



City of Marathon Planning Commission
Monday January 23, 2023
9805 Overseas Hwy
City Hall Council Chambers
5:30 PM

1. **Call To Order**
 2. **Pledge Of Allegiance**
 3. **Roll Call**
 4. **Approval Of Minutes**
 5. **Quasi-judicial Statement**
 6. **Items For Public Hearing**
 7. **Adjournment**
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5. Please be advised that some of the items on the agenda are quasi-judicial in nature. If you wish to give testimony on any item, please inform the Boards clerk by filling out an available sign-up form. An opportunity to speak will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, all persons giving testimony may be subject to cross examination. If you refuse either to be cross examined or to be sworn your testimony will not be considered. The public will not be allowed to cross examine witnesses, but they can ask the Commission to ask questions on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization.

6. Items For Public Hearing

1. Consideration Of A Request For A Conditional Use Permit And Preliminary Plat Approval Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits” Respectively, For A Plat And Site Plan Approval As Submitted By Vaca Homes, LLC, Located At 11901 Overseas Highway; Which Is Legally Described As Part Of Lot 3 South Of Overseas Highway, Section 5, Township 66 South, Range 33, Fat Deer Key, Monroe County, Florida; Having Real Estate Number 00100740-000000, Nearest Mile Marker 53.
2. Consideration Of A Request For A Conditional Use Permit For A Preliminary Plat And Site Plan Approval As Submitted By La Palma 101 Inc For A Plat Pursuant To Chapter 102, Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits” Respectively, Particularly, 400-800 101 And 104th Street Which Is Described

As Part Of Government Lot 2, And Adjacent Bay Bottom, Section 6, Township 66S, Range 33E, Key Vaca, Monroe County, Florida, Having Real Estate Number 00104460-000100 And 00104460-000000. Nearest Mile Marker 52.

3. An Ordinance Of The City Of Marathon, Florida, Amending The City's Land Development Regulations, Chapter 104, "Specific Use Regulations," Article 1, "General Provisions," Section 104.64, "Waterfront Walkways And Docks:"; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After Final Adoption By The City Council; And Providing For An Effective Date.
4. An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Seven, "Transportation Element," And Intending To Modify Policies 7-3.1.1 Through 7-3.1.3, "Ensure Consistency With The Plan," "Protect Environmentally Sensitive Lands," And "Protect The Airport Hammock Buffer," Respectively. Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date.
5. An Ordinance Of The City Of Marathon, Florida Amending Chapter 102, Article 13, Entitled "Conditional Use Permits"; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; And Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing For An Effective Date.



**City of Marathon Planning Commission
Monday December 19, 2022
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Sexton called the meeting of the Planning Commission to order on Monday, December 19, 2022, at 5:30 pm.

In attendance: Planning Director Brian Shea, Attorney Steve Williams, Planner Amber Stonik, Planner Erin Dafoe, and members of the public.

The Pledge of Allegiance was recited.

Shea introduced the new commissioners, Mark Senmartin and Andrew George.

The roll was called. Matt Sexton-present; Mary Ann Royse-present; Mike Cinque-present, Andrew George-absent, Mark Senmartin-present.

Cinque nominated Sexton, Senmartin seconded. 4-0 for Sexton as Chairman.

Sexton nominated Cinque for Vice-Chair; Royse seconded. 4-0 for Cinque as Vice-Chairman.

Without a quorum and with new members, the minutes of the last meeting were accept as written.

The quasi-judicial statement was read into the record.

Item 1 was read into the record: Consideration Of A Request For A Conditional Use Permit For A Plat And Site Plan Approval As Submitted By QOF, Inc. For A Plat Pursuant To Chapter 102, Article 10 Of The City Of Marathon Land Development Regulation (LDRS) Entitled "Subdivision Of Land/Plats And Re-Plats," Particularly, 4800 Overseas Hwy Unit 14 Which Is Described As Thompson And Adams Subdivision PB2-24, Part Lot 4 And Adjacent Filled Bay Bottom And Adjacent Bay Bottom (A/K/A Parcel D & Bay Bottom Parcel A), Section 10, Township 66 South, Range 32 East, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00327140-000200. Nearest Mile Marker 50.

Amber Stonik presented the item with the help of visual aids.

Royse asked about the easement for access to the units which is existing and put in place when the apartment complex was built.

There were no ex-parte communications.

There was a brief discussion on the turn around for emergency vehicles and garbage trucks.

Senmartin moved to approve the item. Royse seconded.

Royse asked for a discussion so each commissioner can voice their opinion on the item.

Cinque commented on development agreements getting approved but without TBRs.

Sexton will trust the math prepared by the planners.

Senmartin started a brief discussion on takings cases, development agreements, conditional uses, which Cinques says is not a right of the property owner, but a request from the applicant.

The roll was called. The motion was approved 4-0.

Item 2 was read into the record: Consideration Of A Request By David Crum For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“the Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Restaurant/Bar, Marina/Boat Rentals, Retail Shop/Convenience Store, and Affordable Housing Units At The Property Located At Vacant Land Overseas Highway, Which Is Legally Described As 11 66 32 Key Vaccas Part Government Lot 2 and Bay Bottom North Of And Adjacent To Part Lot 2, Marathon, Monroe County, Florida, Having Real Estate Number 00103770-000000. Nearest Mile Marker 50.

Erin Dafoe presented the item with the use of visual aids.

Sexton started the discussion with environmental/vegetation concerns.

Senmartin asked about the 10 affordable units, which are not existing now. The commission can suggest to Council a scale for the affordable units.

The applicant, David Crumb, took the podium to explain the project. There were no definite plans for the affordable housing units.

Public speakers: Charlotte Quinn. Her concerns were removal of exotics and an opaque fence with buffers be conditions for approval.

After a brief discussion on affordable housing, Senmartin moved to condition the approval LIHTC housing be applied to the affordable housing units. Royse seconded.

The roll was called. The item was approved 3-1, Sexton dissenting.

Motion and second to adjourn at 6:16 pm.

ATTEST:

Matt Sexton-Planning Commissioner Chair

ATTEST:

Brian Shea-Planning Director
City of Marathon Planning Department

DRAFT

Audio-Video is available upon request.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: Anyone needing special assistance at the Planning Commission Meeting due to disability should contact the City of Marathon at (305-) 743-0033 at least two days prior thereto.

(Please note that one or more Marathon City Council members may participate in the meeting.)

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: January 23, 2023
To: Planning Commission
From: Brian Shea, Planning Director

Agenda Item: A Request For A Conditional Use Permit And Preliminary Plat Approval Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits” Respectively, For A Plat And Site Plan Approval As Submitted By Vaca Homes, LLC Located At 11901 Overseas Highway; Which Is Legally Described As Part Of Lot 3 South Of Overseas Highway, Section 5, Township 66 South, Range 33, Fat Deer Key, Monroe County, Florida; Having Real Estate Number 00100740-000000, Nearest Mile Marker 53.

APPLICANT/ OWNER: Vaca Homes, LLC

AGENT: Sady Torres

LOCATION: The project site is located south of US1 at Vaca Cut nearest mile marker 53. See Figure 1.

Figure 1
Project Site



REQUEST: The applicant is seeking approval of a preliminary plat and conditional use for the development of eleven (11) residential units and club house with gym, meeting room and office space.

FUTURE LAND USE MAP DESIGNATION:
Mixed Use Commercial (MU-C). See Figure 2.

Figure 2
Future Land Use Map



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

Figure 3
Zoning Map



LOT SIZE:
Total acreage: 3.95 acres or 172,062 square feet

SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Mixed Use & Residential	Vacant Lot & Residential homes
East	Mixed Use	San Pablo Catholic Church
South	N/A	Bonefish Bay
West	N/A	Vaca Cut

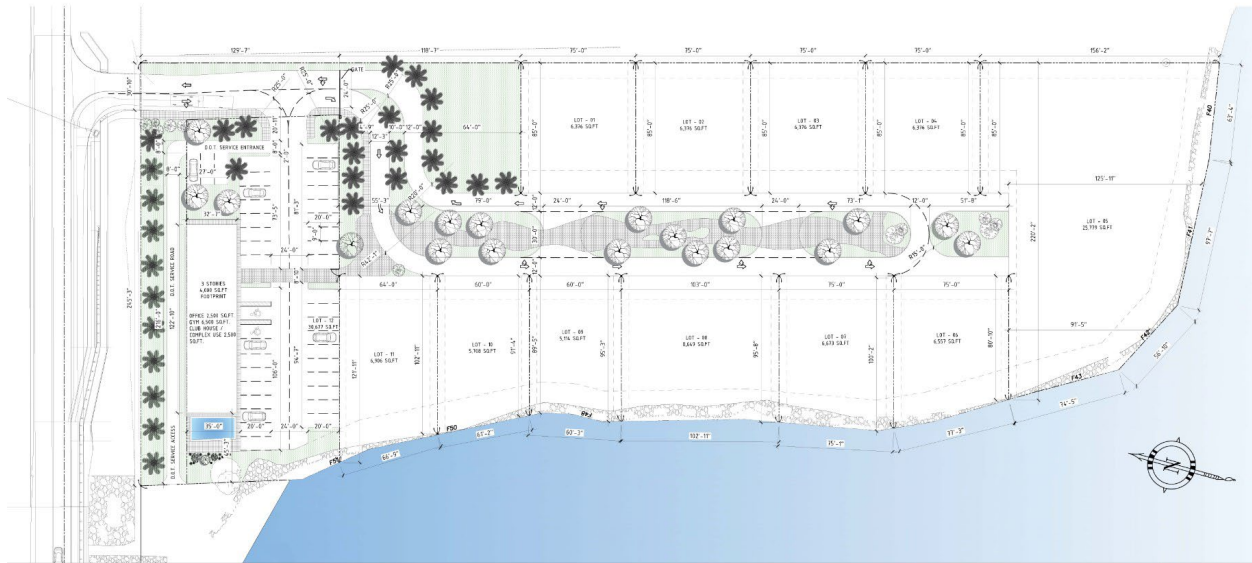
EXISTING CONDITIONS:

The project site consists of one undeveloped parcel with an access driveway.

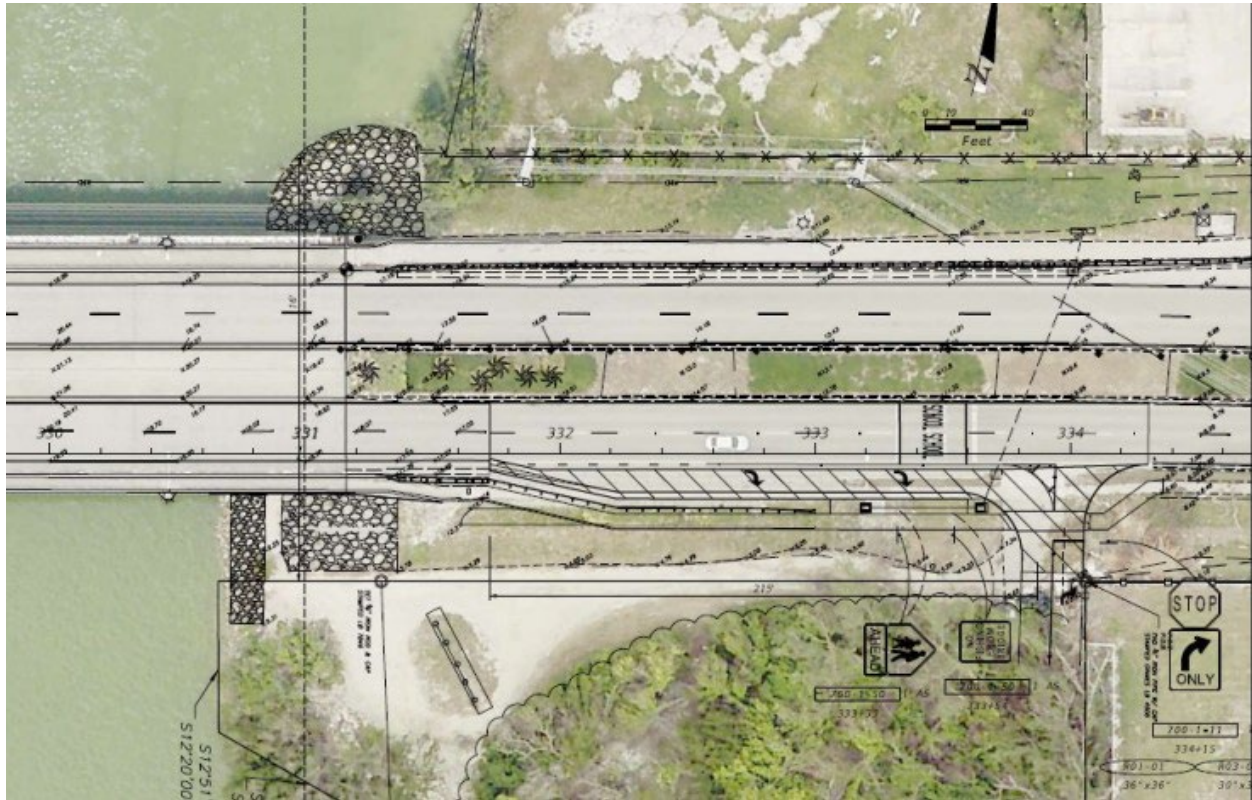
PROPOSED REDEVELOPMENT:

Residential Units: 11 Units
Club House with gym, meeting room and office space

**Figure 4
Proposed Redevelopment Site Plan**



**Figure 5
Proposed Redevelopment Deceleration Lane Site Plan**



BACKGROUND:

The proposed project is the development of residential units and a club house with gym, meeting room and office space.

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

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

CRITERIA

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

The proposed redevelopment project is located within the Mixed Use (MU) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “accommodate a wide variety of commercial and retail activities that will result in the most efficient and attractive use of the City’s historic business district and the US1 Corridor, in an effort

to recognize the role of US1 as the City of Marathon’s “Main Street.” The MU district also provides for large-scale retail and commercial business opportunities in other areas, including larger shopping center, specialty shopping centers, individual multi-tenant commercial buildings, automotive services and sales, fast food restaurants, affordable housing uses, transient lodging and other retail establishments that serve the community at large.”

The proposed project consists of the creation of affordable housing and is consistent with the Mixed-Use Zoning District. Section 103.15 establishes whether specific uses are allowed as of right, limited, accessory or conditional uses, through Table 103.15.2. That table shows that Multifamily Residential uses 5+ are allowed as Conditional Uses in the MU district. Conditional Use review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. This site has the density potential for 23 market rate units. The applicant is proposing 11 units.

The project as proposed meets the basic definition of development in the MU zoning district and will not exceed any density constraints imposed on the type of residential construction proposed.

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

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

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

The existing land use pattern in the project vicinity consists of residential development and the San Pablo Church to the east, existing residential uses and some commercial to the north, residential uses of Key Colony Beach across the water to the south, and residential uses and commercial to the west across Vaca Cut.

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

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

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

The proposed use is the development of residential use which as proposed should have no adverse impact to the health, safety, and welfare of the public. The project will incorporate the required standards of landscape and open space by the City of Marathon.

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Final review of floodplain compliance will occur as part of building permit issuance.

Additionally, the applicant will provide the required fire access and fire exit requirements to ensure that there is no adverse effect on the health, safety, and welfare of the public.

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

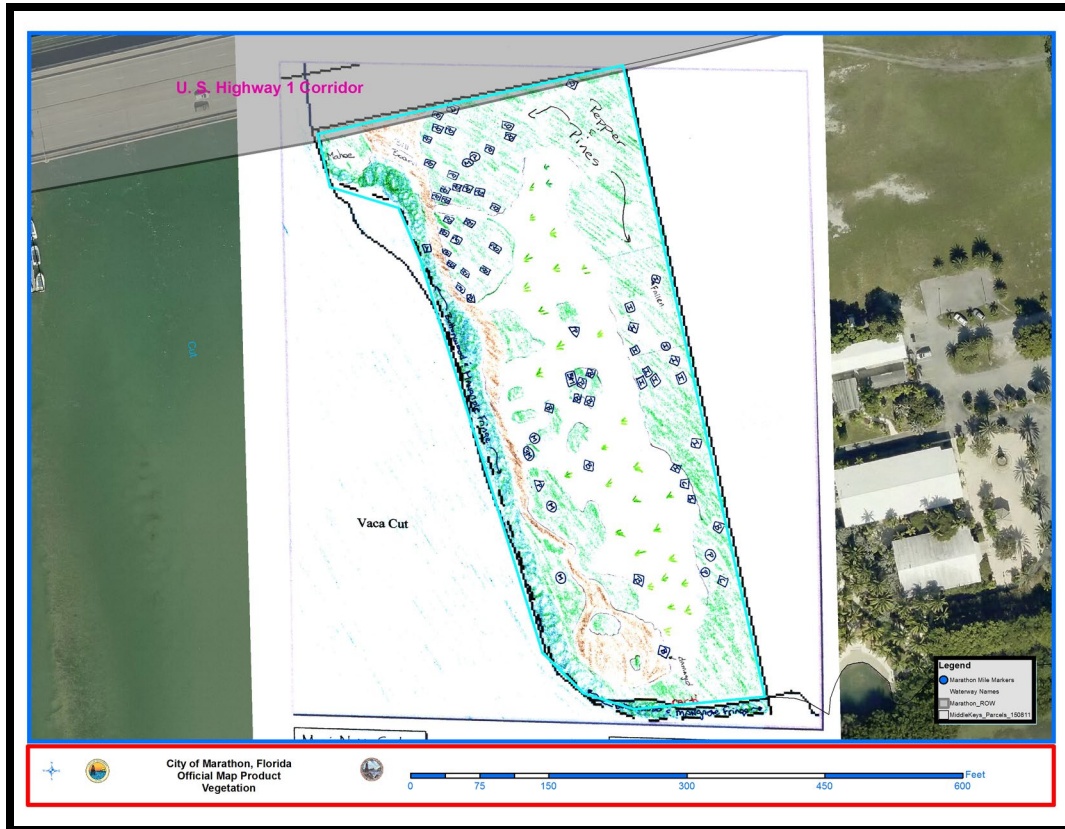
D. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:

The existing conditions maps indicate the subject area is designated as undeveloped. The property is recognized as possible habitat for a state or federally listed animal species, the eastern indigo snake. Figure 6 shows that this portion falls under the category of exotics, undeveloped land, and a mangrove fringe. The proposed redevelopment is setback from the mangrove fringe as per setback requirements in the code.

**Figure 6
Species Focus Area Habitat**



**Figure 7
Vegetation Survey**



A final tree mitigation/relocation plan will be required as part of the permitting process. This mitigation plan must show the native vegetation protection for native trees not being impacted directly by the proposed development. Any native vegetation within the development footprint will be addressed via the standards set forth in Section 106.09 of the code and referenced in the Species Assessment Guides. An additional eight buttonwoods must be planted on site, as the previous eight buttonwoods planted in 2005 for mitigation purposes did not survive the required mitigation time frame.

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

Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. The native vegetation will improve the environmental quality of the site and reduce irrigation needs.

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

- Staff requires that upon planning review, if the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- Eight buttonwood trees must be planted on site in addition to the required landscaping by code.
- A final mitigation/relocation plan must be submitted as part of the permitting process.

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

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

The applicant has provided a breakdown of the proposed occupancy of the onsite buildings. The “Trip Generation Analysis” schedule provided in the Traffic Study indicates that there will be an increase in trip generation from the existing use to the proposed use for the apartments. The traffic study determined that there would be an increase in 102 average daily trips associated with the development. The submitted study finds that the proposed increase in units will not have an adverse impact on the operating characteristics of U.S. 1, nor will it inhibit the safe flow of traffic traveling through the City of Marathon.

Ingress and egress to the property is currently provided through an existing curb cut onto US1. Vehicular access will be provided via the existing right-turn in/right-turn out only driveway on US1 and will include an exclusive eastbound right-turn lane. The applicant has received preliminary approvals with FDOT to establish an acceleration and deceleration lane on US1. The proposed driveways are an improvement to the existing access and should create safer ingress and egress than what currently exists.

Otherwise, the applicant proposes to meet all the Fire Marshall’s requirements in terms of access to this site. The addition of a fire hydrant further into the site could provide coverage for the proposed development as well as for the Church.

Therefore, the project should be considered as **not in compliance**, ONLY **in compliance** if the conditions below are met:

- Applicant must obtain an Access and Drainage Permit from the Florida Department of Transportation, as well as any other permits from the FDOT for the proposed deceleration lane in the FDOT ROW.
- The applicant must submit a final fire safety plan showing that the access road meets the running radius, overhangs, and unobstructed width as noted in NFPA 1 (2012): 18.2.3.4.3.1, 18.2.3.4.1.2, and 18.2.3.4.4, respectively.
- Additional fire hydrant to be installed on site.

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

Parking requirements are outlined in Section 107.46 (Parking Schedule). The applicant has proposed a total of sixty-three spaces for the project. Twenty-two spaces are located under the structure, while the remaining spaces are located at the clubhouse complex.

Section 107.52 includes a requirement that one handicapped space be provided for every 25 spaces required. For 63 required spaces, 3 handicapped spaces are required. Two handicapped spaces are provided, an additional space may be addressed upon permit submittal within the 31 additional spaces. Parking space sizes are 9' x 18' for 90-degree parking, and handicapped spaces are 12' x 22' required by Code.

The Code also requires bicycle parking to be provided for educational facilities, multifamily dwellings, commercial, institutional, and industrial uses, as well as all developments adjacent to a bike path, at a rate of one space for every ten parking spaces, per Section 107.48. The final site plan must therefore show the location of nine bicycle parking spaces.

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

- The final site plan submitted for permitting must show the required ADA and bicycle spaces.

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

The proposed project consists of development of a new residential use. The applicant will ensure that the development does not have any adverse effect through noise, glare, or odors. The refuse created by the development will be screened on site per section 107.39 of the code. The proposed development will be screened from US 1 with a Type 1 streetscape buffer, as referenced in Section 6 of this report. Additionally, the applicant must propose exterior lighting designed to be compatible with the surrounding properties that will minimize glare and promote traffic safety, as laid out in Section 107.54 of the Code.

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

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

Section 107.39 requires that all dumpsters and recycling bins be fully enclosed and screened. The final site plan must indicate that the dumpsters are screened and located for easy access and waste removal.

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

5. Utilities, with reference to location and availability;

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

as follows:

- Wastewater: The applicant will provide wastewater and sewage collection and disposal via a new onsite connection point. The existing connection point is not sufficient for the residential uses. The applicant will work with the utilities department, and a 6" vacuum main connecting to 122nd Street as well as a 6' gate valve outside of site within the right of way will be required.
- Water: The Florida Keys Aqueduct Authority will provide potable water for the facility.
- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards. However, a final stormwater plan will be required for building permit issuance.
- Recreation and Open Space: This redevelopment will have a de minimis impact on recreation and open space.
- Roadways: The applicant is redeveloping the site with a higher intensity than was existing; therefore, a traffic study was completed to analyze the impact on transportation facilities.
- Educational Facilities: This redevelopment will have a de minimis impact on educational facilities.

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

- City approval is required for the stormwater management system prior to Building Permit Approval.
- City approval of the modified connection to the City Wastewater Utility will be required.
- The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

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

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The subject parcel is zoned MU and is bordered to the east by an MU property. Therefore there is no project boundary buffer required. The final landscape plans must be approved by the City Biologist.

Section 107.71 A. requires that all mixed-use residential developments provide Type 1 Streetscape buffer along the entire street frontage. The project is adjacent to US1. The final landscape plan must show compliance with the buffer standards.

As mentioned previously the applicant is required to provide at a minimum eight button wood trees as part of mitigation. Additionally, the existing native vegetation on the final mitigation/relocation plan may be used as a buffer with the church property.

Table 103.15.2 and Table 106.28.1 outline setback requirements in the MU district as follow: front yard 0-30'; side yards 5'; and rear setbacks have a 20' setback from the landward extent of the mangrove fringe.

Parking area landscaping is required by Section 107.66 of the Code. Proposed parking area landscaping meets the standards set forth in the code. The applicant proposes parking spaces underneath the building that cannot be landscaped; however, site interior landscaping requirements for the structure will ensure that these spaces are still screened from the road.

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

- A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.
- A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.

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

A review of sign requirements at this stage in development approval is not necessary; however, signs for the project will be reviewed prior to issuance of a building permit according to Chapter 107, Article 7, Signs.

Article 107.54 establishes criteria for lighting, including light pole light limitations and other technical criteria. Final lighting plans will be submitted along with final landscaping plans and will include verification from the landscape architect that all provisions of the article are met.

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

- All signs will be reviewed and approved for compliance with the City of Marathon LDR's.
- A final lighting plan must be submitted prior to building permit approval.

8. Required yards and other open space;

Section 106.16 established required open space for the project. The site is scarified with exotics; therefore, a twenty percent open space requirement applies. There is common area currently being proposed as open space. In addition, each platted lot will be required to provide twenty percent open space. For parcels along the water the rear setback open space requirement is 40%.

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

9. General compatibility with surrounding properties; and

The project is the development of single-family residential homes, club house with gym, meeting area and office space in an area of the city which is relatively dense and intense. Adjacent uses include a Church and other residential dwelling unit. The development of residential units is expected to be fully compatible with these uses. The proposed project represents improvement to the current state of the site and is expected to increase compatibility with surrounding properties.

Section 107.40 restricts the height of buildings to 42' as measured from the crown of the roadway or unimproved grade. The applicant proposes to develop within this 42' limit.

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

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

Section 104.48 Residential Dwelling Units contains special requirements.

The following criteria are applicable to this redevelopment:

- The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
- Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
- The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.

The proposed development meets all applicable criteria set forth in this section.

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

CONCLUSION:

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

The proposed redevelopment consists of the replacement and enhancement of a long standing existing residential use. As such the development, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety, or welfare.

RECOMMENDATION:

Planning staff recommends that the Planning Commission forward a recommendation of conditional approval of the Residential Development to the City Council. The project as proposed is generally in compliance ONLY if the ingress and egress conditions are met. For purposes of timing final DOT approvals must be review prior to final plat being adopted. If these conditions are not met, then the project shall be not in compliance of the Conditional Use requirements. The proposed conditions of approval are listed below:

Conditions of Approval

- 1) The applicant will obtain approval of final landscaping and mitigation plans (as needed) and lighting plans in coordination with the City Biologist prior to building permit issuance;
- 2) Eight buttonwood trees must be planted on site in addition to the required landscaping by code.
- 3) Applicant must obtain an Access and Drainage Permit from the Florida Department of Transportation, as well as any other permits from the FDOT for the proposed deceleration lane in the FDOT ROW.
- 4) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal; The applicant must submit a final fire safety plan showing that the access road meets the running radius, overhangs, and unobstructed width as noted in NFPA 1 (2012): 18.2.3.4.3.1, 18.2.3.4.1.2, and 18.2.3.4.4 respectively.
- 5) Additional fire hydrant to be installed on site.
- 6) The applicant will meet all floodplain related requirements as part of the Building Permit process;
- 7) The final site plan submitted for permitting must show the required ADA and bicycle spaces.
- 8) The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
- 9) The applicant will upgrade sewer main from 4' to 6' sewer main from 122nd Street to project site and supply 6' gate valve outside of site within the ROW;
- 10) The applicant will obtain sign permits for any signs erected on the property, as required under the Code; and
- 11) Staff requires that upon planning review, if the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- 12) A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.
- 13) A final site plan must indicate that the dumpsters are screened and located for easy access and waste removal.
- 14) The applicant will obtain any required permits from FDOT prior to building permit issuance;
- 15) The applicant must obtain any other State or Federal permits and approvals prior to permit issuance.
- 16) The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- 17) The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
- 18) Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
- 19) The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.
- 20) The Applicant must obtain and transfer eleven (11) market rate housing units, to be

transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT.

- 21) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
- 22) All construction of required streets and utilities shall be completed pursuant to this Section. Construction Guarantees shall be required pursuant to Sections 102.50 and 102.51 and shall provide that if the construction of the required improvements is not completed within two (2) years after approval of the final plat, the City may deem the applicant to be in default pursuant to Section 102.52 D.

ANALYSIS OF PLAT APPROVAL REQUEST:

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

All construction of required streets and utilities shall be completed pursuant to this Section. Construction Guarantees shall be required pursuant to Sections 102.50 and 102.51 and shall provide that if the construction of the required improvements is not completed within two (2) years after approval of the final plat, the City may deem the applicant to be in default pursuant to Section 102.52 D.

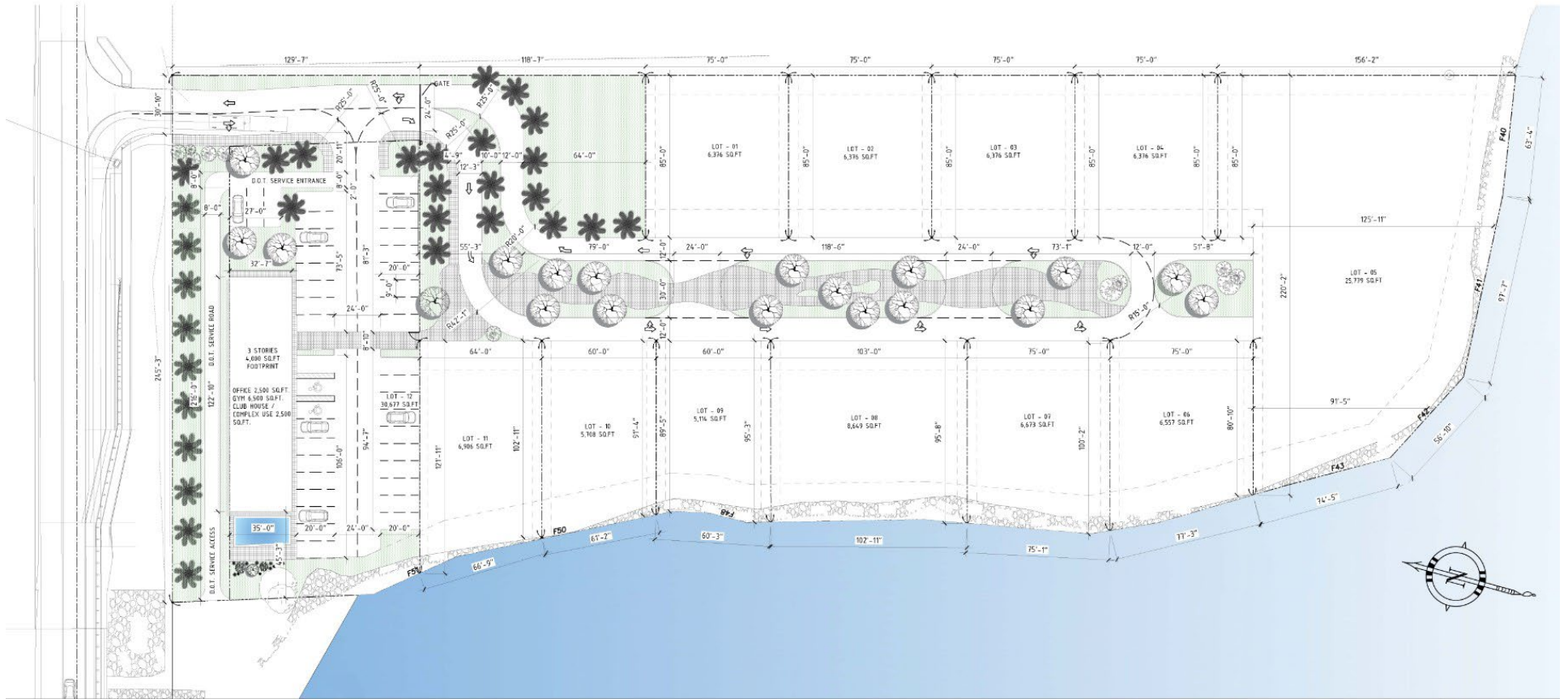
RECOMMENDATION:

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

Conditions:

1. All conditions of the Conditional Use must be met prior to building permit issuance.

Attachments:
Attachment A: Proposed Site Plan



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA OF A REQUEST BY VACA HOMES, LLC FOR A CONDITIONAL USE PERMIT PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (“THE CODE”) ENTITLED “CONDITIONAL USE PERMITS” AUTHORIZING THE DEVELOPMENT OF ELEVEN (11) RESIDENTIAL UNITS AND CLUBHOUSE WITH GYM, MEETING ROOM AND OFFICE SPACE LOCATED AT 11901 OVERSEAS HIGHWAY; WHICH IS LEGALLY DESCRIBED AS PART OF LOT 3 SOUTH OF OVERSEAS HIGHWAY, SECTION 5, TOWNSHIP 66 SOUTH, RANGE 33, FAT DEER KEY, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBER 00100740-000000, NEAREST MILE MARKER 53.

WHEREAS, Vaca Homes, LLC (The “Applicant”) filed an Application on November 29th, 2022, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, the applicant has requested a development approval of eleven (11) residential units and clubhouse with gym, meeting room and office space; and

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

WHEREAS, on the 23rd day January 2023, the City of Marathon Planning Commission (the “Commission”) conducted a properly advertised public hearing (the “Public Hearing”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, on the 14th day February 2023, the City of Marathon City Council (the “Council”) conducted a properly advertised public hearing (the “Public Hearing”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, the City Council decided that the Applicant’s request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in compliance with the City’s Comprehensive Plan and LDRs, is consistent with its policy to encourage the development of residential properties in Marathon, and will further the health, safety, and welfare of the residents of Marathon; and

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

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

Section 2. The City Council hereby approves Development Order 23-04, a copy of which is attached hereto as Exhibit "A", granting a Conditional Use Permit to Vaca Homes, LLC subject to the Conditions imposed. The Director of Planning is authorized to sign the Development Order on behalf of the City.

Section 3. This Resolution shall take effect immediately upon execution.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14th DAY OF FEBRUARY 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

Steven Williams, City Attorney

**EXHIBIT “A”
CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER 23-04**

A DEVELOPMENT ORDER APPROVING A REQUEST BY VACA HOMES, LLC FOR A CONDITIONAL USE PERMIT PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (“THE CODE”) ENTITLED “CONDITIONAL USE PERMITS” AUTHORIZING THE DEVELOPMENT OF ELEVEN (11) RESIDENTIAL UNITS AND CLUBHOUSE WITH GYM, MEETING ROOM AND OFFICE SPACE LOCATED AT 11901 OVERSEAS HIGHWAY; WHICH IS LEGALLY DESCRIBED AS PART OF LOT 3 SOUTH OF OVERSEAS HIGHWAY, SECTION 5, TOWNSHIP 66 SOUTH, RANGE 33, FAT DEER KEY, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBER 00100740-000000, NEAREST MILE MARKER 53.

WHEREAS, Vaca Homes, LLC (The “Applicant”) filed an Application on November 29th, 2022, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, the applicant has requested a development approval of eleven (11) residential units and clubhouse with gym, meeting room and office space; and

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

WHEREAS, on the 23rd day January 2023, the City of Marathon Planning Commission (the “Commission”) conducted a properly advertised public hearing (the “Public Hearing”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, on the 14th day February 2023, the City of Marathon City Council (the “Council”) conducted a properly advertised public hearing (the “Public Hearing”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, the City Council decided that the Applicant’s request for a Conditional Use Permit, subject to the terms of the LDRs and with Conditions imposed, was in compliance with the City’s Comprehensive Plan and LDRs, is consistent with its policy to encourage the development of residential properties in Marathon, and will further the health, safety, and welfare of the residents of Marathon; and

FINDINGS OF FACT:

1. The Applicant has proposed for the development of eleven (11) residential units and clubhouse with gym, meeting room and office space, and;
2. In accordance with Section 102.77 of the Code, the Commission and Council considered and determined the Applicant met the following criteria:
 - a. The proposed use is consistent with the Comprehensive Plan and LDRs;
 - b. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
 - c. The proposed use shall not adversely affect the health, safety, and welfare of the public; and
 - d. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
 - e. Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
 1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
 2. Off-street parking and loading areas where required, with particular attention to item 1 above;
 3. The noise, glare, or odor effects of the conditional use on surrounding properties;
 4. Refuse and service areas, with particular reference to location, screening, and Items 1 and 2 above;
 5. Utilities, with reference to location and availability;
 6. Screening and buffering with reference to type, dimensions, and character;
 7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
 8. Required yards and other open space;
 9. General compatibility with surrounding properties; and

CONDITIONS IMPOSED:

Granting approval of the Application is subject to the following conditions:

Conditions of Approval

- 1) The applicant will obtain approval of final landscaping and mitigation plans (as needed) and lighting plans in coordination with the City Biologist prior to building permit issuance;
- 2) Eight buttonwood trees must be planted on site in addition to the required landscaping by code.
- 3) Applicant must obtain an Access and Drainage Permit from the Florida Department of Transportation, as well as any other permits from the FDOT for the proposed deceleration lane in the FDOT ROW.
- 4) The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal; The applicant must submit a final fire safety plan showing that

the access road meets the running radius, overhangs, and unobstructed width as noted in NFPA 1 (2012): 18.2.3.4.3.1, 18.2.3.4.1.2, and 18.2.3.4.4 respectively.

- 5) Additional fire hydrant to be installed on site.
- 6) The applicant will meet all floodplain related requirements as part of the Building Permit process;
- 7) The final site plan submitted for permitting must show the required ADA and bicycle spaces.
- 8) The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
- 9) The applicant will upgrade sewer main from 4' to 6' sewer main from 122nd Street to project site and supply 6' gate valve outside of site within the ROW;
- 10) The applicant will obtain sign permits for any signs erected on the property, as required under the Code; and
- 11) Staff requires that upon planning review, if the redevelopment is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site.
- 12) A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees.
- 13) A final site plan must indicate that the dumpsters are screened and located for easy access and waste removal.
- 14) The applicant will obtain any required permits from FDOT prior to building permit issuance;
- 15) The applicant must obtain any other State or Federal permits and approvals prior to permit issuance.
- 16) The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- 17) The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
- 18) Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
- 19) The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.
- 20) The Applicant must obtain and transfer eleven (11) market rate housing units, to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT.
- 21) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
- 22) All construction of required streets and utilities shall be completed pursuant to this Section. Construction Guarantees shall be required pursuant to Sections 102.50 and 102.51 and shall provide that if the construction of the required improvements is not completed within two (2) years after approval of the final plat, the City may deem the applicant to be in default pursuant to Section 102.52 D.

VIOLATION OF CONDITIONS:

The applicant understands and acknowledges that it must comply with all the terms and conditions herein, and all other applicable requirements of the City or other governmental agencies applicable to the use of

the Property. In accordance with the Code, the Council may revoke this approval upon a determination that the Applicant or its successor or designee is in non-compliance with this Resolution or Code. Failure to adhere to the terms and conditions of approval contained herein is a violation of the Code and persons found violating the conditions shall be subject to the penalties prescribed therein.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Council does hereby make the following Conclusions of Law:

1. The Application has been processed in accordance with the applicable provisions of the City Code, and will not be detrimental to the community as a whole; and
2. In rendering its decision, as reflected in this Resolution, the Council has:
 - (a) Accorded procedural due process;
 - (b) Observed the essential requirements of the law;
 - (c) Supported its decision by substantial competent evidence of record; and
3. The Application for a conditional use permit is hereby GRANTED subject to the conditions specified herein.

EFFECTIVE DATE:

This development order shall not take effect for five (5) days following the date it is filed with the City Clerk, and during that time, the conditional use approval granted herein shall be subject to appeal as provided in the City Code. An appeal shall stay the effectiveness of this development order until said appeal is resolved.

Date

Brian Shea
Director of Planning

This Development Order was filed in the Office of the City Clerk of this ____ day of _____, 2023.

Diane Clavier, City Clerk

NOTICE

Under the authority of Section 102.79(c) of the City of Marathon Land Development Regulations, this development order shall become null and void with no further notice required by the City, unless a business license has been issued for the use or a complete building permit application for site preparation and building construction with revised plans as required herein is submitted to the City of Marathon

Building Official within one (1) year from the date of conditional use approval, or the date when the Department of Economic Opportunity waives its appeal and all required certificates of occupancy are procured with three (3) years of the date of this development order is approved by the City Council.

In addition, please be advised that this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Economic Opportunity. During those forty-five days, the Florida Department of Economic Opportunity may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Resolution was furnished, via U.S. certified mail, return receipt requested, addressed to _____ this ___ day of _____, 2023.

Diane Clavier, City Clerk

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: January 23, 2023
To: Planning Commission
From: Amber Stonik, Planning Associate

Agenda Item:

Consideration Of A Request For A Conditional Use Permit For A Preliminary Plat And Site Plan Approval As Submitted By La Palma 101 Inc For A Plat Pursuant To Chapter 102, Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits” Respectively, Particularly, 400-800 101 And 104th Street Which Is Described As Part Of Government Lot 2, And Adjacent Bay Bottom, Section 6, Township 66S, Range 33E, Key Vaca, Monroe County, Florida, Having Real Estate Number 00104460-000100 And 00104460-000000. Nearest Mile Marker 52.

RECOMMENDATION:

The planning staff recommends conditional approval of the La Palma 101 Inc proposed platting of the three completed market rate single-family homes and six lots for the existing deed restricted affordable duplexes, and one conservation deed restricted lot. The remaining one vacant lot is to be used as an ingress/egress and utility easement to be combined parcel 00104460-000000.

APPLICANT/ OWNER: La Palma Inc

AGENT: Sady Torres

LOCATION: The project site is located at 400-800 101 and 104th Street, Marathon – Nearest Mile Marker 52.

Figure 1: Project Location



LOT SIZE:

Total acreage	6.325 Ac.	
Upland	0.815 Ac.	35,510 Sq. Ft.
Environmentally sensitive	4.41 Ac.	
Submerged	1.10 Ac.	

REQUEST: A Conditional Use Permit to authorize the platting of three lots for the completed market rate single-family homes and six lots for the existing deed restricted affordable duplexes, and one conservation deed restricted lot to be dedicated to the City of Marathon. The remaining one vacant lot will to be combined with parcel 00104460-000000.

FUTURE LAND USE AND ZONING MAP DESIGNATIONS OF PROJECT AREA:

Mixed Use Commercial (MU-C) and Mixed Use (MU). The lower section is Residential Low and Residential Low (RL).

Figure 2.A: FLUM Map

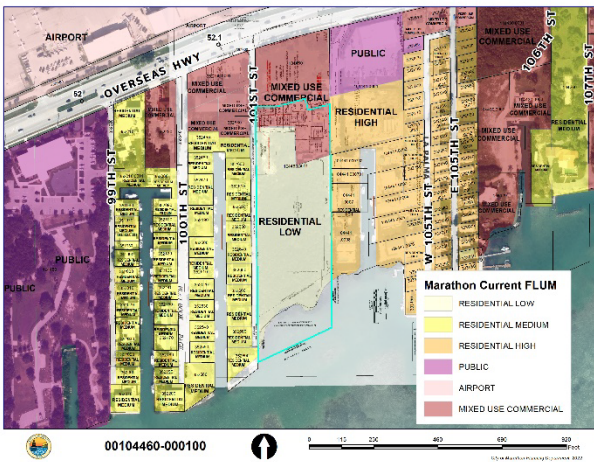
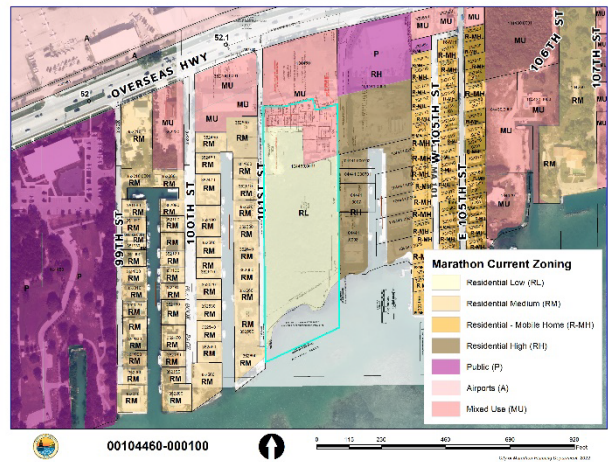


Figure 2.B: Zoning Map



SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Mixed Use	Proposed mixed use commercial, affordable and market rate units
East	Public & Residential High	City property and single-family residences
South	N/A	Atlantic
West	Mixed Use & Residential Medium	Offices and single-family residences

EXISTING CONDITIONS:

Already constructed on site are three single family market rate homes and three duplexes. The lower section of the parcel is undeveloped.

PROPOSED REDEVELOPMENT:

Proposed platting of the 11 (eleven lots). Three lots for the existing three market rate single-family homes and the six lots for the existing three deed restricted affordable duplexes, one conservation deed restricted lot and one lot to be combined with parcel 00104460-000000.

BACKGROUND:

The current conditional use was approved by Resolution 2020-44 for re: 00104460-000000 and Development order 2020-03. A simple subdivision (SSUB-20-21) divided the subject parcel from re: 00104460-000000.

All conditions of the Conditional Use approval will have to be met before plat is approved.

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

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

CRITERIA

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

Consistent with the Comprehensive Plan

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

The proposed plat divides the currently constructed three single family residences and three duplexes into individual parcels. The surrounding properties are zoned Mixed Use, Residential High, Residential Medium and Residential Low.

- a. Policy 1-1.1.2 b. & c. Adopt Compatibility for Residential Use and Non-residential Review Criteria

This conditional use will not change the existing residential use of the property. Three single family market rate homes and three duplexes have already been constructed on site. However, the lower section of the property will become a conservation deed restricted lot.

b. Policy 1-1.1.3 Protect Residential Neighborhood Character

The proposed conditional use will not change the existing residential character which was approved the larger Conditional Use permit for this project.

c. Policy 1-1.1.4 Transition Between Land Uses

The parcel is located in a residential and mixed-use commercial area. The proposed subdivision consists of nine residential lots and one conservation deed restricted lot. Final landscape plans were submitted as part of the building permit applications for each lot.

e. Policy 1-3.1.4 Future Land Use Categories

The Future Land Use Map (FLUM) designates the parcels as Mixed-Use Commercial and Residential Low. Within the Mixed-Use Commercial designation there are various residential uses including permanent single-family, affordable and/or commercial apartments as well as mobile homes. Commercial or transient residential uses are permitted. The residential project area is consistent with the intent of Mixed-Use Commercial district and neither a zoning nor FLUM change is necessary.

f. Policy 1-3.2 Maximum Height

All buildings in the proposed plat were approved to meet code except as provided by City Code, as amended.

g. Policy 1-3.2.7 Restrict Density and Intensity of Development

The proposed subdivision will not increase the density that is currently allowable on this site.

h. Policy 1-3.3.1 a., c, and h. General Redevelopment Criteria

The site has been developed and site plans were approved for all buildings.

i. Policy 1-3.4.1 Established Densities and Policy 1-3.4.3 Replacement of Existing Densities and Intensities

No new density will be added by the proposed plat.

Consistent with the City Land Development Regulations

a. Section 103.09 – Mixed Use

The MU District is intended to accommodate a wide range of uses and activities. Market rate, permanent residential housing is permitted as of right, and duplexes are permitted by conditional use which was approved for this project before construction of the residential units.

b. Table 103.15.1 Uses by Zoning District

The proposed plat is consistent with Table 103.15.1, uses by Zoning District. A Plat of Subdivision requires a Conditional Use Permit Application, as contained herein.

c. Table 103.15.2 Density, Intensity, and Dimensions for Zoning Districts

The subject project site contains 35,510 square feet of upland, 4.41 acres of environmentally sensitive land and 1.10 acres of bay bottom. Table 103.15.2, Marathon City Code, lists the density for permitted uses in the MU Zoning district included in the proposed plat. No new density is to be added in the proposed plat.

The required setbacks in the MU district range from 0 to 30' for the front, 0 to 10' for the sides. Residential units already constructed on site met setback requirements and requirements for the project conditional use permit.

d. Section 107.00 Building Permit Allocation System

New BPAS allocations will not be required for this project.

e. Section 107.47 Parking

Existing residences demonstrated compliance as part of the Building Permit applications.

f. Section 107.40 Maximum Height

Existing residences met maximum height limits as provided by City code, as amended.

g. Sections 107.63 – 107.72 Landscaping

The property to the north has a zoning designation of Mixed Use. Therefore, district landscape buffers are not required. Final landscape plans for all residences were approved with associated Building Permits for each residence.

h. Section 107.73 – 107.81 Open Space

The required open space ratio for this site is 20%. Each lot provides the required open space pursuant to the Land Development Regulations in effect at the time of building permitting.

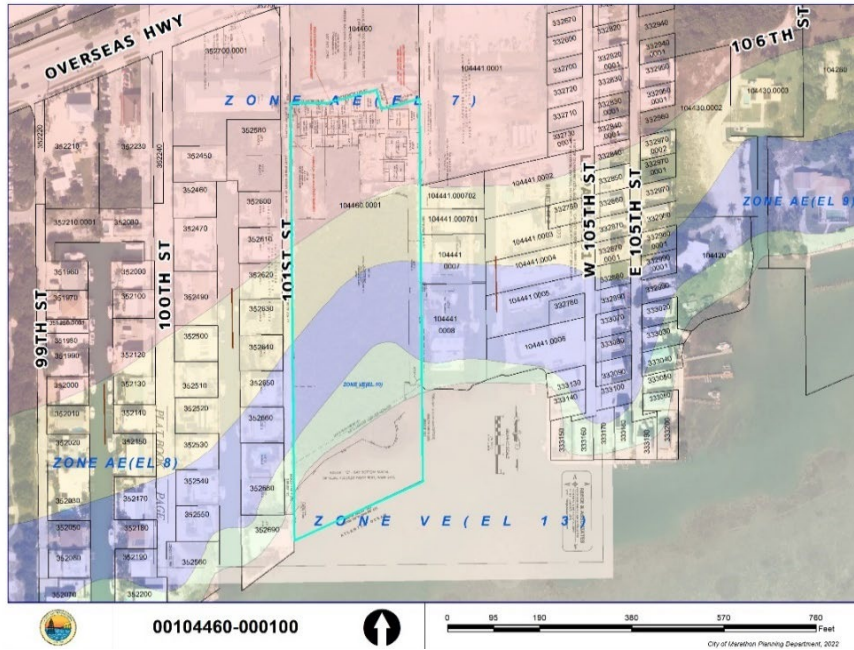
i. 107.82 – 107.85 Fences & Screening

Any fencing or screening shall be developed by the individual lot owner upon submission of Building Permit applications.

j. 107.98 – 107.102.5 Stormwater Management

The Stormwater Management Plan provided demonstrates compliance with this requirement, based upon the buildable area of each lot as noted above. The Building Permits for each residence demonstrated compliance once the actual footprints and impervious areas are determined.

Figure 3: FEMA Flood Zones



k. Sections 107.98 – 107 Floodplain Management

Pursuant to the current FEMA FIRM maps, Lots 1 through 8 are located in the AE7 flood zone. All residences meet the required, the finished floor elevations height the required per the base flood and design flood elevations. Lot 9 is located in the AE7, AE8, AE9 and VE10 flood zone and the finished residence meets required design flood elevations. Lot 10 is located in the AE7 flood zone no new residences are proposed for this lot at this time. Lot 11 is withing AE7, AE7, AE9, VE10 and VE13 flood zones this lot is to stay undeveloped and conservation deed restricted.

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

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

The proposed project is located within the Mixed-Use Commercial Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Mixed-Use Commercial land use category is to provide for the establishment of mixed-use development patterns and to recognize established mixed use development patterns within the City.” Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the MU district based on the types of uses proposed. The proposed plat falls within the allowed densities and intensities.

The southerly section of the parcel follows into the Residential Low future land use category. The purpose of which is to provide for low density residential development that is characterized by partially developed areas with substantial native vegetation with limited infrastructure. The proposed plat falls within allowed densities and intensities and designates 130,710.29 sq ft of the area zoned RL with a conservation deed restriction to be granted to the City of Marathon.

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

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

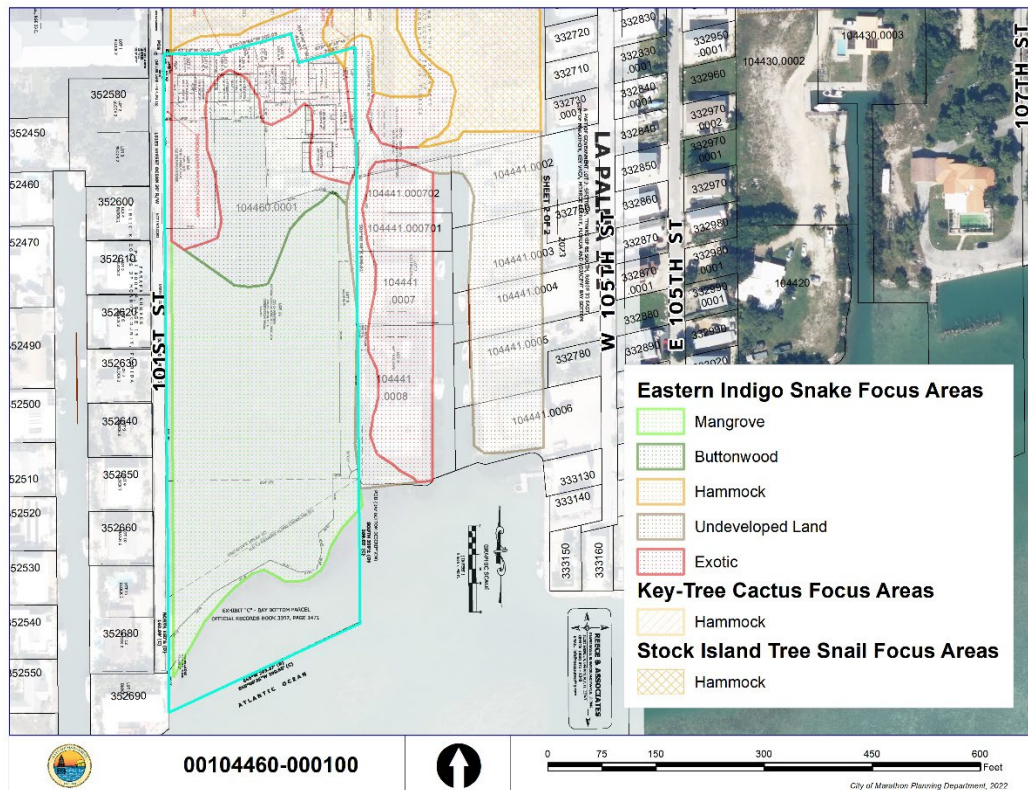
The proposed conditional use does not adversely affect the health, and welfare of the public. The completed residential development has already connected to the City’s wastewater treatment system. Stormwater management has met requirements on site, and all construction complied with the current Building Code.

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

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

The existing conditions maps indicate the subject area is designated as hammock, exotic, buttonwood, and mangrove. Exotics have been cleared from site under already completed building permits for the residential units. Though found within a ‘Species Focus Area’ as defined in the settlement for FEMA-FWS lawsuit for the Eastern Indigo Snake habitat that was removed was mitigated with a payment to the Tree Mitigation/ Restoration Fund and the majority of the habitat will remain undeveloped as deed restricted conservation. Completed permits complied with indigo snake protection measures and habitat compensation. **See Figure 4**

Figure 4: FEMA-FWS Focus Area Habitat



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

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

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

The access to the residential parcels is by 4 entry/exist points onto 104th St. and one entry/exist point onto 101st St. A Traffic Statement prepared by David Douglas Associates Inc. was submitted with this application. As documented in this study, the developed already completed in this plat would not have an adverse impact on the operating characteristics LOS of 101st St, 104th St. or the Overseas Hwy.

The Fire Chief has been contacted for coordination purposes as part of the Technical Review Committee review and provided the below conditions.

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

- Must meet NFPA 1, NFPA 101 emergency access and proper egress not shown on plans.
- Must receive final approval for the 100th to 101 street connection for through emergency access.

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

The applicant has provided the required number of parking spaces per the LDRs. Parking requirements are outlined in Section 107.47 (Mixed-Use Development Parking Requirements). The following table shows the parking requirement for the parcel:

Use	Code Citation	Requirement	Spaces Required
Market Rate	Table 107.46.1	2 per Residence	8
Affordable	Table 107.46.1	2 per Residence	16
Total Residential			24
Café – Inside	Table 107.46.1	1 per 3 Seats +	17
Café – Outside	Table 107.46.1	1 per 3 Seats +	7
Café – Employees	Table 107.46.1	1 per 2	4
Fitness Center	Table 107.46.1	3 per 1,000 GFA	8

Retail & Office	Table 107.46.1	1 per 500 sf	44 (Day)
Retail & Office – Employees	Table 107.46.1		15 (Day)
Roof Deck	Table 107.46.1	1 per 4 Person	60 (Night)
Commercial ADA		1 per 25 Spaces	4
Total Commercial			95 (Day)
			96 (Night)
Total Required			119 (Day)
			120 (Night)
Total Provided			123

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

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

The proposed use has no known impacts to the health safety and welfare of the public. No detrimental noise or glare is expected to be generated by the proposed use.

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

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

The proposed Plat utilizes dumpsters and meets the standards of LDRs and met the requirements under the overall project conditional use.

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

5. Utilities, with reference to location and availability;

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

- Wastewater: The has worked work with the Utility Department to provide additional infrastructure.

- Water: The Florida Keys Aqueduct Authority already provides potable water for the facility.
- Solid Waste: Marathon Garbage Service already provides solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards.
- Recreation and Open Space: Completed site development already has a de minimis impact on recreation and open space.
- Roadways: The applicant submitted an appropriate traffic study showing minimal impact to traffic flow along US1; therefore, it poses no further impact on transportation facilities.
- Educational Facilities: This development as proposed will have a de minimus impact on educational facilities.

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

- A utility easement will be required for the vacuum pit and cleanouts in front of the duplexes. This will be added as a condition of this plat.

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

Table 107.66.1 establishes project boundary buffer standards applicable to the project. The developed area of the subject parcel is zoned MU and is bordered to the west by properties zoned MU and Residential Medium and on the east by Residential High and to the south by Residential Low. The completed development met the buffering requirements for the project conditional use.

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

This plan shows a 30’ setback on the front yard, 10’ setback on the western side and 15’ on the eastern side yard, and 20’ rear yard setback.

Setback	Required	Required Landscape	Proposed	Compliant
Front	0-30’	NA	30’	Y
Sides	0-5’	NA	5’	Y
Side Interior	10’	NA	10’	Y
Rear	20’	20’	20’	Y

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

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

Entrance and directional signs shall be proposed as needed and will meet all current code requirements.

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

- The applicant will obtain sign permits for any signs erected on the property, as required under Code.

8. Required yards and other open space;

Section 106.16 established required open space for the project. The parcel is generally developed; therefore, a twenty percent open space requirement applies. The individually proposed lots will have to maintain a 20% open space requirement.

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

9. General compatibility with surrounding properties; and

The proposed development is for a single-family residential community. The surrounding neighborhood is mixed use commercial and residential. The scale and layout of the proposed lots are consistent with the City Code.

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

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

In addition to other requirements of the LDRs and pursuant to Table 103.15.1, all residential dwelling units, except mobile homes, shall comply with the following:

- A. Two (2) side yards are required for stacked duplexes.
- B. Townhouses are limited to ten (10) dwelling units per row, except for affordable housing.
- C. The private yard area for rooftop balcony dwelling is provided by the roof or balconies of the structure.
- D. The total area of the mixed-use or commercial apartments, including patios and access way shall not exceed the area covered by the ground floor and any covered walks or arcades.
- E. Each unit shall have access to a balcony or patio that is separate from the access to the unit, provides adequate privacy and the size shall be two-tenths (2/10) of unit floor area or a minimum of 60 square feet in size.
- F. The patio area may be wholly or partially replaced by the provision of a recreation yard provided on site. Recreational yards shall be a minimum one-tenth (1/10) of unit floor area.

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

CONCLUSION:

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

The proposed development is consistent with the existing land use patterns and is expected not to produce any nuisances, traffic congestion, or threat to public health, safety, or welfare. As such the development is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety, or welfare.

RECOMMENDATION:

The Planning staff recommend conditional approval of the conditional use for the proposed plat. The proposed conditions of approval are listed below.

Conditions of Approval

1. The applicant will obtain approval of final landscaping, buffer yard, parking landscaping, and mitigation plans (as needed) and lighting plans in coordination with the City Biologist prior to building permit issuance;
2. The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
3. Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Full and final review of floodplain compliance will occur as part of building permit issuance. The Applicant has been advised about the adoption of the new FEMA flood maps and the potential impacts of the changes in flood maps on their project.
4. The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
5. The applicant will provide on-site plans for the collection and disposal of wastewater via a connection to the City's sewer system. All engineering and wastewater flow calculations must be approved by the City Utility Department prior to final permitting and all wastewater fees must be paid prior to the issuance of construction permits.
6. The applicant will provide fully enclosed and screened dumpster areas for both the residential and commercial components of the project pursuant to Section 107.39;
7. The applicant will obtain any required permits from SFWMD, FDOT, ACOE, and DEP prior to building permit issuance;
8. The applicant will obtain sign permits for any signs erected on the property, as required under the Code;
9. The Applicant will provide an approximately 5' X 220' easement adjacent to the 101st Street Right-Of-Way (or the southernmost point of ingress/egress from the property) in order to assist in traffic flow in and out of the property on that street. The developer will be responsible for paving this area with engineering and design approvals from the City.
10. A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
11. The Applicant will provide at a minimum 123 parking spaces, inclusive of commercial and residential uses. City approval is required for all general parking and ADA compliant parking spaces prior to Building Permit Approval.
12. Bike racks must be shown on the final site plan and approved prior to Building Permit Approval.

13. A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees. Since additional buffering was required and agreed to by the applicant, this additional buffering must also be reviewed and approved by the City prior to final project approval.
14. A Transplantation/ Mitigation plan must be approved for any native trees destroyed as part of proposed construction. This Plan must be provided and approved prior to the initiation of site development.
15. Conservation easement for the site mangrove area, subject to City approval;
16. If the development is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.
17. Affordable Housing Deed Restrictions must be filed prior to building permit issuance. Said deed restrictions shall be provided in a form acceptable to the City and shall be filed with the Monroe County Clerk of Court and shall run with the land for a period of ninety-nine (99) years.
18. The Applicant must obtain a minimum of six (6) market rate and sixty (60) affordable residential allocations to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY AFFORDABLE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT.
19. The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year.

ANALYSIS OF PLAT APPROVAL REQUEST:

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

Per code streets, internal park and open space areas, recreation space, protected habitat areas requiring conservation easements may all be the basis for density reductions in the platted lot area if they are included in the overall density calculations for the subdivision and subsequent plat. Such reductions shall be noted in the plat and a complete accounting of acreage respective of allowed densities shall be made in the plat document. Equally, if lot area reductions are allowed as part of the subdivision and platting process, the plat documents shall clearly indicate that no future subdivision shall be allowed of any area accounted for in density calculations. The applicant is proposing no such reductions.

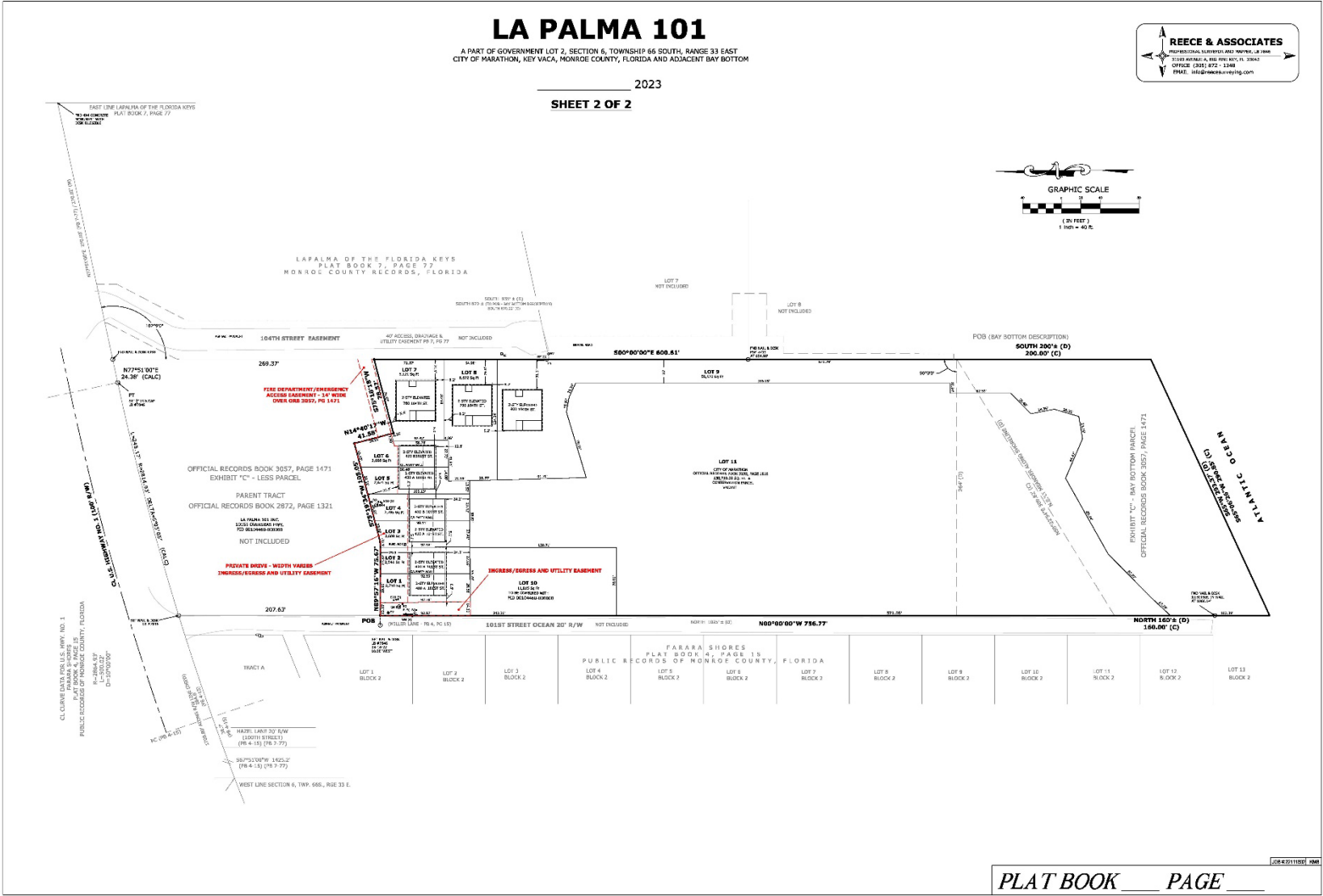
RECOMMENDATION:

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

Conditions:

1. Must meet NFPA 1, NFPA 101 emergency access and proper egress not shown on plans.
2. Must receive final approval for the 100th to 101 street connection for through emergency access.
3. A utility easement will be required for the vacuum pit and cleanouts in front of the duplexes.;
4. The Applicant will provide an approximately 5' x 220' easement adjacent to the 101st St Right-Of-Way (or the southernmost point of ingress/egress from the property) in order to assist in traffic flow in and out of the property on that street. The developer will be responsible for paving this area with engineering and design approvals from the City.;
5. A conservation easement for the site mangrove area will be recorded, subject to City approval;
6. Affordable Housing Deed Restrictions shall be recorded with the Monroe County Clerk of Court for each of the new duplex parcels and will be attached to each parcel for a period of ninety-nine (99) years.
7. All conditions of the Conditional Use must be met prior to final plat approval.

Attachments: Proposed Plat



Sponsor: Garrett
Planning Commission: January 23, 2023
City Council: February 14, 2023

CITY OF MARATHON, FLORIDA
RESOLUTION 2023-x

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA APPROVING OF A REQUEST FOR A CONDITIONAL USE PERMIT FOR A PLAT AND SITE PLAN APPROVAL AS SUBMITTED BY LA PALMA 101 INC FOR A PARCEL WHICH IS DESCRIBED AS SOUTH PART OF GOVERNMENT LOT 2 AND BAY BOTTOM SECTION 6 SOUTH TOWNSHIP 66 SOUTH RANGE 33, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00104460-000100.

WHEREAS, La Palma 101 Inc (Applicant) filed an Application on November 29, 2022, for a Conditional Use Permit for approval of eleven lots; including three lots for single family homes, six lots for three deed restricted affordable duplexes, one deed restricted conservation lot and one lots to be used as an ingress/egress and utility easement to be combined parcel 00104460-000000 pursuant to Chapter 177, Florida Statutes and Chapter 102, Article 10, of the City of Marathon Land Development Regulations (LDRs); and

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

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

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

WHEREAS, on the 23rd day of January 2023, the City of Marathon Planning Commission (the "Commission") conducted a properly advertised public hearing (the "Public Hearings") regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, and on the 14 day of February 2023, the City Council (the “Council”) conducted properly advertised public hearings (the “Public Hearings”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

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

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

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

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

Section 2. The City Council hereby approves Development Order 2023-X, a copy of which is attached hereto as Exhibit “A”, granting a Conditional Use Permit to La Palma 101 INC., subject to the Conditions imposed. The Director of Planning is authorized to sign the development order on behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption by the City of Marathon and after review and approval by the Department of Economic Opportunity pursuant to Chapters 163 and 380, *Florida Statutes*.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14TH DAY OF FEBRUARY 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

Steve Williams, City Attorney

DRAFT

**ATTACHMENT “A”
CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER # 2023-X**

APPROVAL OF A REQUEST FOR A CONDITIONAL USE PERMIT FOR A PRELIMINARY PLAT AND SITE PLAN APPROVAL AS SUBMITTED BY LA PALMA 101 INC FOR A PARCEL WHICH IS DESCRIBED AS SOUTH PART OF GOVERNMENT LOT 2 AND BAY BOTTOM SECTION 6 SOUTH TOWNSHIP 66 SOUTH RANGE 33, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00104460-000100.

WHEREAS, La Palma Inc filed an Application on November 29, 2022 for a Conditional Use Permit and Plat pursuant to Chapter 102, Articles 10 and 13 of the Code of Ordinances for the City of Marathon (“City Code”); and

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

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

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

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

WHEREAS, on the 23RD day of January 2023, the City of Marathon Planning Commission (the “Commission”) conducted a properly advertised public hearing (the “Public Hearings”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, and on the 14th day of February 2023, the City Council (the “Council”) conducted properly advertised public hearings (the “Public Hearings”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

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

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

FINDINGS OF FACT:

1. The applicant will develop subdivide the parcel through the platting process into eleven lots with the following determinations;
2. In accordance with Section 102.77 of the City Code, the Commission and Council considered and determined the Applicant met the following criteria:
 - a. The proposed use is consistent with the Comprehensive Plan and LDRs;
 - b. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
 - c. The proposed use shall not adversely affect the health, safety, and welfare of the public; and
 - d. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
3. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
4. Off-street parking and loading areas where required, with particular attention to item 1 above;
5. The noise, glare or odor effects of the conditional use on surrounding properties;
6. Refuse and service areas, with particular reference to location, screening and Items 1 and 2 above;
7. Utilities, with reference to location and availability;
8. Screening and buffering with reference to type, dimensions and character;
9. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
10. Required yards and other open space;
11. General compatibility with surrounding properties; and

CONDITIONS IMPOSED:

Granting approval of the Application is subject to the following conditions:

Conditions of Approval

1. The applicant will obtain approval of final landscaping, buffer yard, parking landscaping, and mitigation plans (as needed) and lighting plans in coordination with the City Biologist prior to building permit issuance;
2. The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
3. Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Full and final review of floodplain compliance will occur as part of building permit issuance. The Applicant has been advised about the adoption of the new FEMA flood maps and the potential impacts of the changes in flood maps on their project.
4. The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
5. The applicant will provide on-site plans for the collection and disposal of wastewater via a connection to the City's sewer system. All engineering and wastewater flow calculations must be approved by the City Utility Department prior to final permitting and all wastewater fees must be paid prior to the issuance of construction permits.
6. The applicant will provide fully enclosed and screened dumpster areas for both the residential and commercial components of the project pursuant to Section 107.39;
7. The applicant will obtain any required permits from SFWMD, FDOT, ACOE, and DEP prior to building permit issuance;
8. The applicant will obtain sign permits for any signs erected on the property, as required under the Code;
9. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
10. The Applicant will provide an approximately 5' X 220' easement adjacent to the 101st Street Right-Of-Way (or the southernmost point of ingress/egress from the property) in order to assist in traffic flow in and out of the property on that street. The developer will be responsible for paving this area with engineering and design approvals from the City.
11. A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
12. The Applicant will provide at a minimum 123 parking spaces, inclusive of commercial and residential uses. City approval is required for all general parking and ADA compliant parking spaces prior to Building Permit Approval.
13. Bike racks must be shown on the final site plan and approved prior to Building Permit Approval.
14. A Final Landscape Plan must be submitted showing the proper treatments and buffers, including the appropriate treatment types and trees. Since additional buffering was required and agreed to by the applicant, this additional buffering must also be reviewed and approved by the City prior to final project approval.

15. A Transplantation/ Mitigation plan must be approved for any native trees destroyed as part of proposed construction. This Plan must be provided and approved prior to the initiation of site development.
16. Conservation easement for the site mangrove area, subject to City approval;
17. If the development is found to have any effect on the Eastern Indigo Snake, then the prescribed protection measures must be undertaken, and the information poster posted on site.
18. Affordable Housing Deed Restrictions must be filed prior to building permit issuance. Said deed restrictions shall be provided in a form acceptable to the City and shall be filed with the Monroe County Clerk of Court and shall run with the land for a period of ninety-nine (99) years.
19. The Applicant must obtain a minimum of six (6) market rate and sixty (60) affordable residential allocations to be transferred via the Transfer of Building Rights (TBR's), BPAS process, or any other legally established process prior to building permit issuance. THE APPROVAL OF THE REQUESTED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT AMENDMENTS DO NOT CONVEY OR GRANT A VESTED RIGHT OR ENTITLEMENT TO FUTURE ALLOCATIONS BY THE CITY OF ANY AFFORDABLE RESIDENTIAL UNITS NOT CURRENTLY IN POSSESSION BY THE APPLICANT AS REFERENCED IN THE PROPOSED CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT.
20. The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year.

VIOLATION OF CONDITIONS:

The applicant understands and acknowledges that it must comply with all of the terms and conditions herein, and all other applicable requirements of the City or other governmental agencies applicable to the use of the Property. In accordance with the Code, the Council may revoke this approval upon a determination that the Applicant or its successor or designee is in non-compliance with this Resolution or Code. Failure to adhere to the terms and conditions of approval contained herein is a violation of the Code and persons found violating the conditions shall be subject to the penalties prescribed therein.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Council does hereby make the following Conclusions of Law:

1. The Application has been processed in accordance with the applicable provisions of the City Code, and will not be detrimental to the community as a whole; and
2. In rendering its decision, as reflected in this Resolution, the Council has:
 - (a) Accorded procedural due process;
 - (b) Observed the essential requirements of the law;
 - (c) Supported its decision by substantial competent evidence of record; and

3. The Application for a conditional use is hereby GRANTED subject to the conditions specified herein.

EFFECTIVE DATE:

This development order shall not take effect for five (5) days following the date it is filed with the City Clerk, and during that time, the conditional use approval granted herein shall be subject to appeal as provided in the City Code. An appeal shall stay the effectiveness of this development order until said appeal is resolved.

Date

Brian Shea
Director of Planning

This Development Order was filed in the Office of the City Clerk of this _____ day of _____, 2022.

Diane Clavier, City Clerk

DRAFT

NOTICE

Under the authority of Section 102.79(c) of the City of Marathon Land Development Regulations, this development order shall become null and void with no further notice required by the City, unless a business license has been issued for the use or a complete building permit application for site preparation and building construction with revised plans as required herein is submitted to the City of Marathon Building Official within one (1) year from the date of conditional use approval, or the date when the Department of Community Affairs waives its appeal and all required certificates of occupancy are procured with three (3) years of the date of this development order is approved by the City Council.

In addition, please be advised that this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Economic Opportunity. During that forty-five days, the Florida Department of Economic Opportunity may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Resolution was furnished, via U.S. certified mail, return receipt requested, addressed to _____, this ___ day of _____, 2023.

Diane Clavier, City Clerk

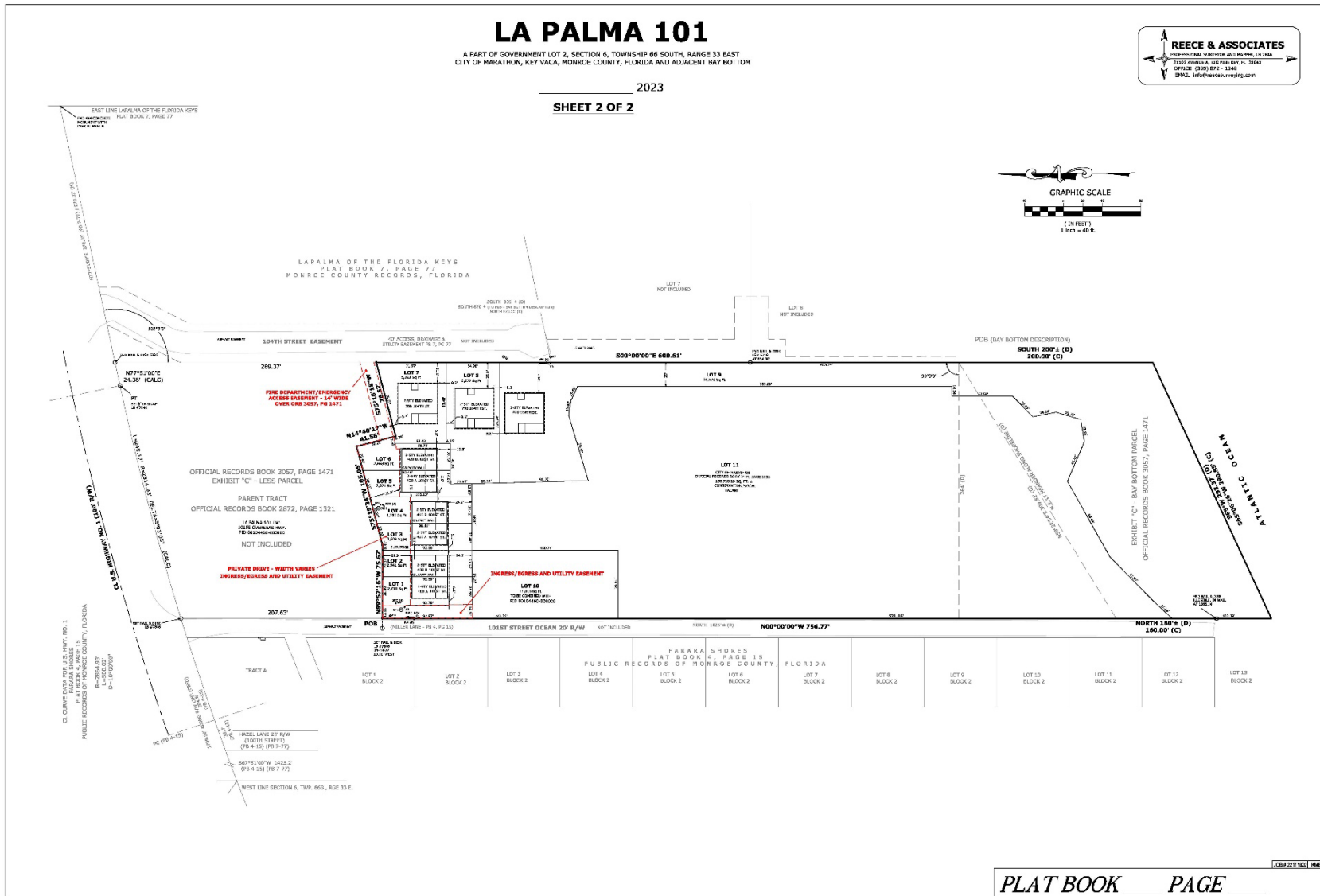
EXHIBIT 1. APPROVED PRELIMINARY PLAT

LA PALMA 101

A PART OF GOVERNMENT LOT 2, SECTION 6, TOWNSHIP 66 SOUTH, RANGE 33 EAST
CITY OF MARATHON, KEY VACA, MONROE COUNTY, FLORIDA AND ADJACENT BAY BOTTOM

2023

SHEET 2 OF 2



PLAT BOOK PAGE



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: January 23, 2023
To: Planning Commission
From: Brian Shea, Planning Director

Agenda Item: An Ordinance Of The City Of Marathon, Florida, Amending The City's Land Development Regulations, Chapter 104, "Specific Use Regulations," Article 1, "General Provisions," Section 104.64, "Waterfront Walkways And Docks:"; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After Final Adoption By The City Council; And Providing For An Effective Date.

RECOMMENDATION:

Staff recommends APPROVAL.

BACKGROUND:

APPLICANT: City of Marathon

REQUEST:

The draft ordinance has been proposed to modify language in Chapters 104, Section 104.64, of the City of Marathon Land Development Regulations, as they pertain to the Waterfront Walkways And Docks.

Purpose of Proposed Amendment:

The purpose of the amendment is to add additional language as it pertains to ADA compliance, removing a conflict in code by adding specific provisions for covered boat lifts, removing a conflict where the minimum water depth distance ends of resources requiring protections, and removing obsolete language pertaining to applications.

AUTHORITY

Section 102.26. Planning Commission Recommendation.

- A. *Authority:* The PC shall consider a proposed text amendment at the request of the Council.
- B. *Review Criteria:* The PC shall review such proposed amendment, based upon the criteria listed below:

1. The need and justification for the change;
 2. The consistency of the proposed amendment with the Comprehensive Plan; and
 3. Whether the proposed change shall further the purposes of the LDRs, and other City Codes, regulations and actions designed to implement the Comprehensive Plan.
- C. *Findings:* The PC shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Council, indicating if the proposed amendment should be:
1. Approved as proposed;
 2. Approved with amendments proposed by the PC; or
 3. Denied

Section 102.27. - Hearing(s) by Council.

- A. The decision to process a text amendment is within the sole discretion of the Council.
- B. For any proposed text amendment, the Council shall hold a minimum of two (2) public hearings, conforming to the requirements of Fla. Stat. Ch. 166, before taking action on the amendment.

Section 102.28. - Action by Council.

Following the public hearings, the Council shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes, or deny the proposed amendment.

As noted, review of proposed LDR text amendments is to be made based on three basic criteria: need and justification for change, consistency with the adopted Comprehensive Plan, and whether the proposed amendment will further the purposes of the LDRs, other ordinances, and actions taken to further the implementation of the Comprehensive Plan. The Planning Commission, in reviewing the proposed amendment, may recommend approval as is, approval with changes, or denial to the City Council.

ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:

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

A. The need and justification for the change;

As noted above, there are existing conflicts within the existing code section. This amendment addresses those conflicts. Additionally, while amending the section, obsolete language is being removed. While amending the section, ADA compliance issues are being addressed.

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

Policy 4-1.11.4 entitled “Regulate Docks” contains subsection d which states “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.” Additionally, Policy 4-1.11.6 entitled “Protect Living Marine resources” explicitly state protections measures should occur. By amending the language as drafted, this policy is furthered.

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

The proposed text amendments further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan by offering clear and concise requirements and reducing ambiguity.

CONCLUSION:

Staff indicates that the proposed text amendments are consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules.

RECOMMENDATION:

Staff recommends APPROVAL.

Sponsored By: Garrett
Planning Commission Public Hearing Date: January 23, 2023
City Council Public Hearing Date: February 14, 2023
XXX, 2023
Enactment Date: XXX, 2023

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

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS, CHAPTER 104, "SPECIFIC USE REGULATIONS," ARTICLE 1, "GENERAL PROVISIONS," SECTION 104.64, "WATERFRONT WALKWAYS AND DOCKS:"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY AFTER FINAL ADOPTION BY THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Economic Opportunity ("DEO"), pursuant to Chapters 163 and 380, Florida Statutes; and

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

WHEREAS, this Ordinance had a hearing before the Planning Commission on January 23, 2023 and a first hearing before the City Council on February 14, 2023 during which both entities, took staff testimony, all public comment, and having duly deliberated, determined that the Ordinance was in the best interest of the public, supporting the public health, safety, and welfare. The Ordinance was noticed for a second hearing on XXX at which time, the Ordinance was passed unanimously, and

WHEREAS, the Ordinance was heard on XXX, passing unanimously on that date,

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

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

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

SECTION 2. Amend the Land Development Regulations, Chapter 104, "Specific Use Regulations," Article 1, "General Provisions," Section 104.64 Entitle "Waterfront Walkways and Docks" as attached in Exhibit A.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

SECTION 5. This Ordinance shall become effective upon approval by the Florida Department of Economic Opportunity pursuant to Chapters 163, 166, and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS XX DAY OF XX, 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven T. Williams, City Attorney

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

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: January 23, 2023
To: The City of Marathon Planning Commission
From: Brian Shea, Planning Director

Agenda Items: An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Seven, "Transportation Element," And Intending To Modify Policies 7-3.1.1 Through 7-3.1.3, "Ensure Consistency With The Plan," "Protect Environmentally Sensitive Lands," And "Protect The Airport Hammock Buffer," Respectively, Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date.

RECOMMENDATION:

The Planning staff recommends approval of the Ordinance modifying policies concerning the consistency of the plan, environmental criteria, and protection of buffers.

APPLICANT: City of Marathon

REQUEST: Amend City of Marathon Comprehensive Plan in an effort to coordinate regulations to be consistent with updates from Monroe County.

ANALYSIS OF COMPREHENSIVE PLAN CHANGE REQUEST:

Preface

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

Section 102.19 simply states:

Section 102.19. Standards for Review.

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

Standards in Chapter 163, F.S. offer some additional guidance, but are limited. Pertinent sections of Chapter 163 promulgate process rather than establishing criteria for the development of a proposed Comprehensive Plan Amendment. Chapter 163.3184, Process for adoption of comprehensive plan or plan amendment, define the sequential process for transmittal, review, and

approval of a Comprehensive Plan Amendment. Most relevant to this delineation of process is the definition of “**compliance**” which is recited for review below:

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

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

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

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

Other pertinent review elements leading to a determination of compliance are found in Chapter 163.3178 Coastal management, Chapter 163.3180 Concurrency, and the principals for guiding development in the Florida Keys Area of Critical State Concern. This application for a FLUM amendment will be analyzed against the limited compliance issues found in sections of Chapter 163 F.S. and Chapter 380 F.S. noted immediately above. Relevant sections are provided in EXHIBITS 2, 3, & 4 attached or with website references for your review

Compliance Discussion

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

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

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

BACKGROUND

The Monroe County Airport Department submitted an application on June 7, 2022, requesting amendments to the Ports, Aviation and Related Facilities Element of the Monroe County 2030 Comprehensive Plan, to allow airport improvements at the Florida Keys Marathon International Airport, consistent with the AMP and ALP for the public airport. In reviewing the AMP and ALP, to accomplish operational safety, conform to current Federal Aviation Administration (FAA) standards and to meet forecasts of operational growth over the planning period, the Airport Department anticipates, some of the future airport improvements may impact hammock areas when there is no other viable alternative available. As such, the Airport Department is requesting text amendments to the County Comprehensive Plan Policy 501.1.1, Policy 501.1.2, Policy 501.2.3, Policy 501.3.1, Policy 501.3.3 to accomplish operational safety, conform to current Federal Aviation Administration (FAA) standards and to meet forecasts of operational growth over the planning period. Some of these airport improvements will impact the existing vegetative buffer

that exists between Aviation Boulevard and Marathon Airport. The proposed text changes by both the City and the County will allow the airport to accomplish these safety improvements by complying with FAA standards as depicted in the ALP and to ensure future consideration and eligibility to receive federal funding. The public airport projects will continue to comply with all applicable federal and state permit/authorization requirements, including mitigation for environmental impacts.

The improvement of the County public airports is essential to:

- Improve the efficient movement of people and goods to and from the airport facilities,
- Attract visitors by providing multiple options to travel between destinations,
- Reduce vehicular traffic on the roadway network,
- Decrease congestion throughout the surrounding area,
- Facilitate the movement of goods between suppliers, manufacturers, and consumers,
- Provide safe, efficient, secure, and convenient service to citizens, businesses, and visitors,
- Maintain utilization for natural disasters and other emergencies, with the delivery of supplies, medical transport and providing another option for evacuations,
- Contribute to operational efficiency, economic growth, and competitiveness while remaining sensitive to natural environment and requiring mitigation to offset impacts, and
- Achieve and/or maintain compliance with FAA standards.

The County is authorized by Florida's Airport Law of 1945 to exercise regulatory authority over the Key West International Airport and the Florida Keys Marathon International Airport even though the public airport facilities are located within the territorial limits of the cities. Airports in the State of Florida are governed by the Airport Law of 1945, which is codified within Sections 332.01 - 332.12, F.S.

The Florida Keys Marathon International Airport Master Plan Update and Airport Layout Plan were approved by the BOCC on June 17, 2020, and addresses demand driven development of the airport to meet the long-term air transportation needs for the Florida Keys through 2036. The Master Plan is a visionary document that sets out a 'road map' for the sustainable growth of the Airport, it is not an approval for any specific development or project. Projects continue to require any necessary federal, state, and local approvals, including building permits and review of listed species impacts.

Although the MTH Airport is within the limits of the City of Marathon, permitting and development approvals are issued by Monroe County. In an effort to address any concerns that adjacent property owners may express at the reduction of the existing vegetated hammock buffer along Aviation Boulevard, which is specifically cited in the Marathon Comprehensive Plan, County Staff coordinated with City of Marathon Staff requesting input on the proposed amendment. The City of Marathon requested that the proposed mitigation for vegetation removal be revised to reflect the City's mitigation requirements (3 to 1 replacement) and ensure that all invasive exotic vegetation is removed.

ANALYSIS

Natural Resources

The existing policies pertain specifically to the preservation of the hammock buffer and provide for potential impact to these environmentally sensitive areas. Monroe County coordinated with the City and provided very detailed environmental impact analysis. This is referenced on pages 13 through 21 of the County report. With the addition of the removal of invasive exotics from the hammock buffer, the goals are furthered. It should be noted that a large portion of the area to be cleared is infested with invasives exotics further reducing the environmental impact.

Historical and Cultural Resources

No Significant Impact would result from the proposed change.

Infrastructure

No Significant Impact would result from the proposed change.

Wastewater infrastructure

No Significant Impact would result from the proposed change.

Stormwater infrastructure

No Significant Impact would result from the proposed change.

Potable Water

No Significant Impact would result from the proposed change.

Solid Waste

No Significant Impact would result from the proposed change.

Transportation

There is the Significant positive Impact of achieving further federal aviation requirements as part of the proposed change.

Affordable Housing

No Significant Impact would result from the proposed change.

Hazard Mitigation

No Significant Impact would result from the proposed change. However, the recording of

conservation easements over the remaining wetland and hammock areas can be credited for points in the FEMA community rating system.

Coastal High Hazard Areas

No Significant Impact would result from the proposed change.

Hurricane Evacuation

No Significant Impact would result from the proposed change.

Ports – Marina Siting

No Significant Impact would result from the proposed change.

Public Use – Access to Water

No Significant Impact would result from the proposed change.

Land Acquisition

No Significant Impact would result from the proposed change regarding the CHHA and public services. However, there would be the beneficial impact of conservation easements being recorded on existing wetlands and hammock within the City of Marathon.

Alternate Compliance Review Criteria

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

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

A. The need and justification for the change;

The efforts to bring the Marathon Airport into compliance have been ongoing. Most recently the City Council approved the economic development strategy, which had sections specifically pertaining to the airport. This document recommended continued coordination with Monroe County to achieve these goals.

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

The proposed Ordinance meets three principal areas of concern reflected in the City's

Comprehensive Plan. First, the proposed amendment seeks to meet all the necessary requirements that all new development and redevelopment protects the environment. Language already exists regarding reasonable and prudent alternatives; the additional language being proposed further clarifies how that will be achieved. Second, the Ordinance still ensures protection, and furthers the goals of protecting the hammock by removing invasive exotics. Third, the proposed amendment seeks to adopt by reference the updated Florida Keys Marathon International Airport Master Plan and Airport Layout Plan.

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

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

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

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

CONCLUSION:

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

RECOMMENDATION:

The Planning staff recommends approval of the Ordinance modifying policies concerning the consistency of the plan, environmental criteria, and protection of buffers.



MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Development Review Committee and
Emily Schemper, AICP, CFM, Senior Director of Planning & Environmental Resources

From: Cheryl Cioffari, AICP, Assistant Director of Planning
Liz Lustberg, AICP, Senior Planner

Date: November 7, 2022

Subject: An ordinance by Monroe County Board of County Commissioners adopting amendments to the Monroe County 2030 Comprehensive Plan to amend Policy 501.1.1, Policy 501.1.2, Policy 501.2.2, Policy 501.2.3, Policy 501.3.1, Policy 501.3.3 to allow airport improvements, which may impact hammock areas when there is no other viable alternative available, at the Key West International Airport and the Florida Keys Marathon International Airport, consistent with the Airport Master Plan (AMP) and Airport Layout Plan (ALP) for each public airport and consistent with all applicable federal and state permit/authorization requirements, including mitigation for environmental impacts. (File 2022-105)

Meeting: November 14, 2022

I. REQUEST

The Monroe County Airport Department submitted an application on June 7, 2022 requesting amendments to the Ports, Aviation and Related Facilities Element of the Monroe County 2030 Comprehensive Plan, to allow airport improvements at the Florida Keys Marathon International Airport (MTH), consistent with the Airport Master Plan (AMP) and Airport Layout Plan (ALP) for each public airport which were approved on June 17, 2020. In reviewing the AMP and ALP, the Airport Department anticipates, some of the future airport improvements may impact the existing vegetative buffer that existing between Aviation Boulevard and MTH. The Airport Department is requesting text amendments to Policy 501.1.1, Policy 501.1.2, Policy 501.2.2, Policy 501.2.3, Policy 501.3.1, Policy 501.3.3, to allow the airport to accomplish operational safety and conform to current Federal Aviation Administration (FAA) standards and to meet forecasts of operational growth over the planning period. Some of these airport improvements will impact the existing vegetative buffer that exists between Aviation Boulevard and MTH.

The public airport projects will continue to comply with all applicable federal and state permit/authorization requirements, including mitigation for environmental impacts.

II. BACKGROUND INFORMATION

The Monroe County Airport Department submitted an application on June 7, 2022, requesting amendments to the Ports, Aviation and Related Facilities Element of the Monroe County 2030

Comprehensive Plan, to allow airport improvements at the Florida Keys Marathon International Airport, consistent with the AMP and ALP for the public airport. In reviewing the AMP and ALP, to accomplish operational safety, conform to current Federal Aviation Administration (FAA) standards and to meet forecasts of operational growth over the planning period, the Airport Department anticipates, some of the future airport improvements may impact hammock areas when there is no other viable alternative available. As such, the Airport Department is requesting text amendments to Policy 501.1.1, Policy 501.1.2, Policy 501.2.3, Policy 501.3.1, Policy 501.3.3 to accomplish operational safety, conform to current Federal Aviation Administration (FAA) standards and to meet forecasts of operational growth over the planning period. Some of these airport improvements will impact the existing vegetative buffer that exists between Aviation Boulevard and Marathon Airport. The proposed text changes will allow the airport to accomplish these safety improvements by complying with FAA standards as depicted in the ALP and to ensure future consideration and eligibility to receive federal funding. The public airport projects will continue to comply with all applicable federal and state permit/authorization requirements, including mitigation for environmental impacts.

The proposed amendment addresses airport improvements at the County's public airports by providing a process to review the development proposals to balance the sound economic development of the County; protect and enhance the value and efficiency of the County's airports and major transportation facility; while limiting the adverse impacts of public investments on environmental resources by requiring Environmental Resource Permits and mitigation for environmental impacts to compensate for the functional loss resulting from permitted hammock and vegetation impacts. As a whole, the proposed amendment protects the public health, safety, and welfare of the citizens of the Florida Keys.

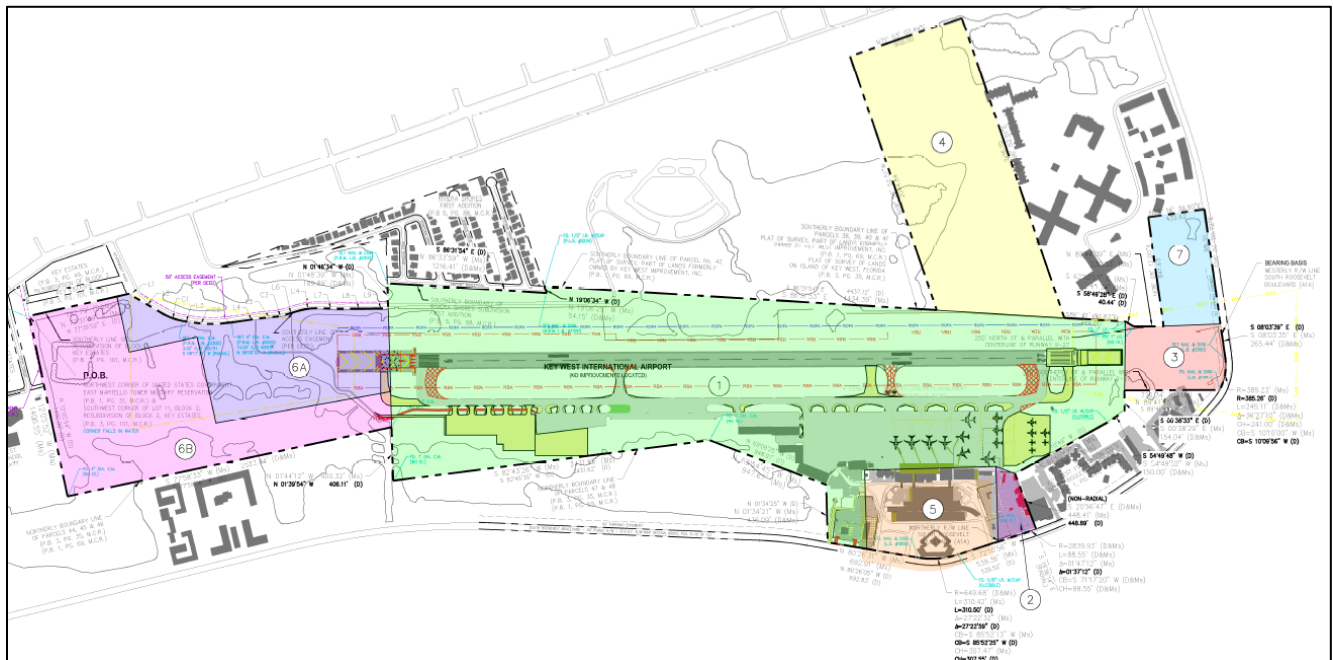
The improvement of the County public airports is essential to:

- Improve the efficient movement of people and goods to and from the airport facilities,
- Attract visitors by providing multiple options to travel between destinations,
- Reduce vehicular traffic on the roadway network,
- Decrease congestion throughout the surrounding area,
- Facilitate the movement of goods between suppliers, manufacturers, and consumers,
- Provide safe, efficient, secure, and convenient service to citizens, businesses, and visitors,
- Maintain utilization for natural disasters and other emergencies, with the delivery of supplies, medical transport and providing another option for evacuations,
- Contribute to operational efficiency, economic growth, and competitiveness while remaining sensitive to natural environment and requiring mitigation to offset impacts, and
- Achieve and/or maintain compliance with FAA standards.

The Key West International Airport is identified by Real Estate Parcel numbers 00064810-000000, 00064850-000100, 00064840-000000, 00065120-000000, 00064820-000000 and 00065100-000000. The airport operation area is located within the parcels identified by Real Estate Parcel numbers 00064810-000000 and 00064850-000100. The overall property contains 254.452 acres and is depicted in the images below.



Key West International Airport - airport operation area (yellow outline)



PROPERTY ACQUISITION LEGEND:				
PARCEL NUMBER	ACRES	ACQUISITION TYPE	DATE ACQUIRED	METHOD ACQUIRED
1	159.68	FEE SIMPLE	1952	SURPLUS PROPERTY
2	2.51	FEE SIMPLE	1952	SURPLUS PROPERTY
3	8.55	FEE SIMPLE	1980	VIA WILL
4	46.08	FEE SIMPLE	2013	FIRST CITIZENS BANK
5	14.75	FEE SIMPLE	1952	SURPLUS PROPERTY
6A	26.48	FEE SIMPLE	2000	SURPLUS PROPERTY
6B	42.78	FEE SIMPLE	1974	SURPLUS PROPERTY
7	10.60	FEE SIMPLE	2013	FIRST CITIZENS BANK

NOTE: PARCEL NO. 4 IS NOT CONTIGUOUS WITH OTHER PARCELS

The legal description for the Key West International Airport is provided on Sheet 13 of 13 of the Airport Layout Plan, prepared by Ricondo & Associates, Inc., dated January 2020 and approved by the BOCC on January 22, 2020.

A parcel of land located in Sections 3 and 4, Township 68 South, Range 25 East, on the Island of Key West, Monroe County, Florida and being more particularly described as follows:

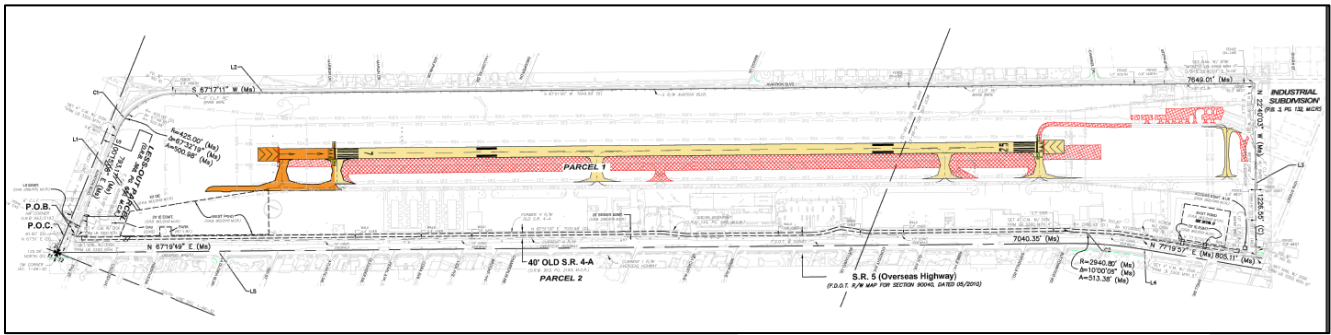
BEGIN at the Northwest corner of the United States Government East Martello Tower Military reservation as shown on a map recorded in Plat Book 1 at Page 31 of the Public Records of Monroe County Florida and said point also being the Southwest corner of Lot 11, Block 2, "RESUBDIVISION OF BLOCK 2, KEY ESTATES", according to the Plat thereof, as recorded in Plat Book 3, at Page 101 of the Public Records of Monroe County, Florida; thence N 77°35'02" E, along the Southerly line of said "RESUBDIVISION OF BLOCK 2, KEY ESTATES", a distance of 787.79 feet to a 50 foot wide Access Easement; thence along the said Easement for the following thirteen (13) metes and bounds: thence S 23°06'58" E, a distance of 13.06 feet; thence S 60°00'17" E, a distance of 288.91 feet to the point of curvature of a curve to the left, having: a radius of 425.00 feet, a central angle of 20°39'05", a chord bearing of S 70°19'49" E, and a chord length of 152.36 feet; thence along the arc of said curve, an arc length of 153.18 feet to the point of tangency of said curve; thence S 80°39'21" E, a distance of 56.37 feet to the point of curvature of a curve to the left, having: a radius of 1025.00 feet, a central angle of 17°26'59", a chord bearing of S 89°22'51" E and a chord length of 310.96 feet; thence along the arc of said curve, an arc length of 312.17 feet to the point of tangency of said curve; thence N 81°53'40" E a distance of 236.06 feet; thence N 84°05'45" E, a distance of 122.92 feet to the point of curvature of a curve to the left, having: a radius of 225.00 feet, a central angle of 10°37'07", a chord bearing of N 78°47'12" E and a chord length of 41.64 feet; thence along the arc of said curve, an arc length of 41.70 feet to the point of tangency of said curve; thence N 73°28'38" E, a distance of 124.00 feet to the point of curvature of a curve to the right, having: a radius of 475.00 feet, a central angle of 17°32'43", a chord bearing of N 82°15'00" E and a chord length of 144.89 feet; thence along the arc of said curve, an arc length of 145.46 feet to the point of tangency of said curve; thence S 88°58'38" E, a distance of 204.30 feet; thence N 89°33'33" E, a distance of 224.03 feet; thence N 89°23'23" E, a distance of 111.18 feet; thence N 01°46'34" W, a distance of 189.89 feet to the Southerly boundary of "RIVIERA SHORES SUBDIVISION, 1st. ADDITION", as recorded in Plat Book 5, at Page 88, of the Public Records of Monroe County, Florida; thence S 86°31'54" E, and along the said Southerly boundary line of said "RIVIERA SHORES SUBDIVISION, 1st. ADDITION", a distance of 1216.41 feet, thence N 19°06'34" W, a distance of 54.15 feet to the Southerly Line of Parcel No. 42, "PLAT OF SURVEY, PART OF LANDS FORMERLY OWNED BY KEY WEST IMPROVEMENT, INC.", as recorded in Plat Book 1, at Page 69, of the Public Records of Monroe County, Florida; thence S 86°31'54" E, along the Southerly Boundary line of said Parcel 42, and along the Southerly Boundary line of Parcels 38, 39, 40, and 41 (Parcels 40 & 41, are per plat, "PLAT OF SURVEY OF LANDS ON ISLAND OF KEY WEST, MONROE COUNTY, FLORIDA", as recorded in Plat Book 3, at Page 35, of the Public Records of Monroe County, Florida), Parcels 38, 39, and 40 are per Plat Book 1, Page 69, a distance of 4437.12 feet; thence S 58°49'28" E, a distance of 40.44 feet; thence N 89°41'41" E, and along the line lying 250 feet Northerly of and Parallel with the Centerline of Runway 9-27, Key West Airport a distance of 687.02 feet to the Westerly Right-of-Way Line of South Roosevelt Boulevard (A1A); thence meander the said Westerly Right-of-Way Line of South Roosevelt Boulevard for the following two (2) metes and bounds: thence S 08°03'39" E, a distance of 265.44 feet to the point of curvature of a curve to the right, having: a radius of 385.26 feet, a central angle of 36°27'10", a chord bearing of S 10°09'56" W and a chord length of 241.00 feet; thence along the arc of said curve, an arc length of 245.11 feet to the end of said curve; thence S 89°41'41" W, and along a line 250 feet Southerly of and parallel with the centerline of Runway 9-27, Key West Airport, a distance of 726.34 feet; thence S 00°38'33" E, a distance of 154.04 feet; thence S 54°49'48" W, a distance of 150.00 feet; thence S 61°10'49" W, a distance of 812.84 feet; thence S 20°56'47" E, a distance of 448.89 feet to the Northerly Right of Way Line of said South Roosevelt Boulevard and a point on a curve concave to the Northwest; thence meander the said Northerly Right-of-Way Line of South Roosevelt Boulevard for the following three (3) metes and bounds: thence along the said curve, concave to the Northwest and to the Left, having for its elements a radius of 2839.93 feet and a central angle of 01°37'12", a chord bearing of S 71°17'20" W and a chord distance of 88.55 feet for an arc length of 88.55 feet to a point of tangency; thence S 72°10'56" W, a distance of 539.52 feet to a point on a curve to the right, having a radius of 649.68 feet, a central angle of 27°22'59", a chord bearing of S 85°52'25" W, and a chord length of 307.55 feet; thence along the arc of said curve, an arc length of 310.50 feet to the point of tangency of said curve; thence N 80°26'05" W, a distance of 692.83 feet; thence N 01°34'25" W, and leaving the said Northerly Right-of-Way Line of South Roosevelt Boulevard a distance of 436.09 feet; thence N 69°09'25" W, a distance of 948.97 feet; thence S 82°45'35" W along the Northerly Boundary Line of Parcels 47 & 48, as recorded in Plat Book 3, Page 35 and Plat Book 1, Page 69 respectively, of the Public Records of Monroe County, a distance of 2431.62 feet; thence N 01°39'54" W, a distance of 406.11 feet; thence S 77°59'06" W, along the Northerly Boundary Line of Parcels 44, 45 and 46 per Plats, as recorded in Plat Book 1, Page 69 and Plat Book 3, at Page 35, of the Public Records of Monroe County, a distance of 2523.94 feet; thence N 12°00'54" W, a distance of 1400.00 feet to the **POINT OF BEGINNING**.

Said lands lying and situate in Key West, Monroe County, Florida, containing 11,083,953 square feet (254.452 acres), more or less.

The Florida Keys Marathon International Airport is identified by Real Estate Parcel numbers 00101160-000000 and 00104500-000000, contains 197.40 acres and is depicted in the images below.



Florida Keys Marathon International Airport (yellow outline)



PROPERTY ACQUISITION LEGEND:				
PARCEL NUMBER	ACRES	ACQUISITION TYPE	DATE ACQUIRED	METHOD ACQUIRED
1	189.72	FEE SIMPLE	1958	QUIT CLAIM DEED
2	7.68	FEE SIMPLE	1985	QUIT CLAIM DEED

LEGEND	
	AIRFIELD PAVEMENT TO BE DEMOLISHED
	FUTURE AIRFIELD PAVEMENT
	EXISTING PAVEMENT
	ULTIMATE AIRFIELD PAVEMENT
	RUNWAY OBJECT FREE AREA (ROFA)- FUTURE
	RUNWAY SAFETY AREA (RSA)- FUTURE
	APPROACH/DEPARTURE RUNWAY PROTECTION ZONE (RPZ)- FUTURE

The legal description for the Florida Keys Marathon International Airport is provided on Sheet 14 of 14 of the Airport Layout Plan, prepared by Ricondo & Associates, Inc., dated June 2020 and approved by the BOCC on June 17, 2020.

<p>LEGAL DESCRIPTION (PARCEL "1")</p> <p>A PARCEL OF LAND DESCRIBED AS COMMENCING AT A CONCRETE MONUMENT ON THE WEST BOUNDARY OF SECTION 1, TOWNSHIP 66 SOUTH, RANGE 32 EAST, AT A POINT 125.28 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 1, AND RUN NORTH 67°51' EAST 54 FEET FOR POINT OF BEGINNING; THENCE CONTINUE NORTH 67°51' EAST 7058.68 FEET TO THE BEGINNING OF A CURVE TO RIGHT HAVING A RADIUS OF 2980.93 FEET AND CENTRAL ANGLE OF 10°00'; THENCE NORTHEASTERLY ALONG SAID CURVE TO RIGHT 520.27 FEET TO POINT OF TANGENCY; THENCE NORTH 77°51' EAST 806.43 FEET; THENCE NORTH 22°09' WEST 1185.18 FEET; THENCE SOUTH 67°51' WEST 7962.84 FEET TO A POINT 50 FEET EAST OF THE WEST LINE OF SECTION 1; THENCE SOUTH 00°02'30" WEST 1077.41 FEET TO THE POINT OF BEGINNING; CONTAINING 189.72 ACRES, MORE OR LESS</p> <p>LEGAL DESCRIPTION (PARCEL "2")</p> <p>A PARCEL OF LAND IN SECTION 1, TOWNSHIP 66 SOUTH, RANGE 32 EAST AND IN SECTION 6, TOWNSHIP 66 SOUTH, RANGE 33 EAST, VACA KEY, MONROE COUNTY, FLORIDA, BEING THE NORTHERLY 40.00 FEET OF STATE ROAD 4-A ADJOINING THE SOUTHERLY BOUNDARY OF THAT CERTAIN PARCEL "1" ACQUIRED FROM THE STATE OF FLORIDA, STATE ROAD DEPARTMENT BY QUIT CLAIM DEED, DATED DECEMBER 29, 1958, AND RECORDED IN OFFICIAL RECORDS BOOK 144, PAGE 590 AND 591 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA LESS IN THE WEST 26.99 FEET THEREOF. SAID PARCEL CONTAINS 7.68 ACRES MORE OR LESS.</p>	<p>PARCEL "1" (189.72 ACRES MORE OR LESS) ACQUIRED FROM THE STATE OF FLORIDA, STATE ROAD DEPT. BY QUIT CLAIM DEED DATED DECEMBER 29, 1958, RECORDED IN BOOK 144, PAGE 590 OF THE OFFICIAL RECORDS OF MONROE COUNTY, FLORIDA</p> <p>PARCEL "2" (40' R.O.W.) (7.68 ACRES MORE OR LESS) ACQUIRED BY QUIT CLAIM DEED PER FDOT AGREEMENT DATED 1/29/85</p> <p>NOTE NO.1 SPONSOR'S INTEREST IN THE EXISTING RUNWAY PROTECTION ZONES OUTSIDE OF PROPERTY BOUNDARIES IS PROTECTED BY MONROE COUNTY CODE ARTICLE XIII, "AIRPORT DISTRICT", SEC.'S 19-277 THROUGH 19-280, COVERING AIRPORT ZONES AIRSPACE HEIGHT LIMITATIONS AND LAND USE RESTRICTIONS.</p> <p>TOTAL ACREAGE PARCELS 1 & 2 = 197.40</p>
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The County is authorized by Florida's Airport Law of 1945 to exercise regulatory authority over the Key West International Airport and the Florida Keys Marathon International Airport even though the public airport facilities are located within the territorial limits of the cities. Airports in the State of Florida are governed by the Airport Law of 1945, which is codified within Sections 332.01 - 332.12, F.S.

The Key West International Airport and Florida Keys Marathon International Airport are County public airports that receive federal funding from the Federal Aviation Administration and must comply with operational safety requirements and compliance directives, development restrictions, and

environmental protection and mitigation requirements, as set forth in the Code of Federal Regulations (CFR) Title 2 Grants and Agreements and Title 14 Aeronautics and Space, and all referenced and implementing guidance including; National Environmental Policy Act (NEPA), Airport Improvement Program, Part 139 Airport Certification, and all applicable Orders, Advisory Circulars and Program Guidance Letters (PGL).

Both County public airports also receive state funding from the Florida Department of Transportation and must comply with all applicable Florida State Statutes, including Title XXV Aviation, Chapters 329, 330, 331, 332 and 333, F.S.

Additionally, both County public airports require an Airport Master Plan (AMP) and an Airport Layout Plan (ALP). The Federal Aviation Administration (FAA) requires airports to maintain and update their Airport Master Plans. AMPs involve a comprehensive study of the Airport and describes short-, medium-, and long-term development plan to meet future aviation needs (an analysis of the airport facility requirements to determine any needed upgrades or new additions to the airport based on forecasted data). The ALP is a depiction of the AMP and is a set of drawings that shows the near-, intermediate-, and long-term facilities for an airport.

The Key West International Airport and Florida Keys Marathon International Airport operate under strict federal and state requirements and must follow an extensive process to update, review and receive approval of the Airport Master Plan (AMP) and an Airport Layout Plan (ALP). This comprehensive planning process occurs every five to ten years and includes public, state and federal agency review of the proposed future development at each airport. The updated AMP and ALP requires approval by the FAA as well as the Board of County Commissioners at a public meeting.

The Key West International Airport Master Plan Update and Airport Layout Plan were approved by the BOCC on January 22, 2020, and addresses demand driven development of the airport to meet the long-term air transportation needs for the Florida Keys through 2035. The Master Plan is a visionary document that sets out a ‘road map’ for the sustainable growth of the Airport; it is not an approval for any specific development or project. Projects continue to require any necessary federal, state and local approvals, including building permits and review of listed species impacts.

The Florida Keys Marathon International Airport Master Plan Update and Airport Layout Plan were approved by the BOCC on June 17, 2020, and addresses demand driven development of the airport to meet the long-term air transportation needs for the Florida Keys through 2036. The Master Plan is a visionary document that sets out a ‘road map’ for the sustainable growth of the Airport, it is not an approval for any specific development or project. Projects continue to require any necessary federal, state and local approvals, including building permits and review of listed species impacts.

The Monroe County Comprehensive Plan defines the following relevant terms:

Airport means any area of land or water, or any manmade object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. There are both public and private airports, which are differentiated as follows:

- (a) A public airport is publicly or privately owned, meets minimum safety and service standards, and is open for use by the public; and
- (b) A private airport is publicly or privately owned, and is available for use by invitation of the licensee. Services

may be provided if authorized by the Florida Department of Transportation.

Environmentally Sensitive Lands means areas of native habitat requiring special management attention to protect important fish and wildlife resources and other natural systems or processes. Environmentally sensitive lands typically include wetlands and other surface waters, tropical hardwood hammocks and pinelands.

Native Upland Vegetation/Habitat (also Upland Native Vegetation/Habitat) means native plant species, either new growth or mature, occurring within native upland plant communities including pinelands, cactus hammocks, palm hammocks or tropical hardwood hammocks. Within pineland habitats, the dominant canopy consists of slash pines (*Pinus elliottii* var. *densa*). Many of the species include: [see Glossary for list of species]

Public Interest means demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. (Florida Keys wetlands include freshwater marsh, salt marsh, buttonwood, salt ponds, freshwater lenses, mangroves, and some areas of tropical hardwood hammocks and pinelands).

Similarly, the Monroe County Land Development Code defines the following relevant terms:

Airport means any area of land or water, or any manmade object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. There are both public and private airports, which are differentiated as follows:

- (1) A public airport is publicly or privately owned, meets minimum safety and service standards, and is open for use by the public; and
- (2) A private airport is publicly or privately owned, and is available for use by invitation of the licensee. Services may be provided if authorized by the Florida Department of Transportation.

Airport use means fixed- and rotary-wing aircraft operations, which may include retail sales and service operations related to public or general aviation, including aircraft sales, repair and storage, commercial shipping and storage, and restaurants designed to serve aviation passengers, and other airport-related public uses. However, the use of a site by any ultra-light aircraft that meets the criteria for maximum weight, fuel capacity and airspeed established for such aircraft by the U.S. Federal Aviation Administration shall be considered an airport use if the site is within five nautical miles of either a public or military airport or 3,000 feet from the boundaries of a private airport.

Environmentally sensitive lands means areas of native habitat requiring special management attention to protect important fish and wildlife resources and other natural systems or processes. Environmentally sensitive lands typically include wetlands and other surface waters, tropical hardwood hammocks and pinelands.

Native upland vegetation/habitat (also upland native vegetation/habitat) means native plant species, either new growth or mature, occurring within native upland plant communities including pinelands, cactus hammocks, palm hammocks or tropical hardwood hammocks. Within pineland habitats, the dominant canopy consists of slash pines (*Pinus elliottii* var. *densa*). Many of the species include: [Full list included in LDC Section 101-1.]

Private airport means an area used for landing and takeoff of aircraft that is either publicly or privately owned, and which is used primarily by the licensee but which is available for use by invitation of the licensee. Services may be provided if authorized by the Florida Department of Transportation. The term includes *Sugarloaf Airport, Tavernaero Airport Park, Summerland Key Airport, Ocean Reef Airport*, and any other airport or airfield to be constructed in the county that meets these requirements.

Public airport means an area used for landing and takeoff of aircraft; is either publicly or privately owned; and which meets minimum safety and service standards and is open for use by the public. The term includes *Key West International Airport, Florida Keys Marathon Airport* and any other public airport or airfield to be constructed in the county that meets these requirements.

Public interest means demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Wetlands are those areas that meet the criteria specified in the State of Florida's Wetland Delineation Manual and/or the United States Army Corps of Engineers Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region. The term wetlands also includes adjoining wetlands and isolated wetlands. Adjoining wetlands includes wetlands separated from other Waters of the United States by man-made dikes or barriers, natural river berms, beach dunes, and similar barriers. Isolated wetlands includes wetlands that are not contiguous, bordering, or neighboring other Waters of the United States. (Florida Keys wetlands include freshwater marsh, saltmarsh, buttonwood, salt ponds, freshwater lenses, mangroves, and some areas of tropical hardwood hammocks and pinelands.)

Community Meeting and Public Participation

Staff has determined that the proposed text amendment will not have a county-wide impact and does not require a public meeting with the BOCC (Impact Meeting) prior to the application proceeding. In accordance with LDC Section 102-159(b)(3), a Community Meeting is not required for this proposed amendment.

Previous relevant BOCC Action

On January 22, 2020, the BOCC approved the Director of Airports to execute along with the FAA the FAA approved Airport Layout Plan (ALP) for the Key West International Airport (EYW).

On June 17, 2020, the BOCC approved the Director of Airports to execute, along with the Federal Aviation Administration (FAA), the FAA approved Airport Layout Plan (ALP) for the Florida Keys Marathon International Airport (MTH).

On June 16, 2021, the BOCC adopted Ordinance 014-2021 amending provisions within Policy 102.1.1, Policy 203.1.1, Policy 204.2.2, Policy 204.2.3 and Policy 204.2.4, to address potential impacts to wetlands.

Coordination with the City of Marathon

Although the MTH Airport is within the limits of the City of Marathon, permitting and development approvals are issued by Monroe County. In an effort to address any concerns that adjacent property owners may express at the reduction of the existing vegetated hammock buffer along Aviation Boulevard, which is specifically cited in the Marathon Comprehensive Plan, County Staff coordinated with City of Marathon Staff requesting input on the proposed amendment. The City of Marathon requested that the proposed mitigation for vegetation removal be revised to reflect the City's mitigation requirements (3 to 1 replacement) and ensure that all invasive exotic vegetation is removed.

III. PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENTS

The Applicant's proposed text amendment request is shown as follows: deletions are in ~~blue strike through~~; additions are shown in blue underline. Staff's recommended changes are show as follows: deletions are in ~~red strike through~~; additions are shown in red underline.

Objective 501.1

Because of the Florida Key's unique nature as an archipelago, Monroe County shall promote the preservation of existing airports, airstrips, and related activities.

Policy 501.1.1

Monroe County shall maintain aviation related land uses adjacent to the public airports and additionally prohibit intrusion into all airport zones. Monroe County shall continue to coordinate with the City of Key West and the City of Marathon to maintain the compatibility of lands adjacent to the County airports and address airport hazards, which affect the safe and efficient use of County public airports.

Policy 501.1.2

Consistent with Section 333.02, F.S., Monroe County finds that an airport hazard (an obstruction to air navigation) can endanger the lives and property of users of the airport and of the occupants of land in its vicinity and, if the obstruction type reduces the size of the area available for the taking off, maneuvering, or landing of aircraft, it could destroy or impair the utility of the County public airport and the public investment therein.

Existing, planned, and proposed facilities on the County's public airports included within the adopted updated Airport Master Plan and Airport Layout Plan, as identified in Policy 501.1.7, shall be protected from airport hazards.

Monroe County 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, and electromagnetic radiation.

Policy 501.1.3

Monroe County shall consider adopting an ordinance regulating incompatible uses such as the operation of ultralights, balloons, parachutes, kites, banner towing, model airplanes and similar activities within the proximity of the public airports or private airstrips to the extent legally possible.

Policy 501.1.4

Monroe County shall continue to include existing airports and airstrips in airport land use districts that only permit airport related land uses, including those the County owns and operates within incorporated areas of the County.

Policy 501.1.5

Monroe County shall encourage the development of aviation facilities and activities that relieve the traffic on U.S. 1 or serve as an alternative to U.S. 1 as a means of delivering goods and services to the community.

Policy 501.1.6

Monroe County shall provide space at public airports for a wide variety of aviation activities in order to provide a wide variety of services to the community.

Policy 501.1.7

The “Key West International Airport Layout Plan,” prepared by Ricondo & Associates, Inc., dated January 2020 and approved by the BOCC on January 22, 2020, and the “Florida Keys Marathon International Airport Layout Plan,” prepared by Ricondo & Associates, Inc., dated June 2020 and approved by the BOCC on June 17, 2020, are hereby incorporated by reference.

Objective 501.2

The expansion of existing or new airport and airstrip facilities shall be coordinated with the future land use, coastal management, and conservation elements and all applicable federal and state requirements for operation, development, and environmental protection of federally obligated airports.

Policy 501.2.1

The development and expansion of aviation and related facilities shall be consistent with the future land use, coastal management and conservation elements as outlined herein.

The Key West International Airport and Florida Keys Marathon International Airport are public airports that receive federal funding from the Federal Aviation Administration and must comply with operational safety requirements and compliance directives, development restrictions, and environmental protection and mitigation requirements, as set forth in the Code of Federal Regulations (CFR) Title 2 Grants and Agreements and Title 14 Aeronautics and Space, and all referenced and implementing guidance including; National Environmental Policy Act (NEPA), Airport Improvement Program, Part 139 Airport Certification, and all applicable Orders, Advisory Circulars and Program Guidance Letters (PGL). Further, both public airports receive state funding from the Florida Department of Transportation and must comply with all applicable Florida State Statutes, including Title XXV Aviation, Chapters 329, 330, 331, 332 and 333.

The provisions within Policy 102.1.1, Policy 203.1.1, Objective 204.2, Policy 204.2.2, Policy 204.2.3, and Policy 204.2.4 shall not apply to the Key West International Airport and the Florida Keys Marathon International Airport due to the overriding public interest for the development and expansion of aviation and related facilities, including fencing, at these public airports to support the economy of the Florida Keys, relieve increasing traffic and congestion on U.S. 1, and to enhance public health, safety and welfare.

Any development and/or expansion of aviation and related facilities at these public airports will be reviewed based on the requirements below and may proceed with local approvals, provided the improvements:

- Are consistent with the adopted Airport Master Plan and Airport Layout Plan;
 - The Key West International Airport Master Plan Update, dated September 2019, and Airport Layout Plan, dated January 2020, which were approved by the BOCC on January 22, 2020, and identifies proposed airport improvements through 2035.
 - The Florida Keys Marathon International Airport Master Plan Update, dated June 2020, and Airport Layout Plan, dated June 2020, which were approved by the BOCC on June 17, 2020, and identifies proposed airport improvements through 2036.
- Meet federal requirements set forth by the FAA for airports that receive federal funds for airport operations and development;
- Comply with all applicable federal and state environmental resource permit/authorization requirements, including mitigation to compensate for the functional loss resulting from the permitted wetland impact;
 - Mitigation for wetland impacts shall be in accordance with State and federal requirements.
 - Mitigation may include, but is not limited to, wetland enhancement, restoration, creation and/or a preservation project which may be onsite mitigation, offsite mitigation, Regional Offsite Mitigation Areas (R.O.M.A) and the purchase of mitigation credits from permitted mitigation banks.
 - The satisfaction of mitigation requirements will be prioritized within the County, based on state and/or federal agency requirements.
- Are reviewed pursuant to the “Permit Referral Process” for development that occurs within areas designated as “Species Focus Areas (SFAs)” or “Species Buffer Areas (SBAs)” as specified in the U.S. Fish and Wildlife Service (USFWS) April 30, 2010 Biological Opinion. The SFAs or SBAs are areas identified by the USFWS which contain potentially suitable habitat for nine federally protected species including: Eastern Indigo Snake, Key Deer, Key Largo Cotton Mouse, Key Largo Woodrat, Key Tree-Cactus, Lower Keys Marsh Rabbit, Schaus Swallowtail Butterfly, Silver Rice Rat, and Stock Island Tree Snail; and
- Meet Monroe County Comprehensive Plan goals, objectives, and policies to *the extent practicable* given required federal and state obligations, to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.

For development at the Key West International Airport and the Florida Keys Marathon International Airport, this policy supersedes wetland restrictions for open space requirements, restrictions on fill or structures in wetlands, and fencing into or through any wetlands or water bodies within the land development code.

Policy 501.2.2

The Florida Keys Marathon International Airport and Key West International Airport shall be expanded and improved to be consistent with the needs identified in the updated Airport Master

Plan and Airport Layout Plan as approved by the Board of County Commissioners. The Key West International Airport Master Plan Update and Airport Layout Plan were approved by the BOCC on January 22, 2020, and the Florida Keys Marathon International Airport Master Plan Update and Airport Layout Plan were approved by the BOCC on June 17, 2020.

The Key West International Airport and Florida Keys Marathon International Airport operate under strict federal and state requirements and must follow an extensive process for update, review and approval of the Airport Master Plan and Airport Layout Plan to ensure these requirements are met. This comprehensive planning process occurs every five to ten years and includes public, federal, and state agency review of the proposed future development at each airport. The updated Airport Master Plan and Airport Layout Plans (ALP) are approved by the FAA as well as the Board of County Commissioners at a public meeting.

Policy 501.2.3

If development activities to construct or expand airport or airstrip facilities take place in environmentally sensitive wetland areas because there is no other viable alternative available, mitigation and restoration shall be required and approved according to federal and state permitting requirements.

If development activities to construct or expand airport or airstrip facilities take place in environmentally sensitive native vegetation areas because there is no other viable alternative available, the activities will be reviewed pursuant to the “Permit Referral Process” for development that occurs within areas designated as “Species Focus Areas (SFAs)” or “Species Buffer Areas (SBAs)” and will be subject to the County mitigation standards of the municipality in which it is located. Removal of qualifying upland native vegetation will require payment to the Monroe County Environmental Land Management and Restoration Fund, or replanting if preferred or required by the municipality, in an amount sufficient to replace each removed plant or tree on a 23:1 basis. Additionally, all invasive exotic vegetation must be removed from the proposed development area.

Objective 501.3

Airports and airstrips shall operate in the manner to maximize safety and least adverse impact on the community.

Policy 501.3.1

Consistent with Policies 501.1.2 and 501.3.3, Monroe County shall maintain the existing hammock along Aviation Boulevard, which is not located within the Federal Aviation Administration (FAA) required Runway Obstacle Free Area (runway clearance requirements) prohibiting above ground objects within 250 feet of the runway centerline, as a buffer between the Marathon Airport and the residences to the north.

Monroe County shall maintain coordination mechanisms with the City of Marathon and inform the City on the removal of hammock along Aviation Boulevard required to ensure safe operations at the Florida Keys Marathon International Airport.

Policy 501.3.2

Monroe County shall maintain and update the Key West International and Marathon Noise Exposure Maps and implement measures to minimize the adverse impacts of noise on the surrounding community.

Policy 501.3.3

Facilities at public airports shall be built to meet or exceed federal, state, and local safety regulations as applicable. Monroe County shall prioritize safety in evaluating public airport development projects; particularly to address airport hazards which obstruct or cause an obstruction to the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to landing or taking off at such airport.

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IV. ANALYSIS OF PROPOSED AMENDMENT

The Airport Department (Applicant) provided a detailed explanation for the proposed amendment (excerpts below). The Applicant’s full explanation and justification of the proposed amendments is included in the file for the application (File 2022-105).

“The Florida Keys Marathon International Airport (MTH) opened in 1943. It was built by the Department of Defense through the U.S. Navy as an auxiliary airfield for Naval Air Station Key West. It was deactivated as a military facility at the end of [World War II](#) and initially transferred to the State of Florida, and later the Monroe County Board of County Commissioners, for use as a civilian airport. For most of its existence, the County owned-and-operated airport has been a general aviation facility. It also has had scheduled passenger airline service for more than 25 years in the past. On April 20, 2016, for the first time in approximately three decades, U.S. Customs and Immigration service became available at the airport with the completion of a new permanent Customs and Border Protection facility located in the former commercial terminal. MTH also served an important role as a staging and post disaster recovery area during the Screwworm outbreak in 2016 and the response to Hurricane Irma in 2017.

Any improvement of facilities at MTH must meet all applicable federal and state requirements for operation, development, and environmental protection. Public airports that receive federal funding from the Federal Aviation Administration (FAA) must comply with operational safety requirements and compliance directives, development restrictions, and environmental protection and mitigation requirements, as set forth in the Code of Federal Regulations (CFR) Title 2, Grants and Agreements, and Title 14, Aeronautics and Space, and all referenced and implementing guidance including; National Environmental Policy Act (NEPA), Airport Improvement Program (AIP), Part 139 Airport Certification, and all applicable Orders, Advisory Circulars and Program Guidance Letters (PGL). Public airports that receive state funding from the Florida Department of Transportation must also comply with all applicable Florida State Statutes, including Title XXV Aviation, Chapters 329, 330, 331, 332 and 333.

*The key safety improvement identified in the AMP and ALP is to bring the Runway 7-25 and the parallel Taxiway A separation distance into compliance with FAA standards. The current runway centerline to taxiway centerline distance is 200 feet. FAA standards require this distance to be 240 feet. Through previous planning studies and the recently completed Environmental Assessment (EA) several alternatives were evaluated to achieve the proper runway to taxiway separation distance. **As a result of the EA process the FAA Orlando Airports District office completed a Final EA and issued a***

Finding of No Significant Impact (FONSI) and Record of Decision (ROD) on March 30, 2020 with the preferred alternative to shift Runway 7-25 Northwest by 40 feet.

Shifting Runway 7-25 to the Northwest by 40 feet will achieve the FAA required 240 foot runway to taxiway separation distance. Relocating the runway will also address the existing runway pavement which is in fair condition. The Florida Department of Transportation (FODT) pavement evaluation report recommends the runway undergo major rehabilitation, which includes milling the surface of the existing runway pavement and resurfacing with asphalt.

To obtain this additional 40 feet of separation Runway 7-25 will be shifted 40 feet, which in turn impacts 40 feet of the existing vegetative buffer.”

As noted, the Monroe County Airport Department submitted an application requesting amendments to the Ports, Aviation and Related Facilities Element of the Monroe County 2030 Comprehensive Plan, to allow airport improvements at the Florida Keys Marathon International Airport (MTH), consistent with the Airport Master Plan (AMP) and Airport Layout Plan (ALP) for each public airport. Some of the MTH airport improvements are anticipated to affect the vegetative buffer between MTH and Aviation Boulevard, as there is no other viable alternative available. The Airport Department is requesting text amendments to Policy 501.1.1, Policy 501.1.2, Policy 501.2.2, Policy 501.2.3 and Policy 501.5.3, allowing the public airport improvements to proceed, in accordance with federal and state law, to comply with requirements for the safe and efficient operation of federally funded public airports within Monroe County. The public airport projects will continue to comply with all applicable federal and state permit/authorization requirements, including mitigation for environmental impacts.

Specifically, the Airport Department is requesting the amendments to bring the MTH Airport into compliance which will ensure future support and eligibility in federal funding to support the improvements at MTH, which will continue to support the overriding public interest for the development and expansion of aviation and related facilities, as these facilities support the economy of the Florida Keys, relieve increasing traffic and congestion on U.S. 1, enhance public health, safety and welfare, and are required to comply with federal and state requirements for the safe and efficient operation of federally funded public airports within Monroe County

The proposed amendment would allow some impacts to be mitigated for airport improvements where there is no other viable alternative available but would still require all applicable federal and state environmental resource permit/authorization requirements, including mitigation for environmental impacts.

As noted by the Applicant, *“The proposed text changes will allow the airport to accomplish these safety improvements by complying with FAA standards as depicted in the ALP and to ensure future consideration and eligibility to receive federal funding. The key safety improvement identified in the AMP and ALP is to bring the Runway 7-25 and the parallel Taxiway A separation distance into compliance with FAA standards. The current runway centerline to taxiway centerline distance is 200 feet. FAA standards require this distance to be 240 feet. Through previous planning studies and the recently completed Environmental Assessment (EA) several alternatives were evaluated to achieve the proper runway to taxiway separation distance. As a result of the EA process the FAA Orlando Airports District office completed a Final EA and issued a Finding of No Significant Impact (FONSI) and Record of Decision (ROD) on March 30, 2020 with the preferred alternative to shift Runway 7-25 Northwest by 40 feet.*

Shifting Runway 7-25 to the Northwest by 40 feet will achieve the FAA required 240 foot runway to taxiway separation distance. Relocating the runway will also address the existing runway pavement which is in fair condition. The Florida Department of Transportation (FODT) pavement evaluation report recommends the runway undergo major rehabilitation, which includes milling the surface of the existing runway pavement and resurfacing with asphalt.

To obtain this additional 40 feet of separation Runway 7-25 will be shifted 40 feet, which in turn impacts 40 feet of the existing vegetative buffer.”

The applicant provides the following information as it relates the Biological Study Area (BSA) which was analyzed during the EA process:

Each of the upland and wetland communities identified within the BSA were evaluated. This evaluation consisted of detailed ground truthing investigations to characterize the predominant floral communities typical of each habitat type. In addition, representative photographs were taken within each of the on-site communities within the LOPD (**Attachment C**).

Two upland habitats were found to occur within the BSA: tropical hardwood hammock and developed airfield. These upland communities are listed in **Table 2** and described below. The upland communities are also depicted on Exhibit 4.

Table 2: Upland Land Use/Vegetative Cover within the BSA

FLUCFCS CODE	DESCRIPTION	ACRES WITHIN BSA
426	Tropical Hardwoods	30.4
811	Airports	153.1
Total Acres of Upland Habitat within BSA		183.5

NOTES: BSA—Biological Study Area FLUCFCS—Florida Land Use, Cover, and Forms Classification System
 SOURCE: Birkitt Environmental Services, Inc.
 PREPARED BY: Birkitt Environmental Services, Inc., August 2017.

While the County’s Comprehensive Plan, if amended, would no longer restrict these improvements; the proposed amendment would still require *all applicable federal and state environmental resource permit/authorization requirements, including mitigation to compensate for the loss resulting from the permitted removal of hammock* (i.e. the replacement, enhancement, and/or preservation of environmentally sensitive lands at specified ratios based on the quality of the impacted resource). Additionally, the improvements must be identified within the BOCC adopted Airport Master Plan and Airport Layout Plan; the improvements must meet federal requirements set forth by the FAA; the improvements must reviewed pursuant to the “Permit Referral Process;” and the improvements must meet Monroe County Comprehensive Plan goals, objectives, and policies *to the extent practicable* given required federal and state obligations, to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.

Additionally, it should be noted, that the public airports are subject to the review requirements included within Policy 206.1.4 and Sections 122-2 and 122-8, regarding the United States Federal Emergency Management Agency (FEMA) and United States Fish and Wildlife Service (FWS) Required “Permit Referral Process” (PRP) included in permit determinations for development to administer the National Flood Insurance Program (NFIP).

As a brief summary of the development of the PRP, Section 7 of the Endangered Species Act (ESA) requires *Federal agencies to consult with FWS* to determine whether there would be negative effects based on their activities on federally protected species and their habitat, prior to taking action within an area that may impact species or their habitat. In 1990, the National Wildlife Federation, Florida Wildlife Federation, and the Defenders of Wildlife (Plaintiffs) filed suit against FEMA and FWS, claiming that FEMA had not consulted with FWS, as required by the Endangered Species Act, while implementing the NFIP. As a result, FWS issued a Biological Opinion (BO) for the effects of the NFIP on federally protected species in the Keys on April 30, 2010.

As required by the ESA, the BO provided Reasonable and Prudent Alternatives (RPA) for four jeopardy species and Reasonable and Prudent Measures (RPM) for five non-jeopardy species. Based on input from the Plaintiff and interested parties, the RPA's were subsequently revised and the revised RPA's became final with the execution of the Settlement Agreement on January 6, 2011.

As a result of the actions, the County adopted Ordinance 015-2012, amending Chapter 122 Floodplain Regulations of the Monroe County Code, creating Section 122-8 to provide for the inclusion of FEMA and FWS requirements. This ordinance creates and implements the “Permit Referral Process.”

The "Permit Referral Process" includes a review of *all* development that occurs within areas designated as "Species Focus Areas (SFAs)" or "Species Buffer Areas (SBAs)". The SFAs or SBAs are areas identified by the FWS which contain potentially suitable habitat for nine federally protected species including: Eastern Indigo Snake, Key Deer, Key Largo Cotton Mouse, Key Largo Woodrat, Key Tree-Cactus, Lower Keys Marsh Rabbit, Schaus Swallowtail Butterfly, Silver Rice Rat, and Stock Island Tree Snail.

The Biological Opinion dated April 30, 2010, modified on December 14, 2010, and RPAs provide a review method to address habitat loss and indirect effects from floodplain development as well as stipulates the take impacts that can occur. The BO establishes an implementation/review process through Species Assessment Guides, which determines potential impacts to the specific listed species. The BO allows the County to issue permits that impact a certain amount of acreage for each type of listed species (table 18 from the BO).

The maximum impact acreage in the BO is far less than the amount of acreage that exists within the Focus Areas for the listed species (see table below); and the Species Assessment Guides allow for impact to habitat to be compensated for, in accordance with the County’s mitigation requirements, without that impact being deducted from the overall allowable acreage and “take” limits for the County. Only those permit applications which result in a “May Affect” determination for the listed species would cause the impact to be deducted from the overall allowable acreage and “take” limits for the County.

The FWS has approved, through Species Assessment Guides, habitat compensation via replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions, according to the County’s land development regulations.

As a note, the County provides an annual report to FWS and FEMA on the implementation of the PRP. The most recent reporting period (September 13, 2020 to September 12, 2021), provides the remaining take for each species:

Table 4. EXEMPTED, DEDUCTED, AND REMAINING INCIDENTAL TAKE IN SQUARE FEET OF HABITAT AND NUMBER OF RESIDENCES FROM 9/13/12 TO 9/12/21.

	Indigo Snake	Key Deer	Key Largo Cotton Mouse	Key Largo Woodrat	KLCM/KLWR Buffer (residences)	Key Tree Cactus	Schau's Swallowtail Butterfly	Lower Keys Marsh Rabbit (residences)	Lower Keys Marsh Rabbit Focus Area (residences)	Silver Rice Rat (residences)	Silver Rice Rat Focus Area (residences)	Silver Rice Rat Focus Area Buffer (residences)	Stock Island Tree Snail	
TOTAL EXEMPTED INCIDENTAL TAKE	33,650,100	12,658,536	9,487,368	9,487,368	76	10,868,220	9,461,232	3,641,616	296	575	7,505,388	522	349	10,868,220
PRIOR YEAR(S) CUMULATIVE DEDUCTED INCIDENTAL TAKE (9/13/12 to 9/12/20)	40,100	167,942	234,850	234,850	0	0	224,708	196,524	0	0	195,451	0	0	174,970
CURRENT REPORTING PERIOD DEDUCTED INCIDENTAL TAKE (9/13/20 to 9/12/21)	0	7,000	19,562	19,562	0	0	19,562	0	0	0	0	0	0	0
PERCENT OF TAKE USED 9/13/12 to 9/12/21	0.12%	1.38%	2.68%	2.68%	0.00%	0.00%	2.58%	5.40%	0.00%	0.00%	2.60%	0.00%	0.00%	1.61%
AVAILABLE REMAINING TAKE BEGINNING 9/13/21	33,610,000	12,483,594	9,232,956	9,232,956	76	10,868,220	9,216,962	3,445,092	296	575	7,309,937	522	349	10,693,250

As noted in the table above:

- Eastern Indigo Snake has an incidental take of 33,650,100 SF and the cumulative take utilized is 40,100 SF, with a remaining available take of 33,610,000 SF.
- Key Tree cactus has an incidental take of 10,868,220 SF and the cumulative take utilized is 0 SF, with a remaining available take of 10,868,220 SF.
- Stock Island Tree snail has an incidental take of 10,868,220 SF and the cumulative take utilized is 171,220 SF, with a remaining available take of 10,693,250 SF.

While there is take remaining, the County Biologist has indicated, based on an initial review, that proposed actions at the public airports are *Not Likely to Adversely Affect* (NLAA) the listed species). During building permit review, the County will review the specific development proposal and designs and mitigation proposal through the Permit Referral Process.

It should be clearly noted that, the County has also received Finding of No Significant Impact (FONSI) and Record of Decision (ROD) on March 30, 2020 for the proposed improvements at MTH Airport (Exhibit C). The FAA requires compliance with the National Environmental Policy Act (NEPA) and implementing regulations issued by the Council on Environmental Quality (CEQ).

NEPA requires environmental review of proposed actions directly undertaken by the FAA and to actions undertaken by a non-Federal entity (County) where the FAA has authority to condition a permit, license, or other approval.

The EA determines whether or not an action has the potential to cause significant environmental effects. Based on the EA, the following actions can occur:

- If the agency determines that the action will not have significant environmental impacts, the agency will issue a Finding of No Significant Impact (FONSI). A FONSI is a document that presents the reasons why the agency has concluded that there are no significant environmental impacts projected to occur upon implementation of the action.
- If the EA determines that the environmental impacts of a proposed Federal action will be significant, an Environmental Impact Statement is prepared.

On March 30, 2020, the FAA issued a Finding of No Significant Impact on the EA and determined the Environmental Assessment (EA) prepared for the project Impact Statement is not necessary for Taxiway Extension, Apron Expansion, and Security Fencing Improvements at the Key West International Airport. This review included the participation of the U.S. Environmental Protection Agency, US Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Florida Fish and Wildlife Conservation Commission, the South Florida Water Management District and the Florida State Clearinghouse (the Florida Department of Environmental Protection coordinates coastal consistency review among state agencies).

Pertinent excerpts from the FONSI:

BACKGROUND: The Florida Keys Marathon International Airport (MTH) is owned and operated by Monroe County (also referred to in this document as the "County" or "Airport Sponsor"). The airport is a public-use general aviation airport that supports air charter, air taxi, air cargo, and general aviation activity. The airport's role is classified as a Regional Airport in the Federal Aviation Administration's *National Plan of Integrated Airport Systems* (NPIAS). The City of Marathon and the airport are located on Vaca Key in the middle portion of the Florida Keys.

The distance between the centerlines of Runway 7-25 and parallel Taxiway A is 200 feet. Applicable FAA airport design standards require a runway-to-taxiway separation distance of 240 feet. Monroe County requested approval to shift the Runway 7-25 centerline 40 feet to the northwest to provide the required separation distance. Because the proposed improvements require federal action, an Environmental Assessment (EA) was prepared by the County for the FAA's use in complying with the requirements of the *National Environmental Policy Act of 1969* (NEPA). The EA was prepared in accordance with Council on Environmental Quality (CEQ) regulations implementing NEPA; FAA Order 5050.4B, *NEPA Implementing Instructions for Airport Actions*; and FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*.

This Finding of No Significant Impact (FONSI) and Record of Decision (ROD) provides the FAA's environmental determination, approval, and conditions for agency actions necessary to implement the Proposed Action. This FONSI/ROD is based on information and analyses contained in the attached *Environmental Assessment for Runway and Taxiway Separation Improvements*, which is incorporated by reference, and other related documents available to the agency. The ROD is issued in accordance with CEQ regulations at 40 CFR §1505.2.

Biological Resources – The Proposed Action would clear 40 feet of trees and shrubs along the edge of a 220-foot wide strip of vegetation that runs along the north side of the airfield. No fill or excavation would take place in the cleared area. Mitigation for loss of habitat values associated with tropical hardwood hammock and mangrove wetlands would be provided off-site. The Proposed Action would also affect approximately 0.22 acre of mangrove wetlands, which are designated as Essential Fish Habitat (EFH). Due to limited tidal influence and access to the mangrove wetlands, the Proposed Action would have no adverse effect on EFH.

Federally-Listed Species – No Critical Habitat is present on or adjacent to the project site. Through consultation with the U.S. Fish and Wildlife Service (USFWS), it was determined the Proposed Action *may affect, not likely to adversely affect* Blodgett's wild mercury, Garber's spurge, sand flax, Semaphore cactus, and Simpson's tree cactus. These plant species are also state-listed. The project site would be surveyed for these species prior to construction. Any individual plants of these species found within the project site would be relocated to an area that would not be disturbed.

Based on the ongoing consultation with the USFWS, the FAA determined the Proposed Action *may affect, not likely to adversely affect* the federally-listed American crocodile, Eastern indigo snake, Key silverside, mangrove rivulus, and Stock Island tree snail. In addition, consultation with the National Marine Fisheries Service determined the Proposed Action would have *no effect* on the smalltooth sawfish.

State-Listed Species – Other than the species listed discussed above, no effects on state-listed plant and animal species are anticipated.

Section 7 Consultation – FAA initiated consultation with the USFWS and the consultation is on-going. During the consultation process, the FAA and USFWS agreed to the following:

1. The FAA and Monroe County agree to have their agents conduct a survey for the Stock Island tree snail at the Marathon Airport runway relocation project site, and provide a report detailing the results of the survey to the USFWS, prior to completion of the USFWS's consultation on the project. The survey will be conducted in accordance with the Service's "Stock Island Tree Snail Survey Protocol."
2. For the purposes of completing the Environmental Assessment, the Environmental Assessment will reflect FAA's determination of *May Affect, Not Likely to Adversely Affect* the Stock Island tree snail. The EA will include Monroe County's commitment to have their agent survey for the Stock Island tree snail during the permitting process. Upon completion of the survey, should the Stock Island tree snail be identified on the project site, Monroe County would, in coordination with the USFWS, agree to relocate the snails to appropriate habitat. Relocation would not occur until the FAA receives the USFWS's signed Biological Opinion for the project.
3. With USFWS concurrence with this approach, the FAA can issue a FONSI/ROD for the project, committing to the survey and mitigation strategy, yet allowing the project to move forward into design and permitting.
4. Upon completion of the Stock Island tree snail survey during permitting, the Draft Biological Assessment will be finalized to reflect the FAA's determination for the project's effects to the Stock Island tree snail. The determination will be listed as either "may affect, not likely to adversely affect", if no Stock Island tree snails are observed during the survey, or "may affect, likely to adversely affect", if Stock Island tree snails are observed during the survey.
5. The Environmental Assessment and Biological Assessment will reflect the cactus species found on site as the *Harrisia fragrans*.

6. In the revised Draft Biological Assessment, after completion of the Environmental Assessment, but prior to the conclusion of formal consultation, Monroe County will provide a detailed relocation plan for the Simpson's apple cactus for review and approval by USFWS.

The environmental approval provided in this Finding of No Significant Impact and Record of Decision is contingent on the conclusion of FAA's consultation with the USFWS and the County's implementation of any

mitigation or conservation measures deemed necessary during the consultation process. Until such time that consultation is concluded and conservation measures are implemented, Monroe County shall not alter or affect any vegetation and habitat associated with the Stock Island tree snail and the Simpson's tree cactus.

Coastal Resources – The Proposed Action would clear vegetation within 0.22 acre of mangrove wetlands designated as Essential Fish Habitat (EFH). Of the affected wetlands, only 0.18 acre is tidally influenced and the connection to tidal waters is through a pipe under an adjacent roadway. Although no adverse effects on EFH are anticipated, mitigation for the loss of wetland habitat will be provided during the project's permitting phase. This mitigation would also compensate the minor impacts to EFH. During construction, measures would be implemented to control erosion and sedimentation. Although there would be a net decrease in the amount of impervious surface at MTH, the airport's stormwater management system would be modified to attenuate and treat stormwater runoff from the shifted runway. These measures would minimize the potential for indirect impacts to the remaining wetlands, mangroves, and EFH.

The Draft EA was submitted to the Florida State Clearinghouse for review. In its response, the Clearinghouse stated the State "has no objections to allocation of federal funds for the subject project and, therefore, the funding award is consistent with the Florida Coastal Management Program". The State's final concurrence of the project's consistency with the FCMP will be determined during the environmental permitting process.

Based on the analysis contained in the EA and the State of Florida's review, the Proposed Action would not cause significant coastal resource impacts.

V. CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE PRINCIPLES FOR GUIDING DEVELOPMENT, AND FLORIDA STATUTES.

A. The proposed amendment is consistent with the Goals, Objectives and Policies of the Monroe County 2030 Comprehensive Plan. Specifically, it furthers:

Goal 101: Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.

Policy 101.5.19: The principal purpose of the Airport District (AD) future land use category is to facilitate the operations of airports and their compatible uses and to prohibit the development of residential uses (excluding temporary non-emergency housing), non-compatible educational uses (including but not limited to pre-K through high schools) and/or other uses which are characterized by the regular presence of large numbers of people within the hazard areas of civil and military airports. In addition to privately owned civil airports located within the unincorporated areas of the County, this Monroe County Future Land Use Map (FLUM) designation applies to the airports owned by the County within the cities of Key West and Marathon, and the County shall have review authority over all permit applications.

Objective 102.1: Monroe County shall require new development to comply with environmental standards and environmental design criteria which will protect wetlands, native upland vegetation and beach/berm areas.

Objective 102: Monroe County shall maintain Environmental Standards (Section 118-1) and Environmental Design Criteria (Section 118-6) of the Land Development Code. These regulations will require new development to further protect wetlands, native upland vegetation and beach/berm areas.

Policy 102.2.1: Monroe County shall maintain environmental standards and environmental design criteria as indicated in Conservation and Coastal Management Policy 204.2.5 that eliminate the net loss of disturbed wetlands. *Mitigation for wetland impacts shall be in accordance with State requirements. In instances where mitigation is required by the U.S. Army Corps of Engineers but not by FDEP or SFWMD, Federal mitigation requirements shall apply.*

Policy 102.2.2: Monroe County shall maintain environmental standards and environmental design criteria as indicated in policies adopted pursuant to Conservation and Coastal Management Objective 205.2 that protects native upland vegetation and promotes restoration of habitat values of native upland communities, including hardwood hammocks and pinelands.

Policy 102.2.3: Monroe County shall maintain environmental standards and environmental design criteria as indicated in policies adopted pursuant to Conservation and Coastal Management Objective 210.1 that will protect beach/berm resources by addressing permitted uses, siting of structures, disturbances, removal of invasive vegetation, and restoration of native vegetation in beach/berm areas.

Objective 203.1: Monroe County shall protect its mangrove wetlands by continuing to implement regulations which will further reduce disturbances to mangroves and which will mitigate the direct and indirect impacts of development upon mangroves.

Policy 203.1.2: Monroe County 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 and as provided for in Policy 204.2.3, 204.2.4 and 204.2.5. If a 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 that 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 is managed in accordance with County regulations approved by the County Biologist and is placed under conservation easement.

Objective 204.1: Monroe County shall identify potential wetland restoration sites and identify high quality wetland sites for possible future acquisition by the County, State and/or private non-profit conservation organizations.

Policy 204.1.1: Monroe County may coordinate with other agencies in developing and administering a wetlands restoration program.

Policy 204.1.2: Monroe County shall work cooperatively with the USACE, EPA, FWS, FDEP and FWC, and others as appropriate, to determine funding sources to support a wetlands restoration program.

Policy 204.1.3: Monroe County shall coordinate with the FWC to update as needed and maintain the existing freshwater wetlands and disturbed wetlands mapping.

Objective 204.2: Monroe County shall not allow the loss of undisturbed wetlands or the net loss of disturbed wetlands.

Policy 204.2.1: Monroe County shall utilize the Wetlands Evaluation Procedure (KEYWEP) to determine the functional capacity of wetlands and Uniform Mitigation Assessment Method (UMAM) to determine mitigation requirements for impacts to wetlands.

Policy 204.2.5: Monroe County shall maintain environmental standards and environmental design criteria which provide 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 and as provided for in Policies 204.2.3, and 204.2.4. The setback is measured from the landward extent of the wetlands as determined pursuant to 62-340.300 F.A.C.

If a 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 that 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 in accordance with County regulations and approved by the County Biologist and placed under conservation easement. "Development" shall include all activities as currently defined in the F.S. 380.05. [F.S. § 163.3177(6)d.2.j., k.]

Policy 204.2.8: Monroe County shall attempt to ensure that dredge and fill activities that require permits from federal, state, regional, and county regulatory authorities are done through a coordinated interagency review process. (HB530)

Policy 204.2.9: No "after-the-fact" permits shall be issued that violate Monroe County dredge and fill regulations. All illegal structures and fill shall be removed and damages mitigated.

Policy 204.2.10: Monroe County shall maintain, and update as necessary, a schedule of monetary penalties that provides for fair and equitable penalties for all dredge and fill violations. Penalty revenues shall be paid to the Monroe County Environmental Land Management and Restoration Fund or set aside and used specifically for water quality enhancement projects or wetland restoration or enhancement projects.

Objective 204.3: Monroe County shall maintain a program for acquiring or restoring high quality wetlands. (See Future Land Use Objective 102.4 and related policies.)

Policy 204.3.1: The Monroe County Growth Management Division in coordination with the Monroe County Land Authority and other federal and state agencies will continue with wetlands acquisition through the Florida Forever program, and other funding mechanisms such as the Monroe County Land Acquisition Fund. Priority wetland acquisition sites shall include the following:

1. wetlands having the greatest functional value as determined by KEYWEP;
2. wetlands which are documented habitat of species of special status; and/or
3. undisturbed and disturbed wetlands located within the Improved Subdivision (IS) zoning district.

Policy 205.2.3: Monroe County shall maintain clustering requirements as follows:

1. when a parcel proposed for development contains more than one (1) habitat type, development shall be:
 - a) clustered on the least sensitive portion of the parcel, until the maximum allowable density is reached;
 - b) 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
2. development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel.

For the purpose of this policy, the relative sensitivity of separate habitat types shall be as listed below with 1 (freshwater wetlands) being the most sensitive and 16 (disturbed with exotics) the least sensitive.

1. Freshwater wetlands;
2. Salt marsh and/or buttonwood association wetlands;
3. Cactus hammock;
4. Palm hammock;
5. Beach/berm;
6. Pinelands
7. High Hammock
8. Low hammock
9. Disturbed beach/berm;
10. Disturbed with freshwater wetlands;
11. Disturbed with salt marsh and/or buttonwood association wetlands;
12. Disturbed with slash pines;
13. Disturbed with high hammock;
14. Disturbed with low hammock;
15. Disturbed; and
16. Disturbed with exotics.

Policy 205.2.9: Development shall be sited so as to avoid or minimize impacts to the following plants:

1. species listed by the Florida Department of Agriculture and Consumer Services as threatened, endangered or commercially exploited (excluding those specifically protected by Policy 205.2.8);
2. other locally rare native species (See Policy 205.3.1); and
3. 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 the following options shall be considered by the County Biologist:

- (1) Successful transplantation of affected plants/individuals ("successful transplantation" shall be defined as one-hundred (100) percent survival after a period of one (1) year); or
- (2) Where the probability of survivability of transplanted plants is low or when there is no suitable planting area on the subject site (as determined in writing by the County Biologist), then the applicant shall be required to make a payment into the Monroe County Land Management and Restoration Fund (See Goal 209 and related objectives and policies). Payments into this Fund for this purpose shall be calculated as follows: Payments shall be equal to the replacement cost at a rate of 2:1 for all native trees over four inches dbh; all listed species of any size; and all locally rare native species.

Objective 206.1: Monroe County shall continue to enforce land development regulations which protect wildlife and wildlife habitat from adverse impacts of development.

Policy 206.1.1: An Existing Conditions Report (ECR) shall be required for land development projects that impact or propose removal of native habitat.

As part of the ECR, the applicant shall be required to provide the following information related to wildlife and wildlife habitat:

1. a vegetation survey that identifies the distribution and quality of native habitats;
2. an assessment of any endangered/threatened or protected species (which is known to occur or for which potential suitable habitat occurs) within the parcel or lot proposed to be developed; and
3. identification of measures that will avoid or lessen the identified wildlife impact.

Monroe County shall, when deemed appropriate, incorporate wildlife impact avoidance measures as stipulations for the land development order.

Policy 206.1.3: Clustering requirements shall be revised so as to reduce habitat fragmentation (See Policy 205.2.3).

Policy 206.1.4: Monroe County shall implement a "Permit Referral Process" for review of all development that occurs within areas designated as "Species Focus Areas (SFAs)" or "Species Buffer Areas (SBAs)". The SFAs or SBAs are areas identified by the U.S. Fish and Wildlife Service (USFWS) which contain potentially suitable habitat for nine federally protected species including: Eastern Indigo Snake, Key Deer, Key Largo Cotton Mouse, Key Largo Woodrat, Key Tree-Cactus, Lower Keys Marsh Rabbit, Schaus Swallowtail Butterfly, Silver Rice Rat, and Stock Island Tree Snail.

Monroe County shall work cooperatively with USFWS and the Federal Emergency Management Agency (FEMA) to review permit applications for compliance with the Federal Endangered Species Act through the "Permit Referral Process" within the floodplain regulations. The purpose of the "Permit Referral Process" is to implement regulations that will assure, consistent with the 10th Amendment to the U.S. Constitution, state and county regulations, proper record retention, coordination, and notification of FEMA and USFWS regarding permit applications filed with or issued by Monroe County.

Policy 206.1.5: Monroe County shall work cooperatively with USFWS in requiring any development permit application within Critical Habitat or designated potentially suitable habitat for federally listed threatened and endangered species that are not included in the USFWS April 30, 2010 Biological Opinion, and/or are not included in the species addressed under the "Permit Referral Process" in Policy 206.1.4 above, to consult directly with USFWS and provide authorization from USFWS to Monroe County before commencement of development.

GOAL 501: Monroe County shall provide aviation facilities in a manner that maximizes safety, convenience, economic benefit, environmental compatibility and consistency with other elements of the comprehensive plan, including exercising its planning and land use authorities on County-owned airport properties within incorporated areas of the County.

Objective 501.1: Because of the Florida Key's unique nature as an archipelago, Monroe County shall promote the preservation of existing airports, airstrips, and related activities.

Policy 501.1.4: Monroe County shall continue to include existing airports and airstrips in airport land use districts that only permit airport related land uses including those the County owns and operates within incorporated areas of the County.

Policy 501.1.5: Monroe County shall encourage the development of aviation facilities and activities that relieve the traffic on U.S. 1 or serve as an alternative to U.S. 1 as a means of delivering goods and services to

the community.

Policy 501.1.6: Monroe County shall provide space at public airports for a wide variety of aviation activities in order to provide a wide variety of services to the community.

Objective 501.2: The expansion of existing or new airport and airstrip facilities shall be coordinated with the future land use, coastal management, and conservation elements.

Policy 501.2.1: The development and expansion of aviation and related facilities shall be consistent with the future land use, coastal management and conservation elements.

Policy 501.2.2: The Marathon and Key West airports shall be expanded to be consistent with the needs identified in the updated master plan as approved by the Board of County Commissioners.

Policy 501.2.3: Development activities to construct or expand airport or airstrip facilities shall not take place in environmentally sensitive areas unless a viable alternative is not available. Mitigation and restoration shall occur when there is no other alternative than to disturb environmentally sensitive areas.

Objective 501.3: Airports and airstrips shall operate in the manner to maximize safety and least adverse impact on the community.

Policy 501.3.1: Monroe County shall maintain the existing hammock along Aviation Boulevard as a buffer between the Marathon Airport and the residences to the north.

Policy 501.3.2: Monroe County shall maintain and update the Key West International and Marathon Noise Exposure Maps and implement measures to minimize the adverse impacts of noise on the surrounding community.

Policy 501.3.3: Facilities at public airports shall be built to meet or exceed federal, state, and local safety regulations as applicable.

Objective 501.5: Monroe County 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 Florida Department of Transportation (FDOT) *District Six Five-Year Transportation Plan* , and the Continuing Florida Aviation System Planning Process (CFASPP) as adopted.

Policy 501.5.1: Monroe County shall continue to participate in the development of the (FDOT) *District Six Five-Year Transportation Plan* , and the CFASPP.

Policy 501.5.2: Monroe County shall continue to maintain and update a master plan, and the Airport Layout Plan for each public airport pursuant to the rules of the Federal Aviation Administration.

Policy 501.5.3: All development on and expansions of existing public airports shall be done in accordance with the updated Master Plan of the airport and shall be subject to all applicable policies of this Plan and the County Land Development Code.

Policy 501.5.4: Monroe County shall coordinate expansions and operation of the Key West airport with the U.S. Navy.

Policy 501.5.5: Monroe County shall seek joint use of the Boca Chica Naval Air Station or its preservation as a public airport if the U.S. Navy ceases to operate the base.

Policy 1301.4.5: Monroe County shall coordinate all County-owned aviation or related facilities with the plans of the Federal Aviation Administration, military services, the Florida Department of Transportation 5-Year Plan, and the Continuing Florida Aviation System Planning Process as adopted.

Policy 1301.4.6: Monroe County shall maintain and update a master plan for each public airport pursuant to the rules of the Federal Aviation Administration.

Policy 1301.4.7: Monroe County shall work with the FDOT and Federal Aviation Administration to secure airport improvement grants.

Policy 1301.4.8: Monroe County shall coordinate with the cities of Key West and Marathon for the County to review land development permit applications related to the Key West International Airport and the Florida Keys Marathon Airport, as the County's Airport District Future Land Use applies to these airports.

B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statutes.

For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the principles for guiding development and any amendments to the principles, the principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions.

- (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.
- (b) Protecting shoreline and benthic resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 - 1. The Florida Keys Aqueduct and water supply facilities;
 - 2. Sewage collection, treatment, and disposal facilities;
 - 3. Solid waste treatment, collection, and disposal facilities;
 - 4. Key West Naval Air Station and other military facilities;
 - 5. Transportation facilities;
 - 6. Federal parks, wildlife refuges, and marine sanctuaries;
 - 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 - 8. City electric service and the Florida Keys Electric Co-op; and
 - 9. Other utilities, as appropriate.
- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal

facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.

- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.
- (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.

Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is not inconsistent with the Principles for Guiding Development *as a whole* and is not inconsistent with any Principle.

C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

163.3161(6), F.S. – It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

163.3177(1), F.S. – The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government’s programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

163.3177(6)(b)4., F.S. – At the option of a local government, an airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport

under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable M.P.O. long-range transportation plans; the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level-of-service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, do not constitute a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional-impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional-impact review pursuant to this subsection, may rescind its development-of-regional-impact order upon written notification to the applicable local government. Upon receipt by the local government, the development-of-regional-impact development order shall be deemed rescinded.

163.3194, F.S. – (1)(a) After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

(b) All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

163.3201, F.S. – Relationship of comprehensive plan to exercise of land development regulatory authority.—It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code for an area shall be based on, be related to, and be a means of implementation for an adopted comprehensive plan as required by this act.

VI. PROCESS

Comprehensive Plan Amendments may be proposed by the Board of County Commissioners, the Planning Commission, the Director of Planning, or the owner or other person having a contractual

interest in property to be affected by a proposed amendment. The Director of Planning shall review and process applications as they are received and pass them onto the Development Review Committee and the Planning Commission.

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff recommendation, and the testimony given at the public hearing. The BOCC may or may not recommend transmittal to the State Land Planning Agency. The amendment is transmitted to State Land Planning Agency, which then reviews the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment.

VII. STAFF RECOMMENDATION

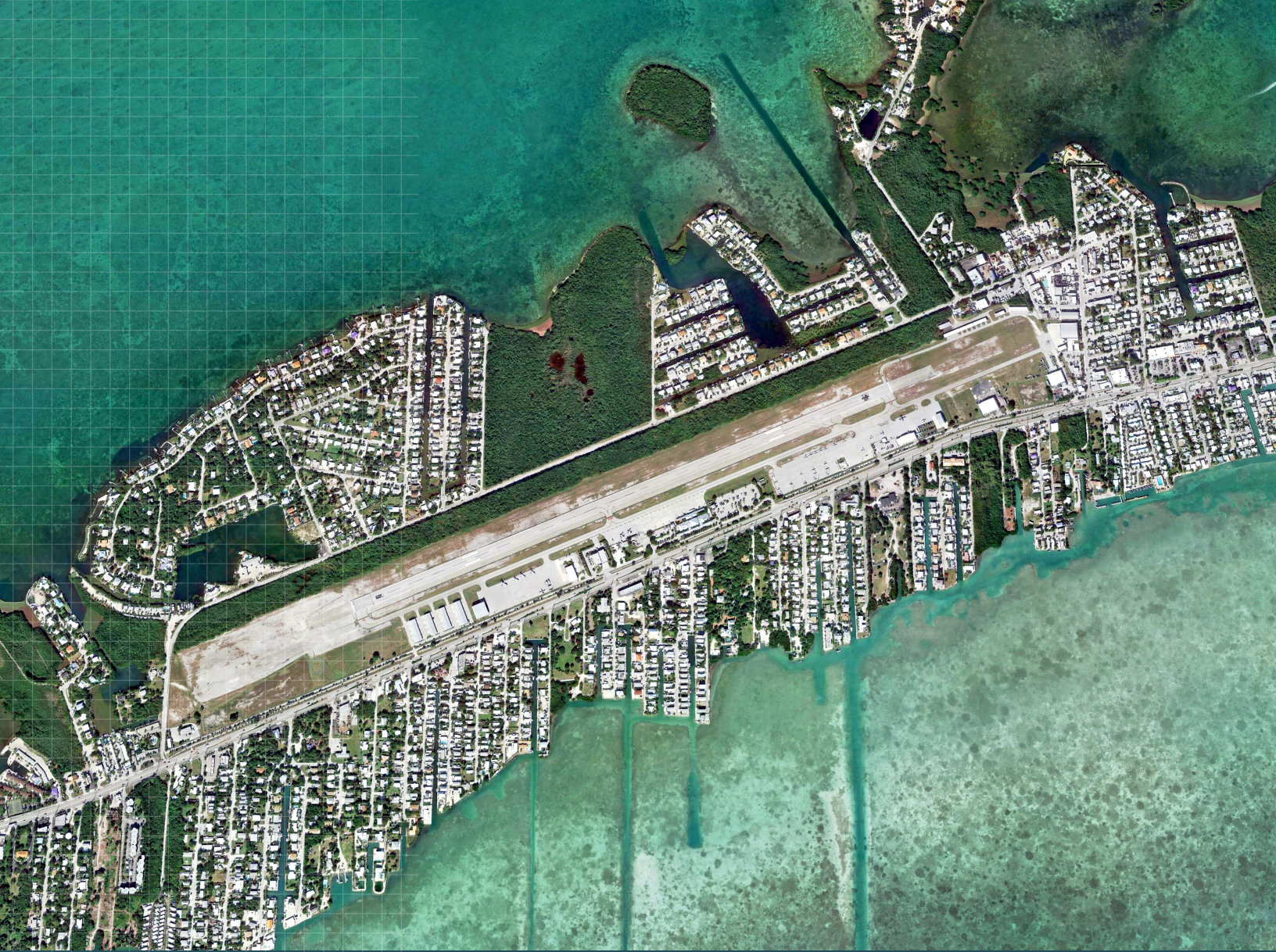
Staff recommends approval of the proposed amendment, with staff recommended edits.

VIII. EXHIBITS

- A. Executive Summary of the Florida Keys Marathon International Airport, 2020 Master Plan Update.
- B. Excerpt from the Florida Keys Marathon International Airport, Airport Master Plan Update outlining proposed airfield improvements.
- C. U.S. Department of Transportation, Federal Aviation Administration, Finding Of No Significant Impact And Record Of Decision on the Environmental Assessment for Runway and Parallel Taxiway Separation Improvements at the Marathon International Airport.

Exhibit A

Executive Summary of the Florida Keys Marathon International Airport, 2020 Master Plan Update.



Florida Keys Marathon International Airport

2020 Master Plan Update

EXECUTIVE SUMMARY



Table of Contents

1.1	Introduction	3-5
1.2	The Master Planning Process	6
1.3	Aviation Activity Forecasts	7-10
1.4	Demand/Capacity Analysis and Facility Requirements	11-12
1.5	Proposed Airport Development Program	14-20
1.5.1	Airfield Improvements	15-16
1.5.2	General Aviation/Fixed Based Operator Facility Development	17
1.5.3	Airport Support Facility Development	18-19
1.5.4	Airport Support Facility Development	19
1.6	Program Phasing	21-22
1.7	Financial Plan	23-25

List of Tables

Table 1-1: Phasing Program	22
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List of Exhibits

Exhibit 1-1: Airport Location Map	4
Exhibit 1-2: Airport Vicinity Map	4
Exhibit 1-3: The Master Planning Process	6
Exhibit 1-4: Historical Aircraft Operations: CY 2006-CY 2016	8
Exhibit 1-5: Forecast Aircraft Operations by Fleet Mix	9
Exhibit 1-6: Forecast of Based Aircraft by Type	10
Exhibit 1-7: Annual Service Volume (Capacity) Versus Annual Aircraft Operations (Demand)	12
Exhibit 1-8: Airport Development Program	15-20
Exhibit 1-9: Capital Improvement Program by Planning Phase	24
Exhibit 1-10: Capital Improvement Program by Funding Source	25

1.1 Introduction

The Florida Keys Marathon International Airport (the Airport or MTH) is located in the city of Marathon, Florida in the middle portion of the Florida Keys. Marathon is 10-a mile-long island that includes amenities for scuba diving, snorkeling, fishing, and a variety of water sports¹. MTH is located on U.S. Highway 1 (U.S. 1), approximately 2 miles east of the city's Central Business District. The locations of the city of Marathon and MTH are shown on Exhibits 1-1 and 1-2.

Monroe County owns and operates MTH and the Key West International Airport (EYW), a commercial service airport located approximately 40 nautical miles (NM) west/southwest of the city of Marathon.





The United States (U.S.) Navy originally constructed MTH in the early 1940s as an auxiliary airfield. At the end of World War II, the airfield was deactivated and transferred to the State of Florida, and later Monroe County, for civilian use. The Airport currently provides airfield, terminal, and support facilities for air charter/ taxi operations, air cargo operations, and general aviation operations. Since the 1960s, intermittent scheduled commercial passenger service has been provided at MTH by several airlines, most recently by Delta Air Lines in 2007 and Continental Airlines in 2009 (through a code share with Cape Air). Currently, no scheduled commercial passenger service is offered at MTH; however, the Airport remains an important component of the transportation network serving south Monroe County, the city of Marathon, and surrounding communities.

Existing facilities at MTH include a runway, taxiways, aircraft parking aprons, approach and navigational aids (NAVAIDS), terminal buildings, aircraft maintenance and storage hangars, fuel storage tanks, and industrial facilities. Other major components include access roadways, vehicle parking lots, stormwater detention ponds, and equipment storage buildings.

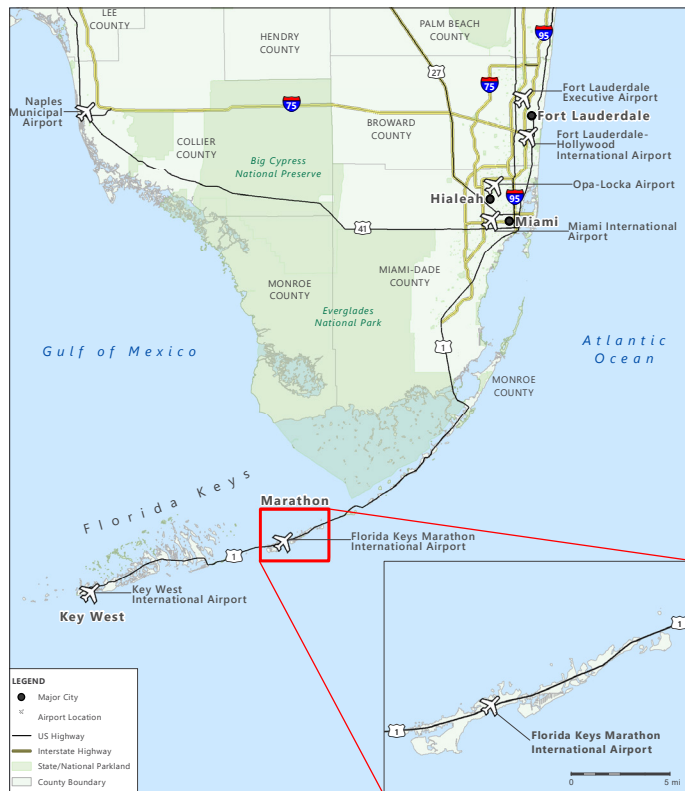


Exhibit 1-1: Airport Location Map

Sources: US Census Bureau, Geography Division, TIGER/Line Shapefiles, March 2017 (cities, airports, parks, boundaries); Esri 2010 USA Data, 2010 (roads)

1 Monroe County Tourist Development Council (TDC), <https://www.monroecounty-fl.gov/328/Tourist-Development-Council-TDC>, accessed January 2020.



Exhibit 1-2: Airport Vicinity Map

Sources: Monroe County Board of County Commissioners, The Florida Keys Marathon International Airport, Airport Layout Plan, July 15, 2013 (runway, property); US Census Bureau, Geography Division, TIGER/Line Shapefiles, 2017 (county); ESRI 2010 USA Data, 2010 (roads).



The Airport serves a variety of general aviation (GA) needs and offers a U.S. Customs and Border Protection (CBP) facility, 24-hour airport security, and two main fixed-base operators (FBOs) among other facilities and services that support aircraft fueling and parking, air ambulance, air charter, maintenance, and flight training operations. City- and County-owned facilities located on-airport include the Monroe County Sheriff's Department, the City of Marathon Fire Rescue Station #14; the Monroe County Humane Society, and the Monroe County Department of Public Works. A Florida Keys Aqueduct Authority (FKAA) wastewater treatment facility is also located in the southeast corner of the Airport.

The MTH Master Plan Update outlines a plan for the provision of future facilities and infrastructure to accommodate the forecast demand through 2036 and is consistent with the standards and methodologies outlined in FAA Advisory Circular (AC) 150/5070-6B, Airport Master Plans, and the Florida Department of Transportation (FDOT) Guidebook for Airport Master Planning.

This summary highlights key elements of the plan's recommended development program. It is designed for stakeholders to gain an overview of major matters addressed in the detailed Master Plan report. While the Master Plan is a visionary document that sets out a 'road map' for the sustainable growth of the Airport, it is not an approval for any specific development or project. In addition, time frames for the projects shown in the plan are flexible and demand driven.





1.2 The Master Planning Process

The FAA recommends airport master plans to be updated every five years, or as necessary, to keep them current. MTH's last master plan update was completed in 2002. Since that study, the Airport has completed several projects and the state of the general aviation industry has evolved over the years. The update of the Master Plan is needed to reflect new facilities, reassess future projections of airport activity, and plan for an appropriate mix of land uses to support projected aviation and non-aviation needs.

This Airport Master Plan Update (MPU) for MTH was prepared in accordance with the requirements of the FAA and FDOT. The Master Plan and the associated Airport Layout Plan (ALP)

drawing set were developed based on the criteria set forth in the FAA AC 150/5070-6B, Airport Master Plans, and AC 150/5300-13A, Airport Design, and the Florida Department of Transportation (FDOT) Guidebook for Airport Master Planning. The study began in February of 2016 and the aviation activity forecasts were completed in August 2017 and approved by the FAA in October 2017. The final technical analysis for the Master Plan Update was completed in Winter 2019/2020. After review by stakeholders, the final technical report and an Airport Layout Plan (ALP) drawing were presented to the Monroe County Board of County Commissioners in June 2020. The process for the MTH Master Plan is summarized on Exhibit 1-3.



Exhibit 1-3: The Master Planning Process

Sources: ???

1.3 Aviation Activity Forecast

The Airport accommodated between 53,467 and 75,000 total aircraft operations from CY 2006 to CY 2016, a compound annual growth rate (CAGR) of 3.4 percent. In CY 2016, it accommodated 75,000 operations, including 69,771 General Aviation (GA) operations (30,698 itinerant and 39,073 local), 4,809 itinerant air taxi operations, and 420 military operations.

GA operations, which account for 93.0 percent of the Airport's total aircraft operations, include aircraft operations not conducted by a commercial airline or the military. Various activities are included under GA operations, including business operations for the transport of goods and/or people, recreational flying, flight training operations, and special operations such as those conducted for research, surveillance, agricultural spraying, emergency response, fire suppression, and law enforcement.





In addition, the U.S. Customs and Border Protection facility allows the airport to accommodate international traffic and has made MTH a popular entry point to the United States for airplanes arriving from the Caribbean and Central and South America. The majority of the GA operations are handled by the two FBOs located at the Airport, Marathon Jet Center and Marathon General Aviation. The Marathon Jet Center FBO serves single and multi-engine aircraft, including jets, while the Marathon General Aviation FBO primarily serves single engine aircraft.

Since CY 2009, the Airport’s air taxi operations are composed of cargo and charter passenger operations. Mountain Air Cargo operates cargo service for FedEx between Miami and Marathon approximately twice daily on Cessna 208 Caravan aircraft. Charter services are offered by providers such as Marathon Jet Center, Air Charter Service, Flexjet, and Charter Flight Group. Approximately 6.4 percent of total operations at the Airport are classified as air carrier/air taxi operations.

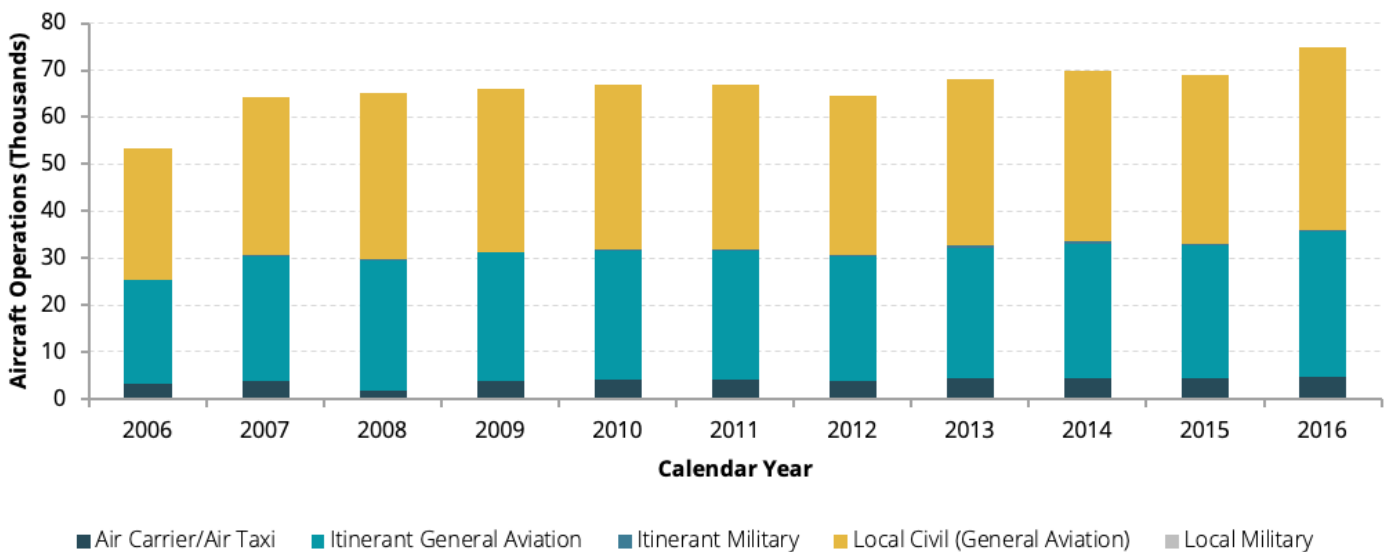


Exhibit 1-4: Historical Aircraft Operations: CY 2006-CY 2016

Sources: Monroe County Airports Department, April 2017; FDOT FASP, 2017.

Military operations have historically accounted for a small percentage of total operations at the Airport, fluctuating between 0.2 percent and 0.6 percent from CY 2006 to CY 2016. All of the military operations at the Airport are itinerant operations, and many are performed by Lockheed C-130 Hercules aircraft according to historical data from FAA Traffic Flow Managements Counts (TFMSC) data.

Aircraft operations are forecast to increase from 75,000 in CY 2016 to 98,978 in CY 2036, a CAGR of 1.4 percent. Single-engine piston aircraft operations comprise the highest share of operations throughout the forecast period and are projected to increase at a CAGR of 1.6 percent, consistent with local trends. Jet aircraft remain the lowest share of total operations through 2036. Jet aircraft operations are forecast to increase at a CAGR of 2.4 percent, a higher rate than single-engine piston aircraft operations and slightly above the FAA Aerospace Forecast CAGR of 2.3 percent during the same period. Operations by aircraft with other engine types were forecast to decrease in shares proportionally to their base year share.

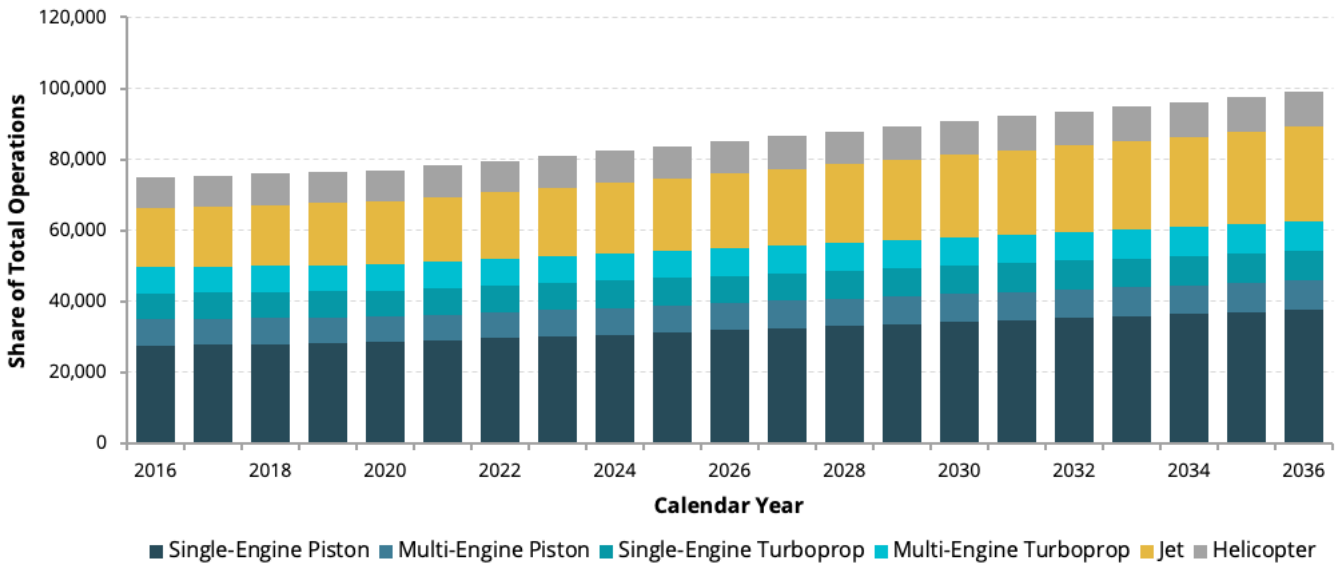


Exhibit 1-5 Forecast Aircraft Operations by Fleet Mix

Sources: Federal Aviation Administration, Traffic Flow Management System Counts, April 2017; Marathon Aviation Associates, Estimated Activity at KMTH for 2016, April 2017; Ricondo & Associates, Inc., April 2017 (Forecast).

The critical aircraft at the Airport currently falls within the FAA Airplane Design Group (ADG) II category (wingspan of 79 feet or less). Typical ADG II aircraft that operate at the Airport include Cessna Citation Excel C56X, Cessna Citation II C550, Beech 350 Super King Air, or Embraer Phenom 300. The FAA defines the critical aircraft as “the most demanding aircraft type or grouping of aircraft with similar characteristics that make regular use of the airport. Regular use is defined as 500 annual operations.”² The critical aircraft will remain an ADG II aircraft throughout the forecast period.

In 2016, approximately 56.6 percent of operations at the Airport were ADG I aircraft (wingspan of 49 feet or less), 42.8 percent were ADG II, 0.3 percent were ADG III (wingspan of 118 feet or less), and 0.3 percent of operations were ADG IV aircraft (wingspan of 171 feet or less). The ADG I aircraft account for approximately 44,420 annual operations and ADG II aircraft

account for approximately 33,120 annual operations at MTH. ADG IV operations were primarily related to military activities conducted by C-130 Hercules aircraft.

In 2016, 94 aircraft were based at the Airport including 67 single-engine aircraft, 13 multi-engine aircraft, 4 business jet aircraft, 9 helicopters, and 1 ultra-light or glider (defined as “other” by FAA). The total based aircraft at the Airport are forecast to grow from 94 in 2016 to 123 in 2036, a CAGR of 1.4 percent. Historically, single-engine aircraft have represented the highest share of total based aircraft, which is forecast to continue through CY 2036. Jet aircraft are forecast to be the slowest growing category of based aircraft and also the lowest share of total based aircraft at MTH.

2 Federal Aviation Administration, Advisory Circular 150/5000-17, June 2017.

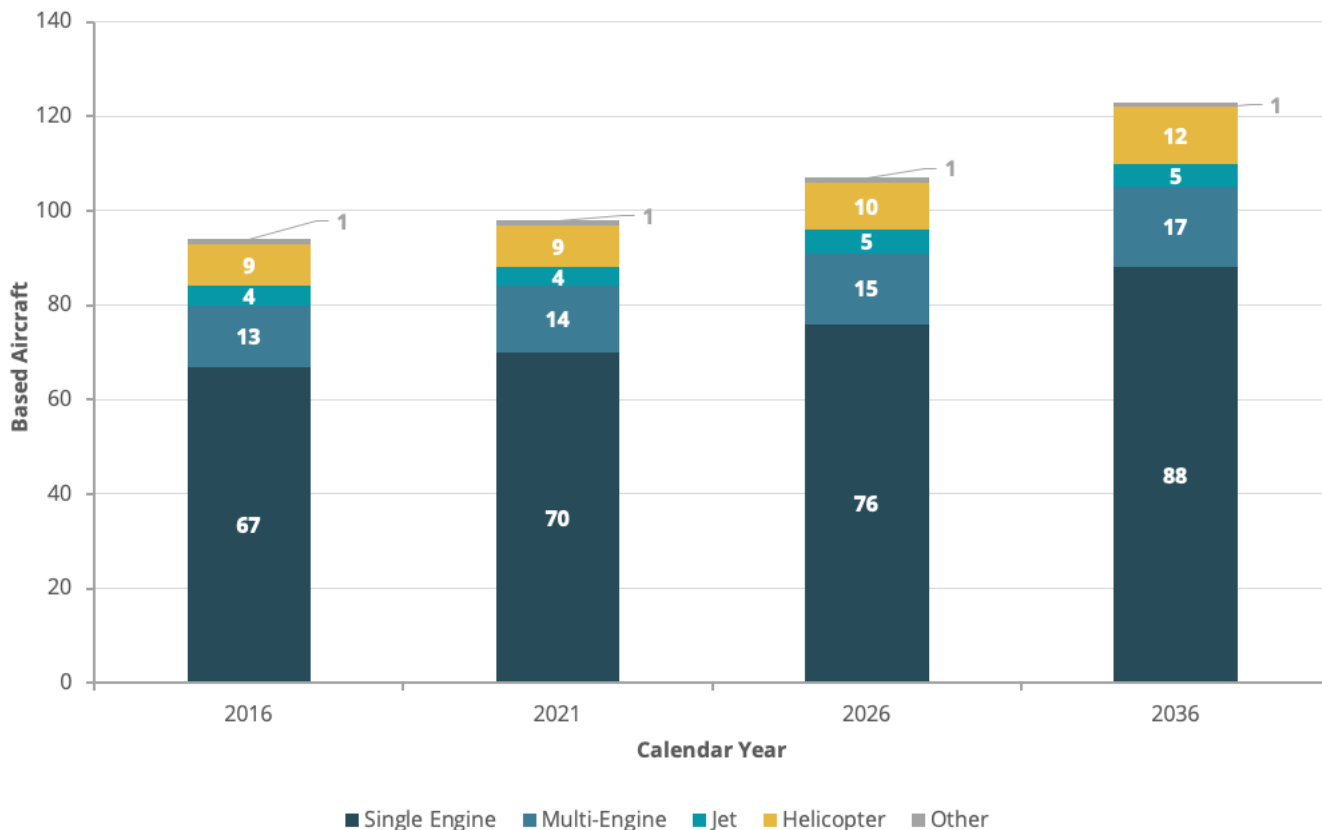


Exhibit 1-6: Forecast of Based Aircraft by Type

Sources: Florida Keys Marathon International Airport Based Aircraft, April 2017; Ricondo & Associates, Inc., May 2017 (Forecast); Federal Aviation Administration, Terminal Area Forecast, April 2017.

1.4 Demand/Capacity Analysis and Facility Requirements

Several analyses were conducted to determine the ability of existing facilities to fulfill current and forecast demand. An airfield demand/capacity analysis using the method in FAA AC 5060-5, Change 2, Airport Capacity and Delay was conducted to assess the ability of Runway 7-25 and the associated taxiway system to accommodate existing and forecast aircraft operations. The result of the analysis indicates that the existing and forecast operations do not exceed the Annual Service Volume (ASV)³. The existing runway system is adequate to accommodate existing and future (through 2036) operational demand at the Airport.

³ ASV represents the estimated annual number of aircraft operations an airport can efficiently accommodate, taking hourly, daily, and monthly operational patterns into consideration. ASV is defined in AC 150/5060-5 as “a reasonable estimate of an airport’s annual aircraft operations capacity.”



To meet FAA design standards, the Master Plan Update recommends the following key airfield improvements:

- Shift Runway 7-25 to the northwest 40 feet to provide a runway-to-taxiway centerline separation distance of 240 feet. Runway 7-25 has a width of 100 feet, but it is planned to be reduced to 75 feet upon completion of the runway shift project in compliance with FAA standards.
- Reconstruct Taxiway C west of its existing location to mitigate direct access from the cargo apron to Runway 7-25.
- Reconstruct Taxiway B to eliminate wide expanse of pavement
- Replace the existing runway and taxiway lighting system. During Hurricane Irma, the airfield lighting system, including the medium intensity runway and taxiway lights, was submerged by a storm surge. Though the airfield lighting system remains functional, it should be replaced when the runway is relocated.
- Realign/reconstruct Taxiway D from an acute-angled runway exit to a perpendicular runway exit.
- Remove existing taxiway and apron pavement on the north side of the approach to Runway 25.
- Implement new taxiway nomenclature: To meet FAA AC 150/5340-18 requirements, it is recommended that the parallel taxiway south of Runway 7-25 continues to be designated as Taxiway A; however, all stub taxiways are proposed to be designated as A1 through A6. Similarly, the connector taxi lanes from parallel Taxiway A to the various apron areas are proposed to be renamed as B1 through B20.
- Relocate the existing Automated Surface Observing Systems (ASOS) to allow for the expansion of existing general aviation apron.
- The Master Plan proposes the extension of Runway 7-25 from 5,008 feet to 5,400 feet to provide the necessary

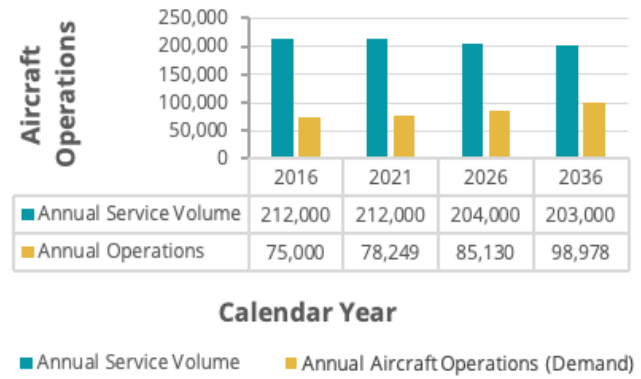


Exhibit 1-7: Annual Service Volume (Capacity) versus Annual Aircraft Operations (Demand)

Sources: Federal Aviation Administration, Advisory Circular 150/5060-5, Change 2, Airport Capacity and Delay, December 1995; Ricondo & Associates, Inc., Aviation Activity Forecasts, August 2017.

takeoff length required to operate most types of business jet aircraft without imposing significant weight penalties or requiring intermediate fuel stop when flying nonstop to medium or long-haul destinations. While the proposed 392-foot runway extension is not warranted in the short-term, it should be incorporated into the Airport layout Plan (ALP) in order to protect the safety and airspace surfaces associated with the proposed runway extension from incompatible land uses.

- The Master Plan also recommends the identification of development areas for future general aviation facilities including aircraft apron, automobile parking spaces, and aircraft hangars. The fuel farm currently located in the middle of the west general aviation apron should also be relocated to free up space for aircraft operations.
- The Airport does not currently have a dedicated maintenance storage facility. The equipment is stored in a shed, a storage container, and in the grass area adjacent to the ASOS. To provide indoor storage, in a consolidated facility, as well as to create office space for maintenance personnel, the construction of a 2,000 square feet maintenance facility adjacent to and west of the existing passenger terminal facility is recommended.



ARRIVALS
Welcome to the Florida Keys



13

FLORIDA KEYS MARATHON INTERNATIONAL AIRPORT

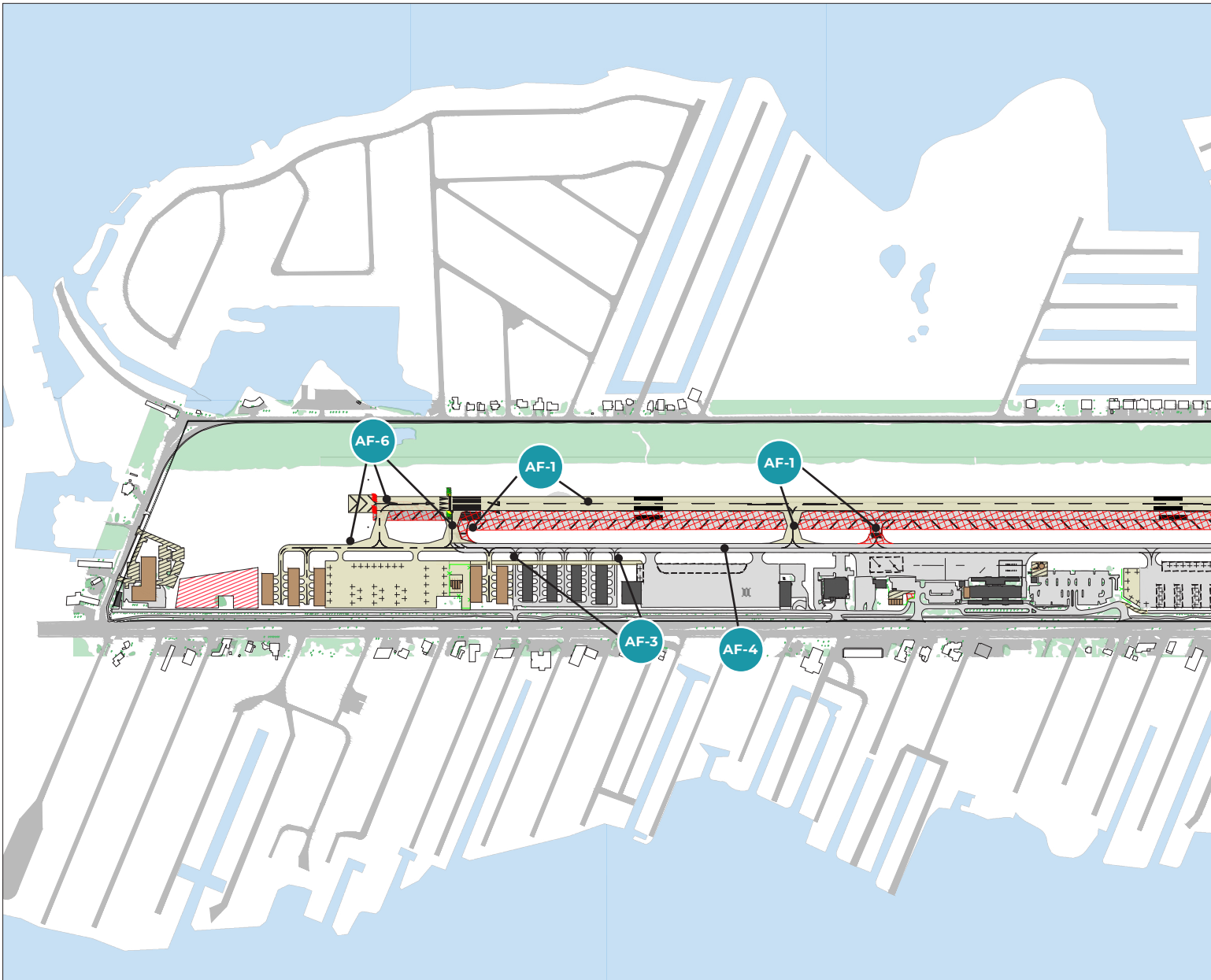


1.5 Proposed Airport Development Program

One of the goals of the master planning process is to identify the best options available for meeting the future development needs at the Airport. Based on the results of the master planning analysis and coordination with stakeholders, a recommended Airport Development Program was selected.

The recommended Airport Development Plan shown on Exhibit 1-8 represents in conceptual form future development that should be implemented if growth were to occur as forecast. This plan has been created and refined through multiple iterations with Monroe County Department of

Airports staff and MPU stakeholders. The Airport Development Program represents one vision of how facilities could be developed through 2036. Actual development may not mirror that shown on the Airport Development Program due to factors such as changing demand, funding availability, or future environmental constraints. However, the Airport Development Program serves as a guideline for the future layout of MTH. The Airport Development Program was derived on the ability to incrementally achieve the preferred ultimate plan development concept.



The airport development program is comprised of the following key projects:

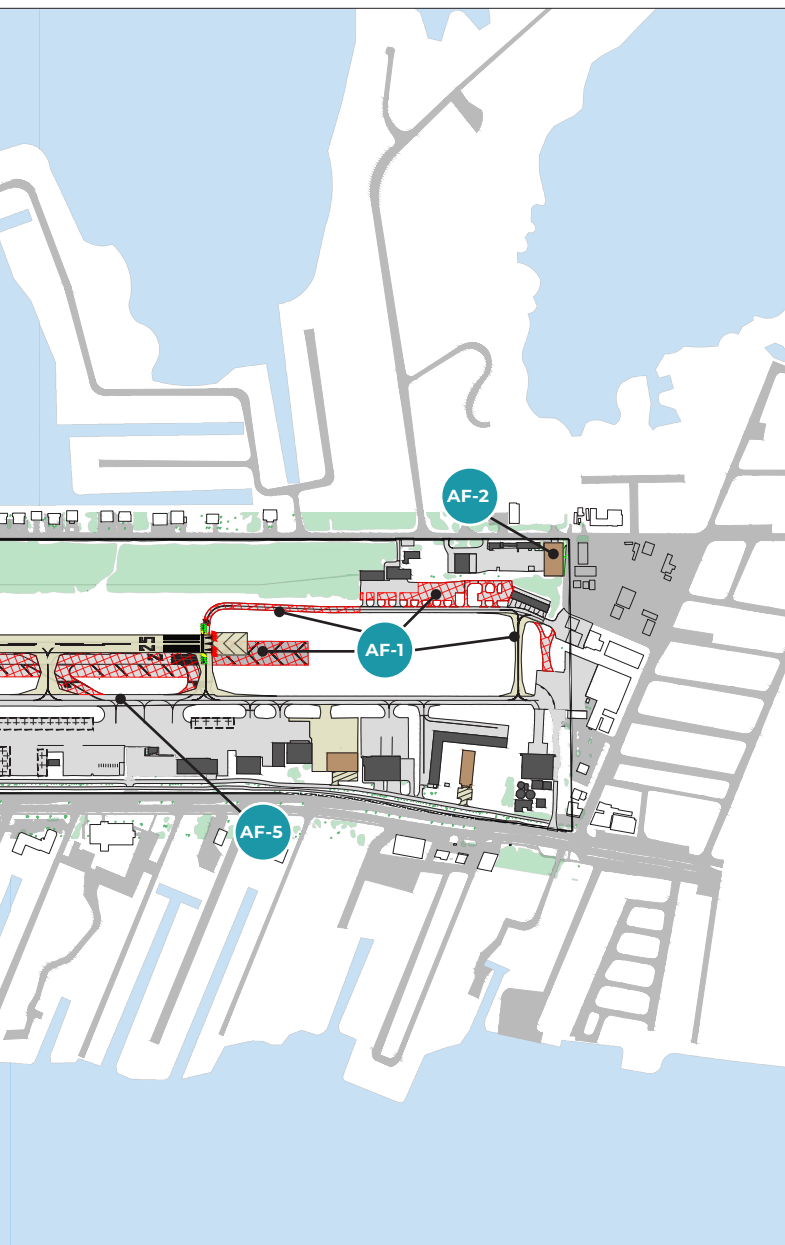
1.5.1 AIRFIELD IMPROVEMENTS

AF-1 Shift Runway 7-25 Northwest by 40 Feet: This project will shift Runway 7-25 to the northwest 40 feet to achieve the FAA-required 240-foot runway-to-taxiway separation distance. Relocating the runway 40 feet to the north would also address the existing runway pavement condition which is in Fair condition⁴ and in need of rehabilitation. The Florida Department of Transportation (FDOT) pavement evaluation report recommends the runway undergo major rehabilitation, which includes milling the surface of the existing runway pavement and resurfacing with asphalt (i.e., mill and overlay).

The FAA Orlando Airports District Office (ADO) has completed a Final Environmental Assessment (Final EA) and issued a Finding of No Significant Impact (FONSI) and Record of Decision (ROD) for this project on March 30, 2020. This project consists of:

- Shift Runway 7-25 to the northwest 40 feet to provide a runway-to-taxiway centerline separation distance of 240 feet.
- Construct new blast pads at relocated runway ends. Reconstruct Taxiway C west of its existing location to mitigate direct access from the cargo apron to Runway 7-25.
- Reconstruct Taxiway D perpendicular to relocated runway.
- Demolish existing excess pavement on Taxiway E.
- Relocate and/or install new runway edge lights and threshold lights.





- Relocate and/or install new Runway End Identifier Lights (REIL) on Runway 7 end.
- Relocate the Precision Approach Path Indicators (PAPI) for both runway ends.
- Clear a 40-foot wide by 5,608-foot long strip of vegetation on the north side of the shifted runway within the Runway Object Free Area (ROFA).⁵ No fill or excavation would occur in the area to be cleared.
- Trim or remove select trees to clear the relocated runway Threshold Siting Surface.^{6,7}
- Remove existing taxiway and apron pavement on the north side of the approach to Runway 25.
- Add drainage and utilities necessary to implement the Proposed Action.

- Update existing area navigation (RNAV) Global Positional System (GPS) instrument approach procedures to reflect the 40-foot lateral shift of Runway 7-25.⁸

AF-2 Remote Communication Air-Ground Facility

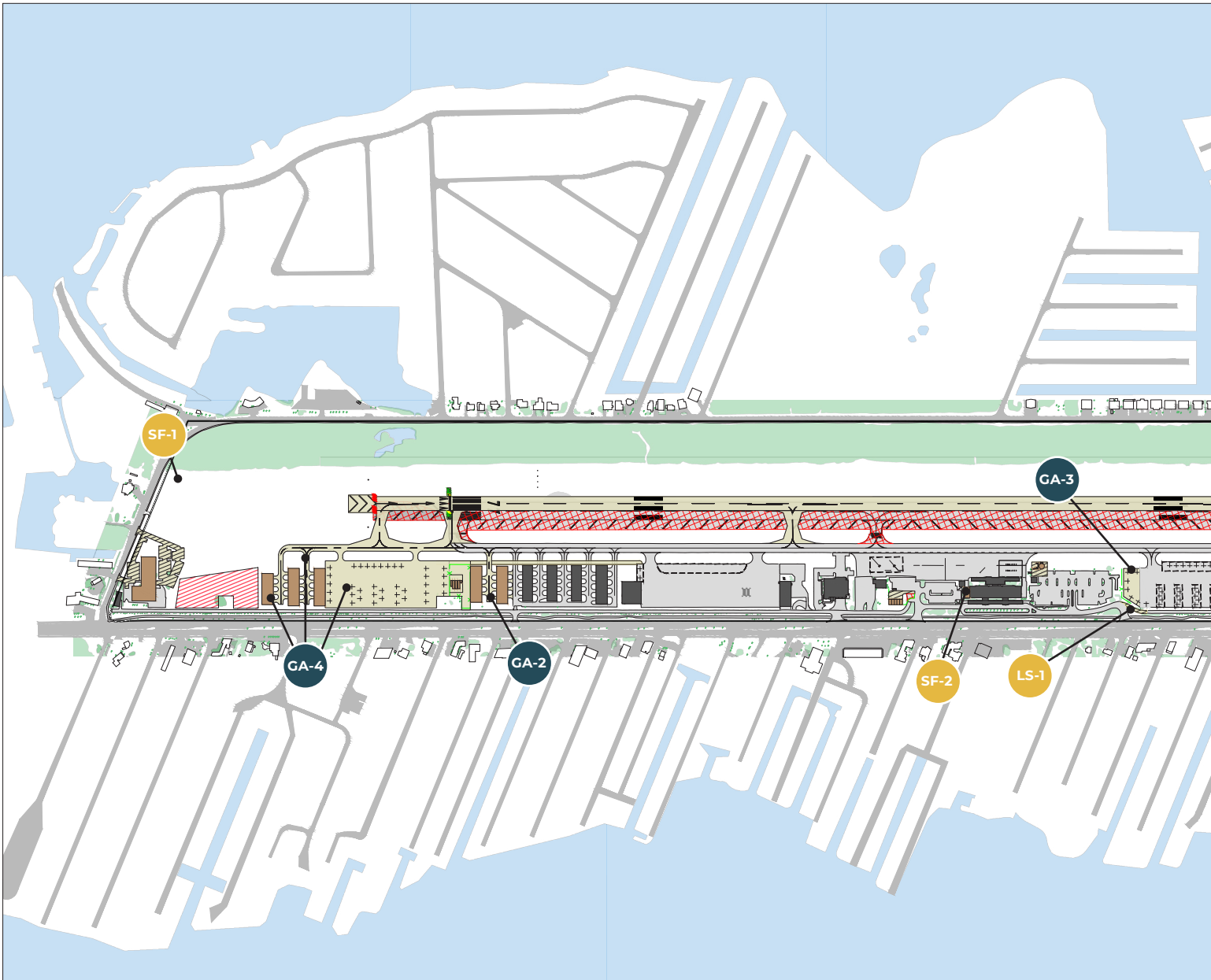
Construction (Parcel 4): This project, which is being sponsored and funded by the FAA, consists of designing and constructing a 12,000 square foot Remote Communication Air-Ground (RCAG) facility in the northeast corner of the Airport. This unmanned VHF/UHF transmitter/receiver facility will be used to expand the Miami Air Route Traffic Control Centers (ARTCC) air/ground communications coverage and to facilitate direct contact between pilots and controllers.

AF-3 Vehicle Service Road Construction: This project consists of constructing a dedicated 3,000 square yard service road between the existing general aviation aircraft ramp located west of the terminal facilities and the proposed fuel farm. It is anticipated this project will be completed as part of the GA-2 or SF-2 project. The interior service road will allow fuel trucks to circulate between the existing general aviation ramps and the future fuel farm without having to use Airport Access Road, a public road.

AF-4 Taxiway Renaming: This project consists of updating the taxiway nomenclature per the guidance provided in FAA Engineering Brief 89, Taxiway Nomenclature Convention. It is estimated that up to 30 new signs may need to be updated and/or replaced.

AF-5 Taxiway Rehabilitation: The rehabilitation of Taxiway A is intended to restore and/or maintain the pavement areas' serviceability, and it would include milling the existing 37,000 square yards of pavement to remove the deteriorated pavement, as well as a bituminous asphalt concrete pavement overlay.

AF-6 Runway 7 End Extension West: This project consists of extending Runway 7 by 392 feet and extending Taxiway A to the new runway end. This project also includes the construction of two new connectors between Taxiway A and the proposed runway extension. This runway extension will provide the additional runway length for larger jet aircraft currently departing MTH with operational weight restrictions. The runway extension will reduce payload penalties and/or increase aircraft range.



1.5.2 GENERAL AVIATION/FIXED BASED OPERATOR FACILITY DEVELOPMENT

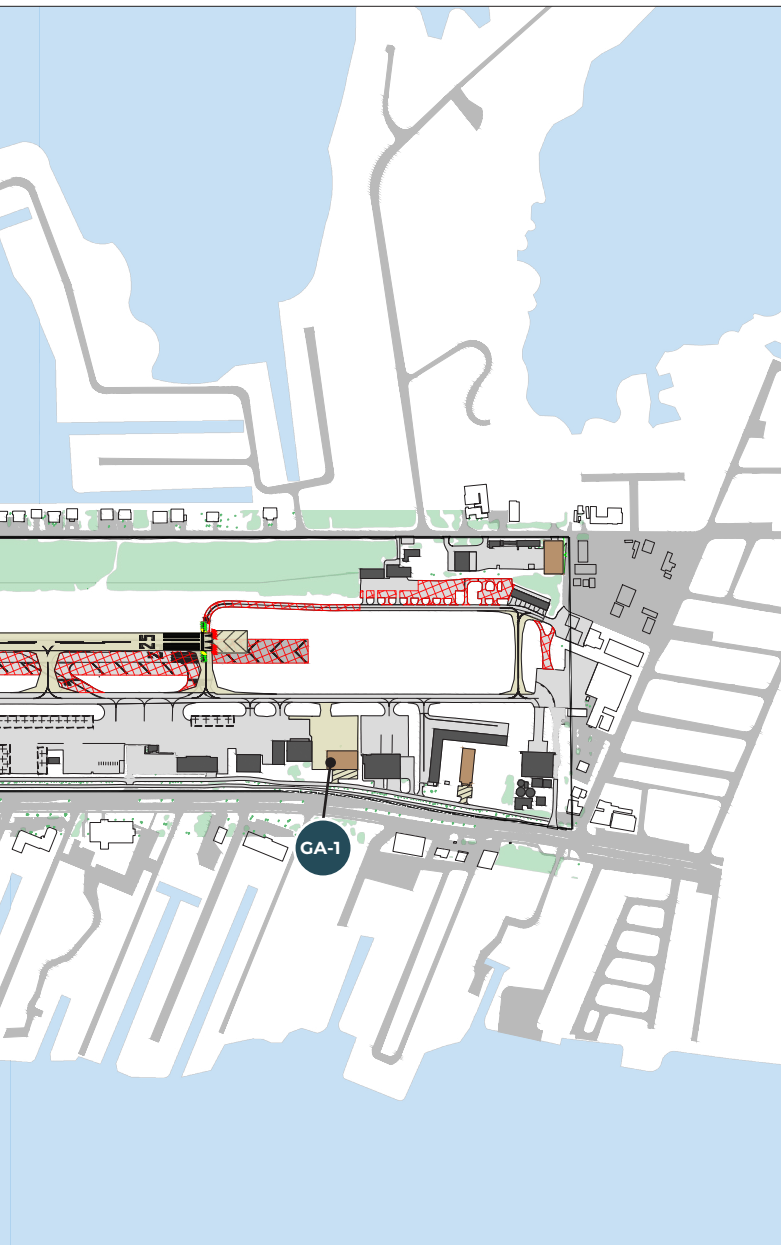
The proposed general aviation/ fixed based operators facilities shown on the Airport Development Plan are conceptual. The Airport will lease these tracts of land to the FBOs and the FBOs will be responsible for developing the land for general aviation facilities within their leaseholds. These facilities generally include a building with public/pilot service areas, offices, hangar(s), apron, and auto parking.

GA-1 Southeast General Aviation Development: This project consists of constructing GA facilities, including 11,000 square feet of aircraft hangars and 6,000 square yards of aircraft parking apron. This project also includes a

connector to Taxiway A, as well as a new landside connector to Airport Access Road. The landside parking would include approximately 2,000 square feet and provides 10 automobile parking spaces. The layout of the proposed facilities will be dictated by the needs of the third-party developer which would sign a ground lease with the Monroe County Department of Airport for the development of this area.

GA-2 Southwest General Aviation Apron Development: This project consists of constructing 19 T-hangars and a taxi lane between the hangars. This project also includes a new taxiway connector to Taxiway A. The facility inventory and needs assessment that was completed as part of this Master Plan Update identified the need for more hangar space at MTH. As





of 2019, the hangars were 100 percent leased with a waiting list that ranges between 20 and 40 people. This project will help MTH meet the demand for hangar facilities.

GA-3 Midfield General Aviation Apron Expansion: This project consists of expanding the eastern general aviation apron to the southwest to provide an additional 2,000 square yards of apron space. It is anticipated the apron would be designed in accordance with FAA ADG I or II standards to accommodate a mix of based and transient aircraft, including single/twin engine piston and turboprop aircraft.

GA-4 Southwest General Aviation Apron Development: This project consists of constructing 16 new T-hangars for single-

or twin-engine piston or turboprop aircraft and an additional 14,000 square yards of aircraft parking apron. The proposed building consists of 35,000 square feet of hangar space. This project also includes the extension of Taxiway A to provide access to the new T-hangars and apron areas. The layout of the proposed facilities will be dictated by the needs of the third-party developer which would sign a ground lease with the Monroe County Department of Airport for the development of this area.

1.5.3 AIRPORT SUPPORT FACILITY DEVELOPMENT

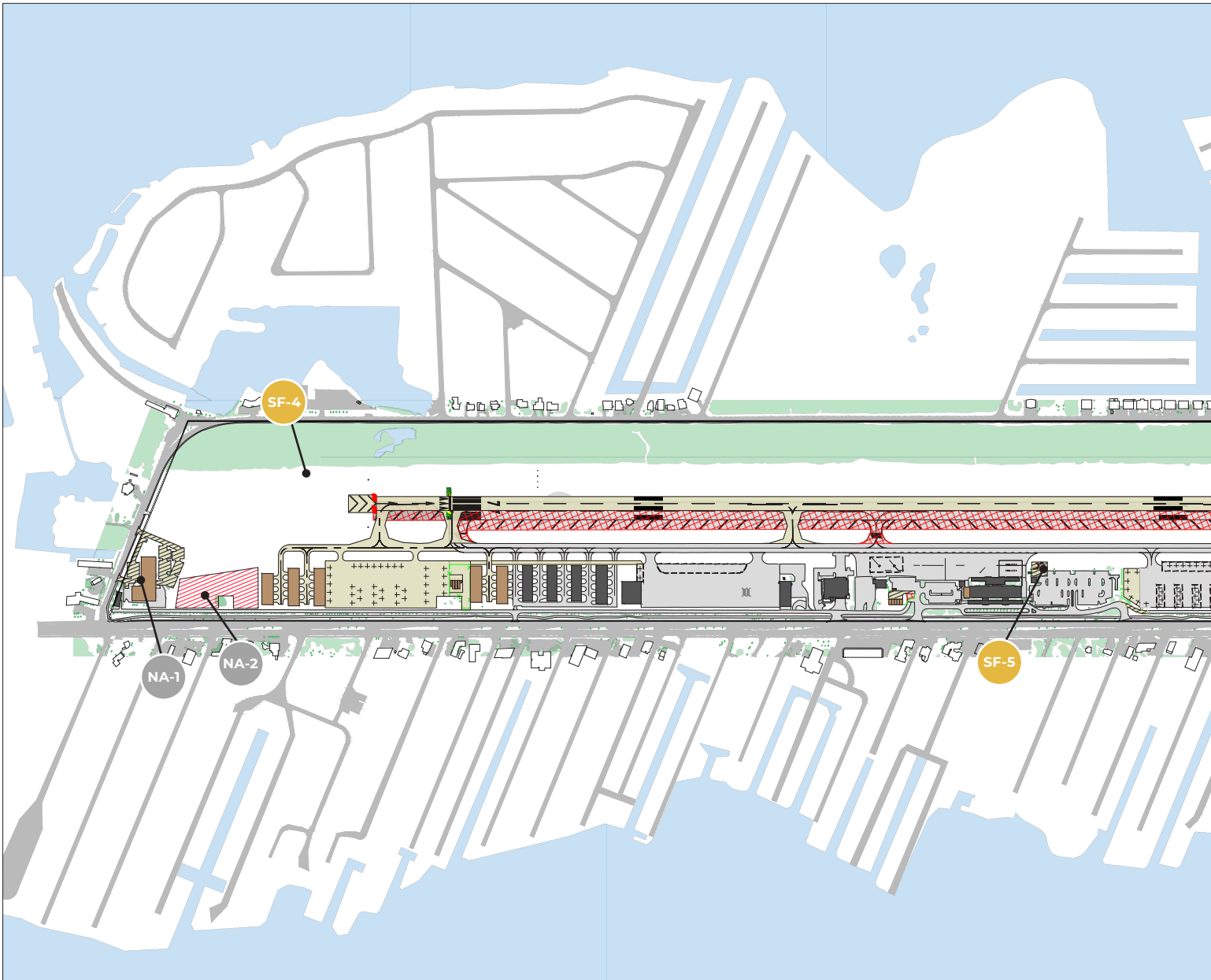
LS-1 Airport Access Road Extension: The proposed extension will link the east and west sections of Airport Access Road, allowing Airport tenants to access the various aviation facilities located along Airport Access Road without having to use U.S. Highway 1. This project will facilitate on-Airport vehicle circulation and will reduce vehicle crossings and traffic on U.S. Highway 1. The proposed two-lane road (18 to 20 feet wide) extension is approximately 150 feet long.

SF-1 Automated Surface Observing Systems (ASOS)

Relocation: The location of the existing Automated Surface Observing System (ASOS) causes radio interference issues, and pilots have complained that they cannot hear the system message that includes important surface weather conditions, such as wind, visibility, sky condition, and pressure. This project consists of relocating the ASOS equipment currently located east of the passenger terminal parking facilities west of the Runway 7 end, along the property line that runs parallel to Aviation Boulevard. This relocation will also free up the area where the existing ASOS is located to allow for the expansion of existing general aviation apron.

SF-2 Airport Maintenance Storage Facility Construction:

This project consists of designing and constructing a 2,000-square foot maintenance facility adjacent to and west of the existing passenger terminal. This facility will allow for the storage and parking of maintenance equipment and vehicles. A dedicated Airport maintenance facility will free up the area located between the existing passenger terminal automobile parking and the east general aviation ramp for aviation-related uses.

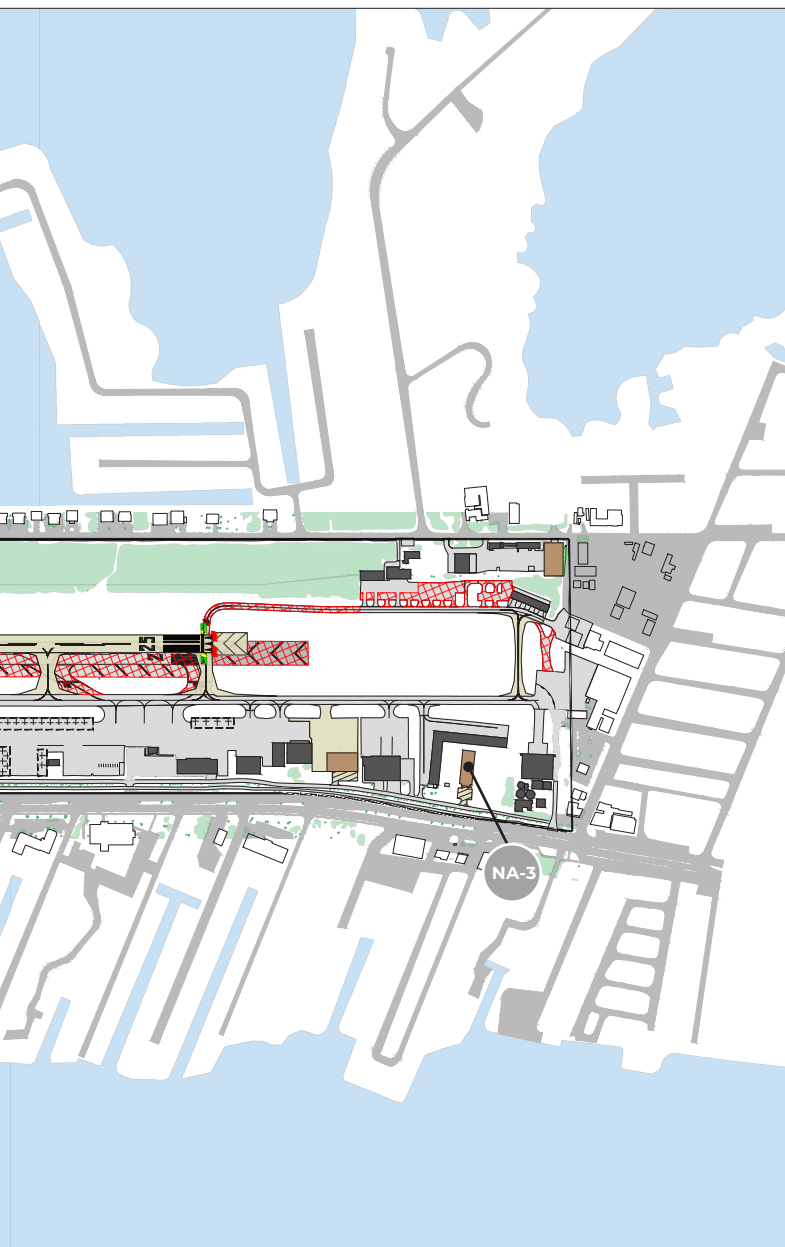


SF-3 Fuel Storage Facility Relocation: This project consists of relocating the two fuel tanks, including a 12,000-gallon Jet-A fuel tank and a 10,000-gallon 100-low lead (LL) Avgas tank with a self-service fueling facility located on the southwestern apron, to a new location west of the proposed T-hangars. The fuel storage facility relocation will free up space on the ramp for the movement and parking of aircraft.

SF-4 Segmented Circle/Wind Cone Relocation: This project consists of relocating the existing lighted wind cone and the

associated segmented circle, located on the west side of the airfield and southwest of the Runway 7 end, to allow for the development of additional aviation-related facilities, such as hangars and aircraft apron. The existing segmented circle is a visual indicator that provides traffic pattern information to pilots operating at the Airport. It consists of a landing runway indicator, a traffic pattern indicator, and a lighted wind cone. The Master Plan Update proposes to relocate the segmented circle and lighted wind cone along the north side of the runway.





1.5.4 AIRPORT SUPPORT FACILITY DEVELOPMENT

Non-aeronautical development to be located on-airport property will include:

NA-1 Emergency Operations Center: This project consists of the construction of a raised hurricane-rated building to serve as the Emergency Operations Center (EOC) for the County of Monroe to coordinate disaster response and recovery efforts in support of field operations in the event of a natural disaster, such as a hurricane. The EOC building's first floor will be raised to minimize the impacts of potential flooding associated with hurricanes. This project will require the demolition of an existing building. This project will be fully funded by Monroe County.

NA-2 Rental Car/Wash Facility: This project consists of constructing four (4) wash bays for the rental car operator at the Airport. This project will be fully funded by the Department of Airports.

NA-3 Indoor Shooting Range: This project consisted of constructing an indoor shooting range for the Monroe County Sheriff's Office. This facility was designed for firearms qualifications, training, or practice, and it will be operated by the Monroe County Sheriff's Office. This project, which was completed in 2019, was funded by the Monroe County Sheriff's Office.

SF-5 Airport Traffic Control Tower Construction: This project will allow for the protection of the land area adjacent to the passenger terminal for the construction of a future ATCT when warranted by air traffic demand. The proposed location for the ATCT was selected because it provides clear line-of-sight to the runway ends (and associated approaches), as well as the aircraft parking apron areas. In addition, landside access to the proposed ATCT can easily be provided using the passenger terminal access road. Finally, the proposed site is not anticipated to impact any existing environmentally sensitive areas and existing navigational aids at the Airport.

- 4 Florida Department of Transportation, Statewide Airfield Pavement Management Program District 6 Report, June 2015.
- 5 The OFA extends 300 feet beyond both runway ends.
- 6 U.S. Department of Transportation, Federal Aviation Administration, Advisory Circular (AC) 150/5300-13A, Change 1, Airport Design, February 26, 2014.
- 7 The approach surface used to locate the runway threshold. The threshold is ideally located at the beginning of the runway and is located to provide proper clearance for landing aircraft over existing obstacles while on approach to landing. Obstacles that penetrate the Threshold Siting Surface, that are under the airport owner's power to remove, relocate or lower should be addressed.
- 8 RNAV GPS procedures provide instrument landing capability to varying levels of aircraft equipment and certification without requiring additional navigation equipment at the airport.

1.6 Program Phasing

Actual growth and the requirement for delivery of airport infrastructure and capacity development is dependent on the state of the aviation industry, prerequisite projects, anticipated development costs, and global economic trends. This is not expected to affect the development strategies presented in this Master Plan Update; however, it will affect the timing of investments in elements of the plan.

Phasing also involves financial considerations and a logical progression of development that will allow critical projects to be in place to meet demand. The proposed Implementation Plan divides into three phases: Short-Term Improvements (FY2018 to FY2022), Intermediate-Term Improvements (FY 2023 to FY 2028), and Long-Term Improvements (FY 2029 to FY 2036).

Table 1-1 includes the proposed Airport Development projects illustrated on Exhibit 1-8, future airfield pavement rehabilitation and improvement projects, projects included in the existing Capital Improvement Program (CIP), and project enablers such as environmental studies.

Although these three phases estimate the general period (in fiscal years) anticipated for future Airport improvements, periodic reevaluation of the proposed timing will be necessary to accommodate changing development needs or priorities and to adjust for other unforeseen factors. It is also possible that other improvements not identified in this implementation plan may be required to support Airport operations and/or to improve operational efficiency.





Table 1-1: Phasing Program

Short-Term Improvements (FY 2018 to FY 2022)

Airfield Improvements:	
AF-1	Runway and Parallel Taxiway Separation Improvements – Design and Permitting
AF-2	Remote Communication Air-Ground Facility Construction
General Aviation/Fixed Based Operator Facility Development:	
GA-1	General Aviation Development – Southeast
GA-2	General Aviation Development – Southwest
Airport Support Facility Development:	
SF-1	Automated Surface Observing System Relocation
SF-2	Airport Maintenance Storage Facility
SF-3	Fuel Storage Facility Relocation
SF-4	Segmented Circle/Wind Cone Relocation
Non-Aeronautical Facilities:	
NA-1	Emergency Operations Center
NA-3	Indoor Shooting Range

Intermediate-Term Improvements (FY 2023 to FY 2028)

Airfield Improvements:	
AF-1	Runway and Parallel Taxiway Separation Improvements – Construction
AF-4	Taxiway Renaming
AF-5	Taxiway A Rehabilitation
Non-Aeronautical Facilities:	
NA-2	Retention Pond Modifications - Southwest

Long-Term Improvements (FY 2029 to FY 2036)

Airfield Improvements:	
AF-6	Runway Extension West and Associated Airspace Obstruction Mitigation
General Aviation/Fixed Based Operator Facility Development:	
GA-3	General Aviation Apron Expansion- Midfield
GA-4	General Aviation Development - Southwest
Airport Support Facility Development:	
LS-1	Airport Access Road Extension

Sources: Jacobs, December 2018; Monroe County Department of Airports, June 2020.

1.7 Financial Plan

The County owns and operates the Airport through the Monroe County Board of County Commissioners (BOCC) as a separate enterprise fund of the County. The BOCC manages the Airport through the County Administrator, the Senior Director of Airports, the Deputy Director of Airports, and the Airport Business Managers who oversee daily operations. The Airport is not a legally separate or fiscally independent unit of the County. Therefore, it is considered a part of the County's primary government, and it is included as such in the Monroe County Comprehensive Annual Financial Report. The County and Airport operate on a 12-month FY ending September 30.

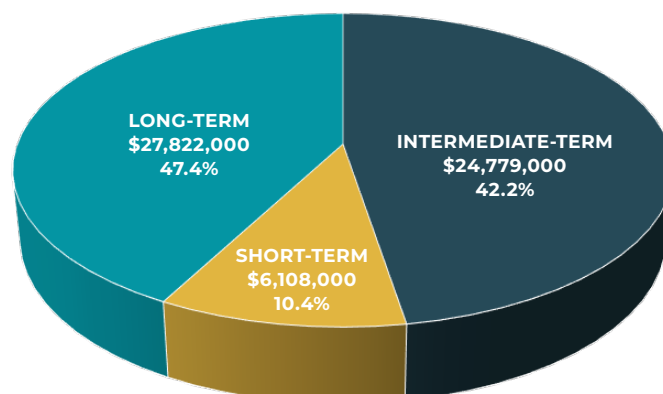
The total cost of the projects included in the recommended Airport Development Program is approximately \$58.7 million⁹ in escalated dollars. The actual implementation schedule for the various construction projects will be influenced by demand, funding availability, the County's priorities, and other relevant factors and actual funding strategies for each project will be determined at the time of project implementation.





Typically, airport capital improvements are generally financed through federal- and state-imposed user taxes, as well as from funds generated from airport operations, including fuel taxes, space-leasing fees, and other similar sources. Major sources may include the FAA's Airport Improvement Program (AIP), FDOT and local funding programs, Airport revenue, Airport user charges, and private investment. Public grants and airport revenues provide most of the capital funding, while user charges generally cover an airport's operating expenses and the debt service for any specially financed projects.

- Federal Funding Sources:** The U.S. Congress has long recognized the need to develop and maintain a system of aviation facilities across the nation for national defense and the promotion of interstate commerce. Various grants-in-aid programs to public airports have been established over the years for this purpose. The primary sources for federal aviation-related funds are those associated with the AIP program, which are distributed by the FAA. AIP provides federal grants for airport planning and the development of capital projects that support airport operations, including runways, taxiways, aprons, and noise abatement. Airport sponsors and non-federal contributors must provide at least a 5 percent share of any project funded by AIP grants. Historically, most airfield safety and capacity projects at the Airport have been eligible for 90 percent AIP participation. As in the past, Federal grants are expected to play a role in the financing of the Airport's projected capital expenditures and approximately \$29.0 million in escalated project costs are expected to utilize funding from the federal entitlement and discretionary programs.
- State Funding Sources:** In support of the State of Florida airport system, the FDOT also participates in the development of airport improvements. FDOT Grants are funded from the State Transportation Trust Fund, which consists, in part, of funds collected through the state's aviation fuel tax. Presently, the State will contribute as much as 50 percent of the local share on federally eligible projects for airports in Florida. The State will also provide up to 100 percent funding for security projects and up to 80 percent funding for the development of facilities that are otherwise ineligible for FAA AIP grants, such as hangar development, pay-parking areas, and fuel tanks/farms. The County has received an average of approximately \$1.6 million annually in FDOT Grants over the past five years to fund eligible projects at the Airport. Approximately \$24.5 million in escalated project costs are expected to receive state funding.



TOTAL AIRPORT DEVELOPMENT PROGRAM: \$58,709,000 (Escalated Dollars)

■ Short-Term ■ Intermediate-Term ■ Long-Term

Exhibit 1-9: Capital Improvement Program by Planning Phase

Sources: Federal Aviation Administration, Advisory Circular 150/5060-5, Change 2, Airport Capacity and Delay, December 1995; Ricondo & Associates, Inc., Aviation Activity Forecasts, August 2017.

⁹ Excludes the fuel storage facility relocation, the Monroe County Emergency Operations Center (EOC), the development of new FBO-operated general aviation facilities, the Monroe County Sheriff's Office Indoor Shooting Range, and the FAA Remote Communication Air-Ground Facility Construction (RCAG).

- Airport Funds:** Revenues remaining after the payment of operating and maintenance (O&M) expenses are deposited into the Airport's General Revenue Fund (Fund 403). Revenues in Fund 403 may be used to fund capital improvement projects at the Airport. Approximately \$2.3 million in escalated project costs are expected to be funded with local funds.
- Third-Party Funds:** Development projects that are not eligible for federal grants require funding from local or private funding sources. General examples of projects that are often candidates for third-party funding include hangars, aircraft and automobile parking facilities, and other facilities to be constructed by tenants under a lease agreement. Facilities that are constructed with private financial contributions may also provide a financial benefit in the form of land lease revenues to the Airport. Approximately \$4.0 million in escalated project costs are expected to be funded with third-party funding.

Cash flow derived through the operation of the Airport is adequate to annually fund the projected CIP during the entire 20-year planning horizon, which is based on the assumed funding sources and the conservative projections of operating expenses and operating revenues. After reviewing the Airport's annual financial cash flows, there is adequate funds available within the Marathon Enterprise Fund and annual net remaining revenues to undertake the projects in the CIP. It is not anticipated that any long-term or short-term debt will be needed to fund any capital projects. Although these projections were based on conservative assumptions, material differences in the levels of operating revenues or expenses, or in the cost of the capital projects, could influence the feasibility of the overall CIP. As implementation of the Airport Development Program progresses, MTH Airport staff should assess the financial feasibility of each project included in the program.

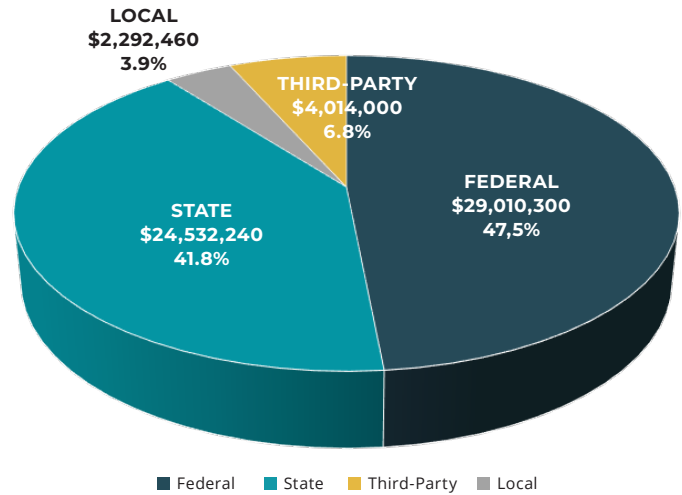


Exhibit 1-10: Capital Improvement Program by Funding Source

Sources: Monroe County Airports Department, April 2017; FDOT FASP, 2017.





Exhibit B

Excerpt from the Florida Keys Marathon International Airport, Airport Master Plan Update
outlining proposed airfield improvements:

To meet FAA design standards, the Master Plan Update recommends the following key airfield improvements:

- Shift Runway 7-25 to the northwest 40 feet to provide a runway-to-taxiway centerline separation distance of 240 feet. Runway 7-25 has a width of 100 feet, but it is planned to be reduced to 75 feet upon completion of the runway shift project in compliance with FAA standards.
- Reconstruct Taxiway C west of its existing location to mitigate direct access from the cargo apron to Runway 7-25.
- Reconstruct Taxiway B to eliminate wide expanse of pavement
- Replace the existing runway and taxiway lighting system. During Hurricane Irma, the airfield lighting system, including the medium intensity runway and taxiway lights, was submerged by a storm surge. Though the airfield lighting system remains functional, it should be replaced when the runway is relocated.
- Realign/reconstruct Taxiway D from an acute-angled runway exit to a perpendicular runway exit.
- Remove existing taxiway and apron pavement on the north side of the approach to Runway 25.
- Implement new taxiway nomenclature: To meet FAA AC 150/5340-18 requirements, it is recommended that the parallel taxiway south of Runway 7-25 continues to be designated as Taxiway A; however, all stub taxiways are proposed to be designated as A1 through A6. Similarly, the connector taxi lanes from parallel Taxiway A to the various apron areas are proposed to be renamed as B1 through B20.
- Relocate the existing Automated Surface Observing Systems (ASOS) to allow for the expansion of existing general aviation apron.
- The Master Plan proposes the extension of Runway 7-25 from 5,008 feet to 5,400 feet to provide the necessary

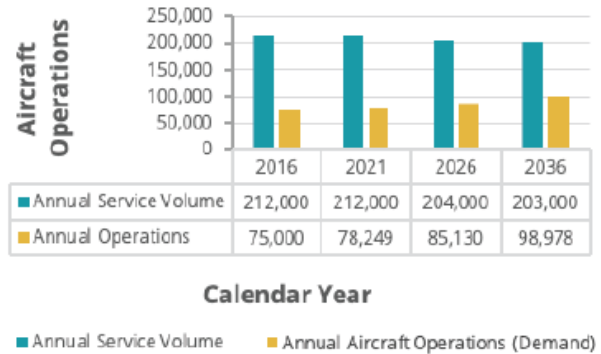


Exhibit 1-7: Annual Service Volume (Capacity) versus Annual Aircraft Operations (Demand)

Sources: Federal Aviation Administration, Advisory Circular 150/5060-5, Change 2, Airport Capacity and Delay, December 1995; Ricondo & Associates, Inc., Aviation Activity Forecasts, August 2017.

takeoff length required to operate most types of business jet aircraft without imposing significant weight penalties or requiring intermediate fuel stop when flying nonstop to medium or long-haul destinations. While the proposed 392-foot runway extension is not warranted in the short-term, it should be incorporated into the Airport layout Plan (ALP) in order to protect the safety and airspace surfaces associated with the proposed runway extension from incompatible land uses.

- The Master Plan also recommends the identification of development areas for future general aviation facilities including aircraft apron, automobile parking spaces, and aircraft hangars. The fuel farm currently located in the middle of the west general aviation apron should also be relocated to free up space for aircraft operations.
- The Airport does not currently have a dedicated maintenance storage facility. The equipment is stored in a shed, a storage container, and in the grass area adjacent to the ASOS. To provide indoor storage, in a consolidated facility, as well as to create office space for maintenance personnel, the construction of a 2,000 square feet maintenance facility adjacent to and west of the existing passenger terminal facility is recommended.

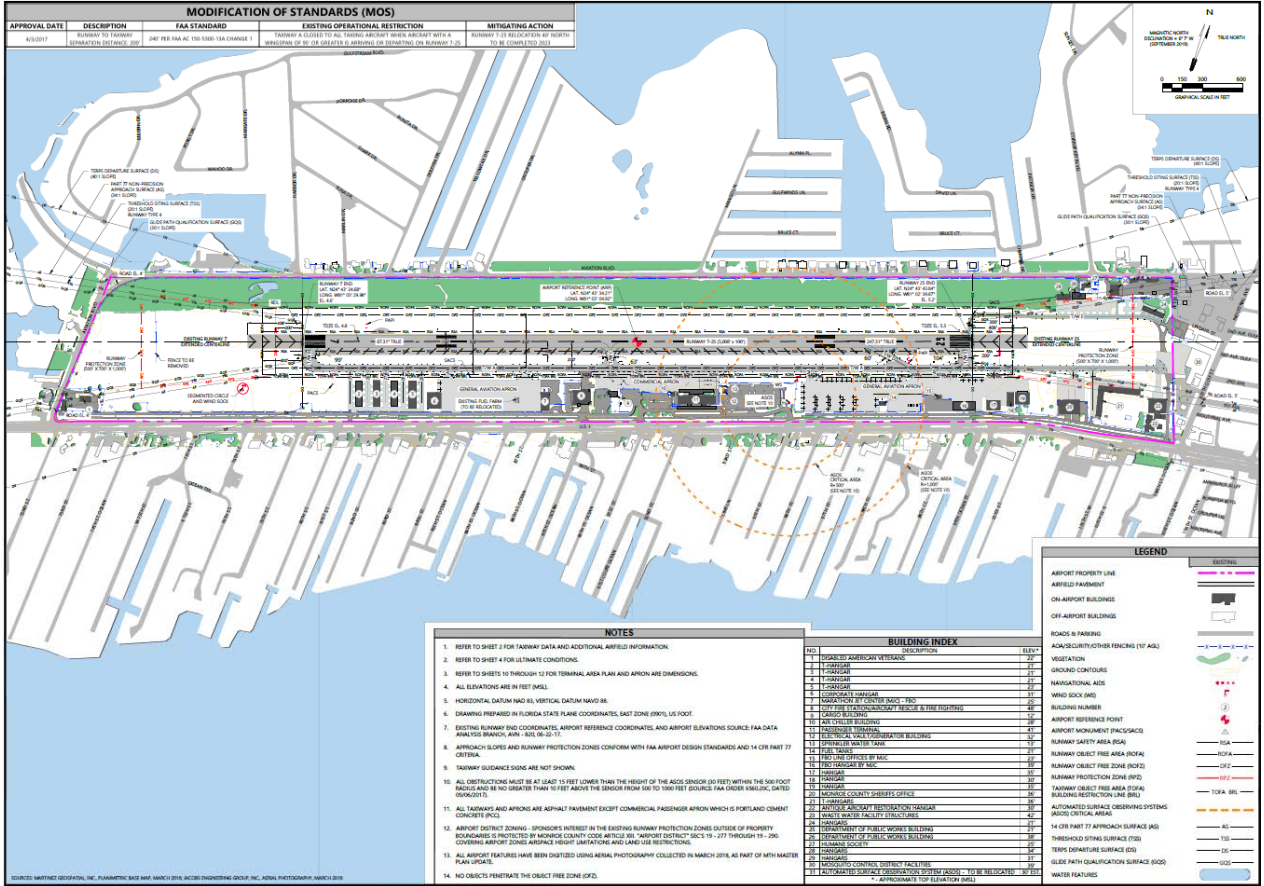
Based on known environmental conditions at the Airport presented in Section 2.9, Environmental Settings, and the proposed Capital Improvement Plan projects, the following NEPA environmental resource categories may be affected and would likely require assessment during environmental review of proposed projects pursuant to NEPA:

- biological resources
- water resources – wetlands and floodplains

The Capital Improvement Plan projects are depicted on **Exhibit 6-1** along with natural habitats located on Airport property. A discussion of each of the biological and wetland resource categories and the proposed Capital Improvement Plan projects that may affect these resources are provided in this section. The environmental resource effects identified herein are preliminary and intended to provide an early indication of the issues that would likely require detailed analyses during a future NEPA environmental review. All Capital Improvement Plan projects would be subject to a level of review under NEPA prior to implementation.

A tidally connected wetland and two isolated wetlands are located within the undeveloped area along the north side of the Airport property, as shown on Exhibit 6-1. A potential wetlands effect would occur if a project would degrade, disturb, or remove any portion of the wetlands.

As noted in Section 6.2.1, the Runway and Parallel Taxiway Separation Improvements project includes clearing a strip of undeveloped land north of Runway 7-25, which intersects with each of the three wetlands. These direct wetland effects are being evaluated in an EA. No other Capital Improvement Projects directly affect wetland resources. For projects that increase impervious surface at the Airport or otherwise result in a change in activities that could affect stormwater runoff, strategies to minimize pollutants entering the stormwater runoff should be evaluated.



APPROVAL DATE	DESCRIPTION	FAM STANDARD	EXISTING OPERATIONAL RESTRICTION	MITIGATING ACTION
APR 2017	RUNWAY TO TAXIWAY TERMINAL DISTANCE (20)	200 PER FAA AC 150/500-4A CHAPTER 1	TAXIWAY A CLOSED TO ALL TRAFFIC EXCEPT WHEN OCCUPY WITH A VEHICLE TO BE OR GREATER APPROX 10' SEPARATION TO RUNWAY 7-20	RUNWAY 7-20 RECONSTRUCTION PROJECT TO BE COMPLETED 2022

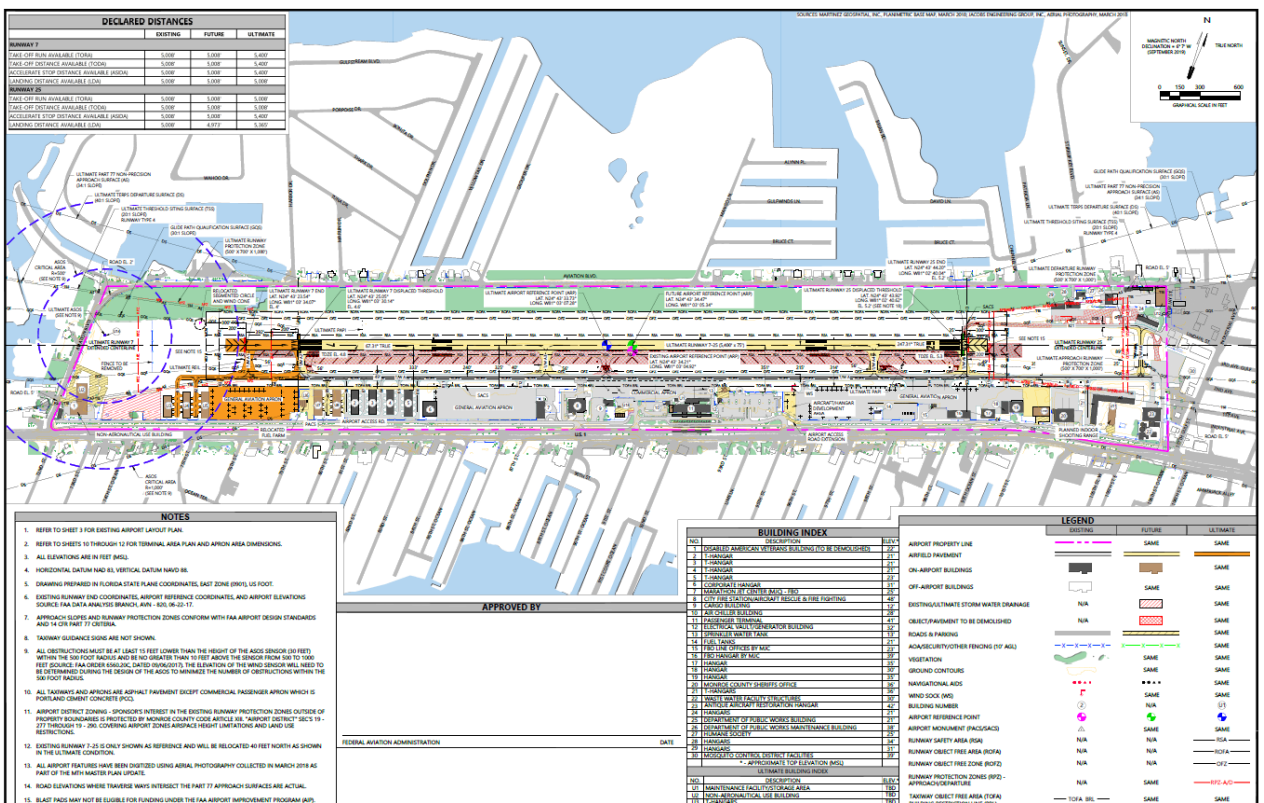


NO.	REVISIONS	DATE

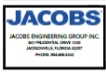
EXISTING AIRPORT LAYOUT PLAN
FLORIDA KEYS MARATHON INTERNATIONAL AIRPORT
MARATHON, FLORIDA

DRAWN BY: KS
CHECKED BY: SC
PREPARED BY:
RICONDO & ASSOCIATES, INC.
DATE:
JUNE 2020
SHEET 3 OF 14

NO.	DESCRIPTION	HEIGHT
1	TOWER BY AMERICAN VENTURES	277
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DECLARED DISTANCES		DECLARED DISTANCES		
		EXISTING	FUTURE	ULTIMATE
RUNWAY 7	FASE OFF RUN AVAILABLE (FOA)	5,000	5,000	5,000
	FASE OFF DISTANCE AVAILABLE (FOA)	5,000	5,000	5,000
	ACCELERATE STOP DISTANCE AVAILABLE (ASDA)	5,000	5,000	5,000
RUNWAY 20	FASE OFF RUN AVAILABLE (FOA)	5,000	5,000	5,000
	FASE OFF DISTANCE AVAILABLE (FOA)	5,000	5,000	5,000
	ACCELERATE STOP DISTANCE AVAILABLE (ASDA)	5,000	5,000	5,000
TAXIWAY 20-21	FASE OFF RUN AVAILABLE (FOA)	5,000	5,000	5,000
	FASE OFF DISTANCE AVAILABLE (FOA)	5,000	5,000	5,000
	ACCELERATE STOP DISTANCE AVAILABLE (ASDA)	5,000	5,000	5,000



NO.	REVISIONS	DATE

ULTIMATE AIRPORT LAYOUT PLAN
FLORIDA KEYS MARATHON INTERNATIONAL AIRPORT
MARATHON, FLORIDA

DRAWN BY: KS
CHECKED BY: SC
PREPARED BY:
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NOTES

- REFER TO SHEET 2 FOR EXISTING AIRPORT LAYOUT PLAN.
- REFER TO SHEETS 1 THROUGH 12 FOR TERMINAL AREA PLAN AND APRON AREA DIMENSIONS.
- ALL ELEVATIONS ARE IN FEET (ASL).
- HORIZONTAL DATUM IS NAD 83 VERTICAL DATUM NAVD 83.
- DRAWING PREPARED IN FLORIDA STATE PLANE COORDINATES, EAST ZONE (FWS) US FOOT.
- EXISTING RUNWAY END COORDINATES, AIRPORT REFERENCE COORDINATE AND AIRPORT ELEVATIONS SOURCE: FAA DATA ANALYSIS BRANCH, AIN, AIN, 04-20-17.
- APPROACH SLOPES AND RUNWAY PROTECTION ZONES CONFORM WITH FAA AIRPORT DESIGN STANDARDS AC 14 OR PART 77 CRITERIA.
- TAXIWAY GUIDANCE SLOPE ARE NOT SHOWN.
- ALL OBSTRUCTIONS MUST BE AT LEAST 15 FEET LOWER THAN THE HEIGHT OF THE AASD SENSOR (50 FEET) WITHIN THE 500 FOOT RADIUS AND BE NO GREATER THAN 10 FEET ABOVE THE SENSOR FROM 500 TO 1000 FEET SQUARE. FAA ORDER SQUARE, CHORD (SLOPES). THE ELEVATION OF THE SENSORS SHALL NEED TO BE DETERMINED DURING THE DESIGN OF THE AASD TO MINIMIZE THE NUMBER OF OBSTRUCTIONS WITHIN THE 500 FOOT RADIUS.
- ALL TAXIWAYS AND APRONS ARE ASPHALT PAVEMENT EXCEPT COMPASSIONER APRON WHICH IS PORTLAND CEMENT CONCRETE (PCC).
- AIRPORT DISTRICT ZONING - SPONSOR'S INTEREST IN THE EXISTING RUNWAY PROTECTION ZONES OUTSIDE OF PROPERTY BOUNDARIES IS PROTECTED BY MONROE COUNTY CODE ARTICLE 18 - AIRPORT DISTRICT ZONING 18-200 THROUGH 18-205.
- EXISTING RUNWAY 7-20 IS ONLY SHOWN AS REFERENCE AND WILL BE RELOCATED 40 FEET NORTH AS SHOWN IN THE ULTIMATE CONDITION.
- ALL AIRPORT FEATURES HAVE BEEN DETERMINED USING AERIAL PHOTOGRAPHY COLLECTED IN MARCH 2018 AS PART OF THE MTH MASTER PLAN UPDATE.
- ROAD ELEVATIONS WERE DETERMINED USING THE PART 77 APPROACH SURFACE AREAS ACTUAL.
- SLURRY WALLS MAY NOT BE SUITABLE FOR FUNDING UNDER THE FAA AIRPORT IMPROVEMENT PROGRAM (AIP).
- FASE OFF DISTANCE AVAILABLE (FOA) AND ACCELERATE STOP DISTANCE AVAILABLE (ASDA) SHALL BE DETERMINED BY AIRPORT DESIGN ENGINEER.

APPROVED BY

FEDERAL AVIATION ADMINISTRATION

DATE

NO.	DESCRIPTION	EXISTING	FUTURE	ULTIMATE
1	AIRPORT PROPERTY LINE	EXISTING	SAME	SAME
2	AIRFIELD PAVEMENT	EXISTING	SAME	SAME
3	ON AIRPORT BUILDINGS	EXISTING	SAME	SAME
4	OFF AIRPORT BUILDINGS	EXISTING	SAME	SAME
5	ROADS & PARKING	EXISTING	SAME	SAME
6	ADAC/SECURITY/OTHER FENCING (IF ANY)	EXISTING	SAME	SAME
7	VEGETATION	EXISTING	SAME	SAME
8	GROUND CONTOURS	EXISTING	SAME	SAME
9	NAVIGATIONAL AIDS	EXISTING	SAME	SAME
10	WIND SOCK (WS)	EXISTING	SAME	SAME
11	BUILDING NUMBER	EXISTING	SAME	SAME
12	AIRPORT REFERENCE POINT	EXISTING	SAME	SAME
13	AIRPORT MONUMENT PACKAGS	EXISTING	SAME	SAME
14	RUNWAY SAFETY AREA (RSA)	EXISTING	SAME	SAME
15	RUNWAY OBJECT FREE ZONE (OFZ)	EXISTING	SAME	SAME
16	RUNWAY PROTECTION ZONE (RPZ)	EXISTING	SAME	SAME
17	TAXIWAY OBJECT FREE ZONE (TOFZ)	EXISTING	SAME	SAME
18	TAXIWAY PROTECTION ZONE (TPZ)	EXISTING	SAME	SAME
19	THRESHOLD SURFACE (TS)	EXISTING	SAME	SAME
20	TERMS DEPARTURE SURFACE (DS)	EXISTING	SAME	SAME
21	GLIDE PATH QUALIFICATION SURFACE (GQS)	EXISTING	SAME	SAME
22	WATER FEATURES	EXISTING	SAME	SAME

Exhibit C

U.S. Department of Transportation, Federal Aviation Administration, Finding Of No Significant Impact And Record Of Decision on the Environmental Assessment for Runway and Parallel Taxiway Separation Improvements at the Marathon International Airport.



U.S. Department
of Transportation
**Federal Aviation
Administration**

Orlando Airports District Office
8427 SouthPark Circle, Suite 524
Orlando, FL 32819
Phone: (407) 487-7720
Fax: (407) 487-7135

March 30, 2020

[Sent via email to strickland-richard@monroecounty-fl.gov]

Mr. Richard Strickland
Director of Airports
Key West International Airport
3491 S. Roosevelt Blvd
Key West, Florida 33040

Re: Finding of No Significant Impact/Record of Decision
Environmental Assessment for Runway and Parallel Taxiway
Separation Improvements
Florida Keys Marathon International Airport

Dear Mr. Strickland,

Monroe County requested the Federal Aviation Administration's (FAA) environmental approval to shift the Runway 7-25 centerline 40 feet to the northwest to meet applicable runway-to-taxiway separation standards at the Florida Keys Marathon International Airport. The FAA independently reviewed the Environmental Assessment (EA) prepared for the project and determined the EA is consistent with the Council on Environmental Quality's regulations that implement the National Environmental Policy Act (40 CFR §1500) and it was prepared in accordance with FAA Order 1050.1F and Order 5050.4B. Consistent with 40 CFR §1501.4(e), the FAA has prepared a Finding of No Significant Impact (FONSI) and Record of Decision (ROD). Enclosed is a signed copy of the FONSI/ROD. The FONSI/ROD is issued pursuant to any conditions and permits that are discussed and indicated in the EA, and which are considered to be conditions of approval.

It is important to note that the environmental approval provided in the FONSI/ROD is contingent upon completion of the following:

1. Conclusion of FAA's consultation with the U.S. Fish and Wildlife Service and the County's implementation of any mitigation or conservation measures deemed necessary during the consultation process. Until such time that consultation is concluded and conservation measures are implemented, Monroe County shall not alter or affect any vegetation and habitat associated with the Stock Island tree snail and the Simpson's tree cactus.
2. The County demonstrating the project's consistency with local comprehensive plans, zoning ordinances, and/or land use plans and obtaining all necessary local approvals. Until such time that consistency is demonstrated and approvals are obtained, Monroe County shall not alter or affect the existing tropical hardwood hammock along Aviation Boulevard that serves as a buffer between the airport and the residences to the north. Likewise, construction on the runway cannot be initiated until consistency is demonstrated.

3. Completion of the FAA's risk determination on the Runway Protection Zone (RPZ) and the County implementing appropriate measures, as needed, to satisfy RPZ land use guidelines.

A Notice of Availability of the FONSI/ROD must be published in a local newspaper of general circulation. Please complete the enclosed draft notice and publish it for a minimum of three days. Please provide a copy of the newspaper's Affidavit of Publication of the notice to me.

If there are any questions, please feel free to contact me by telephone at (407) 487-7296 or email at peter.m.green@faa.gov.

Sincerely,

**Peter Matthias
Green**

Digitally signed by Peter
Matthias Green
Date: 2020.03.30 15:04:06
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Peter M. Green, AICP
Environmental Protection Specialist

Enclosures



U.S. Department
of Transportation
**Federal Aviation
Administration**

Department of Transportation
Federal Aviation Administration
Orlando Airports District Office
Orlando, Florida

**FINDING OF NO SIGNIFICANT IMPACT
AND
RECORD OF DECISION**

**Environmental Assessment for
Runway and Parallel Taxiway Separation Improvements
at the Florida Keys Marathon International Airport**

Marathon, Florida

March 30, 2020

BACKGROUND: The Florida Keys Marathon International Airport (MTH) is owned and operated by Monroe County (also referred to in this document as the “County” or “Airport Sponsor”). The airport is a public-use general aviation airport that supports air charter, air taxi, air cargo, and general aviation activity. The airport’s role is classified as a Regional Airport in the Federal Aviation Administration’s *National Plan of Integrated Airport Systems* (NPIAS). The City of Marathon and the airport are located on Vaca Key in the middle portion of the Florida Keys.

The distance between the centerlines of Runway 7-25 and parallel Taxiway A is 200 feet. Applicable FAA airport design standards require a runway-to-taxiway separation distance of 240 feet. Monroe County requested approval to shift the Runway 7-25 centerline 40 feet to the northwest to provide the required separation distance. Because the proposed improvements require federal action, an Environmental Assessment (EA) was prepared by the County for the FAA’s use in complying with the requirements of the *National Environmental Policy Act of 1969* (NEPA). The EA was prepared in accordance with Council on Environmental Quality (CEQ) regulations implementing NEPA; FAA Order 5050.4B, *NEPA Implementing Instructions for Airport Actions*; and FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*.

This Finding of No Significant Impact (FONSI) and Record of Decision (ROD) provides the FAA’s environmental determination, approval, and conditions for agency actions necessary to implement the Proposed Action. This FONSI/ROD is based on information and analyses contained in the attached *Environmental Assessment for Runway and Taxiway Separation Improvements*, which is incorporated by reference, and other related documents available to the agency. The ROD is issued in accordance with CEQ regulations at 40 CFR §1505.2.

PROPOSED ACTION: The Proposed Action includes the following components:

- Shift Runway 7-25 to the northwest 40 feet to provide a runway-to-taxiway centerline separation distance of 240 feet. This involves constructing 40 feet by 5,008 feet of new runway pavement on the north side of the runway; reconstructing 35 feet by 5,008 feet of existing runway pavement; and removing 65 feet of excess runway and shoulder pavement on the south side of the runway. The runway is presently 100 feet wide. The proposed runway width will be 75 feet.
- Construct new blast pads at relocated runway ends.
- Demolish existing excess pavement on Taxiway B and Taxiway E. Demolish existing Taxiway C and Taxiway D. Reconstruct Taxiway C west of its existing location. Reconstruct Taxiway D perpendicular to relocated runway. Construct new Taxiway F.

- Relocate and/or install new runway edge lights and threshold lights. Relocate and/or install new Runway End Identifier Lights (REIL) on Runway 7 end. Relocate the Precision Approach Path Indicators (PAPI) for both runway ends.
- Modify markings, lighting, and signage on connecting Taxiways B, C, D, and E.
- Grade the Runway Safety Area (RSA).
- Clear a 40-foot wide by 5,608-foot long strip of vegetation on the north side of the shifted runway within the Runway Object Free Area (ROFA). No fill or excavation would occur in the area to be cleared.
- Trim or remove select trees to clear the relocated runway Threshold Siting Surface.
- Remove existing taxiway and apron pavement on the north side of the approach to Runway 25.
- Add drainage and utilities necessary to implement the Proposed Action.
- Update existing area navigation (RNAV) Global Positional System (GPS) instrument approach procedures to reflect the 40-foot lateral shift of Runway 7-25.

PURPOSE AND NEED: In 2015, the County initiated discussions with the FAA for project funding to rehabilitate the runway's pavement. At that time, the Florida Department of Transportation's pavement analysis report recommended the runway pavement undergo rehabilitation. The FAA advised the Airport Sponsor that it could not participate financially in the project until the runway-to-taxiway centerline separation standards are met.¹ Therefore, there is a need for the Airport Sponsor to meet applicable airport design standards at MTH.

The purpose of the Proposed Action is to: 1) bring the Airport into compliance with FAA runway-to-taxiway separation standards applicable to MTH, 2) eliminate existing operational restrictions for Group II aircraft, 3) improve the pavement condition of the runway, and 4) enhance safety.

FEDERAL ACTIONS: The requested federal actions include:

1. Unconditional approval of portions of the MTH Airport Layout Plan that depicts the components of the Proposed Action pursuant to 49 U.S.C. Sections 40103(b), 44718, and 47107(a)(16), and Title 14 CFR Parts 77, 157, and 139.

¹ MTH presently operates under a conditional Modification to Standards. The Airport Sponsor also implements a safety-based Large Aircraft Operational Plan that restricts the use of the runway and taxiway system when large aircraft depart and land at the airport.

2. The approval necessary to process applications for federal funding for those eligible development items qualifying under the Airport and Airway Improvement Act of 1982, as amended, and recodified at 49 U.S. Code (U.S.C.) 47101, et seq.
3. Revision of air traffic control approach and departure procedures.

ESTIMATED TIMEFRAME: Implementation of the Proposed Action would likely be phased over several federal fiscal years. It is anticipated the Proposed Action would be complete by 2023.

ALTERNATIVES: In addition to the Proposed Action, alternatives were examined in Section 2 of the EA. These alternatives are described below.

Relocate Taxiway A – This alternative would shift Taxiway A 40 feet to the southeast, towards aircraft parking aprons, hangars, and other airport facilities, to meet the runway-to-parallel taxiway separation standards. Although this alternative would satisfy the purpose of and need for the project, it would adversely affect many of the airport’s tenants and their operations. In addition, there would be a substantial reduction in usable aircraft parking apron, aircraft tie-down positions, and T-hangar units. Given the airport’s constrained location and lack of developable land, this alternative was eliminated from further consideration in the EA.

Relocate Runway 7-25 and Taxiway A – This alternative would relocate the Runway 7-25 centerline 12.5 feet to the northwest and the Taxiway A centerline 27.5 feet to the southeast. Although this alternative would satisfy the purpose of and need for the project, it is a more complex and costly alternative because both the runway and taxiway would be relocated. Given the construction phase complexities and cost involved, this alternative was eliminated from further consideration in the EA.

No-Action Alternative – Under this alternative, the County would not implement the Proposed Action and FAA airport design standards will continue to not be met at MTH. However, the No-Action Alternative was retained in the EA in accordance with NEPA and CEQ regulations

ENVIRONMENTAL IMPACTS: As documented in the attached EA, the Proposed Action and the No-Action Alternative were evaluated for potential impacts on the environmental resource categories identified in FAA Order 1050.1F. The Affected Environment and Environmental Consequences sections of the EA (Sections 3 and 4, respectively) provide a description of existing conditions and an analysis of direct, indirect, and cumulative impacts.

Under the No-Action Alternative, the proposed runway shift would not be implemented and there would be no environmental impacts. Airport design

standards related to runway and taxiway separation distance would continue to not be met.

The Proposed Action would not alter the type or number of aircraft that use MTH. The Proposed Action would shift the approach and departure paths to the runway 40 feet to the northwest and slightly increase taxi distances between the runway and aircraft hangars and parking aprons. Impacts associated with the Proposed Action are discussed below.

Air Quality – Monroe County is located in an attainment area for all National Ambient Air Quality Standards criteria air pollutants and is not subject to the requirements of a State Implementation Plan. Construction activities would generate minor and temporary emissions. A very slight increase in operational emissions would occur because of a small increase in taxi distances and the impact would be negligible. The Proposed Action would not cause significant air quality impacts.

Biological Resources – The Proposed Action would clear 40 feet of trees and shrubs along the edge of a 220-foot wide strip of vegetation that runs along the north side of the airfield. No fill or excavation would take place in the cleared area. Mitigation for loss of habitat values associated with tropical hardwood hammock and mangrove wetlands would be provided off-site. The Proposed Action would also affect approximately 0.22 acre of mangrove wetlands, which are designated as Essential Fish Habitat (EFH). Due to limited tidal influence and access to the mangrove wetlands, the Proposed Action would have no adverse effect on EFH.

Federally-Listed Species – No Critical Habitat is present on or adjacent to the project site. Through consultation with the U.S. Fish and Wildlife Service (USFWS), it was determined the Proposed Action *may affect, not likely to adversely affect* Blodgett's wild mercury, Garber's spurge, sand flax, Semaphore cactus, and Simpson's tree cactus. These plant species are also state-listed. The project site would be surveyed for these species prior to construction. Any individual plants of these species found within the project site would be relocated to an area that would not be disturbed.

Based on the ongoing consultation with the USFWS, the FAA determined the Proposed Action *may affect, not likely to adversely affect* the federally-listed American crocodile, Eastern indigo snake, Key silverside, mangrove rivulus, and Stock Island tree snail. In addition, consultation with the National Marine Fisheries Service determined the Proposed Action would have *no effect* on the smalltooth sawfish.

State-Listed Species – Other than the species listed discussed above, no effects on state-listed plant and animal species are anticipated.

Section 7 Consultation – FAA initiated consultation with the USFWS and the consultation is on-going. During the consultation process, the FAA and USFWS agreed to the following:

1. The FAA and Monroe County agree to have their agents conduct a survey for the Stock Island tree snail at the Marathon Airport runway relocation project site, and provide a report detailing the results of the survey to the USFWS, prior to completion of the USFWS's consultation on the project. The survey will be conducted in accordance with the Service's "Stock Island Tree Snail Survey Protocol."
2. For the purposes of completing the Environmental Assessment, the Environmental Assessment will reflect FAA's determination of *May Affect, Not Likely to Adversely Affect* the Stock Island tree snail. The EA will include Monroe County's commitment to have their agent survey for the Stock Island tree snail during the permitting process. Upon completion of the survey, should the Stock Island tree snail be identified on the project site, Monroe County would, in coordination with the USFWS, agree to relocate the snails to appropriate habitat. Relocation would not occur until the FAA receives the USFWS's signed Biological Opinion for the project.
3. With USFWS concurrence with this approach, the FAA can issue a FONSI/ROD for the project, committing to the survey and mitigation strategy, yet allowing the project to move forward into design and permitting.
4. Upon completion of the Stock Island tree snail survey during permitting, the Draft Biological Assessment will be finalized to reflect the FAA's determination for the project's effects to the Stock Island tree snail. The determination will be listed as either "may affect, not likely to adversely affect", if no Stock Island tree snails are observed during the survey, or "may affect, likely to adversely affect", if Stock Island tree snails are observed during the survey.
5. The Environmental Assessment and Biological Assessment will reflect the cactus species found on site as the *Harrisia fragrans*.
6. In the revised Draft Biological Assessment, after completion of the Environmental Assessment, but prior to the conclusion of formal consultation, Monroe County will provide a detailed relocation plan for the Simpson's apple cactus for review and approval by USFWS.

The environmental approval provided in this Finding of No Significant Impact and Record of Decision is contingent on the conclusion of FAA's consultation with the USFWS and the County's implementation of any

mitigation or conservation measures deemed necessary during the consultation process. Until such time that consultation is concluded and conservation measures are implemented, Monroe County shall not alter or affect any vegetation and habitat associated with the Stock Island tree snail and the Simpson's tree cactus.

Climate – Greenhouse gas (GHG) emissions associated with the construction of the proposed runway extension are expected to be minor and temporary. The Proposed Action would not increase aircraft activity at MTH. The very small increase in aircraft taxi distance would have a negligible effect on GHG emissions. The Proposed Action would not result in significant climate or climate change impacts.

Coastal Resources – The Proposed Action would clear vegetation within 0.22 acre of mangrove wetlands designated as Essential Fish Habitat (EFH). Of the affected wetlands, only 0.18 acre is tidally influenced and the connection to tidal waters is through a pipe under an adjacent roadway. Although no adverse effects on EFH are anticipated, mitigation for the loss of wetland habitat will be provided during the project's permitting phase. This mitigation would also compensate the minor impacts to EFH. During construction, measures would be implemented to control erosion and sedimentation. Although there would be a net decrease in the amount of impervious surface at MTH, the airport's stormwater management system would be modified to attenuate and treat stormwater runoff from the shifted runway. These measures would minimize the potential for indirect impacts to the remaining wetlands, mangroves, and EFH.

The Draft EA was submitted to the Florida State Clearinghouse for review. In its response, the Clearinghouse stated the State "has no objections to allocation of federal funds for the subject project and, therefore, the funding award is consistent with the Florida Coastal Management Program". The State's final concurrence of the project's consistency with the FCMP will be determined during the environmental permitting process.

Based on the analysis contained in the EA and the State of Florida's review, the Proposed Action would not cause significant coastal resource impacts.

DOT Act, Section 4(f) Resources – The Proposed Action will not directly affect any publicly-owned parks; recreation areas; or wildlife and waterfowl refuge of national, state, or local significance; and publicly or privately owned land from an historic site of national, state, or local significance. The analysis in the EA did not identify any meaningful indirect effects on Section 4(f) resources. Therefore, the Proposed Action would have no significant impact on Section 4(f) resources.

Farmlands – The Proposed Action would not affect any farmland or prime, unique, or statewide and locally important farmland soils.

Hazardous Materials, Solid Waste, and Pollution Prevention – An environmental database search and site reconnaissance revealed no known sites or areas with environmental concerns within or adjacent to the project site. The Proposed Action would not alter existing hazardous materials/waste generation, storage, or transport practices at the airport. The Proposed Action will not affect any existing or former landfills. No significant impacts related to hazardous materials, solid wastes, and pollution are anticipated.

Historical, Architectural, Archeological and Cultural Resources – A review of the Florida Master Site File and field surveys showed no previously recorded historic, archaeological, or cultural resources within the Area of Potential Effect (APE) established for the proposed undertaking. A Historic Resources Survey and Cultural Resource Assessment Survey were conducted for the Proposed Action. The surveys did not identify any resources within the APE.

Consultation was initiated with the Florida State Historic Preservation Officer (SHPO) and the Seminole Tribe of Florida. Both parties concurred with the FAA's determination that the Proposed Action would have no effect on historic properties. Based on the research and consultation conducted, the Proposed Action would not affect historic architectural, archaeological, and cultural resources.

Land Use – The Proposed Action would allow the airport to meet FAA airport design standards. This is consistent with Monroe County's Comprehensive Plan, which states that "airport facilities shall be built to meet or exceed federal, state, and local safety regulations." Monroe County, as the Airport Sponsor, maintains land use and environmental permitting control over the Airport. Applicable land use controls in the City of Marathon's Comprehensive Plan were considered. Similar to the County's plan, the City's requires that airport development activities shall not take place in environmentally sensitive areas, unless a viable alternative is not available.

Use of the shifted runway would not affect existing or planned off-airport land uses. The Proposed Action would not cause significant off-airport impacts, divide or disrupt the community, or otherwise influence land use patterns or development near the Airport. The shifted Runway Protection Zones (RPZ) would remain entirely on airport property; however, portions of two hangars and the Monroe County Public Works maintenance facility would encroach into the RPZ. Monroe County will conduct an analysis for these facilities to determine what risk may be posed to people and property. If the FAA determines the level of risk is acceptable, the structures could remain within the RPZ. If the FAA determines the level of risk as unacceptable, these facilities would be relocated outside the Runway 25 RPZ.

Construction of the Proposed Action would remove a 40-foot strip of vegetation on the edge of the tropical hardwood hammock “buffer” on the north side of the airfield. The width of the hardwood hammock would be reduced from 220 feet to 180 feet. The County’s Comprehensive Plan offers specific protections for this hardwood hammock. The plan states that Monroe County “shall maintain the existing hammock along Aviation Boulevard as a buffer between the Marathon Airport and the residences to the north.” Additionally, although not specific to the hardwood hammock, the Plan states “development activities to construct or expand airport or airstrip facilities shall not take place in environmentally sensitive areas unless a viable alternative is not available. Mitigation and restoration shall occur when there is no other alternative than to disturb environmentally sensitive areas.” Appendix C of the EA contains a letter from Monroe County stating that the County Planning and Environmental Resources Department, in cooperation with the Airport Department, have initiated the process to amend the Comprehensive Plan to allow the airport to modify the buffer area to allow the airport meet FAA design standards.

The Monroe County Comprehensive Plan and related Land Development Code amendments necessary to implement the Proposed Action require local approval. Therefore, it is not possible at this time to know if the needed amendments would be approved or upheld.

The need to amend the County’s Comprehensive Plan and Land Development Code could be substantial issues locally, but would not necessarily result in a significant impact under NEPA. Based on the information considered, the Proposed Action would not have a significant impact on land use or land use controls if the Proposed Action is approved locally and any required mitigation is provided.

The environmental approval provided in this Finding of No Significant Impact and Record of Decision is contingent on the County demonstrating the Proposed Action’s consistency with local comprehensive plans, zoning ordinances, and/or land use plans and obtaining all necessary local approvals. Until such time that consistency is demonstrated and approvals are obtained, Monroe County shall not alter or affect the existing tropical hardwood hammock along Aviation Boulevard that serves as a buffer between the airport and the residences to the north. Likewise, construction on the runway cannot be initiated until consistency is demonstrated. The environmental approval provided in this Finding of No Significant Impact and Record of Decision is also contingent on the FAA’s risk determination on the RPZ and the County implementing appropriate measures, as needed, to satisfy RPZ land use guidelines.

Natural Resources – Construction of the Proposed Action would use common pavement-related construction materials. These materials are not scarce or unusual in nature in Florida. Given the location of the airport, these materials would be likely be hauled from mainland south Florida locations. The Proposed Action

would have a negligible effect on energy and fuel consumption at MTH. No significant natural resource or energy supply impacts would occur.

Noise and Compatible Land Use – Construction-related noise would be temporary and the effects would not be significant. Some nighttime construction activity is anticipated; however, the construction activities, including noise emissions, would be subject to local codes and ordinances.

The Proposed Action would not increase or alter the type and amount of aviation activity at the airport. However, the Proposed Action would result in a slight shift in approach and departure flight paths. A noise analysis was prepared using the latest version of FAA's noise model (AEDT 2d). When compared to the No-Action Alternative, nine additional residences on the north side of the airport would be included in the DNL 65 noise contour in 2024. However, twelve residences on the south and east sides of the airport would no longer be in the contour. When compared to the No-Action Alternative in 2029, 17 residences north of the airport would be newly included in the DNL 65 noise contour and 21 residences on the south and east sides of the airport would be removed from the contour. In both study years, none of the residences located within, or newly within, the DNL 65 contour would experience a noise increase of DNL 1.5 dB or greater. Based on FAA's guidance for preparing NEPA impact evaluations, significant noise impacts would not occur if the Proposed Action was implemented. Therefore, mitigation is not required for the purpose of reducing the impact below the threshold indicating a significant impact. Although mitigation is not required for this project under FAA's NEPA guidelines, the County will continue to evaluate programs to address land use compatibility issues that result from operation of the airport.

Socioeconomics, Environmental Justice, And Children's Environmental Health and Safety Risks – The Proposed Action would not affect public service demands or affect social conditions. The Proposed Action would not require the acquisition of land nor would it displace any residences or businesses. The Proposed Action would not affect local transportation networks. No significant socioeconomic impacts would occur.

Because the project would not have significant impacts, disproportionately high and adverse environmental effects on minority and low-income populations would not occur. The project site would not affect any schools, daycare facilities, parks, or children's health clinics. No significant Environmental Justice and children's health and safety risk impacts would occur.

Visual Effects Including Light Emissions – Construction activities would mostly take place during normal daytime hours. However, some nighttime construction may be necessary to minimize impacts to airfield operations. Common equipment and measures are available to minimize light emissions at night. In addition, the remaining vegetation buffer along the north side of the airfield will also serve to

reduce nighttime construction lighting and noise. In regard to visual effect, the Proposed Action would not introduce new light types or sources to the MTH airfield. In addition, 180 feet of the existing 220 feet of vegetation buffer on the north side of the airport will remain in place. Although changes in the visual setting may be noticeable, they would not be significant.

Water Resources

Wetlands – The Proposed action would clear vegetation within 0.22 acre of jurisdictional wetlands. This includes 0.18 acre of tidally influenced mangrove wetlands and 0.04 acre of isolated mangrove wetland. The wetlands would not be excavated or filled. Mitigation would be provided to offset the impacts. Anticipated mitigation would create mangrove wetlands on nearby County-owned property. Mitigation plans will be finalized during the project’s permitting process. No significant wetland impacts are anticipated.

Floodplains – MTH is located entirely within a 100-year floodplain. No practicable alternative that would avoid the floodplain is available. The airfield pavement would be constructed at the existing runway elevation; no substantial fill or excavation activities would occur; and no structures that could impede floodwaters would be built or modified as part of the Proposed Action. There would be no significant floodplain impacts.

Surface Waters and Groundwater – The Proposed Action would not directly impact surface waters. A net decrease in impervious surface at the airport (10.5 acres) is anticipated. However, the project would require modification to the airport’s stormwater management system and state-issued Environmental Resource Permit. Stormwater management system improvements are anticipated to include, but may not limited to, the construction of swales and detention pond upgrades.

Commonly-accepted measures to minimize erosion and sedimentation and maintain water quality during construction are available and would be required in the project’s construction plans and specifications. Measures outlined in FAA Advisory Circular 150/5370.10H, *Standards for Specifying the Construction of Airports*, would also be implemented to minimize the potential for water quality impacts. Prior to construction, the contractor will be required to obtain and comply with the conditions contained in the state-issued National Pollutant Discharge Elimination System (NPDES) permit for discharges from construction activities.

The Proposed Action will not introduce any new or different activities at the airport that would affect the quality of surface waters or groundwater. No significant water resource impacts are anticipated.

Drinking Water Supplies – The proposed action would not increase water use at the airport and would not affect a public drinking water infrastructure or supplies.

Wild and Scenic Rivers – The proposed action will not affect Wild and Scenic Rivers or river segments included in the National Rivers Inventory.

Cumulative Impacts – The past, present, and future cumulative projects identified in Section 4.14 of the EA have generated, or are anticipated to generate, low level or no environmental impacts. The projects are subject to different environmental regulatory programs, some of which may require compensatory mitigation or mitigation to reduce impacts below levels considered significant. The minor impacts associated with the Proposed Action, when considered in addition to other projects considered, are not expected to exceed any threshold that would indicate a significant impact.

OTHER FEDERAL, STATE AND LOCAL ACTIONS AND PERMITS:

Monroe County is required to obtain all permits and regulatory approvals necessary to implement the Proposed Action. The permits identified in the EA are listed below.

- Florida Department of Environmental Protection - Environmental Resource Permit and NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities
- South Florida Water Management District - Environmental Resource Permit (ERP)
- Monroe County – Comprehensive plan consistency and land development approvals
- Local Construction Permits

CONSISTENCY WITH APPROVED PLANS OR LAWS: The Proposed Action is consistent with the current Airport Layout Plan. The Proposed Action is consistent with environmental plans, laws, and administrative environmental determinations of federal, state, and regional agencies. As discussed in Sections 4.2.3.2 and 4.8.3.2 of the EA, amendments to the County's Comprehensive Plan and Land Development Code and issuance of local approvals are required before the project can be implemented.

MITIGATION MEASURES: The Proposed Action would not cause significant environmental impacts that require mitigation. However, other regulatory programs applicable to the Proposed Action require the County to provide mitigation and implement certain protective measures. As discussed in the EA, the County will be responsible for implementing the following mitigation measures:

- Provide payment into Monroe County's Environmental Land Management and Restoration Fund or provide alternate mitigation for clearing 4.65 acres of hammock habitat.
- Provide mitigation for 0.22 acre of mangrove wetland impacts.
- Develop and implement a relocation plan for the Simpson's apple cactus.
- Conduct surveys for the Stock Island tree snail. After FAA's consultation with US Fish and wildlife Service is completed, the County will implement the mitigation measures agreed upon by both federal agencies.

PUBLIC INVOLVEMENT: Early coordination was conducted with select federal, state, and local agencies at the outset of the study to gather information and identify issues of concern relative to the proposed action.

The Draft EA was made available for agency and public review. The Notice of Availability of the Draft EA was published in the Key West Citizen newspaper, a local newspaper of general circulation, on October 11, 2019 and in the Keys Weekly newspaper on October 17, 2019. The Draft EA was available for review at MTH and the Monroe County Public Library, and for download from the County's website. The Draft EA was also submitted to the Florida State Clearinghouse. A Public Workshop and Public Hearing were held on November 13, 2019.

FUNDING: The EA indicates that the Proposed Action would be implemented using a combination of FAA grants, Florida Department of Transportation grants, and County funds. The EA provides information necessary for the FAA to fulfill its obligations under NEPA. The FAA's environmental findings on the Proposed Action do not signify an FAA commitment to provide financial support for the Proposed Action. A funding commitment can only be made if, and when, Monroe County submits a federal grant application for a specific, eligible project and FAA's consideration of the separate Federal funding criteria prescribed by 49 USC 47115(d) and 49 USC 40117.

FEDERAL FINDING OF NO SIGNIFICANT IMPACT: I have carefully and thoroughly considered the facts contained in the attached Environmental Assessment (EA). Based on my independent review, I find the EA is consistent with FAA's regulations and is consistent with the Council on Environmental Quality's regulations implementing the *National Environmental Policy Act* (NEPA) (40 CFR Part 1500) as well as FAA's Orders 1050.1F and 5050.4B for implementing the procedural provisions of NEPA. Consequently, I find the proposed Federal action will not significantly affect the quality of the human environment or include any condition requiring any consultation pursuant to section 102(2)(C) of NEPA. As a result, the FAA issues this Finding of No Significant Impact, determining that an Environmental Impact Statement for this action is not necessary.

APPROVED: BARTHOLOMEW VERNACE
Bart Vernace, Manager, Orlando Airports District Office

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BARTHOLOMEW VERNACE
Date: 2020.03.30 14:24:25 -04'00'

DATE: March 30, 2020

DISAPPROVED: _____

DATE: _____

RECORD OF DECISION AND ORDER

I have carefully considered the FAA's statutory mandate to ensure the safe and efficient use of the national airspace system as well as the other aeronautical goals and objectives discussed in the EA. My review of the EA and determination regarding issuance of the FONSI included evaluation of the purpose and need that this proposed action would serve, the alternate means of achieving the purpose and need, the environmental impacts associated with these alternatives, and any mitigation necessary to preserve and enhance the human, cultural, and natural environment. My review also considered the conditions and requirements prescribed in the Biological Resources and Land Use sections of the FONSI related to the completion of Section 7 consultation with the U.S. Fish and Wildlife Service and the need for the Airport Sponsor to obtain local Comprehensive Plan and Land Development Code approvals.

Under the authority delegated to me by the FAA Administrator, I find the proposed action described in the EA is reasonably supported. I, therefore, direct that action be taken to carry forward the necessary agency actions discussed in the EA and in the attached FONSI. This Record of Decision (ROD) represents the FAA's final decision and approval for the actions identified in the EA and constitutes a final order of the FAA Administrator subject to review by the Courts of Appeal of the United States in accordance with the provisions of 49 U.S.C. 46110. Any party seeking to stay implementation of the ROD must file an application with the FAA prior to seeking judicial relief as provided in Rule 18(a) of the Federal Rules of Appellate Procedure.

APPROVED: **BARTHOLOMEW
VERNACE**  Digitally signed by
BARTHOLOMEW VERNACE
Date: 2020.03.30 14:24:50 -04'00'

Bart Vernace, Manager, Orlando Airports District Office

DATE: March 30, 2020

DISAPPROVED: _____

DATE: _____

Sponsored By: Garrett
Planning Commission Public Hearing Date: January 23, 2023
City Council Public Hearing Date: February 14, 2023
tbd
Enactment Date: tbd

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

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON’S COMPREHENSIVE PLAN MODIFYING CHAPTER SEVEN, “TRANSPORTATION ELEMENT,” AND INTENDING TO MODIFY POLICIES 7-3.1.1 THROUGH 7-3.1.3, “ENSURE CONSISTENCY WITH THE PLAN,” “PROTECT ENVIRONMENTALLY SENSITIVE LANDS,” AND “PROTECT THE AIRPORT HAMMOCK BUFFER,” RESPECTIVELY, PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY AFTER THE FIRST HEARING BY THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Economic Opportunity ("DEO"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, Subsection 163.3177(6)(b)4 of the Florida Statutes allows for an airport master plan to be adopted and incorporated in the local comprehensive plan; and

WHEREAS, the County owns the property that the Florida Keys Marathon International Airport is located on; and

WHEREAS, the City wants to coordinate in all efforts related to the airport facilities; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Policies of the Comprehensive Plan to reflect consistent language; and

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

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

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

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

SECTION 2. Amend the Comprehensive Plan, Chapter 7, Transportation Element, “Policies 7-3.1.1 through 7-3.1.3:”

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. **The Florida Keys Marathon International Airport Master Plan, dated June 2020, and Airport Layout Plan, dated June 2020, are hereby incorporated by reference.**

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.

If development activities to construct or expand airport or airstrip facilities take place in environmentally sensitive native vegetation areas because there is no other viable alternative available, the activities will be reviewed pursuant to the “Permit Referral Process” for development that occurs within areas designated as “Species Focus Areas (SFAs)” or “Species Buffer Areas (SBAs)” and will be subject to the mitigation standards of the City of Marathon. Removal of qualifying upland native vegetation will require payment to the Monroe County Environmental Land Management and Restoration Fund or replanting if preferred or required by the City of Marathon, in an amount sufficient to replace each removed plant or tree on a 3:1 basis. Additionally, all invasive exotic vegetation must be removed from the proposed development area.

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, **which is not located within the Federal Aviation Administration (FAA) required Runway Obstacle Free Area (runway clearance requirements) prohibiting above ground objects within 250 feet of the runway centerline,** is maintained and remains as a buffer between the Marathon Airport and the residences to the north. **Monroe County shall maintain coordination mechanisms with the City of Marathon and inform the City on the removal of hammock along Aviation Boulevard required to ensure safe operations at the Florida Keys Marathon International Airport.**

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

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

and (11), Florida Statutes.

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this XXth day of XXX, 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven Williams, City Attorney

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



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: January 23, 2023
To: Planning Commission
From: Brian Shea, Planning Director

Agenda Item: An Ordinance Of The City Of Marathon, Florida Amending Chapter 102, Article 13, Entitled "Conditional Use Permits"; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; And Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing For An Effective Date.

RECOMMENDATION:

Staff recommends APPROVAL

BACKGROUND:

APPLICANT: City of Marathon

REQUEST:

The draft ordinance has been proposed to modify language in Chapters 102, Article 13, of the City of Marathon Land Development Regulations, as they pertain to the Application requirements and amendments.

Purpose of Proposed Amendment:

The purpose of the amendment is trifold. The first is clerical clean up of items listed. Secondly, to specifically state that amendments will be documented in writing. And thirdly, to add language as it pertains to construction guarantees for infrastructure. This language exists in the Platting code section however, some applicants may seek to create a condominium, and the additional language further protects the City if this route is taken.

AUTHORITY

Section 102.26.

A. *Authority:*
Council.

Planning Commission Recommendation.

The PC shall consider a proposed text amendment at the request of the

B. *Review Criteria:* The PC shall review such proposed amendment, based upon the criteria listed below:

1. The need and justification for the change;
2. The consistency of the proposed amendment with the Comprehensive Plan; and
3. Whether the proposed change shall further the purposes of the LDRs, and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

C. *Findings:* The PC shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Council, indicating if the proposed amendment should be:

1. Approved as proposed;
2. Approved with amendments proposed by the PC; or
3. Denied

Section 102.27. - Hearing(s) by Council.

- A. The decision to process a text amendment is within the sole discretion of the Council.
- B. For any proposed text amendment, the Council shall hold a minimum of two (2) public hearings, conforming to the requirements of Fla. Stat. Ch. 166, before taking action on the amendment.

Section 102.28. - Action by Council.

Following the public hearings, the Council shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes, or deny the proposed amendment.

As noted, review of proposed LDR text amendments is to be made based on three basic criteria: need and justification for change, consistency with the adopted Comprehensive Plan, and whether the proposed amendment will further the purposes of the LDRs, other ordinances, and actions taken to further the implementation of the Comprehensive Plan. The Planning Commission, in reviewing the proposed amendment, may recommend approval as is, approval with changes, or denial to the City Council.

ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:

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

A. The need and justification for the change;

Clerical consistency changes are required for the purposes of having correct language. By adding the language of formal documents memorializing minor amendments, the approvals can be clearly documented for all to see and follow. In regards to number 13 of Section 102.74, this is further removing ambiguity regarding the City's inability to control the creation of condominiums, while still ensuring that projects that may seek to use this process have met the requirements of Conditional Use approval, as well as have provided the information required to ensure that the infrastructure needed will be completed pursuant to the required levels of service.

Section 718.104, Florida Statutes describes all that is required to be included in the condo declaration. The declaration includes within its definition any amendments which may be made to it, and all exhibits which are attached and incorporated by reference. The typical exhibits to the declaration include the document or documents creating the association, a copy of the bylaws, a

survey of the land, a graphic description of the land, and a plot as demonstrated by building plans, floor plans, maps, surveys, or sketches. More specifically 718.104(4)(c),(d) and (e) call for the legal description of the land, a unique identification of each unit (much like a platted lot number) and a land survey and plot plan. What is important to note is that there is no platting requirement in Chapters 718 or 720.

So by adding the additional language from the platting section pertaining to construction guarantees, the City ensures that the private condominium elements are consistent with the required levels of service. By addressing this as part of the Conditional Use process, all projects seeking these levels of improvements will be addressed. Existing developments already having infrastructure in place would therefore not be required to fulfil this requirement if completing the statutory required processes laid out in Chapters 718 or 720.

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

The Private Property Rights Element of the Comprehensive Plan was adopted in January of 2022. This was a statutory requirement adopted to ensure that the City respects private property owner's rights as enumerated below.

PROPERTY RIGHTS ELEMENT
GOALS, OBJECTIVES, AND POLICIES

Purpose

Pursuant to Chapter 163.3177(6)(i)2 F.S. the purpose of the Property Rights Element is to ensure that governmental entities respect judicially acknowledged and constitutionally protected private property rights. §163.3177(6)(i)2 F.S.

Goal 10-1 Respecting Property Rights

The City of Marathon will make decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 10-1.1 The City of Marathon will respect judicially acknowledged and constitutionally protected private property rights.

Policy 10-1.1.1 The City of Marathon will consider in its decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 10-1.1.2 The City of Marathon will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 10-1.1.3 The City of Marathon will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 10-1.1.4 The City of Marathon will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

By adding the additional infrastructure guarantee language, the City is able to ensure the property rights are being protected, while still furthering the goals of ensuring adequate facilities and

services will be able to be provided pursuant to the required levels of service.

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

The proposed text amendments furthers the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan by offering clear and concise requirements, reducing ambiguity. It also creates a concrete form of documentation that can be reviewed should staff changes or unforeseen circumstances occur.

CONCLUSION:

Staff indicates that the proposed text amendments are consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules.

RECOMMENDATION:

Staff recommends APPROVAL

ARTICLE 13. CONDITIONAL USE PERMITS

Section 102.74. Application Requirements.

An application for a Conditional Use permit shall be submitted in accordance with Article 2, "Common Development Application Elements" and shall include any other information that may be required by the City in order for the Department, the TRC, PC and Council to make informed decisions. At a minimum, the specific application requirements follow:

MINIMUM APPLICATION REQUIREMENTS CONDITIONAL USE PERMITS

These requirements are not to be considered ALL inclusive of the requirements for the proposed work. The Planning Department may require additional drawings, specifications or information in order to complete the review of the application. Equally, not all items noted below may be required at the discretion of the Planning Director based his or her review of a project proposal and the requirements of the City's Comprehensive Plan and Land Development Regulations (LDRs).

THE FOLLOWING MUST BE PROVIDED IN ORDER TO BE A COMPLETE APPLICATION:

1. Application completed in full.
2. Proof of ownership (copy of deed or tax statement).
3. Agent authorization (as applicable).
4. Vegetation Survey or Habitat Evaluation Index (as applicable).
5. Location map and photographs of site from the main adjacent road and/ or aerial photograph.
6. Property survey no older than two (2) years from date of application.
7. One (1) digital set (CD or DVD, No Flash Drives) of the following plans, drawn to scale, signed and sealed by a Florida registered Surveyor, Architect or Engineer:
8. *Site plans*. Including but not limited to:
 - a. Property lines, Mean High Water Line (MHWL), and dimensions of the parcel
 - b. Areas and dimensions of existing and proposed structures
 - c. Adjacent roadways and uses of adjacent property
 - d. Setbacks and buffers
 - e. Parking (including handicap parking) and loading zone locations and dimensions
 - f. Calculations for open space ratios, floor area ratios, density and parking
 - g. Outdoor lighting location, type, power and height
 - h. Extent and area of wetlands, open space areas, and landscape areas
 - i. Location of solid waste separation, storage and removal
 - j. Type of ground cover such as asphalt, grass, pea rock

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- k. Sewage treatment facilities
 - l. Location of bike racks (if required)
 - m. Flood zones pursuant to the Flood Insurance Rate Map (FIRM)
 - n. Show Fire hydrants per following schedule:
 - o. Commercial Non-Fire Sprinkler Protected Buildings:
 - p. 350 feet between hydrants
 - q. No building further than 175 feet from a fire hydrant.
 - r. No building further than 250 feet from a hydrant.
 - s. Provide location of fire lanes (marked fire apparatus roads) and fire lane marking details on plans. NFPA 1 (2012) 18.2.3.5.1
 - t. Provide a minimum 42-foot curb radius at driveways. Reference City of Marathon Turning Radius requirements NFPA 1 (2012) 18.2.3.4.3.1
 - u. Provide minimum 13 feet six (6) inches vertical clearance for all canopies and road overhangs. NFPA 1 (2012) 18.2.3.4.1.2.
 - v. Fire department access roads shall have an unobstructed width of not less than 2 feet. NFPA 1 (2012) 18.2.3.4.1.1
 - w. Dead-end fire department access roads in excess of 150 feet in length shall be provided with approved provisions for the fire apparatus to turn around. NFPA 1 (2012) 18.2.3.4.4
 - x. Marine areas shall comply with NFPA 303
9. *Landscape plans.* Including but not limited to:
- a. Open space preservation areas
 - b. Size and type of buffer yards including the species, size, and number of plants
 - c. Parking lot landscaping including the species, size and number of plants
 - d. Existing natural features
 - e. Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced
 - f. Transplantation plan (if required).
10. Floor plans and elevations of all proposed structures with the elevations of the following features referenced to NAVD 88: Existing grade, finished grade, finished floor elevations (lowest supporting beam for V-zone development), roofline and highest point of the structure.
11. *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.
12. *Wastewater flow calculations.*
- a. Residences with six (6) bedrooms or less will be assumed to equate to one (1) Equivalent Dwelling Unit (EDU) at 167 gallons per day. System development and connection charges, as well as monthly base and flow charges will accrue and be billed as a single-family residence.
 - b. Residences with seven (7) bedrooms or more will be assessed based on a calculation of average wastewater flows developed and provided by a qualified wastewater engineer. Such wastewater
-

flow will be calculated into the one-time System Development and Connection charges and be billed accordingly.

13. **Insert Condo/Guarantee language.**
14. *Construction management plan:* (State how impacts on near-shore water and surrounding property will be managed - i.e. erosion control, construction barriers, hay bales, flagging. etc.).
15. Construction Phasing Plan (as applicable).
16. A traffic study prepared by a licensed traffic engineer.

Letters of Coordination may be required. The applicant must check with the Planning Department to identify other agencies expected to review the project. These may include:

- a. City of Marathon, City Fire Marshall's Office
- b. City of Marathon, Utilities Manager
- c. Florida Department of Environmental Protection (FDEP)
- d. Florida Department of State, Division of Historic Resources
- e. Florida Department of Transportation (FDOT)
- f. Florida Keys Aqueduct Authority (FKAA)
- g. Florida Keys Electric Cooperative (FKEC)
- h. Monroe County Department of Health
- i. South Florida Water Management District (SFWMD)
- j. U.S. Army Corps of Engineers (ACOE)
- k. U.S. Fish and Wildlife Service (USFWS)
- l. Other, as applicable to the project

(Ord. No. 2019-14 , § 2, 1-14-2020)

Section 102.79. Minor and Major Amendments to Existing Conditional Use Permits.

- A. *Minor Amendments:* A minor amendment to an existing Conditional Use permit shall only require review and approval by the Director. The minor amendment shall be memorialized in writing to the applicant, and the Department shall maintain an official record of all amendments. Minor amendments shall be limited to:
 1. The relocation of not more than 20 percent of the impervious area, as long as it complies with the standards of this article;
 2. Redesign or change in use, where there is no increase in traffic impact;
 3. The reduction or relocation of areas set aside for community open space or recreation provided that such changes do not result in a substantial change in the approved amount, boundary configuration, or character;
 4. An overall increase of no more than five (5%) percent of the total square footage covered by any structure as long as it complies with the requirements of this article;
 5. Relocation of access points.
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- B. *Major Amendments:* A major amendment to an existing Conditional Use permit is any change that is not deemed to be a minor amendment in accordance with Subsection A. above. A major amendment to an existing Conditional Use permit shall be reviewed by the PC and the Council in the same manner as a new application.
 - C. *Time Limits:* Unless a business license has been issued for the use, or a building permit issued for the project within a period of one (1) year from the date of conditional use approval, the conditional use approval shall expire.
 - D. *Administrative Time Extensions:* The Director may grant, at his discretion, a one-time extension, for a maximum of one (1) year, if a complete and sufficient application, in accordance with Article 3, "Preliminary Procedures for All Applications", of this chapter has been submitted a minimum of 60 days prior to the expiration of the time limit.
 - E. *Phasing:* Development of the conditional use shall commence as provided for in this chapter. Phased projects must include 20 percent of the project's land area in the development of each phase, unless a site-specific phasing schedule is approved by the Council. Otherwise, the development permit for the conditional use shall be subject to the time limitations of this article.
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Sponsored By: Garrett
Planning Commission Public Hearing Date: January 23, 2023
City Council Public Hearing Date: February 14, 2023
XXX, 2023
Enactment Date: XXX, 2023

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

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING CHAPTER 102, ARTICLE 13, ENTITLED “CONDITIONAL USE PERMITS”; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, CITY OF MARATHON, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Economic Opportunity ("DEO"), pursuant to Chapters 163 and 380, Florida Statutes; and

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

WHEREAS, this Ordinance had a hearing before the Planning Commission on January 23, 2023 and a first hearing before the City Council on February 14, 2023 during which both entities, took staff testimony, all public comment, and having duly deliberated, determined that the Ordinance was in the best interest of the public, supporting the public health, safety, and welfare. The Ordinance was noticed for a second hearing on XXX at which time, the Ordinance was passed unanimously, and

WHEREAS, the Ordinance was heard on XXX, passing unanimously on that date,

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

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

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

SECTION 2. Amend the Land Development Regulations, Chapter 102, “Development Application Review Procedures,” Article 13, “Condtiional Use Permits,” as attached in Exhibit A.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause of phrase of this Ordinance shall for any reason be held to be invalid or

unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

SECTION 5. This Ordinance shall become effective upon approval by the Florida Department of Economic Opportunity pursuant to Chapters 163, 166, and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS XX DAY OF XX, 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven T. Williams, City Attorney

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