

CITY COUNCIL AGENDA STATEMENT

Meeting Date: August 10, 2021
To: Honorable Mayor and City Council
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2021-57**, A Request For A Conditional Use Permit And Final 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 Seasons 16, LLC For Property Which Is Described As, The Westerly Part Of The West Half Of Block 8 Lot 11, Coco Plum Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00363910-000000.

APPLICANT/ OWNER: Seasons 16 LLC

LOCATION: The project site is located at the intersection of Avenue D and Coco Plum, nearest mile marker 53. See Figure 1.

Figure 1
Project Site



City of Marathon, Florida
Official Map Product
00363910-000000



0 25 50 100 150 200 Feet

REQUEST: The Applicant is seeking approval of a preliminary plat subdividing one (1) previously subdivided parcel into two (2) lots each only having enough density for single family residences.

FUTURE LAND USE AND ZONING MAP DESIGNATION:

Residential Medium (RM) & Residential Medium 2 (RM-2). See Figure 2A & 2B.

**Figure 2A & 2B
Future Land Use & Zoning Map**



LOT SIZE:

Total acreage: .69 acres or 30,111 square feet.

SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Residential High	Single Family Residences apartments, and Condo of Avenue D
East	Residential Medium 2, Residential Medium 1	SFRs and Condos
South	Residential Medium 2	Bonefish Yacht Club, Bonefish Towers, SFRs
West	Residential Medium 2, Residential High	Apartments, and proposed affordable housing.

EXISTING CONDITIONS:

The project site consists of one parcel. The parcels are currently scarified with some vegetation interspersed throughout the property. A parcel had been previously split off through the Simple Subdivision process, and another split now requires a Conditional Use.

Residential: Vacant

PROPOSED REDEVELOPMENT:

Residential: Plat and Subdivision into 2 lots for a single family on each.

BACKGROUND:

The proposed project seeks the replat of a residential property which is vacant.

This report addresses the application for a Conditional Use and preliminary plat. **All conditions of the Conditional Use and Plat approval will have to be met before any building permit will be approved.**

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

The criteria for evaluating a Conditional Use is 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 Residential Medium-2 (RM-2) Zoning District. Per Chapter 103, Article 2, Section 103.12 of the Land Development Regulations, the district is designed to “establish areas in the Coco Plum subdivision of low- to medium-density residential uses characterized principally by single-family detached and two-family dwellings, designated within the Residential Medium (RM) future land use category on the Future Land Use Map (FLUM).”

The proposed project consists of the redevelopment of an existing residential use and is consistent with the Residential Nobile Home 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 single family residential uses are allowed as permitted as of right in RM-2 Zoning. The table also shows that Plats and Subdivisions are a Conditional Use in RM-2 Zoning. 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.

The proposed project consists of the replat and future development of a site to include single family residential units. The project as proposed meets the basic definition of development in the RM-2 zoning district.

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 Residential Medium Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Residential Medium future land use category is to provide for medium density residential development. The Residential Medium future land use category is characterized by areas containing predominately compact development on lots with disturbed or scarified vegetation and areas that are appropriate for infill development and that are served by existing infrastructure”. The proposed project includes a subdivision of vacant land into smaller lots, that result in no increase in density, which is consistent with the Residential Medium classification.

The existing land use pattern in the project vicinity consists of a mix of residential, multi-family residential uses, and parks and recreation uses. The redevelopment 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 a development of an existing use which has not had any known impact to the health, safety, and welfare of the public. No new impacts are expected to arise with the redevelopment.

As part of the permitting process, plans will have to meet the requirements as they relate to Chapter 107, Article 12, 100 Year Floodplain. Final review of floodplain compliance will occur as part of building permit issuance.

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 grassland, with a small patch of natives interspersed with exotics. In addition, though found within a ‘Species Focus Area’ as defined in the settlement agreement for the FEMA-FWS lawsuit, “undeveloped land,” as defined therein, falls out of the considerations in the species assessment guides thus having “no impact” on the species of concern, the Eastern Indigo Snake. Should any development occur in the future regarding waterfront walkways and docks, the permits will require ACOE and DEP approval, as well as further FEMA-FWS review using the species assessment guides. See figure 3.

**Figure 3
Species Focus Area Habitat**



Future 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. Stormwater retention 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 conditions, 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;

Ingress and egress to the property is being provided through proposed driveways on Avenue D and Coco Plum. The one driveway proposed on Coco Plum crosses the bike path. As such the driveway will be required to be a solid surface to not create any negative impact to the bike path.

The proposed traffic impact for the proposed single-family residences that can be built on the newly created parcels would have no adverse impact on the operating characteristics of Coco Plum drive or Avenue D.

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

- The portions of the driveway within the ROW of Coco Plum are required to be solid surface.

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

Two parking spaces per unit are required of a single-family residence. The parking spaces will have to be denoted on the building permit site plan prior to permit issuance. Permits that have been submitted show compliance.

Therefore, with the conditions noted above, 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 project consists of development of a residential use. No new impacts are expected to occur. Should any future construction be visible from Coco Plum Beach, the appropriate turtle lighting will be required.

Therefore, with the above conditions, 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;

Solid Waste pick-up is provided under by MGS. There will be no capacity issues in this regard.

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: As part of the platting process, preliminary wastewater plans are shown. The construction guarantees will address the installation of the additional utility lines.
- Water: The Florida Keys Aqueduct Authority will provide potable water for the homes.
- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Surface Water: The applicant must submit a final stormwater plan before building permit issuance.
- Recreation and Open Space: The required open space remains 20% for the entire lot, as well as 20% for the newly created lots.
- Roadways: This redevelopment will have a de minimis impact on traffic.
- 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 connection to the City Wastewater Utility will be required.

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

The project will be required to provide street trees for each unit pursuant to the requirements of the LDRs. Additionally, as the property to the north is zoned RH, a High landscape buffer is required. Through TRC review, the landscape buffer was reduced by half.

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

- Landscape buffer showing 10 canopy trees, 5 understory trees, 5 non-deciduous trees, and 30 shrubs per 100' is required prior to permit issuance.

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

There will be no signs associated with the redevelopment of the site.

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

8. Required yards and other open space;

Section 106.16 established required open space for the project. The site is scarified; therefore, a twenty percent open space requirement applies. As proposed, the project will meet the minimum open space requirements.

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

9. General compatibility with surrounding properties; and

The project is a development of residential uses in an area of the City which is relatively medium density. Adjacent uses include other residences, single family, and multifamily units. The proposed project will be compatible with surrounding uses.

Therefore, with the conditions below, 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.

The subdivision of Land is required to meet the criteria of Section 102 Article 10 of the code. Table 102.46.1 establishes the minimum lot sizes that can be created, and the minimum frontage required. RM-2 zoning requires minimum lots of 8,712 square feet, and frontages of 100 linear feet.

The lots created by the plat exceed the 8,712 square footage minimum. The proposed lot frontages are 147 and 177 feet.

With these conditions, the request is *in compliance* with the requirements of this section.

CONCLUSION:

The proposed project seeks the subdivision of parcels within the City of Marathon based upon the Subdivision and Conditional Use guidelines.

With the proposed conditions, staff indicates that the project as proposed meets the intent of the City's Comprehensive Plan and Land Development Regulations.

RECOMMENDATION:

The Planning staff recommends conditional approval of the Subdivision to the Planning Commission. The proposed conditions of approval are listed below.

Planning Commission recommended conditional approval of the project to City Council (4-0).

Conditions of Approval

1. Plans must show a 10' side setback for the single-family residences.
2. The portions of the driveway within the ROW of Coco Plum are required to be solid surface.
3. City approval is required for the stormwater management system prior to Building Permit Approval.
4. City approval of the connection to the City Wastewater Utility will be required.
5. Landscape buffer showing 10 canopy trees, 5 understory trees, 5 non-deciduous trees, and 30 shrubs per 100' is required prior to permit issuance.
6. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

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.

As no new roads are being proposed, all utility and infrastructure work will be done as part of the building permit process for each individual SFR.

RECOMMENDATION:

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

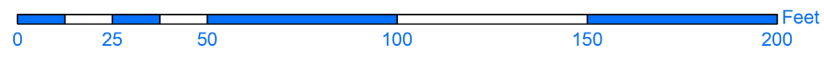
Conditions:

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

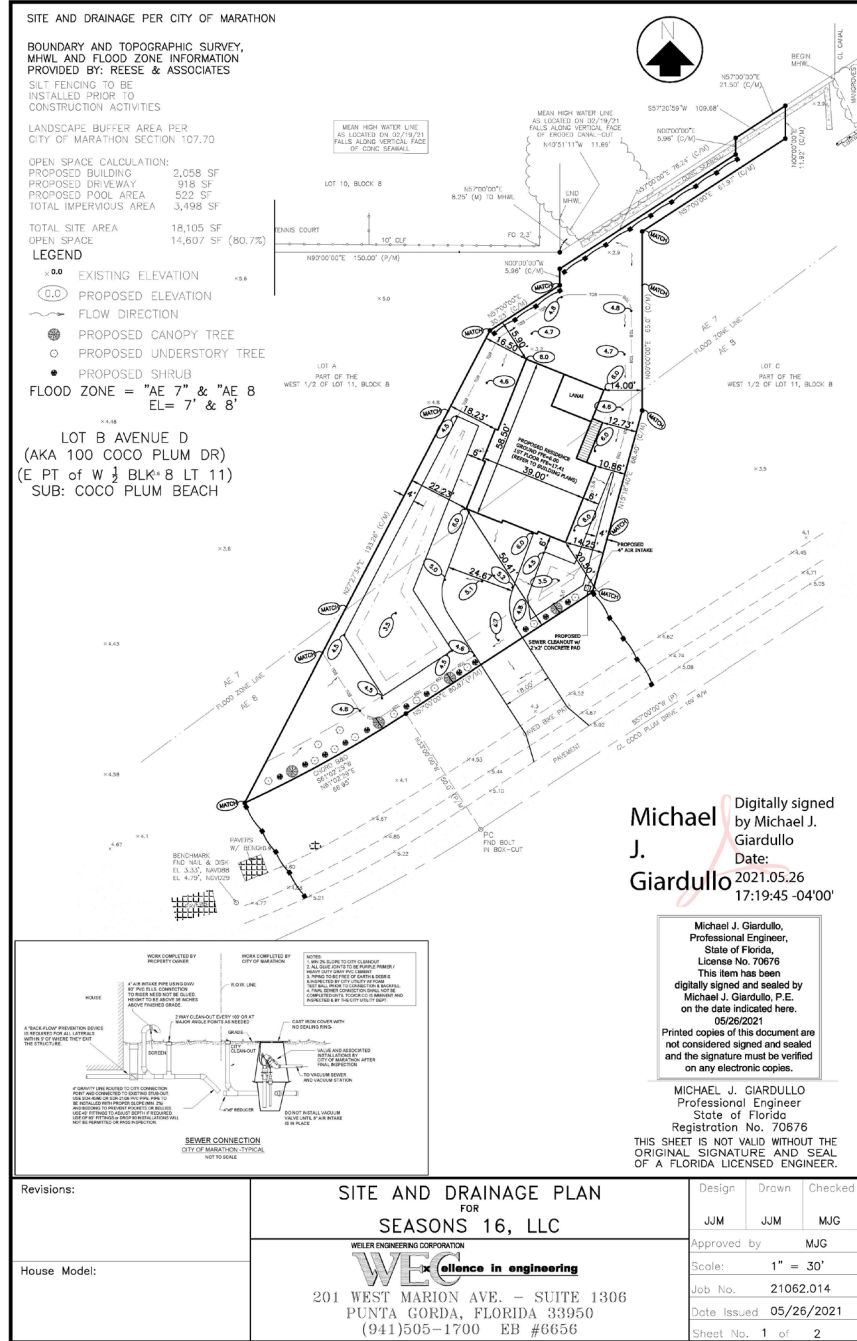
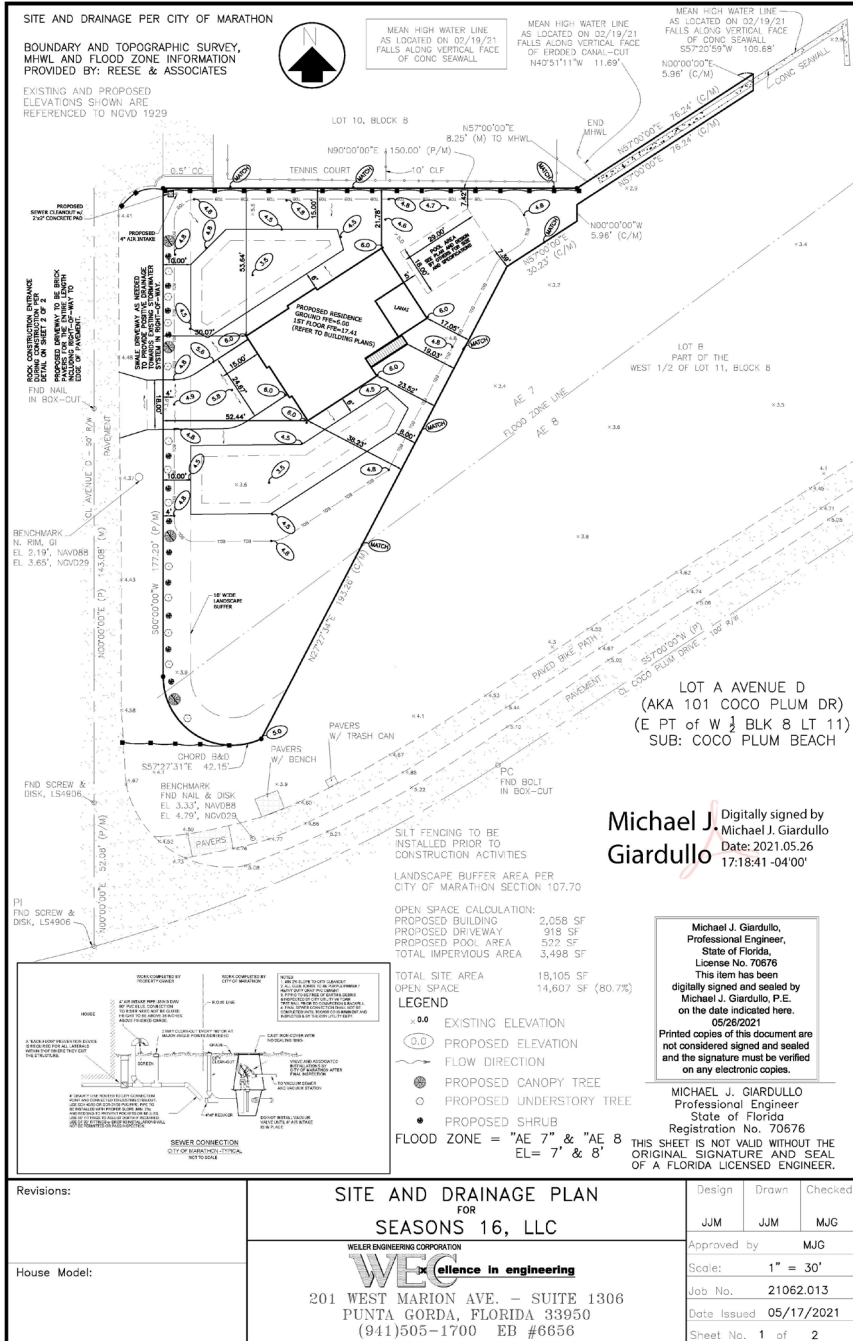
Site Plan



City of Marathon, Florida
 Official Map Product
 00363910-000000



Proposed Site Plans



Revisions:	
House Model:	

SITE AND DRAINAGE PLAN FOR SEASONS 16, LLC

WELER ENGINEERING CORPORATION

WEC *excellence in engineering*

201 WEST MARION AVE. - SUITE 1306
 PUNTA GORDA, FLORIDA 33950
 (941)505-1700 EB #6656

Design	Drawn	Checked
JUM	JUM	MJG
Approved by	MJG	
Scale:	1" = 30'	
Job No.	21062.013	
Date Issued	05/17/2021	
Sheet No.	1 of 2	

Revisions:	
House Model:	

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 PUNTA GORDA, FLORIDA 33950
 (941)505-1700 EB #6656

Design	Drawn	Checked
JUM	JUM	MJG
Approved by	MJG	
Scale:	1" = 30'	
Job No.	21062.014	
Date Issued	05/26/2021	
Sheet No.	1 of 2	

Sponsor: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2021-57**

A RESOLUTION OF THE CITY COUNCIL OF MARATHON, FLORIDA APPROVING OF A REQUEST FOR A CONDITIONAL USE PERMIT AND FINAL 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 SEASONS 16, LLC FOR PROPERTY WHICH IS DESCRIBED AS, THE WESTERLY PART OF THE WEST HALF OF BLOCK 8 LOT 11, COCO PLUM BEACH SUBDIVISION, FAT DEER KEY, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00363910-000000

WHEREAS, Seasons 16, LLC (Applicant) filed an Application on May 27, 2021 for a Conditional Use Permit for approval of a primary plat and site plan for the property into three (3) single residential lots 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 19th day of July, 2021, 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 10th day of August, 2021, 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 2021-09, a copy of which is attached hereto as Exhibit “A”, granting a Conditional Use Permit to Seasons 16 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 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 10TH DAY OF AUGUST, 2021.

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

**ATTACHMENT “A”
CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER # 2021-09**

APPROVAL OF A REQUEST FOR A CONDITIONAL USE PERMIT AND FINAL 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 SEASONS 16, LLC FOR PROPERTY WHICH IS DESCRIBED AS, THE WESTERLY PART OF THE WEST HALF OF BLOCK 8 LOT 11, COCO PLUM BEACH SUBDIVISION, FAT DEER KEY, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00363910-000000.

WHEREAS, Seasons 16 LLC filed an Application on May 27, 2021 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 19th day of July, 2021, 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 10th day of August, 2021, 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 single family residence 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. Plans must show a 10' side setback for the single-family residences.
2. The portions of the driveway within the ROW of Coco Plum are required to be solid surface.
3. City approval is required for the stormwater management system prior to Building Permit Approval.
4. City approval of the connection to the City Wastewater Utility will be required.
5. Landscape buffer showing 10 canopy trees, 5 understory trees, 5 non-deciduous trees, and 30 shrubs per 100' is required prior to permit issuance.
6. 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 thirty (30) 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 _____, 2021.

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 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 pursuant to Chapter 9J-1, Florida Administrative Code, this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Community Affairs. 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 _____, 2021.

Diane Clavier City Clerk

