

**Sponsored by:** Miller  
**Planning Commission Public Hearing Dates:** December 13, 2004  
**City Council Public Hearing Dates:** December 14, 2004  
January 11, 2005  
**Enactment Date:** January 11, 2005

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2004-017**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING SECTION 9.5-11(R-17) (DEFINITION OF "ROOM, HOTEL OR MOTEL") OF THE CODE TO PROVIDE THAT A HOTEL OR MOTEL ROOM MAY INCLUDE A ROOM OR SUITE OF ROOMS WITH A MAXIMUM OF THREE (3) BEDROOMS AND TWO AND ONE-HALF (2.5) BATHROOMS, LIMITING THE SIZE OF A HOTEL OR MOTEL ROOM; AMENDING SECTION 9.5-231 ("GENERAL") OF DIVISION 2 ("PERMITTED USES") OF ARTICLE VII ("LAND USE DISTRICTS") TO PROHIBIT THE USE OF A HOTEL OR MOTEL ROOM AS A PERMANENT RESIDENCE AND THAT A PERSON IS NOT ENTITLED TO CLAIM A HOMESTEAD EXEMPTION FOR A HOTEL OR MOTEL ROOM; AMENDING SECTION 9.5-232 ["URBAN COMMERCIAL (UC)"] LAND USE DISTRICT (ZONING) REGULATIONS; SECTION 9.5-233 ["URBAN RESIDENTIAL (UR)"] LAND USE DISTRICT (ZONING) REGULATIONS; AMENDING SECTION 9.5-235 [SUBURBAN COMMERCIAL (SC)"] LAND USE DISTRICT (ZONING) REGULATIONS; SECTION 9.5-236 ["SUBURBAN RESIDENTIAL (SR)"] LAND USE DISTRICT (ZONING) REGULATIONS; SECTION 9.5-241 ["OFFSHORE ISLAND (OS)"] LAND USE DISTRICT (ZONING) REGULATIONS; SECTION 9.5-243 [DESTINATION RESORT (DR)"] LAND USE DISTRICT (ZONING) REGULATIONS; SECTION 9.5-244 ["RECREATIONAL VEHICLE (RV)"] LAND USE DISTRICT (ZONING) REGULATIONS; SECTION 9.5-248 ["MIXED USE (MU)"] LAND USE DISTRICT (ZONING) REGULATIONS; SECTION 9.5-250 [MARITIME INDUSTRIES (MI)"] LAND USE DISTRICT (ZONING) REGULATIONS; AND SECTION 9.5-253 ["PARKS AND REFUGE (PR)"] LAND USE DISTRICT (ZONING) REGULATIONS; ESTABLISHING A MANDATORY HURRICANE EVACUATION REQUIREMENT FOR ALL TRANSIENT UNITS LOCATED IN SAID LAND USE DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Marathon desires to encourage development and redevelopment of hotels and motels in the City to attract tourism, enhance the economy of the City for the benefit of its residents, improve the good appearance of the City, enhance the City's ability to support needed improvements in infrastructure, and encourage other redevelopment efforts for the economic growth, prosperity and welfare of the residents of the City of Marathon; and

**WHEREAS**, in the past number of years, the City of Marathon has not benefited from the economic success of other locales in the Lower and Upper Keys, and is in need of redevelopment and enhancement of its tourist economic base to assist in the City's economic recovery, growth, and continued vitality; and

**WHEREAS**, the City of Marathon has an abundance of coastline, with beautiful blue water on both the Atlantic Ocean and the Gulf of Mexico, that offers the attractions of swimming, boating, and fishing that families enjoy; and

**WHEREAS**, the trend in the leisure and hospitality industry is for larger hotel and motel rooms or suites to accommodate families for longer stays; and

**WHEREAS**, the City Council concludes that the best direction for redevelopment and enhancement of the City's tourist base is as a family attraction area; and

**WHEREAS**, to attract family visitors, accommodations must be available that meet the special needs of families and offer affordable vacation options; and

**WHEREAS**, the special needs of families that would provide for their comfort and encourage longer visits include separate sleeping areas for children and adults, living space for games and other family pursuits, and the ability to prepare meals and dine in, to enable families to vacation for long periods of time; and

**WHEREAS**, the current definition of hotel and motel room in the City Code is too restrictive to allow renovations of hotels and motels that would meet the current trends in the leisure and hospitality industry and provide suitable accommodations to attract families to the City for longer stays; and

**WHEREAS**, providing such flexibility in the City's regulations for hotel and motel owners and developers will attract families for longer stays, will provide an economic boost to other businesses in the City that are dependent, in whole or in part, on the tourist trade, including retail shops, specialty and souvenir shops, restaurants, charter and dive boats, bait and tackle shops, and the many other businesses in the City that serve the needs of visitors, and will enhance the City's tourist industry and economy; and

**WHEREAS**, the City Planning Commission, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance in accordance with the requirements of Chapter 163, Florida Statutes, and Chapter 9.5 of the City Code; and

**WHEREAS**, the City Council finds that enactment of this Ordinance will protect the public health, safety and welfare of the residents of the City of Marathon, and further the purposes, goals, objectives and policies of the City's Transitional Comprehensive Plan and the Principles for Guiding Development for the Florida Keys Area of Critical State Concern.

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

**Section 1.** That the foregoing recitals are true and are incorporated herein.

**Section 2.** That Section 9.5-4-17) of the Land Development Regulations is amended to read as follows:

**Sec. 9.5-4. Definitions.**

(C- ) Conditional Redevelopment Units means the current number of existing units on the hotel or motel site minus the units developed utilizing the formula set forth in Section 9-5.4 (R-17)(d). Conditional Redevelopment Units inure to the parcel subject to redevelopment.

(R-17) *Room, hotel or motel*, means a unit in a public lodging establishment as defined by Florida Statutes section 509.013(4)(a) intended for transient lodging only for periods not exceeding thirty (30) days. Transient occupancy shall conform to the definition contained in Florida Statutes section 509.013(8) as to transient occupancy. For the purposes of density restriction under this chapter:

(a) A hotel or motel room may be a single room or a suite and may include a kitchenette, but no more than one and one-half (1-1/2) bathrooms and one bedroom and one (1) other living area. An existing hotel or motel room may be redeveloped to a unit not exceeding 1500 square feet and consisting of no more than two and one-half ( 2-1/2) bath rooms and three (3) bedrooms and one (1) other living area, provided the rates of redevelopment set forth in (d) below are met.

(b) All entrances to a hotel or motel room shall share the same key or means of controlling access so that the hotel or motel room as defined herein is not divisible into separately rentable units; and

(c) ~~Suites containing more than one (1) bedroom and one and one-half (1-1/2) baths may be constructed; however, each bedroom/bath combination shall be considered a hotel/motel unit.~~ Existing hotel units, which exceed allocated densities, may redevelop provided: (1) the parcel has a stormwater management system capable of treating the first one inch of stormwater runoff for a twenty-four hour twenty-five year event; (2) the wastewater treatment system meets Best Available Treatment wastewater standards; (3)

structures meet the adopted shoreline setback criteria; and (4) a minimum of twenty (20) percent open space is provided.

(d) A property with existing hotel or motel units may be redeveloped in the following manner;

1. A one bedroom hotel or motel unit may redevelop as a one bedroom unit, without a reduction in the number of units.

2. An existing one-bedroom unit may redevelop as a two-bedroom unit, at the rate of 90 percent of the one-bedroom units being redeveloped as two bedroom units.

3. An existing one-bedroom unit may redevelop as a three-bedroom unit, at the rate 85 percent of the one-bedroom units being redeveloped as three-bedroom units.

34. The number of units reduced and not included in the redevelopment shall be tracked over time and registered with the City as Conditional Redevelopment Units and reflected in the data and analyses of the Marathon Comprehensive Plan as it is amended.

5. The City may consider, at a future time, proposed amendments to the land development regulations to authorize the construction Conditional Redevelopment Units. Prior to the consideration of such amendment the City must demonstrate that: (1) a significant reduction in Hurricane Clearance Time has been achieved for the mandatory evacuation of permanent residents, (2) the Conditional Redevelopment Units have been tracked, and (3) other environmental and land use issues have been addressed.

(e) As a condition of redevelopment, the developer and the City shall enter into a Development Agreement, in addition to compliance with all other provisions of the Code.

**Section 3.** That Section 9.5-232 of the Land Development Regulations is amended to read as follows:

**Section 9.5-232      Urban Commercial District.**

\*\*\*

(b) The following uses are permitted as minor conditional uses in the Urban Commercial District, subject to the standards and procedures set forth in article III, division 3:

\*\*\*

(5) Hotels of fewer than fifty (50) rooms, provided that:

d. Compliance with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and transient uses.

\*\*\*

**Section 4.** That Section 9.5-233 of the Land Development Regulations is amended

to read as follows:

**Section 9.5-233      Urban Residential District.**

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- (c) The following uses are permitted as major conditional uses in the Urban Residential District, subject to the standards and procedures set forth in article III, division 3:

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- (2) Time-share estates, including uses accessory thereto, provided that:

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- h. Compliance with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and transient uses.

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**Section 5.** That Section 9.5-235 of the Land Development Regulations is amended to read as follows:

**Section 9.5-235      Suburban Commercial District.**

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- (b) The following uses are permitted as minor conditional uses in the Sub Urban Commercial District subject to the standards and procedures set forth in article III, division 3:

\*\*\*

- (5) Hotels of fewer than twenty-five (25) rooms, provided that:

\*\*\*

- c. Compliance with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and transient uses.

\*\*\*

- (c) The following uses are permitted as major conditional uses in the Sub Urban Commercial District subject to the standards and procedures set forth in article III, division 3:

\*\*\*

- (4) Hotels providing twenty-five (25) rooms or more, provided that:

\*\*\*

- c. Compliance with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and transient uses.

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**Section 6.** That Section 9.5-236 of the Land Development Regulations is amended to read as follows:

**Section 9.5-236 Suburban Residential District.**

\*\*\*

- (c) The following uses are permitted as major conditional uses in the Sub Urban Residential District, subject to the standards and procedures set forth in article III, division 3:

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- (6) Hotels of fewer than twelve (12) rooms provided that:

\*\*\*

- e. Compliance with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and transient uses.

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**Section 7.** That Section 9.5-241 of the Land Development Regulations is amended to read as follows:

**Section 9.5-241 Offshore Island District.**

- (a) The following uses are permitted as of right in the Offshore Island District:

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- (6) Tourist housing uses, including vacation rental uses, which were established (and held valid state public lodging establishment licenses) prior to January 1, 1996: provided that:

- a. Compliance with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and transient uses.

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**Section 8.** That Section 9.5-243 of the Land Development Regulations is amended to read as follows:

**Section 9.5-243 Destination Resort District**

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- (b) The following uses are permitted as minor conditional uses in the Destination Resort District, subject to the standards and procedures set forth in article III, division 3:

- (1) One (1) or more resort hotels provided that:

\*\*\*

- r. Compliance with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and transient uses.

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**Section 9.** That Section 9.5-243 of the Land Development Regulations is amended to read as follows:

**Section 9.5-244 Recreational Vehicle District**

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- (b) The following uses are permitted as minor conditional uses in the Recreational Vehicle District, subject to the standards and procedures set forth in article III, division 3:

- (1) Hotels providing less than fifty (50) rooms or more, provided that:

\*\*\*

- c. Compliance with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and transient uses.

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**Section 10.** That Section 9.5-248 of the Land Development Regulations is amended to read as follows:

**Section 9.5-248      Mixed Use District**

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(b) The following uses are permitted as minor conditional uses in the Mixed Use District, subject to the standards and procedures set forth in article III, division 3:

\*\*\*

- (7) Hotels providing less than fifty (50) rooms provided that:

\*\*\*

- c. Compliance with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and transient uses.

\*\*\*

(c) The following uses are permitted as major conditional uses in the Mixed Use District, subject to the standards and procedures set forth in article III, division 3:

\*\*\*

- (5) Hotels providing fifty (50) rooms or more provided that:

\*\*\*

- d. Compliance with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and transient uses.

\*\*\*

**Section 11.** That Section 9.5-250 of the Land Development Regulations is amended to read as follows:



**Section 9.5-250      Maritime Industries District.**

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(b)      The following uses are permitted as minor conditional uses in the Maritime Industries District, subject to the standards and procedures set forth in article III, division 3:

\*\*\*

(2)      Hotels providing less than fifty (50) rooms provided that:

\*\*\*

c.      Compliance with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and transient uses.

\*\*\*

(c)      The following uses are permitted as major conditional uses in the Maritime Industries District, subject to the standards and procedures set forth in article III, division 3:

(1)      Hotels providing fifty (50) rooms or more provided that:

\*\*\*

c.      Compliance with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and transient uses.

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**Section 12.** That Section 9.5-253 of the Land Development Regulations is amended to read as follows:

**Section 9.5-253      Parks and Refuge District.**

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(b)      The following uses are permitted as minor conditional uses in the Parks and Refuge District, subject to the standards and procedures set forth in article III, division 3:

\*\*\*

- (2) Hotels of fewer than twelve (12) rooms provided that:

\*\*\*

- e. Compliance with all mandatory hurricane evacuation requirements set forth by the City for hotel, motel, and transient uses.

\*\*\*

**Section 13.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 14.** The provisions of the City Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 15.** It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Marathon, Florida, that the sections of the Ordinance may be renumbered or re-lettered to accomplish to such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 16.** The provisions of this Ordinance constitute a "LAND development regulation" as State law defines that term. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the State Department of Community Affairs for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

**Section 17.** This Ordinance shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.


**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA,** this 11<sup>th</sup> day of January, 2005.

**THE CITY OF MARATHON, FLORIDA**

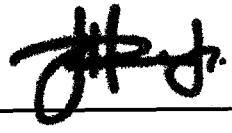
  
\_\_\_\_\_  
Jeffrey M. Pinkus, Mayor

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

**ATTEST:**

  
Cindy L. Ecklund  
City Clerk

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

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

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND  
DEVELOPMENT REGULATIONS  
ADOPTED BY ORDINANCE NO. 2004-17

Received

FEB 28 2005

City Clerk

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**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), *Fla. Stat.*, and § 380.0552(9), *Fla. Stat.* (2004), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.

2. On January 14, 2005, the Department received for review City of Marathon Ordinance No. 2004-17 that was adopted by the City of Marathon Board of City Commissioners on January 11, 2004 ("Ord. 2004-17"). Ord. 2004-17 provides a new definition for the number of bedrooms and bathrooms allowed at a hotel with regard to a Rate of Growth Allocation. The existing definition describes a hotel room as "a single room or suite but no more than one and one-half bathrooms and one bedroom and one other living area."

3. Ord. 2004-17 will allow an existing hotel to redevelop using an equivalency factor. The redeveloped hotel room cannot exceed 1,500 square feet and consisting of no more than two and one-half baths, two or three bedrooms, and one other living area. Upon redevelopment of an existing hotel room, density of the total number of pre-redevelopment hotel rooms is decreased by ten percent for redevelopment to two bedroom units and density is decreased by fifteen percent for redevelopment to three bedroom units. Ord. 2004-17 limits the application of the new definition of hotel rooms to the 1,300 existing hotel rooms within the City of Marathon.

4. Ord. 2004-17 requires that the redevelopment utilize Best Available Treatment

established by Public Law 99-395 for wastewater systems, retain and treat the first inch of stormwater run off for the entire site, provide a minimum of twenty percent open space and meet adopted shoreline regulations.

5. Ord. 2004-17 is not inconsistent with the City's 2010 Comprehensive Plan or the Land Development Regulations. Ord. 2004-17 furthers Principles B, C, D, E, F, H, K, and is neutral with respect to Principles A, G, I, J, L, for Guiding Development. The Ordinance, as a whole furthers the Principles for Guiding Development.

#### CONCLUSIONS OF LAW

6. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), *Fla. Stat.*, and § 380.0552(9), *Fla. Stat.* (2004).

7. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, *Fla. Stat.* (2003) and Rule 28-29.002 (superseding Chapter 27F-8), *Fla. Admin. Code*.

8. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), *Fla. Stat.* (2004). The regulations adopted by Ord. 2004-17 are land development regulations.

9. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), *Fla. Stat.* See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

10. Ord. 2004-17 promotes and furthers the following Principles:

- (b) To protect shoreline and marine resources, including mangroves, coral reef formations, sea grass beds, wetlands, fish, and wildlife and their habitat.

- (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, dune ridges and beaches, wildlife, and their habitat.
- (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
- (h) To protect the value, efficiency, cost-effectiveness and amortized life of existing and proposed major public investments . . . .
- (k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.

9. Ord. 2004-17 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that:

A. Ord. 2004-17 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

B. This Order and Marathon Ordinance 2004-17 shall become effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.



VALERIE J. HUBBARD, DIRECTOR  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**NOTICE OF ADMINISTRATIVE RIGHTS**

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE

DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

**YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.**

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 24<sup>th</sup> day of February, 2005.

  
Paula Ford, Agency Clerk



By U.S. Mail:

Honorable Jeffrey Pinkus, Mayor  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

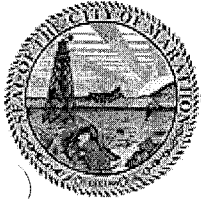
Cindy Ecklund, City Clerk  
City of Marathon  
10045-55 Overseas Highway  
Marathon, Florida 33050

Mike Puto  
Acting City Manager  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

John Herin, Esq.  
Stearns Weaver Miller Weissler  
Alhadeff & Sitterson, P.A.  
Suite 2200 Museum Tower  
150 West Flagler Street  
Miami, Florida 33130

By Hand Delivery or Interagency Mail:

Rebecca Jetton, ACSC Administrator  
Richard E. Shine, Assistant General Counsel



## CITY OF MARATHON, FLORIDA

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10045-55 Overseas Highway, Marathon, Florida 33050  
Phone: (305) 743-0033 Fax: (305) 743-3667  
www.ci.marathon.fl.us

1/13/05

Rebecca Jetton DCA  
Division of Community Planning  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

Dear Ms. Jetton,

Enclosed you will find a copy of the City of Marathon's Ordinance 2004-017. In addition you will find a Hotel Redevelopment Analysis, a Marathon Hospitality Association Survey, a Marathon Hotel-Motel Analysis, and a Hurricane Season Guest Vehicle Surveys.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Libby Frazier".

Libby Frazier  
Administrative Assistant  
City Clerk/ HR Officer

Cc: Peter Koeppel