

**CITY OF MARATHON, FLORIDA
ORDINANCE 2014-08**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 103, ARTICLE 3, "USE AND INTENSITY TABLES," TO INCLUDE TABLE 103.15.1; AMENDING CHAPTER 104 ARTICLE 1, "SPECIFIC USE REGULATIONS;" AND AMENDING CHAPTER 110, ARTICLE 3, "DEFINITIONS" OF THE LAND DEVELOPMENT REGULATIONS (LDRS) AS THESE CHAPTERS RELATE TO ALLOWED USES (TO INCLUDE, BUT NOT LIMITED TO, CONSTRUCTION AND DEMOLITION DEBRIS TRANSFER FACILITY ACTIVITIES; RECYCLING, AND JUNK, SALVAGE, OR RECYCLED METAL YARD ACTIVITIES), THE DEFINITION OF THOSE USES, AND CONDITIONS OF APPROVAL FOR THOSE USES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE DEPARTMENT OF ECONOMIC OPPORTUNITY IN ACCORDANCE WITH STATE LAW.

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, provides for comprehensive plan implementation through the enactment of certain ordinances; and

WHEREAS, the City Council, based on an expressed deficiency in the allowed uses in the City's Land Development Regulations (LDRs), requested that staff develop an Ordinance which provides an additional "allowed use within the Industrial (I) FLUM and Industrial General (-G) land use categories consistent with the City Comprehensive Plan; and

WHEREAS, the proposed changes to the current Land Development Regulations (LDRs) are consistent with the goals, objectives, and policies set forth in the Comprehensive Plan,

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

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

Section 2. Chapter 103, Article 3, Sections 103.15, Table 103.15.1 Uses by Zoning District of the Code of Ordinances, City of Marathon, Florida is hereby amended to read as follows:

Table 103.15.1
Uses by Zoning District

Uses in bold have specific conditions listed in Chapter 104

ZONING DISTRICT	C-NA	C-OI	RL-C	RL	RM	RM-1	RM-2	R-MH	RH	MU	MU-M*	I-G	I-M*	A	P	PR

<u>C & D Debris Transfer Facility</u>												<u>C</u>				

Duplex Dwellings					C		C	P	P	C						

<u>Junk, Salvage, or Recycled Metal Yard</u>												<u>C</u>				

<u>Modular Home</u>	P	P	P	P	P	P	P	P	P	P	P	P	P			A

<u>Seafood Processing & Packaging</u>										<u>C</u>	<u>P</u>	<u>C</u>	<u>P</u>			

Single Family Dwellings	P	P	P	P	P	P	P	P	P	P	P	P	P			A

<u>Submerged Mooring Facilities</u> **										<u>C</u>	<u>C</u>		<u>C</u>			<u>C</u>

Triplex dwellings								P	P							

** Submerged Mooring Facilities may only be permitted in association with upland areas whose zoning is shown as having a "C"

Note for incorporation into the LDRS and specifically MuniCode, the terms "Duplex Dwellings", "Single Family Dwellings," and "Triplex Dwellings" shall no longer be highlighted in Bold

Section 3. Chapter 104, Article 1, of the Code of Ordinances, City of Marathon, Florida is hereby amended to add or modify the following sections:

[Section 104.13.] Construction & Demolition Debris Transfer Facility.

Construction and Demolition Debris Transfer Facilities (“C&D Facilities”) are allowed as a permissible Conditional Use as provided in the City of Marathon Land Development Regulations through a Administrative Permit (Permit As-Of-Right) process if the City Council approves after a finding that the Applicant shall have met which meet the minimum conditions as outlined below.

1. **Application:** An application to establish a construction and demolition debris transfer facility shall include the following materials:

A. Detailed pre project site plan to include as applicable:

- (1) Site survey and civil site plan including, but not limited to;
- (2) Property lines, Mean High Water Line (MHWL), and dimensions of the parcel
- (3) Existing ground elevations;
- (4) FEMA FIRM Flood Zone boundaries and elevations.
- (5) Existing structures and use of structures including dimensions and area
- (6) Roadways and properties contiguous with the parcels(s) proposed for project development.
- (7) Any stormwater and/or other environmental control structures and/or improvements
- (8) Setbacks of existing structures and existing buffer features

B. Detailed proposed project site plan, in addition to above, to include as applicable:

- (1) Proposed elevations and grade, including estimates of required fill
- (2) Proposed structures including dimension and area
- (3) Parking (including handicap parking) and loading zone locations and dimensions
- (4) Calculations for open space ratios, floor area ratios, density and parking
- (5) Outdoor lighting location, type, power and height
- (6) Extent and area of wetlands, open space areas, and landscape areas
- (7) Location of solid waste separation, storage and removal
- (8) Type of ground cover such as asphalt, grass, pea rock
- (9) Sewage treatment facilities
- (10) Existing and proposed fire hydrants or fire wells

C. Building Plans

- (1) Construction drawings developed to meet minimum standards of the applicable Florida Building Code in effect at the time of application
- (2) Floor Plans and Elevations of all proposed structures with the elevations of the following features referenced to NGVD: Existing grade, finished grade, finished floor elevations (lowest supporting beam for V-zone development), roofline and highest point of the structure.

D. Landscape / Screening Plans, including but not limited to, as applicable:

- (1) Open space preservation areas
- (2) Size and type of buffer yards including the species, size, and number of plants

- (3) Parking lot landscaping including the species, size and number of plants
- (4) Existing natural features
- (5) Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced
- (6) Transplantation plan (if required)
- (7) All C&D Facilities shall be screened from view of contiguous residential areas on all sides by an opaque masonry wall a minimum of eight (8) feet in height but not to exceed twelve (12) in height, per the intent of Chapter 107.85 A. of the LDRs. In addition, Chapter 107, Sections 107.70 and 107.71 shall be strictly adhered to. If a masonry wall or full landscape buffer is absolutely not physically possible at any area of the subject property due to existing site constraints, the Planning Director may provide an exception to reduce or eliminate either consistent with exceptions issued for other similar properties.

E. Drainage Plans with drainage calculations. The plan must show existing and proposed topography, all drainage structures, retention areas and drainage swales, and existing and proposed permeable and impermeable areas.

F. Environmental Assessment: The environmental assessment shall be prepared by a registered engineer, landscape architect, architect or environmental professional with the appropriate qualifications and shall include the following information, but be limited to, how the project will adequately comply applicable federal, state and city and county standards for protection of water, air and other natural resources; and

2. Conditions of Approval: As part of considering an application for development approval, the City may include additional conditions that further address compliance with specific requirements of the City's LDRs and applicable Building Codes in place at the time of approval and may including but not limited to include the following:

- A. Must provide a stormwater management plan, necessary containment structures and procedures to protect groundwater resources;
- B. Must provide a dust and emission control management plan;
- C. May need to provide fencing of processing, storage and shipping areas;
- D. Must provide explicit hours of operation;
- E. Must provide a lighting plan;
- F. If required by other agencies, must provide a monitoring program for protection of air, natural and water resources;
- G. Must provide a plan for litter control;
- H. Must provide a plan for noise control; and
- I. Traffic control measures - No stacking or loading shall be allowed of project vehicles on any City or State Right-Of-Way contiguous to or adjacent to the project property. Specific to the area zone Industrial (I) located approximately at the northeast corner of the Marathon Airport, ALL truck traffic associated with the operation of the project entering or leaving any approved C & D Facility must utilize 107th Street for

ingress and egress to and from U.S. Highway 1. The only exceptions to this regulation is if there is a required short term detour not of the project's making requiring the use of other surface streets or if project vehicles have specific business (pick-up or delivery) between 117th Street, Gulf on the east and Aviation Boulevard on the west and north of U.S. Highway 1.

J. Other Agencies and Necessary Permits – Letters of coordination and or permits may be required prior to construction or initiation of operations. Necessary letters of coordination and permit applications should be submitted at time of application to be followed up with necessary approved permits at time of commencement of construction as follows and as applicable:

- (1) City of Marathon, City Fire Chief – (305) 743-5266 including all necessary equipment that is acceptable to the City of Marathon Fire Marshall.
- (2) City of Marathon, Utilities Manager- (305) 289-5009
- (3) Florida Department of Environmental Protection (FDEP) – (305) 289-2310
- (4) Florida Department of State, Division of Historic Resources
- (5) Florida Department of Transportation (FDOT) – (305) 289-2350
- (6) Florida Keys Aqueduct Authority (FKAA) – (305) 743-5409
- (7) Florida Keys Electric Cooperative (FKEC) – (305) 743-5344
- (8) Monroe County Department of Health – (305) 289-2721
- (9) South Florida Water Management District (SFWMD)
- (10) U.S. Army Corps of Engineers (ACOE) – (305) 743-5349
- (11) U.S. Fish and Wildlife Service (USFWS) – (772) 562-3909, ext. 306
- (12) Other, as applicable to the project

3. ***Plan of Operation:*** A proposed plan of operation for the facility shall include the following and be approved by the City prior to the initiation of project operations:

- A. Days and hours of operation shall be limited to Monday through Saturday between the hours of 7:00 AM and 6:00 PM if the overall project site is contiguous with any property whose zoning category allows and currently has residential development; and
- B. All C&D Facilities shall be required to maintain their Screening and Landscape Buffers as approved under the terms of this Section; and
- C. Traffic control measures – An approved C&D Facility shall be required to maintain traffic control measures as defined herein such that all vehicles which access the Facility are required to follow the traffic control measures. No stacking or loading shall be allowed of project vehicles on any City or State Right-Of-Way contiguous to or adjacent to the project property. Specific to the area zone Industrial (I) located approximately at the northeast corner of the Marathon Airport, ALL truck traffic associated with the operation of the project entering or leaving any approved C & D Facility must utilize 107th Street for ingress and egress to and from U.S. Highway 1.

The only exceptions to this regulation is if there is a required short term detour not of the project's making requiring the use of other surface streets or if project vehicles have specific business (pick-up or delivery) between 117th Street, Gulf on the east and Aviation Boulevard on the west and north of U.S. Highway 1.

- D. An approved C&D Facility shall be required to comply with required noise control measures approved by the City under this Section; and
- E. An approved C&D Facility shall be required to manage any solid waste product or by-products of day to day operations in compliance with a solid waste management plan approved under this Section and in compliance with FDEP and other required project permits; and
- F. An approved C&D Facility shall be required to maintain all stormwater management structures approved and permitted under this Section and in compliance with FDEP and other required project permits ; and
- G. An approved C&D Facility shall be required to exercise dust control measures in compliance with a dust management plan approved by the City under this Section and in compliance with other state and federal permits; and
- H. *Compliance with Natural Resources Protection Laws & Permits:* A C&D Facility shall comply with all applicable federal, state, City and County regulations regarding protection of air, groundwater, surface water and other environmental and natural resources. All necessary permits and permit conditions shall be in place prior to the initiation of project operation. Failure to comply with any such permit necessary for project operation, based on any compliance measures taken by a local, State, or Federal permitting agency, shall suspend City approvals until compliance is regained in the view of the permitting agency. In no case shall the level of suspension of permitted project activities taken in this regard by the City be greater than the agency taking action.
- I. An approved C&D Facility shall be required to maintain all fire prevention and suppression equipment in compliance with all state fire and building codes.

4. **Enforcement and Penalties:**

The City may enforce the provisions of this Chapter and Section by any lawful means including, but not limited to, in accordance with section 1-7 of this Code; or in accordance with chapter 10 of this Code.

More specifically, in order to assure compliance with the provisions of this Ordinance the following applies:

The Applicant, by accepting this Permit, specifically agrees to allow authorized City personnel, upon presentation of credential or other documents as may be required by law, and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- (a) Have access to and copy any records that must be kept under the conditions of the Permit;
- (b) Inspect the facility, equipment, practices, or operations regulated or required under this Permit; and
- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this Permit or City rules, Reasonable time may depend on the nature of the concern being investigated,

8. If, for any reason the Applicant does not comply with or will be unable to comply with any condition or limitation specified in this Permit, the Applicant shall immediately provide the City with the following information:

- (a) A description of and cause of noncompliance; and
- (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

The Applicant shall be responsible for any and all damages which may result and may be subject to enforcement action by the City for penalties or revocation of this Permit under the provisions of this Section or as may be appropriate under Chapters 1-7 or 10 of the City Code of Ordinances.

[Section 104.278.] Junk, Salvage or Recycled Metal Yard.

A junk, salvage, or recycled metal yard may be allowed pursuant to Table 103.15.1, if the City Council approves after a finding that the Applicant shall have met-subject to the following standards:

- A. *Review and Approval:* An application to establish a junk, salvage or recycled metal yard shall include the following materials:
 - 1. *Environmental Assessment:* The environmental assessment shall be prepared by a registered engineer, landscape architect, architect or environmental professional with the appropriate qualifications and shall include the following information:
 - 2. All applicable federal, state and city and county standards for protection of water, air and other natural resources; and
 - 3. The manner in which the proposed facility complies with all requirements.
 - 4. *Plan of Operation:* A proposed plan of operation for the facility shall include the following:
 - (a) Days and hours of operation; and
 - (b) Manner of disposal or sale of waste products or recycled materials.
- B. *Conditions of Approval:* As part of considering an application for development approval, the Council may include conditions that address the following:
 - 1. Containment structures and procedures to protect groundwater resources;
 - 2. Dust and emission control;
 - 3. Fencing of processing, storage and shipping areas as required by Subsection E. below ;
 - 4. Height of stockpiles of processed and unprocessed materials;
 - 5. Hours of operation;

6. Lighting;
 7. Monitoring program for protection of air, natural and water resources;
 8. Litter control;
 9. Noise; and
 10. Traffic impacts, including any truck traffic on local residential roads.
- C. *Prohibited Activities:*
1. *Sale of Vehicles:* The sale of operable vehicles is prohibited.
 2. *Processing of Debris:* A yard or facility shall not process any woody or vegetative wastes or construction or demolition debris unless otherwise approved separately as a consideration under Section 104.13 above.
- D. *Compliance with Natural Resources Protection Laws:* A yard shall comply with all applicable federal, state, City and County regulations regarding protection of air, groundwater, surface water and other environmental and natural resources.
- E. *Screening:* All junk, salvage or recycled metal yards shall be screened from view of a public right-of-way on all sides by an opaque masonry wall a minimum of six (6) feet in height and with two (2) feet of ornamental superstructure. The required wall along a public right-of-way shall conform to the front yard requirement of the district in which it is located.
- F. *Fire Protection:* The facility shall adopt and maintain a fire prevention and suppression program, including all necessary equipment that is acceptable to the City of Marathon Fire Marshall.

Section 4. Chapter 110, Article 3, “Defined “Terms,” of the Code of Ordinances, City of Marathon, Florida is hereby amended to add or modify the following definitions

:

Construction and Demolition Debris:

As set out in Chapter 403.703 (6) F.S., “Construction and demolition debris” means discarded materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste will cause the resulting mixture to be classified as other than construction and demolition debris. The term also includes:

- (a) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;
 - (b) Except as provided in s. 403.707(9)(j), yard trash and unpainted, nontreated wood scraps and wood pallets from sources other than construction or demolition projects;
 - (c) Scrap from manufacturing facilities which is the type of material generally used in construction projects
- and which would meet the definition of construction and demolition debris if it were generated as part of a

construction or demolition project. This includes debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; and

(d) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

Construction and Demolition Debris Transfer Facility:

A Construction and Demolition Debris Transfer Facility (“C&D Facility”) is one generally permitted pursuant to Sections 403.061, 403.087, and 403.707 F.S. as well as, Florida Administrative Code (F.A.C) Rules 62-4, 62-160, 62-302, 62-522, and 62-701. For the purposes of the City’s LDRs such approvals shall allow the construction and operation of a Solid Waste Process Facility (Transfer Station with Construction and Demolition Debris Recycling). The facility shall be permitted to receive only residential and commercial C&D debris, yard trash, and recyclable materials (wood, cardboard, metals, etc.) for transferring recyclable materials to appropriate recyclers and transferring non-recyclables to a state-approved disposal facility. The facility shall not accept any material as part of curbside solid waste (garbage) collection. No hazardous, putrescible or biomedical waste shall be accepted at the facility.

All unauthorized non-hazardous waste that can be identified on the haulers' vehicles prior to tipping shall not be unloaded at the site. Any unauthorized non-hazardous waste that is identified after tipping shall be reloaded on haulers' vehicles or shall be removed from the waste stream and placed into appropriate containers or secure areas for recycling or disposal at a facility authorized by the Department to receive such waste. If any hazardous waste is identified, before or after unloading, the operator shall notify the State Department of Environmental Protection (“the Department”) before redirecting / rejecting / reloading the waste, and follow the instructions from the Department and shall be managed in accordance with the provisions of F.A.C Rule 62-730. The operator, whenever possible, shall record the name of the person responsible for shipping the waste to the facility, the generator of the waste and particulars of transport vehicle. The area where the waste is unloaded shall immediately be cordoned off from public access. If the generator or hauler cannot be identified, the facility operator is responsible for cleanup, transportation and disposal of the waste at a permitted hazardous waste management facility.

Recyclable material,

As set out in Chapter 403.703 (26) F.S., “Recyclable material” means those materials that are capable of being recycled and that would otherwise be processed or disposed of as solid waste.

Recycling,

As set out in Chapter 403.703 (27) F.S., “Recycling” means any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Objective 3-3.2 of the Infrastructure Element specifically addresses the City’s desire to “*Promote Recycling.*” In Policy 3-3.2.1, the Comprehensive Plan states that 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. The City, in

conjunction with Monroe County, shall continue to implement a citywide mandatory curbside recycling program, unless an alternative method of recycling is put in place. In Policy 3-3.2.3, the Plan further states that “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 participate by properties, which are not equipped to participate in the curbside collection programs.” As such, the term recycling shall be interpreted to mean processes and related facilities intended to implementation and/or enhancement of the existing curbside recycling program. Such activities and related physical facilities may include, but not be limited to, recycling at curbside which already occurs at regular frequencies to collect paper, plastics, and various metal products or the recent creation of an “EWaste” recycling program in coordination with Monroe County.

Section 5. The Provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. The provisions of this Ordinance are declared to be severable, and if any sentence, section, 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 sentences, sections, clauses or phrases of the 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. It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 8. The provisions of this Ordinance constitute a “land development regulation” as state law defines that term. Accordingly, the City Clerk is authorized and directed to forward a copy of this Ordinance to the State Department of Economic Opportunity for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 9. This Ordinance shall be effective immediately upon approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 24th DAY OF June, 2014.

THE CITY OF MARATHON, FLORIDA



Dick Ramsay, Mayor

AYES: Bartus, Keating, Bull, Senmartin
NOES: Ramsay
ABSENT: None
ABSTAIN: None

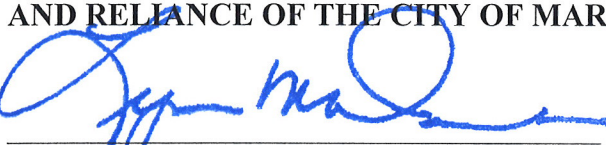
ATTEST:



Diane Clavier, City Clerk

(City Seal)

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



City Attorney

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY**

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY CITY OF MARATHON
ORDINANCE NO. 2014-08

**FINAL ORDER
APPROVING CITY OF MARATHON ORDINANCE NO. 2014-08**

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Florida Statutes, approving land development regulations adopted by the City of Marathon, Florida, Ordinance No. 2014-08 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by § 380.0552, Florida Statutes, as an area of critical state concern. The City of Marathon, is a local government within the Florida Keys Area.
2. The Ordinance was adopted by the City of Marathon on June 24, 2014, and rendered to the Department on August 6, 2014.
3. The Ordinance amends the City of Marathon Code Of Ordinances Appendix, Chapter 103, Article 3, “Use and Intensity Tables,” Section 103.15 and Table 10.15.1; Appendix, Chapter 104, Article 1, “Specific Use Regulations;” and Chapter 110, Article 3, “Definitions.” These amendments add new uses, including Construction and Demolition (C&D) Debris Transfer Facilities, provides new Special Use Regulations for C&D Debris Transfer Facilities, modifies the Special Use Regulations by adding Section 104.13, makes a minor modification to Section 104.17, and creates the definition for Construction and Demolition Debris, Construction and Demolition Debris Transfer Facility, Recyclable Material, and Recycling.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and (11), Florida Statutes.

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. §380.0552, Florida Statutes and Florida Administrative Code Chapter 28-29.

6. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Florida Statutes.

8. The Ordinance is consistent with the City of Marathon Comprehensive Plan generally, and specifically Chapter 1, Goal 1-1 (Manage Growth), Policy 1-1.1.4 (Transition between Land Uses), Chapter 3, Goal 3-1 (Provided Needed Public Facilities), Objective 3-3.2 (Promote Recycling), and Policy 3-3.2.3 (Establish Drop-Off Collection Programs).

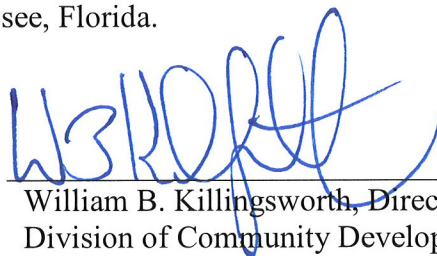
9. The Ordinance is consistent with the Principles for Guiding Development in section 380.0552(7), Florida Statutes, as a whole, and is specifically consistent with the following Principles:

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that the City of Marathon Ordinance No. 2014-08 is consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.



William B. Killingsworth, Director
Division of Community Development
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S

ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

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

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

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF RECEIPT OF THIS NOTICE. A PETITION IS FILED WHEN IT IS **RECEIVED** BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON STREET, MSC 110
TALLAHASSEE, FLORIDA 32399-4128
TELEPHONE: (850) 245-7160
FAX (850) 921-3230
Email: James.Bellflower@deo.myflorida.com

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS

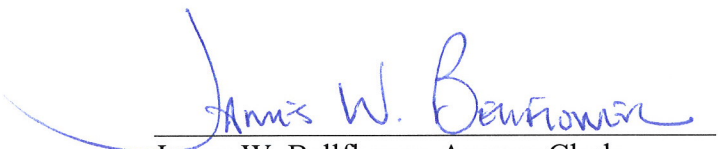
REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 21 day of AUGUST, 2014.


James W. Bellflower, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:

The Honorable Dick Ramsay, Mayor
City of Marathon, City Council
9805 Overseas Highway
Marathon, FL 33050

Diane Clavier, Clerk
City of Marathon
9805 Overseas Highway
Marathon, FL 33050

George Garrett, Director
City of Marathon, Planning Department
9805 Overseas Highway
Marathon, FL 33050