

Sponsored by: Hernstadt
Introduction Date: March 25, 2013
Public Hearing Dates: April 9, 2013
September 10, 2013
Enactment Date:

CITY OF MARATHON, FLORIDA
ORDINANCE 2013-04

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON FLORIDA COMPREHENSIVE PLAN, BY ADOPTING A NEW FUTURE LAND USE MAP, A NEW PROTECTED SPECIES MAP, A NEW SPECIES FOCUS AREA MAP, AND AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE, HOUSING, INFRASTRUCTURE, CONSERVATION AND COASTAL, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENT, TRANSPORTATION, RECREATIONAL AND OPEN SPACE, AND IMPLEMENTATION AND REVIEW ELEMENTS; PROVIDING FOR THE REPEAL OF ALL COMPREHENSIVE PLAN PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO); AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Marathon, Florida (the "City") is located within the Florida Keys Area of Critical State Concern (the "FKACSC"), as established pursuant to Chapter 380, *Florida Statutes*; and

WHEREAS, Section 380.552, *Florida Statutes*, establishes Principles for Guiding Development in the FKACSC; and

WHEREAS, the Principles for Guiding Development provide that units of government in the Florida Keys Area shall coordinate their plans and conduct their programs and regulatory activities consistent with the principles for guiding development; and

WHEREAS, the Florida Legislature intends that local planning be a continuous and ongoing process; and

WHEREAS, the City Council adopted the City of Marathon, Florida Comprehensive Plan by Ordinance 2003-11 on July 13, 2004 and by remedial amendment via Ordinance 2005-07 on March 8, 2005.

WHEREAS, the Plan was adopted and became effective on July 7, 2005; and

WHEREAS, Section 163.3191(1), *Florida Statutes*, directs local governments to evaluate their comprehensive plan every 7 years to determine if plan amendments are necessary to reflect changes in State requirements; and

WHEREAS, the City Comprehensive Plan EAR based amendments (“Plan Amendments”) contained herein have been prepared pursuant to the provisions of Chapter 163, and Chapter 380, *Florida Statutes*; and

WHEREAS, the Plan Amendments contain goals, objectives and policies to guide the development, redevelopment and revitalization of the City through the year 2023, addressing future land uses, transportation, housing, conservation, coastal management, recreational facilities and open space, public facilities, intergovernmental coordination, capital improvements and implementation and review; and

WHEREAS, pursuant to Chapter 163.3174, *Florida Statutes*, and Section 102, Article 6 of the LDRs, the Planning Commission sitting as the Local Planning Agency has publicly considered the Plan Amendments in their entirety during a duly noticed public hearing conducted on March 18, 2013, and recommends approval and adoption of the Plan Amendments; and

WHEREAS, the proposed amendments were transmitted to DEO by City Council on April 9, 2013 via Ordinance 2013-04, were received by DEO on April 17, 2013 and deemed complete by DEO on April 22, 2013; and

WHEREAS, DEO issued an Objections, Recommendations, and Comments Report (ORC) to the City on June 12, 2013 which outlined one (1) objection and six (6) technical assistance comments; and

WHEREAS, the City has appropriately addressed objections and comments made in the ORC report by DEO and has furnished herein appropriate data and analysis to support their justifications and changes to the City of Marathon Comprehensive Plan as part of the EAR based amendments; and

WHEREAS, in accordance with Sections 163.3184 and 166.041, *Florida Statutes*, public notice has been given of the public hearings for the proposed transmittal of this Ordinance; and

WHEREAS, the City Council finds that adoption of the Plan Amendments, in substantially the form attached hereto, is in the best interest of the City and complies with applicable laws and is consistent with the South Florida Regional Plan, the State Plan, the Community Planning Act, and promotes and protects the health, safety and welfare of the City’s businesses, residents, and visitors.

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

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

Section 2. The Plan Amendments, a copy of which are attached hereto and incorporated herein as Exhibit "A", are hereby adopted.

Section 3. The provisions of the Marathon Comprehensive Plan and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. The City Clerk shall timely transmit the Plan Amendments and all supporting data and analysis to the State of Florida Department of Economic Opportunity in its capacity as the State Land Planning Agency (the "Department"), as required by Chapters 163 and 380, *Florida Statutes*.

Section 5. Upon its effective date, the Plan Amendments shall replace the City of Marathon Comprehensive Plan, previously applicable to the City pursuant to Sections 163.3167(2), 380.05(8) and 380.0552(9), *Florida Statutes*, and the City Charter, to the fullest extent allowed by law.

Section 6. 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 7. This Ordinance shall be effective immediately upon adoption by the City Council on second reading, except that the effective date of the Plan approved by this Ordinance shall be the date a final order is issued by the Department or Administration Commission finding the Plan in compliance in accordance with Section 163.3184, *Florida Statutes*, whichever occurs earlier. No development orders, development permits, or land uses dependent on such Plan Amendments contained herein may be issued or commenced before the Plan Amendments have become effective. The Department's Notice of Intent to find the Plan Amendments "in compliance" shall be deemed to be a final order if no timely petition challenging the Plan Amendments is filed.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, THIS 10 DAY OF SEPTEMBER, 2013.

THE CITY OF MARATHON, FLORIDA



Mike Cinque, Mayor

AYES: Ramsay, Keating, Snead, Bull, Cinque
NOES: None
ABSENT: None
ABSTAIN: None


ATTEST:



Diane Clavier, City Clerk

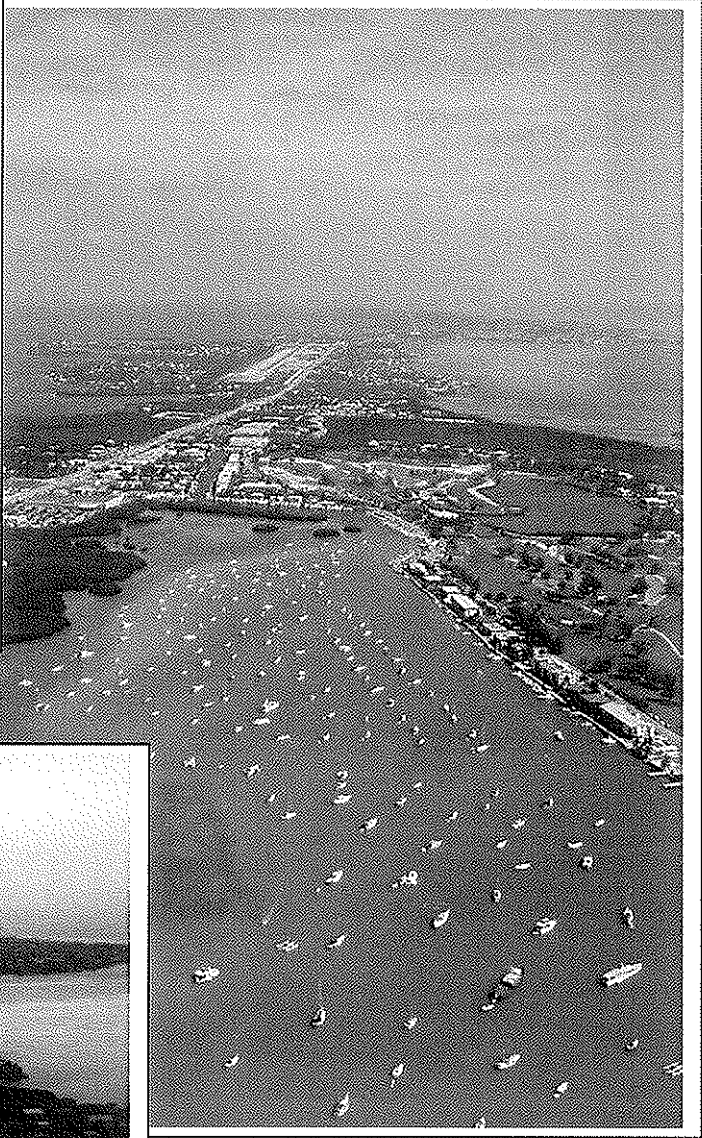
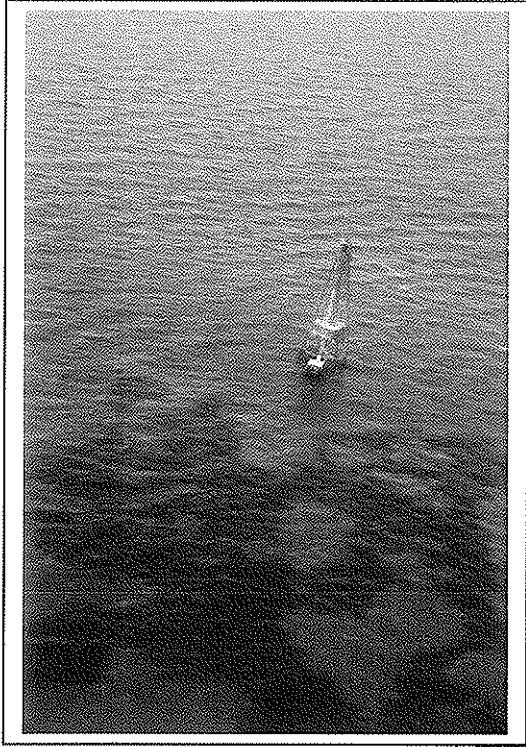
(City Seal)

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



City Attorney

EXHIBIT "A"



City of Marathon, Florida *Comprehensive Plan*

Adopted March 8, 2005
Effective July 7, 2005

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PREAMBLE

The City of Marathon, central in the Florida Keys archipelago, is comprised of numerous islands accessed by U.S. Highway 1. The geography, beautiful weather and physical beauty of the waters surrounding the City attract many seasonal and short-term visitors. This has increased the pressure for all types of development, inflated the living costs and decreased the availability of affordable housing. Marathon, together with the rest of the Florida Keys, is designated an Area of Critical State Concern, pursuant to Section 380.0552, Florida Statutes.

As an Area of Critical State Concern, protection of the fragile coastal and natural resources is essential. Although essential, implementation of necessary surface water management, wastewater management and building upgrades for the aging Marathon community creates an economic burden on its residents and government. In the City, the economy is dominated by the tourism industry. Most of the City's permanent residents work in tourist related fields. Nearly all of the existing tourism facilities in the City are aging. At this time revitalization of these facilities is necessary not only to enable competition in the tourism industry but to bring about compliance with current building and environmental standards to protect the coastal and natural resources.

The social and economic vitality of Marathon is in jeopardy and must be ensured through protection of the fragile, natural resources and revitalization and development that protects the unique character, historical and cultural heritage of the City.

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

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

INTRODUCTION

The City of Marathon Comprehensive Plan is divided into three volumes: a Policy Document, Map Atlas, and a Technical Document. The Policy Document contains the goals, objectives and policies for each element, the capital improvements implementation program, and the Comprehensive Plan monitoring and evaluation procedures. The Map Atlas contains maps depicting background information for the various elements (Existing Land Use, Natural Features, Existing Transportation, etc.), as well as the Future Land Use and Future Transportation Map series. The Technical Document contains background information including the technical support data and analyses for the various elements of the plan.

In accordance with the requirements of ~~Rule 9J.5, F.A.C.~~, Chapter §163.3161 F.S. (Community Planning Act) the Policy Document contains the following sections of the Comprehensive Plan adopted by the City of Marathon City Council.

- Goals, Objectives and Policies are contained in Chapters 1 through 9
- The requirements for Capital Improvements implementation are contained in Chapter 6
- The procedures for monitoring and evaluation of the plan are contained in Chapter 9
- The Plan Adoption Ordinance is contained in Appendix A
- The map series included in the Map Atlas which depict future conditions in Monroe County, Future Land Use and Future Transportation, also require adoption by the City Council. The remainder of the map series contained in the Map Atlas and the background data and analyses contained in the Technical Document do not require adoption by the City Council.

Pursuant to Chapter §163.3177(5) F.S., the Goals, Objectives and Policies contained in Chapters 1 through 9 are the primary mechanism for implementation of the Comprehensive Plan. Goals, Objectives and Policies are presented for the following required elements:

1. Future Land Use Element
2. Housing Element
3. Infrastructure Element
4. Coastal and Conservation Element
5. Intergovernmental Coordination Element
6. Capital Improvements Element
7. Transportation Element
8. Recreation and Open Space Element
9. Implementation and Review Criteria

Chapter 6, Capital Improvements Element, establishes a schedule of capital improvements in support of the Goals, Objectives and Policies for the five-year period subsequent to plan adoption. Also included in this chapter are the programs which will be adopted to ensure that public facilities and services meeting the level of service standards established in the Comprehensive Plan will be available concurrent with the impacts of development.

Chapter 9, Monitoring and Review Criteria, describes the procedures that the City will follow to ensure that the Goals, Objectives, and Policies of the Comprehensive Plan are implemented.

GENERAL

Policy 1

Implementation of this Plan, particularly:

- a. Implementation of Policies 1-3.5.15, 2-1.1.13, 4-1.2.13 (land acquisition), and 4-1.5.3 (100% open space ratio for salt marsh and buttonwood wetlands); and
- b. Implementation of Objectives 3-2.1 (wastewater master plan) and 3-4.1 (stormwater master plan), as found in Table 3.1 (five year schedule of capital improvements)

will require funding which exceeds the reasonable budgetary constraints of the City of Marathon. As an Area of Critical State Concern and site of unique natural resources of national and international importance, the City of Marathon should not be expected to bear the sole burden of implementing these policies without substantial financial assistance. The State of Florida has made a substantial commitment to provide, and actively assist in securing, financial assistance to implement these policies. Accordingly, the City will pursue, in cooperation with the State Land Planning Agency, all available federal, state and private funding sources for implementation of these policies and for preparation of studies and master plans identified in the Plan. The City will commit to work with the Monroe County Land Authority who has committed funding to acquire of lands rendered unbuildable, and, where feasible, will commit additional funds from other local revenue sources. When an implementation date cannot be met by reason of unavailability of sufficient funds that date will be extended by Plan amendment to the earliest date that is reasonably practical after receipt of sufficient funds.

~~Policy 2~~

~~To provide specific interim criteria and standards pending the adoption and effective date of revisions to the land development regulations which are consistent with and further the policies set forth in this Plan, certain land development regulations in effect on the adoption date of this Plan have been incorporated by reference. Upon the effective date of revisions to the land development regulations which are required by and consistent with this Plan, all references in this Plan to prior land development regulations shall include or be superseded by such revisions.~~

Policy 3~~2~~

The City of Marathon shall be responsible to implement the Comprehensive Plan to the extent authorized by law. While all plan policies are contingent upon funding, many require substantial funds in order to be implemented. Therefore, the City shall be responsible to implement the objectives and policies enumerated in Policy 1 (a) and (b) above, to the extent that local funds for implementation are available, and to maintain and continue implementation to the extent that additional local funds or state and federal funds, become available. Further, the City, with the assistance of the State, shall determine the ultimate fiscal cost of implementing the plan and the federal, state and local fair share of implementation.

Policy 4~~3~~

The City of Marathon is not required to increase property taxes in order to provide funds necessary to implement this Plan. It is, however, required to commit its reasonably available funds to funding what the Department of ~~Community Affairs~~ Economic Opportunity and the City ultimately agree is the City of Marathon's reasonable share of the cost of implementation. Policy 3 above does not require the

City of Marathon Comprehensive Plan

City's taxpayers to bear the entire financial burden imposed by the City of Marathon's Comprehensive Plan. The City's commitment is limited to its reasonable ability to fund only part of the cost of implementation. To the extent that the state should assist the City and does not, the City is not required to provide such funds.

ACKNOWLEDGEMENTS

City Council

2000-2001
Bob Miller, Mayor
John Bartus
Frank Greenman
Jon Johnson
Randy Mearns

2001-2002
Bob Miller, Mayor
John Bartus
Frank Greenman
Jon Johnson
Randy Mearns

2002-2003
John Bartus, Mayor
Frank Greenman
Randy Mearns
John Repetto
Pete Worthington

2003-2004
Randy Mearns, Mayor
John Bartus
Jeff Pinkus
John Repetto
Pete Worthington

2004-2005
Jeff Pinkus, Mayor
John Bartus
Chris Bull
Randy Mearns
Bob Miller

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Margie Mearns
Bob Miller
Jeff Pinkus

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Michael Cinque
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Tracy Holder
Don Vasil

Planning Department

2000
Calvin, Giordano and
Associates

2001
Calvin, Giordano and
Associates

2002
Calvin, Giordano and
Associates

2003
Calvin, Giordano and
Associates
Michael Puto, Community
Development Director
Gail Kenson, AICP, Planning
Manager
Brenda Bates
Wendy Dyer
Jennifer DuPree
Katy Parker

2004
Michael Puto, Community
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Wendy Dyer
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and Sitterson, PA

John Herin

Lambert Advisory

FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, AND POLICIES

PURPOSE

Pursuant to Chapter 163.3177(1) F.S., the purpose of the Future Land Use Element is to evaluate existing development patterns and potential opportunities and constraints for new development and redevelopment and to establish the standards and criteria to determine how future development may occur within the City of Marathon (the “City”) over the planning horizon of this Comprehensive Plan (the “Plan”). The Future Land Use Element shall direct where this development will be located and how the goals of this Plan will be achieved. The following principles will guide future development in the City of Marathon, “Heart of the Florida Keys”:

Future growth should be managed to enhance the quality of life for and to ensure the safety of the City’s residents and visitors.

The City should provide adequate public facilities and services to support existing and future development.

Future growth should be directed to lands which are inherently most suitable for development and promote conservation, preservation, and protection of environmentally sensitive lands.

GOAL 1-1 MANAGE GROWTH

The City shall manage growth to enhance the quality of life for residents and visitors of the City, to maintain and enhance the unique small town character of the community and to promote development and redevelopment which strengthens Marathon’s unique role as the city in the “Heart of the Florida Keys”. ~~State Plan 187.201(15)(b) 3, (16)(a), (16)(b)(2); OJS-006(3)(a); Regional Plan Goal 2.1, Policies 2.1.4~~ §163.3177(1) F.S.

Objective 1-1.1 Protect Community Character

The City shall accommodate new growth and redevelopment in a manner which protects and enhances existing land use, patterns of employment, housing, and commerce that define the City’s community character. This will be accomplished in part by discouraging uses inconsistent with Marathon’s unique “Keys” character and future land uses. §163.3177(1) F.S.

Policy 1-1.1.1 Enhance and Preserve Existing Community Character

In order to enhance and preserve the existing community character, the City shall ~~adopt~~ continue to maintain Land Development Regulations to reflect the following desired development patterns that:

- a. Protect and enhance the “small town” atmosphere;

- b. Encourage mixed-use development patterns;
- c. Protect, enhance, and acknowledge the commercial fishing industry and its historical contributions to the City;
- d. Protect and enhance the “Keys” character; and
- e. Protect, enhance, and increase the number of affordable housing units.

Policy 1-1.1.2 Adopt Compatibility for Residential and Non-Residential Review Criteria

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations to preserve and enhance the City’s unique “Keys” character. The ~~new~~ Land Development Regulations, at a minimum, shall address: ~~9J-5.006(3)(e)3~~

- a. sign control;
- b. specimen tree protection;
- c. native landscaping;
- d. architectural design review criteria; and
- e. bulk regulations

Policy 1-1.1.3 Protect Residential Neighborhood Character

The City shall protect viable and stable residential neighborhoods from uses inconsistent with their established character and use. The City’s Land Development Regulations shall include standards which protect such neighborhoods through the use of landscaping and buffering requirements, building height and bulk restrictions, and standards requiring setbacks and separation between uses. ~~9J-5.006(3)(e)(2)~~

Policy 1-1.1.4 Transition between Land Uses

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations which implement the following techniques ~~that shall be required~~ to create a smooth land use transition where it is not feasible to separate incompatible land uses.

- a. Variable buffers, combining land and landscaping to achieve adequate separation of uses, appropriate open space, reduction of potential noise, light, glare, and pollution, and screening of physical features of a proposed development;
- b. Variable setbacks, based upon degree of difference in proposed use, density, intensity, scale, mass, or height;
- c. Placement and effective screening or shielding of site features such as lights, signs, dumpsters, loading areas, parking areas, outdoor storage, or other features with potential negative impacts;
- d. Effective transitions of on-site densities, intensities, scale, mass, and height; and
- e. Other innovative site design features that effectively achieve compatibility and effectively mitigate potential negative impacts.

Policy 1-1.1.5 Home Occupations

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations which allow home-based businesses that do not detract from the residential quality of the neighborhood. These regulations shall incorporate criteria for

determining compatible home occupation uses and standards to ensure there are no negative impacts on adjoining properties.

Objective 1-1.2 Enhance the US 1 Corridor

The City recognizes that the US 1 corridor is a vital part of the City and its enhancement and improved functionality is an integral component to the redevelopment and revitalization of the City. §163.3177(6)(a)3 & 9. and §163.3177(6)(b)1, F.S.

Policy 1-1.2.1 Fair Share Funding of Improvements

The City may require new development and redevelopment to fund a proportionate share of the improvements set forth in Policy 1-1.2.2.

Policy 1-1.2.2 Enhance U.S. 1 Corridor

The City shall promote land use and transportation plans and policies designed to improve the appearance and function of the U.S. 1 corridor. These plans and policies shall include, but not limited to:

- a. Installation and maintenance of landscaping
- b. Installation and maintenance of medians, including additional left hand turn lanes
- c. Installation and maintenance of traffic signals and signage
- d. Installation and maintenance of stormwater
- e. Pedestrian and bike paths and lanes

These improvements, in addition to improving the appearance and functionality of the US 1 Corridor, may also be designed to provide traffic calming measures and increase pedestrian activity where appropriate.

GOAL 1-2 ADEQUATE PUBLIC FACILITIES AND SERVICES

The City shall manage future growth to enhance the quality of life, ensure the safety of the City's residents and visitors, and protect valuable natural resources through the provision of adequate public facilities and services. §163.3177(6)(a) and §163.3178(2)(d) F.S.

Objective 1-2.1 Ensure Levels of Service

The City shall to ensure the availability of public facilities and services, including assurances that land is available for the needed facilities and that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development. ~~91-5-006(3)(b)1~~ §163.3177(6)(a)3.e

Policy 1-2.1.1 Implement Levels of Service

The City shall implement level of service (LOS) standards for the following public facility types required by Chapter 91-5, F.A.C: roads, potable water, wastewater, solid waste, drainage, and parks and recreation. The City shall require new development and redevelopment to fund a proportionate share of the improvements. ~~91-5-006(3)(c)3~~

Policy 1-2.1.2 Ensure Availability of Public Facilities and Service

The City shall not issue a development order or permit for any development unless the applicant provides narrative and graphic information demonstrating to the satisfaction of the City that the public facilities required by the subject development shall be in place concurrent with the impacts of development. Furthermore, the applicant shall assure that the facilities operate at or above adopted level of service (LOS) standards. The applicant's narrative and graphic information shall also demonstrate that the subject development shall not reduce the levels of service for public facilities serving the development below adopted LOS standards.

Policy 1-2.1.3 Ensure Adequate Easements and Rights-of-Ways

The City shall continue to maintain and require the dedication of adequate easements and rights-of-way for uses such as, but not limited to, roadways, wastewater lines, and stormwater management, for use by utility companies for new construction, service extensions, or facility improvements.

Policy 1-2.1.4 Future Schools

~~Upon the effective date of the Plan, a~~ All future public or private, primary or secondary schools are allowed in all land use categories except the Conservation, Recreation and Industrial land use categories (§163.3177(6)(a)7.F.S.). The City shall enter into an interlocal agreement with the Monroe County School Board that shall provide for:

- a. Future schools to be sited as closely to residential areas as practical, preferably within walking and bicycle distance of the primary residential areas to be served;
- b. The co-location of City public facilities, such as parks, libraries, and community centers, with schools to the extent possible; and
- c. The use of elementary schools as focal points for neighborhoods; and
- d. An annual meeting with school board representatives to review school facility planning, development needs, student population projections, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support the school, review and evaluate potential school site locations.

Objective 1-2.2 Hurricane Evacuation

The City shall maintain an up-to-date hurricane evacuation plan and meet the required 24 hour hurricane evacuation time or other applicable state standard for hurricane evacuation.

§163.3178(2)(d)

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

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

- a. Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, recreational vehicles (RVs), live-boards (transient and non-transient), and military personnel from the Keys shall be initiated. State parks and campgrounds should be closed at this time and entry into the Florida Keys by non-residents should be strictly limited.
- b. Approximately 36 hours in advance of tropical storm winds, a mandatory evacuation of mobile home residents, special needs residents, and hospital and nursing home patients from the Keys shall be initiated.
- c. Approximately 30 hours in advance of tropical storms winds, a mandatory phased evacuation of permanent residents, by evacuation zone shall be initiated.

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

Policy 1-2.2.2 Coordinate Evacuation Plans

The City shall coordinate plans for evacuation of coastal area populations with appropriate local or regional hurricane evacuation plans.

Policy 1-2.2.3 Reduce Potential Loss of Life and Property Damage

The risk of loss of human life and damage to public and private property from natural disasters shall be reduced through hurricane preparedness, planning and implementation of hazard mitigation measures.

Policy 1-2.2.4 Hurricane Modeling.

For hurricane evacuation clearance time modeling purposes, clearance time shall begin when the Monroe County Emergency Management Coordinator issues the evacuation order for the permanent population for a hurricane that is classified as a Category 3-5 wind event or Category C-E surge event. The termination point shall be the intersection of U.S. Highway One and the Florida Turnpike in Homestead/Florida City.

GOAL 1-3 MANAGE GROWTH

The City, through the implementation of this Plan and the adoption of Land Development Regulations, shall manage public and private development and redevelopment.
§163.3177(6)(a) F.S.

Objective 1-3.1 Managing Future Development and Redevelopment through Future Land Use Designations

The City shall manage and maintain the character of existing development and land uses and achieve new development and land uses, which are consistent with the community character and achieve redevelopment that is more consistent with the community character than the

development which it replaces. Additionally, the City shall maintain and protect its natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map. §163.3177(6)(a)3. and §163.3177(6)(a)9 F.S.

Policy 1-3.1.1 Recognize Platted Lots

The City shall recognize all lots that have been subdivided without having had prior subdivision or plat approval as set forth in state law. These lots shall be recognized as legal lot(s) of record as long as the resulting lot(s) is a buildable lot. The recognition of these lots as legal lot(s) of record does not confer any development rights to the lot(s). The development of such lots shall comply with the provisions of this Plan and the Land Development Regulations.

Policy 1-3.1.2 Plat Review and Lots Containing Duplex Dwelling Units

Upon the effective date of this Plan, the subdivision of land into three or more lots, parcels, tracts or other division of land shall be subdivided in accordance with Chapter 177, Florida Statutes. Any lot of record containing a duplex structure may be subdivided into two separate lots, as long as there is recorded in the Public Records of Monroe County an agreement requiring the joint maintenance of the duplex structure by the individual lot owners. The recognition of these lots as legal lot(s) of record does not confer any development rights to the lot(s). The development of such lots shall comply with the provisions of this Plan and the Land Development Regulations. The application of the height and lot coverage limitations shall not preclude the repair or reconstruction of the duplex which has been damaged by any natural disaster or other casualty.

Policy 1-3.1.3 Simplified (Minor) Plat Review

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations establishing a simplified (Minor) Plat review of the proposed subdivisions to ensure the resulting lots meet all of the requirements of this Plan and the Land Development Regulations and do not result in unbuildable lots. The recognition of these lots as legal lot(s) of record does not confer any development rights to the lot(s). The development of such lots shall comply with the provisions of this Plan and the Land Development Regulations.

Policy 1-3.1.4 Future Land Use Categories

~~Pursuant to Chapter §163.3177(6)(a) F.S., the following future~~ future land use categories, depicted on the *Future Land Use Map*, describe the type and extent of land use permitted in specified locations in the City. The Land Development Regulations shall contain more detail about permitted land uses within the Future Land Use categories.

Residential Low

The principal purpose of the Residential Low future land use category is to provide for low-density residential development. The Residential Low future land use category is characterized by ~~in~~ partially developed areas with substantial native vegetation with limited infrastructure. Low intensity public utilities and institutional uses are also allowed. The minimum lot size/density/intensity identified in Table I-1 shall not preclude the continued use or redevelopment of existing commercial, if applicable, or residential uses on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan.

Additionally, the application of the height and lot coverage limitations contained in the Plan and the Land Development Regulations shall not preclude the repair or reconstruction of any structure or portion thereof which is damaged by any natural disaster or other casualty as provided for in Objective 1-3.4 and Policies therein. ~~9J-5.006(3)(e)1-and-7~~

Residential Medium

The principal purpose of the Residential Medium future land use category is to provide for medium density residential development. The Residential Medium future land use category is characterized by areas containing predominately compact development on lots with disturbed or scarified vegetation and areas that are appropriate for infill development and that are served by existing infrastructure. The minimum lot size/density/intensity identified in Table 1-1 shall not preclude the continued use or redevelopment of existing commercial, if applicable, or residential uses on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan. Additionally, the application of the height and lot coverage limitations contained in the Plan and the Land Development Regulations shall not preclude the repair or reconstruction of any structure or portion thereof which is damaged by any natural disaster or other casualty as provided for in Objective 1-3.4 and Policies therein. ~~9J-5.006(3)(e)1-and-7~~

Residential High

The principal purpose of the Residential High future land use category is to provide for high-density single-family, multi-family, and institutional residential development. The Residential High future land use category is characterized by high density compact development on lots with disturbed or scarified vegetation and areas that are appropriate for infill development and that are served by existing infrastructure. Lawfully established RV parks where a majority of the recreational vehicles have been converted into permanent structures are also allowed within the residential high land use category (See Objective 1-3.3 and 1-3.4 and the Policies therein.) The minimum lot size/density/intensity identified in Table 1-1 shall not preclude the continued use or redevelopment of existing commercial, if applicable, or residential uses on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan. Additionally, the application of the height and lot coverage limitations contained in the Plan and the Land Development Regulations shall not preclude the repair or reconstruction of any structure or portion thereof which is damaged by any natural disaster or other casualty as provided for in Objective 1-3.4 and Policies therein. ~~9J-5.006(3)(e)1-and-7~~

Mixed Use Commercial

The principal purpose of the Mixed Use Commercial future land use category is to provide for the establishment of mixed use development patterns and to recognize established mixed use development patterns within the City. This land use category is intended to provide for the commercial zoning districts where various types of commercial, retail, and office uses may be permitted at intensities which are consistent with the community character and the natural environment and to provide for various types of residential uses, including employee housing and commercial apartments. Whenever and wherever possible, the maintenance and enhancement of commercial fishing and related traditional uses such as retail, storage, and repair and maintenance which support the commercial fishing industry shall be encouraged within this land use category. Heavy industrial uses and similarly incompatible uses shall be prohibited.

Lawfully established RV parks where the majority of the RVs spaces are maintained and rented as transient spaces are also allowed within the Mixed Use Commercial future land use category. The minimum lot size/density/intensity identified in Table 1-1 shall not preclude the continued use or redevelopment of existing commercial or residential uses on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan. Additionally, the application of the height and lot coverage limitations contained in the Plan and the Land Development Regulations shall not preclude the repair or reconstruction of any structure or portion thereof which is damaged by any natural disaster or other casualty as provided for in Objective 1-3.4 and Policies therein. ~~9J-5.006(3)(e)1 and 7-§163.3177(6)(a)3,h F.S.~~

Industrial

The principal purpose of the Industrial future land use category is to provide for the development of light industrial, manufacturing, marine industrial, warehouse and distribution uses. Public and commercial fishing-related uses are also allowed. New affordable and/or workforce housing residential uses accessory to the primary use are permitted; and existing units may be replaced under the provisions within the Plan. The minimum lot size/density/intensity identified in Table 1-1 shall not preclude the continued use or redevelopment of existing commercial, if applicable, or residential uses on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan. Additionally, the application of the height and lot coverage limitations contained in the Plan and the Land Development Regulations shall not preclude the repair or reconstruction of any structure or portion thereof which is damaged by any natural disaster or other casualty as provided for in Objective 1-3.4 and Policies therein. ~~9J-5.006(3)(e)1 and 7~~

Recreation

The principal purpose of the Recreation future land use category is to provide for public and private, activity-based and resource-based parks and recreational facilities. Residential caretaker uses are also permitted. The minimum lot size/density/intensity identified in Table 1-1 shall not preclude the continued use or redevelopment of existing commercial, if applicable, or residential uses on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan. Additionally, the application of the height and lot coverage limitations contained in the Plan and the Land Development Regulations shall not preclude the repair or reconstruction of any structure or portion thereof which is damaged by any natural disaster or other casualty as provided for in Objective 1-3.4 and Policies therein.

Public Uses

The Public ~~Uses Facilities~~ future land use category includes all government-owned property, educational and institutional facilities, and land owned by public utilities and service providers. In general, municipal facilities and public utilities may be located in any land use category. Affordable and/or workforce housing uses are permitted. The minimum lot size/density/intensity identified in Table 1-1 shall not preclude the continued use or redevelopment of existing commercial or residential uses on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan. Additionally, the application of the height and lot coverage limitations contained in the Plan and the Land Development Regulations shall not

preclude the repair or reconstruction of any structure or portion thereof which is damaged by any natural disaster or other casualty as provided for in Objective 1-3.4 and Policies therein.

Conservation

The principal purpose of the Conservation future land use category is to provide for the preservation of natural and historic resources and passive resource-based recreational uses. These areas require protection from development or require strict regulation of the density and intensity of development. Very low-density residential development and low intensity public uses and utilities may be permitted. The maximum density shall be determined by the results of a Habitat Analysis as provided for in the Land Development Regulations. The minimum lot size/density/intensity identified in Table 1-1 shall not preclude the continued use or redevelopment of existing commercial, if applicable, or residential uses on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan. Additionally, the application of the height and lot coverage limitations contained in the Plan and the Land Development Regulations shall not preclude the repair or reconstruction of structure or portion thereof which is damaged by any natural disaster or other casualty as provided for in Objective 1-3.4 and Policies therein. All non-submerged lands within the Conservation future land use category are eligible sender sites for the Transfer of Density Rights. §163.3177(6)(a)3.f. F.S.

Airport

The principal purpose of the Airport District future land use category is to provide for the landing and take-off of aircraft, both public and private, and to provide for their storage and maintenance and the appurtenant area which is used for airport buildings or other airport facilities, rights-of-way, or other appropriate public uses. Residential uses are not permitted. §163.3177(6)(a)3.b F.S.

Objective 1-3.2 Regulate Density and Intensity

The City shall direct and regulate density and intensity to maintain the character of the community, protect the natural resources and provide for the compatible distribution of land uses. §163.3177(6)(a)3, 4 and 9. F.S.

Policy 1-3.2.1 Allocated Density Defined

Allocated densities for the Future Land Use districts, as shown in Table 1-1, are the number of residential units allocated per gross acre of land pursuant to the Plan.

Policy 1-3.2.2 Floor Area Ratio Defined

Floor Area Ratio (FAR) shall be defined as the total square feet of gross floor area on a lot, parcel or building site or aggregated development of contiguous parcels under common ownership or having shared facilities, divided by the total square feet of land area comprising the lots, parcel or building site. FAR computations shall include all enclosed uses on the lot, parcel or site. Parking structures shall not count as part of the floor area, but shall be counted when computing height, setbacks, impervious surfaces and open space.

Policy 1-3.2.3 Areas Ineligible for Density or FAR Calculations

Allocated density (residential units per acre) shall be assigned to high quality disturbed and undisturbed wetlands only for use as transferable density rights (TDR's) away from these habitats. High quality disturbed and undisturbed wetlands shall be assigned a density of .25 residential units per acre as a sender site as defined in Policy 1-3.5.15. Submerged lands, salt ponds and mangrove forests shall not be assigned density for the purposes of calculating development right transfers. FAR credit shall be granted for high quality disturbed and undisturbed wetlands or for submerged lands, salt ponds and mangrove only for the use as TDR's. §163.3177(6)(a)3.f. F.S.

Policy 1-3.2.4 Density Increase Provisions

Special provisions and criteria have been established in the Land Development Regulations to provide incentives to increase the supply of affordable housing by allowing for high density for affordable units. This high density shall only be available for Residential Medium, Residential High and Mixed Use Commercial categories. The transfer of development rights (TDR's) is not required for affordable units under these provisions. Assigned density under these provisions can not exceed a maximum of 25 units per acre, as provided for in Table 1-1 and this density can only be applied to the following environmental habitats:

- Disturbed with Hammock
- Disturbed
- Disturbed with exotics
- Scarified

Property owners may seek a FLUM change to a FLUM category which would allow a greater residential density. However, there shall be no presumption in any request that the request must be or will be granted by the City. If the FLUM change is granted, then the difference in residential density between the two FLUM categories shall be achieved through a transfer of TDRs which shall not exceed the density allowed in Table 1-1 for the new FLUM category. The Transfer of Development Rights shall be accomplished in accordance with the provision of Policy 1-3.5.16.

Policy 1-3.2.5 Maximum Height Limitation

The maximum height of a structure shall be thirty-seven (37) feet with the exception of permitted projections, unless further restricted by the Land Development Regulations. Government Facilities are exempt with the approval of the City Council.

Policy 1-3.2.6 Manage Development of New Transient Units

Transient uses shall be defined as any use of any structure for a tenancy of 28 days or less. The number of new transient units is defined as the number of current and vested hotel and motel rooms, campground, and recreational vehicles spaces (non-permanent) existing within the City, and any additional transient units approved by the Governor and Cabinet – sitting as the Administration Commission – such as but limited to the 100 transient units so approved on January 18, 2012, and up to an additional 100 transient units which the City may allocate at its discretion from the Administrative Relief and/or Residential BPAS pools. Prior to the allocation

of any such transient units the City shall adopt Land Development Regulations that establishes an allocation process that:

- a. Provides a Building Permit Allocation System (BPAS) ranking system; and
- b. Provides disincentives for development in environmentally sensitive lands; and
- c. Provides disincentives for development in offshore islands, COBRA, Coastal High Hazard Areas, and High Velocity Zones; and
- d. Provides incentives for in-fill development; and
- e. Maintains an up-to-date hurricane evacuation plan and meet the required 24 hour hurricane evacuation time or other applicable state standard for hurricane evacuation; and
- f. Provides incentives for mixed-income (affordable and employee housing within one development) developments; and
- g. Provides means of replacement & accounting mechanism if TRUs are borrowed forward.

Policy 1-3.2.7 Restrict Density and Intensity of Development

Table 1-1 establishes the maximum range of allocated density and intensity (F.A.R.) permitted in each future land use category per acre. New development and redevelopment, unless otherwise specified, shall not exceed the thresholds established in the table below.

With the exception of mixed use development that contains affordable/work force housing, when a proposed development is for a combination of uses, the acreage required for each use shall be determined independently based on the floor area ratio in Table 1-1 for each individual use.

Policy 1-3.2.8 Permanent RVs

Permanent RVs are recreational vehicles that, as of the effective date of the Plan, meet all of the following criteria:

- a. have been tied down or otherwise affixed to the property on which they are located, and
- b. have permanent attachments such as carports, porches, screened rooms, or similar improvements, and
- c. are continuously occupied for more than six months and are being used as a permanent dwelling unit,
- d. are no longer capable of traveling on the public roadways of the state, and
- e. no new additions shall be added to a permanent RV.

At such time as the City establishes a Transfer of Building Rights (TBR) process, the building right for a permanent RV may be transferred to an approved site by the owner of the property on which the TBR is located and the TBR shall be considered and deed restricted as an affordable dwelling unit.

**TABLE 1-1
Future Land Use Densities and Intensities***

Future Land Use Category	Permitted Residential Density (Units per acre)			Hotel/Motel/RV Spaces (Units per acre)	Maximum Intensity (floor area ratio)	Minimum Open Space Ratio
	Market Rate	Affordable	Licensed Mobile Home or RV Parks			
Airport (AD)	0		0	N/A	0.15 - 0.50	0.2
Conservation (C)	0.1- 0.25	0.1-0.25	0	N/A	0.05 - 0.10	0.5
Industrial (I)	0	5-10	0	N/A	0.85	0.2
Mixed Use Commercial (MUC)	2 – 6	10 – 15	10-25	5 - 25	0.15 - 0.60 ¹	0.2
Public Facilities (PF)-Uses (PU)	0	15-25	0	3 – 25	0.15 - 0.75	0.2
Recreation (R)	0.25	0.25	0	5 – 15	0.15 - 0.50	0.2
Residential High (RH)	8	15 - 25	15-25	0	0	0.2
Residential Medium (RM)	5	10	0	0	0	0.2
Residential Low (RL)	0.5	0.5	0	0	0	0.5

Note:

1. See Objective 1-3.9 and subsequent policies.
2. The allocated and maximum net densities for submerged lands shall be 0.
3. For properties consisting of hammocks, ~~pinelands~~, or disturbed wetlands within the Mixed Use Commercial future land use categories, the floor area ratio shall be 0.10 and the maximum net residential density shall be 0.
4. Open space shall be increased based upon the requirement for a habitat evaluation and shall conform to Table 4-1 of the Coastal and Conservation Element.
5. The FAR in Mixed Use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided.
6. Residential Densities found in this Table are subject to the provisions of Policy 1-3.5.16

*All development and redevelopment shall comply with this Plan and the Land Development regulations.

Objective 1-3.3 Encourage Redevelopment

The City shall evaluate potential redevelopment areas and prepare redevelopment plans or Land Development Regulations for areas determined to be in need of redevelopment. ~~§ 163.306(3)(b)2~~ §163.3177(6)(a)3, 4 and 9 and §163.330 F.S.

Policy 1-3.3.1 General Redevelopment Criteria

The City shall investigate commonly used planning strategies and identify available funding sources to address the revitalization of areas in need of redevelopment. The City shall strive to utilize the most appropriate and creative mechanisms available to address such issues. Additionally, the City shall analyze existing development patterns, property values, structural conditions, renter/owner ratios, commercial vacancy rates, and other indicators of economic vitality and physical living conditions as part of the preparation of redevelopment plans or Land Development Regulations. Such redevelopment plans or Land Development Regulations shall:

- a. Prevent negative impacts on the fragile coastal ecosystem by directing development away from environmentally sensitive lands and critical habitat;
- b. Revitalize existing commercial areas;
- c. Promote safe and efficient vehicular, bicycle, and pedestrian movement;
- d. Prevent or minimize the City's cost to provide infrastructure;
- e. Mitigate incompatible commercial activity where commercial activity is adjacent to established residential neighborhoods;
- f. Enhance the unique character of the City's commercial land uses through incentives for bufferyards and landscaping; and
- g. Facilitate within the City, the creation of aesthetically pleasing commercial spaces outdoors, as places for social leisure and interaction, while limiting light industrial uses, outdoor storage and sales as a primary use of land, and outdoor retail sales as an accessory use of land; and
- h. Provide for affordable/workforce housing.

Policy 1-3.3.2 Removal of Hazard Structures

The City shall ensure that its code compliance process identifies and requires removal or rehabilitation of structures that are a hazard to the public health, safety and welfare.

Policy 1-3.3.3 Encourage Redevelopment of Aging Mobile Homes and Permanent RVs

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations that provide incentives and encourage the redevelopment of lawfully established mobile home and permanent RV parks. However, the City recognizes that existing mobile homes and permanent RVs in lawfully established mobile home and RV parks provide a critical source of affordable/workforce housing in the City. Accordingly, the redevelopment of lawfully established mobile home and RV parks shall incorporate development techniques which integrate the maintenance and promotion of affordable/workforce housing as part of the redevelopment project.

Policy 1-3.3.4 Encourage Redevelopment of Tourist/Resort/Campground Facilities

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations that provide incentives and encourage the redevelopment of existing resort and tourist facilities in the City. These Regulations shall include, but not be limited to:

- a. Mandatory hurricane evacuation
- b. Provision of on-site/off-site employee housing
- c. Transportation
- d. Services/Amenities
- e. Protection of habitat
- f. Establish a motel/hotel/campground equivalency ratio
- g. Ensure compliance with 2010 wastewater standards
- h. Ensure that transient units remain transient through various mechanisms such as:
 1. Use of Development Agreements
 2. Deed restrictions prohibiting the use of Homestead Exemptions;
 3. Provision of a lobby/front desk; or
 4. Limiting the tenancy of each unit.

Objective 1-3.4 Protect Established Uses, Densities, and Intensities

The City shall recognize and protect lawfully established uses, lawfully established transient, non-transient, and permanent RV residential densities and intensities within the City and shall encourage the rehabilitation and maintenance of all residential and non-residential structures within the community. ~~91-5.006(3)(b)3-~~ §163.3177(6)(a)9. F.S.

Policy 1-3.4.1 Protect Established Residential Densities

Notwithstanding Table 1-1, herein all lawfully established transient, non-transient, or permanent RV residential dwelling units in existence in 1996 shall be entitled to a density of one dwelling unit as follows: a transient dwelling unit, such as a campground space, recreational vehicle space or a motel/hotel unit, shall only be entitled to redevelop as a transient dwelling unit and a non-transient dwelling unit or permanent RV shall be entitled to redevelop as a non-transient dwelling unit. If any such residential dwelling unit is a legal nonconformity as a condition of redevelopment the developer/property owner shall:

- a. bring their property into compliance with the Plan and Land Development Regulations; or
- b. if it is physically impossible to bring the site into compliance with the Plan and Land Development Regulations due to the size of the site and physical layout of the structure, the site shall be brought into compliance to the maximum extent practical but at a minimum the site shall meet a fifteen percent open space ratio, and all applicable FEMA/floodplain, wastewater, and stormwater requirements, however the size of the structure shall not be increased unless it complies with all of the provision of this Plan and the Land Development Regulations.

The reestablishment of any such transient, non-transient, or permanent RV dwelling unit shall not adversely impact the existing inventory of affordable/workforce housing in the City, by decreasing the number of affordable housing units within the City. Any new parks must comply with density standards established in Table 1-1.

Policy 1-3.4.2 Protect Established Non-Residential Intensities

Notwithstanding Table 1-1 herein all lawfully established non-residential intensities in existence on or before 1996 shall be entitled to existing intensities. If any such non-residential intensity is a legal nonconformity as a condition of redevelopment the developer/property owner shall:

- a. bring their property into compliance with the Plan and LDRs; or
- b. if it is physically impossible to bring the site into compliance with the Plan and Land Development Regulations due to the size of the site and physical layout of the structure, the site shall be brought into compliance to the maximum extent practical but at a minimum the site shall meet a fifteen percent open space ratio, and all applicable FEMA/floodplain, wastewater, and stormwater requirements, however the size of the structure shall not be increased unless it complies with all of the provision of this Plan and the Land Development Regulations.

Policy 1-3.4.3 Replacement of Existing Densities and Intensities

~~Within one year of the effective date of the Plan, t~~The City shall ~~adopt~~ continue to maintain Land Development Regulations that provide criteria for recognizing residential and non-residential development that can be replaced without an allocation.

The criteria shall require at a minimum:

- a. Documentation of a permit or other local government action; or
- b. The structure exists or existed in 1996 on aerials, surveys, and property appraiser records;
- c. The structure could have been permitted under the applicable zoning district regulations in effect at the time the structure was constructed;
- d. Documentation of utility bills that demonstrates the use and occupancy of the structure for six months or more;
- e. Rental, occupancy, or lease agreements.

Policy 1-3.4.4 Protect Established Floating Structures

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

- a. ~~Within ninety days of the effective date of this Plan, t~~The City shall maintain an inventory of the number and locations of floating structures in existence within the City on or before March 9, 2004.
- b. ~~Within 120 days of the effective date of this Plan, the o~~Owners of all such floating structures shall register with the City. Any floating structure identified in the City's inventory of floating structures that does not register within this time frame shall not be deemed to be a legal nonconforming use and shall be required to leave

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

Policy 1-3.4.5 Protect Established Live-aboard Vessels

All live-aboard vessels docked, moored, anchored, or otherwise located within the City may remain in the City subject to the Policies in the Comprehensive Plan, including:

¹ Source for items 1-4, Florida Building Code

- a. Live-aboard inventory per Policy 4-1.12.4;
- b. The Marina Operating Permit process per Policy 4-1.12.3;
- c. Zoning District Regulations per Policy 1-3.4.6; and,
- d. Pump-out criteria per Policy 4.1.12.45.

Policy 1-3.4.6 Live-aboards not Permitted in Residential Zoning Districts
Live-aboard vessels of any type are prohibited in residential zoning districts.

Policy 1-3.4.7 Structures Non-Conforming to the Required Base Flood Elevation
All repairs or expansions to a structure non-conforming to the required BFE shall be subject to the requirements of the National Flood Insurance Program and the adopted local Flood Plain regulations.

Objective 1-3.5 Manage Growth Rate within the City

The City shall manage the rate of new development to protect the quality of life for residents, enhance and protect natural resources, comply with adopted level of service standards for public facilities, effectively time public infrastructure and services according to the availability of public funds and support safe and timely evacuation prior to a hurricane. §163.3177(6)(a)3, 4 and 9 and §163.3177(6)(f)(1) F.S.

Policy 1-3.5.1 Annual Residential Allocation Rate

~~The City shall be awarded 30 residential allocations annually beginning with the 2005-2006 allocation year starting July 14, 2005.~~

The number of allocations issued annually for residential development under the Residential Building Permit Allocation System (BPAS) shall not exceed a total annual unit cap of 30, plus any available unused BPAS allocations from a previous year. Unused BPAS allocations may be retained and made available only for affordable housing and Administrative Relief from BPAS year to BPAS year. Unused market rate allocations shall be available for Administrative Relief. Any unused affordable allocations will roll over to affordable housing. This BPAS allocation represents the total number of allocations for development that may be issued during a year. A BPAS year means the twelve-month period beginning on July 13.

No exemptions or increases in the number of allocations may be allowed, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement as of September 27, 2005, for affordable housing between the Department and the local government in the critical areas.

Through the Permit Allocation Systems, Marathon shall direct new growth and redevelopment to areas served by a central sewer system by 2015 that has committed or planned funding sources. Committed or planned funding is funding that is financially feasible and reflected in a Capital Improvements Element approved by the Department of Economic Opportunity. Prior to the ranking and approval of awards for an allocation authorizing development of new principal structures, Marathon shall coordinate with the central wastewater facility provider and shall increase an applicant's score by four points for parcels served by a collection line within a central

wastewater facility service area where a central wastewater treatment facility has been constructed that meets the treatment standards of Sections 381.0065(4)(I) and 403.086(10), F.S., and where treatment capacity is available. The points shall only be awarded if a construction permit has been issued for the collection system and the parcel lies within the service area of the wastewater treatment facility.

Policy 1-3.5.2 Affordable Housing Allocations

The City shall receive a one time award of 65 affordable housing allocations for the 2005-2006 allocation year starting July 14, 2005.

Policy 1-3.5.3 Coordination of Annual Residential Allocations

The City shall coordinate with Monroe County, the Municipalities within Monroe County and other applicable agencies to establish and accept its equitable share of the Keys-wide allocations for new residential and non-residential development.

Policy 1-3.5.4 Residential Building Permit Allocation System (RBPAS)

On July 10th, 2007, the City adopted Ordinance 2007-14 approving Land Development Regulations that established a RBPAS to ensure that all environmental impacts will be mitigated or an equivalent amount of land acquisition funds donated, and ensure that the proposed development is consistent with all other applicable regulations. In no case shall more than one (1) BPAS allocation per year be issued for properties which are in part or whole designated as Hardwood Hammock, Palm Hammock, Cactus Hammock, or Beach/Berm on the City of Marathon Existing Conditions Maps or as determined by the City Biologist or private habitat survey. Donations in lieu of land dedication shall be based on an average of the appraised value of Conservation (C) land in the City. The weighting categories are hereby established as guidelines for developing the specific point values in Land Development Regulations:

<u>Weight Category</u>	<u>Range of Points</u>
Major	10 - 20
Moderate	5 - 9
Minor	0 - 4

<u>DEVELOPMENT CRITERIA</u>	<u>WEIGHTING CATEGORY</u>
Environmentally Sensitive Areas ²	Minor
Offshore Island, COBRA	Minor
Perseverance Points	Minor
Velocity Zone	Moderate
Extinguish Development Rights	Moderate
Local Residency	Moderate
Lot Dedication or Cash-in-Lieu of Dedication	Moderate
Provision of Affordable Housing with a Market Rate Development	Moderate
Water and Energy Conservation	Moderate
Structural Integrity of Construction	Moderate

² As identified on the vegetation and species maps

Scarified lot without an existing paved or unpaved road or utilities	Moderate*
Scarified lot with an existing paved or unpaved road with existing water or electric service	Major*
Infill lot with existing paved roads, water and electric service	Major

*The Land Development Regulations will identify the criteria for both moderate and major points based on the applicant's submittal and whether or not the moderate or major point criteria have been met.

- a. Provide disincentives for development in environmentally sensitive lands;
- b. Provide disincentives for development in offshore islands, COBRA and High Velocity Zones;
- c. Provide incentives for in-fill of developed subdivisions;
- d. Establish programs to extinguish development rights;
- e. Maintain an up-to-date hurricane evacuation plan and meet the required 24 hour hurricane evacuation time or other applicable state standard for hurricane evacuation;
- f. Provide priority/preference to established permanent local residents; and
- g. Provide incentives for mixed-income (affordable and market rate housing within one development) developments.

Policy 1-3.5.5 Non-Residential Development

In order to maintain a balance between residential and non-residential growth, the City shall limit the gross square footage of non-residential development to 250,000 square feet over the 10 year planning horizon. The economic study prepared by the Lambert Group states the City of Marathon will require 500,000 square feet of new commercial development over the next twenty years. This study is incorporated as part of this Plan by reference.

Policy 1-3.5.6 Non-Residential Development of Previously Accrued Commercial Square Feet

The City shall develop a Commercial Building Permit Allocation System (CBPAS) to allocate fifty seven thousand, three hundred sixty (57,360) square feet commercial square feet accrued by the City prior to the adoption of this Plan.

Policy 1-3.5.7 New Commercial Development

Upon adoption of the Plan, any new commercial development, receiving an allocation through the Commercial Building Permit Allocation System, shall only be permitted in the Mixed Use Commercial and Industrial Future Land Use districts.

Policy 1-3.5.8 Commercial Building Permit Allocation System (CBPAS)

On July 10th, 2007 the City adopted Ordinance 2007-14 approving Land Development Regulations that established a CBPAS to ensure that all environmental impacts will be mitigated or an equivalent amount of land acquisition funds donated, and ensure that the proposed development is consistent with all other applicable regulations. In no case shall more than one (1) BPAS allocation per year be issued for properties which are in part or whole designated as Hardwood Hammock, Palm Hammock, Cactus Hammock, or Beach/Berm on the City of

City of Marathon Comprehensive Plan

Marathon Existing Conditions Maps or as determined by the City Biologist or private habitat survey. Donations in lieu of land dedication shall be based on an average of the appraised value of Conservation (C) land in the City. The weighting categories are hereby established as guidelines for developing the specific point values in Land Development Regulations:

<u>Weight Category</u>	<u>Range of Points</u>
Major	10 - 20
Moderate	5 - 9
Minor	0 - 4

<u>DEVELOPMENT CRITERIA</u>	<u>WEIGHTING CATEGORY</u>
Environmentally Sensitive Areas ³	Minor
Offshore Island, COBRA	Minor
Perseverance Points	Minor
Velocity Zone	Moderate
Extinguish Development Rights	Moderate
Local Residency	Moderate
Lot Dedication or Cash-in-Lieu of Dedication	Moderate
Provision of Affordable Housing with a Market Rate Development	Moderate
Water and Energy Conservation	Moderate
Structural Integrity of Construction	Moderate
Scarified lot without an existing paved or unpaved road or utilities	Moderate*
Scarified lot with an existing paved or unpaved road with existing water or electric service	Major*
Infill lot with existing paved roads, water and electric service	Major

*The Land Development Regulations will identify the criteria for both moderate and major points based on the applicant's submittal and whether or not the moderate or major point criteria have been met.

- a. Provide disincentives for development in environmentally sensitive lands;
- b. Provide disincentives for development in offshore islands, COBRA and High Velocity Zones;
- c. Provide incentives for in-fill of developed subdivisions;
- d. Establish programs to extinguish development rights;
- e. Maintain an up-to-date hurricane evacuation plan and meet the required 24 hour hurricane evacuation time or other applicable state standard for hurricane evacuation;
- f. Provide priority/preference to established local business owners;
- g. Provide linkage for affordable housing; and

Policy 1-3.5.9 Allocation Exemption for Public Facilities

Public-owned facilities shall be exempted from the requirements of the non-residential allocation system. Such facilities shall not be placed in hammocks or environmentally sensitive areas

³ As identified on the vegetation and species maps

except permitted by Policy 4-1.2.11. Development activity by federally tax-exempt, not-for-profit educational, scientific, health, religious, social, cultural and recreational organizations may be exempted from the non-residential allocation system upon approval of the city council after review of findings that such activity will not adversely impact the hurricane evacuation clearance time of the City.

Policy 1-3.5.10 Protect Affordable Housing

The City shall designate no less than twenty percent (20%) of the residential allocations to affordable housing annually. Affordable housing eligible for this separate allocation must meet the criteria established in the Land Development Regulations. The City may not decrease the percentage reserved for affordable, but may, if approved by a super majority vote of City Council, increase the percentage and recognized multiple levels of affordability for separate allocation. The City shall work with the State to obtain more residential allocations specifically for affordable housing.

Policy 1-3.5.11 Consider Administrative Relief or Acquisition

With regards to the Allocation System, applicants who have met all requirements of the Land Development Regulations and the Plan, but are otherwise denied a permit, shall be eligible to request consideration for administrative relief, upon four years elapsing from the date of entry into the allocation system. The City shall adopt the criteria and procedures for Administrative Relief in the Land Development Regulations which shall include an acquisition program for environmentally sensitive lands. The City will not approve BPAS allocations for Administrative Relief on lands within the Florida Forever targeted acquisition area or for other environmentally sensitive lands unless a determination has been made in writing that the parcel will not be purchased by any city, state, or federal agency. The City has 180 days to make this determination or an application for Administrative Relief will otherwise be processed.

Policy 1-3.5.12 Establish Beneficial Use Criteria and Procedures

~~Within one year of the effective date of the Plan, or at the time of the adoption of Land Development Regulations establishing a RBPAS and CBPAS,~~ The City shall establish/maintain the criteria and administrative procedures under which an owner of real property that has applied for and been denied a development permit may apply for relief, through beneficial use, from the literal application of the Plan and applicable Land Development Regulations when such application would have the effect of denying all economically reasonable use of that property unless such deprivation is shown to be necessary to prevent a nuisance or to protect the health, safety and welfare of its citizens under Florida Law. If the real property is environmentally sensitive, the first option of the City shall be an offer to purchase the property. For the purpose of this policy, all reasonable economic use shall mean the minimum use of the property necessary to avoid a taking within a reasonable period of time as established by current land use case law.

Policy 1-3.5.13 Inventory Affordable/Workforce Housing

~~Within one year of the effective date of the Plan,~~ The City shall continue to maintain an inventory of all existing affordable and workforce housing, including mobile homes, RVs, motels, and any alternative type of dwelling unit that may be used as affordable/workforce housing. The City shall prepare a report, consistent with Policy 2-1.1.8, which at a minimum

shall identify the number and type of units. This report shall also include an estimate of the number of these units that may not have been lawfully established or fall under the umbrella for density entitlement. The report shall further analyze the impacts on the adopted level of service (LOS) standards as a result of the existing units which may not have been lawfully established or which may not fall under the umbrella for density entitlement. On the basis of this report the City shall explore the feasibility, through coordination with the DCAEO and a Plan amendment, of allowing for the replacement, outside of the annual allocation system, of select identified units from this category. The City shall establish an incentive program encouraging registration and protection of these units along with specific measures to effectively maintain the number of units that are identified as affordable. §163.3177(6)(f)2 F.S.

Policy 1-3.5.14 Establish a Land Acquisition and Conservation Advisory Committee

The City has established a Land Acquisition and Conservation Advisory Committee. This Committee, in conjunction with City staff, shall draft a report recommending the best means for land acquisition and land conservation. The report shall include, at a minimum, a system for prioritizing acquisition for affordable/workforce housing, public uses, and conservation sites, as well as a system for continued monitoring, evaluation and updating adopted programs. The City ~~has a map and shall maintain a list of real estate numbers of lots properties containing environmentally sensitive lands in need of acquisition; and shall periodically, or upon request, that has been submitted this list~~ to the Department of ~~Community Affairs~~ Economic Opportunity. Through the Building Permit Allocation System (BPAS), development in environmentally sensitive areas shall be limited and discouraged.

Policy 1-3.5.15 Establish and Coordinate Acquisition Programs

The City shall continue to assist the state in land acquisition efforts through the land acquisition advisory committee to prioritize proposed acquisitions and shall continue to evaluate its land acquisition needs as well as state and federal funding opportunities. The City has established a land acquisition program and a Capital Investment Plan for the acquisition of environmentally sensitive land, land for affordable housing, open space, parks and recreation, and the purchase of development rights in coordination with regional, State, Federal and private programs, including but not limited to the Department of Environmental Protection, the Monroe County Land Authority, the Department of ~~Community Affairs~~ Economic Opportunity and other agencies with an interest in conservation lands and shall apply annually to at least one state or federal land acquisition grant program. This Capital Investment Plan is incorporated into the City's Capital Improvement Program.

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

- a. The transfer of density and building rights within the City's boundaries shall attempt to achieve the following:
1. Protect environmental resources in balance with the protection of property rights;
 2. Encourage the replacement of substandard structures, non-conforming structures, structures within environmentally sensitive habitat; structures subject to repetitive flood damage, and units or non-residential square footage which exceeds density limitations;

3. Facilitate redevelopment and revitalize the commercial centers by concentrating mixed use activities;
4. Facilitate the redevelopment and revitalization of hotels and motels in the City;
5. Protect housing affordability and facilitate the provision of new affordable housing units throughout the City;
6. Redistribute existing residential units or densities from more environmentally sensitive properties to less environmentally sensitive properties to encourage infill development and achieve planned densities without increasing the overall density;
7. Protect environmentally sensitive sites through the removal of existing dwelling units or allocated development rights;
8. Encourage the placement of conservation easements on environmentally sensitive or flood prone parcels of land;
9. Further the public good and the goals, objectives and policies of the Plan;
10. Protect housing affordability and facilitate the provision of new affordable housing units throughout the City.

b. Transfer of Residential Density (TDRs)

1. Residential density (TDRs) shall only be transferable from a FLUM category of lower density to one of higher density as defined in Table 1-1 of the Comprehensive Plan. Properties with a FLUM category of Conservation shall not be eligible as TDR receiver sites. TDRs are only transferable to receiver site properties whose habitats are deemed by the City Biologist to be less sensitive than the sender site properties as defined in policy 4-1.5.78.
2. Increases in Residential Density which are greater than those allowed for a given FLUM category in Table 1-1 may occur, but shall only occur as a result of a TDR transfer. Such TDR transfers shall not exceed 20 percent of the Future Land Use Densities allowed by FLUM category in Table 1-1.
3. If a property owner intends to achieve a residential density higher than a 20 percent increase over that allowed in Table 1-1, then the owner must seek a FLUM change to a FLUM category which would allow a greater residential density. However, there shall be no presumption in any request that the request must be or will be granted by the City. If the FLUM change is granted, then the difference in residential density between the two FLUM categories must be achieved through a transfer of TDRs which shall not exceed the density allowed in Table 1-1 for the new FLUM category.
4. The transfer of TDRs is subject to approval by the City based on the criteria established in b. 1. and 2. above. All transfers of TDRs must identify the removal of the TDRs from the sender site and their transfer to the receiving site and be recorded in the chain of title for both properties.
5. Lands for which all residential density has been entirely removed must have a maintenance program to continuously remove exotic invasive vegetation or be transferred to an appropriate land management entity, such as the State of Florida or the City of Marathon.

c. Transfer of Building Rights (TBRs)

1. Transferable Building Rights (TBRs) shall only be transferable from a FLUM category of lower density to one of equal or higher density as defined in Table 1-1 of the Comprehensive Plan. Properties with a FLUM category of Conservation shall not be eligible as TBR receiver sites. Transferable Building Rights (TBRs) are only transferable to receiver site properties whose habitats are deemed by the City Biologist to be less sensitive than the sender site properties as defined in policy 4-1.5.78
2. The transfer of TBRs is subject to approval by the City based on the criteria established in c. 1. and 2. above. All transfers of TBRs must identify the removal of the TBRs from the sender site and their transfer to the receiving site and be recorded in the chain of title for both properties.
3. Alternatively, TBRs may be "banked" with the City for a period not to exceed two (2) years. TBRs so banked must identify the removal of the TBRs from the sender site and that they have been banked with the City pursuant to a specific agreement with the City, which shall be recorded in the chain of title of the sending site.

Policy 1-3.5.17 Provide Compliance Bonuses

Upon the effective date of the Plan, the following limited outdoor uses may be permitted, only as an accessory use, ancillary to a lawfully established principal use of a parcel outside of the Non-Residential Building permit allocations system:

1. Each parcel of land on which a non-residential use has a been lawfully established may be granted upon application, up to one hundred (100) square feet of uncovered outdoor storage area or one covered storage shed of up to one hundred (100) square feet, to be located or screened with native vegetation so as not to be visible from US 1. Approval of such accessory use shall be conditional upon the site being in compliance with the density, intensity, and parking requirements of the Land Development Regulations, including environmental regulations, and all landscaped bufferyards on the property being brought into compliance to the maximum extent practicable, through the removal of any impervious surfaces, including asphalt, as necessary to meet this requirement.
2. Each parcel of land on which is a lawfully established multi-tenant center exists may be granted upon application, up to one hundred (100) square feet of uncovered outdoor stage area or one covered storage shed up to one hundred (100) square feet, to be located or screened with native vegetation so as not to be visible from US 1. Approval of such accessory use shall be conditional upon the site being in compliance with the density, intensity, and parking requirements of the Land Development Regulations including environmental regulations, and all landscaped bufferyards on the property being brought into compliance to the maximum extent practicable, through the removal of any impervious surfaces, including asphalt, as necessary to meet this requirement.

As an alternative to the above option 1 or 2, each lawfully established restaurant may be granted upon application, up to one hundred fifty (150) square feet of covered or uncovered, unenclosed

seating area, provided that the restaurant is not located adjacent to a residential use. Approval of such accessory use shall be conditional upon the site being in compliance with the density, intensity and parking requirements of the Land Development Regulations, including environmental regulations, and all landscape bufferyards on the property are being brought into compliance to the most reasonable extent practicable, through the removal of any impervious surfaces, including asphalt, as necessary to meet this requirement, as well as compliance with the surface water management provisions of the Land Development Regulations.

This bonus square footage shall be first applied to any existing but intermitted outdoor storage area, sheds or seating. Additionally, such square footage as may be granted pursuant to this policy shall not be eligible to be calculated as replacement square footage for the purpose of redevelopment or expansion of any primary or accessory use located on the property to which it has been granted, or any other property.

Objective 1-3.6 Protect Property Rights

Neither the provisions of the Plan nor the Land Development Regulations shall deprive a property owner of all reasonable economic use of a parcel of real property which is a lot or parcel of record as of the effective date of the Plan. The development or use of each parcel is subject to, and restricted by the Goals, Objectives and Policies of the Plan and Land Development Regulations implementing the Plan, therefore, no building permits shall be issued by the City unless the proposed development complies with the Plan and the Land Development Regulations. §163.3177(6)(a)4 F.S.

Policy 1-3.6.1 Establish Vested Rights Criteria and Procedures for the Plan

An application for a determination of common law vested rights from the literal application of the Plan must be submitted by the applicant to the City Manager or designee within six (6) months after the effective date of the Plan.

Nothing in this Plan shall be construed or applied to abrogate the right of a property owner that has submitted a complete development agreement application on or before the adopted date of this Plan ~~March 8, 2005~~ to proceed with the project pursuant to the Transitional Comprehensive Plan and implementing land development regulations without having to obtain a vested rights determination as otherwise provided for in this Policy. Any such project, however, shall comply with Objective 1-3.3. and the policies contained therein. The parties to the development agreement shall not be precluded from complying with the provisions of this Plan or the Transitional Comprehensive Plan, as provided in the development agreement.

Policy 1-3.6.2 Establish Vested Rights Criteria and Procedures for LDRs

~~Within one year of the effective date of the Plan, the City shall establish the~~ continue to maintain criteria and administrative procedures under which an owner of real property may apply for relief, through vested rights, from the literal application of the Land Development Regulations when such application would have the effect of denying all economically reasonable use of that property unless such deprivation is shown to be necessary to prevent a nuisance or to protect the health, safety and welfare of its citizens under Florida Law. For the purpose of this policy, all reasonable economic use shall mean the minimum use of the property necessary to avoid a taking within a reasonable period of time as established by current land use case law.

Policy 1-3.6.3 Require Compliance to Regulations

A vested rights determination shall not preclude the City from subjecting the proposed development to the Land Development Regulations in effect on the date of the vested rights determination or adopted subsequent to the vested rights determination unless the development is shown to be vested with regard to the subject matter addressed by a prior development order.

Policy 1-3.6.4 Establish an Expiration Date

A vested rights determination shall specify an expiration date by which all building permits necessary for development shall have been issued and the development completed. The expiration date shall be reasonable and in no event later than the date specified in the original development order.

Policy 1-3.6.5 Establish the Minimal Relief Granted

The relief granted, under a beneficial use or vested rights determination, shall be the minimum necessary to avoid a "taking" of the property under state and federal law.

Policy 1-3.6.6 Establish Acquisition Funding Sources

Within twelve months of the effective date of the Plan, the City shall coordinate with the Monroe County Land Authority, or alternate funding agency, to establish a procedure by which the purchase of parcels deemed to have limited development rights by the literal application of the Plan shall be considered as an alternative to beneficial use relief.

HOUSING ELEMENT GOALS, OBJECTIVES, AND POLICIES

PURPOSE

Pursuant to Chapter 163.3177(6)(f), F.S., the purpose of the Housing Element is to provide guidance for the development of appropriate plans and policies to meet identified or projected deficits in the supply of housing for moderate income, low income and very-low income households, group homes, foster care facilities and households with special housing needs. These plans and policies address government activities, as well as provide direction and assistance to the efforts of the private sector. The City does not prohibit or create barriers against affordable housing. In fact, the City encourages private sector development of affordable housing.

GOAL 2-1 CONSERVE HOUSING STOCK

To achieve a balanced and affordable range of housing stock; to encourage the diversification and distribution of the housing stock; to eliminate substandard structures; and to conserve good quality housing stock. ~~9J-5-010(3)(a)~~ §163.3177(6)(f), F.S.

Objective 2-1.1 Develop a Housing Program

~~Within one year of the effective date of the Plan, the City shall continue to provide the framework for a housing program that encourages the creation and preservation of affordable housing for all current and anticipated future residents of the City. 9J-5-010(3)(b)~~ §163.3177(6)(f) F.S.

Policy 2-1.1.1 Coordinate with Private and Non-Profit Agencies

Through implementation of the housing program, and the Intergovernmental Coordination Element, the City will coordinate with appropriate private and non-profit agencies to improve housing opportunities and availability. ~~9J-5-010(3)(c)~~ §163.3177(6)(f)3, F.S.

Policy 2-1.1.2 Streamline the Permitting Process for Affordable Housing

Through the comprehensive planning process and the Land Development Regulations, a streamlined permitting process will be established; providing for efficient review with minimal delays and costs for affordable housing. ~~9J-5-010(3)(c)2~~

Policy 2-1.1.3 Inventory and Protect Affordable and Workforce Housing Report

~~Within one year of the effective date of the Plan, the City shall continue to maintain an~~ inventory of all existing affordable and workforce housing, including mobile homes, RVs, motels, and any alternative type of dwelling unit that may be used as affordable/workforce housing. The City shall prepare a report, consistent with Policy 2-1.1.8, which at a minimum shall identify the number and type of units. This report shall also include an estimate of the

number of these units that may not have been lawfully established or fall under the umbrella for density entitlement. The report shall further analyze the impacts on the adopted level of service (LOS) standards as a result of the existing units which may not have been lawfully established or which may not fall under the umbrella for density entitlement. On the basis of this report, the City shall explore the feasibility, through coordination with the DCAEO and a Plan amendment, of allowing for the replacement, outside of the annual allocation system, of select identified units from this category. The City shall establish an incentive program encouraging registration and protection of these units along with specific measures to effectively maintain the number of units that are identified as affordable. §163.3177(6)(f)2 F.S.

Policy 2-1.1.4 Establish Minimum Percentage for Development of New Affordable Housing

Pursuant to the policies contained within the Future Land Use Element, the City shall designate no less than twenty percent (20%) of the residential allocations to affordable housing annually. Affordable housing eligible for this separate allocation must meet the criteria established in the Land Development Regulations. The City may not decrease the percentage reserved for affordable housing, but may, if approved by a super majority vote of City Council, increase the percentage and recognize multiple levels of affordability for separate allocation. The City shall work with the State to obtain more residential allocations specifically for affordable housing.

Policy 2.1.1.5 Develop Affordable Housing Criteria

~~By June 2005, t~~The City shall continue to evaluate strategies and adopt amend Land Development Regulations to maintain the affordability of available affordable/workforce housing in the City. The regulations shall include, but not be limited to:

- a. the establishment of a maximum lot size;
- b. maximum dwelling unit size;
- c. location limitations;
- d. the establishment of a maximum sales price for affordable/workforce housing;
- e. a ceiling on down payments that are not subsidized by public programs; and
- f. criteria to minimize the increase in property values on the City's affordable/workforce housing costs.

Policy 2-1.1.6 Protect Affordable Housing Stock

The City shall require a Covenant of Conditions and Restrictions be recorded on the deed of all registered affordable housing units for a period of no less than fifty years.

Policy 2-1.1.7 Identify and Address Barriers to Affordable Housing within the Land Development Regulations

~~Within one year of the effective date of the Plan, t~~The City shall adopt continue to evaluate and amend Land Development Regulations ~~which identify and in order to~~ eliminate regulatory barriers to affordable housing found in the current Land Development Regulations.

Policy 2-1.1.8 Re-evaluate Affordable Housing Work Program Needs

~~Within one year of the effective date of the Plan, t~~The City shall continue to re-evaluate affordable housing needs within the City, using the most current available data sources. This

evaluation shall culminate in a report consistent with Policy 2-1.1.3 and shall include a five year work program containing recommended actions for the five years. The proposed work program shall be presented to the Local Planning Agency and City Council for approval, and re-assessed every five years thereafter.

Policy 2-1.1.9 Seek Funding Sources

The City shall seek the use of Federal, State and County housing financial support programs as a means of providing housing opportunities for very low, low and moderate income persons and families, where appropriate. ~~Within one year of the effective date of the Plan, a~~As part of the re-evaluation of affordable housing needs required per Policy 2-1.1.8, the City shall identify inconsistencies between City policy and procedures, and those of agencies that provide financial assistance for affordable housing applicants. A plan for remedial action will be prepared for adoption by the Local Planning Agency and the City Council pursuant to Policy 2-1.1.3. ~~9J-5.010(3)(e)7~~

Policy 2-1.1.10 Affordable/Workforce Housing Land Acquisition and Partnerships

~~By January 2005, (~~The City shall continue to identify potential acquisition sites for affordable/workforce housing and shall establish a partnerships with non-profit organizations in order to construct affordable housing using state funds. ~~9J-5.010(3)(e)1-§163.3177(6)(f)1.d F.S.~~

Policy 2-1.1.11 Participate In Region-Wide Affordable Housing Concerns

The City shall develop coordination strategies for improving the supply of affordable housing units on a City, County and region-wide basis through coordination with the Monroe County Housing Authority, Department of ~~Community Affairs~~ Economic Opportunity Housing Division, Monroe County Growth Management Division, as well as other appropriate Federal, State, Regional or City agencies providing funding or information regarding housing supply. ~~9J-5.010(3)(e)10~~

Policy 2-1.1.12 Provide City Housing Policy and Programs

The City shall provide technical assistance, information and referral services to the private sector regarding City housing policy and programs, and shall assist with permit applications. ~~9J-5.010(3)(e)1~~

Policy 2-1.1.13 Affordable Housing Land Acquisition

~~Within six (6) months of the effective date of the Plan, the City shall establish a The Land Acquisition and Conservation Advisory Committee. Within six months of formation, this Committee, in conjunction with City staff, shall draft a report recommending the best means for~~ affordable/workforce housing land acquisition and land conservation. The report shall include, at a minimum, a system for prioritizing acquisition for affordable/workforce housing, ~~public uses, and conservation sites, a system for continued monitoring, evaluation and updating adopted programs.~~ This report shall be consistent with reporting guidelines established in Policy 2-1.1.3.

Policy 2-1.1.14 Identification of sites

~~By January 2005,~~ Based on findings from the five year report (Policy 2-1.1.13 & 2-1.1.3), the City shall identify potential acquisition sites for affordable work force housing and shall establish

a partnership with a non-profit organization to construct affordable housing utilizing state funding.

Objective 2-1.2 Provide Information

The City shall provide for exchange of information related to job training, job creation and economic solutions in an effort to improve access to affordable housing. ~~9J-5-010(3)(e)8~~ §163.3177(6)(f)4, F.S.

Policy 2-1.2.1 Coordinate with Other Agencies

The City shall provide to residents and individuals employed in the City, access to information pertaining to County-wide programs to aid in job training, day-care facilities, English language courses and high school equivalency (GED) which are currently provided by the following agencies:

- a. Florida Department of Children and Family Services;
- b. Monroe County Public Schools;
- c. Florida Keys Community College; and
- d. Monroe County Department of Human Services.

Objective 2-1.3 Improve Housing Conditions

The City shall continue to eliminate substandard housing and blighted areas, and shall continue to improve structural and aesthetic housing conditions. ~~9J-5-010(3)(b)2-~~163.3177(6)(f)1 & 3.

Policy 2-1.3.1 Ensure Compliance

Through development review and the efforts of the Code Compliance Department, the City shall strictly enforce its zoning regulations, building codes and ordinances to ensure the compliance of new and redevelopment housing projects, as well as protect and preserve the structural integrity and aesthetics of the City's housing stock. ~~9J-5-010(3)(e)3~~

Policy 2-1.3.2 Support Clean-up Efforts

The City shall support and coordinate efforts with community service programs, church groups, business organizations, local builders, members of the local Chamber of Commerce, and similar agencies to participate in programs, whose purpose is to clean up residential areas and paint houses.

Policy 2-1.3.3 Promote Maintenance of the Existing Housing Stock

The City shall promote maintenance of the existing housing stock by continued code enforcement, required demolition of deteriorated structures that are beyond repair (using the Standard Unsafe Building Code), and providing guidance in obtaining rehabilitation assistance for qualified residents.

Policy 2-1.3.4 Identify Substandard Housing

The City Building Department shall identify substandard housing units, as defined by Florida Statutes, and shall contact owners of substandard housing units in order to communicate

necessary corrective actions and inform owners of available Federal, State, and local housing assistance programs.

Policy 2-1.3.5 Eliminate Unsafe Housing

The City shall continue to identify and facilitate the demolition or rehabilitation of unsafe housing that poses a threat to the safety and welfare of the community. ~~9J-5.010(3)(e)4~~

Policy 2-1.3.6 Encourage Revitalization of Problem Areas

The City shall investigate commonly used planning strategies and identify available funding sources to address the revitalization of problem areas. The City shall strive to utilize the most appropriate and creative mechanisms available to address such problems.

Policy 2-1.3.7 Establish Preservation, Rehabilitation and Demolition Criteria

~~Within one year of the effective date of the Plan, (The City shall adopt Regulations, to supplement, where applicable, criteria to guide the preservation, rehabilitation and demolition of housing units. 9J-5.010(3)(e)4~~

Objective 2-1.4 Persons and Businesses Displaced

The City shall apply uniform and equitable treatment of persons and businesses displaced by City programs. ~~9J-5.010(3)(b)6-163.3177(6)(f)1 & 3.~~

Policy 2-1.4.1 Assist with Relocation of Residents

The City will, to the greatest extent practicable, assist any person who is required to move from any real property as a direct result of the City's acquisition of such real property for public purposes by locating alternate sites and housing facilities available to them as replacement dwellings. When planning to acquire land for public purposes, the City shall assess the degree of displacement that may be incurred. The City shall not be responsible for relocating City residents who are displaced as the result of a County, State or Federal program or action.

Objective 2-1.5 Ensure Adequate Housing Sites

Through the Land Development Regulations, the City shall ensure distribution of adequate housing sites for all residents of Marathon, including very low, low, moderate, and market income housing through the implementation of the following policies. ~~9J-5.010(3)(b)3-163.3177(6)(f)1 & 3.~~

Policy 2-1.5.1 Ensure Adequate Housing Sites

The City shall ~~adopt~~ maintain Land Development Regulations and a zoning map that implement the *Future Land Use Map*, which ensures sufficient densities and intensities to accommodate all housing types, including affordable and group homes, over the planning time frame.

Policy 2-1.5.2 Evaluate Vacation Rental Regulations

~~By June 2005, (The City shall continue to evaluate the impact of vacation rental usage and develop~~ maintain land development regulations to limit land use districts where transient rentals occur and consider establishing a cap on the number of units that can be utilized for vacation rental housing.

Objective 2-1.6 Assist Agencies with the Provision of Specialized Housing

The City shall support private and non-profit entities to provide housing that meets the unique needs of the elderly, dependent children, the physically challenged and the developmentally disabled. ~~91-5.010(3)(b)4-~~ 163.3177(6)(f)3.

Policy 2-1.6.1 Support Licensed Community Care Facilities

The City shall support provision of community care facilities within the City by allowing single family community residential homes licensed or funded by the Florida Department of Children and Family Services in all single family and multi-family residential and designated multi-family zoning districts, pursuant to Chapter 419, F.S. as hereinafter may be amended. ~~91-5.010(3)(e)6~~

Objective 2-1.7 Preserve Historically Significant Housing

Preserve identified historically significant housing through City action or support for private action. ~~91-5.010(3)(b)5 and 7-~~ §163.3177(6)(f)1.e. F.S.

Policy 2-1.7.1 Conduct a Historical Housing Assessment Survey

~~Within three years of the effective date of the Plan,~~ The City shall complete a comprehensive professional survey identifying architecturally and historically significant sites and structures in the City. The survey shall primarily focus on structures and properties that are at least 40 years old. Any such structures or sites identified in the survey shall be added to the City's list of locally significant historical resources.

Policy 2-1.7.2 Protection of Historic Resources

~~Pursuant to the policies contained within the Future Land Use and Conservation Elements, within one year of the effective date of the Plan the City shall establish~~ maintain Land Development Regulations to identify and preserve historically significant housing and resources. ~~Until~~ The City adopts ~~shall amend and update historic preservation regulations,~~ and may consider establishment of local historic districts consistent with a historic structure survey (Policy 2-1.7.1). ~~any development or redevelopment of the identified historic resources shall be governed by Chapter 74-100 of the Laws of Florida, as applicable.~~ ~~91-5.010(3)(e)3 and 4~~

INFRASTRUCTURE ELEMENT GOALS, OBJECTIVES, AND POLICIES

PURPOSE

Pursuant to Chapter 163.3177(6)(c) and 163.3180 F.S., the purpose of this element is to provide for necessary public facilities and services correlated to the future land use projections. This element addresses the following facilities and resources.

- Wastewater*
- Solid Waste*
- Stormwater Management
- Potable Water*
- Natural Groundwater Aquifer Recharge

(* These services may be the responsibility of other providers or agencies.)

GOAL 3-1 PROVIDE NEEDED PUBLIC FACILITIES

The City shall ensure availability of needed public facilities associated with wastewater disposal, potable water distribution and treatment, drainage, solid waste collection and disposal, and protection of natural ground water aquifer recharge in a manner that is environmentally sound and protects marine environments (including sea grass meadows, near shore waters, mangrove islands and extensive living coral reef), while protecting investments in existing facilities and promoting orderly, compact growth. §163.3177(3)(a)3.; §163.3177(6)(c) and §163.3180(1)(b) F.S.

Objective 3-1.1 Adopt Level of Service (LOS) Standards

The City shall ensure that, at the time a development permit is issued, adequate wastewater treatment facilities, stormwater facilities, potable water and solid waste disposal facilities are available to support the development at adopted level of service standards, concurrent with the impacts of such development, in accordance with the following policies. §163.3177(6)(c) and §163.3180(1)(b) F.S.

Policy 3-1.1.1 Adopt Wastewater Management System(s) Level of Service Standards

The City hereby adopts the LOS standards for wastewater management systems as currently required by Federal and State regulations as follows:

TABLE 3-1: Florida Statutory Treatment Standards				
	Mg/L			
	BOD	TSS	TN	TP
On-Site Systems (BAT) Community Wastewater Collection and Treatment Systems	10	10	10	1
Design flows less than or equal to 100,000 gpd (BAT)	10	10	10	1
Design flows greater than 100,000 gpd (AWT)	5	5	3	1

Source: Draft-Monroe County Sanitary Wastewater Master Plan, CH2MHill, March 2000

Policy 3-1.1.2 Adopt Stormwater Management Level of Service Standards

The City hereby adopts LOS standards for stormwater management as currently mandated by State agencies, as defined in the City’s adopted Stormwater Management Master Plan as follows:

- a. Post development runoff shall not exceed the pre-development runoff rate for a 25 year storm event, up to and including an event with 24 hour duration;
- b. Stormwater treatment and disposal facilities shall be designed to meet the design and performance standards established in Chapter 62-25, Section 25.025, FAC, with treatment of the runoff from the first one inch of rainfall on-site to meet the water quality standards required by Chapter 62, Section -302.500, F.A.C; and
- c. Stormwater facilities which directly discharge into ‘Outstanding Florida Waters’ (OFW) shall provide an additional treatment pursuant to Chapter 62-25.025 (9), FAC. Stormwater facilities must be designed so as to not degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-302, F.A.C.

Policy 3-1.1.3 Adopt Potable Water Level of Service Standards

The City hereby adopts LOS standards for potable water as follows:

TABLE 3-2 Potable Water LOS	
Measure	LOS Standard
Residential LOS	66.5 gal/cap/day
Non Residential LOS	0.35 gal/sq. ft./ day
Overall LOS	100 gal/cap/day
Equivalent Residential Unit	149 gal/day
Minimum Pressure	20 PSI at customer service
Minimum Quality	Shall be as defined by the USEPA (part 143 National Secondary Drinking Standards, 40 CFR 143, 44FR 42198)

Source: Monroe County 2010 Comprehensive Plan

Policy 3-1.1.4 Adopt Solid Waste Level of Service Standards

The City hereby adopts LOS standards for solid waste management as follows:

TABLE 3-3 Solid Waste LOS	
Measure	LOS Standard
Residential Collection Frequency	Minimum 1 time/2 weeks for Domestic refuse Minimum 1 time/2 weeks for Yard trash
Disposal Quantity	5.44 lbs/capita/day or 12.2 lbs/day/ ERU (equivalent residential unit) 6.37 pounds/acre/day (non-residential unit)

Policy 3-1.1.5 Demand and Supply Information System

~~Within one year of the effective date of the Plan,~~ The City shall develop procedures for updating facility demand and capacity information and shall prepare annual summaries of capacity and demand information for respective facilities and service areas in coordination with the FKAA to the extent applicable.

Policy 3-1.1.6 Coordinate Between Future Land Use and Potable Water/Wastewater System Needs

The City's Land Development Regulations shall be enforced to ensure that incremental decisions by the City concerning potable water and wastewater system needs, plans, and the location and timing of improvements shall be consistent with the objectives and policies of the Future Land Use and Conservation Elements of this Plan.

Policy 3-1.1.7 Concurrency Requirements

Public facilities and services needed to support development shall be made available concurrent with the impacts of development in accordance with the adopted level of service referenced in this Element ~~and Chapter 9J-5.0055, F.A.C.~~ Development approval may be phased to allow the provision of public facilities and services necessary to maintain the adopted level of service.

Objective 3-1.2 Maintain a Schedule of Public Facility Capital Improvement Needs to Ensure that the City's Infrastructure Responsibilities are Met

The City shall develop and maintain a five year schedule of capital improvement needs for public facilities and shall annually update the schedule as stipulated in the Capital Improvements Element. During the process of programming and budgeting for capital outlays, the City shall investigate innovative techniques, including impact fees, to finance public facilities and services, §163.3177(3) and §163.3180(1)(b) F.S.

Policy 3-1.2.1 Adopt a Capital Improvements Schedule

The City Council shall annually evaluate and rank capital improvement projects proposed for inclusion in the adopted five year schedule of capital improvement needs.

Policy 3-1.2.2 Correct Existing Deficiencies First

In developing the annual schedule of capital improvement projects, the City shall assign highest priority to those projects required for purposes of correcting existing deficiencies, to be ranked in accordance with Policy 3-1.2.3.

Policy 3-1.2.3 Establish Priorities for Programming Capital Improvement Projects

In developing the annual schedule of capital improvements, projects shall be evaluated and ranked according to the following priority guidelines:

Level 1 - Highest priority shall be assigned if the project:

1. Is needed to protect public health and safety;
2. Fulfills the City's legal commitment to provide facilities and services; and
3. Preserves or achieves full use of existing facilities.

Level 2 - Second priority shall be assigned if the project:

1. Increases efficiency of existing facilities;
2. Prevents or reduces future improvement costs; and
3. Provides service to developed areas lacking full service or promotes in-fill development.

Level 3 - Third priority shall be assigned if the project:

1. Represents a logical extension of facilities and services in a manner consistent with Future Land Use Element goals, objectives and policies, including the *Future Land Use Map*.

Policy 3-1.2.4 Ensure Compliance with the Capital Improvements Element

All major public facility projects shall be undertaken in accordance with the schedule provided in the Capital Improvements Element of the Plan, as may be hereinafter amended.

GOAL 3-2 ADDRESS SANITARY WASTEWATER MANAGEMENT ISSUES

The City shall provide for environmentally and economically sound treatment and disposal of sewage, which meets the needs of ~~corrects existing inadequacies while providing for~~ present and future residents, while ensuring the protection of public health and the maintenance and protection of ground, nearshore and offshore water quality consistent with the City's growth policies. §163.3177(6)(c) and §163.3180(2) F.S.

Objective 3-2.1 Wastewater Concurrency ~~Update the City's Wastewater Management Master Plan~~

The City shall ensure that, at the time of a development permit is issued, adequate wastewater treatment and disposal facilities including sanitary wastewater treatment facilities and onsite sewage treatment and disposal systems, are available to support the development at the adopted level of service standards, concurrent with the impacts of such development. §163.3180(1)(b) F.S., §163.3180(2) F.S. and §163.3177(6)(c)2.F.S.; in conjunction with the FCAA, update the

City of Marathon Comprehensive Plan

~~1998 Wastewater Facilities Plan, prepared by CH2MHill as needed. Implementation of the Wastewater Management Master Plan shall proceed over a ten (10)-year period as follows:~~

~~Complete Phase I and Phase II Little Venice Projects~~

~~Continue acquisition of land and easements as appropriate according to the phasing schedule provided in the Master Plan;~~

~~Establish a mechanism such as special assessments, impact fees, infrastructure surcharge, or other dedicated revenues to fund the City's share of wastewater improvements and continue to seek comparable subsidies from Federal and State agencies for both wastewater collection systems and individual cesspit replacement; and~~

~~Continue and expand the water quality monitoring program to document the reduction in nutrients as a result of scheduled improvements.~~

~~e. Work with the Florida Keys Aqueduct Authority to initiate bond financing for citywide sewer facilities and to develop a schedule of events necessary to initiate process by December 2004.~~

~~f. Obtain necessary bond financing (60) percent of projected sewer cost) secured by connection fees.~~

~~g. Begin construction of collection lines for Little Venice Phase II by December 2004.~~

~~Develop and advertise a request for proposal for the design, construction, and operation of Marathon Central by December 2004.~~

~~Evaluate wastewater treatment master plan and indicate areas, if any, that will not receive central sewer. For any area not served by central sewer, develop a septic tank inspection program and begin implementation of the program by September 2005.~~

~~Award contract for design, build, operate Marathon Central by December 2004.~~

~~Begin construction of Phase I of Marathon Central Wastewater Treatment System by January 2006.~~

~~For purposes of completing the annual report on the work program to the Department of Community Affairs, the dates listed in this policy shall control in the event of a conflict with dates listed under Policy 3-2.1.4;~~

Policy 3-2.1.1 Focus on Appropriately Sized Systems

The wastewater systems shall be designed to provide only the service capacities necessary to comply with growth and development anticipated through the Plan.

Policy 3-2.1.2 Improve the City's Wastewater System(s)

~~Upon adoption of the Wastewater Management Master Plan, t~~The City shall continue to incorporate recommended improvements to the City's sanitary wastewater system into the Capital Improvements Element consistent with Objective 6-1.1 and shall amend the Comprehensive Plan as appropriate.

Policy 3-2.1.3 Conditions Governing Development Orders or Permits

~~Within one year of the effective date of the Plan, t~~The City shall assure that wastewater treatment facilities proposed through development orders or permits for new development or redevelopment shall be designed, installed and maintained consistent with regulations of all Federal, State and local on-site wastewater treatment systems.

Policy 3-2.1.4 Performance Criteria ~~Establish a Schedule for the Marathon Wastewater System~~

Performance criteria shall be maintained within the Land Development Regulations that regulate the location, timing and scale of development in order to ensure that new development is effectively served by wastewater services.

The schedule for the Marathon Wastewater System shall be established as follows:

**Marathon Wastewater System
Design-Build-Operate
Preliminary Schedule**

Activity (RFP, Public Meeting, Site Acquisition, or Environmental Assessment)	Date			
	RFP	Meeting	Site Acquisition	Environmental Assessment
Acquire Crawl Key Site			Done	Done
Begin RFP Preparation	1-Sep-03			
Complete First Draft of RFP, and submit to EP	30-Sep-03, 10-Oct-03			
EP Coordination Meeting		17-Oct-03		
Revise RFP Documents Complete Second Draft of RFP and Submit to EP	12-Nov-03; 14-Nov-03			
Coordination Meeting, Council Meeting		19-Nov-03; 9-Dec-03		
Contract with EA Firm				18-Dec-03
RFP Assistance Contract with Consultant	18-Dec-03			
Initiate Coordination with COE				18-Dec-03
Follow up with COE				Continuous
EP Coordination Meeting		9-Jan-04		
Package Plan Meeting		27-Jan-04		
Package Plan Follow-up	Continuous			
Initiate Trailer Park Coordination, Modify Rule	27-Jan-04			
Trailer Park and Rule Follow-up	Continuous			
RFP Consultant Review	9-Feb-04			
EP Coordination Meeting		11-Feb-04		
Complete Evaluation of PS/VPS Sites			17-Feb-04	17-Feb-04
Initiate Utility and FDOT Coordination	18-Feb-04			
Utility and FDOT Follow-up	Continuous			
EP Coordination Meeting		12-Mar-04		
Initiate Drawing Revisions	15-Mar-04			
Conduct Public Meeting to Describe Project and Identify Sites (by City)		???		
Initiate Acquisition of WWTP and PS/VPS Sites			???	
EP Coordination Meeting		16-Apr-04		
Trailer Park Meeting		6-Apr-04		
Survey and Geotechnical	3-May-04			

City of Marathon Comprehensive Plan

Source: Florida Keys Aqueduct Authority, February, 2005

Marathon Wastewater System
Design-Build-Operate
Preliminary Schedule
(Continued)

Activity (RFP, Public Meeting, Site Acquisition, or Environmental Assessment)	Date			
	RFP	Meeting	Site Acquisition	Environmental Assessment
Initiate Drawing Revisions	10-May-04			
Submit Final RFP to EP and FDEP	4-May-04			
EP Coordination Meeting		21-May-04; 27-May-04		
Final Review of RFP Documents	7-May-04			
Legal Review	11-Jun-04			
Revise RFP Documents—Complete Final Documents	11-June-04			
Complete EA Information to COE				Continuous
Conduct Public Meeting for Status Update (by City)		????		
Advertise RFP	30-Jun-04			
Pre-Submittal Meeting for Proposers	21-Jul-04			
EP Coordination Meeting	28-Jul-04, 20- Aug-04, 10- Sept-04, 18- Oct-04, 17- Nov-04, 21- Nov-04, 15- Dec-04			
Conduct Public Meeting for Status Update		25-Aug-04		
Conduct Public Meeting for PS/VPS Sites			1-Sept-04, 30- Nov-04	
COE Finalizes Draft EA and Submit to Proper Agencies				31-Dec-04
Receive Proposals and Submit Qualifications Proposals to Evaluation Panel	15-Dec-04			
EP Coordination Meeting and Conduct Proposers Interviews		13-Jan-05		
EP Coordination Meeting and Final Qualifications Scoring		13-Jan-05		
Invitation for Cost Proposals	20-Jan-05			
Receive and Open Cost Proposals	27-Jan-05			
Complete Review of Cost Proposal	8-Feb-05			
EP Coordination Meeting and Obtain Additional Information from Proposers		9-Feb-05		
Prepare Final Ranking	16-Feb-05			
EP Coordination Meeting—Approve Final Ranking		17-Feb-05		
Finalize Terms of Acquisition of WWTP and PS/VPS Sites			3-Mar-05	
Present at City Council Meeting		8-Mar-05		
Present at FCAA Board Meeting		24-Mar-05		
Award Contract	24-Mar-05			
Conduct Public Meeting for Status Update (by City)		????		

Source: Florida Keys Aqueduct Authority, February 2005

Objective 3-2.2 Reduce Impacts of Wastewater Systems

The City shall regulate land use and development to conserve potable water and protect the functions of natural drainage features and groundwater from the impacts of wastewater systems.

§163.3177(6)(c)2, F.S.

Policy 3-2.2.1 On-Site Wastewater Disposal Facilities to Minimize Potential Environmental Impacts

~~Within one year of the effective date of the Plan, the City shall adopt~~ maintain Regulations, which ensure that wastewater disposal facilities shall be designed and located in a manner that in the event of a power failure, untreated effluent will not be discharged into any surface body of water, groundwater or wetland.

Policy 3-2.2.2 Prepare Design Criteria, Minimum Performance Standards and Level of Service Standards

~~Within two years of the effective date of the Plan, to further protect water quality, the City shall, based on the results of the City's Wastewater Management Master Plan, adopt revised~~ maintain and update level of service standards in the Plan and incorporate into the Land Development Regulations threshold design criteria, minimum performance standards and revised level of service standards as necessary. §163.3177(6)(c)2.

Policy 3-2.2.3 Reduce Environmental Impacts

~~Within one year of the effective date of the Plan, the City shall adopt~~ maintain Land Development Regulations to ensure that the siting of any wastewater disposal system has the least environmental impact. Considerations shall include but not be limited to:

- a. restricting the location of any discharge point to as far away as possible from any water body,
- b. locating OSDS drain fields in the least environmentally sensitive portion of a parcel proposed for development,
- c. restricting the location of any new centralized facilities from environmentally sensitive parcels,
- d. appropriately sizing facilities consistent with limited growth objectives,
- e. identifying and implementing reuse alternatives, and
- f. ensuring that pipes carrying untreated effluent shall not cross any body of water.

Policy 3-2.2.4 Eliminate Phosphorous

The City of Marathon, in conjunction with appropriate Federal, State, and local agencies, shall continue to minimize or eliminate the use of products containing phosphorous.

Policy 3-2.2.5 Ensure Design Compliance

The City, in conjunction with the FKAA, shall ensure that wastewater disposal facilities shall be designed to meet the water quality standards established under State Statute. ~~91-5.011(2)(c)2~~

Policy 3-2.2.6 Promote Reuse/Recycling of Treated Wastewater

The City, in conjunction with the FKAA, shall continually investigate the potential for reuse/recycling of treated wastewater and when feasible or when funding becomes available shall implement such a program. ~~04-5-01-1(2)(e)~~

Objective 3-2.3 Correct Existing Deficiencies

The City of Marathon, in conjunction with DOH, shall correct existing facility deficiencies by requiring the elimination of cesspits, improvement of failing septic tanks and package treatment plants, and the regulation of live-aboards. §163.3177(6)(c)2, F.S.

Policy 3-2.3.1 Eliminate Cesspits

The Wastewater Management Master Plan shall provide a cesspit identification and replacement process to be coordinated with the State of Florida Department of Health (DOH), which shall continue through all phases of wastewater infrastructure improvements. All cesspits within the City shall be replaced by 2010.

Policy 3-2.3.2 Nutrient Reduction Credits (NRC)

Effective July 13, 2005, no nutrient credits shall be required for ROGO allocations if the local government has made satisfactory progress in meeting the deadlines established by the work program adopted by rule after March 15, 2004. The purpose of the NRC program is to ensure that no net increase in nutrient loading occurs as a result of permitted development. This program shall require that new development obtain NRCs as generated from removal of cesspits and upgrading of other wastewater treatment facilities in accordance with the following table excerpted from Rule 28-20.100 and pursuant to the Coordinated Permit Review Agreement executed by the City:

	TREATMENT SYSTEM UPGRADE TO			
	On-Site	Centralized		
	OWNR or Equivalent On-Site Treatment and Disposal Systems	Secondary	Best Available Treatment (BAT)	Advanced Wastewater Treatment (AWT)
Cesspit	1 EDU Credit	1 EDU Credit	1 EDU Credit	1.5 EDU Credit
Substandard On-Site	0.5 EDU Credit	0.5 EDU Credit	1 EDU Credit	1.5 EDU Credit
Approved On-Site	0.5 EDU Credit	0 EDU Credit	1 EDU Credit	1.5 EDU Credit
Secondary	N/A	N/A	1 EDU Credit	1.5 EDU Credit

Policy 3-2.3.3 Ensure Connection to Public Treatment Plants

In accordance with the Sewage Connection Ordinance all existing development shall connect to public treatment plants when available. As wastewater facilities become available, affected property owners within the improvement area shall have 30 days to connect to the new or upgraded facility.

Policy 3-2.3.4 Improve Failing Package Treatment Plants

Through development review the City shall continue to cooperate with the Department of Environmental Protection to ensure that failing package plants are improved to meet State standards and connect, in accordance with the Sewage Connection Ordinance, to public treatment plants when available.

Policy 3-2.3.5 Implement the No Discharge Zone Policy

The City shall continue to implement the 'No Discharge Zone' policy of the FKNMS and shall implement the Marina policies relating to pump-out requirements that are established in the Coastal Element (creating a 'No Discharge' Zone), fee requirements and enforcement provisions designed to reduce pollutant discharges into surface waters from moored/anchored vessels and floating structures (live-aboards) in nearshore waters.

GOAL 3-3 SOLID WASTE

The City shall provide for the adequate collection, disposal and resource recovery of solid waste in an environmentally sound and economically feasible manner to meet the needs of present and future City residents.⁴ ~~9J-5.011(2)(a)~~ §163.3177(6)(c) and §163.3180(1)(b) F.S.

Objective 3-3.1 Provide Solid Waste Disposal

The City shall implement solid waste disposal methods which meet the projected demands for disposal. These disposal demands shall be met either by continuation of the City's current haul out contract or by other means as determined by the City. ~~9J-5.011(2)(b)2~~ §163.3177(6)(c)2 and §163.3180(1)(b) F.S.

Policy 3-3.1.1 Ensure Land Fill Site Capacity

The City shall coordinate land use decisions with the annual review and projection of available capacity of the Dade County landfill site.

Policy 3-3.1.2 Prohibit Solid Waste Disposal Site in the City

Upon the effective date of the Plan, no solid waste and no wastewater residual disposal sites shall be allowed within the City.

Objective 3-3.2 Promote Recycling

The City shall strive for a 30 percent diversion rate of the municipal solid waste stream through recycling, where technically feasible. ~~9J-5.011(2)(b)2~~ §163.3177(6)(c)2 F.S.

Policy 3-3.2.1 Implement Curbside Recycling

The City shall assess collection practices, rates of curbside collection and net material recovery, to design and implement a citywide, mandatory, curbside recycling program for residential and commercial locations. ~~Within two years of the effective date of the Plan,~~ (The City, in

⁴ This service is provided by Monroe County through an Interlocal Agreement with the City of Marathon.

conjunction with Monroe County, shall continue to implement a citywide mandatory curbside recycling program, unless an alternate method of recycling is put in place. ~~9J-5.011(2)(e)~~

Policy 3-3.2.2 Promote Public Awareness to Recycling

~~Within two years of the effective date of the Plan, (The City shall, continue to promote public awareness by developing and implement recycling goals and programs which include public participation and educational programs. 9J-5.011(2)(e)~~

Policy 3-3.2.3 Establish Drop-Off Collection Programs

At select locations, the City, in conjunction with Monroe County, shall implement and expand, as necessary, drop-off collection programs, which shall supplement the curbside collection program, and facilitate participation by properties, which are not equipped to participate in the curbside collection programs. ~~9J-5.011(2)(e)~~

Objective 3-3.3 Regulate Hazardous Waste

The City shall undertake activities, which support existing state and federal laws pertaining to the handling, transportation and disposal of hazardous wastes. ~~9J-5.011(2)(b) and 2; 9J-5.012(3)(b)2; 9J-5.013(2)(b)2 and 10. §163.3177(6)(d)2.1. F.S.~~

Policy 3-3.3.1 Identify Hazardous Materials Locations

The City shall continue to identify the location of all hazardous materials in the City and shall have plans prepared for containment, cleanup, public notification, and fire control, consistent with Federal, State, and County mandates. ~~9J-5.011(2)(e); 9J-5.013(2)(e)-10~~

Policy 3-3.3.2 Establish Containment Requirements

The City shall adopt Regulations for the storage and containment of those structures utilizing hazardous materials. Containment requirements shall include, but not be limited to, construction of impervious floors, without drains, to ensure containment and facilitate the cleanup of any spill or leak. ~~9J-5.011(2)(e); 9J-5.013(2)(e)-10~~

Policy 3-3.3.3 Identify Hazardous Waste "Small Quantity Generators"

~~Within one year of the effective date of the Plan, (The City shall adopt continue to maintain Land Development Regulations which address the location of all hazardous waste "small quantity generators" with respect to adjacent uses. Criteria for the location of hazardous waste small quantity generators will be specifically indicated as allowed/prohibited by zoning designation. W-5.011(2)(e); 9J-5.013(2)(e)-10~~

Policy 3-3.3.4 External Agency Coordination

The City shall provide copies of the certificates of occupancy to the Department of Environmental Protection and the City Fire Department to notify them when buildings or sites become occupied by hazardous materials users and potential hazardous waste generators. ~~9J-5.011(2)(e); 9J-5.013(2)(e)-10~~

Objective 3-3.4 Coordinate Solid Waste Programs

The City shall continue intergovernmental coordination efforts with Monroe County, the Department of ~~Community Affairs~~ Economic Opportunity (DCAEO), the Department of Environmental Protection (DEP), the South Florida Regional Planning Council (SFRPC), and other County municipalities to develop and implement the most cost-effective and environmentally sound methods of regional solid waste management. ~~91-5.011(2)(b)3~~ §163.3177(6)(c)2. F.S.

Policy 3-3.4.1 Pursue Funding Sources

The City shall coordinate efforts with the Department of Environmental Protection (DEP) and other involved federal and state agencies to pursue funding for the implementation of the goals, objectives, and policies of this element. ~~91-5.011(2)(c)1~~

GOAL 3-4 STORMWATER MANAGEMENT

The City shall provide a stormwater management system which corrects existing deficiencies, protects real and personal property and enhances and protects ground and nearshore water quality. ~~91-5.011(2)(c)1~~ §163.3177(6)(c) F.S.

Objective 3-4.1 Implement Stormwater Improvements

~~Within one year of the effective date of the Plan, the City, in coordination with SFWMD and DEP, shall begin adoption and implementation of~~ maintain and implement a comprehensive Stormwater Management Master Plan through administering an annual Stormwater Management Program, which will ensure that stormwater management facilities are maintained and developed to attain adopted levels of service for all existing and proposed land uses.

Policy 3-4.1.1 Complete a Detailed Engineering Study of Drainage

The City, ~~shall maintain~~ in coordination with the SFWMD and DEP, ~~shall complete a regarding~~ detailed engineering studies of drainage within the City limits. This study shall ~~include~~ maintain an inventory of surface water conveyance, treatment and discharge systems, both natural and manmade. The effects of pollutant loading, including the effects on ~~freshwater lenses~~ and recharge areas, will also be assessed. The study shall consider the unique hydrogeological characteristics of the Keys, and their effects on surface water runoff and pollutant loading. ~~Upon completion of the study the City shall implement and fund the applicable~~ recommendations through the Capital Improvements Program and shall amend the Plan as needed to include implementation of the recommendations. ~~91-5.011(2)(c)1, 4 and 5~~

Policy 3-4.1.2 Implement Priority Stormwater Projects

The City shall ~~update and then begin~~ continue implementation of priority improvement projects identified in the City's Stormwater Management Master Plan to improve and make corrections for stormwater management, erosion and sedimentation control and water quality. The Stormwater Management Program shall follow the schedule for improvements provided in the Stormwater Management Master Plan. Each improvement project shall include planning, design and construction phases. The City shall fund annual improvement projects through the various innovative funding mechanisms and grant programs identified in the Stormwater Management Master Plan. The City shall acquire easements as necessary, in conjunction with annual stormwater

improvement projects. The City shall review and update the Stormwater Management Program, as needed, on an annual basis.

Policy 3-4.1.3 Implement Financial and Regulatory Mechanisms for Stormwater Improvements

~~By December 2005, the City shall have completed an analysis of available funding for drainage basin improvements and for monitoring the performance of the system.~~ The City shall amend the capital improvement schedule as necessary to incorporate programs and funding allocations for drainage basin improvements and for monitoring the performance of the system, including the establishment of stormwater utility, by December 2005 to implement stormwater improvement projects. Within two years of the effective date of the Plan, the City shall recommend a regulatory framework for alleviating or preventing increased stormwater and surface water management problems and issues generated by development or redevelopment activity.

Policy 3-4.1.4 Request Funding from State and Federal Agencies for Stormwater Improvements

~~Within one year of the effective date of the Plan,~~ The City shall continue to request funding from State and Federal agencies, as necessary to correct identified stormwater deficiencies within the City.

Policy 3-4.1.5 Establish Improvement Priorities

The City shall adopt a priority list of and sequence of stormwater outfalls to surface water that will be eliminated. Proposed surface water capital improvements projects shall be evaluated and ranked, with priority assigned to projects needed to correct existing deficiencies and to projects which eliminate known direct discharges in surface waters and areas disturbed by the construction of wastewater collection and distribution lines. The City shall adopt Land Development Regulations to ensure direct discharge outfalls are prohibited within the City of Marathon. ~~9J-5.011(2)(c)1~~

Objective 3-4.2 Protect Natural Functions

The City shall protect the functions of natural groundwater recharge areas and natural drainage features. ~~9J-5.011(2)(b)2-§163.3177(6)(c)2 F.S.~~

Policy 3-4.2.1 Ensure that Developed Lands Provide Adequate Drainage and Protection from Flooding and Manage the Retention of Ground and Surface Water at Levels that Enhance Natural Storage Capacity of Watersheds

The City shall promote the ecological, biological and hydrological role that surface waters play in sustaining surface vegetation. The City shall manage the location, design and intensity of development in order to foster continuance of natural hydrological processes, including promoting on-site retention of surface waters, natural return of surface water into the soil, and channeling excess stormwater volume primarily via natural grassy swales. Within one year of the effective date of the Plan, Land Development Regulation shall be adopted requiring the integration of natural

storage areas and natural drainage courses into water management plans for new development and redevelopment. The use of stormwater injection wells shall be discouraged.

Policy 3-4.2.2 Protect Freshwater Lenses

~~Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations which protect freshwater lenses within the City from loss of recharge potential, ensure the preservation of the existing freshwater lens systems and from threats of groundwater contamination.~~

Policy 3-4.2.32 Ensure Local Regulatory Consistency

Prior to any revision of City Regulations affecting natural groundwater drainage areas and natural features, the City shall ensure coordination of watershed management plans and policies with appropriate local, regional, State and Federal agencies, including Monroe County, the South Florida Water Management District, the State Department of Environmental Protection, the Agricultural Extension Service, the United States Army Corps of Engineers and the U.S. Fish and Wildlife Service to ensure that the local regulatory framework is consistent with the planning objectives and regulations of the region.

Policy 3-4.2.43 Land Use Controls to Assist Implementation of Stormwater Management Program

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations to include land use controls, such as subdivision regulations, zoning and site plan review, erosion controls, water quality controls, landscaping and flood management regulations to assist in implementing the Stormwater Management Program. The programs shall be assessed annually and updated as necessary based on improved knowledge of problems, issues and best management practices.

Policy 3-4.2.54 Pursue the Development of Adequate Off-Site Surface Water Management Facilities

The City shall monitor, at regular intervals, the performance of existing off-site drainage facilities, evaluate existing and potential future problems or issues, and pursue the funding of necessary structural and non-structural system improvements for effective surface water management. All new developments shall provide an equitable contribution for off-site drainage improvements necessitated by the development.

Policy 3-4.2.65 Require Buffer Zones

Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations that require new development to provide buffer zones adjacent to natural drainage ways and retention areas.

Policy 3-4.2.76 Manage Land Use in the Floodplain and Coastal Areas

Within one year of the effective date of the Plan, the City shall amend its Land Development Regulations to include performance criteria regulating development within floodplain and shoreline areas as a result of the Stormwater Management Master Plan.

GOAL 3-5 POTABLE WATER

The City shall support the FCAA in the fulfillment of its statutory obligation and authority to provide for a safe, high quality and adequate supply, treatment, distribution, and conservation of potable water to meet the needs of present and future residents. ~~5.011(2)(a)~~ §163.3177(6)(c) F.S.

Objective 3-5.1 Adopt a 10-Year Water Supply Facilities Work Plan

The City of Marathon shall adopt a 10-Year Water Supply Facilities Work Plan in coordination with the Florida Keys Aqueduct Authority that identifies existing and proposed alternative water supply projects, traditional water supply projects, conservation methods and reuse necessary to meet the water supply needs of the City, consistent with the South Florida Water Management District Lower East Coast Regional Water Supply Plan and the Florida Keys Aqueduct Authority 20-Year Water Supply System Capital Improvement Master Plan. §163.3177(6)(c)3 F.S.

Policy 3-5.1.1 Ensure Existing Concurrency for Management System is Consistent with SFWMD's Lower East Coast Water Supply Plan

The City of Marathon shall ensure that the existing concurrency management system is consistent with the South Florida Water Management District *Lower East Coast Water Supply Plan* and the Florida Keys Aqueduct Authority 20-Year Water Supply System Capital Improvement Master Plan.

Policy 3-5.1.2: Interlocal Agreement with FCAA to Identify the Availability of Water Supply to Serve Existing and New Development.

By December 31, 2011 the City of Marathon shall enter into an interlocal agreement with the Florida Keys Aqueduct Authority to formulate a mechanism that will allow the FCAA and the City to identify the availability of water supply needed to serve existing and new development within the City, monitor the use of potable water, and implement such alternative water supply projects, traditional water supply projects, conservation projects and reuse necessary to meet the City's water supply needs.

Policy 3-5.1.3: Ensure Adequate Water Supply for New Development.

Prior to the issuance of a building permit for new development, the City shall receive written notification from its water utility, the Florida Keys Aqueduct Authority that adequate water to serve the new development will be available no later than the anticipated time that a certificate of occupancy is to be issued.

Policy 3-5.1.4: Update 10-Year Water Supply Facilities Work Plan.

The City of Marathon shall update the 10-Year Water Supply Work Plan every five years or within 18 months after the government board of the South Florida Water Management District approves an updated regional water supply plan.

Objective 3-5.2 Coordinate with Other Agencies to Prevent Sprawl

In coordination with the FKAA, the City shall continue to maximize the use of existing FKAA facilities and discourage urban sprawl. ~~9J-5.011(2)(b)3~~ §163.3177(6)(a)9.b. F.S.

Policy 3-5.2.1 Ensure Consistency with the Plan

All FKAA facility expansions shall be consistent with the *Future Land Use Map*, the Goals, Objectives, and Policies of the Plan, and adopted levels of service. ~~9J-5.011(2)(e)1~~

Policy 3-5.2.2 Review and Comment on the FKAA Capital Improvements Plan

The City shall evaluate existing FKAA policies related to identification and adoption of capital improvements. The City shall review and comment on the FKAA Capital Improvements Plan for Plan consistency prior to inclusion in the annual Concurrency Management Report prepared in accordance with Capital Improvements Objective 7-1.3 and subsequent policies. ~~9J-5.011(2)(e)1~~

Policy 3-5.2.3 Cooperate with FKAA in implementing the FKAA Fee Schedule

The City shall cooperate with the FKAA, in the implementation of the FKAA fee schedule to assess charges for new units, meter fees, tapping fees, service charges and water main extension costs in order to promote maximizing the use of existing facilities and discouraging urban sprawl. ~~9J-5.011(2)(e)1~~

Objective 3-5.3 Coordinate with Agencies to Protect the Florida City Wellfield

The City shall coordinate with the FKAA and other agencies as applicable to establish effective mechanisms to ensure the protection of and availability of an adequate raw water supply at the Florida City Wellfield to meet the needs of the City. §163.3177(6)(c)2 F.S.

Policy 3-5.3.1 Ensure Renewal of Consumptive Use Permit

The City shall coordinate with the FKAA to ensure renewal of the Florida City Wellfield consumptive use permit issued by the SFWMD. ~~9J-5.011(2)(e)1; 9J-5.013(2)(e)4~~

Policy 3-5.3.2 Provide Technical Assistance to the FKAA

The City shall provide technical assistance to the FKAA for the consumptive use permitting process. This technical assistance shall include providing information regarding future land use growth patterns, population trends, growth management policies and demand projections to ensure consistency between the FKAA permitting process and the City's Comprehensive Plan. ~~9J-5.011(2)(e)1; 9J-5.013(2)(e)4~~

Policy 3-5.3.3 Provide Concurrency Management Report to FKAA

The City shall annually supply FKAA and SFWMD with the Concurrency Management Report prepared in accordance with Capital Improvements Plan. These annual reports shall include the latest information on land use, population trends, and growth management policies as well as facility capacity analyses using data supplied by service providers. ~~9J-5.011(2)(e)1; 9J-5.013(2)(e)4~~

Objective 3-5.4 Ensure Adequate Water Pressures

The City shall coordinate with the FKAA to ensure adequate operating pressures in the transmission and distribution system to meet the adopted level of service standard for the customer service connection. ~~9J-5.011(2)(b)1~~ \$163.3177(6)(c)2 F.S.

Policy 3-5.4.1 Coordinate with FKAA to Ensure Transmission Network

The City shall coordinate with the FKAA to ensure the FKAA shall continue to maintain the transmission network and construction improvements to provide a minimum operating pressure of 20 PSI at customer service. ~~9J-5.011(2)(e)2~~

Objective 3-5.5 Promote Water Conservation

The City shall assist the FKAA with water conservation and reuse efforts and assist in implementing the FKAA's Water Conservation Plan consistent with SFWMD's Water Shortage Plan and Water Conservation Program. ~~9J-5.011(2)(b)4; 9J-5.013(2)(b)2~~ \$163.3177(6)(c)2 and \$163.3177(6)(d)(2)b. F.S.

Policy 3-5.5.1 Implement a Xeriscape Ordinance

~~Within one year of the effective date of the Plan, (The City shall adopt Land Development Regulations which implement xeriscape landscape practices, using the SFWMD Model Landscape Code for South Florida. Prior to the adoption of the xeriscape ordinance, permanent irrigation ordinance and plumbing efficiency standards, drafts of these ordinances and standards will be submitted to the SFWMD and FKAA for review and comment, and when applicable the recommendations will be incorporated in the water conservation measures. 9J-5.01(2)(c)3; 9J-5.013(2)(e)4~~

Policy 3-5.5.2 Promote Water Conservation Measures

The City and FKAA shall evaluate utility regulations, landscaping ordinances, and public education programs for implementation of water conservation measures. ~~9J-5.011(2)(e)3; 9J-5.013(2)(e)4~~

Policy 3-5.5.3 Assist FKAA in Leak Detection Program

The FKAA shall, with input from the City, continue to implement a leak detection program and a conservation rate structure. The City and the FKAA, with input from the SFWMD and other affected organizations, shall formulate and initiate implementation of a joint public education program for water conservation. ~~9J-5.011(2)(e)3; 9J-5.013(2)(e)4~~

Policy 3-5.5.4 Comply With SFWMD Water Use Restrictions

The City and the FKAA shall continue to comply with SFWMD water use restrictions when water shortages are declared by the SFWMD. ~~9J-5.011(2)(e)3; 9J-5.013(2)(e)4~~

Policy 3-5.5.5 Encourage Use of Rainwater

The City shall permit and encourage rainwater storage facilities for all household uses such as but not limited to, irrigation, car, patio, and boat washing. ~~9J-5.011(2)(e)3; 9J-5.013(2)(e)4~~

Policy 3-5.5.6 Re-Evaluate the Adopted Potable Water Levels of Service

As the water conservation measures are implemented, the City shall re-evaluate the adopted potable water levels of service through the evaluation and appraisal report process.

Policy 3-5.5.7 Water Conservation

The City shall permit and encourage the use of alternative sources for potable water. These sources may include, but not be limited to, a primary water source cistern, a reverse osmosis (RO) system, or any other approved alternative potable water source.

CONSERVATION AND COASTAL ELEMENT GOALS, OBJECTIVES, AND POLICIES

PURPOSE

Pursuant to Chapter 163.3177(6)(d)&(g) F.S., the purpose of the Conservation and Coastal Element is to promote the conservation, use and protection of natural resources as well as to plan for, and where appropriate, restrict development activities where such activities would damage or destroy coastal resources, and protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

GOAL 4-1 CONSERVE, MANAGE, USE AND PROTECT NATURAL AND ENVIRONMENTAL RESOURCES

It is the goal of the City to conserve, manage, use and protect the natural and environmental resources within the City to ensure continued resource availability and environmental quality and to manage development activities to protect coastal resources, protect human life and limit public expenditures in areas subject to destruction by natural disasters. ~~91-5.013(2)(a)-~~ §163.3177(6)d.2 & §163.3177(6)(g) F.S.

Objective 4-1.1 Maintain Air Quality

The City shall maintain the best possible air quality by meeting or exceeding State and Federal air quality standards. ~~91-5.013(2)(b)-~~ §163.3177(6)d.2.a. F.S.

Policy 4-1.1.1 Support State and Federal Air Quality Standards

The City shall support the enforcement of applicable State and Federal air quality standards by requiring, through adoption of Land Development Regulations, that all applicable State and Federal permits be obtained prior to the ~~submittal of an application for commencement of~~ development to the City. ~~91-5.013(2)(b)-~~

Policy 4-1.1.2 Prevent Erosion and the Generation of Dust Particles

~~Within one year of the effective date of the Plan,~~ The City shall continue to maintain ~~adopt~~ Land Development Regulations that incorporate standards to prevent erosion and the degradation of ambient air quality through the generation of dust particles. These regulations shall require measures to contain and stabilize exposed or destabilized soil surfaces. ~~91-5.013(2)(b)-~~

Objective 4-1.2 Conserve, Protect, and Enhance Natural Systems

The City shall conserve, protect, and enhance the remaining natural systems of the City through the development of an information system. This information system shall be used as the basis for establishing appropriate land use designations and regulations which recognize the inherent

values of these areas when left in their natural state. The information system shall also be used as the basis for regulating land development activities in wetland areas, to identify potential wetland restoration sites and to identify high quality wetland sites for possible future acquisition by the City, State or private non-profit conservation organization. ~~93-5.013(2)(b)3-~~ §163.3177(6)d.1 & 2. & §163.3177(6)(g) F.S.

Policy 4-1.2.1 Establish Regulations to Protect and Manage Conservation Lands and Natural Resource Systems

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations protecting and managing environmentally sensitive natural systems, including but not limited to water resources, wetlands, native habitats and other natural resources. These regulations ~~shall require approval from all applicable external agencies prior to submittal to the City and shall~~ require consistency with the policies in the Plan that govern:

- a. Management of surface water;
- b. Preservation of open space; and
- c. Preservation of native vegetation and environmentally sensitive habitats.

Policy 4-1.2.2 Protect Plant and Animal Species

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain 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, transplanted and mitigation criteria, and encourage the dedication of conservation easements or deed restrictions. ~~93-5.013(2)(e)3 and 5~~

Policy 4-1.2.3 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:

- 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;
- b. Continued technical assistance coordination consultation with the FWS; and
- c. Cooperation with the FWS in locating potential introduction sites for federally designated plant and animal species.

Policy 4-1.2.4 I Identify Wetlands

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations to define wetlands pursuant to Subsection 373.019(22), F.S., further described by the delineation methodology in Section 373.421~~1~~, F.S.

Policy 4-1.2.5 Identify Wetland Vegetation

The City shall adopt and utilize the “Vegetative and Hydric Soil Field Indicators Lists for Chapter 62-340” as compiled by the Department of Environmental Protection (DEP) as a tool to identify and categorize wetland plant species commonly found within the City.

Policy 4-1.2.6 Participate in the ADID Program

The City shall participate in the Florida Keys Advance Identification of Wetlands (ADID) Program. This program is designed to facilitate the regulatory process under Section 404 of the Clean Water Act of 1973 by providing comprehensive wetlands mapping and assessment information. The geographic scope of the ADID program on the islands connected by US 1 includes:

- a. Privately owned lands with development potential on islands connected by US 1;
- b. Publicly owned lands on islands connected by US 1; and
- c. Offshore islands.

As part of the ADID Program, the City shall:

- a. Inform and educate the public regarding wetlands protection and the applications of information from the ADID Program;
- b. Adopt preliminary Army Corps of Engineers (ACOE) and DEP jurisdictional lines;
- c. Update wetlands spatial data on the City’s geographic information system (GIS);
- d. Have assigned City Planning Department staff attend DEP wetlands identification and delineation training sessions;
- e. Assist with the development of a Florida Keys wetlands functional quality analysis;
- f. Adopt the Keys Wetlands Evaluation Procedure (KEYWEP) contained in the ADID to classify wetlands;
- g. Continue to jointly carry out the functional analysis of wetlands on all wetland areas within the City; and
- h. Assist with ground-truthing GIS data.

Policy 4-1.2.7 Wetlands Maps

The City shall use data made available from the ADID program and the FWC to generate wetlands maps. The wetlands maps shall replace those currently in use by the City. In order to prepare new wetlands maps, the City shall compile information obtained from the ADID Program, National Wetlands Inventory (NWI), and the Florida Fish and Wildlife Conservation Commission (FFWCC) in the GIS. This map or overlays shall identify:

- a. All undisturbed and disturbed wetlands by vegetative cover type;
- b. Advisory ACOE and DEP jurisdictional lines mapped as part of the ADID Program; and
- c. Wetland ‘suitable/unsuitable’ designations with respect to ACOE Section 404 permitted activities mapped as part of the ADID Program.

Policy 4-1.2.8 Keys Wetlands Evaluation Procedure (KEYWEP)

As part of the ADID Program, the City shall adopt the Keys Wetlands Evaluation Procedure (KEYWEP) as the methodology for determining wetlands functionality. This methodology is tailored for use in the Florida Keys and is based upon habitat suitability, water quality and flood flow alteration functions of marine and freshwater wetlands.

Policy 4-1.2.9 Coordinated Analysis of Wetlands

As part of the ADID Program, the City, EPA, FWS and FFWCC will continue to jointly carry out the functional analysis of wetlands. This shall be completed on all wetland vegetative cover areas within improved subdivisions and on selected sites outside improved subdivisions, according to statistically valid selected sample locations for each wetland vegetative cover type. In addition to the functional analysis, the field team shall ground-truth the wetland vegetative cover maps using a differential global positioning system. The wetland vegetative cover boundaries in the GIS shall be revised to reflect results of the ground-truthing.

Policy 4-1.2.10 Regulate Development in Wetlands through KEYWEP

The development potential of wetlands will be determined through the KEYWEP quality ranking system as follows:

- a. **‘Red-flag’ wetlands:** This classification is given to wetlands that lack disturbance and are of obvious and exceptionally high quality meeting criteria specified in the KEYWEP.
- b. **High functional capacity wetlands:** Wetlands which score 5.5 or higher regardless of previous disturbance. These wetlands exhibit the greatest number of beneficial functions.
- c. **Moderate functional capacity wetlands:** Wetlands with previous disturbance, which score below 5.5, but greater than or equal to 4.6. These wetlands exhibit moderate functionality.
- d. **Low functional capacity wetlands:** Wetlands with previous disturbance, which score less than 4.6 and exhibit low functionality.

Disturbed wetlands are those wetlands where the topography, hydrology, soil or natural vegetation has been permanently impacted to such a degree that succession to the original wetland community is not likely. Undisturbed wetlands are those wetlands where the topography, hydrology, soil or natural vegetation has not been permanently impacted.

Policy 4-1.2.11 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:

- 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;
- 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
- 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.

Policy 4-1.2.12 Mitigate Development in Disturbed Wetlands

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain 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.

Policy 4-1.2.13 List and Prioritize Sensitive Sites for Acquisition

The City shall update on an annual basis the prioritized list of environmentally sensitive sites for potential acquisition which includes, but is not limited to the following:

- a. Nesting sites of the southern bald eagle (*Haliaeetus leucocephala*), the osprey (*Pandion haliaetus*), the brown pelican (*Pelecanus occidentalis*) and the roseate tern (*Sterna dougallii*); and
- b. Wintering grounds for the peregrine falcon (*Falco peregrinus*) and the piping plover (*Charadrius melodus*); and
- c. Native upland habitats used by species listed by a State or Federal agency as threatened or endangered, such as the white-crowned pigeon (*Columba leucocephala*); and
- d. Transitional habitat with potential for wildlife corridors, tropical flyways or buffers for environmentally sensitive lands.

Policy 4-1.2.14 Establish and Coordinate Acquisition Programs

~~By October 1, 2005, the City shall establish~~ maintain a land acquisition program and prepare a Capital Investment Plan for the acquisition of environmentally sensitive land, land for affordable housing, open space, parks and recreation, and the purchase of development rights in coordination with regional, State, Federal and private programs, including but not limited to the DEP, the Monroe County Land Authority, the Department of ~~Community Affairs~~ Economic

Opportunity (DCAEO) and other agencies with an interest in conservation lands. This Capital Investment Plan shall be incorporated into the City's Capital Improvement Program.

Objective 4-1.3 Protect, Conserve, and Enhance Coastal Resources

The City shall 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 within its jurisdiction, in order to maintain the economic and social well being of its citizens. The City shall help ensure that the ambient water quality of near shore waters meets or exceeds State standards for Class II Outstanding Florida Waters. ~~91-5.013(2)(b)2~~ §163.3177(6)(d)2.; §163.3177(6)(g)1. And §163.3178(2)(e). F.S.

Policy 4-1.3.1 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:

- a. Preventing adverse impacts of development and redevelopment on wetlands, estuaries, water resources, living marine resources and other natural resources;
- b. Maintaining or improving coastal environmental quality by commencing the Stormwater Management Plan identified in this Plan;
- 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;
- d. Directing growth away from VE Flood Zones through Local Mitigation Strategies and the Building Permit Allocation System identified in this Plan;
- e. Creating a Transfer of Development Rights (TDR) Program that directs growth away from VE zones as described in this Plan;
- f. Managing nearshore waters and flats through the enforcement of speed limits, no wake zones and no motor zones;
- 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;
- h. Preventing adverse impacts of lighting on coastal resources;
- i. Prohibiting the mooring of live aboard vessels outside of approved marinas;
- j. Prohibiting boat launching from various rights-of-way that are not designated as public boat ramps and restricting random water access points; and
- k. Regulating the impacts of development on native vegetative communities and wildlife habitats; and
- l. Providing for the distinction between riparian mangrove fringes and those mangroves growing in isolated communities on infill, landlocked lost where surface water run-off from surrounding development has created the wet condition which facilitated the establishment of the isolated community of mangroves which do not perform the functions of riparian mangrove fringes, i.e. resisting and preventing shoreline erosion, providing food and habitat for the marine food chain, maintaining and improving the quality of coastal waters. This provision is

not applicable to parcels which are historically, naturally, vegetated with mangroves such as are found on Grassy Key.

These objectives shall be accomplished as described below, and through coordination with the South Florida Water Management District (SFWMD).

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.

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~~ continue to maintain 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.

Policy 4-1.3.4 Restrict Development in Wetlands

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain 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.

The following plant species are wetland species commonly found within the City, although the applicable State list of jurisdictional wetland vegetation shall apply:

- Black Mangrove (*Avicennia germinas*)
- White Mangrove (*Laguncularia racemosa*)
- Red Mangrove (*Rhizophora mangle*)
- Sea Purslane (*Sesuvium portulacastrum*)
- Key Grass (*Monanthochloe*)
- Cordgrass (*Spartina spartinae*)
- Buttonwood (*Conocarpus erectus*)
- Saltwort (*Batis maritima*)
- Sea Blite (*Suaeda linearis*)
- Salt Grass (*Distichlis spicata*)
- Dropseed (*Sporobolus virginicus*)
- Fringe-Rushes (*Fimbristylis spp*)

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~~ continue to maintain 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:

- a. Protect fish and wildlife habitat;
- b. Prevent degradation of water quality and estuaries;
- c. Manage surface water run-off to prevent water quality degradation;
- d. Protect living marine resources;
- e. Reduce exposure to natural hazards; and
- f. Ensure adequate public access.

Policy 4-1.3.6 Protect, Stabilize and Enhance Shorelines

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain 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:

- a. Contribute to fish and wildlife habitat, marine productivity and water quality;
- b. Offer protection from erosion and flooding;
- c. Contribute to the natural soil building process;
- 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
- e. Are aesthetically pleasing and can be reasonably incorporated as a landscaping asset for waterfront residences.

Native vegetation shall not be removed unless the applicant agrees to a mitigation plan to ensure that re-vegetation occurs.

Policy 4-1.3.7 Prohibit Construction of New Bulkheads, Seawalls or Other Hardened Vertical Shoreline Structures on Open Water

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 natural or concrete boulders that meet the following guidelines:

- a. It is constructed in a manner that would not prevent the establishment of native

- vegetation;
- b. It consists only of natural boulders or clean concrete rubble six (6) inches to three (3) feet in diameter or in average dimensions;
 - c. The slope of the riprap is no steeper than 2H:1V and the horizontal distance is no more than eight (8) feet;
 - d. There are no reinforcing rods or other similar protrusions in concrete rubble and all rubble or boulders are free of attached sediments;
 - 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
 - f. There is no filling or dredging associated with the placement of riprap other than the riprap material itself.

Policy 4-1.3.8 Enact Measures to Stabilize Canals and Shorelines

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~~ Director.

Policy 4-1.3.9 Limit Hardened Shorelines

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:

- a. To replace an existing deteriorated bulkhead or seawall; or
- b. To stabilize a severely eroding shoreline area where riprap in conjunction with native vegetation will not suffice.

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~~ continue to maintain Land Development Regulations to prevent development activities that adversely impact water quality through shoreline erosion and sedimentation over-wash onto wetlands.

Objective 4-1.4 Protect and Preserve Wetlands

The City shall protect and preserve wetlands from physical and hydrologic alteration through upland buffers, setbacks and the use of conservation easements. ~~91-5.013(3)(a) - §163.3177(6)(d)2 F.S.~~

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~~ continue to maintain 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. §163.3177(6)(d)2.e F.S.

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 Objective 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. §163.3177(6)(d)2. j. F.S.

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. §163.3177(6)(d)2.e & j F.S.

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. §163.3177(6)(d)2.e & j F.S.

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.~~

Policy 4-1.4.6 Shoreline Vegetation Trimming or Removal

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations to regulate the trimming or removal of shoreline vegetation, excluding mangroves. The trimming and removal of mangroves is regulated by the Florida Department of Environmental Protection. §163.3177(6)(d)2.e & j F.S.

Policy 4-1.4.7 Coordination with State and Federal Management

The City shall coordinate and support all State and Federal management measures designed to protect, preserve and enhance the coastal resources, wetlands, marine resources, wildlife habitats and other natural resources including fisheries and coral reefs. §163.3177(6)(d)2.g F.S.

Policy 4-1.4.8 Shoreline Setback Development Criteria

Minimum coastal construction setbacks in the City shall be established in the Land Development Regulations to protect:

- a. Natural shoreline vegetation;
- b. Marine turtle nesting habitat;
- c. Water quality through assimilative and filtrative uptake of pollutants by upland setback buffer areas;
- d. Structures from the effects of long-term sea level rise;
- e. Beaches and shorelines from erosion; and
- f. The character and overwater views of the community.

§163.3177(6)(d)2 F.S.

Policy 4-1.4.9 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.

- a. On parcels greater than or equal to 4,500 square feet, 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, except as allowed in (b) below.
- b. On parcels less than 4,500 square feet on manmade canals, channels, basins, and lawfully altered shorelines, the required setback for a principal structure may be reduced to a minimum of ten (10) feet provided that the structure is sited so as to protect community character and minimize environmental impacts by maintaining open space and protecting shoreline vegetation.
- c. 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.
- d. 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.
- e. 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.

- f. 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.

Policy 4-1.4.10 Accessory Structure Shoreline Setbacks

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:

- 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.
- 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.
- 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.

- 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.

Policy 4-1.4.11 Shoreline Walkways

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.

Policy 4-1.4.12 Shoreline Setback Development Limits

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.

Objective 4-1.5 Protect and Retain Environmentally Sensitive Habitat

Through the implementation of the following policies the City shall protect and retain environmentally sensitive upland and marine habitats. ~~91-5-013(2)(e)3~~ §163.3177(6)(d)2 & §163.3177(6)(g)1, F.S.

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~~ continue to maintain Land Development 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.

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~~ continue to maintain 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. ~~91-5-013(2)(e)3~~

Policy 4-1.5.3 Provide for Open Space

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.

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

Policy 4-1.5.4 Limits to Hammock BPAS Allocation

In no case shall more than one (1) BPAS allocation per year be issued for properties which are in part or whole designated as Hardwood Hammock, Palm Hammock, Cactus Hammock, or Beach/Berm on the City of Marathon Existing Conditions Maps or as determined by the City Biologist or private habitat survey.

Policy 4-1.5.5 Limit Clearing of Native Vegetation (Hardwood Hammock)

The clearing of high quality hammock is hereby limited to a 7,500 square foot footprint for the principle structure. Additionally, one driveway no wider than 18 feet per parcel is allowed in high quality hammock that is exempt from clearing requirements; however, in no case shall clearing exceed 10 percent of the entire site. The clearing of moderate quality hammock is hereby limited to 7,500 square feet or 30 percent, whichever is less. For all categories of hammock, a minimum clearing area of 3,000 square feet shall be allowed to provide reasonable use of property. The clearing of native vegetation is hereby limited 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. ~~9J-5.013(2)(e)3~~

Policy 4-1.5.6 Prohibit Development Impacts on Certain Native Vegetation

Development shall not disturb the following vegetation:

- a. champion trees;
- 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
- c. plant species listed by the FWS as threatened and endangered. ~~9J-5.013(2)(e)3~~

Policy 4-1.5.7 Limit Impacts on Native, Threatened, Endangered or Commercially Exploited Species

Development shall be sited so as to minimize impacts on the following plants:

- 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);
- b. other locally rare native species; and
- c. native trees with diameter at breast height (dbh) of four (4) inches or greater.

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:

- a. for native trees over four (4) inches dbh, three (3) replacements for each taken;
- b. for listed species of any size, three (3) replacements for each taken; and
- c. for locally rare native species, three (3) replacements for each taken.

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. ~~9-5-013(2)(e)3~~

Policy 4-1.5.8 Require Clustering

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

Clustering requirements shall be as follows:

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

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

Class I

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

Class II

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

Class III

Disturbed; and

Disturbed with exotics.

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

Policy 4-1.5.9 Participate in the Florida Champion Tree Program

The City shall actively participate in the Florida Champion Tree Program of the Florida Department of Agriculture. Excluding invasive exotic species, development shall not disturb the following vegetation:

- a. Champion trees;
- 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); or
- c. Plant species listed by the FWS as threatened and endangered.

Policy 4-1.5.10 Update the Existing Conditions and Threatened and Endangered Species Habitat Maps

~~The City has a Threatened and Endangered Species Map adopted from Monroe County. Within one year of the effective date of the Plan, the City shall maintain and update this the Threatened and Endangered Species map with the best available data. The updated map shall be prepared through cooperation and coordination with DEP, FWS and FFWCC to prepare the updated map from the Current Existing Conditions and Threatened and Endangered Species Map adopted from Monroe County and shall include identification of adjacent off shore island bird rookeries. Thereafter, this map shall be updated every three years.~~

Policy 4-1.5.11 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 continue to maintain and enforce Land Development Regulations that outline a methodology for and 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:~~

- a. Tropical hardwood hammock as identified on the Existing Conditions Maps; or
- b. Wetlands as identified on the ADID maps; or
- c. As determined by the ~~Planning Manager~~ Director.

The habitat analysis shall analyze the distribution and quality of undisturbed lands within the parcel proposed to be developed. The habitat analysis shall include, at a minimum, the following:

- a. A written methodology for completing the habitat analysis;
- b. Requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and
- c. Evaluation criteria, which will differentiate high, medium, and low quality habitat.

Policy 4-1.5.12 Enhance Coastal and Marine Resources

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations to implement each of the policies defined within this objective to protect, conserve and enhance coastal and marine resources.

Policy 4-1.5.13 Define Altered and Unaltered Shorelines

~~The City adopt~~ shall continue to maintain Land Development Regulations that define 'altered shoreline' and 'unaltered shoreline', which shall be written to recognize the following general features of each:

- 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.
- 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.

Policy 4-1.5.14 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.

Objective 4-1.6 Restoration

The City shall initiate a program to restore and maintain disrupted native marine, wetland, beach, berms and native upland vegetation systems. ~~91-5.012(3)(b)4~~ \$163.3178(2)(c) & \$163.3177(6)(g) F.S.

Policy 4-1.6.1 Prioritize Wetland Restoration Sites

~~Within three years of the adoption of the Plan, a~~ A list of priority wetland restoration sites shall be drafted and updated every other year. This list shall be developed by the City in consultation with representatives of the ACOE, EPA, FWS, DEP, and FWCC and as information is gained through the development review process. Priority wetland restoration sites shall be those

disturbed wetlands having the greatest potential functional value after restoration (determined by the KEYWEP) as defined in the Florida Keys ADID Program.

Policy 4-1.6.2 Prioritize Beach and Upland Restoration Sites

A list of priority beach berms and upland, native vegetative restoration sites shall be drafted and updated every other year. This list shall be developed by the City in consultation with the Florida Department of Agriculture and Consumer Services (Division of Plant Industries), the Florida Natural Areas Inventory and the National Audubon Society Research Department and other agencies as appropriate. Priority upland restoration sites shall be identified based on findings of the general evaluation of upland vegetation. Priority sites shall be those disturbed areas where restoration will result in the greatest habitat benefit at the least cost. Candidate restoration sites shall include publicly-owned as well as privately-owned sites.

Policy 4-1.6.3 Restore Seagrass Beds

The City shall cooperate with National Oceanic and Atmospheric Administration (NOAA), EPA, DEP and Florida Keys National Marine Sanctuary (FKNMS) to restore seagrass beds within the City's jurisdiction.

Policy 4-1.6.4 Establish a Program for Invasive Vegetation Removal on City Lands

~~Within three years of the effective date of the Plan, The City shall maintain~~ a program shall be developed for removing invasive exotic vegetation from City owned lands. This program shall include establishing and prioritizing a list of sites, monitoring and plans for re-vegetation.

Policy 4-1.6.5 Establish a Program for Restoration of City Owned Lands

~~Within three years of the effective date of the Plan, The City shall maintain~~ a program shall be developed and updated for restoring City owned beaches and beach berm areas. This program shall include monitoring and plans for re-vegetation.

Policy 4-1.6.6 Restoration Funding Sources

Restoration projects shall be completed as funding, as established through Policy 4-1.6.7 and other sources, becomes available. Local, State, Federal and private funding sources shall be pursued and used to support restoration projects.

Policy 4-1.6.7 Establish a Restoration Fund

~~Within one year of the effective date of the Plan, The City shall adopt~~ continue to maintain establish a restoration fund. Local, State, Federal and private funding sources shall be pursued and used to support restoration projects.

Objective 4-1.7 Protect and Enhance Fisheries, Wildlife and Wildlife Habitat

The City shall protect and enhance fisheries, wildlife and wildlife habitat from the adverse impacts of development by regulating the location, density and intensity of those activities that cause the adverse impact. The City shall coordinate with all Federal, State and local government agencies to promote protection of fisheries, wildlife and wildlife habitats. The Land Development Regulations shall provide for flexible development alternatives, including density

transfers from wetlands to adjacent uplands, allowing more flexible development options on developable portions of the site. §163.3177(6)(d)2 F.S.

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.

Policy 4-1.7.2 Protect Native Wildlife from Free-roaming Domestic Pets

~~Within two years of the effective date of the Plan, the City shall develop~~ continue to maintain regulations to protect native wildlife species, especially State and Federally designated species, from disturbance and predation by free-roaming domestic pets, particularly cats and dogs. The City Biologist shall meet periodically with the Monroe County Animal Control Department to review priorities for animal control.

Policy 4-1.7.3 Protect Native Wildlife from Invasive Exotic Wildlife Species

~~Within two years of the effective date of the Plan, the City shall develop~~ continue to maintain regulations to protect native wildlife species, especially State and Federally designated species, from invasive exotic wildlife species, particularly iguanas and Gambian rats. The City Biologist shall coordinate with the FFWCC and the US FWS to develop a list of undesirable exotic wildlife species. In accordance with this list, the City shall adopt an exotic wildlife ordinance which shall restrict the sale and handling of listed undesirable exotic species.

Policy 4-1.7.4 Endangered Species Focus Areas

The City shall implement activities to protect the habitat of, and to prohibit the destruction of, the federally- designated eastern indigo snake (*Drymarchon corais couperi*) (*Drymachron corais couperi*), Stock Island tree snail (*Orthalicus reses*) and Key tree cactus (*Pilosocereus robinii*). The City, in conjunction with the FWS and FWC, shall identify wetland and upland habitats which are potentially suitable habitat for the above mentioned species. Identified sites shall be given priority for conservation acquisition purposes. Particular emphasis shall be placed upon those sites located within improved subdivisions. Acquisition shall be considered consistent with land acquisition policies in this Plan.

Objective 4-1.8 Prohibit Mining of Minerals

No mining activities shall be permitted within the City. The City has no areas suitable for the extraction of minerals-period. §163.3177(6)(d)2.d F.S.

Policy 4-1.8.1 Prohibit Mining of Minerals

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations to prohibit mining of minerals based on the irretrievable losses that such intense activities may potentially impose on the City's fragile ecosystem. Mining shall

include the extraction of minerals solely for the purpose of commercial sale. These Land Development Regulations shall also prohibit the removal of coral from City waters.

Policy 4-1.8.2 Inventory Abandoned Mining Pits

~~Within five years of the effective date of the Plan, t~~The City shall ~~complete~~ maintain an inventory of all abandoned mining pits. The inventory shall include at a minimum, the location, ownership, size, general description of existing site conditions, and general description of potential environmental problems for each abandoned pit.

Policy 4-1.8.3 Adaptive Reuse

The City shall work cooperatively with the DEP and other appropriate agencies to identify strategies for adaptive reuse and reclamation of abandoned mining pits within the City.

Objective 4-1.9 Hazardous Waste

The City shall ensure that the storage, transport and disposal of hazardous waste generated in the City are managed with the best available technology to protect environmental quality.

§163.3177(6)(d)2.i F.S.

Policy 4-1.9.1 Assure Proper Management of Solid and Hazardous Wastes

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.

Objective 4-1.10 Preservation of Historical, Cultural, or Archaeological Features

The City shall ensure the preservation of historical, cultural, or archaeological features of local, regional, State and National significance.

~~91-5.006(3)(b)4; 91-5.012(3)(b)10~~ §163.3177(6)(f)1.e. F.S.

Policy 4-1.10.1 Implement Historic and Archaeological Site Policies

The City shall coordinate with the State and Federal government to develop programs for implementing City, State and Federal policies for identifying, preserving and enhancing sites of historical and archaeological significance. Programs for identification, evaluation of relative significance, protection, preservation and enhancement shall be promoted, utilizing all available local, State, Federal and private sector resources.

Policy 4-1.10.2 Establish Provisions to Address Adverse Impacts to Historic and Archaeological Sites

~~Within one year of the effective date of the Plan, t~~The City shall ~~adopt~~ continue to maintain Land Development Regulations that include provisions to address adverse impacts to historic or archaeological sites of significance created by development or redevelopment of the site. ~~91-5.006(3)(b)4; 91-5.012(3)(b)10~~

Policy 4-1.10.3 Identify Historic and Archaeological Sites

~~Within three years of the effective date of the Plan, t~~The City shall ~~establish~~ continue to maintain criteria within the Land Development Regulations to define structures or sites with

locally historical and/or architectural significance. ~~Within one year of the effective date of the Land Development Regulations defining such criteria,~~ The City shall complete a survey identifying such potential architectural and historical sites. The survey shall primarily focus on structures and properties that are at least 40 years old.

Policy 4-1.10.4 Preserve Historic and Archaeological Sites

~~Within one year of the completion of~~ Based upon the survey identified in Policy 4-1.10.3, the City shall adopt Land Development Regulations to preserve these sites and to establish a procedure to add sites to the City's list of locally significant historical resources. ~~Until City historic preservation regulations are adopted, any development or redevelopment of the identified historic resources shall be governed by Chapter 74-100 Laws of Florida, as applicable.~~

Policy 4-1.10.5 Develop a Pedestrian and Bicycle Path Network

The City shall promote a systematic approach to the development of a pedestrian and bicycle path network. The City shall also investigate the increased use of golf carts and alternative transportation means by the public and private sectors in order to improve energy efficient transportation links between major activity areas such as residential neighborhoods, schools, employment centers, shopping areas, resorts and parks and recreational areas.

Objective 4-1.11 Protect, Conserve, and Enhance Marine Resources

The City shall protect, conserve and enhance coastal and marine resources. §163.3178(2)(g); §163.3177(6)(d)2 and §163.3177(6)(g) F.S.

Policy 4-1.11.1 Enhance Coastal and Marine Resources

~~Within one year of the effective date of the Plan,~~ The City shall adopt continue to maintain Land Development Regulations to implement each of the policies defined within this objective to protect, conserve and enhance coastal and marine resources.

Policy 4-1.11.2 Minimum Water Depth for Docking Facilities

Except as provided herein, the siting of docking facilities 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.

- 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
- 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.

For the purposes of this policy 'open water' means the area beyond (-) 6 feet MLW or deeper of the Straits of Florida, Florida Bay, the Gulf of Mexico or the Atlantic Ocean, which consists of

an uninterrupted expanse of water 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.

Policy 4-1.11.3 Minimum Water Depth for Mooring Sites

The minimum water depth requirement at a mooring site that is not in a designated mooring field shall be minus four (-4) feet MLW. Access to and from the mooring site will have minus four feet mean low water, per Policy 4.1.11.2.

Policy 4-1.11.4 Regulate Docks

The following restrictions shall apply to all structures built over or adjacent to water:

- 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;
- 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;
- 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;
- 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;
- 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
- 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.

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 of impervious surfaces, or installation of additional landscaping material.

- 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.
- 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.
- 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.
- 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.

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.

Policy 4-1.11.7 Maximize Protection of Sea Turtles

The City shall ~~adopt~~ continue to maintain Land Development Regulations to maximize protection of sea turtles. Such regulations shall apply to existing and new development and shall generally accomplish the following:

- a. Prohibit activities disruptive to marine turtles;

- b. Establish standards for preventing interior or exterior lighting from illuminating nesting areas during the nesting season;
- c. Establish nesting habitat setbacks;
- d. Establish standards for mechanical beach cleaning; and
- e. Protect marine turtles from predation.

Policy 4-1.11.8 Protect Sea Turtles From Land Development Activities

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:

- 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.
- 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.
- c. Any such dock or walkway shall be designed to the following criteria to minimize adverse impacts on marine turtles.
- d. The structure shall have a minimum horizontal distance of four (4) feet between pilings or other upright members.
- e. The structure shall have a minimum clearance of two (2) feet above grade.
- 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.

Policy 4-1.11.9 Turtle Nesting Habitat

Beaches recognized as nesting areas for marine turtles are those areas documented as such on the City's Threatened and Endangered Species Map.

Policy 4-1.11.10 Attend Sea Turtle Training

City of Marathon Comprehensive Plan

A representative from City staff shall attend routine FFWCC training sessions regarding marine turtle nesting, stranding and salvage reporting. The City shall support and assist the conservation efforts of the State marine turtle stranding and salvage response and reporting network.

Policy 4-1.11.11 Adopt Beach Re-nourishment Standards

The City shall ~~establish~~ continue to maintain within the Land Development Regulations specific criteria for beach re-nourishment projects. Any proposed beach re-nourishment project shall meet standards of best management practices and shall receive permits from all Federal and State agencies having jurisdiction. Re-nourishment projects for naturally occurring erosion events shall take into account the degree of erosion, the need to stabilize and protect existing upland principal structures and uses, the restoration of Marine Turtle nesting habitat and upland natural resources. Sand used in beach re-nourishment projects on recognized Marine Turtle nesting beaches must meet all applicable criteria for the maintenance and enhancement of sea turtle nesting habitat, including grain size, composition and percent clay. When beach re-nourishment projects are needed, the vegetated berm system shall be restored, as necessary, utilizing site suitable native vegetation.

Policy 4-1.11.12 Public Beach Management Plan

The City shall prepare and annually review a Beach Management Plan for all City owned beaches that are marine turtle nesting habitat. These shall be consistent with the policies for protecting marine turtle nesting habitat.

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.

Policy 4-1.11.14 Sea Weed 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.

Policy 4-1.11.15 Mooring Field Construction

~~Within one year of the effective date of the Plan, (~~The City shall adopt 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.

Objective 4-1.12 Protect Marathon's Marina Community

Protect and enhance the character, history, economic viability and environmental quality of Marathon's marina community through marina siting and operation criteria. §163.3177(6)(d)2; §163.3177(6)(g) and §163.3178(2)(g) F.S.

Policy 4-1.12.1 Marina Definition

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations to define what is a marina. The definition of marina shall include commercial marinas, commercial fishing marinas, boat launching and ramp facilities, mooring fields, and multifamily marinas.

Policy 4-1.12.2 Marina Construction

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations to implement marina siting criteria through the development approval process. Marina uses are defined as conditional uses in all zoning districts. Marina siting criteria will consist of the policies under this objective as well as additional objectives and policies in this Plan, including, but not limited to:

- Live-aboard Vessels: Policies 1-3.4.5 and 1-3.4.6
- Natural Resource Protection: Policies 4-1.2.2, 4-1.2.3, 4-1.2.11, 4-1.2.12, 4-1.3.1, 4-1.3.2, 4-1.3.4, 4-1.4.1, 4-1.4.4, 4-1.4.6, 4-1.5.1, 4-1.5.2, 4-1.5.3, 4-1.5.4~~5~~, 4-1.5.5~~6~~, 4-1.5.6~~7~~, 4-1.5.7~~8~~, 4-1.5.10~~11~~, 4-1.7.1, 4-1.11.1, 4-1.11.7 and 4-1.11.8
- Shoreline Alterations: Policies 4-1.3.5, 4-1.3.6, 4-1.3.7, 4-1.3.8, 4-1.3.9 and 4-1.5.1~~2~~~~3~~
- Water Quality: Policies 4-1.3.10, 4-1.4.3, 4-1.11.13, 4-1.11.14 and 4-1.18.6
- Waste Management: Policy 4-1.9.1
- Development Approval: Policies 4-1.4.5, 4-1.5.1~~3~~~~4~~, 4-1.11.5 and 4-1.18.1
- Setbacks: 4-1.4.2, 4-1.4.8, 4-1.4.9, 4-1.4.10 and 4-1.4.12
- Walkways: 4-1.4.11
- Dock and Mooring Restrictions: Policies 4-1.11.2, 4-1.11.3, 4-1.11.4, 4-1.11.6 and 4-1-11.15
- Prioritization of Uses: Policies 4-1.13.1 and 4-1.13.2,
- Public Access: Objective 4.1.14 and Policies 4-1.3.5, 4-1.14.2 through 4-1.14. 4
- Hazard Mitigation: Policies 4-1.3.3, 4-1.15.1 and 4.1.22.8
- Concurrency: Policy 4-1.17.2
- Dredging: Policies 4-1.18.2, 4-1.18.3 and 4-1.18.4

New and redeveloping marinas must demonstrate consistency with all the criteria listed above in order to receive development approval.

Policy 4-1.12.3 Marina Operating Permit

The City shall require all marinas to obtain and annually renew a Marina Operating Permit (MOP), which at a minimum shall provide for information for the City's marina inventory and compliance with best management practices. Best management practices shall include at a minimum:

- a. Provision for clear and concise safety and environmental signage;
- b. Appropriate handling and storage of hazardous materials;
- c. Spill prevention and control;
- d. Guidelines on discharges related to boat repair and maintenance;
- e. Hurricane evacuation and preparedness;
- f. Sewage pump-out requirements;

- 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,
- h. Compliance with stormwater management requirements.

Within six months of the effective date of the land development regulations implementing the Marina Operating Permit all lawfully established marinas shall 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.

Policy 4-1.12.4 Inventory of Existing Marinas

The City shall continue to update and expand its current inventory of marinas through the Marina Operating Permit (MOP) process. The City's inventory will be updated annually using information gathered through permit applications and annual renewals. The inventory shall include per marina:

- a. Number of wet and dry slips;
- b. Type of berths (recreational, commercial and live-aboard);
- c. List of on-site amenities;\
- d. Provision of boat ramps;
- e. Availability of pump-out facilities; and
- f. Presence of fueling facilities.

Policy 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~~ maintain the Marina Operating Permit procedures and other regulations; in order to 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 in nearshore waters. At a minimum these regulations shall include the following: ~~9J-5.011(2)(e)1~~

- a. Establish criteria that living on board vessels of any type shall only be allowed in designated mooring and anchorage areas and marinas;
- b. Recognize that occupancy of a vessel for less than a 72 hour period does not constitute a live-aboard use;
- c. Require all marinas, regardless of size or type, to provide signage conspicuously posted at dockage sites which educate the public about the importance of pumping out and which give clear directions to the nearest pump-out stations;
- d. Prohibit the mooring or dockage of a live-aboard vessel unless such vessel has an operable, USCG-approved Type III MSD holding tank;

- 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. Marinas accessory to a multi-family principal use are exempt from this requirement if the total slip number is less than 20; and,
- f. 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 provide an on-site pump-out station and sewage treatment in order to obtain their annual Marina Operating Permit. Existing marinas accessory to a multi-family principal use are exempt from this requirement if the total slip number is less than 20.

Policy 4-1.12.6 Derelict Vessels

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain a program and where appropriate adopt Regulations relating to derelict vessels which shall include:

- a. Establishing a definition for a derelict vessel;
- b. Identification of procedures for locating and inventorying derelict vessels;
- c. Establishing a method to prioritize the removal of;
- d. Establishing a coordination program with external agencies having jurisdiction; and
- e. Identification of procedures and funding sources for removal of derelict vessels.

Policy 4-1.12.7 Vessel Impacts

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain 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:

- a. Identify problem areas and issues related to channel and shallows marking;
- b. Establish criteria and priorities for identifying channels and shallows to be marked;
- c. Make recommendations, in coordination with all appropriate local, State and Federal agencies for channel marking;
- d. Seek funding sources and, as funding is available, install markers; and
- e. Consider adopting speed controls in nearshore waters and/or the creation of a boating restricted or “no vessel” protection zone; and
- f. Require marinas to mark entrance channels as necessary and permissible.
- g. Adopt a Marina Operating Permit program requiring new, redeveloped, and expanded marinas totaling over 100 slips (combined wet and/or dry) to contribute to the vessel impacts program through an annual fee to be used to implement the activities outlined in this policy; and,
- h. Require new, redeveloped, and expanded marinas totaling over 100 slips (combined wet and/or dry) to demonstrate that the marina will not increase impacts to submerged resources and to provide appropriate educational signage and information that specifically illustrates the designated route to open water, surrounding areas of benthic resources to be avoided, and potential penalties for damage of benthic resources. The signage information

shall be required as part of the Marina Operating Permit, shall be in a form approved by the City biologist, and will be reviewed annually for effectiveness and to determine if additional measures are necessary to protect the marine environment.

Policy 4-1.12.8 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~~ continue to maintain Regulations ~~to establishing~~ coordination procedures with all external agencies having jurisdiction, relating to permitting, monitoring and enforcement, regarding mooring, vessels and marine resources.

Policy 4-1.12.9 Waterfront Community Character

The City shall encourage the maintenance of its waterfront 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 or other regulations to:

- a. Ensure dedicated public access from water and land and creation of public spaces (such as boardwalks and plazas) in new development and redevelopment of commercial marina facilities through the provision of pedestrian access along the shoreline, protection of view sheds from public areas, and creation of public open spaces, subject to reasonable limits;
- b. 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 activities for residents and visitors;
- c. 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;
- d. 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 City Code ordinances;
- e. 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.
- f. Allow variances to lot, yard and bulk regulations when the variance can be demonstratively related to the support of water-dependent traditional uses, such as public access (as described in part "a" of this policy), commercial fishing, industrial marinas and live-a-board access and facilities, as stipulated in this policy. Develop criteria defining traditional uses and establishing possible variances for consideration The guidelines shall require strict adherence to all comprehensive plan policies and regulations regarding handling of stormwater runoff on site. This policy will not change the location from which setbacks are measured.

Objective 4-1.13 Prioritize and Limit Shoreline Uses

The City shall prioritize shoreline uses to limit the specific and cumulative impacts of development and redevelopment, enhance coastal resources and ensure the continued economic viability of the City. §163.3177(6)(g) and §163.3178(2)(g) F.S.

Policy 4-1.13.1 Shoreline Uses

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain 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.

Policy 4-1.13.2 Establish Criteria for Prioritizing Shoreline Uses

When reviewing applications for shoreline development, shoreline uses shall be prioritized as follows:

- a. Approved public and private shoreline protection, re-vegetation or restoration programs;
- b. Approved water-dependent shoreline uses available to the public;
- c. Recreational and water-related uses available to the public;
- d. Commercial water-related uses available to the public;
- e. Docks and commercial marina expansion. Priority shall be directed to water-dependent uses that are available for public use;
- f. Parking facilities for shoreline access;
- g. Protection of sites designated as having Keys Unique Character;
- h. Residential water-dependent shoreline uses; and
- i. Residential water-related shoreline uses.

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. §163.3178(2)(g) F.S.

Policy 4-1.14.1 Maintain Designated Beach Accesses

The City shall continue to maintain and protect all designated public beach access points and signage indicating such points.

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.

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).

Policy 4-1.14.4 Retain Public R-O-W's that Terminate on Water

The City shall adopt Regulations establishing criteria to be used in evaluating requests for the abandonment of Public rights-of-way that terminate on the water. 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.

Objective 4-1.15 Ensure Infrastructure Availability

The City shall ensure that required infrastructure is available to serve the development and redevelopment in the coastal planning area consistent with coastal resource protection and safe evacuation. §163.3178(2)(i) F.S.

Policy 4-1.15.1 Ensure Available Infrastructure and Coordinate Timing and Staging of Public Facilities with Private Development

~~Within one year of the effective date of the Plan, t~~The City shall ~~adopt~~ continue to maintain 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 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.

Objective 4-1.16 Coordinate Coastal Resource Management

The City shall establish an intergovernmental coordination mechanism in order to manage coastal resources within the jurisdiction of more than one local government or public agency. The City shall assist other agencies in implementing appropriate portions of existing multi-jurisdictional resource planning and management plans addressing the coastal area, including management of surface water runoffs, impacts of development on coastal waters and living marine resources. §163.3177(6)(2)d & g F.S.

Policy 4-1.16.1 Implement Policies for Intergovernmental Coordination within the Coastal Area

The City shall coordinate with Monroe County and appropriate regional, State and Federal agencies in managing coastal resources. Management activities shall include, but not be limited to the following:

- a. Participating in County forums and technical review concerning emergency preparedness and hurricane evacuation issues and update of the ~~Peacetime Emergency Plan~~ Comprehensive Emergency Management Plan, including emergency management strategies for hurricanes;
- b. Participating in technical review and in formulation of policies concerning the US 1 corridor, including surface water management policies. This activity shall also be coordinated with the State DOT;
- c. Public access issues shall be coordinated with Monroe County, including issues surrounding maintenance and improvements; and
- d. Issues surrounding conservation of the shoreline of the Atlantic Ocean and Florida Bay shall be coordinated with Monroe County, the US ACOE and DEP, as appropriate; and
- e. Coordinate with the EPA, DEP, SFWMD, and NOAA during completion of the Phase II of the FKNMS Water Quality Protection Program.

Policy 4-1.16.2 South Florida Regional Planning Council

The City shall coordinate on a continuing basis with the South Florida Regional Planning Council (SFRPC) in preparing the Plan and amendments that are consistent with the SFRPC Strategic Regional Policy Plan for South Florida. In addition, the City shall coordinate other planning issues of regional significance with the SFRPC. The City shall forward copies of development proposals within the coastal area to public agencies having jurisdiction in the management of potentially impacted natural resources.

Policy 4-1.16.3 Improve Canal Water Quality

The City shall seek coordination and partnership with Monroe County, the DEP and other applicable agencies regarding canal monitoring and the development and implementation of strategies to improve canal water quality.

Objective 4-1.17 Minimum Coastal Hazards

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations which regulate development activities in a manner that minimizes the danger to life and property occasioned by hurricane events. §163.3178(2)(h) F.S.

Policy 4-1.17.1 Coastal High-Hazard Area Defined

As defined in Chapter §163.3178 F.S., Rule 9J-5.003(17), FAC, (F) the coastal high-hazard area (CHHA) is ~~the area to be evacuated during a Category 1 storm event as determined by the South Florida Regional Planning Council Hurricane Evacuation Study. All lands within the City are within the CHHA.~~

that area below the elevation of the Category 1 storm surge line as established in the latest Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model developed for use originally by the National Hurricane Center South (Statewide Regional Evacuation Study Program, Volume 7-11, Book 3 of 3).

Policy 4-1.17.2 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~~ Comprehensive Emergency Management Plan. The City shall enforce appropriate land use controls within the CHHA, including but not limited to:

- a. Mandating that all development and redevelopment within the CHHA comply with the following regulatory techniques for hazard mitigation:
 1. State and local regulations to establish shoreline setbacks, as well as applicable State and local construction codes regulating construction activity in coastal areas;
 2. Surface water management improvements, which mitigate loss of floodplain and comply with adopted surface water management level of service standards for drainage;
 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
 4. Land use controls shall ensure that wetlands are preserved and protected from the adverse impacts of development.
- 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.

Policy 4-1.17.3 Implement a Local Hazard Mitigation Strategy and Post Disaster Redevelopment Plan

The City shall adopt, by Resolution, the County-wide Local Mitigation Strategy for hazard mitigation. Within two years of the effective date of this Plan, the City shall evaluate and adopt a Post Disaster Redevelopment Plan to increase public safety and reduce damages and public expenditures.

Policy 4-1.17.4 Ensure Consistency with Peace Time Emergency Plan and Local Mitigation Strategy

The City shall ensure consistency with the hazard mitigation annex of the Monroe County Peace Time Emergency Plan as well as the Local Mitigation Strategy, when adopted.

Policy 4-1.17.5 Identify Areas Particularly Susceptible to Damage within the CHHA

The Local Mitigation Strategy shall identify areas particularly susceptible to damage within the CHHA; including FEMA designated V-zones within the City and repetitive loss areas as defined by FEMA's analytical model, and shall specify procedures for relocating or to replacing public infrastructure away from these locations, where feasible.

Policy 4-1.17.6 Limit Redevelopment in CHHA

The City shall limit redevelopment in areas within the CHHA shown by the Local Mitigation Strategy to be particularly susceptible to repeated damage. Criteria for assessing redevelopment potential for these properties shall be addressed within the Post Disaster Redevelopment Plan, to be prepared pursuant to Policy 4-1.22.3.

Policy 4-1.17.7 Implement General Hazard Mitigation by Restricting the Density/Intensity of Development

Maximum densities and intensities within the CHHA shall be restricted by the densities and intensities established pursuant to Policy 1-3.2.5, in conjunction with open space requirements also established by Policy 1-3.2.5, of the Future Land Use Element of this Plan. Based upon the findings of the adopted Local Mitigation Strategy, within the Land Development Regulations, densities and intensities permitted within locations indicated by the Local Mitigation Strategy may further be restricted.

Objective 4-1.18 Control Discharges into Nearshore Waters

The City shall implement policies to control pollutant discharges into surface waters from dredge and fill activities. §163.3178(2)(c) and §163.3177(6)(d)2, F.S.

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 supersede other agency standards.

Policy 4-1.18.2 Limit New Dredging

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.

Policy 4-1.18.3 Regulate Maintenance Dredging

~~Within one year of the effective date of the Plan, t~~ The City shall ~~adopt~~ continue to maintain 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 otherwise permitted by the ACOE and DEP in order to maintain safe, navigable waterways.

Policy 4-1.18.4 Placement of Dredged Spoil

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.

Policy 4-1.18.5 Violations

~~Within one year of the effective date of this Plan, t~~The City shall ~~establish~~ maintain a schedule of monetary fee penalties for all dredge and fill violations. ~~Penalty revenues obtained from such violations shall be placed in the City Restoration Fund or used specifically for water quality enhancement projects.~~

Policy 4-1.18.6 Control Use of Non-vegetative Landscape Material

~~Within one year of the effective date of the Plan, t~~The City shall ~~adopt~~ continue to maintain 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.

Objective 4-1.19 Limit Public Subsidies in the Coastal High Hazard Area (CHHA)

The definition of Coastal High Hazard Area is hereby established as that area below the elevation of the Category 1 storm surge line as established in the latest Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model developed for use originally by the National Hurricane Center South (Statewide Regional Evacuation Study Program, Volume 7-11, Book 3 of 3). The City shall, whenever possible, limit public expenditures that subsidize private development in the CHHA including the high velocity storm surge areas. However, public funds for improved public facilities, such as improvements to roads, potable water, wastewater or drainage included in the Capital Improvements Element and water dependent structures, such as beach access ways, piers and beach re-nourishment activities, may be permitted when required by this Plan, the LDRs, and State or Federal law, rule, or regulations. §163.3178(2)(h) F.S.

Policy 4-1.19.1 Adoption of Coastal High Hazard Area Maps

Adopted by reference is the Florida Statewide Regional Evacuation Study Program, Volume 7 11, Book 3 of 3 produced by the South Florida Regional Planning Council. Particular reference is given to the Storm Surge Atlas reproduced therein and the areas within the Atlas Maps shown as Category 1 storm surge line or Coastal High Hazard Area.

Policy 4-1.19.2 Inventory Existing Infrastructure in the Coastal Barrier Resource System (COBRA) and the High Velocity Area

~~Within one year of the effective date of the Plan, the City shall establish~~ continue to maintain a list of infrastructure facilities located in the Coastal Barrier Resource System (COBRA) and VE-Flood zone areas. The City shall examine which facilities could be relocated, mitigated, or replaced should State funding sources become available for such activities. Infrastructure is defined as roads, bridges, surface water and wastewater management systems and potable water facilities. The City shall give priority for relocating, mitigated, or replacing infrastructure facilities located in the high velocity storm surge areas.

Policy 4-1.19.3 Restrict Future Infrastructure in Coastal High Hazard Area

The City shall continue to allow the construction of new infrastructure facilities within the Coastal High Hazard Areas provided that such infrastructure shall only be to provide facilities necessary to serve the existing and future population projected in the Comprehensive Plan, and implement and maintain adopted LOS and implement this Plan and State or Federal law, rule, or regulations. §163.3178(2)(i) F.S.

Policy 4-1.19.4 Limit Public Expenditures in the Coastal High Hazard Area

The City shall limit public expenditures which subsidize development in designated CHHA areas or which lead to an increase in the capacity of a facility and allow for an additional number of facility users. Infrastructure improvements are defined as those activities (construction of roads, bridges, sewer and water plants), which lead to an increase in the capacity of a facility and allow for an additional number facility users. Improvements to a facility to addresses existing deficiencies is not governed by this policy.

Objective 4-1.20 Direct Population away from High Velocity Areas

The City shall direct population concentrations away from high velocity areas to the greatest extent consistent with the State Plan's private property rights goal and related policies.

§163.3178(2)(j) F.S.

Policy 4-1.20.1 Discourage Development in the High Velocity Area

The City shall, through the Land Development Regulations, continue to encourage both residential and non-residential development away from the areas designated as high velocity storm surge areas through disincentives in the adopted BPAS.

Objective 4-1.21 Hurricane Evacuation

The City shall maintain a hurricane evacuation time as required by the State and provide for a safe and efficient evacuation in the event of a hurricane and ensuring a safe and efficient Post

Disaster Management Plan. §163.3178(2)(d) F.S.

Policy 4-1.21.1 Provide Hurricane Evacuation Logistical Support

In order to prevent evacuees crowding roads and shelters, the City shall coordinate with Monroe County in disseminating information concerning the need of residents to evacuate at various hurricane threat levels. The City shall coordinate with the Monroe County Emergency Management Director in assisting implementation of the Monroe County campaign to educate the general citizenry regarding emergency preparedness plans, including specific citizen directives.

Policy 4-1.21.2 Coordinate with Monroe County in Emergency Preparedness

In order to provide for safe and efficient evacuation of the residents in the event of a hurricane, the City shall coordinate with Monroe County in annually updating the ~~County Peacetime Emergency Plan~~ Comprehensive Emergency Management Plan and in updating hurricane evacuation shelter assignments as well as other policy formulation surrounding land use and emergency preparedness. This update shall enable Monroe County and the incorporated municipalities to plan for future population densities, which will neither adversely impact the efficiency of the evacuation plan nor increase evacuation times.

Policy 4-1.21.3 Implement Staged/Phased Hurricane Evacuation for Major Hurricanes (Category 3 – 5)

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

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

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

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

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

Policy 4-1.21.4 Ensure City Hurricane Preparedness

~~Within one year of the effective date of the Plan, t~~The City shall develop ~~continue to maintain~~ an operational policy for managing public facilities, including transportation, in the event of a major hurricane. The operational policy will identify a strategy for ensuring a safe and efficient Post Disaster Management Plan. In addition, the City will participate in the State's Carrying Capacity and Hurricane Evacuation studies, and shall evaluate the findings and recommendations and where appropriate and based on a finding that the recommendations of these studies are consistent with the goals and objectives of the Plan, shall amend the Plan.

Policy 4-1.21.5 Designate US 1 the Primary Evacuation Route

~~The City shall designate US 1 as the primary evacuation route out of Marathon as part of the Peacetime Emergency Plan~~ Comprehensive Emergency Management Plan. The City shall cooperate with other Monroe County jurisdictions to work towards achieving and maintaining evacuation of the Florida Keys at or below the level required by the State.

Policy 4-1.21.6 Examine the Feasibility of Providing Shelter(s) of Last Resort

Within five years of the effective date of the Plan, the City shall analyze the feasibility of providing shelter(s) of last resort on high ground within the City.

Policy 4.1.21.7 Ensure a Quick Re-Entry into the City Following an Evacuation

~~Within one year of the effective date of the Plan, t~~The City shall continue to work with the appropriate agencies to develop a program for ensuring quick re-entry by City residents into Marathon following an evacuation.

Objective 4-1.22 Reduce Exposure to Natural Hazards

The City shall reduce or eliminate exposure of human life and public and private property to natural hazards through establishment and update of a Post Disaster Redevelopment Plan. In addition, the City shall develop local plan components including policies for managing recovery operations through a Recovery Task Force. §163.3178(2)(f) F.S.

Policy 4-1.22.1 Recovery Operations

~~Within two years of the effective date of the Plan, t~~The City shall continue to coordinate with Monroe County to modify the ~~Local Peacetime Emergency Plan Comprehensive Emergency Management Plan~~ in order to establish compliance with this Plan. The update of the ~~Local Peacetime Emergency Plan Comprehensive Emergency Management Plan~~ shall include strategies for post-disaster recovery operations. As part of the post disaster recovery planning process the City Council shall appoint a Recovery Task Force which is to be comprised of the City Manager, the City Manager designee and others as determined by the City Council. The Recovery Task Force shall be responsible for assessing the conditions following a hurricane or other similar disaster and shall propose strategic actions necessary to establish order and reestablish communication and basic service delivery systems necessary for health, safety and welfare. Within ninety (90) days after appointment of the Recovery Task Force, the Task Force shall meet to determine a management framework for resolving issues confronted in times of a natural disaster.

Policy 4-1.22.2 Conduct Post Hurricane Assessments

The Recovery Task Force shall coordinate their management plan with the Monroe County Emergency Management Office for compliance with the ~~Local Peacetime Emergency Plan Comprehensive Emergency Management Plan~~ and shall present the management plan to the City Council for review and approval. The management plan should provide a basis for considering the following activities during times of natural disaster:

- a. Ensure a means to restore economic activity;
- b. Establish a framework for deciding whether to implement a temporary moratorium on building activity as may be required for public safety;
- c. Develop procedures for reviewing and deciding upon emergency building permits;
- d. Coordinate with State and Federal officials to prepare disaster assistance applications;
- e. Analyze and recommend to the City Council hazard mitigation options, including reconstruction or relocation of damaged public facilities;
- f. Develop a redevelopment plan; and
- g. Recommend amendments to the ~~Local Peacetime Emergency Plan Comprehensive Emergency Management Plan~~ and other appropriate policies and procedures.

Policy 4-1.22.3 Coordinate Repair and Clean Up

In planning post-disaster redevelopment activities, factors to be considered in order to protect the public health and safety shall include:

- a. Repairs to potable water, wastewater and power facilities;
- b. Removal of debris;
- c. Stabilization or removal of structures in a perilous condition;
- d. Minimal repairs to make structures habitable; and
- e. Emergency repairs related to environmental damage.

These considerations shall receive first priority when determining the appropriateness of emergency building permits. Long term redevelopment activities shall be postponed until the Recovery Task Force has coordinated immediate repair and clean-up operations.

Policy 4-1.22.4 Propose Hazard Mitigation and Plan Amendments

The Recovery Task Force shall propose needed Plan amendments to reflect the recommendations contained in any inter-agency hazard mitigation reports or other reports.

Policy 4-1.22.5 Manage Redevelopment Activities

The City shall manage unanticipated future redevelopment activities necessitated by hurricane events or other natural disasters through this Plan, the adopted Land Development Regulations and the City Master Plan.

Policy 4-1.22.6 Review Post Disaster Management Alternatives

The Recovery Task Force shall be charged with the responsibility for reviewing available alternatives for managing damaged public facilities following a hurricane event. The Task Force shall evaluate future options for such facilities including, but not limited to abandonment, repair in place, relocation and reconstruction with structural modifications. The Task Force shall consider these options based on the following considerations:

- a. Construction and maintenance costs;
- b. Recurring damages;
- c. Impacts on land use, the environment, and the public sector;
- d. Repair to any public facilities that shall be deemed historic structures according to the inventory of the National Register of Historic Places shall be guided by the Secretary of the Interior's Guidelines for Rehabilitation; and
- e. Other relevant factors.

Policy 4-1.22.7 Maintain a Contingency Fund for Disaster Assistance

The City shall maintain a contingency fund in order to cover the City's required match for disaster assistance grants.

Policy 4-1.22.8 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.

INTERGOVERNMENTAL COORDINATION ELEMENT GOALS, OBJECTIVES, AND POLICIES

PURPOSE

Pursuant to Chapter 163.3177(6)(h) F.S., the purpose of the Intergovernmental Coordination Element is to identify and resolve incompatibilities between Marathon's Comprehensive Planning processes and those of other governmental entities with interests in or related to the City's area of concern. The areas of concern for Marathon include adjacent municipalities, Monroe County, Monroe County School Board, South Florida Water Management District (SFWMD), South Florida Regional Planning Council (SFRPC), State government, Federal government, independent special districts and utility companies. Specific coordination needs within each of the elements of the City's Plan or that would benefit from improved or additional intergovernmental coordination and mechanisms for satisfying these needs are also identified, as appropriate.

GOAL 5-1 IMPROVE INTERGOVERNMENTAL COORDINATION

The City shall establish governmental relationships designed to improve the coordination of public and private entities involved in development activities, resource conservation and growth management, including the achievement of consistency among all government agencies implementing plans and programs affecting the City while still enabling the City to enact growth management policies conducive to community redevelopment. *91-5.015(3)(a)* §163.3177(6)(h) F.S.

Objective 5-1.1 Improve Intergovernmental Coordination

The City shall continue to improve coordination among government agencies with planning and impact assessment duties affecting the City. Within one year, the City shall establish maintain coordination mechanisms and interlocal agreements with other units of local government providing services but not having regulatory authority over the use of land, and with the Plans of adjacent municipalities, the county and adjacent counties. §163.3177(6)(h)3, F.S. 91-5.015(3)(b)1, 2, 3, and 5

Policy 5-1.1.1 Intergovernmental Coordination

The City Council shall be responsible for ensuring an effective intergovernmental coordination program for Marathon regarding the planning and financing of transportation system improvements; the expansion, replacement, and financing of potable water service; and the planning and financing of wastewater systems within and adjacent to the City. *91-5.015(3)(c)1*

Policy 5-1.1.2 Ensure Coordination of Multi-Jurisdictional Development

~~Within one year of the effective date of the Plan, the City shall~~ continue to coordinate with adjacent jurisdictions for the sharing of information and the development of joint strategies to address development, zoning, and land use decisions that transcend jurisdictional boundaries. ~~94-5.015(3)(c)2 and 6~~

Policy 5-1.1.3 Participate in the Regional Water Supply Plan

The City shall participate in the development of the Regional Water Supply Plan in conjunction with the Florida Keys Aqueduct Authority (FKAA) and SFWMD. ~~The City shall incorporate the ten (10) year water supply plan into the Plan's Infrastructure Element and the Capital Improvements Plan by August of 2004.~~

Policy 5-1.1.4 Coordinate Annexation Issues

Technical issues related to annexation shall be coordinated with Monroe County and other public or private entities providing public services of mutual benefit to the City and County.

Policy 5-1.1.5 Coordinate Land and Water Management

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations, including administrative procedures, that ensure efficient coordination of development applications and land and water management issues with other agencies and units of federal, state and local government which have concurrent jurisdiction so that development review and approvals are carried out in a timely manner.

Policy 5-1.1.6 Develop and Implement an Interlocal Agreement with the Monroe County School Board

The City shall develop and implement an Interlocal Agreement with the Monroe County School Board by September 2003, regarding:

- a. The location of schools proximate to residential areas which compliment patterns of development that include elementary schools as a neighborhood focal point;
- b. Inclusion of the planned residential capacities of schools when considering Plan Amendments and rezoning requests that are likely to increase residential development that is expected to have impact on demand for public schools;
- c. Provisions for annual coordination to exchange information regarding projected school populations and permitting records;
- d. Designating an ex officio member of the Planning Commission to represent the school system with regard to future development issues; and
- e. The acquisition of land, libraries, fire, solid waste, public facilities annual report, the airport, hurricane evacuation, hazard mitigation and post disaster redevelopment.

Policy 5-1.1.7 Meet Annually With the Monroe County School Board

The City shall meet at least annually with the Monroe County School Board for the purpose of reviewing and comparing plans, in particular proposed land use amendments and changes to the Capital Improvements Program (CIP) and to establish formal agreements between the City and

the School Board, as needed. Such agreements may include, but not be limited to the following issues: ~~9J-5.015(3)(c)3 and 9J-5.015(3)(c)1~~

- a. Expansion of existing school sites;
- b. Traffic circulation in and around school sites;
- c. Acquisition of new sites;
- d. Use of School Board property and facilities by the City; and
- e. Use of City property and facilities by the School Board.

Policy 5-1.1.8 Participate as a Member on the South Florida Regional Planning Council
In order to maximize the opportunities for improving intergovernmental coordination as well as to ensure representation of the City's interests and values, ~~the City shall participate as a member on the SFRPC. The City shall cooperate with the SFRPC in the review of regional policies and standards, which require coordination with local governments. The City shall coordinate with SFRPC in all matters of regional significance in which the SFRPC desires City input, including but not limited to Plan review, intergovernmental coordination and review of projects of regional significance.~~ ~~9J-5.015(3)(c)1~~

Policy 5-1.1.9 Participate in the Regional Planning Council's Informal Mediation Process
The City shall participate in the SPRPC's informal mediation process to provide an open forum for communication and coordination of programs involving the Plan, and the resolution of conflicts with other local governments. ~~9J-5.015(3)(c)2~~ §163.3177(6)(h)1, b F.S.

Policy 5-1.1.10 Coordinate Local Governments Plans
The City shall establish an effective program to provide and review proposed plan amendments of adjacent local governments to ensure consistency.

~~Policy 5-1.1.11 Participate on the Governor's Task Force on Sustainable South Florida
The City shall participate on the Governor's Task Force on Sustainable South Florida to the greatest extent possible.~~

Policy 5-1.1.121 Participate in a City-Wide Wastewater Plan
The City shall participate in the development of a city-wide Wastewater Plan in conjunction with the Florida Keys Aqueduct Authority (FKAA).

Objective 5-1.2 Coordinated Land Development Activities

The City shall enforce Land Development Regulations which ensure that land development activities, resource conservation and infrastructure issues which transcend jurisdictional boundaries are managed in a manner that includes timely coordination with County, regional and State agencies having jurisdictional authority and to ensure the adopted level of service standards for public facilities are maintained and improved. Management of land and physical improvements identified on the FLUM will be regulated in order to protect and conserve natural systems, including coastal resources, locally significant plant species, soil conditions, vegetative communities, natural habitats and waterbodies. Land use shall also be predicated on

availability of man-made infrastructure and service systems required to support respective land use activities. ~~91-5.015(3)(b)1 and 2~~ §163.3177(6)(h)2, F.S.

Policy 5-1.2.1 Issues of Regional and State Significance shall be Coordinated

The City shall pursue resolution of development and growth management issues with impacts transcending the City's political jurisdiction, through the continued participation on intergovernmental task forces, and the Carrying Capacity Study. Issues of regional and State significance shall be coordinated with the SFRPC, the SFWMD, and State agencies having jurisdictional authority. The City shall, when necessary, enter into interlocal agreements or develop joint resolutions in areas of mutual concern. When conflict resolution with other local governments is required, the City shall consider utilizing the SFRPC's informal mediation process. Issues to be pursued include, but are not limited to, the following: ~~91-5.015(3)(e)1, 2 and 3~~

- a. Land development activities within Marathon impacting Monroe County and its incorporated jurisdictions;
- b. Land development activities within Monroe County and its incorporated jurisdictions impacting the City;
- c. Potential annexation issues;
- d. Area wide Stormwater Management Master Plan, proposed improvements and implementing programs;
- e. Solid waste disposal, including recycling;
- f. Level of service standards for infrastructure system impacting the City and adjacent areas;
- g. Manage development impacts on natural coastal resources, including protecting and enhancing water quality, protecting living marine resources, wetland and mangrove preservation, seagrass protection and preservation of other environmentally sensitive lands;
- h. Acquisition of land by the Monroe County Land Authority;
- i. Protection of historic resources;
- j. Coordination of hurricane evacuation plans, shelter space allocations and post disaster recovery management plans with Monroe and Dade Counties; and
- k. Cooperation with the Monroe County School Board in implementing a coordinated recreational facilities system.

Policy 5-1.2.2 Ensure Regional Policies Compliance

The City shall develop appropriate mechanisms and programs for meeting regional policies contained in the Regional Plan for South Florida. The City shall also meet with SFRPC to provide updates and coordination on subjects of mutual concern. ~~91-5.015(3)(e)1~~

Policy 5-1.2.3 Potable Water Supply Plan

The City, the SFWMD and the FKAA shall develop a ten (10) and twenty (20) year potable water supply plan in accordance with state statute. The City shall also meet with the SFWMD and FKAA to continue to identify mutual concerns and long-term goals. ~~91-5.015(3)(e)1~~

Policy 5-1.2.4 Coordinate All Transportation Improvements

The City shall coordinate all transportation improvements proposed by new development with FDOT, ~~DCAEO~~, SFRPC, Monroe County, and other State and regional agencies concerned with assessing traffic impacts of proposed development. ~~9J-5.015(3)(e)1~~

Policy 5-1.2.5 Coordinate US 1 Access and Exit Points to State Road

During the development review process, the City shall require all development projects obtain approval from the FDOT for vehicular access connections (VAC) to the state highway system prior to the issuance of a City development order or permit. ~~9J-5.015(3)(e)1~~

Policy 5-1.2.6 Coordinate with FDOT

The City shall coordinate with FDOT to control the connections and access points along all segments of US 1 per their respective access classifications, consistent with the guidelines established by the FDOT in Rule 14-97 “State Highway System Access Management Classification and Standards”.

Policy 5-1.2.7 Maintain Level of Service Standards

The City shall coordinate with State, regional or local entities having operational and maintenance responsibility for public facilities to maintain level of service standards established in the Plan.

Policy 5-1.2.8 Reduce the Negative Impacts to Natural Resources

The City shall coordinate with Monroe County, the Tourist Development Council and other appropriate agencies, to reduce the negative impacts on the fragile coastal and natural resources, the roadway network including US 1, and other public facilities resulting from the influx of tourists.

Policy 5-1.2.9 Ensure Required Hurricane Evacuation

The City shall maintain an up-to-date hurricane evacuation plan and meet the required 24 hour hurricane evacuation time or other applicable state standard for hurricane evacuation.

Policy 5-1.2.10 Render Appropriate Development Permits

The City shall continue to cooperate with the Census Bureau, the ~~DCAEO~~ and the Monroe County Property Appraisers office in rendering appropriate development permits to these agencies.

Objective 5-1.3 **Coordinate Development Review**

The City shall adopt Land Development Regulations to protect wetlands, mangroves, upland habitats or other coastal and natural resources. These shall also require the applicant to obtain jurisdictional determinations from all appropriate agencies and provide the City with the same prior to the issuance of development orders or building permits. Appropriate agencies shall be defined as agencies having jurisdiction on matters surrounding preservation of natural and coastal resources and water quality, including, but not limited to Florida Fish and Wildlife Conservation Commission, US Fish and Wildlife Service, Florida Department of Environmental Protection and US Army Corp of Engineers. ~~9J-5.015(3)(b)2~~-§163.3177(6)(h)1, F.S.

City of Marathon Comprehensive Plan

Policy 5-1.3.1 Require all applicable External Agency Review

The City shall coordinate with County, State and Federal agencies having permitting jurisdiction within the City. Within one year of the effective date of the Plan, the City shall adopt Land Development Regulations to require that all applicants for a permit obtain necessary permits from all applicable state and federal regulatory agencies prior to submittal to the City. ~~9j-5.015(3)(e)†~~

Policy 5-1.3.2 Coordinate with FKNMS

The City shall continue to coordinate with the Florida Keys Area of Critical State Concern and Florida Keys National Marine Sanctuary programs. ~~9j-5.015(3)(e)---380.?????~~

CAPITAL IMPROVEMENTS ELEMENT GOALS, OBJECTIVES, AND POLICIES

PURPOSE

Pursuant to Chapter 163.3177(3) F.S., the purpose of the Capital Improvements Element is to evaluate the need for public facilities as identified in other Plan Elements and as defined in the applicable definitions of each type of public facility, to estimate the cost of improvements for which the local government has fiscal responsibility, to analyze the fiscal capability of the local government to finance and construct improvements, to adopt financial policies to guide the funding of improvements and to schedule the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required based on needs identified in the other Plan Elements. The Element shall also include the requirements to ensure that an adequate concurrency management system will be implemented.

GOAL 6-1 ENSURE ADEQUATE PUBLIC FACILITIES AND SERVICES

The City shall undertake actions necessary to ensure that adequate public facilities and services are provided within the City jurisdiction, in keeping with the goals, objectives and policies contained within the Plan. §163.3177(3) F.S.

Objective 6-1.1 Funding and Resources for Capital Improvements

The City shall commit the necessary resources for capital improvements needed to implement the goals, objectives, and policies of the Plan. The fiscal commitment is predicated on the analysis of capital improvement needs within the Transportation, Infrastructure and Recreation and Open Space Elements together with level of service (LOS) standards established and adopted as part of the Plan and available funding sources. §163.3177(3)(a) F.S.

Policy 6-1.1.1 Identify Needed Capital Improvements

The Capital Improvement Program (CIP) presented herein identifies capital improvements needed by the existing population to satisfy level of service standards incorporated in the Plan. The City shall consider performance criteria as well as legal and equitable impact fees, where appropriate, to ensure that new development provide a sufficient level of public facilities and services (or fees in lieu thereof) in advance of development, to cover the costs of such facilities and services where the demand is specifically attributable to the new development.

This Element shall provide a basis for estimating fiscal impacts required by capital improvements included in the Plan. The CIP and budgeting process provides an ongoing process for planning and review of the City's capital outlays, including their location, timing, estimated cost, relative priority and potential funding sources. The CIP and budget process is an advisory planning function. Only the City Council shall determine capital outlays.

Policy 6-1.1.2 Develop and Adopt a Five Year Capital Improvement Program

The City shall expand the CIP to include a five (5) year program to efficiently project the assessment of needs, assign priorities, and allocation of the City's existing and anticipated potential fiscal resources. The program shall:

- a. Consolidate and coordinate all the various departmental requests by taxing district with the hope of reducing delays and coordinating individual improvement projects and programs;
- b. Establish a system of procedures and priorities, by which each proposal can be evaluated in terms of public need, long range development plans, and short and long term fiscal management impacts;
- c. Schedule future capital outlays pursuant to identified needs and priorities;
- d. Coordinate joint projects involving participation by one or more local governments, as well as regional, State, or Federal agencies; and
- e. Set forth a financing program that identifies potential funding sources, including but not limited to:
 1. Ad Valorem taxes/general obligation bonds;
 2. User fees/revenue of excise tax bonds;
 3. Impact fees and/or special assessment districts;
 4. Grant programs;
 5. Infrastructure tax; and
 6. Sales tax.

Policy 6-1.1.3 Manage Growth through the Capital Improvement Program and Budget

The Capital Improvement Plan (CIP) and budget shall be used as the primary tools for coordinating land use planning and fiscal management required to successfully implement the Plan. The CIP and budgeting process shall provide an ongoing process for planning and review of City capital outlays, including their location, timing, estimated cost, relative priority and potential funding sources. Only the City Council shall determine capital outlays. The CIP and budget process is an advisory planning function. ~~91-5.016(3)(b)(1)~~

Policy 6-1.1.4 Coordinate Land Use and Fiscal Resources

The City shall provide a planned and reasonably reliable schedule of public projects to guide both public and private capital investment decisions affecting community development patterns. The Capital Improvements Schedule shall maintain the adopted LOS standards. Capital improvements shall also be provided to correct existing deficiencies, accommodate desired future growth, and replace obsolete or worn out facilities. ~~91-5.016(3)(b)(1)(3)~~

Policy 6-1.1.5 Identify Needed Capital Improvements

The City shall include within the CIP all capital improvements identified in any of the elements of the Plan. In addition, the CIP and budget process shall be used to plan for infrastructure improvements needed to serve projects for which development orders were issued prior to the effective date of the Plan.

Policy 6-1.1.6 Annual Review and Adoption

Annually, the City shall analyze public facility needs prior to adopting a CIP and budget for the next fiscal year. The analysis shall include a review of the public facilities and infrastructure improvement needs identified in the Plan together with any new assessment of infrastructure components in order to identify needed replacements or renewals of capital facilities.

Policy 6-1.1.7 Establish Criteria for Scheduling Capital Improvements

On an annual basis the City shall identify and prioritize projects, and shall provide scheduling and funding for the identified capital improvement needs. The City shall assign a higher priority to capital improvement projects in the five-year schedule of improvements designed to correct existing infrastructure and services deficiencies. Proposed revisions to the Program, including those addressing the replacement and renewal of capital facilities, shall be evaluated, updated, and ranked in accordance with the following considerations:

- a. Consistency with the relevant elements of the Plan;
- b. The elimination of public hazards;
- c. The elimination of existing capacity deficits;
- d. Financial feasibility including the impact on the annual operating and capital budgets;
- e. The location in relation to the *Future Land Use Map*;
- f. Accommodation of the demands from development and redevelopment;
- g. Consistency with the limited growth policies; and
- h. The availability of other revenue sources.

Policy 6-1.1.8 Pursue Grants

The City shall actively pursue all available grants as well as private funds to assist in financing needed capital improvements.

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TABLE 6-1
Capital Improvements Program
FY 2004-2009

Project Description	Funding Source	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	Total Cost FY 2004-2009
City Hall	Infrastructure Taxes/Loan	\$834,000	\$193,000	\$193,000	\$193,000	\$193,000	\$1,606,000
Fire Station	Infrastructure Taxes/Grant Funds	1,500,000	1,500,000				3,000,000
Community Park Phase II	Infrastructure Taxes/Grant Funds	1,300,000					1,300,000
Marina Big R	Infrastructure Taxes/Grant Funds	200,000					200,000
Stormwater Pilot Project	Infrastructure Taxes/Grant Funds	325,000					325,000
Marina Sewer Plant	Grant Funds						
Fire Hydrants	Infrastructure-Taxes	40,000					40,000
Bonefish Bay Improvements	Infrastructure-Taxes	22,500	585,000			550,000	1,157,500
Sembrero Beach-Buoy Line	Grant Funds	15,000					15,000
Marina Boat Ramp Improvements	Infrastructure-Taxes	150,000					150,000
Fire Truck	Infrastructure-Taxes	410,000					410,000
Scenic Byways Improvements	Infrastructure Taxes/Grant Funds	250,000					250,000
Community Park Phase II-Aquatic	Infrastructure Taxes/Grant Funds/Debt/Bonds	400,000	90,000		1,000,000		1,490,000
25,000-Gallon Tanker	Infrastructure-Taxes				325,000		325,000
Coco Plum Beach	Infrastructure Taxes/Grant Funds		150,000	500,000			650,000
Boat Key Harbor Bridge Restoration	Infrastructure Taxes/Grant Funds			1,500,000			1,500,000
Grassy Key Fire Station	Infrastructure Taxes/Grant Funds				75,000	1,750,000	1,825,000
Citywide Sewer-- Planning & Engineering	MSTU	800,000	800,000	800,000			2,400,000
Citywide Sewer Construction	Grant Funds and Bonds				40,000,000	30,000,000	70,000,000
Total Cost		6,720,800	3,993,000	4,253,000	43,673,000	32,973,000	91,524,800

City of Marathon Comprehensive Plan

TABLE 6-1
Capital Improvements Program
FY 2013-02017

<u>PROJECT DESCRIPTION</u>	<u>FUNDING SOURCE</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>Total Cost FY 2013- 2017</u>
Beach Management -		300,000	-	100,000	-	100,000	500,000
Coco Plum and Sombrero surveys, cleaning, dune plantings, sand renourishment							
Crane Point Zip Line (\$727,000 CDBG grant revenue offset)		-	-	-	-	-	-
Green House Gas Inventory required by Energy Grant		10,000	10,000	10,000	10,000	10,000	50,000
Sea Turtle Lighting Grant - assist residents		-	-	10,000	-	-	10,000
New Grassy Key Fire Station		1,610,791	-	-	-	-	1,610,791
Fire Station 14 Refurbishment- security, painting, floors		-	-	50,000	-	-	50,000
Rescue Unit 114 replace		-	275,000	-	-	-	275,000
Medic Unit 214 replace		-	-	-	-	110,000	110,000
Ambulance refurbishment		180,000	-	-	-	-	180,000
Stair Chair		5,400	-	-	-	-	5,400
Hydraulic Stretcher		12,000	-	-	-	-	12,000
Life Pack		30,000	30,000	30,000	30,000	-	120,000
MSA 5x Detector Monitor		2,500	3,000	-	-	-	5,500
Laerdal Sim Pad Upgrade		2,000	-	-	-	-	2,000
Auto Pulse		32,000	16,000	-	-	-	48,000
Oxygen Fill Station		3,500	-	-	-	-	3,500
Station 15 Fire Unit Exhaust Removal System		50,000	-	-	-	-	50,000
e		7,508	10,000	10,000	10,000	10,000	47,508
e		-	25,000	25,000	25,000	25,000	100,000
e		-	6,000	-	-	-	6,000
Pagers (5 per year)		-	2,500	2,500	2,500	2,500	10,000
Hoses (1.75 inch, 2.5 inch, 3 inch, 5inch)		-	10,000	10,000	10,000	-	30,000
Extrication Equipment (Jaws of Life)		-	12,000	12,000	12,000	-	36,000
Fire Hydrants		100,000	100,000	100,000	100,000	100,000	500,000
Community Park		35,000	-	-	-	-	35,000

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(South Baseball Field Refurbishment)							
Community Park		35,000					35,000
(North Baseball Field Refurbishment)							
Community Park		500,000					500,000
Phase 3 Splash Park							
Community Park			11,000			11,000	22,000
Amphitheatre Rehabilitation							
Community Park						4,000	4,000
Path Lighting							
Community Park			15,000				15,000
Tennis Court Resurfacing							
Community Park			10,000				10,000
Basketball Resurfacing							
Community Park			50,000				50,000
Playground Equipment Replacement							
Community Park			8,000			12,000	20,000
Picnic Tables							
Community Park			3,000			3,000	6,000
Playground Sand							
Community Park		3,500	3,500	3,500	3,500	3,500	17,500
Soccer/Baseball Goals and Nets							
Community Park			5,000	5,000	5,000	5,000	20,000
Sod - walkway							
e		5,000	100,000		100,000		205,000
Community Park			11,000				11,000
Skate Park Fencing							
Oceanfront Park		89,500	200,000				289,500
Events Field 9805							
Oceanside Phase 2 - add to boardwalk and tiki huts, Phase 3							
Fitness Trail							
Oceanfront Park			60,000				60,000
Events Field Phase 3 - add educational feature - grant							
Oceanfront Park			4,000				4,000
Events Field Picnic Tables							
Jesse Hobbs Park		75,000					75,000
Restrooms							
Jesse Hobbs Park						35,000	35,000
Playground Equipment Replacement							
e					40,000		40,000

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<u>Rotary Park Playground Refurbishment</u>	-	-	-	-	-	75,000	75,000
<u>Rotary Park Picnic Tables</u>	-	-	-	4,000	-	-	4,000
<u>Coco Plum Beach Fencing</u>	-	-	-	1,500	-	-	1,500
<u>Coco Plum Beach Picnic Tables</u>	-	-	-	2,000	-	-	2,000
<u>Coco Plum Beach Restroom Maintenance</u>	-	-	-	1,500	-	-	1,500
<u>Sombrero Beach Picnic Tables</u>	-	-	-	-	-	20,000	20,000
<u>Sombrero Beach BBQ Grills</u>	-	-	2,500	-	-	-	2,500
<u>Invasive Exotics Removal (Land Steward Areas)</u>	-	-	25,000	25,000	25,000	25,000	100,000
<u>ESRI GIS Updates (Hardware/Software)</u>	-	-	-	20,000	-	-	20,000
<u>Existing Aviation Bike Trail Maintenance</u>	-	120,000	-	-	-	-	120,000
<u>Extend Aviation Bike Trail (design and construction) grant</u>	-	-	-	-	700,000	1,000,000	1,700,000
<u>Extend Coco Plum Bike Trail Phase 3 (to Avenue K) grant</u>	-	-	80,000	-	-	-	80,000
<u>US1 Beautification Median Landscaping Project Phase II</u>	-	120,000	-	-	-	-	120,000
<u>City Bridge Repairs (7)</u>	-	-	40,000	40,000	40,000	-	120,000
<u>US 1 Street Lights - Pilot</u>	-	200,000	-	-	-	-	200,000
<u>Entrance Signage</u>	-	50,000	-	-	-	-	50,000
<u>ADA Compliance</u>	-	20,000	5,000	5,000	5,000	5,000	40,000
<u>Irrigation at Sombrero Beach Roundabout</u>	-	-	5,000	-	-	-	5,000
<u>Bobcat (33% share)</u>	-	20,000	-	-	-	-	20,000
<u>Sombrero Drainage Improvements</u>	-	60,000	-	-	-	-	60,000
<u>Avenue I Drainage Improvements</u>	-	18,000	-	-	-	-	18,000
<u>39th St Drainage Improvements</u>	-	-	386,000	-	-	-	386,000
<u>Construction (Keys RV, Area 5 Catwalk, Area 5 Landscaping, Seawatch, Casa Cayo)</u>	-	1,250,000	-	-	-	-	1,250,000

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<u>New Connections</u>	-	<u>50,000</u>	<u>50,000</u>	<u>50,000</u>	<u>25,000</u>	<u>25,000</u>	<u>200,000</u>
<u>Generator hook up to Bath House and Lift Station, add electrical box</u>	-	<u>4,600</u>	<u>6,000</u>	-	-	-	<u>10,600</u>
<u>Bath House Gutters and Downspouts</u>	-	<u>2,500</u>	-	-	-	-	<u>2,500</u>
<u>Water Heater installation</u>	-	-	<u>2,000</u>	-	-	-	<u>2,000</u>
<u>Washer and Dryer replacements</u>	-	-	<u>1,200</u>	<u>1,300</u>	<u>1,400</u>	<u>1,500</u>	<u>5,400</u>
<u>Marina Building Roof repairs</u>	-	-	<u>10,000</u>	-	-	-	<u>10,000</u>
<u>Marina Deck concrete picnic tables</u>	-	-	<u>8,000</u>	-	-	-	<u>8,000</u>
<u>Marina Deck shade sails</u>	-	-	<u>1,500</u>	-	-	-	<u>1,500</u>
<u>Rethatch and Fire Retard Chiki Hut</u>	-	-	<u>5,200</u>	-	-	-	<u>5,200</u>
<u>Recycle centers replacement</u>	-	-	<u>5,450</u>	-	-	-	<u>5,450</u>
<u>Seawall access sidewalk resurfacing</u>	-	-	-	<u>42,000</u>	-	-	<u>42,000</u>
<u>South deck and ramp resurfacing</u>	-	-	-	-	-	<u>18,000</u>	<u>18,000</u>
<u>East dock component replacement</u>	-	-	-	-	-	<u>7,500</u>	<u>7,500</u>
<u>Mooring field component replacements (50 buoys per year)</u>	-	<u>40,000</u>	-	<u>40,000</u>	<u>40,000</u>	<u>40,000</u>	<u>160,000</u>
<u>Mooring field perimeter buoy replacement</u>	-	-	-	-	-	<u>18,000</u>	<u>18,000</u>
<u>Mooring balls replacement (20)</u>	-	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>25,000</u>
<u>Mooring stormsoft replacement (50)</u>	-	-	-	-	-	<u>81,500</u>	<u>81,500</u>
<u>Dingy Decks CCTV Cameras</u>	-	<u>12,000</u>	-	-	-	-	<u>12,000</u>
<u>Generator rebuild phase 1</u>	-	-	-	-	<u>8,000</u>	-	<u>8,000</u>
<u>Generator rebuild phase 2</u>	-	-	-	-	-	<u>40,725</u>	<u>40,725</u>
<u>Pump out boat replacement (\$122,000) grant</u>	-	-	-	-	-	-	-
<u>Harbor boat replacement, includes trailer</u>	-	-	<u>33,750</u>	-	-	-	<u>33,750</u>
<u>Golf Cart replacement</u>	-	-	-	-	-	<u>6,500</u>	<u>6,500</u>
<u>Boot Key Bridge (BKB) Fencing and gate replacement</u>	-	<u>1,000</u>	-	<u>1,000</u>	-	<u>1,000</u>	<u>3,000</u>

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BKB Tide board replacement	-	-	-	-	1,000	-	1,000
BKB Sign replacement	-	-	-	-	-	1,000	1,000
BKB Solar navigation light replacement	-	-	-	-	1,000	-	1,000
33rd Street Boat Ramp traffic mast pole signage	-	1,000	-	-	-	-	1,000
33rd Street Boat Ramp dock repairs	-	-	-	1,000	-	-	1,000
33rd Street Boat Ramp parking lot maintenance	-	-	-	-	1,000	-	1,000
33rd Street Boat Ramp renovate bath house	-	-	-	-	-	4,000	4,000
Aviation Blvd Boat Ramp traffic signal signage	-	1,000	-	-	-	-	1,000
Aviation Blvd Boat Ramp dock repairs	-	-	1,000	-	-	-	1,000
Aviation Blvd Boat Ramp parking lot resurface	-	-	-	-	20,000	-	20,000
Quay Boat Ramp traffic signal signage	-	1,000	-	-	-	-	1,000
Quay Boat Ramp parking lot resurface	-	-	2,500	-	-	-	2,500
Quay Boat Ramp repairs (except pilings)	-	1,000	1,000	1,000	1,000	1,000	5,000
Sombrero Beach swim buoys replaced	-	-	-	18,000	-	22,000	40,000
Navigation Aid buoys (replace 2 every 2 years)	-	1,600	1,600	1,600	1,600	1,600	8,000
Navigation signs (replace)	-	-	-	-	-	1,000	1,000
TOTAL COST	-	<u>5,179,399</u>	<u>1,657,700</u>	<u>627,900</u>	<u>1,243,000</u>	<u>1,811,325</u>	<u>10,519,324</u>

~~Source: City of Marathon Budget Fiscal Year October 1, 2003 to September 30, 2004~~

¹The Capital Improvement Schedule is updated on an annual basis with the adopted City Budget.

Objective 6-1.2 Evaluating the Five Year Capital Improvements Program

This section specifies a Five Year Capital Improvements Program for the City, together with criteria for monitoring and evaluating the Capital Improvements Element of this Plan.

§163.3177(3)(a & b) F.S.

Policy 6-1.2.1 Update and Adopt a Five Year Schedule of Capital Improvements Annually

Table 6-1: Capital Improvement Program 2004-2009, adopts the estimated projected cost and anticipated potential revenue sources for each of the capital improvement needs identified within the respective Plan elements. These capital improvements are prioritized and scheduled in order to ensure that the goals, objectives and policies established in this Plan shall be met according to the appropriate timeframes.

Specific expenditure projections to meet Plan goals, objectives and polices for stormwater and wastewater improvements shall be provided in the master plans for each. The sources for anticipated revenues for improvements shall be through a combination of a stormwater management utility, grants and loans.

Policy 6-1.2.2 Update Revenue Projections for the Five Year Schedule of Capital Improvements Annually

The sources for revenues for the CIP are the Special Revenue Funds. These sources are categorized by type of receipt and will be expended through the Capital Improvement Program as shown in Table 6-2. A summary of anticipated potential revenues for each category of funds versus the anticipated expenditures for each category of funds, identified within the respective Plan Elements, are provided in Table 6-2.

TABLE 6-2 Sources for CIP Special Revenue Funds, Expenditure Projections						
Source for CIP: Special Revenue Funds –Expenditure Projections	FY 2000-03 FY 2013	FY 2003-04 FY 2014	FY 2004-05 FY 2015	FY 2005-06 FY 2016	FY 2006-07 FY 2017	FY 2007-08
Infrastructure	4,179,400.00	2,200,000.00	2,300,000.00	2,400,000.00	2,500,000.00	2,600,000.00
Transportation	0.0	0.0	0.0	0.0	0.0	0.0
Fire EMS	662,540.00	689,041.60	716,603.26	745,267.39	775,078.09	806,081.21
Marina	120,000.00	200,000.00	250,000.00	300,000.00	312,000.00	324,480.00
Total	4,961,940.00	3,089,041.60	3,266,603.26	3,445,267.39	3,587,078.09	3,730,561.21

Objective 6-1.3 Concurrency Management

The City shall develop and implement a Concurrency Management System, which shall ensure that facilities and services needed to support development are available concurrent with the impacts of new development and redevelopment. §163.3180(1)(b) F.S.

Policy 6-1.3.1 Adopt a Concurrency Management System

The City hereby adopts a Concurrency Management System to ensure that facilities and services needed to support development are available concurrent with the impact of development. The Concurrency Management System shall ensure that no development order is issued that will result in a reduction in the level of service (LOS) below the adopted LOS standard for those public facilities that are subject to the system. ~~The Concurrency Management System shall by reference,~~

~~incorporate all the applicable concurrency options allowed by 91.5.0055, P.A.C.~~

The following guidelines identify the stages in the development review process when the test for concurrency must be met:

- a. Preliminary Development Order Stage. A preliminary development order is a development order that precedes the issuance of a building permit, such as subdivision plat, development plan, certificate of compliance, conditional use permit, development agreement or development of regional impact development order. A proposed development must receive a conditional concurrency determination prior to receiving a preliminary development order.
- b. Final Development Order Stage. A final development order is a building permit or any other development permit authorizing the construction or expansion of a building, an increase in development intensity, or a change of use requiring a new certificate of occupancy. With the exception of the replacement of existing development, a proposed development must receive a final concurrency determination prior to receiving a final development order.

The following guidelines identify the effect of a concurrency determination:

- a. Conditional Concurrency Determination. Such determination shall indicate that adequate public facilities are available at the time the determination is issued, but shall not guarantee the adequacy or availability of public facilities at subsequent stages of development review.
- b. Final Concurrency Determination. Such determination shall indicate that adequate facilities will be available at all subsequent stages of development review, subject to certain limitations such as elapsed time and payment of fees.

The following guidelines identify the minimum criteria necessary to meet the concurrency requirements of each public facility type:

- a. Infrastructure Concurrency. The concurrency requirements for roads, potable water, solid waste, wastewater, and drainage facilities and services shall be satisfied if one or more of the following conditions are met:
 1. The necessary facilities and services are in place at the time a development permit is issued; or
 2. The development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of development occur; or
 3. The necessary facilities are under construction at the time a permit is issued; or
 4. An enforceable development agreement guarantees that the necessary facilities and services will be in place when the impacts of the development occur; or

5. Such other binding agreement guaranteeing necessary facility and services are in place.
- b. Recreational Facility Concurrency. The concurrency requirements for recreational facilities shall be satisfied if one or more of the following conditions are met:
 1. Conditions a.(1), a.(2), or a.(3) listed above; or
 2. A binding executed contract is in place at the time the development permit is issued which provides for the commencement of the actual construction of the required facilities or provision of services within one year of permit issuance; or
 3. The payment of fees in lieu of dedication of land, to be used for the acquisition of lands for parks, conservation or open space, in an amount determined by the City, provided that the facilities to correct the deficiency in LOS must be in place or under construction not more than one year after the issuance of a Certificate of Occupancy and that the improvement is included in the Capital Improvements Schedule or that such an improvement is required through an enforceable development agreement; or
 4. Such other binding agreement guaranteeing necessary facility and services are in place.

Policy 6-1.3.2 Concurrency Monitoring System

Within one year of the effective date of the Plan, the City shall develop a concurrency monitoring system that ensures adherence to the adopted level of service standards, the schedule of capital improvements, and the availability of public facility capacity and shall include the following components:

- a. An updated database of permitting data that includes the amount of development for which final development orders have been issued, development for which final development orders have expired, and development which has been constructed;
- b. The database shall also include public facility data that incorporates the capacity of existing facilities, the additional capacity created by facility improvements, the impacts of existing development, and the impacts anticipated due to committed development; and
- c. An annual report assessing the capacities of all public facilities within the City subject to the Concurrency Management System.

Policy 6-1.3.3 Adopt and Maintain the Following Level of Service Standards

The City shall adopt level of service standards for public facilities, for which concurrency is required, as set forth below in Table 6-3. Prior to issuing a development order, the City shall review all proposed development to ensure consistency with adopted LOS standards. No development shall be approved that is projected to decrease the existing LOS below the adopted standard, unless mitigation by the developer is approved by the City Council.

TABLE 6-3 Summary of Level of Service Standards	
Facilities	Level of Service Standards
Wastewater	The City, shall at a minimum, adopt the current level of service standards as provided in Federal and State regulations. The current LOS standards are as follows: Florida Statutory Treatment Standards in MG/L – BOD / TSS / TN / TP 1. On-Site Systems (BAT) Community Wastewater Collection and Treatment Systems in MG/L – 10 / 10 / 10 / 1 2. Design flows less than or equal to 100,000 gpd (BAT) in MG/ L –10 / 10 / 10 / 1 3. Design flows greater than 100,000 gpd (AWT) in MG/ L – 5 / 5 / 3 / 1
Potable Water	Residential LOS: 66.5 gal/capita/day Non-Residential LOS: 0.35 gal/sq.ft./day Overall LOS: 100 gallons/capita/day
Solid Waste	Residential Disposal Quantity: 5.44 pounds/capita/day Non-Residential: 6.37 pounds/acre/day
Surface Water	1. Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration. 2. Surface water treatment and disposal facilities shall be designed to meet the design and performance standards established in Chapter 17-25, Section 25.025, FAC, with treatment of the runoff from the first one inch of rainfall on-site to meet the water quality standards required by Chapter 17-302, Section 17-302.500, FAC. 3. Surface water facilities which directly discharge into ‘Outstanding Florida Waters’ (OFW) shall provide an additional treatment pursuant to Section 17-25.025 (9), FAC. Surface water facilities must be designed so as to not degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 17-302, FAC.
Recreation and Open Space	4.42 acres per 1,000 population
Roadways	U.S. 1 shall be maintained within 5% of LOS C Other Roadways shall be maintained within 5% of LOS D

Source: The City of Marathon, Department of Community Development

Objective 6-1.4 Maintain Required LOS and Fiscal Resources

The City shall ensure the continued viability of maintaining the required LOS and that the required fiscal resources are available through monitoring and evaluating the effectiveness of the CIP and the budget procedures and criteria. §163.3177(3) and §163.3180(1)(b F.S.)

Policy 6-1.4.1 Monitor and Evaluate CIP Annually

On an annual basis the Local Planning Agency, shall monitor and evaluate the procedures, criteria and data for the Capital Improvements Element. The annual monitoring and evaluation procedure shall incorporate the following considerations:

- a. Update and Refine Data. Determine if any corrections, updates and/or modifications should be undertaken, such considerations shall include, but not be limited to the following:
 - 1. Mandated infrastructure improvements;

2. Scheduled dates of improvement projects;
 3. Estimated costs;
 4. Revenue sources;
 5. Dedications; and
 6. Recently constructed capital improvements.
- b. Review the CIP for Consistency. Determine whether changes to the Capital Improvements Element are necessary in order to maintain consistency with other elements of the Plan;
 - c. Incorporate New Projects. The five year schedule of improvements shall be updated as necessary to reflect new projects identified in proposed improvements to public facilities;
 - d. Prioritize Improvements. Capital improvements needed to address deficiencies for public facilities shall be assessed and a recommended schedule of priorities for public improvements established;
 - e. Establish Capital Improvement Evaluation Criteria. Review the evaluation criteria and weightings used to prioritize capital improvement projects, and modify them to adapt to current mandates, as necessary;
 - f. Evaluate Level of Service Standards. Evaluate the City's effectiveness at maintaining the adopted LOS standards and recommend actions to address problem areas;
 - g. Coordinate with County, State and Regional Improvement Programs. Review the effectiveness of program coordination to resolve multi-jurisdictional issues surrounding the plans and programs of Monroe County and its incorporated jurisdictions, Federal, State and regional agencies, and private entities which provide public facilities within the City;
 - h. Mandate Private Sector Improvements, Dedications or Fees in Lieu Thereof. Evaluate the effectiveness of provisions in this element requiring mandatory dedications or fees in lieu thereof, as well as progress toward incorporating other programs for assessing new development a pro-rata share of the improvement costs generated by the respective developments;
 - i. Assess the Impacts of Other Jurisdictions in Maintaining Level of Service Standards. Coordinate with Monroe County and its incorporated jurisdictions, the Florida Keys Aqueduct Authority (FKAA), the South Florida Water Management District (SFWMD), the Florida Departments of Transportation (DOT) and the Department of Environmental Protection (DEP) as applicable, to evaluate the success and failure of intergovernmental coordination to achieve an area-wide approach to public facilities improvements, required to maintain levels of service standards;
 - j. Evaluate Outstanding Indebtedness. Evaluate the ratio of outstanding indebtedness to the property tax base;
 - k. Pursue Grants. Evaluate efforts made to secure available grants or private funds in order to finance the provision of capital improvements;
 - l. Evaluate Fiscal Management. Evaluate the City's progress in implementing effective funding mechanisms for promoting public facilities improvements;
 - m. Establish Evaluation Criteria. Assess the usefulness of criteria used to evaluate plan amendments as well as requests for new development/redevelopment; and

- n. Update Schedule of Improvements. Review the City's progress in implementing the five-year Capital Improvement Program and refine the schedule to include any new projects required to support any development during the latter part of the five year schedule

TRANSPORTATION ELEMENT GOALS, OBJECTIVES, AND POLICIES

PURPOSE

Pursuant to Chapter 163.3177(6)(b), the purpose of the Transportation Element is to plan for a multi-modal transportation system that places an emphasis on transportation ~~systems~~ circulation.

GOAL 7-1 PROVIDE MOTORIZED AND NON-MOTORIZED TRANSPORTATION SYSTEMS

Provide a safe, convenient, efficient, and environmentally compatible motorized and non-motorized transportation system for the movement of people and goods in the City.

~~9J-5.019(4)(a) and (b)~~ §163.3177(6)(b)1.F.S.

Objective 7-1.1 Adopt Level of Service Standards for City Roads

Upon the effective date of the Plan, the City shall adopt the following level of service (LOS) standards for all roads in the City for the purpose of determining existing and future roadway needs. ~~9J-5.019(4)(e)~~ §163.3177(6)(b)1 and §163.3180(5) F.S.

Policy 7-1.1.1 Adopt Level of Service Standards for City Roads

For all City roads, the City hereby adopts a minimum peak hour level of service (LOS) standard of D, based on the Florida Department of Transportation (FDOT) methodology for determination of LOS, as measured by peak hour traffic volume. The City shall maintain the level of service on City roads within five percent (5%) of LOS D. ~~9J-5.019(4)(e)1~~

Policy 7-1.1.2 Adopt Level of Service Standards

For US 1, the City hereby adopts a level of service (LOS) standard of C based on the methodology developed by the US 1 LOS Task Force for analyzing the LOS on US 1 in the City. This methodology replaces a peak hour volume standard for US 1. The level of service on US 1 shall be maintained within five percent (5%) of LOS C. ~~9J-5.019(4)(e)1 and (e)2~~

Policy 7-1.1.3 Address Short Term and Long Term Strategies to Reduce Clearance Time

The City shall address short term and long term strategies to reduce clearance time and coordinate permit allocations by implementing the following program in coordination with FDOT, ~~DCAEO~~ and other local governments in the Keys:

Short Term

- a. Revise the data and analysis to identify interim transportation system management (TSM) strategies which can be implemented prior to June 1, 2005 (beginning of

the 2005 hurricane season), to reduce clearance time not to exceed 24 hours or minimum State requirement; estimate reduction in clearance time that will result from the proposed TSM strategies; and specify the operational requirements to implement the TSM strategies and identify any preliminary actions, such as purchase of equipment, which must occur prior to June 1, 2005.

- b. Begin the process with the assistance of DCAEO and FDOT to enter into an interagency/interlocal agreement with the intent to execute the agreement prior to the start of the hurricane season in order to adopt the TSM strategy as a joint proposal, specify agency/local government responsibilities for implementing the TSM strategy, including shared funding, based on the data and analysis, and determine the share of interim permit allocations available for each jurisdiction base on the estimated reduction in clearance times.

Long Term

- a. Cooperate with DCAEO, FDOT, and affected local governments and the Tourist Development Council to achieve consensus on long term strategies to further reduce clearance time and accommodate proposed allocations Keys-wide through the Year 2020 and revise any short term interagency/interlocal agreements to provide a schedule for implementing strategies, specify responsibilities for implementing the strategy, including shared funding, and determine the share of allocation available for each jurisdiction based on the ability to maintain clearance time at or below 24 hours,
- b. Amend data and analysis and plan to incorporate strategy and revise the Capital Improvements Schedule to incorporate necessary transportation projects adopted for Marathon.
- c. Coordinate with the FDOT and the County, to continue the systematic traffic monitoring program initiated in March 1991, on an annual basis, to monitor peak season traffic volumes at permanent count stations and travel speeds on each study segment of US 1 within the City, and to determine the cumulative impact of development and through traffic. The City shall use the methodology developed by the US 1 LOS Task Force for conducting this analysis and shall request that the Task Force, which shall include representatives from the City, update and refine the methodology's assumptions on a periodic basis when new data becomes available.
- d. The City shall request FDOT to conduct a travel survey which identifies local and visitor travel patterns and frequency rates for all transportation modes; trip origins and destinations; trip generation rates for the City's households (permanent and seasonal residents); and tourism and retail-oriented businesses. As such, this survey shall identify the proportion of vehicular traffic passing through Marathon to other destinations in the Florida Keys or the mainland. This data shall be used to identify the policy implications of existing and projected tourist versus resident generated traffic impacts, and the statistical effects of the growth policies of other jurisdictions on Marathon traffic levels, as well as aid planning for commercial redevelopment, pursuant to the Future Land Use Element of the Plan.

Objective 7-1.2 Ensure Sufficient Capacity for Development

The City shall ensure that all City roads have sufficient capacity to serve development at the adopted LOS standards concurrent with the impact of said development. ~~9J-5.005(2)(e)~~
§163.3177(6)(b)1.F.S. and §163.3180(5) F.S.

Policy 7-1.2.1 Regulate Development to Maintain the Adopted LOS

The City shall not issue a development order or permit for new development projects that, in combination with all other development, would significantly degrade the LOS below the adopted LOS standards. A five percent (5%) projected decrease in travel speeds is a significant degradation in the level of service on US 1. Traffic volume that exceeds the LOS D standard by more than five percent (5%) is a significant degradation in the level of service on any other road.

~~9J-5.019(4)(e)-1~~

Policy 7-1.2.3 Coordinate the TSM and TDM with FDOT

The City shall coordinate with FDOT and Monroe County to discuss programming the recommended Transportation System Management (TSM) and Transportation Demand Management (TDM) improvements as identified in the Data and Analysis Section of the Transportation Element.

~~9J-5.019(4)(e)-6 & 7~~

Policy 7-1.2.4 Surplus of FDOT Properties

The City shall request FDOT prevent the surplus of FDOT properties, which may be required to implement traffic circulation policies and goals. In the event that there are surplus FDOT properties that would assist the City in implementing traffic circulation policies and goals, the City shall request that FDOT convey the property to the City prior to offering its conveyance to any third party.

~~9J-5.019(4)(e)-16~~

Policy 7-1.2.5 Resolve Traffic Problems

The City shall request that FDOT develop conceptual plans for resolving the traffic problems within the municipal boundaries identified by the US 1 evaluation conducted in coordination with citizen's groups of each area.

~~9J-5.019(4)(e)-1~~

Objective 7-1.3 Encourage Bicycle and Pedestrian Paths

In order to provide for bicycle and pedestrian travel that is safe, convenient, and efficient, the City shall assist, encourage, and provide bicycle and/or pedestrian paths. ~~9J-5.019(4)(e)-5~~
§163.3177(6)(b)1. F.S.

Policy 7-1.3.1 Prepare Bicycle Path and Pedestrian Improvement Plan

~~Within one year of the effective date of the Plan,~~ The City shall prepare a plan for coordinated bicycle path and pedestrian way improvements emphasizing access to schools, parks, and shopping centers, which supplements the Florida Keys Overseas Heritage Trail Master Plan.

~~9J-5.019(4)(e)-6~~

Policy 7-1.3.2 Develop a Pedestrian and Bicycle Path Network

The City shall promote a systematic approach to the development of a pedestrian and bicycle path network. The City shall also investigate the increased use of golf carts and alternative

transportation means by the public and private sectors in order to improve energy efficient transportation links between major activity areas such as residential neighborhoods, schools, employment centers, shopping areas, resorts and parks and recreational areas.

Policy 7-1.3.3 Require Proportionate Fair-Share Assessment Impact Fees

Within one year of the effective date of the Plan, the City shall adopt revisions to the Land Development Regulations that require proportionate fair-share assessment impact fees, including the costs for building bicycle and pedestrian paths along US 1. ~~9J-5.019(4)(c)6~~

Objective 7-1.4 **Enhance US 1 Scenic Corridor**

The City shall enhance and improve the visual environment along the US 1 Scenic Corridor. ~~9J-5.019(4)(c)19~~ §163.3177(6)(b)1. F.S.

Policy 7-1.4.1 Regulate US 1 Setbacks

~~Within one year of the effective date of the Plan, t~~The City shall adopt continue to maintain Land Development Regulations, which ensures that development along the scenic corridors of US 1 provides the landscaping and setbacks necessary to minimize impacts on the visual environment.

Policy 7-1.4.2 Regulate Signage

~~Within one year of the effective date of the Plan, t~~The City shall adopt continue to maintain Land Development Regulations, adopt which include provisions to minimize the impacts of signs on the scenic beauty of the City.

Objective 7-1.5 **Coordinate Transportation Plans**

The City shall ensure that its transportation plans are coordinated with the plans and programs of appropriate State agencies and local governments, and are consistent with State and Federal regulations that require protection of environmental resources. ~~9J-5.019(4)(b)3~~ §163.3177(6)(b)1. F.S.

Policy 7-1.5.1 Coordinate with FDOT on the Five Year Work Program

Each year, prior to the update of the FDOT Five Year Work Program, the City shall meet with officials from FDOT District VI to review FDOT proposals for and recommend additional improvements to all eligible roads. ~~9J-5.019(4)(b)3~~

Policy 7-1.5.2 Evaluate Annual Facilities Report

The City and other applicable jurisdictional agencies shall upon the release of the Annual Facilities Report evaluate areas classified as marginally adequate or ones that are more than 50% below LOS standards to address future growth decisions which cross political boundaries. ~~9J-5.019(4)(b)3~~

Policy 7-1.5.3 Review Proposals for Consistency with the Plan

Through the development review process, and in coordination with FDOT, the City shall ensure that all roadway improvements shall be consistent with the policies of this Plan. ~~9J-5.019(4)(b)3~~

Objective 7-1.6 Protect Rights-of-Way

In order to provide for the protection of existing and future rights-of-way, the City shall implement the following policies. ~~91-5.019(4)(b)5~~ §163.3177(6)(b)1. F.S.

Policy 7-1.6.1 Participate in FDOT Right-of-Way Planning and Preservation

The City shall provide specific right-of-way width information for the critical segments of US 1 in the City to the FDOT where roadway improvements may be required to reduce hurricane clearance times. Further, the City shall participate in right-of-way planning and preservation efforts including, but not limited to, the Florida Keys Overseas Heritage Trail State Park and the FDOT corridor-wide master plan for District VI. ~~91-5.019(4)(b)5~~

Policy 7-1.6.2 Use of City Rights-of-Way

~~Within one year of the effective date of the Plan, (The City shall adopt~~ continue to maintain Regulations regulating use of public rights-of-way. ~~91-5.019(4)(b)5~~

Objective 7-1.7 Promote Safe and Efficient Motorized Transportation

The City shall promote a safe, convenient, and efficient, motorized transportation system. ~~91-5.019(4)(b)1~~ §163.3177(6)(b)1. F.S.

Policy 7-1.7.1 Control Connections and Access Points

The City shall coordinate with FDOT to control the connections and access points along all segments of US 1 per their respective access classifications, consistent with the guidelines established by the FDOT in Rule 14-97 “State Highway System Access Management Classification and Standards”. Within one year of the effective date of the Plan, the City shall, through the Land Development Regulations, ensure that future driveway and roadway connections to US 1 provide for shared driveway access and minimum use of new curb cuts, where appropriate, as provided in Rule 14-97 F.A.C. ~~91-5.019(4)(c)1~~

Policy 7-1.7.2 Provide for Safe and Convenient Traffic Flow and Parking

~~Within one year of the effective date of the Plan, (The City shall adopt~~ continue to maintain Land Development Regulations, to include guidelines and criteria consistent with nationally recognized standards that provide for safe and convenient on-site traffic flow, and adequate pedestrian ways and sidewalks, as well as sufficient on-site and off-site parking for motorized and non- motorized vehicles.

~~91-5.019(4)(b)10~~

Policy 7-1.7.3 Require All Necessary Road Connection Permits

~~Within one year of the effective date of the Plan, (The City shall adopt~~ continue to maintain Land Development Regulations that establish criteria to require all necessary road connection permits be obtained prior to the issuance of a City permit.

GOAL 7-2 MASS TRANSIT

To provide a coordinated surface transportation system for transportation disadvantaged people within the City and to encourage such a system for all residents and guests. ~~9J-5.019(4)(a)~~ §163.3177(6)(b) F.S. §163.3180(5) F.S.

Objective 7-2.1 Encourage Transit Service

The City shall encourage the provision of transit service for all residents to major trip generators. ~~9J-5.019(4)(e)7~~ §163.3177(6)(b) F.S.

Policy 7-2.1.1 Ensure High Intensity Uses Accommodate Traffic Needs

~~Within one year of the effective date of the Plan, (~~The City shall ~~adopt~~ continue to maintain Land Development Regulations requiring, where appropriate, high intensity uses be built to accommodate mass transit by being designed to include such features as adequate turning radii for large vehicles, direct access to sheltered areas with seating that can serve as a bus stop, and pedestrian access to adjacent properties. Specific trip thresholds shall be addressed in the Land Development Regulations. ~~9J-5.019(4)(e)7~~

Policy 7-2.1.2 Support ADA Compliance

Through development review, the City shall ensure compliance with the Florida Accessibility Code for Building Construction pertaining to the establishment of accessible routes for new developments. ~~9J-5.019(4)(b)4~~

Policy 7-2.1.3 Encourage Links to Transportation Hubs

The City shall encourage development of a transit system that links other hubs of transportation, such as Marathon Airport, Boot Key Harbor City Marina and designated off-site parking areas, with trip destinations in a connected, continuous manner to provide an integrated transportation system. ~~9J-5.019(4)(e)8~~

Policy 7-2.1.4 Encourage Clustering of Major Trip Generators

~~Within one year of the effective date of the Plan, (~~The City shall ~~adopt~~ continue to maintain Land Development Regulations that favor the clustering of major trip generators and transit oriented uses.

~~9J-5.019(4)(b)1~~

Policy 7-2.1.5 Encourage Bicycle/Pedestrian Interconnection Paths

~~Within one year of the effective date of the Plan, (~~The City shall ~~adopt~~ continue to maintain Land Development Regulations that encourage all developers to assist the transition to transit by such efforts as providing car pools, transit facilities, and pedestrian/bicycle paths. Resort redevelopment proposals shall be required to the maximum extent practicable to provide bicycle/pedestrian interconnection paths to surrounding areas to decrease road traffic. ~~9J-5.019(4)(b)1~~

Policy 7-2.1.6 Continue To Seek Funds for the Transportation Disadvantaged

The City shall continue to seek funds for the transportation disadvantaged and other transit and paratransit operations from all applicable Federal, State, and other sources and shall continue to provide gas tax revenues to public transit and/or paratransit services. ~~9J-5.019(4)(b)2~~

Policy 7-2.1.7 Encourage Public and Private Transit and Paratransit Services

The City shall encourage the operation of public and private transit and paratransit services and shall seek legislation to exempt transit facilities such as terminals and repair shops from the US 1 concurrency requirements. ~~9J-5.019(4)(b)-1~~

GOAL 7-3 AVIATION FACILITIES

The City shall provide aviation facilities to all existing and future residents and guests in a manner that maximizes safety, convenience, economic benefit, environmental compatibility, and consistency with other elements of the Plan. ~~9J-5.019(4)(e)-§163.3177(6)(b)4 F.S.~~

Objective 7-3.1 Coordination of Airport Facilities

The expansion of existing or new airport and airstrip facilities shall be coordinated with the Future Land Use, and Conservation and Coastal Elements. ~~9J-5.019(4)(e)17-§163.3177(6)(b)4 F.S.~~

Policy 7-3.1.1 Ensure Consistency with the Plan

The Marathon Airport expansion shall to be consistent with the needs identified in the updated airport master plan. ~~9J-5.019(4)(e)17~~

Policy 7-3.1.2 Protect Environmentally Sensitive Lands

Development activities to construct or expand airport or airstrip facilities shall not take place in environmentally sensitive areas, as identified and defined in the Conservation and Coastal Element, unless a viable alternative is not available. Mitigation and restoration shall occur when there is no other alternative than to disturb environmentally sensitive areas. ~~9J-5.019(4)(e)19~~

Policy 7-3.1.3 Protect the Airport Hammock Buffer

The City shall coordinate with Monroe County to ensure that the existing hammock along Aviation Boulevard is maintained and remains as a buffer between the Marathon Airport and the residences to the north. ~~9J-5.019(4)(e)18 and 19~~

Policy 7-3.1.4 Regulate Development Adjacent to the Airport

~~Within one year of the effective date of the Plan, (The City shall adopt~~ continue to maintain Land Development Regulations to regulate structure height and to require the structures to be lit during the day and night. Whenever possible, tall structures shall be located in close proximity to each other and away from populated areas so as to not pose a threat to aircraft. The City shall continue to prohibit structures and activities that interfere with the operation of aircraft at airports and airstrips, whether public or private. Such structures and activities include, but are not limited to, tall structures, smoke, tall trees or other visibility hazards, and electromagnetic radiation. The City shall adopt Land Use District or Zoning Maps depicting the control surfaces around public and private airports. Additionally, the City shall adopt Land Development Regulations to regulate new structures and the use of land within close proximity of the 65 LDN contour around public airports to reduce land uses susceptible to the adverse effects of airport noise; the specific

distance from the contour shall be defined by the Land Development Regulations. ~~9J-5.019(4)(e)18~~

Policy 7-3.1.5 Maintain and Update the Marathon Noise Exposure Maps

The City shall maintain and update the Marathon Noise Exposure Maps and implement measures to minimize the adverse impacts of noise on the surrounding community. ~~9J-5.019(4)(e)18~~

Policy 7-3.1.6 Establish Effective Coordination Strategies

The City shall establish effective coordination strategies and enter into an interlocal agreement with Monroe County to ensure all development within and adjacent to the airport facility is in compliance with all applicable regulations.

Objective 7-3.2 Coordinate Airport and Traffic Circulation

The City shall coordinate surface transportation to existing and new public airport facilities with the traffic circulation system shown on the traffic circulation maps. ~~9J-5.019(4)(b)8~~ §163.3177(6)(b)4, F.S.

Policy 7-3.2.1 Coordinate Airport Expansion with the Traffic Circulation System

Expansion of airport or airstrip facilities or proposed facilities shall be coordinated with the necessary expansions to the traffic circulation system by requiring the access points to highways to be built to minimize adverse impacts on traffic operations. ~~9J-5.019(4)(e)4~~

Policy 7-3.2.2 Facilitate a Multi-modal Transportation

The City shall promote and assist in the development of connections from public airports to future transit systems to facilitate a multi-modal transportation system. ~~9J-5.019(4)(b)8~~

Policy 7-3.2.3 Encourage Activities that Relieve the Traffic on US 1

The City shall actively encourage the development of aviation facilities and activities that relieve the traffic on US 1 or serve as an alternative to US 1 as a means of delivering goods and services to the community. ~~9J-5.019(4)(e)13~~

Objective 7-3.3 Coordinate with the Federal Aviation Administration

The City shall coordinate all aviation or related facilities with the plans of the Federal Aviation Administration, military services, resource planning, and management plan prepared pursuant to Chapter 380, Florida Statutes and approved by the Governor and Cabinet, the FDOT Plan and adopted work program, and the Continuing Florida Aviation System Planning Process as adopted. ~~9J-5.019(4)(b)8~~ §163.3177(6)(b)4, F.S.

Policy 7-3.3.1 Participate in the Continuing Florida Aviation System Planning Process

The City shall continue to participate in the development of the FDOT Five Year Plan, and the Continuing Florida Aviation System Planning Process.

Policy 7-3.3.2 Participate in the Airport Master Plan and Airport Layout Plan Update Process

The City shall monitor and participate in all updates to the airport master plan and the Airport Layout Plan pursuant to the rules of the Federal Aviation Administration.

Policy 7-3.3.3 Ensure Compliance to the Airport Master Plan

Coordinate with Monroe County to ensure that all development on and expansions of existing public airports shall be done in accordance with the Master Plan of the airport.

Objective 7-3.4 Integrate Airport Facilities and Surface Transportation

Access routes to airports or related facilities shall be integrated with other modes of surface transportation. ~~9J-5.019(4)(e)-14~~ §163.3177(6)(b)4, F.S.

Policy 7-3.4.1 Encourage Surface Transportation at the Airport

The City shall encourage the provision at public airports for surface transportation including but not limited to buses, limousines, taxicabs, automobile rentals, and parking of private cars.

~~9J-5.019(4)(e)-14~~

Policy 7-3.4.2 Encourage Transit Links to Local Hotels and Resorts from the Airport

The City shall encourage future transit facilities to link public airports with local hotels, motels, and other major trip generators and attractors. ~~9J-5.019(4)(e)-14~~

RECREATION AND OPEN SPACE ELEMENT GOAL, OBJECTIVES, AND POLICIES

PURPOSE

~~Pursuant to Chapter 163.3177(6)(e) F.S. the purpose of the Recreation and Open Space Element is to plan for a system of public and private sites for passive and active recreation and open space. This section specifies goals, objectives and implementing policies for the Recreation and Open Space Element pursuant to Chapter §163.3177(6)(e), F.S.~~

GOAL 8-1 PROVIDE SAFE AND ADEQUATE OPEN SPACE AND RECREATION FACILITIES

It is the goal of the City to provide safe and adequate open space and recreation facilities that are accessible to all Marathon residents. §163.3177(6)(e) F.S.

Objective 8-1.1 Plan for Recreational Trails and Open Space

The City shall comprehensively plan for creating new or enhanced recreational trail systems and open space facilities, based upon data, standards, and policies contained in the Plan, and shall adequately maintain the provided sites and facilities. Through the Capital Improvements Plan, the City shall ensure that sufficient acreage is maintained and acquired and sufficient facilities are maintained and developed to meet these needs. §163.3177(6)(e) F.S.

Policy 8-1.1.1 Adopt a Minimum Level of Service Standard

The City shall adopt a minimum level of service standard for City-managed public recreation sites of 4.42 acres per 1,000 permanent residents and seasonal visitors. The specific number, size, type, and location of facilities shall be determined through the development of a Parks, Recreation, and Open Space Master Plan as required by Policy 8-1.1.2.

Policy 8-1.1.2 Parks, Recreation, and Open Space Master Plan

~~Within two years of the effective date of the Plan, (~~The City shall fully examine the existing recreation and open space areas and prepare a master plan. The master plan shall make recommendations, as needed, to enhance equitable access, distribution, and availability to recreational facilities or open space.

Policy 8-1.1.3 Monitor and Update Recreation Demand and Supply

~~Beginning two years after the effective date of the Plan, and reviewed periodically as established by the Parks, Recreation, and Open Space Master Plan, (~~The City shall periodically prepare a report, as established by the Parks, Recreation and Open Space Master Plan, updating the recreational land and facility demand and supply analysis contained in the Recreation and Open

Space Data Inventory and Analysis of this Plan. If the analysis identifies any deficiencies, the City shall identify and enact a method for meeting the deficiency.

Policy 8-1.1.4 Program Park Improvements

Park improvement plans resulting from the analysis in Policy 8-1.1.3 shall be programmed in the City's Capital Improvement Program.

Policy 8-1.1.5 Maintain Existing Recreational Land and Facilities

The City shall establish a routine preventive maintenance program and shall annually review all City owned recreational and open space resources for safety standards, compliance to applicable regulations, and stormwater management.

Policy 8-1.1.6 Improve the Existing Recreational Facilities

Upon the basis of the annual review, the City shall improve the physical and aesthetic condition of the City's recreational and open space facilities by allocating funding through the Capital Improvements Program.

Policy 8-1.1.7 Ensure Accessibility

Through the annual review and development review process, the City shall ensure that all public recreational facilities be made accessible to automobiles, bicycles, and pedestrians depending on the type of facility. Lands dedicated solely for open space or conservation are exempt from this requirement.

Policy 8-1.1.8 Ensure Compliance with the Provisions of the Americans with Disabilities Act

Through development review, the City shall ensure that all future parks and recreational facilities comply with the provisions of the Americans with Disabilities Act. Through development review, the City shall ensure that all renovating, rehabilitating, and upgrading to parks and recreational facilities comply with the provisions of the Americans with Disabilities Act.

Policy 8-1.1.9 Require Mandatory Land Dedication or Fees in Lieu Thereof

~~Within one year of the effective date of the Plan, the City shall adopt~~ continue to maintain Land Development Regulations mandating the dedication of land for parks and recreation or fees in lieu thereof for all new development, to be used for the acquisition of land for parks, conservation and open space. The formula shall be a pro rata formula based on the City's demand and supply analysis, to ensure that new developments provide necessary recreational lands, facilities and/or fees in lieu thereof in order to accommodate the additional generated demand.

Policy 8-1.1.10 Incorporate Creative Design Concepts and Conserve Environmentally Sensitive Open Space

Active and passive recreation areas shall be planned in a manner compatible with the unique natural resources found in the City. Park improvement plans shall be designed to preserve, protect, and enhance the environmental features found on each site. Where appropriate, recreational areas shall be designed to provide a circulation system that minimizes conflict

between bicyclists, pedestrians, and vehicles. Adequate landscape and screening shall be integrated into park improvement plans to minimize land use conflicts, protect stability of established residential areas, and enhance community appearance.

Policy 8-1.1.11 Promote Environmental Concerns through Recreational Programs

The City shall promote environmental education and management as an integral part of park and recreation programs. Through cooperative programming with resource agencies and local educational advisors, park and recreation resources shall serve as instruments for teaching both residents and visitors about the importance of and the need for preserving the City's natural resources.

Objective 8-1.2 Coordinate Public and Private Resources

~~Within two years of the effective date of the Plan, the City shall establish and employ effective methods to coordinate public and private resources to meet public demands. §163.3177(6)(e) F.S.~~

Policy 8-1.2.1 Maintain Programs

~~Within one year of the effective date of the Plan, the City shall establish and maintain a list of agencies, groups, individuals, and organizations currently providing recreation or leisure programs to the residents. The City shall strive to establish a cooperative relationship with these entities.~~

Policy 8-1.2.2 Expand Programs

The City shall strive to enlist new agencies, groups, individuals, and organizations to expand the current programs available to residents.

Policy 8-1.2.3 Pursue Public and Private Support Sources

The City shall strive to pursue appropriate joint public and private ventures to obtain lands and/or financing necessary to support and increase recreational areas, facilities, and programs.

Policy 8-1.2.4 Develop Partnership Programs

The City shall strive to identify and develop partnership programs with public or private organizations to provide land or facilities compatible to public recreation.

Policy 8-1.2.5 Coordinate with Existing School Sites

The City shall work with the Monroe County School Board to promote the implementation of joint use of school sites for both educational and recreational purposes. The City may attempt to maximize joint use of school sites for both school and recreational activities. This concept promotes economy and efficient use of potential park and recreation resources centrally located to potential user groups. ~~By December 31, 2005, the City shall have considered whether to negotiate an interlocal agreement with the Monroe County School Board to implement recreational facilities at one or more of the following sites: Marathon Middle and High School, and/or Stanley Switlik Elementary School. The City shall also have considered whether to~~

~~negotiate agreements for joint use of recreational facilities with private educational facilities located within the City.~~

Policy 8-1.2.6 Obtain Grants and Other Funding Sources

~~Within one year of the effective date of the Plan, t~~The City shall establish and maintain a list of and continue to work with various organizations and public agencies to obtain grants and other sources of financing that are available for the acquisition, planning, design, and development of recreational facilities and open spaces.

Policy 8-1.2.7 Coordinate with the Land Authority

The City's Land Acquisition and Conservation Advisory Committee shall coordinate with the Monroe County Land Authority to establish a fair share of the bed tax, which shall be allocated to the City for possible use as a match for the Florida Communities Trust Grant applications, for recreation and conservation purposes.

Objective 8-1.3 Expand Land and Water Based Recreational Systems

*The City shall expand land and water based trail systems and associated facilities.
§163.3177(6)(e) F.S.*

Policy 8-1.3.1 Create New or Enhance Land Recreational Trails Systems

The City shall create new or enhanced land based recreational trail systems, directly and in coordination with other agencies and organizations that include trail head and trail side facilities.

Policy 8-1.3.2 Create New or Enhanced Water Based Trail Systems

The City shall create new or enhanced water based trail systems, directly and in coordination with other agencies and organizations that include trail head and trail side facilities.

IMPLEMENTATION AND REVIEW ELEMENT GOALS, OBJECTIVES, AND POLICIES

PURPOSE

Pursuant to Chapter 163.3177(1)(d), the purpose of the implementation and review element is to provide procedures for monitoring, updating, and evaluating the Plan.

GOAL 9-1 MONITORING, UPDATING AND EVALUATING THE PLAN

This Element specifies procedures for monitoring, updating and evaluating the Plan every seven years pursuant to Chapter §163.3191, F.S., and Rule 9J-5.005(7), FAC. In addition, the Element presents a summary of actions required to implement the Plan.

Objective 9-1.1 Role of the Local Planning Agency in Plan Evaluation and Updates

The Local Planning Agency shall monitor and oversee the effectiveness and status of the Plan and recommend to the City Council such changes in the Plan as may, from time to time, be required. §163.3177(1)(d) F.S.

Policy 9-1.1.1 General Procedures

The monitoring and evaluation of the Plan shall be a continuous and ongoing process. The Planning ~~Manager~~ Director shall prepare periodic Evaluation and Appraisal Reports ~~Review~~ (EAR) on the Comprehensive Plan. These reports shall be reviewed and revised by the Local Planning Agency and sent to the City Council at least once every seven (7) years after the adoption of the Plan. The preparation of the EAR shall comply with the procedures and contents set forth in Chapter §163.3191, F.S., and Rule 9J-5.005(7), FAC.

Policy 9-1.1.2 Citizen Participation

The process of the Plan evaluation and update shall include public hearings before the Local Planning Agency and the City Council, respectively, prior to adopting the final report. The public hearings shall be duly noticed and citizen input shall be encouraged through various forums designed to maximize participation.

Objective 9-1.2 Annual Evaluation of Plan Implementation and Annual Work Program

The City shall annually evaluate the policies set forth in the Plan to monitor the effectiveness of the Plan towards managing development and redevelopment consistent with the Plan and the Annual Work Program. §163.3177(1)(d) F.S.

Policy 9-1.2.1 Annual Evaluation of Available Capacities for Public Facilities and Transportation

As part of the Annual Work Program report, starting the second year following the adoption of the Plan, the Planning ~~Manager~~ Director shall submit to the City Council a report summarizing available capacities in public facilities and transportation. This report shall also include a summary of estimated growth, development and redevelopment occurring during the past year.

Policy 9-1.2.2 Annual Work Program and Evaluation

~~Within twelve months of the effective date of the Plan, The~~ City shall ~~adopt~~ maintain a seven (7) year work program for implementation of the Plan. The work program shall be reviewed and updated on an annual basis. The City shall annually assess its progress in accomplishing the work program and adopted Plan objectives and policies. Progress or activities implementing the work program and the Plan shall be summarized and submitted to the City Council at the first City Council meeting of each September and then forwarded to ~~DCAEO~~ regarding the following:

- a. Land Acquisition Program;
- b. Use of Transferable Density Rights and Transfer of Building Rights;
- c. Redevelopment within the Mixed Use Activity Centers; and
- d. Building Permit Allocation System.

Objective 9-1.3 Criteria for Continuing Seven Year Evaluation of Plan Elements

When evaluating each element of the Plan for the purpose of an EAR, staff and the Local Planning Agency shall use the following general criteria as well as any more specific criteria contained in respective elements of the Plan. §361.3177(1)(f) and §361.3177(2) F.S

Policy 9-1.3.1 Review the Impacts of Changing Conditions

Baseline data, including major shifts in the magnitude, distribution, and/or characteristics of the below stated items, shall be updated and reviewed to identify new or critical issues. These issues and shifts in conditions may serve as indicators of needed change in public policy included in the Plan. The policy implications of such changes shall be evaluated on a continuing basis. The baseline data update shall be predicated on the U.S. Census and/or other special census or significant new data that is deemed appropriate by the City Council for inclusion in the Plan.

- a. Affordable housing supply and demand;
- b. Land use;
- c. Land acquisition;
- d. Transferable Density Rights and Transfer of Building Rights;
- e. Natural resources;
- f. Fiscal management resources;
- g. Public facilities;
- h. Transportation system; and
- i. Recreation and open space system.

Policy 9-1.3.2 Major Planning and Development Issues

The EAR shall identify major planning and development issues such as physical deterioration, the location and distribution of land uses and related adverse physical, economic, social or environmental impacts.

Policy 9-1.3.3 Accomplishments

The EAR shall describe the progress in achieving Plan objectives occurring since adoption of the Plan or the last evaluation report, whichever is most recent.

Policy 9-1.3.4 Obstacles or Problems

The EAR shall analyze and explain obstacles and problems that resulted in underachievement of goals, objectives and policies.

Policy 9-1.3.5 Unanticipated Opportunities

The EAR shall describe the nature and extent of unanticipated and previously unforeseen opportunities occurring since the Plan adoption or since the preparation of the latest EAR, whichever is most recent.

Policy 9-1.3.6 Develop Adequate Response to Changes in State Requirements

The monitoring and evaluation process shall inventory and consider the impacts of changes to Chapter 187, F.S., the State Comprehensive Plan; Chapter §163, Pt. II, F.S.; Chapter 380 F.S., ~~the minimum criteria contained in Rule 9J-5, F.A.C.;~~ and the South Florida Regional Planning Council Strategic Policy Plan. Similarly, the monitoring and evaluation process shall recommend revisions to the Plan required to incorporate the changes identified.

Policy 9-1.3.7 Recommended Amendments

The EAR shall recommend new or modified goals, objectives or policies to resolve issues identified during the Plan evaluation process.

File # 123801301

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

June 12, 2013

The Honorable Mike Cinque
Mayor, City of Marathon
98705 Overseas Highway
Marathon, FL 33050

Dear Mayor Cinque:

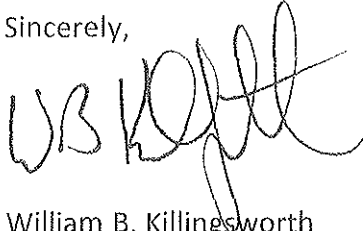
The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Marathon (EAR-Based Amendment No. 13-4ER, which was received and determined complete on April 17, 2013). We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. Review comments received by the Department from the appropriate reviewing agencies are also enclosed.

The attached Objections, Recommendations, and Comments Report indicates our findings concerning the amendment. We have identified one objection and have included recommendations regarding measures that can be taken to address the objection. We are also providing six technical assistance comments consistent with Section 163.3168(3), F.S. The Department of Economic Opportunity's technical assistance comments will not form the basis of a challenge. They are offered as suggestions which can strengthen the City's comprehensive plan in order to foster a vibrant, healthy community or are technical in nature and designed to ensure compliance with the provisions of Chapter 163, F.S.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(4)(e)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of the Department of Economic Opportunity report, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comments on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

If you have any questions related to this review, please contact Robin Branda, at (850) 717-8495 or by email at robin.branda@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'WB Killingsworth', with a stylized flourish at the end.

William B. Killingsworth
Director, Division of Community Development

WBK/rb

Enclosures: Objections, Recommendations, and Comments Report
 Procedures for Adoption
 Agency Comments

cc: Roger T. Hernstadt, City Manager
 George Garrett, Director of Planning, City of Marathon
 Mr. Jim Murley, Executive Director, South Florida Regional Planning Council

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR THE CITY OF MARATHON
PROPOSED EAR-BASED COMPREHENSIVE PLAN AMENDMENT
(DEO NO. 13-4ER, ACSC)

I. Consistency with Chapter 163, Part II and Chapter 380, Part I

The Department has the following objections and comments to the proposed comprehensive plan amendment:

Objection 1: The City included an approximately one-third-acre Future Land Use Map (FLUM) amendment on its revised FLUM. However, the modification was not properly rendered to the Department, nor was data and analysis included to support the change. Moreover, the outside reviewing agencies did not have an opportunity to review the proposed map change. The Department discussed the issue with City officials who indicated that the land use change was being referred to as a scrivener's error and that it was being revised from *Residential Medium* to a *Mixed Commercial* FLUM designation. The scrivener's error related to a previous FLUM change where the lot was erroneously mapped as *Residential Medium*, according to the City.

Recommendation: The Department recommends that at the adoption phase of the EAR-based amendment package, the subject land use change be transmitted to the Department with appropriate data and analysis.

Authority: Section 3177(1)(f), 163.3184(2)(c) and (4); and 380.0552(2)(c) and (g), *Florida Statutes*, (F.S.).

II. Technical Assistance Comments

Comment: Policies 2-1.1.3, 2-1.1.8, and 2-1.1.13 state that the City shall prepare an inventory which, at a minimum, shall identify the number and type of affordable/ workforce units; prepare a report which will include a five-year work program for affordable housing needs; and draft a report recommending the best means for affordable housing acquisition. However, the deadlines for completion of the policies have been deleted, providing no measurable timeframe for the conclusion of the subject activities. If the inventory and reports have been completed, the City should submit them to the Department as data and analyses; if not, the City should include a timeline for their completion.

The City presently has a Workforce Housing Study that contains most of the data called for in the three policies; however, it was adopted in 2006 and is out of date. Further, the City has an affordable housing deficiency. Therefore, to be consistent with Policy 2-1.1.8., the City needs to update the study as soon as practicable, and every five years thereafter.

Comment: Objective 3-2.1 affirms that adequate wastewater treatment and disposal facilities must be available at the time a “Development Permit” is issued in order to meet concurrency with impacts of the subject development. The term “Development Permit” is a general, non-specific term, and could apply to any number of permit types. The policy should be revised to specify the type of development permit issuance necessary to require a development’s concurrence with the availability of wastewater treatment and disposal facilities. The Department notes that Section 163.3180(2), *Florida Statutes*, states that prior to the issuance of a Certificate of Occupancy or its functional equivalent, it is necessary for a development to meet the referenced concurrency. A local government can, however, require another type of permit earlier in the development process to meet the goal of this Objective.

Comment: Policy 4-1.7.3 states that the City shall implement activities to protect habitat in endangered species focus areas. The City, however, deleted the two-year timeframe for beginning the activities. The policy goes on to state that the city biologist **shall** coordinate with FFWC and the USFWS to develop a list of undesirable exotic wildlife species (and) in accordance with this list, the City **shall** adopt an exotic wildlife ordinance which shall restrict the sale and handling of listed undesirable exotic species. The policy, by the deletion of the timeframe, does not include a date certain to begin the implementation of the subject activities, but only indicates that these activities shall be conducted. Additionally, the City did not include data and analysis confirming what activities have presently been implemented to protect habitat in endangered species focus areas.

The City should submit data and analyses to confirm what activities have been or are being implemented within the previously adopted two-year timeframe. Additionally, the City should include a date certain for the forthcoming implementation of the activities that it states “shall” be conducted. The data and analyses should also specifically indicate the priority sites for conservation acquisition within improved subdivisions.

Comment: Policy 4-1.8.2 refers to the maintenance of an inventory of abandoned mine pits. No data and analysis, however, was submitted regarding the inventory. Further, the policy deleted the timeframe for completion of the inventory. The fact that the Policy states the inventory **shall** include, at a minimum, the location, ownership, size, general description of existing site conditions, and general description of potential environmental problems for each abandon pit, indicates that the subject inventory may be incomplete.

The City should either confirm that the inventory has been complete and submit it as data and analysis relative to the abandoned mine pits, or establish a deadline for completion of the activity.

Comment: Policy 4-1.12.7 states that the City shall continue to maintain regulations to protect submerged lands in shallow water areas from boating impacts, and deleted the one year deadline for completion of the activity. The City added the verbiage - continue to maintain - indicating that this Policy has been accomplished. However, the policy goes on to state that the City **shall** accomplish the regulations by implementing sub-policies a.

through **h**. The Department is unsure whether all of the sub-policies have been completed. Further, the sub-policy language indicates that the policy has not been fully accomplished, and the City deleted the timeframe to accomplish the activities. Therefore, the projected completion of the activities is no longer measurable or specific.

The City should submit data and analysis to confirm whether the policy and sub-policies have been achieved, and to what degree. If the policy has not been completed, the City should add a date certain, as it previously did, for completion of the activities.

Comment: Policy 7-1.3.3 states that within one year of the effective date of the plan the City shall adopt revisions to the Land Development Regulations that require proportionate fair share assessment impact fees, including the costs for building bicycle and pedestrian paths along US 1. Concurrency requirements, however, were changed in the 2011 Community Planning Act, as affirmed in Section 163.3180(5)(h)3, *Florida Statutes*. The City should revise the policy to reflect the statutory changes. Additionally, because the City's Land Development Regulations do not indicate that this policy has been achieved, the City should revise the policy to include a new timeline for the implementation of the new statutory requirements.



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111 Avenue
Miami, Florida 33172-5800

ANANTH PRASAD, P.E.
SECRETARY

May 1, 2013

5/2/13

Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity
Community Planning and Development
107 East Madison Street
Caldwell Building, MSC 160
Tallahassee, Florida 32399

**Subject: Comments for the Proposed Comprehensive Plan Amendment,
Marathon #13-4ER**

Dear Mr. Eubanks:

The Florida Department of Transportation, District Six, completed a review of the *Proposed Comprehensive Plan Amendment, Marathon #13-4ER*. The District has reviewed the amendment package per *Chapter 163 Florida Statutes* and has found no impacts to transportation resources and facilities of state importance.

Please contact Ken Jeffries at 305-470-5445 if you have any questions concerning our response.

Sincerely,

Phil Steinmiller
District Planning Manager

Cc: Harold Desdunes, PE, Florida Department of Transportation, District 6
Aileen Boucle, AICP, Florida Department of Transportation, District 6
George Garrett, City of Marathon
Mayte Santamaria, Monroe County



MEMORANDUM

AGENDA ITEM #III.D

DATE: MAY 6, 2013
 TO: COUNCIL MEMBERS
 FROM: STAFF
 SUBJECT: LOCAL GOVERNMENT COMPREHENSIVE PLAN PROPOSED AND ADOPTED
 AMENDMENT CONSENT AGENDA

4/22/13

Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to 1) adverse effects on regional resources and facilities identified in the *Strategic Regional Policy Plan for South Florida (SRPP)* and 2) extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region.

A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State Land Planning Agency within 30 calendar days of receipt of the amendment.

Staff analysis confirms that the proposed and/or adopted amendments identified in the Table below are generally consistent with and supportive of the Goals and Policies of the SRPP. Attached are the separate amendment review forms that will be sent to the local government and State Land Planning Agency. Exhibit A, attached, is a general location map of those amendments listed below that includes a Future Land Use Map amendment.

Local Government and Plan Amendment Number	Proposed	Adopted	Amendment	Proposed Council Review Date and Consistency Finding	Local Government Transmittal or Adoption, Public Hearing and Meeting	Governing Body Adoption Vote
Islamorada #13-5ACSC	✓	N/A	1	N/A	March 28, 2013	5-0
Islamorada #13-6ACSC	✓	N/A	2	N/A	April 8, 2013	5-0
Marathon #13-4ER	✓	N/A	3	N/A	April 9, 2013	5-0
Miami #13-2ESR*	N/A	✓	4	March 4, 2013 Consistent	March 28, 2013	3-0
Southwest Ranches #13-1ESR	N/A	✓	5	March 4, 2013 Consistent	Feb. 28, 2013	5-0
Sunrise #13-1ESR	N/A	✓	6	April 1, 2013 Consistent	April 23, 2013	5-0

*includes FLUM amendment

Attachment 3

FLORIDA REGIONAL COUNCILS ASSOCIATION
LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENT REVIEW FORM 01

South Florida Regional Planning Council Agenda Item and Date: ILLD; May 6, 2013.

Local Government Amendment Number: City of Marathon #13-4ER

Date Comments due to Local Government: May 15, 2013.

Date Mailed to Local Government and State Land Planning Agency: Prior to May 15, 2013.

Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan for South Florida (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the state land planning agency within 30 calendar days of receipt of the amendment.

DESCRIPTION OF AMENDMENT

The proposed amendment package contains the City of Marathon's 2013 Evaluation and Appraisal Report-based text and map amendments. Nine (9) Elements and the Future Land Use Map (FLUM) of the Comprehensive Plan would be amended. The majority of the amendments address updating Policies to reflect accomplishments, temporal changes or changes in state requirements, including housekeeping revisions. For example, changing the Department of Community Affairs to Economic Opportunity, updating statute and rule changes and references, including cross-references for Policies for consistency across the Plan's Elements, and grammatical tense or temporal changes to reflect current status of Goals, Objectives, and/or Policies. Other changes would include a new 5-Year Capital Improvements Program (Fiscal Year 2013 - 2017), two new proposed maps within the City's Map Series: Protected Species and Species Focus Area, and an update to the Future Land Use Map reflecting all adopted FLUM changes since 2005. No new FLUM changes are being proposed.

Comment

Council staff commends the City for its efforts to thoroughly update its Comprehensive Plan despite the 2011 legislative changes that deleted the requirements for adopting an Evaluation and Appraisal Report every seven years. Council staff has not identified adverse effects to regional resources and facilities or extrajurisdictional impacts that would result from the text amendments. However, regarding the new proposed Policy 1-2.2.4 related to Hurricane Modeling, staff recommends incorporating the underlined changes below:

"For hurricane evacuation clearance time modeling purposes, as long as the non-resident population can be evacuated in the 24 hours prior to a general evacuation order, clearance time shall begin when the Monroe County Emergency Management Coordinator issues the evacuation order for the permanent resident population for a hurricane that is classified as a Category 3-5 wind event or Category C-E surge event..."

Additionally, the City may want to incorporate a reference to the Florida Keys Clearance Time Memorandum of Understanding (MOU).

1. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN.

Not Applicable.

2. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH ANY COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION.

Not Applicable.

The Council requests the local government please send a copy of the adopted version of the amendment.

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

May 2011

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, in **color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the Department of Economic Opportunity posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity to the ORC report from the Department of Economic Opportunity.

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

October 31, 2013

The Honorable Mike Cinque
Mayor, City of Marathon
9805 Overseas Highway
Marathon, Florida 33050

Dear Mayor Cinque:

The Department of Economic Opportunity has completed its review of the comprehensive plan amendment adopted by the City of Marathon on September 10, 2013 (Amendment No. 13-4ER). We have reviewed the amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4) Florida Statutes (F.S.) and have determined that the adopted amendment meets the requirements of Chapter 163, Part II, F.S., for compliance, as defined in Section 163.3184(1)(b), F.S. The Department of Economic Opportunity is therefore issuing a Notice of Intent to find the comprehensive plan amendment "In Compliance." A copy of the Notice of Intent has been posted on the Department of Economic Opportunity's Internet website. You may access the Notice of Intent at <http://dca.deo.myflorida.com/finddocumentsonline/>.

The Department of Economic Opportunity's Notice of Intent to find a plan amendment "In Compliance" shall be deemed to be a final order if no timely petition challenging the amendment is filed. If this plan amendment is challenged by an affected person, the amendment will not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before it has become effective.

If you have any questions related to this review, please contact Rebecca Jetton, at (850) 717-8494, or by email at Rebecca.Jetton@deo.myflorida.com.

Sincerely,

Mike McDaniel
Comprehensive Planning Manager

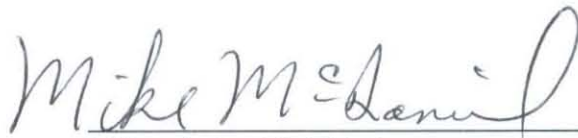
MM/ap

cc: George Garrett, Director of Planning, City of Marathon
James Murley, Executive Director, South Florida Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY, THE STATE LAND PLANNING
AGENCY
NOTICE OF INTENT TO FIND THE
CITY OF MARATHON
COMPREHENSIVE PLAN AMENDMENTS
IN COMPLIANCE
DOCKET NO. 13-4ER-NOI-4406-(A)-(I)

The Department gives notice of its intent to find the Amendments to the Comprehensive Plan for the City of Marathon, adopted by Ordinance No. 2013-04 on September 10, 2013, IN COMPLIANCE, pursuant to Section 163.3184(4), F.S.

If a timely petition challenging the Amendments was not filed within thirty (30) days after the local government adopted the Amendments, the Amendments become effective upon the posting of this Notice of Intent on the Department's Internet Website. If a timely petition was filed, the Amendments do not become effective until the Department or the Administration Commission enters a final order determining that the Amendments are in compliance.



Mike McDaniel, Chief
Bureau of Community Planning
Division of Community Development
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399