by DEP and ACOE; this shall also apply to mooring fields. The Land Development Regulations shall adopt design criteria to permit sunlight to reach the bottom.</p>
Prioritization of Uses	Policy 4-1.13.1	<p>Shoreline Uses Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations to establish shoreline land use priorities. These regulations shall categorize water-dependent and water-related land uses, establish permitting criteria and use priorities. Priority shall be given to water dependent uses over water related. Water-dependent and water-related uses shall take priority over uses that are not water-dependent or -related. In conjunction with the development of these regulations, the City shall:</p>

Marina Siting Component	Objective or Policy Number	Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)
		<ul style="list-style-type: none"> <li>a. Identify environmentally suitable waterfront areas and recommend strategies for reserving such areas for water-dependent and water-related development sites consistent with estimated need;</li> <li>b. Analyze conflicts among existing shoreline uses and recommend strategies for reducing or eliminating such conflicts;</li> <li>c. Identify strategies for encouraging appropriate mixed use development that includes water-dependent and water-related uses and is compatible with existing land uses;</li> <li>d. Develop strategies to protect the waterfront sites exhibiting Keys Unique Character;</li> <li>e. Complete a survey of all other water-dependent uses; and</li> <li>f. Complete an inventory of public access points to the beach or shoreline through public and through private lands.</li> </ul>
Prioritization of Uses	Policy 4-1.13.2	<p>Establish Criteria for Prioritizing Shoreline Uses When reviewing applications for shoreline development, shoreline uses shall be prioritized as follows:</p> <ul style="list-style-type: none"> <li>a. Approved public and private shoreline protection, re-vegetation or restoration programs;</li> <li>b. Approved water-dependent shoreline uses available to the public;</li> <li>c. Recreational and water-related uses available to the public;</li> <li>d. Commercial water-related uses available to the public;</li> <li>e. Docks and commercial marina expansion. Priority shall be directed to water-dependent uses that are available for public use;</li> <li>f. Parking facilities for shoreline access;</li> <li>g. Protection of sites designated as having Keys Unique Character;</li> <li>h. Residential water-dependent shoreline uses; and</li> <li>i. Residential water-related shoreline uses.</li> </ul>
Public Access	Policy 4-1.3.5	<p>Protect Coastal and Estuarine Environmental Quality and the Shoreline Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations mandating that the potential impacts of shoreline development be analyzed as part of the development review process. The City shall not approve a development order until the potential impacts identified by the applicant and public entities having jurisdiction over the impacted resources have been considered by the City. The applicant shall bear the burden of demonstrating that adverse impacts on natural resources of the coastal zone will be prevented and that all applicable State and/or Federal regulatory measures have been satisfied. The development review process shall involve all local, regional, State and Federal entities with jurisdictional authority. All development shall:</p>

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		g. Protect fish and wildlife habitat; h. Prevent degradation of water quality and estuaries; i. Manage surface water run-off to prevent water quality degradation; j. Protect living marine resources; k. Reduce exposure to natural hazards; and l. Ensure adequate public access.
Public Access	Objective 4-1.14	<b>Public Access to Water Bodies and Salt-water Beaches</b> The City shall maintain land use policies that provide new or enhance public access to water bodies and salt-water beaches. Beaches shall remain unobstructed and, to the extent lawful, no barriers shall be erected which prevents pedestrian access along the shoreline, subject to reasonable regulations, such as closing times, access, protection of endangered species and use. As such, the City shall enforce standards contained within the following policies.
Public Access	Policy 4-1.14.2	<b>Provide Beach Access at Publicly Funded Oceanfront Developments</b> Publicly funded projects that improve, change or in some way support shorefront development shall provide for public access to the shoreline, as well as the necessary support facilities and services, such as boardwalks, beach / dune walkovers, parking lots and restrooms.
Public Access	Policy 4-1.14.3	<b>Consider Scenic Views in All Site Plans</b> The Land Development Regulations shall include stipulations requiring all site plans for waterfront sites to include design measures, which provide, enhance and preserve scenic views of the water from public rights-of-way (R-O-W).
Public Access	Policy 4-1.14.4	<b>Retain Public R-O-W's that Terminate on Water</b> The City shall adopt Regulations establishing criteria for the abandonment of Public rights-of-way that terminate on the water.
Hazard Mitigation	Policy 4-1.3.3	<b>Surface Water Management and Flood Damage Prevention</b> Within one year of the effective date of the Plan the City shall adopt surface water management and flood damage prevention regulations. New development encroaching into the 100 year floodplain shall incorporate elevation and flood protection measures sufficient to protect against the 100 year flood. The City shall maintain consistency with program policies of the National Flood Insurance Program. The City shall monitor new cost effective programs for minimizing flood damage. Such programs may include modifications to construction setback requirements or other site design techniques, as well as upgraded

<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		building and construction techniques.
Hazard Mitigation	Policy 4-1.17.2	<p>Manage Coastal Hazards and Coordinate Updates of the Hazard Mitigation Plan  The City shall continue to participate in the Monroe County Technical Coordinating Committee to prepare the hazard mitigation component of the Local Peacetime Emergency Plan. The City shall enforce land use controls within the CHHA, including but not limited to:</p> <ul style="list-style-type: none"> <li>a. Mandating that all development and redevelopment within the CHHA comply with the following regulatory techniques for hazard mitigation: <ul style="list-style-type: none"> <li>1. State and local regulations to establish shoreline setbacks, as well as applicable State and local construction codes regulating construction activity in coastal areas;</li> <li>2. Surface water management improvements, which mitigate loss of floodplain and comply with adopted surface water management level of service standards for drainage;</li> <li>3. Publicly funded infrastructure shall not be built within the coastal high hazard area unless the facility is for the protection of public health, safety and welfare; and</li> <li>4. Land use controls shall ensure that wetlands are preserved and protected from the adverse impacts of development.</li> </ul> </li> <li>b. A multi-agency development review process shall be initiated to ensure that all proposed development or redevelopment having potential adverse impacts on water quality, wetlands, shoreline stabilization, natural habitats, fish or wildlife, hurricane evacuation or other coastal resources shall be coordinated with County, State, Federal or regional agencies having jurisdiction. A primary function of this review process shall be to effectively reconcile hazard mitigation issues prior to issuance of any development orders.</li> </ul>
Hazard Mitigation	Policy 4-1.22.8	<p>Regulate Redevelopment of Structures Non-Conforming to the Required Base Flood Elevation  If an existing structure which is non-conforming to the required base flood elevation is substantially damaged (based on the definition in Chapter 161, F.S.) or abandoned, it shall be rebuilt only to the extent that complies with the current Flood Plain Management standards for the affected property.</p>
Concurrency	Policy 4-1.15.1	<p>Ensure Available Infrastructure and Coordinate Timing and Staging of Public Facilities with Private Development  Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations which ensure that future development is directed only to those areas where public facilities, which meet the City's adopted level of service standards, are available concurrent with the impacts of the development or redevelopment. The City shall ensure that funds for future needed infrastructure</p>



<b>Marina Siting Component</b>	<b>Objective or Policy Number</b>	<b>Objective or Policy Text (per Comprehensive Plan adopted March 8, 2005)</b>
		improvements are phased to coincide with demands generated by development or redevelopment. The infrastructure shall be designed in a manner consistent with the existing and projected future demands generated by development and redevelopment, at the densities permitted through the Future Land Use Element of this Plan. In order to ensure appropriate timing and staging, no development order shall be granted until a plan is submitted by the developer/applicant to the City which demonstrates that all required infrastructure shall be in place and available for use by the development concurrent with the impacts of development. The infrastructure shall also be consistent with applicable local, regional and State coastal resource protection policies.
Dredging	Policy 4-1.18.2	<p>Limit New Dredging</p> <p>There shall be no new dredging within the City of Marathon except to maintain a consistent water depth within existing navigable channels maintained by the US Coast Guard or canals that were unevenly dredged as documented in a report from a qualified expert. Dredging shall be the minimum required to match surrounding depths, not to exceed minus 7 feet Mean Low Water. This policy does not authorize the opening of dead end canals. Dredging that would increase flushing from contained water bodies such as boat basins, canals, or tidal pools to open water that would result in water quality degradation to receiving waters shall not be permitted. Impacts to natural communities shall be minimized if such impacts occur appropriate mitigation shall be required.</p>
Dredging	Policy 4-1.18.3	<p>Regulate Maintenance Dredging</p> <p>Within one year of the effective date of this Plan, the City shall adopt Land Development Regulations to establish criteria for maintenance dredging. Such Regulations shall prevent dredging within areas vegetated with seagrass beds or characterized by hard bottom communities except for maintenance in public navigation channels. To facilitate the establishment of bottom vegetation, maintenance dredging in artificial waterways shall not exceed depths greater than minus seven (-7) feet mean low water unless other wise permitted by the ACOE and DEP in order to maintain safe, navigable waterways.</p>
Dredging	Policy 4-1.18.4	<p>Placement of Dredged Spoil</p> <p>All dredged spoil resulting from maintenance dredging shall be appropriately disposed of or placed on permitted upland sites where drainage can be contained on-site with appropriate turbidity controls, or as may be permitted by the ACOE and DEP.</p>

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**ATTACHMENT D**  
**Existing City of Marathon Land Development Regulations**  
**Pertinent to Marina Siting**

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**Code of Ordinances, Chapter 9.5, Land Development Regulations**

**Sec. 9.5-63. Authorized conditional uses.**

Only those uses which are authorized in article VII, division 2, or those nonconforming uses which are damaged or destroyed, and are permitted to be reestablished in article V, may be approved as conditional uses.

(a) The designation of a use in a land use district as a conditional use does not constitute an authorization or an assurance that such use will be approved.

(b) Each proposed conditional use shall be evaluated by the planning director and the planning commission for compliance with the standards and conditions set forth in this division for each district.

(c) The planning commission is empowered, within its review of conditional use applications, to modify or to deny any application which may not be appropriate within any particular planning area in the context of surrounding properties and neighborhoods as well as on grounds of insufficient submittals for adequate review or contrary to objectives and goals of the comprehensive plan.

(Ord. No. 33-1986, § 5-303; Ord. No. 19-1989, § 1(PD38))

**Sec. 9.5-64. Initiation.**

An application for a development permit shall be submitted by the owner, an agent authorized in writing to act on the owner's behalf, or other person having a written contractual interest in the parcel of land proposed for development.

(Ord. No. 33-1986, § 5-304; Ord. No. 19-1989, § 1(PD39))

**Sec. 9.5-65. Standards applicable to all conditional uses.**

When considering applications for a conditional use permit, the director of planning and the planning commission shall consider the extent to which:

(a) The conditional use is consistent with the purposes, goals, objectives and standards of the plan and this chapter;

(b) The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development;

(c) The design of the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties;

(d) The proposed use will have an adverse effect on the value of surrounding properties;

(e) The adequacy of public facilities and services, including but not limited to roadways, park facilities, police and fire protection, hospital and Medicare services, disaster preparedness program, drainage systems, refuse disposal, water and sewers, judged according to standards from and specifically modified by the public facilities capital improvements adopted in the annual report required by this chapter;

(f) The applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to

guarantee the provision and development of any open space and other improvements associated with the proposed development;

(g) The development will adversely affect a known archaeological, historical or cultural resource;

(h) Public access to public beaches and other waterfront areas is preserved as a part of the proposed development; and

(i) The proposed use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use and by all other applicable requirements of the Monroe County Code.

Sec. 9.5-69. Major conditional uses.

(a) *Applications for Major Conditional Uses:* An application for a major conditional use permit shall be submitted to the development review coordinator in a form provided by the director of planning.

(1) If approval of a plat is required for the proposed development, an application for plat approval shall be submitted in conjunction with the application for a conditional use permit. However, a major conditional use shall not become effective until the plat has been approved by the board of county commissioners.

(2) As a part of the application for major conditional use, an applicant shall be required to submit the following, except for those inappropriate to the proposed development due to the limited size or scale of the development as determined by the planning director:

a. An environmental designation survey consisting of:

(i) A plan drawn to a scale of one (1) inch equals twenty (20) feet or less, except where impractical and the planning director authorizes a smaller scale, and showing the following:

1. Location of property;
2. Date, approximate north point and graphic scale;
3. Acreage within the property;
4. Boundary lines of the property and their bearings and distances;
5. Topography and typical ground cover;
6. General surface characteristics, water areas and drainage patterns;
7. Contours at an interval of not greater than one (1) foot or at lesser intervals if deemed necessary for review purposes;
8. 100-year flood-prone areas by flood zone;
9. Presently developed and/or already altered areas; and
10. Location of mean high-water line.

(ii) A natural vegetation map and/or a map of unique environmental features such as:

1. Climax tropical hardwood hammocks;
2. Endangered species habitats;
3. Major wildlife intensive use areas.

(iii) Aerial photographs of the property and surrounding area.

(iv) A review of historical and archeological sites by the Florida Division of Archives, History and Records Management.

(v) A review of unique environmental features such as:

1. Climax tropical hardwood hammocks;
2. Endangered species habitats;
3. Major wildlife intensive use areas.

(vi) Actual acreage of specific vegetation species or other environmental characteristics.

(vii) General information relating to the property in regard to the potential impact which development of the site could have on the area's natural environment and ecology.

(viii) Environmental resources:

1. If shoreline zones were identified, describe in detail any proposed site alterations in the areas, including vegetation removal, dredging, canals or channels; identify measures which have been taken to protect the natural, biological functions of vegetation within this area such as shoreline stabilization, wildlife and marine habitat, marine productivity and water quality maintenance.

2. If tropical hammock communities or other protected vegetative communities were identified, describe proposed site alteration in those areas and indicate measures which were taken to protect intact areas prior to, during and after construction.

3. Describe plans for vegetation and landscaping of cleared sites including a completion schedule for such work.

(ix) Environmental resources-wildlife. Describe the wildlife species which nest, feed or reside on or adjacent to the proposed site. Specifically identify those species considered to be threatened or endangered. Indicate measures which will be taken to protect wildlife and their habitats.

(x) Environmental resources-water quality:

1. Identify any waste water disposal areas, including stormwater runoff, septic tank drain-fields, impervious surfaces and construction-related runoff; describe anticipated volume and characteristics. Indicate measures taken to minimize the adverse impacts of these potential pollution sources upon the quality of the receiving waters prior to, during, and after construction; identify the nearshore water quality; and identify how this development will not adversely impact the nearshore water quality.

2. Indicate the degree to which any natural drainage patterns have been incorporated into the drainage system of the project.

b. A community impact statement, including:

(i) General description of proposed development:

1. Provide a general written description of the proposed development; include in this description the proposed phases of development or operation and facility utilization, target dates for each of these, and date of completion; in addition, indicate the site size, developing staging and appropriate descriptive measures such as quantity and type of residential units, commercial floor area, tourist accommodation units, seating and parking capacities; for residential development, indicate the anticipated unit-per-acre density of the completed project;

2. Identify aspects of the project design, such as a clustering, which were incorporated to reduce public facilities costs and improve the scenic quality of the development; describe building and siting specifications which were utilized to reduce hurricane and fire damage potential to comply with federal flood insurance regulations and the comprehensive land use plan.

(ii) Impact assessment on public facilities and water supply:

1. Identify projected daily potable water demands at the end of each development phase and specify any consumption rates which have been assumed for the projection;

2. Provide proof of coordination with the Florida Keys Aqueduct Authority; assess the present and projected capacity of the water supply system and the ability of such system to provide adequate water for the proposed development;

3. Describe measures to ensure that water pressure and flow will be adequate for fire protection for the type of construction proposed.

(iii) Public facilities-wastewater management:

1. Provide proof of coordination with the Florida Department of Health and Rehabilitative Services;
2. Provide projection of the average flows of wastewater generated by the development at the end of each development phase; describe proposed treatment system, method and degree of treatment, quality of effluent, and location of effluent and sludge disposal areas; identify method and responsibilities for operation and maintenance of facilities;
3. If public facilities are to be utilized, provide proof of coordination with the Monroe County Waste Collection and Disposal District; assess the present and projected capacity of the treatment and transmission facilities and the ability of such facilities to provide adequate service to the proposed development;
4. If applicable, provide a description of the volume and characteristics of any industrial or other effluents.
  - (iv) Public facilities-solid waste:
    1. Identify projected average daily volumes of solid waste generated by the development at the end of each phase; indicate proposed methods of treatment and disposal;
    2. Provide proof of coordination with Monroe County Municipal Services District; assess the present and projected capacity of the solid waste treatment and disposal system and the ability of such facilities to provide adequate services to the proposed development;
    3. Comply with the requirements of section 9.5-426 of this chapter concerning any applicable traffic study.
  - (v) Public facilities-transportation:
    1. Provide a projection of the expected vehicle trip generation at the completion of each development phase; describe in terms of external trip generation and average daily and peak hour traffic;
    2. If the project site is adjacent to U.S. 1, describe the measures, such as setbacks and access limitations, which have been incorporated into the project design to reduce impacts upon U.S. 1.
  - (vi) Housing:
    1. If the project includes residential development, provide breakdown of the proposed residential units by price range or rental range and type of unit such as single-family, duplex, townhouse, etc.;
    2. If lots are to be sold without constructed dwelling units, indicate the number and percentage of such lots and the extent of improvements to be made prior to sale;
    3. Assess the potential of the proposed development to meet local or regional housing needs; in particular, indicate any measures taken to provide low-and moderate-income housing.
  - (vii) Special considerations:
    1. Describe the relationship of the proposed development to the comprehensive land use plan objectives and policies; also indicate relationships [between] existing or proposed public facilities plans; identify any conflicts;
    2. Indicate any relationships of the project to special land use and development district such as airport noise and hazard zones, solid or liquid waste treatment or disposal areas;
    3. If applicable, assess the impact of the proposed development upon other adjacent or nearby municipalities or counties.

(viii) The data and information provided in a community impact statement shall be coordinated with data and other information and/or permits required by local, regional, state or federal regulatory or reviewing agencies as appropriate to the major conditional use proposed.

(b) *Review by the Development Review Committee:* An application for a major conditional use permit shall be reviewed by the development review committee. Within fifteen (15) working days after the submission of a complete application for a major conditional use permit, the development review committee shall forward a report and recommendation on the application for a major conditional use permit to the planning commission.

(c) *Public Hearing on an Application for a Major Conditional Use Permit:* The planning commission shall hold a public hearing on the application for a major conditional use permit and shall within forty-five (45) working days of the submission of a complete application for a major conditional use permit to the development review coordinator issue a development order granting, granting with conditions or denying the application for a major conditional use permit.

(d) *Notice of Grant of a Major Conditional Use Permit:* The director of planning shall give notice of any development order granting a major conditional use by sending a written notice to all owners of real property located within three hundred (300) feet of the property that is the subject of the major conditional use permit, and notice of the intent to issue the major conditional approval shall be published in newspapers of local circulation in the county by advertisement other than in the legal notice section with the cost to be borne by the applicant. Notice by the planning director shall be by regular mail within fifteen (15) days of the granting of the major conditional use.

(e) *Appeal of a Conditional Use Approved by the Planning Commission:* The applicant, an adjacent property owner, or any aggrieved or adversely affected person, as defined by Florida Statutes section 163.3215(2), or any person who presented testimony or evidence at the public hearing conducted pursuant to subsection (c), may request an appeal of the planning commission's major conditional use decision under the hearing officer appellate article of these regulations [§ 9.5-532 et seq.] by filing the notice required by that article within thirty (30) days after the publication of notice or sending of the written notice by the county, whichever is later.

(Ord. No. 33-1986, § 5-309; Ord. No. 40-1987, § 35; Ord. No. 19-1989, § 1(PD43), (PD43A); Ord. No. 19-1993, § 3)

**Annotation--** Amendment 35 changed the subcatchline of subsection (e), which formerly read "Appeal of a Development Order Issued by the Planning Commission."

#### **Sec. 9.5-70. Final development plan subsequent to approval of conditional use permit.**

(a) *Purpose:* The final development plan is a more detailed plan for implementation of an approved conditional use.

(b) *Authority:* The final plan representing conditions placed by the planning commission and required for development approval shall be submitted to the director of planning within sixty (60) days of the rendering of the development order for the conditional use permit. The final plan may be submitted in phases if phases have been approved as part of approval at the time of major conditional use approval.

(c) *Application:* An application for final development plan approval shall include the information specified in a form provided by the director of planning.

(d) *Staff Review:* If the development review coordinator shall find that the application is complete, the application shall be reviewed by a development review committee, who shall submit a report to the director of planning and planning commission within fifteen (15) working days of the date of a determination that the application is complete.

(e) *Final Plan Approval:* Unless final development plan approval has been reserved to the planning commission as a condition of approval of a conditional use permit or by the provisions pertaining to that land use district, the director of planning, upon a finding of conformity with the conditional use approval, shall prepare a report of his findings. If final action of a final development plan has been reserved to the planning commission, the planning commission shall hear it at a regularly scheduled meeting and upon the recommendation of the planning director shall approve a final development plan if it is deemed to be in conformity with conditional use approval. If the plan is not in conformity, the planning commission shall return the final plan to the applicant with a written statement of the changes that would make the final plan conform. The planning commission shall consider the final plan at a regularly scheduled hearing when requested by the applicant. Any final plan rejected by the planning commission shall be deemed null and void if not resubmitted within one hundred eighty (180) days unless tolled by the filing of an appeal under paragraph (2) of this subsection (e).

(1) A final plan shall be deemed to be in conformity if it:

- a. Evidences development within the parameters established by the planning commission in the prior approval of the conditional use as to the total number of dwelling units proposed by type of structure and number of bedrooms;
- b. Evidences development within the parameters established by the planning commission as to the total number of nonresidential structures;
- c. Evidences development within the parameters established by the planning commission as to the total square feet of building floor area proposed;
- d. Evidences development within the parameters established by the planning commission as to the total land area devoted to residential uses, commercial uses, public and private open space, streets, off-street parking and loading areas and other impervious surfaces;
- e. Evidences development within the parameters established by the planning commission for floor area ratio by type of development;
- f. Evidences development within the parameters established in the prior approval of the conditional use permit for the number of off-street parking and loading spaces for each type of use;
- g. Evidences development which is consistent with the stated purpose of the land use district; and
- h. Evidences conformity to such other criteria and/or conditions as were established by the planning commission in the conditional use permit.

(2) The holder of an approved conditional use whose final development plan has been denied by the planning commission may request an appeal hearing before a hearing officer under the hearing officer appellate article of these regulations [§ 9.5-535 et seq.] by filing the notice required by that article within thirty (30) days of the date of the written denial of the planning commission

#### **Sec. 9.5-308. Live-aboards.**

Live-aboards shall be hooked up to an on-land sewage disposal system or shall be provided with onshore sanitary facilities, and each live-aboard shall count as a dwelling

unit for the purposes of calculating density limitations in the district in which it is permitted.

(Ord. No. 33-1986, § 9-518)

**Sec. 9.5-348. Environmental design criteria for specific habitat types.**

In addition to the general criteria set forth in this division, specific criteria shall apply to individual habitats as outlined below.

(a) *Hammock*: All structures developed, used or occupied on land classified as hammock (all types and all levels of quality) shall be designed, located and constructed such that:

(1) All areas of required open space are maintained in their natural condition, including the preservation of canopy, mid-story, under-story vegetation, ground cover and leaf litter layer; and

(2) Clearing of native vegetation is limited to area of approved clearing shown on the approved site plan, which shall include a construction impact zone around all structures. Construction barriers shall be required at the outer edge of the construction impact zone and shall be visible and of durable material such as wood, fabric, wire fencing, rope or wire cable. Barriers shall remain in place until final inspection for a certificate of occupancy has been approved. During construction, there shall be no disturbances of the ground surface and vegetation within required open space areas.

(b) *Pinelands*: All structures developed, used or occupied on land classified as pinelands (all types and all levels of quality) shall be designed, located and constructed such that:

(1) All areas of required open space are maintained in their natural condition, including canopy, mid-story, under-story vegetation, and ground cover. Dead vegetative matter, including leaf litter layer, may be removed for fire safety; and

(2) All structures are separated from the body of the pinelands classified as high quality by a clear, unvegetated fire break of at least fifteen (15) feet width. Any clearing required to create this firebreak shall be deducted from the total area of clearing allowed for the parcel. Clearing of native vegetation shall be limited to the area of approved clearing shown on the approved site plan, and the required firebreak. Construction barriers shall be required at the outer edge of the area to be cleared and shall be visible and of durable material such as wood, fabric, wire fencing, rope or wire cable. Barriers shall remain in place until final inspection for a certificate of occupancy has been approved. During construction, there shall be no disturbances of the ground surface and vegetation within required open space areas.

(c) *Beach Berm Complex or Disturbed with Beach Berm*: All structures developed, used or occupied on land classified as a beach berm complex or as disturbed with beach berm shall be designed, located and constructed such that:

(1) All structures are elevated on pilings or other supports;

(2) No beach berm material is excavated or removed and no fill is deposited on a beach berm except as needed for shoreline stabilization or beach renourishment projects with a valid public purpose that furthers the goals of the Monroe County Comprehensive Plan, as determined by the planning director. All such projects shall require approval by the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers prior to issuance of a county building permit;

(3) The clearing of beach berm vegetation is limited to the minimum clearing required to allow development of a permitted use. Beach berm areas disturbed during construction shall be immediately restored to stable condition pursuant to a restoration



plan approved by the director of environmental resources. Restoration techniques shall be designed to achieve the maximum stability possible. Native plants shall be used exclusively in re-vegetation.

(4) A construction impact zone is provided and construction barriers are required at the outer edge of the construction impact zone and shall be visible and of durable material such as wood, rope or wire cable. No fencing or other material that can entrap wildlife may be used as a construction barrier on a beach berm. No vehicular or pedestrian traffic shall be permitted outside of the construction barriers for the duration of the construction period. Barriers shall remain in place until final inspection for a certificate of occupancy has been approved.

(5) *Marine Turtle Beach* : In addition to the previous requirements, proposed development which may impact marine turtles shall be in accordance with section 9.5-349(p).

(d) *Mangroves, Wetlands, and Submerged Lands* : All structures developed, used or occupied on land classified as mangroves, wetlands or submerged lands (all types and all levels of quality) shall be designed, located and constructed such that:

(1) Generally: Only docks and docking facilities, boat ramps, walkways, water access walkways, water observation platforms, boat shelters, non-enclosed gazebos, riprap, seawalls, bulkheads, and utility pilings shall be permitted on or over mangroves, wetlands, and submerged lands, subject to the specific restrictions of this subsection. These restrictions shall not apply to disturbed wetlands that have been lawfully converted into uplands through filling. Trimming and/or removal of mangroves shall meet Florida Department of Environmental Protection requirements.

(2) *Protection of circulation patterns* : Shoreline structures shall be designed to protect tidal flushing and circulation patterns.

(3) *Dredging* : The following restrictions shall apply to dredging activities:

a. No new dredging shall be allowed in Monroe County except as specified for boat ramps in section 9.5-349(1) (shoreline setback, boat ramps);

b. No maintenance dredging shall be permitted within areas vegetated with seagrass beds or characterized by hard bottom communities except for maintenance dredging in public navigation channels;

c. In order to facilitate establishment of bottom vegetation, maintenance dredging in artificial waterways shall not exceed depths greater than six (6) feet at mean low water (MLW). This policy does not apply to the entrance channels into Key West Harbor and Safe Harbor;

d. All dredged spoil materials shall be placed on permitted upland sites designed and located to prevent runoff of spoil material into wetlands or surface waters;

e. All dredge activities require approvals by the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers prior to issuance of a county permit.

(4) *Placement of fill* : No fill shall be permitted in any mangroves, wetlands, or submerged lands except:

a. As specifically allowed by this section or by section 9.5-349(k) & (l) (shoreline [shoreline] setbacks, bulkheads, seawalls, riprap and boat ramps); or

b. To fill a manmade, excavated water body such as a canal, boat ramp, boat slip, boat basin or swimming pool if the county biologist determines that such filling will not have a significant adverse impact on marine or wetland communities; or

c. As needed for shoreline stabilization or beach renourishment projects with a valid public purpose that furthers the goals of the Monroe County Comprehensive Plan, as determined by the county biologist; or

d. For bridges extending over saltmarsh and/or buttonwood association wetlands that are required to provide automobile or pedestrian access to dwelling units located on upland areas within the same property for which there is no alternate means of access. Such bridges shall be elevated on pilings so that the natural movement of water, including volume, rate and direction of flow shall not be disrupted or altered;

e. As approved for Disturbed Saltmarsh and Buttonwood Association Wetlands with appropriate mitigation as defined by the wetland regulations of section 9.5-348(d)(6);

f. All such projects shall require approval by the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers prior to issuance of a county building permit.

(5) *After-the-fact exclusion:* No "after the fact" permits shall be issued that violate Monroe County dredge and filling regulations. All fill shall be removed and all damages mitigated.

(6) *Development in disturbed wetlands:* Lands classified as disturbed with saltmarsh and buttonwood association may be filled for development in accordance with the following criteria:

a. Disturbed wetlands proposed for filling will be evaluated by a county biologist using the Keys Wetlands Evaluation Procedure (KEYWEP).

1. Wetland quality categories based on KEYWEP scoring:

a) "Red-flag" wetlands are those wetlands whose high level of functional capacity and lack of disturbance prohibit development under any circumstances.

b) High functional capacity wetlands: those wetlands which score at 7.0 or higher, regardless of previous disturbance. Development is prohibited under any circumstances.

c) Moderate functional capacity wetlands: those wetlands which score below 7.0, but greater than or equal to 4.6. These wetlands are suitable for development with appropriate mitigation.

d) Low functional capacity wetlands: those wetlands which score less than 4.6 or are assigned a "green-flag" designation as suitable for development. These wetlands are suitable for development with appropriate mitigation.

2. Wetlands determined by KEYWEP to have a high functional capacity (those wetlands that score at or above 7.0 and those wetlands that are assigned a "red flag") are not suitable for filling. The open space ratio for such wetlands will be 1.0.

3. Wetlands determined by KEYWEP to have moderate or low functional capacity (those wetlands that score below 7.0 or are assigned a "green flag") are suitable for filling with appropriate mitigation, as determined by the Florida Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers (ACOE). All such projects shall require documentation that all aspects of DEP and ACOE mitigation have been satisfied prior to issuance of a county building permit.

b. Placement of fill within disturbed wetlands is subject to the environmental design clustering criteria (See section 9.5-345(f)). Less sensitive habitats on the subject parcel must be developed before disturbed wetlands are filled.

c. Any portion of a wetland filled under these provisions shall be considered "disturbed" habitat with a required open space ratio of 0.20. In the event that state and/or federal permits restrict fill to the development area only, this provision will not apply.

d. Any development within a wetland so filled shall conform to the setbacks established by the Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (ACOE) permits. If fill so placed extends to the subject parcel property line, standard minimum yard setbacks will apply.

(7) *Vegetated buffer required between development and wetlands* : Except as allowed in Section 9.5-345 (general environmental design criteria), a minimum vegetated setback of fifty (50) feet shall be maintained as an open space buffer for development occurring adjacent to all types of wetlands, with the following exceptions:

a. If a fifty (50) foot setback results in a less than two thousand (2,000) square feet of principal structure footprint of reasonable configuration, then the setback may be reduced to allow for two thousand (2,000) square feet of principal structure footprint of reasonable configuration, provided that the setback is not reduced to less than twenty-five (25) feet;

b. On properties classified as scarified adjacent to wetlands, the wetland setback may be reduced to twenty-five (25) feet, without regard to buildable area, if the entire setback area:

(i) is planted and maintained in native vegetation meeting the standards of a Class "D" bufferyard or a bufferyard providing similar protection (section 9.5-379 Bufferyard standards) with the exception that understory trees may be substituted for canopy trees;

(ii) contains a site-suitable stormwater management plan approved by the county biologist; and

(iii) is placed under conservation easement.

c. The wetland setback required by this subsection shall not apply to mangrove or wetland fringes occurring along man-made canals, channels, or basins.

#### **Sec. 9.5-349. Shoreline setback.**

(a) *Purpose* : The purpose of this section is to allow for reasonable access between the land and water, provide secure boat storage, assure good water quality, provide an appearance consistent with community character, protect structures from the effects of long-term sea level rise, protect beaches and shores from erosion, protect over-water views, avoid adverse impacts on navigation, and protect marine and terrestrial natural resources. 39

(b) *Principal Structures shall be set back as follows:*

(1) Along lawfully altered shorelines including manmade canals, channels, and basins, principal structures shall be set back at least twenty (20) feet as measured from the mean high water (MHW) line;

(2) Along open water shorelines not adjacent to manmade canals, channels, or basins, and which have been altered by the legal placement of fill:

a. And where a mangrove fringe of at least ten (10) feet in width occurs across the entire shoreline of the property, principal structures shall be set back at least thirty (30) feet as measured from the mean high water (MHW) line or the landward extent of the mangroves, whichever is further inland.

b. And where no mangrove fringe exists, principal structures shall be set back at least thirty (30) feet from the mean high water (MHW) line, provided that native vegetation exists or is planted and maintained in a ten (10) foot width across the entire shoreline as approved by the county biologist, and is placed under conservation easement; otherwise the setback shall be fifty (50) feet as measured from the mean high water (MHW) line.

c. On infill lots surrounded by significant development where principal structures are set back less than fifty (50) feet from mean high water (MHW) or the landward extent of mangroves, the director of planning and environmental resources may evaluate the community character, the presence or absence of environmental features, and the setbacks on adjacent developed properties within two (2) parcels on either side of

proposed development, and may allow principal structures to be set back as far as practicable or in line with adjacent principal structures. In no event shall the setback be less than twenty (20) feet. On shorelines where the existing pattern of setback is greater than thirty (30) feet, the greater setback shall apply.

(3) Along unaltered and unlawfully altered shorelines, principal structures shall be set back fifty (50) feet as measured from the mean high water (MHW) line or the landward extent of the mangroves, whichever is further landward; 41

(c) *Accessory Structures*, as defined in section 9.5-4(A-2), within the shoreline setback shall be constructed at a foundation height not to exceed eighteen (18) inches above existing grade and shall meet the following design criteria:

(1) Along altered shorelines, including manmade canals, channels, and basins:

a. In no event shall the total, combined area of all structures occupy more than sixty (60) percent of the upland area of the shoreline setback;

b. Pools, spas, and any screen structures over pools or spas shall be set back a minimum of ten (10) feet, as measured from the mean high water (MHW) line;

(2) Along open water shorelines which have been altered by the legal placement of fill, and where a mangrove fringe of at least ten (10) feet in width occurs across the entire shoreline of the property:

a. In no event shall the total, combined area of all structures occupy more than thirty (30) percent of the shoreline setback;

b. Accessory structures other than docks and erosion control structures shall be set back a minimum of fifteen (15) feet, as measured from the mean high water (MHW) line or the landward extent of the mangroves, whichever is further landward, and shall be located in upland areas;

(3) Along unaltered shorelines:

a. In no event shall the total, combined area of all structures occupy more than thirty (30) percent of the shoreline setback;

b. Accessory structures other than docks and erosion control structures shall be set back a minimum of twenty-five (25) feet, as measured from the mean high water (MHW) line or the landward extent of the mangroves, whichever is further landward, and shall be located in upland areas;

(d) *Stormwater and Pollutant Runoff*: All structures shall be designed such that stormwater and pollutant runoff is contained on site, consistent with the stormwater management standards of this chapter. Pools, spas, fish cleaning tables, and similar pollutant sources shall not discharge directly into surface waters. Structures should be made of permeable materials, whenever practical, to allow the infiltration of stormwater runoff.

(e) *Applicability of Open Space and Bufferyard Requirements* : All structures within the shoreline setback shall be located such that the open space ratios for the entire parcel and all scenic corridors and bufferyards are maintained.

(f) *Enclosed Structures and Gazebos*: No enclosed structures, other than a dock box of five (5) feet or less in height, shall be allowed within the shoreline setback. Non-enclosed gazebos must be detached from any principal structure on the parcel. No decks or habitable spaces shall be constructed on the roof of any non-enclosed gazebo. Any gazebo within the shoreline setback shall not exceed two hundred (200) square feet in area and the highest portion of the roof shall be no more than twelve (12) feet above grade. Screen enclosures over pools shall not exceed twelve feet in height.

(g) *Boat Shelter Criteria*: Non-enclosed boat shelters may be erected only over a cut-in boat slip, basin, or ramp and may not extend into the adjacent waterbody beyond the

mouth of the cut-in area, nor extend over any mangroves, submerged seagrasses or hardbottom communities. The roof and supporting members of a boat shelter may extend two (2) feet into the shoreline setback around the perimeter of a boat basin or boat ramp. No decks or habitable spaces shall be constructed on the roof of any boat shelter. The highest portion of the roof of any boat shelter shall be no more than twelve (12) feet above grade.

(h) *Preservation of Native Vegetation* : Structures shall be located in existing cleared areas before encroaching into native vegetation. The remaining upland area of the shoreline setback shall be maintained as native vegetation or landscaped areas that allow the infiltration of stormwater runoff.

(i) *Applicability of Side Yard Setbacks* : Side yard setbacks shall be maintained for all structures in the shoreline setback except for docks, sea walls, fences, and retaining walls.

(j) *Tidal Flushing and Circulation* : Shoreline structures shall be designed to protect tidal flushing and circulation patterns. Any project that may produce changes in circulation patterns shall be approved only after sufficient hydrographic information is available to allow an accurate evaluation of the possible impacts of the project. Previously existing manmade alterations shall be evaluated so as to determine whether more hydrological benefits will accrue through their removal as part of the project. 42

(k) *Bulkheads, Seawalls, and Riprap* : Bulkheads seawalls or riprap shall be permitted, provided that:

(1) Bulkheads, seawalls and/or riprap may be allowed as a principal use where it is demonstrated that their purpose is necessary for erosion control. Any attachments to seawalls or bulkheads, such as davits, cleats, and platforms, or any other elements that constitute docking facilities shall not be allowed except as accessory to a principle use. Seawalls may have a cap of up to two (2) feet in width without being considered a dock.

(2) Vertical type seawalls or bulkheads shall be permitted only to stabilize severely eroding shorelines and only on manmade canals, channels, or basins. Such seawalls or bulkheads shall be permitted only if native vegetation and/or riprap and filter cloth is not a feasible means to control erosion. No new seawalls, bulkheads, or other hardened vertical structures shall be permitted on open water.

(3) Existing, deteriorated seawalls and bulkheads on open water shorelines may be repaired and/or replaced and are exempt from the non-substantial improvements limitations except on known or potential sea turtle nesting beaches. Repairs and/or replacements must maintain the existing footprint to the maximum extent practical.

(4) Whenever feasible, riprap, bulkheads and seawalls should be placed landward of any existing mangroves or wetland vegetation. Native upland, wetland, and aquatic biotic communities shall be preserved to the maximum extent possible.

(5) Wherever feasible, riprap shall be placed at the toe of solid seawalls to dissipate wave energy and provide substrate for marine organisms.

(6) No seawalls, bulkheads, riprap or other shoreline hardening structures shall be permitted on or waterward of any portion of any beach berm complex which is known to be or is potential nesting area for marine turtles, as determined by the County Biologist, Florida Fish and Wildlife Commission, and/or other appropriate agencies. Within known or potential nesting areas, the county biologist may, in cooperation with the Florida Department of Environmental Protection, determine that specific segments of shorelines have been previously, lawfully altered to such a degree that suitable nesting habitat for marine turtles is no longer present. In such cases, the county biologist in cooperation with the Florida Department of Environmental Protection may recommend reasonable

measures to restore the nesting habitat. If such measures are not feasible, the setback requirements of this subsection do not apply. Restoration of suitable nesting habitat shall be required for unlawfully altered beaches.

(7) Beach renourishment projects on open water may be approved only upon a determination by the county biologist that the project has a valid public purpose that furthers the goals of the Monroe County Comprehensive Plan.

(8) All such projects shall require approval by the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers prior to issuance of a county permit.

(l) *Boat Ramps* : Boat ramps shall be permitted, provided that:

(1) All boat ramps shall be located and designed so as not to create a setback nonconformity for existing structures from the new MHW line created by the boat ramp.

(2) All boat ramps shall be confined to shorelines of manmade canals, channels, and basins with little or no native vegetation.

(3) The width of boat ramps, including side slopes, shall be limited to fifteen (15) feet, except that ramps serving commercial uses, public uses, or more than three dwelling units may be thirty-five (35) feet in width.

(4) All above-water ramp, side slope or wall structures shall be located landward of the original MHW line. This area shall be subtracted from the total area allowed for structures in the shoreline setback in section 9.5-349(c). (Shoreline setbacks).

(5) A maximum of two accessory docks, abutting either or both sides of the ramp, are allowed. These docks may extend beyond MHW, but shall comply with all requirements of this section and section 9.5-348(d). (Mangroves, wetlands, and submerged lands).

(6) Construction of a boat ramp shall not involve any filling of surface waters except for the minimum amount needed for the actual boat ramp surface, side slopes, walls or pilings for accessory docks. Walls may not exceed two (2) feet in width.

(7) Dredging shall be limited to the minimum amount necessary to construct the boat ramp and may not exceed one hundred (100) cubic yards of total excavation above and below MHW. No dredging of submerged grass beds or hard bottom communities shall be allowed.

(8) All such projects shall require approval by the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers prior to issuance of a county permit.

(m) *Docking Facilities*: Docking facilities shall be permitted, provided that:

(1) All required permits from the Florida Department of Environmental Protection and Army Corps of Engineers shall be obtained prior to issuance of a county permit;

(2) Docks shall not exceed ten (10) percent of the width of the waterbody as measured laterally across the waterbody from the point of mean low water of the proposed location of placement to the opposing point of mean low water;

(3) No dock together with a moored vessel shall preempt more than twenty-five (25) percent of the navigable portion of a man-made waterbody;

(4) Notwithstanding the provisions of section 9.5-4(A-2), docking facilities may be constructed on adjacent parcels under the same ownership and within the same zoning district, provided that a legally established principal use and/or structure exists on one parcel. In the event that ownership of the adjacent parcel containing such an accessory dock is severed from the parcel containing the principal use/structure, the dock must be removed and the shoreline restored.

(5) Any docking facility shall meet at least one of the following conditions:

- (a) At least four (4) feet water depth at MLW at the terminal end of the docking facility, and continuous access to open water; or
- (b) A docking facility that extends across a full ten (10) percent of the width of any body of water may terminate in water less than four (4) feet at MLW if this water depth occurs within five (5) horizontal feet of the terminal end of the docking facility such that the centerline of an average vessel will rest in water of adequate depth, and continuous access to open water is available; or
- (c) Docking facilities may be developed on the shoreline of lots in a subdivision that was approved before September 15, 1986, if the docking facility is located in a channel or canal that was dredged before September 15, 1986, and if there is a MLW depth of at least four (4) feet at the terminal end of the docking facility. Such docks shall not exceed ten (10) percent of the width of the channel or canal.
- (d) Docking facilities may be permitted which terminate over seagrass beds or hardbottom communities when the water depth at the terminal platform is at least four (4) feet above the top of all seagrasses, corals, macro algae, sponges, or other sessile organisms at MLW and continuous access to open water is available. All such projects shall require approval by the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers prior to issuance of a county permit.
- (6) *Secure tie-down provisions:* All docks with boat lifts, davits or similar lifting mechanisms shall provide cleats, rings, or similar features that can be used to tie down the vessel when it is out of the water in order to stabilize the vessel during high winds.
- (7) *Floating dock allowance:* Any docking portions extending over water no shallower than four (4) feet at mean low water (MLW) may be supported by floats;
- (8) *Marginal docks:* On shorelines landward of a seawall, revetment or manmade canal or channel, a dock may run the entire length of the shoreline, parallel to the water's edge, provided that:
- (a) The landward edge of the dock is located entirely on the upland shoreline and no walkway is needed to provide access to the dock.
- (b) All portions of the dock that extend over submerged lands are cantilever beam or pile supported.
- (9) *T-Style docks:* Where a mangrove fringe or wetland vegetation exists along the shoreline, then a dock with a walkway perpendicular to the shoreline, such as a "T" or "L" dock, shall be the primary design permitted and shall be designed as follows:
- (a) The portion of the dock parallel to the shoreline may run the entire shoreline length of the parcel and shall not exceed five (5) feet in width.
- (b) The dock and walkway shall be located so as to avoid or minimize covering wetland vegetation or mangroves.
- (c) The walkway connecting the dock to the shore shall not exceed four (4) feet in width. One such walkway shall be allowed for every one hundred (100) feet of shoreline length or fraction thereof (for example, seventy-five (75) feet of shoreline may have one walkway and one hundred one (101) feet of shoreline may have two(2)).
- (d) Where a mangrove fringe or wetland vegetation exists along the shoreline and a "T" or "L" style dock would extend over more than ten (10) percent of the width of the waterbody, the county biologist will coordinate with and approve an alternative design which shall receive approval by the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers prior to issuance of a county permit. Such alternate design shall only have the minimum deviations from this subsection to address this unique situation. If a mangrove fringe will be removed, the dock shall not extend more than twenty (20) feet along the shoreline. On shorelines exceeding one hundred (100)

feet in length, one such dock shall be allowed for every one hundred (100) feet of shoreline.

(10) *Pier type docks:* Pier type docks shall be permitted, provided that:

- (a) Such structures are oriented approximately perpendicular to the shoreline;
- (b) Such structures are located in an existing break in the mangroves or shoreline vegetation; however, if no such break exists, a walkway, no more than four (4) feet in width, may be cut through the mangroves or shoreline vegetation;
- (c) Such structures are no longer than twice the linear shoreline frontage of the parcel or one hundred (100) feet, whichever is less. For purposes of this subparagraph, dock length shall be measured from MLW out to the waterward extension of the dock. A special exception may be granted by the director of planning and environmental resources to allow the minimum relaxation of this length restriction as is necessary to provide the upland owner with access to adequate water depths specified for docking facilities. Such special exceptions shall only be granted based on a written determination that, amongst other criteria, the proposed dock will not be inconsistent with community character, will not interfere with public recreational uses in or on adjacent waters, and will pose no navigational or safety hazard. At least thirty (30) calendar days prior to the issuance of a county permit issued under such a special exception, the director of planning and environmental resources shall ensure that shoreline property owners within three hundred (300) feet of the subject parcel are notified by regular mail of the proposed special exception in order to allow an opportunity for appeal.
- (d) If proposed, the terminal platform is no wider than eight (8) feet in one dimension and does not exceed a total of one hundred and sixty (160) square feet in area. The terminal platform may include stairways for swimming access provided that all stairways are contained within the square footage allowed for the terminal platform. The terminal platform may include a non-enclosed gazebo that does not exceed one hundred (100) square feet in area and the highest portion of the roof shall be no more than twelve (12) feet above the decking or terminal platform level.

(n) *Water access structures:* The following specific types of structures, or portions thereof, extending over mangroves, wetlands, or submerged lands, shall be permitted only on shorelines of water bodies other than manmade canals, channels, and basins. All required permits from the Florida Department of Environmental Protection and the Army Corps of Engineers shall be obtained prior to issuance of a county permit.

(1) *Water access walkways:* Water access walkways, shall be permitted, provided that such structures are:

- (a) Oriented approximately perpendicular to the shoreline;
- (b) Designed to terminate in water no deeper than six (6) inches at MLW or extend further than ten (10) feet from the waterward extent of mangroves;
- (c) Designed so that the decking is elevated at least two (2) feet above MHW, except for a ramp or stair section at the waterward end which must be limited to no more than ten (10) foot long;
- (d) Do not exceed four (4) feet in width and do not include a terminal platform or gazebo or roof structures;
- (e) Designated by signs of at least one (1) square foot each to be placed on each side of the structure that states "No Mooring of Motorized Vessels Allowed"; and
- (f) Designed not to terminate over seagrasses or hardbottom communities.

(2) *Water observation platforms:* Water observations platforms shall be permitted, provided that such structures are:

- (a) Oriented approximately perpendicular to the shoreline;



(b) Designed to terminate in water no deeper than six (6) inches at MLW or begin the terminal platform no further than ten (10) feet beyond the waterward extent of mangroves;

(c) Designed so that the top of the decking, including the terminal platform, must be elevated at least five (5) feet above MHW, except for a ladder or steps that may be added for swimming access only in the absence of seagrasses or hardbottom communities;

(d) Designed with a terminal platform that does not exceed one hundred and sixty (160) square feet, inclusive of any steps or ladder. The terminal platform may include a non-enclosed gazebo that does not exceed one hundred (100) square feet in area and the highest portion of the roof shall be no more than twelve (12) feet above the decking or terminal platform level.

(e) Shall be designed with handrails and designated by signs of at least one (1) square foot each to be placed on each side of the structure that states "No Mooring of Motorized Vessels Allowed".

(o) *Special Approvals* :

(1) For structures serving commercial uses, public uses, or more than three (3) dwelling units, the director of planning and environmental resources or the planning commission may approve deviations from the requirements of the subsection above as part of a minor or major conditional use permit. Such approval may include additional structures or uses provided that such approval is consistent with any permitted uses, densities, and intensities of the land use district, furthers the purposes of this section, is consistent with the general standards applicable to all uses, and the proposed structures are located in a disturbed area of an altered shoreline. Such additional uses are limited to waterfront dining areas, pedestrian walkways, public monuments or statues, informational kiosks, fuel or septic facilities, and water-dependent marina uses. Any such development shall make adequate provision for a water quality monitoring program for a period of five (5) years after the completion of the development.

(2) For structures serving three (3) or fewer dwelling units the director of planning and environmental resources may approve designs that address unique circumstances such as odd shaped lots or shorelines, even if such designs are inconsistent with the above standards. Such approval may be granted only upon the director's written concurrence with the applicant's written finding that the proposed design furthers the purpose of this section and the goals of the Monroe County Comprehensive Plan. Only the minimum possible deviation from the above standards will be allowed in order to address the unique circumstances. No such special approval will be available for after-the-fact permits submitted to remedy a code enforcement violation.

(3) Docks or docking facilities lawfully existing along the shoreline of manmade canals, channels, or basins, or serving three (3) or fewer dwelling units on any shoreline, may be expanded or extended beyond the size limitations contained in this section in order to reach the water depths specified for docking facilities. Any such modifications shall comply with each and every other requirement of this section and section 9.5-348(d). (Mangroves, wetlands and submerged lands).

(4) All structures lawfully existing within the shoreline setback along manmade canals, channels, or basins, or serving three or fewer dwelling units on any shoreline, may be rebuilt in the same footprint provided that there will be no adverse impacts on stormwater runoff, navigation or turtle nesting habitat.

(p) *Requirements for Marine Turtle Nesting Areas* : Notwithstanding the provisions above, no development other than pile supported docks and walkways designed to

minimize adverse impacts on marine turtles shall be allowed within fifty (50) feet of any portion of any beach berm complex which is known to be or is a potential nesting area for marine turtles. Any development shall comply with Article IV, Section 13-61 through 13-67. (Sea turtle protection ordinance).

(1) The fifty (50) foot setback shall be measured from either the landward toe of the most landward beach berm or from fifty (50) feet landward of MHW, whichever is less. The maximum total setback shall be one hundred (100) feet from MHW.

(2) Within known or potential nesting areas for marine turtles, as determined by the county biologist, the Florida Fish and Wildlife Commission, and/or other appropriate agencies, the county biologist may, in cooperation with other appropriate agencies, determine that specific segments of shorelines have been previously, lawfully altered to such a degree that suitable nesting habitat for marine turtles is no longer present. In such cases, the county biologist in cooperation with the Florida Department of Environmental Protection may recommend reasonable measures to restore the nesting habitat. If such measures are not feasible, the specific requirements of this subsection do not apply. Restoration of suitable nesting habitat shall be required for unlawfully altered beaches.

(3) Any such dock or walkway shall be designed to the following criteria to minimize adverse impacts on marine turtles.

(a) The structure shall have a minimum horizontal distance of four (4) feet between pilings or other upright members.

(b) The structure shall have a minimum clearance of two (2) feet above grade.

(c) If stairs or a ramp with less than the minimum two (2) feet clearance above grade is required, such stairs or ramp shall be enclosed with vertical barriers no more than two (2) inches apart.

(4) All outdoor and indoor artificial lighting complies with sections 13-63 and 13-64 of Article IV of the Monroe County Code, Protection of Sea Turtles.

## **Code of Ordinances, Chapter 5.5-227, City Waters and Mooring Fields**

### **Intent and Purpose.**

The intent and purpose of this Article is to regulate activities within City waters to promote water quality, quality of life, and manage the economic impact of the use of City waters. As such, this Article authorizes and provides for the adoption of rules and regulations governing the management and use of City designated vessel anchorage areas and mooring fields, which may be adopted by separate resolution and amended from time to time. City waters, anchorage areas and mooring fields shall be managed so as to eliminate abandoned and derelict vessels, ensure compliance with the Clean Vessel Act, minimize benthic damage, and provide a safe, secure harbor for the boating Community. This Article is adopted pursuant to, and shall be construed as consistent with Chapters 327 and 315, *Flt. Stat.*

### **Sec. 5.5-228 Definitions.**

"Abandoned vessel" shall mean any vessel that is left unattended long enough for the vessel to become a hazard to other boats, un-seaworthy, or a hazard to navigation regardless of it being properly registered.

"Anchor" shall mean a piece of a vessel's equipment designed to temporarily secure the vessel in an anchorage, or the act of anchoring. All anchors and lines will be considered ground tackle,

"Anchoring Area" shall mean an area or areas designated for vessels to moor temporarily using their own ground tackle (anchor).

"Anchorage or Mooring Agreement" means an agreement or license between the Harbor Manager and any person desiring to use a City anchorage area or mooring field, agreeing to the fees, rules and regulations governing the same.

"City waters" shall mean the waters extending 1200' feet into the tidal waters adjacent to the City limits, or as may be otherwise designated by the Florida Legislature.

"Commercial Vessel" shall have the same meaning as set forth in Chapter 327, *Fla. Stat.*

"Derelict Vessel" shall mean any vessel in a wrecked, junked, or substantially dismantled condition or abandoned upon any City waters or at any anchorage area or mooring field in City waters without the consent of the City or other agency having jurisdiction thereof or docked at any private property without the consent of the owner of the private property.

"Floating Structure" shall have the same meaning as set forth in Chapter 327, *Fla. Stat.*

"Harbor Manager" shall mean the City Manager or designee whom shall manage City waters and operate, manage, and maintain any City anchorage areas and mooring fields.

"Live-aboard Vessel" shall have the same meaning as set forth in Chapter 327, *Fla. Stat.*

"Marine Sanitation Device (MSD)" shall have the same meaning as set forth in Chapter 327, *Fla. Stat.*

"Moor" shall mean the securing of a vessel, by anchoring, attachment, or mooring, rafting to another vessel, or tying to a dock, pier, pile, or wharf.

"Mooring" shall mean a semi-permanent anchorage installation consisting of a heavy anchor, block, or attachment to the bottom, a rode, and a buoy and pennant used for securing a vessel.

"Mooring field" means an area designated by the City with a network of moorings.

"Navigational Channel" shall mean any area designated by the appropriate federal, state or local government agency for the purpose of vessel traffic.

"Registered Owner" means the name denoted on the vessel registration.

"Seaworthy Condition" means a vessel that complies with all applicable federal, state or local government agency regulations concerning equipment, operation, registration and safety.

"Transient Anchoring Area or Transient Mooring Field" shall mean an area in the City's waters designated for short term anchoring and mooring.

"Vessel" shall have the same meaning as set forth in Chapter 327, *Fla. Stat.*

"Vessel Registration" shall mean federal, state, or international registration indicating the ownership of the vessel to include its official number, port of registration and address of owner.

#### **Sec. 5.5-229 Rules and Regulations for City Waters.**

The City may adopt by resolution, fees, rules and regulations for the management of designated anchorage areas and mooring fields in City waters.

#### **Sec. 5.5-230 Powers and Duties of Harbor Manager.**

The Harbor Manager shall have the following powers and duties: (a) To enforce the provisions of this Article.

- (b) To remove or cause to be removed, from City owned, operated, or maintained or regulated anchorage areas, docks, and mooring fields all vessels and floating structures not properly anchored, docked or moored, as determined by the Harbor Manager.
- (c) To control and regulate the use of City boat ramps.
- (d) To represent the City as its agent in the execution of all anchorage, docking and mooring agreements or licenses.
- (e) To remove, or cause the removal of, wrecks, derelict vessels, abandoned vessels, and floating structures or navigational hazard as authorized by interlocal agreement with applicable federal, state and local government agencies.
- (f) To inspect the valves and holding tanks and seal the valves upon entry of a vessel to a mooring field or anchorage and to inspect the sealed valves at noticed and scheduled intervals not less than three months apart.

**Sec. 5.5-231 Anchorage Areas and Mooring Fields.**

- (a) The City may, by resolution, establish and regulate anchorage areas and mooring fields in City waters to accommodate all vessels both transient and long term.
- (b) Anchorage in a designated mooring field is prohibited.
- (c) *Installation of Mooring Fields.* The Harbor Manager has the authority to remove or direct the removal of all vessels, floating structures, ground tackle, or any other equipment or materials prior to the installation of a mooring field. The owners of such vessels, floating structures, ground tackle, or any other equipment or materials shall be responsible for their removal. The City shall attempt to give reasonable notice to owners of those vessels, floating structures, ground tackle, or any other equipment or materials to allow for voluntary removal. If the City is unable to contact the owner of those vessels, floating structures, ground tackle, or any other equipment or materials, the City may remove and impound those vessels, floating structures, ground tackle, or any other equipment or materials and dispose of them.
- (d) No one may operate a business from a vessel occupying a mooring without the express written permission of the Harbor Manager. This may include but is not limited to chartering, brokerage, commercial fishing, boat rentals, rental accommodations, and other similar uses.
- (e) All vessels desiring to use a City anchorage area or mooring field shall first register with the Harbor Manager. Only seaworthy and registered vessels shall be allowed use of the anchorage areas and mooring fields.
- (f) The vessel operator, upon leaving the anchorage, must remove all ground tackle.

**Sec. 5.5-232 Wastewater Discharge and Other Activities Prohibited.**

- (a) No person shall discharge raw or treated sewage from any vessel including live-aboards or any floating structure. At such time as the Florida Keys are designated a no-discharge zone, the disposal of all waste shall comply with all applicable federal and state rules and regulations applicable to waste discharge. This section shall be enforced pursuant to Section 327.70, *Fla. Stat.*
- (b) No person on any vessel or on land may throw garbage, waste (solid or liquid) including plastics, fuel oils, or derivatives thereof, rubbish, swill, offal or refuse into City waters.
- (c) With the exception of areas designated by the Harbor Manager for emergency purposes, such as hurricane preparations, and until the emergency has subsided (as defined by the City Manager or designee), no person may anchor, moor or dock, or permit or cause to be anchored, moored or docked, any live-aboard vessel:

1. In a manmade canal, manmade basin, or manmade cove that is adjacent to any residential area; or
2. Within one hundred (100) feet of a manmade canal mouth, manmade basin, manmade cove, or a manmade or natural shoreline whose adjacent or upland property is a residential area.

Any vessel with a person or persons aboard that is anchored, moored or docked in the same location for seventy-two (72) hours is presumed to be a live-aboard vessel. This prohibition does not apply to a marina in lawful operation on the effective date of this Article. Any marina at which a live-aboard is docked, as a condition for site improvements or redevelopment, shall provide an on-site pump out station or a contract for pump out services.

**Sec. 5.5-233 Removal and Impoundment of Dangerous or Hazardous vessels.**

Any vessel, due to fire, explosion, accident, or negligence, which in the determination of the Harbor Manager creates an immediate danger to life or property, hazard to navigation, or imminent environmental hazard shall be subject to immediate removal and impoundment of the vessel, and costs incident thereto shall be borne by the vessel owner.

**Sec. 5.5-234 Abandoned, Derelict and Wrecked Vessels and Illegal Floating Structures.**

(a) No abandoned, derelict or wrecked vessel, or illegal floating structure, shall be allowed in or upon the City waters or the shores of the City. No vessel which is likely to damage private or public property or become a hazard to navigation shall be permitted to anchor, dock or moor in City waters. The Harbor Manager shall determine whether any vessel is abandoned, derelict or wrecked, or a floating structure is illegal and if so determined, and as may be authorized by interlocal agreement or state law shall take steps for its removal as follows:

1. To the extent possible, notify the owner or other responsible party, as soon as possible, of the determination.
2. If the owner or responsible party fails to remedy the condition, in the manner and time directed, the Harbor Manager, shall then notify the registered owner, and any other party known by the City to have an interest in the vessel or floating structure, in writing, specifying the remedy required and the time frame within which it is to be completed.
3. In addition to the penalties herein, the City may choose to remove, or cause to be removed, the vessel or floating structure. The responsible party shall be required to reimburse the City for the costs incurred in the removal. If the responsible party fails to reimburse the City for the costs of removal, the City may place a lien on the responsible party's real and personal property for the costs incurred by the City. The City may foreclose on the lien, or seek a money judgment, as provided for by state law

(b) Notwithstanding the above, if the Harbor Manager determines that a vessel or floating structure is an imminent risk to the health, safety and welfare of the residents of the City, or likely to immediately damage private or public property, or is an immediate hazard to navigation, the City may take all steps necessary to immediately remove, or cause to be removed, the vessel or floating structure without written communication.

**Sec. 9.5-352.Required off-street parking.**

- (a) *Generally*: Every use shall be provided with off-street parking in accordance with the standards contained in this division. Every parking space, both required and unrequired, shall meet the minimum standards of this division.
- (b) *Dimensional Requirements of Parking Spaces and Aisles*: Each parking space shall have direct and unrestricted access to an aisle. Except as expressly stated herein, each parking aisle and parking space shall meet the following minimum standards:

### Parking Space and Aisle Width Minimum Dimensional Requirements

Parking Pattern in Degrees	One-Way Aisle Width feet	Two-Way Aisle Width feet	Parking Space Width feet	Parking Space Length feet
0 (Parallel)	12	24	8.5	25
30 or 45	15	24	8.5	18
60	18	24	8.5	18
75	22	24	8.5	18
90	24	24	8.5	18

(c) Required Number of Off-Street Parking Spaces: The following is the number of parking spaces to be provided for each use:

Specific Use Category	Minimum Required Number of Spaces
Single Family dwelling units, including mobile homes on individuals lots	2.0 spaces poer dwelling unit or mobile home
Multi-family dwelling units	1.5 spaces per dwelling unit
Mobile home parks	1.0 space per pad
Commercial retail except as otherwise specified below	3.5 spaces per 1,000 sq.ft. of gross floor area (gfa) and 1.75 spaces per 1,000 sq.ft. of land activity area (laa) for outdoor sales and display
Eating and drinking establishments	14.0 spaces per 1,000 sq.ft. of gfa and 7.0 spaces per 1,000 sq.ft. of laa
Convenience stores	4.0 spaces per 1,000 sq.ft. of gfa
Commercial recreation (indoor)	5.0 spaces per 1,000 sq.ft. of gfa
Commercial recreation (outdoor)	5.0 spaces per 1,000 sq.ft. of laa
Theaters, conference or activity centers	0.3 spaces per seat or seating capacity
Offices	3.0 spaces per 1,000 sq.ft. of gfa
Medical and dental clinics	4.0 spaces per 1,000 sq.ft. of gfa
RV parks	1.0 space per pad
Hotels/destination resorts	1.0 space per room
Mini-warehouses, personal storage facilities	0.5 space per 1,000 sq.ft. of gfa
Industrial uses	2.0 spaces per 1,000 sq.ft. of gfa
Hospitals	1.8 spaces per bed
Churches	0.3 space per seat
Live-aboard	1.5 spaces per berth
Marinas and commercial fishing facilities	1.0 space per berth plus one space per four (4) dry storage racks
Charter/guide boats, less than six (6) passengers	2.0 spaces per berth
Party and charter/guide boats, more than five (5) passengers capacity	0.3 space per passenger capacity of vessel
Boat ramps	6.0 spaces per ramp; all spaces shall be a minimum of 14 feet by 55 feet, to accommodate trailers and oversized vehicles.



**CITY OF MARATHON PORTS DEPARTMENT  
MARINE FACILITIES OPERATING PERMIT PROGRAM**  
10045-55 Overseas Highway  
Marathon, FL 33050

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**MARINA OPERATING PERMIT APPLICATION**

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Marina facilities are required to obtain an annual Marina Operating Permit from the City of Marathon. The Permit provides for specific operating permit conditions to be included as part of each annual permit to safeguard Marathon's marine environment. These conditions include:

1. Conditions that are part of previously approved local, State, and Federal permits;
2. Conditions included in the City of Marathon Comprehensive Plan and Land Development Regulations;
3. Best Management Practices for the operation of the permitted facility.

Please complete the permit application and submit with all supporting materials to the above address along with the application fee as required on the attached fee schedule (check made payable to "City of Marathon") within 15 days of receipt. It is hoped that information provided is self explanatory, however if you need assistance, please do not hesitate to contact Mr. Harry DeLashmutt, Coordinator of the Marine Facilities Operating Permit Program at (305) 743-0033.

Please note that application for, or issuance of, a Marina Operating Permit does not indicate that marinas are otherwise in compliance with local, state and federal regulations.

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## CITY OF MARATHON MARINA OPERATING PERMIT APPLICATION

DATE: \_\_\_\_\_

### 1. GENERAL INFORMATION

Real Estate Number: \_\_\_\_\_

Name of Facility: \_\_\_\_\_

Owner or Authorized Representative: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_ (day) \_\_\_\_\_ (evening)

Emergency Contact Person: \_\_\_\_\_

Emergency Contact Phone Number: \_\_\_\_\_

### 2. FACILITY INFORMATION

Type of Marine Facility:

Mooring Field: \_\_\_\_\_

Marina: \_\_\_\_\_ Boat Ramp: \_\_\_\_\_

Number of Wet Slips: \_\_\_\_\_ Number of Dry Slips: \_\_\_\_\_

Number of Anchors in Mooring Field: \_\_\_\_\_

Number of Liveaboard Vessels:

\_\_\_\_\_ Permanent \_\_\_\_\_ Seasonal

Does this facility provide any commercial services, including rentals:

\_\_\_\_\_ Yes \_\_\_\_\_ No

Type of commercial services or rentals: \_\_\_\_\_



**Number of Employees:** \_\_\_\_\_

**Months per Year in Operation:** \_\_\_\_\_ **Seasonal:** From \_\_\_\_\_ to \_\_\_\_\_

**Days per Week:** \_\_\_\_\_ **Hours of Operation:** \_\_\_\_\_

**Is this Facility open to the Public:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No**

**Certificate of Occupancy No.:** \_\_\_\_\_

**Occupational License No.:** \_\_\_\_\_

**Estimated Number of Yearly Recreational Vessels:** \_\_\_\_\_

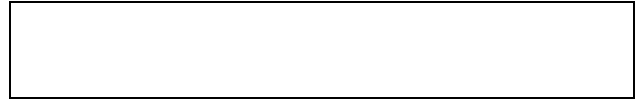
**Estimated Number of Yearly Commercial Vessels:** \_\_\_\_\_

**Note:** All changes to ownership, mailing address, waste generation rates, or types of materials stored require notification to the City of Marathon within 10 days of the change and an updated permit application within 30 days.



**3. INDUSTRIAL WASTE GENERATED** (Attach additional sheets as necessary).

Check all that apply	Type of Waste Generated	Storage, Treatment, Containment, or Disposal Device	Dimension and Device Descriptive Data	Volume Generated/Month
	Acids			
	Waste oil			
	Waste diesel oil			
	Waste gasoline			
	Solvents			
	Transmission fluid			
	Oily bilge water			
	Chemicals			
	Oil Filters			
	Wastewater from steam cleaning operation			
	Lead acid batteries			
	Pesticides			
	Antifreeze fluid			
	Other			



**4. TYPES OF MATERIALS STORED ONSITE**

Check all that apply	Type of Material Stored Onsite	Storage, Treatment, Containment, or Disposal Device	Dimension and Device Descriptive Data	Volume Generated/Month
	Acids			
	Oil			
	Diesel Fuel			
	Gasoline			
	Solvents			
	Transmission Fluid			
	Paint Strippers			
	Varnish			
	Bottom Paint			
	Paint (Others)			
	Chemicals			
	Resins			
	Caustics			
	Other			



**5. STORAGE TANKS**

A. Aboveground Capacity: \_\_\_\_\_ Product Type: \_\_\_\_\_

Underground Capacity: \_\_\_\_\_ Product Type: \_\_\_\_\_

B. Aboveground Capacity: \_\_\_\_\_ Product Type: \_\_\_\_\_

Underground Capacity: \_\_\_\_\_ Product Type: \_\_\_\_\_

C. Attach Material Safety Data Sheets for quantities of chemicals over 5 gallons.

D. Sketch or attach photographs of facility showing storage, waste generation, and disposal area.

**6. METHOD AND LOCATION OF WASTE DISPOSAL**

Specify name and address of disposal company used for each type of waste and frequency of pick up.

**LIQUID WASTE** (Oil, Solvents, Transmission fluid, Washwaters, etc.)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Frequency: \_\_\_\_\_

Type of Waste: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Frequency: \_\_\_\_\_

Type of Waste: \_\_\_\_\_



**SLUDGE WASTE** (still bottoms, treatment, recirculation, or separation system sludges, etc.)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Frequency: \_\_\_\_\_

Type: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Frequency: \_\_\_\_\_

Type: \_\_\_\_\_

**SOLID WASTE** (dry chemicals, empty chemical containers, contaminated rags, etc.)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Frequency: \_\_\_\_\_

Type: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Frequency: \_\_\_\_\_

Type: \_\_\_\_\_



**OTHER WASTE**

Name of: \_\_\_\_\_

Address: \_\_\_\_\_

Frequency: \_\_\_\_\_

Type: \_\_\_\_\_

**7. WATER SUPPLY**

Name of Utility Company: \_\_\_\_\_

Number of Wells: \_\_\_\_\_

Volume Used Annually: \_\_\_\_\_

**8. SEWAGE DISPOSAL**

Number of sewage pumpouts: \_\_\_\_\_

Type of pumpout: \_\_\_\_\_

Storage Tank:  Yes  No Capacity: \_\_\_\_\_

Number of sewage pumpouts operational: \_\_\_\_\_

Is Facility Served by Septic Tank:  Yes  No

Is Facility Served by Sanitary Sewer  Yes  No

**9. INDUSTRIAL WASTEWATER (Other Than Sewage)**

Method of Generation: \_\_\_\_\_

Method of Disposal: \_\_\_\_\_

Is Facility Served by Septic Tank?  Yes  No



**10. HURRICANE EVACUATION INFORMATION**

A. Do you require boat owners to remove their vessels in the event of a hurricane?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

B. If yes, when do you require them to leave?

\_\_\_\_\_ Hours                      \_\_\_\_\_ Days Before

C. Do you have sanctions against owners who do not remove their boats?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

D. During the past hurricane warnings, approximately how many boats remained in your marina?

\_\_\_\_\_ Boats

E. What percentage of the boats in your marina are owned by people who live outside of Monroe County? \_\_\_\_\_%





The undersigned owner or authorized representative\* of \_\_\_\_\_ is fully aware that the statements made in this application for a Marina Operating Permit are true, correct, and complete to the best of the applicant's knowledge and belief.

\* Please attach letter of authorization.

\_\_\_\_\_  
Signature

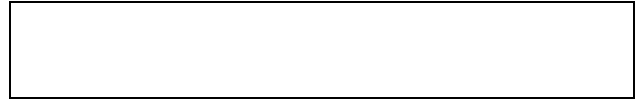
\_\_\_\_\_  
Title

\_\_\_\_\_  
Print Name

**For City of Marathon Use Only:**

Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Approved by: \_\_\_\_\_



### **MARINA OPERATING PERMIT FEE SCHEDULE**

0-10 Slips or Mooring Anchors	\$100
11-19 Slips or Mooring Anchors	\$200
20 or more Slips or Mooring Anchors	\$400
Renewal Fee	\$50

Note: If a MOP Application is submitted simultaneously with a Conditional Use Permit, no application fee for the MOP will be required.