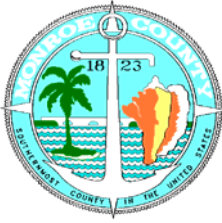


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Questions and Answers: Interim Development Ordinance for Working Waterfronts and Marine Facilities

Question: If I want to enhance or expand public access along my waterfront property, or expand the water-dependent uses on my property, for example, increase the size of my boatyard or add a marine repair shop, would this Interim Development Ordinance apply?

Answer: No, assuming that the land use district zoning is appropriate to allow for these types of water-dependent uses. The Ordinance is specific in what it applies to and definitions are provided for within the Ordinance to clarify what uses or structures are affected (Sections 2 and 3). If a proposal does not "fit" within these definitions, it generally is not affected by this Ordinance. There are specific exemptions provided for in the text of the Ordinance. The exemptions include development under an approved Conditional Use Permit, general maintenance, repair and/or safety improvements.

Question: Can I add a restaurant or commercial retail uses to my waterfront location? The property has been vacant for years.

Answer: If the property has historically not been utilized for a water-dependent use, (verified through property record card and permit history searches), and assuming that the land use district zoning is appropriate to allow non-water dependent uses, then it's very possible that this Ordinance would not apply to such a situation. The Ordinance was developed with a "no-net loss" policy in mind. In simplified terms, if a property has not historically been utilized for "working waterfront" type uses, then a future use is not counted as a "loss" to the working waterfront.

We encourage property owners and developers to meet with Staff in a pre-application meeting so that the applicant can have a better understanding of the Ordinance and receive fact-based information, in a written format, on specific redevelopment proposals. A property owner can also call the Upper Keys Planning office or the County Planning office in Marathon and discuss proposals with Staff. Exemptions and a Vested Rights process are also explicitly provided for within the Ordinance

Question: Can a property owner apply for a pre-application meeting and Letter of Understanding to determine if their land use proposal is affected by the Interim Development Ordinance?

Answer: Yes. A property owner can also call the Upper Keys Planning office or the County Planning office in Marathon and discuss proposals with Staff. A Vested Rights process is also explicitly provided for within the Ordinance.

Question: Can a Realtor market a waterfront property while the Interim Development Ordinance is in effect?

Answer: Yes, of course. This does not impact the ability to conduct real property transactions.

Question: Does this Interim Development Ordinance have anything to do with regulations set forth and enforced by Florida Department of Environmental Protection (FDEP) or the Army Corps of Engineers (ACOE)?

Answer: No. Property owners still need to comply with applicable FDEP and ACOE regulations and apply for any applicable FDEP and ACOE permits.

Question: The timeframe is a concern; 365 days seems like a long time to complete the Marine Management Study and develop recommendations on redevelopment of the working waterfront. Does the Interim Development Ordinance need to be in effect for 365 days?

Answer: The Interim Development Ordinance has an expiration date of 365 days from the date of adoption of the Ordinance, unless repealed sooner by the Board of County Commissioners, or **upon the adoption of amendments to the 2010 Comprehensive Plan and Land Development Regulations**. The South Florida Regional Planning Council (SFRPC) has been selected to conduct the Marine Management Study. SFRPC is very familiar with the issues; SFRPC has done similar studies in the past for clients, including the Marine Industries Association of South Florida and Broward County. The contract with SFRPC has an end date of December 31, 2005. County Staff will be working closely with SFRPC so that we can finish the study and present recommendations to the BOCC as soon as possible. Data collected is anticipated to be used in the development of the Marina Siting Plan. The moratorium on new marinas, which is currently in effect, cannot be lifted until the completion of the Marina Siting Plan as required by the 2010 Comprehensive Plan, is completed.

For more information or if you have any questions, please contact the Upper Keys Planning office at 305-852-7100 or the County Planning office for the Middle and Lower Keys in Marathon at 305-289-2500.