

CITY COUNCIL AGENDA STATEMENT



Meeting Date: November 9th, 2021
To: Honorable Mayor and City Council
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **Resolution 2021-103**, A Request For A Conditional Use Permit For A Plat And Site Plan Approval As Submitted By Seaview Commons LLC For 0 Pescayo Ave, Which Is Described As Lot 1, Block 6 of Coco Plum Beach, Fat Deer Key Marathon, Monroe County, Florida, Having Real Estate Number 00363510-000000.

RECOMMENDATION:

The planning staff recommends conditional approval of Seaview Common LLC’s Bonefish Harbor preliminary plat proposing five individual lots for single family residences. The proposed conditions follow:

Conditions of Approval

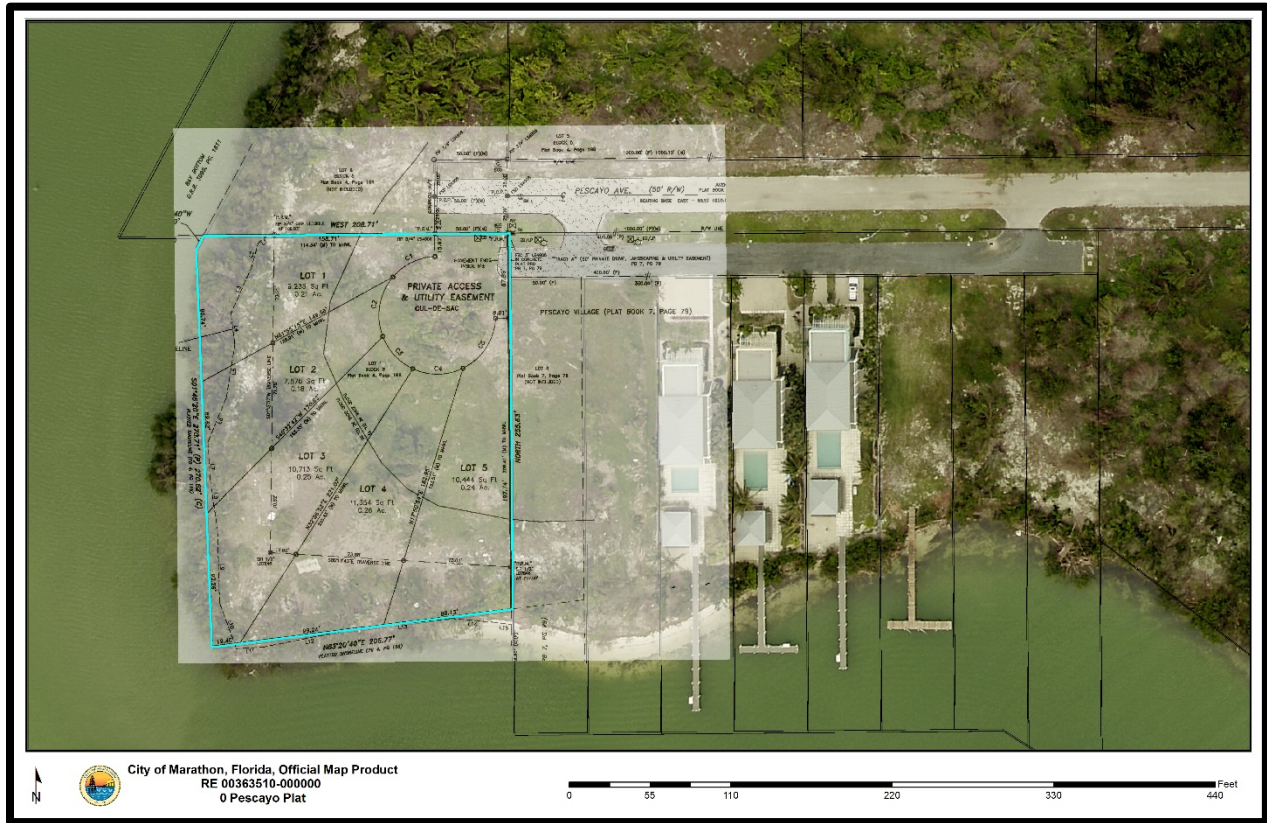
1. Acquisition of any development rights, as authorized through this development approval are the responsibility of the developer.
2. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
3. The applicant shall met all NFPA 1 and NFPA 101 requirements including access and apparatus turnaround, water supply for fire suppression.
4. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by Utilities department and pay any assessments due resulting from change in use;
5. The applicant will provide the required number of parking spaces per the LDRs
6. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
7. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date;

APPLICANT/ OWNER: Seaview Commons LLC

AGENT: Barbara Mitchell

LOCATION: The project site is located at 0 Pescayo Ave, Marathon – Nearest Mile Marker 54. **See Figure 1.**

Figure 1
Project Site



LOT SIZE:

Total acreage	1.26 Acres (Ac.)	54,929 Square Feet (Sq. Ft.)
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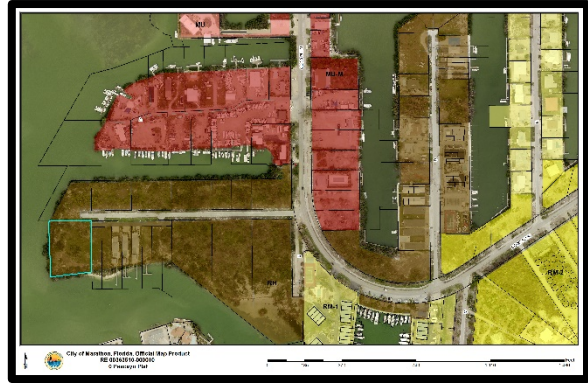
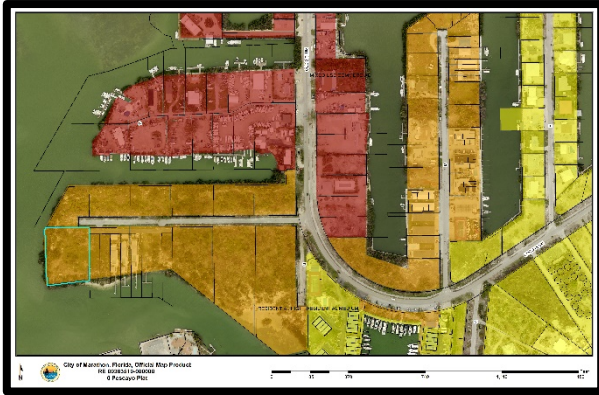
REQUEST: A Conditional Use Permit to authorize the preliminary plat of the residential parcel into five lots for single family residences.

FUTURE LAND USE AND ZONING MAP DESIGNATIONS:

Residential High (RH) and Residential High (RH) See **Figure 2 A. and B.**

2.A FLUM Map

2.B Zoning Map



SURROUNDING ZONING AND USES:

	<u><i>Zoning</i></u>	<u><i>Use</i></u>
North	Residential High	Vacant
East	Residential High	Vacant and single family residential
South	N/A	Water
West	N/A	Water

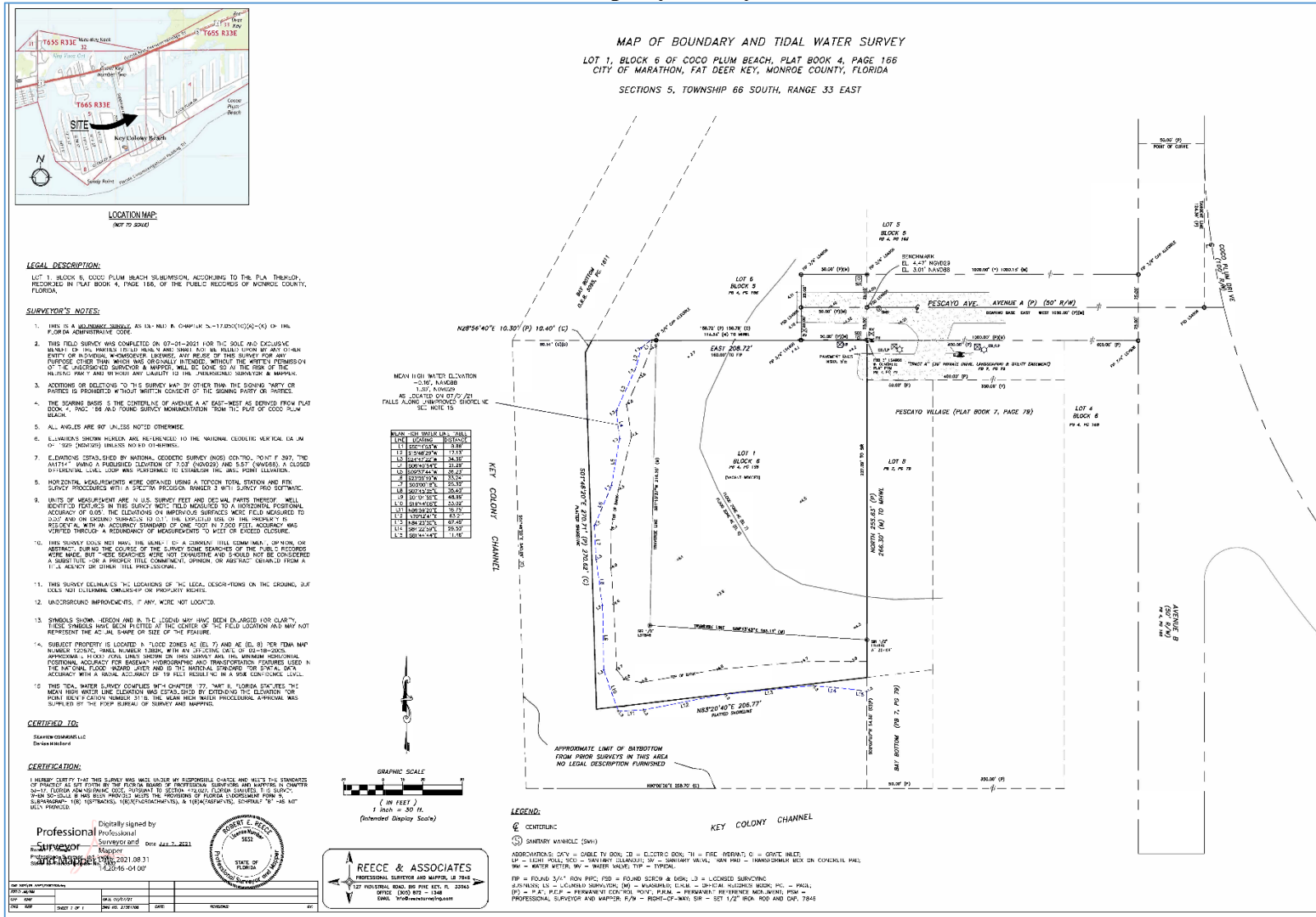
EXISTING CONDITIONS:

Currently, the site is vacant land.



LOT 1, BLOCK 6, VIEW FROM AVENUE A

Figure 3 Property Survey



PROPOSED REDEVELOPMENT:

The proposed development is five single family homes on individually platted lots.

Figure 3.

BACKGROUND:

The site is vacant land that is designated as undeveloped, mangroves and exotic on the city habitat maps. This application requests approval to subdivide the parcel into five parcels.

All condition of the Conditional Use 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 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 Residential High (RH) Zoning District. Per Chapter 103, Article 2, Section 103.12 of the Land Development Regulations, the district is designed to “establish areas of high-density residential uses characterized by multi-family dwellings and mobile homes designated within the Residential High (RH) future land use category on the Future Land Use Map (FLUM).”.

The proposed project consists of the proposed plat consisting of five single family lots within the Residential High Zoning District.

a. Objective 1-1.1. Protect Community Character

The parcel proposed for subdivision is designate Residential High. It is located on the western side of Coco Plum Dr at the end of Pescayo Ave. The neighborhood is consists of single family homes and vacant plated lots. The proposed subdivision plat will not increase the density that is currently allowable. There is sufficient density to support five single family market rate homes. Neither a Comprehensive Plan or Zoning change is needed or requested.

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

The proposed plat allows for the development of homes consistent with the rest of the street.

c. Policy 1-1.1.3 Protect Residential Neighborhood Character

The proposed platted lots are consistent with the character of the neighborhood.

d. Policy 1-1.1.4 Transition Between Land Uses

The parcel is located in a residential neighborhood. The proposed subdivision consists of five lots divided radially all access from a center point on the property. The adjacent existing uses are residential. Final landscape plans will be submitted as part of the building permit application for each lot.

e. Objective 1-2.1 Levels of Service

The parcel is vacant. The street is serviced by public infrastructure. There is electricity, water, and sanitary sewer to this parcel. The FCAA, FKEC, and City utility and public works departments have been contacted as part of the application process, Letter of Coordination have been requested and responses received are included in this application. A complete set of Civil and Architectural/Plumbing plans will be required for review to determine water main requirements, meter requirements and system development charges. The applicant proposes the use of the 8" Gravity Sanitary Sewer Main and connect to City Wastewater system. The original sanitary system design does not accommodate any future development to this magnitude. The size of the wet well will most likely be insufficient and require an update. The applicant will have to pay for the upgrades to the existing infrastructure system to account for the proposed units.

f. Policy 1-3.1.4 Future Land Use Categories

The Future Land Use Map (FLUM) designates the parcels as Residential High. The project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary.

g. Policy 1-3.2.5 Maximum Height

The maximum height of any new structure associated with the redevelopment of the Property shall not exceed 42 feet, except as provided by City Code, as amended.

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

The residential density is consistent with thresholds outlined in Table 1-1 of the Comprehensive Plan. The submitted plat proposes a density equivalent to 3.96 market rate unit per acre.

i. Policy 1-3.3.1 a, d. General Redevelopment Criteria

The site is undeveloped.

j. Policy 1-3.3.2 Removal of Hazard Structures

There are no existing hazards on the parcel.

k. Policy 1-3.4.1 Protect Established Densities & Policy 1-3.4.3 Replacement of Existing Densities and Intensities and Policy 1-3.5.16 Program for Transfer of Density and Building Rights

The purchase or market rate building rights or BPAs applications will be required for construction of the residential units on the site.

l. Policy 4-1.3.6 Protect, Stabilize and Enhance Shoreline

No shoreline stabilized is proposed for this plat.

2. **Consistent with City Land Development Regulations:**

a. Section 103.12 .B. – Residential High (RH) District

The RH District is intended to establish areas of high-density residential uses characterized by multi-family dwellings and mobile homes designated within the Residential High (RH) future land use category on the Future Land Use Map (FLUM). Market Rate permanent residential housing is permitted.

b. Table 103.15.1 Uses By Zoning District – Residential High (RH)

This redevelopment 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 54,929 square feet of upland. Table 103.15.2, Marathon City Code, lists the density for permitted uses in the Residential High Zoning district. For residential uses, the units per acre is (8) market rate, fifteen (15) to 25 (25) affordable units.

The proposed project, a subdivision of one parcel into five lots, will exceed the minimum lot size of 5,445 square feet required for market rate development, the equivalent density is approximately 4 units per acre. Based upon the use the proposed density is within Code requirements.

d. Section 107.00. Building Permit Allocation System (BPAS)

New BPAS allocation will be required for this project or purchase of transferrable building rights.

e. Section 107.47 Parking

Two parking spaces are to be provided for each single-family home as required by City Code. Compliance shall be demonstrated as part of the Building Permit applications.

f. Section 107.40 Maximum Height

This application is for approval of a five-lot subdivision for single-family homes. The plans for these homes have not been developed at this time.

The maximum height of any new structure associated with the redevelopment of the Property shall not exceed 42 feet, except as provided by City Code, as amended.

g. Sections 107.63 – 107.72 Landscaping

The conceptual landscape plans have been provided. Final landscape plans will be prepared and submitted at the time of Building Permits. Pursuant to Residential High zoning district no landscape buffers are required on the east property line.

h. Sections 107.73 – 107.81 Open Space

The required open space ratio for this site is 20% of the 1.26-acre parcel or 10,986 square feet. Upon approval of the Plat of Subdivision, each lot will be required to provide 20% open space.

The proposed open space ratios are *in compliance* with the requirements of these sections.

i. Sections 107.82 – 107.85 Fences and Screening

There are no fences on this property.

j. Sections 107.87 – 107.97 Stormwater Management

Complete stormwater plans have not been developed for each proposed plat.

- The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.

k. Sections 107.98 – 107.102.5 Floodplain Management

Pursuant to the current FEMA FIRM maps, the flood zones range from AE8 to AE 7. Review of the proposed FEMA FIRM maps indicate more of the site will be located in the AE 8 zone. As required, the finished floor elevations or lowest horizontal structural member elevations respectively will meet or exceed in height the required per the base flood and design flood elevations.

- The applicant will meet all floodplain-related requirements as part of the Building Permit process;

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

The Future Land Use designation for this area is Residential High intended to establish areas of high-density residential uses characterized by multi-family dwellings and mobile homes while permitting single family residential use. The proposed per acre density is less than 8 units per acre and is consistent with the Land Development Code and the Comprehensive Plan.

The parcels surrounding proposed single-family residential community are vacant. To the east, are single family homes.

The proposed project is located within the Residential High Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Residential High land use category is to provide for high density single family, multi-family and institutional residential development.” The increase in density from this proposed conditional use more closely aligns the purpose of the Residential High zoning district. Section 103.15, Table 103.15.2, “Uses By Zoning District,” establishes whether specific uses are allowed as of right, limited, accessory or conditional use permit. That table shows that Plats and subdivisions are permitted only when approved through the Conditional Use Permit process. Conditional Use Permit 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 RH district based on the types of uses proposed. The proposed uses fall within the allowed densities and intensities for the parcel.

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

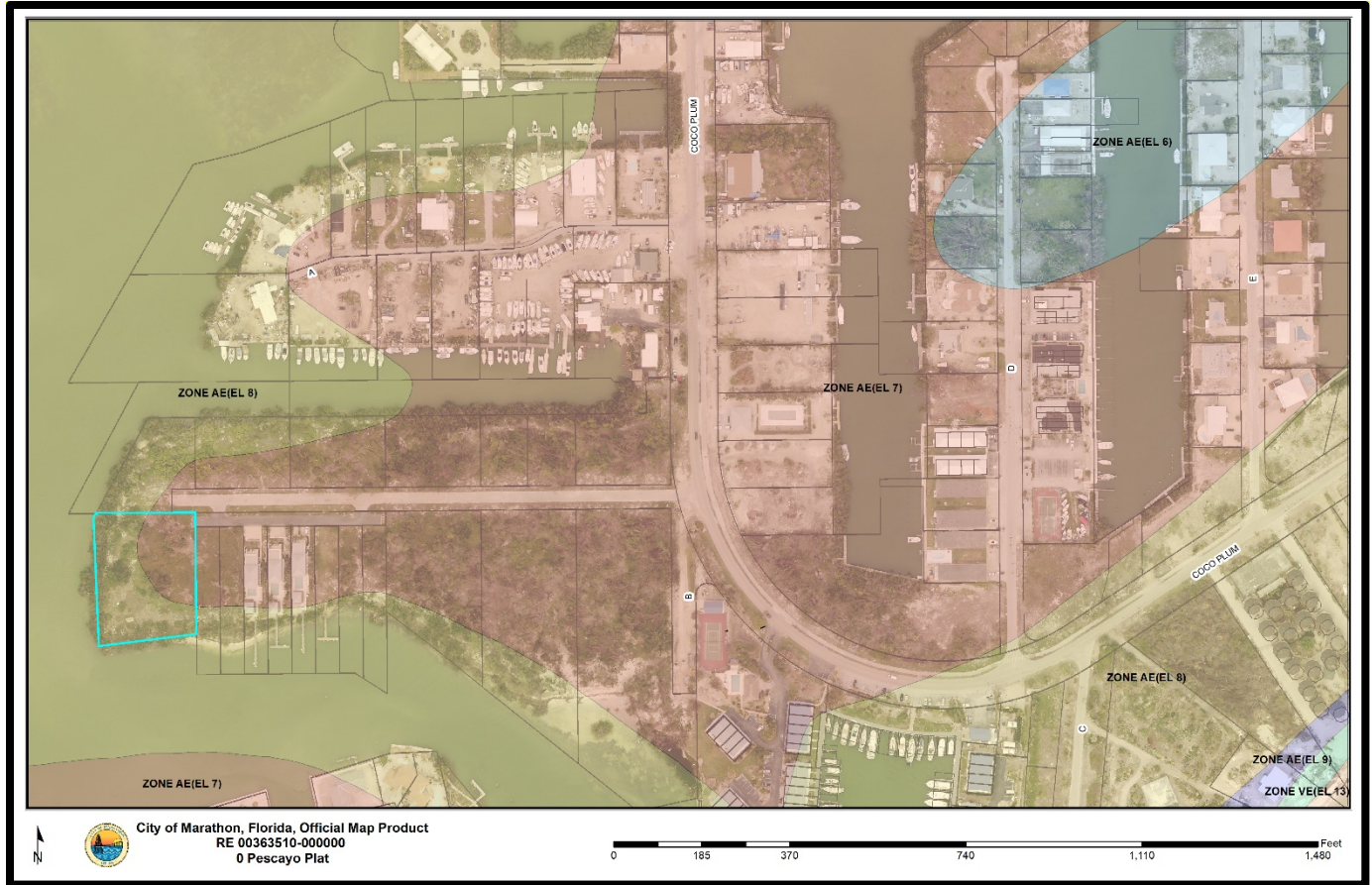
C. The proposed use shall not adversely affect the health, safety, and welfare of the public;

The proposed plat is for residential and buildings will be built in compliance with all applicable City Building Codes. No new adverse impacts are expected to arise with the development.

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.

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

**Figure 5
Flood Zones**



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 project will minimize environmental impacts in accordance with Chapter 106 Natural and Historic Resources Protection. In summary, the site is scarified. Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. Pursuant to Article 2, Section 106.03 of the City Land Development Regulations, an Environmental Resource Assessment was not required.

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;

A Traffic Study prepared by KBP Consulting Inc. was submitted with the application. As documented in this study, US 1 has the reserve capacity to accommodate the additional vehicular trips anticipated with this project. Based upon the analysis performed, the project is not expected to adversely impact the operational characteristics of the US 1.

Provisions have been made as part of the subdivision layout to address fire access.

- The applicant shall comply with all NFPA1 and NFPA 101 requirements including water supply for fire suppression and access to properties.

Table 1 Trip Generation Summary Bonfish Harbor - Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Proposed</i> Single-Family Detached Housing	5 DU	47	1	3	4	3	2	5

Compiled by: KBP Consulting, Inc. (August 2021).

Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition).

The proposed development of five single-family residential units is projected to generate 47 daily vehicle trips, four (4) AM peak hour vehicle trips and five (5) PM peak hour vehicle trips. The projected increase in vehicle trips is considered to be minimal.

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

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 will provide the required number of parking spaces per the LDRs.

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 Plat of Subdivision proposes an internal access area for collection of garbage, recycling, and other services. As single-family lots, no dumpsters are required.

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 must work with the Utility Department to determine the additional required infrastructure. All associated costs for the upgrades will be at the applicants expense.
- Water: The Florida Keys Aqueduct Authority already provides 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.
- Recreation and Open Space: This redevelopment 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, the request is *in compliance* with the requirements of these sections.

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 Residential High (RH) and is bordered to the east by properties zoned Residential High.

Table 103.15.2 outlines setback requirements in the RH district as follow: front yard 10'; side yard 1 and 2, 5'

Building plans will meet the required 10' setback on the front yard, and rear yard setbacks are 20' for water buffer. Side setbacks on all lots are 5'.

The conceptual landscape plans have been provided. Final landscape plans will be prepared and submitted at the time of Building Permits. **See attachments**

Pursuant to Residential High zoning district, not landscape buffers is required.

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;

A signage program has not been developed at this time. Interior directional signs shall be proposed as needed.

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

8. Required yards and other open space;

The required setbacks in the RH district are 10'. The open space ratio for this district is 20%. Final building plans will meet the required open space ratio in compliance with City Code requirements.

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

9. General compatibility with surrounding properties; and

The proposed development is for five single-family residential lots. The surrounding neighborhood is single-family residential use. Adjacent uses are 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.

The design of the residential dwelling units will comply with Section 104.48 - Residential Dwelling Units and provisions.

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, 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:

The Planning staff recommended conditional approval of the project known as to the Bonefish Harbor Plat to the Planning Commission. Planning Commission recommended approval to City Council (4-0).

Conditions of Approval

Prior to the issuance of a building permit:

1. Acquisition of all development rights are the responsibility of the developer.
2. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
3. The applicant shall comply with NFPA1 and NFPA 101 including water supply for fire suppression and access to properties.
4. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by Utilities department and pay any assessments due resulting from change in use;
5. The applicant will provide the required number of parking spaces per the LDRs
6. The Building Permit for each residence will demonstrate stormwater compliance once the actual footprints and impervious areas are determined.
7. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date;

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.

RECOMMENDATION:

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

Conditions:

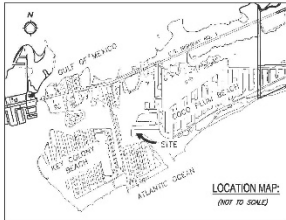
1. Final plat shall include language regarding owner-signed consent and acknowledgement for wastewater and stormwater assessment for future development of the properties.
2. All utility and right-of-way permits shall be obtained as part of building permit process.
3. Applicant shall provide form of guarantee for necessary utility construction.
4. All conditions of the Conditional Use must be met prior to building permit issuance.

Attachments:

BONEFISH HARBOR

A REPLAT OF LANDS AS DESCRIBED AS LOT 1, BLOCK 6 OF COCO PLUM BEACH, A SUBDIVISION AS DESCRIBED IN SECTION 5, TOWNSHIP 86 SOUTH, RANGE 33 EAST CITY OF MARATHON, FAT DEER KEY, MONROE COUNTY, FLORIDA

AUGUST, 2021



LEGAL DESCRIPTION:

LOT 1, BLOCK 6, COCO PLUM BEACH SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 166, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

LINE	BEARING	DISTANCE
L1	S20°12'53"W	8.88'
L2	S75°42'20"W	17.15'
L3	S42°47'22"W	34.38'
L4	S02°54'54"E	21.90'
L5	S09°37'44"W	56.23'
L6	S23°09'10"W	32.24'
L7	S03°00'00"E	25.70'
L8	S07°42'20"E	35.40'
L9	S01°14'52"E	48.89'
L10	S18°44'08"E	33.02'
L11	S88°52'22"E	18.75'
L12	N19°13'41"E	63.21'
L13	S84°22'20"E	28.20'
L14	S84°22'20"E	28.20'
L15	S81°14'44"E	11.46'

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	33.00'	40.00'	47.18°47'	S84°59'08"W	32.02'
C2	43.00'	60.00'	51.68°28'	S101°10'08"E	43.89'
C3	30.80'	40.00'	44.98°27'	S42°46'45"E	30.04'
C4	20.57'	40.00'	30.96°44'	N82°47'42"E	34.41'
C5	42.87'	40.00'	61.97°14'	N50°52'22"E	50.95'

LOCATED IN SECTION 5, TOWNSHIP 86 SOUTH, RANGE 33 EAST CITY OF MARATHON, FAT DEER KEY, MONROE COUNTY, FLORIDA

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT _____ OWNER OF THE FOLLOWING DESCRIBED PROPERTY IN THE CITY OF MARATHON, ON FAT DEER KEY, MONROE COUNTY, FLORIDA, HAS CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "BONEFISH HARBOR".

THAT THE EXPRESS PURPOSE OF THIS PLAT INCLUDES, BUT NOT LIMITED TO, REPEAT THE HEREIN DESCRIBED PROPERTY IN ORDER TO CREATE MORE SUITABLE SITES FOR CONSTRUCTION.

OWNERS ACKNOWLEDGMENT:

IN WITNESS WHEREOF, THE SAID _____ HAS CAUSED THESE PRESENTS TO BE SIGNED FOR AND ON ITS BEHALF BY DENISE H. HOLLAND, MANAGING MEMBER, THIS _____ DAY OF _____, 2021.

BY: DENISE H. HOLLAND, MANAGING MEMBER

WITNESS FOR HOLLAND

NOTARY ACKNOWLEDGMENT:

STATE OF FLORIDA
COUNTY OF MONROE

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED DENISE H. HOLLAND, MANAGING MEMBER OF _____ AND RECORDED IN OFFICIAL RECORDS TO ME KNOWN TO BE THE INDIVIDUAL DESCRIBED IN OR HAVE PRODUCED AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING OWNERS ACKNOWLEDGMENT, AND WHO DULY ACKNOWLEDGED BEFORE ME THAT THEY EXECUTE THE SAME, AS SUCH OFFICER, FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL AT _____ COUNTY, FLORIDA, THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES _____

CERTIFICATE OF CONSENT TO PLAT AND DEDICATION BY MORTGAGE HOLDER, CONSENT TO DEDICATION:

OF REAL ESTATE AND SECURITY AGREEMENT DATED _____ THE HOLDER OF THAT CERTAIN MORTGAGE OF _____ OF THE PUBLIC RECORDS OF _____ COUNTY, FLORIDA, DOES HEREBY RATIFY, APPROVE, CONFIRM AND CONSENT TO THIS PLAT AND THE DEDICATION CERTIFICATE THEREON. IN WITNESS WHEREOF, THE UNDERSIGNED CORPORATION HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS _____ AND ATTESTED BY ITS SECRETARY, THIS _____ DAY OF _____, 2021.

BY: _____ SECRETARY

NOTARY ACKNOWLEDGMENT:

STATE OF FLORIDA
COUNTY OF MONROE

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____ AND _____ SECRETARY OF _____ TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CONSENT TO DEDICATION, AND EACH DULY ACKNOWLEDGED BEFORE ME THAT THEY EXECUTE THE SAME, AS SUCH OFFICERS, FOR AND IN BEHALF OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL AT _____ COUNTY, FLORIDA, THIS _____ DAY OF _____, 2021.

TITLE CERTIFICATION:

STATE OF FLORIDA
COUNTY OF MONROE

WE, _____ A TITLE INSURANCE CORPORATION DULY LICENSED IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREIN DESCRIBED PROPERTY, THAT WE FIND THE TITLE TO THE PROPERTY IS RESTED TO _____ THAT HAVE CURRENT TAXES PAID; THAT THE PROPERTY CONTAINS NO ENCUMBRANCES WHICH AFFECT THE SUBDIVISION OF THE PROPERTY.

BY: _____ DATE: _____

APPROVAL OF CITY OF MARATHON PLANNING COMMISSION:
IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON PLANNING COMMISSION OFFICIALLY APPROVED THIS PLAT OF "BONEFISH HARBOR" ON THE _____ DAY OF _____, 2021. BY: _____ LYN LANGRISH, CHAIRMAN

APPROVAL OF MARATHON CITY COUNCIL:
IT IS HEREBY CERTIFIED THAT THE CITY OF MARATHON CITY COUNCIL OFFICIALLY APPROVED THIS PLAT OF "BONEFISH HARBOR" ON THE _____ DAY OF _____, 2021, BY RESOLUTION NO. _____ PROVIDED THAT THIS PLAT IS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF MONROE COUNTY, FLORIDA, WITHIN THIRTY (30) DAYS FROM SAID DATE.

CITY OF MARATHON, FLORIDA

BY: _____ LUIS GONZALEZ, MAYOR _____ DIANE CLAVER, CITY CLERK

APPROVAL BY CITY OF MARATHON OFFICIALS:

APPROVED: _____ CARLOS SOLIS, CITY ENGINEER
BY: _____ JOHN JOHNSON, CITY FIRE MARSHALL

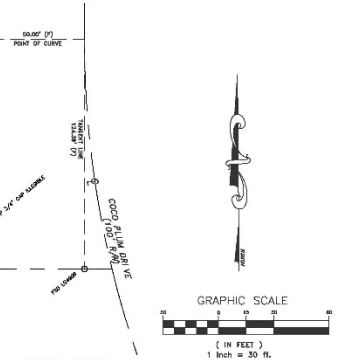
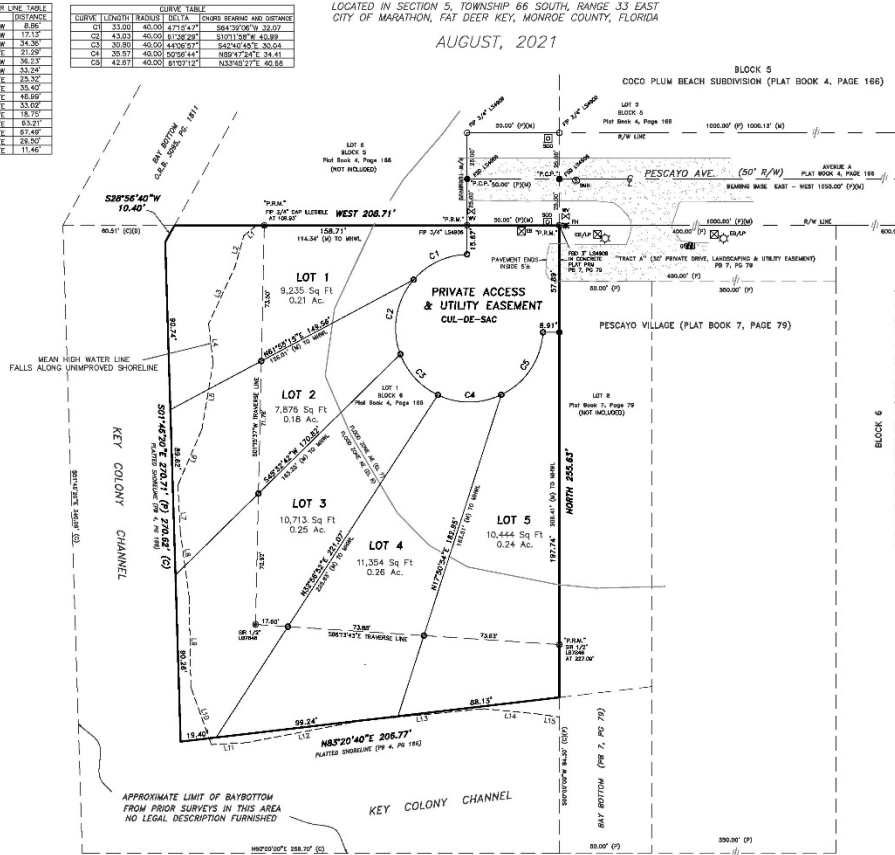
APPROVAL OF THE CLERK OF THE CIRCUIT COURT

THIS PLAT WAS APPROVED BY RESOLUTION OF THE CITY COUNCIL OF CITY OF MARATHON, FLORIDA, ON THE _____ DAY OF _____, 2021, AT _____ AM/PM AND RECORDED ON PAGE _____ OF PLAT BOOK _____ IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF MONROE COUNTY, FLORIDA.

REVIEW AND APPROVAL OF THE CITY SURVEYOR

I HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT FOR CONFORMITY WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS A PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY THE CITY OF MARATHON.

BY: _____ DAVID WILLIAM MEDANIEL, P.S.M. DATE _____ PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE 5840



SYMBOL LEGEND:

- P.R.M.
- P.C.P.
- ⊙ S.R.
- CENTERLINE

SURVEYOR'S NOTES:

1. LEGAL DESCRIPTION WAS FURNISHED BY THE CLIENT OR THEIR REPRESENTATIVE.
2. THE BEARING BASIS FOR THIS PLAT IS THE CENTERLINE OF AVENUE A AT EAST-WEST AS DERIVED FROM PLAT BOOK 4, PAGE 166 AND FOUND SURVEY MONUMENTATION FROM THE PLAT OF COCO PLUM BEACH.
3. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
4. UNITS OF MEASUREMENT ARE U.S. SURVEY FEET AND DECIMAL PARTS THEREOF.
5. THE EXPECTED USE OF THE PROPERTY RESIDENTIAL WITH AN ACCURACY STANDARD OF ONE FOOT IN 7,500 FEET. ACCURACY WAS VERIFIED THROUGH A REDUNDANCY OF MEASUREMENTS TO MEET OR EXCEED CLOSURE.
6. UNDERGROUND IMPROVEMENTS, IF ANY WERE NOT LOCATED.
7. SYMBOLS FOR SHOWN HEREON AND IN THE LEGEND MAY HAVE BEEN ENLARGED FOR CLARITY. THESE SYMBOLS HAVE BEEN PLOTTED AT THE CENTER OF THE FIELD LOCATION AND MAY NOT REPRESENT THE ACTUAL SHAPE OR SIZE OF THE FEATURE.
8. THE MHWL AS SHOWN ON THIS SURVEY MAP WAS IDENTIFIED IN THE FIELD BY PHYSICAL EVIDENCE ON SITE SUCH AS DISCONTINUATION, VEGETATION INDICATIONS, WEAVER LINES OR VERTICAL FACES ALONG AN ALTERED SHORELINE.
9. ABBREVIATIONS: FIP = FOUND 3/4" IRON PIPE; FSD = FOUND SCREW & COOK; LB = LICENSED SURVEYING BUSINESS; LS = LICENSED SURVEYOR; (M) = MEASURED; D.R.B. = OFFICIAL RECORDS BOOK; PG. = PAGE; (P) = PLAT; P.C.P. = PERMANENT CONTROL POINT; P.R.M. = PERMANENT RESIDENCE MONUMENT; P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER; R/W = RIGHT-OF-WAY; S.R. = SET 1/2" IRON ROD AND CAP, 7846; TYP = TYPICAL.
10. NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL, IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.
11. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
12. THE CUL-DE-SAC, SHOWN ON THIS PLAT, IS PRIVATE, AND DEDICATED ONLY TO THE USE OF THE OWNERS IN "BONEFISH HARBOR" SUBDIVISION FOR ACCESS AND UTILITY EASEMENTS AND WILL BE MAINTAINED BY THE LOT OWNERS.
13. SQUARE FOOTAGES AND ACRESAGE ARE ±.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT ENTITLED "PLAT 24", AS SHOWN ON THIS SHEET, IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS RECENTLY SURVEYED UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY DATA SHOWN ON SAID PLAT CONFORMS WITH THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND FURTHER THAT THE PERMANENT REFERENCE MONUMENTS WERE SET IN ACCORDANCE WITH SUBSECTION 177.091(7) OF SAID CHAPTER 177.

PRELIMINARY

BY: _____ ROBERT E. REECE, P.S.M. DATE _____ PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE 5632 REECE & ASSOCIATES CERTIFICATE OF AUTHORIZATION NO. LB 7846 127 INDUSTRIAL ROAD, SUITE 8, BIRD PINE KEY, FLORIDA 33043



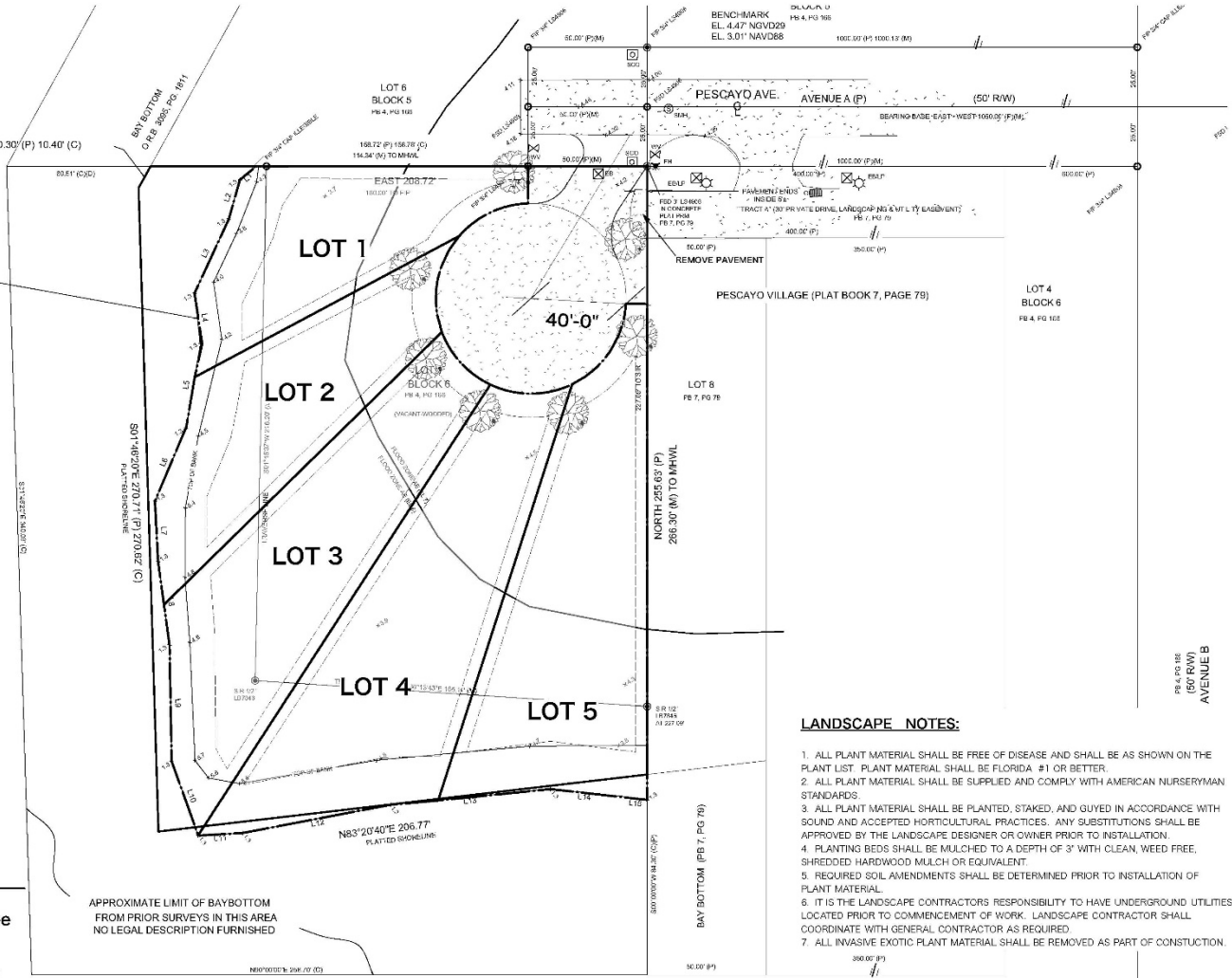
PLAT BOOK _____ PAGE _____



MEAN HIGH WATER ELEVATION
 -2.16' NAVD88
 1.32' NDVD29
 AS LOCATED ON 07/01/21
 FALLS ALONG UNIMPROVED SHORELINE
 SEE NOTE 15



LINE	BEARING	DE
L1	S50°11'53"W	8.89
L2	S15°48'28"W	17.13
L3	S24°41'22"W	34.36
L4	S06°40'54"E	21.29
L5	S02°37'44"W	35.23
L6	S23°09'18"W	33.24
L7	S02°00'18"E	25.32
L8	S07°48'58"E	35.42
L9	S01°04'55"E	48.99
L10	S19°44'08"E	33.92
L11	N86°09'20"E	18.77
L12	N72°12'41"E	63.21
L13	N64°23'30"E	67.49
L14	S84°22'59"E	29.50
L15	S81°44'4"E	11.46

KEY COLONY CHANNEL



APPROXIMATE LIMIT OF BAYBOTTOM
 FROM PRIOR SURVEYS IN THIS AREA
 NO LEGAL DESCRIPTION FURNISHED

LANDSCAPE LEGEND

-  Native Street Tree
-  Access & Utility Easement

CONCEPTUAL LANDSCAPE PLAN FOR CONDITIONAL USE APPLICATION

SCALE" 1" = 30'

LANDSCAPE NOTES:

1. ALL PLANT MATERIAL SHALL BE FREE OF DISEASE AND SHALL BE AS SHOWN ON THE PLANT LIST. PLANT MATERIAL SHALL BE FLORIDA #1 OR BETTER.
2. ALL PLANT MATERIAL SHALL BE SUPPLIED AND COMPLY WITH AMERICAN NURSERYMAN STANDARDS.
3. ALL PLANT MATERIAL SHALL BE PLANTED, STAKED, AND GUYED IN ACCORDANCE WITH SOUND AND ACCEPTED HORTICULTURAL PRACTICES. ANY SUBSTITUTIONS SHALL BE APPROVED BY THE LANDSCAPE DESIGNER OR OWNER PRIOR TO INSTALLATION.
4. PLANTING BEDS SHALL BE MULCHED TO A DEPTH OF 3" WITH CLEAN, WEED FREE, SHREDDED HARDWOOD MULCH OR EQUIVALENT.
5. REQUIRED SOIL AMENDMENTS SHALL BE DETERMINED PRIOR TO INSTALLATION OF PLANT MATERIAL.
6. IT IS THE LANDSCAPE CONTRACTORS RESPONSIBILITY TO HAVE UNDERGROUND UTILITIES LOCATED PRIOR TO COMMENCEMENT OF WORK. LANDSCAPE CONTRACTOR SHALL COORDINATE WITH GENERAL CONTRACTOR AS REQUIRED.
7. ALL INVASIVE EXOTIC PLANT MATERIAL SHALL BE REMOVED AS PART OF CONSTRUCTION.

GENERAL NOTES:

1. THIS LANDSCAPE PLAN IS CONCEPTUAL. FINAL LANDSCAPE PLANS WILL BE SUBMITTED PENDING THE DESIGN AND DEVELOPMENT OF THE SINGLE-FAMILY HOMES. COMPLIANCE WITH ALL STREET TREE AND LANDSCAPE REQUIREMENTS WILL BE DEMONSTRATED AT THAT TIME.

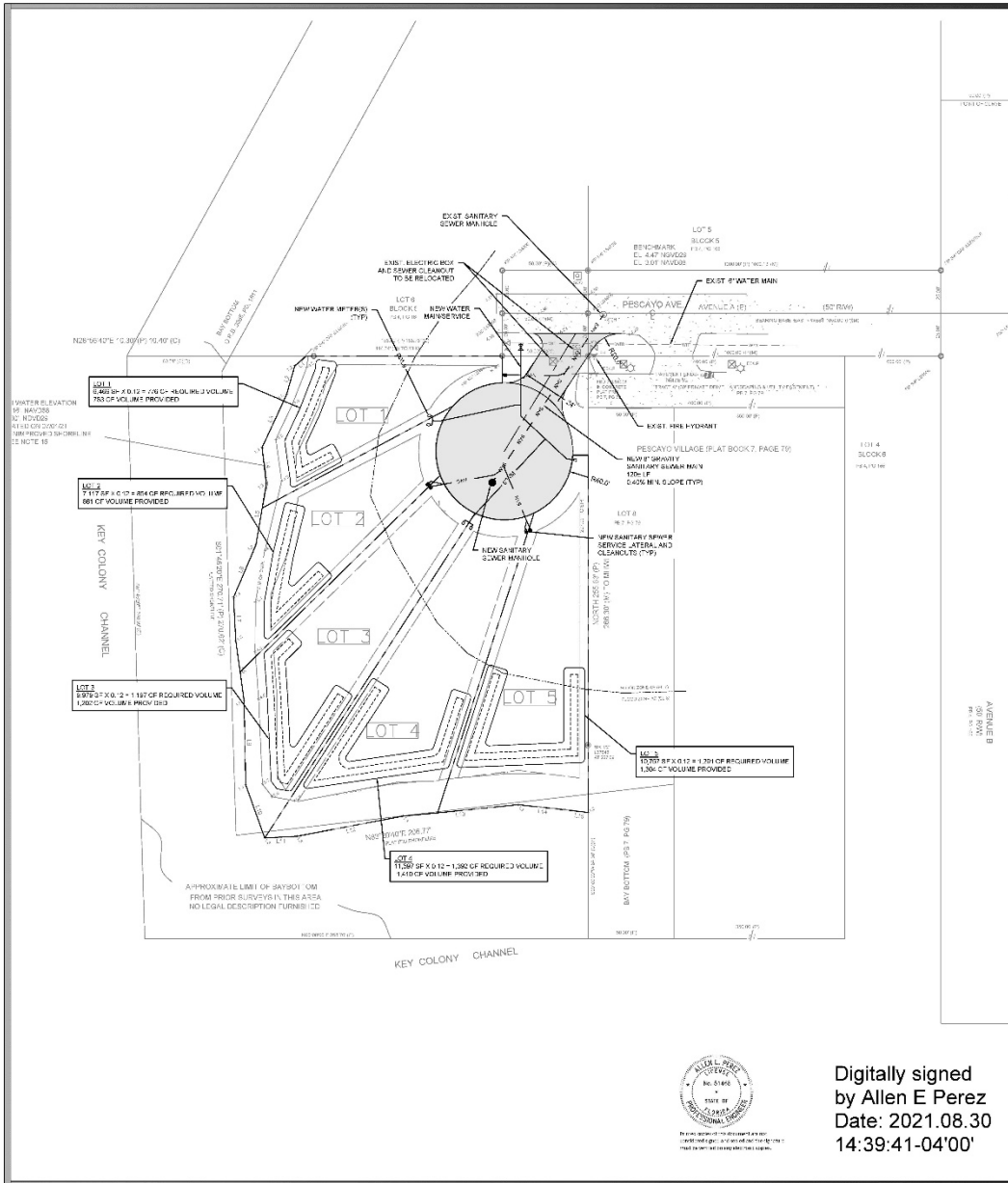
BONEFISH HARBOR
 A RE-PLAT OF LOT 1, BLOCK 6
 COCO PLUM BEACH SUBDIVISION
 AVENUE A
 MARATHON, FLORIDA

Mitchell Planning & Design, Inc.
 4920 SW 2nd Terrace
 Coas, Florida 34471
 305.595.0966
 mitchellplanningdesign@gmail.com

Revisions:

Date:	08.30.21
Scale:	As Noted
File:	21-85-002
Drawn:	BM Check
Sheet:	CP-01

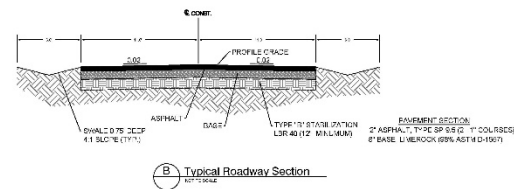
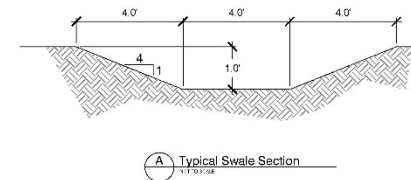
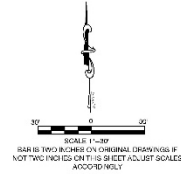
10/19/2021 11:56:11 AM C:\PROJECTS\00 Seaview Commons\00 Seaview Commons.dwg (No. 5146) - 23/81 by Allen Perez



Digitally signed
 by Allen E Perez
 Date: 2021.08.30
 14:39:41-04'00'

UTILITY NOTES:

1. THE LOCATIONS, SIZES, AND ELEVATIONS OF EXISTING UTILITIES AS SHOWN ARE APPROXIMATE. THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER TO OBTAIN ANY AVAILABLE RECORDED DRAWINGS AND SHALL BE RESPONSIBLE FOR ALL OCCURRING DIFFERENCES. IF FIELD THE CONTRACTOR SHALL ANTICIPATE THAT SCANNING AND EXCAVATION USING LIGHT TOLLERATION AND PENETRATION TO BE NECESSARY IN AREAS NEAR EXISTING UTILITIES AND STRUCTURES TO AVOID DAMAGING THESE FACILITIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION AND POSITION OF UTILITIES IN THE FIELD PRIOR TO ORDERING NEW STRUCTURES AND PRIOR TO INSTALLING ANY NEW WORK THAT CROSSES OR CONNECTS TO EXISTING UTILITY SYSTEMS.
3. ALL WATER MAIN WORK SHALL CONFORM TO THE LATEST FLORIDA KEY AQUIFER ACT AUTHORITY'S STANDARDS AND REGULATIONS.
4. ALL SEWER WORK SHALL BE IN ACCORDANCE WITH THE LATEST CITY OF MARATHON'S STANDARDS AND SPECIFICATIONS.
5. ALL UTILITIES TO BE ABANDONED SHALL NOT BE DISTURBED, REMOVED UNLESS REQUIRED TO ADDRESS A CONFLICT. ABANDONED UTILITIES SHALL BE CAPPED AND LEFT IN PLACE.



CIVIL ENGINEERING CONSULTING & DESIGN - CONSTRUCTION MANAGEMENT
Perez Engineering
 1801 S. US HIGHWAY 1
 MARATHON, FL 33050
 Phone: 352.241.1400
 Fax: 352.241.1401

REVISIONS:	DATE:
1	
2	
3	
4	
5	
6	

BONEFISH HARBOUR
NEW RESIDENTIAL UNITS
 CONCEPTUAL DEVELOPMENT PLAN

BONEFISH HARBOUR
PESCAYO AVENUE
MARATHON, FL 33050

JOB NO.	211032
DRAWN	ADP
CHECKED	ADP
DATE	08/30/21

SHEET C-200

Sponsor: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2021-103**

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 SEAVIEW COMMONS LLC. FOR 0 PESCAYO AVE, WHICH IS DESCRIBED AS LOT 1, BLOCK 6 OF COCO PLUM BEACH, FAT KEY DEER, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00363510-000000. NEAREST MILE MARKER 54.

WHEREAS, Seaview Commons LLC (Applicant) filed an Application on September 2th, 2021 for a Conditional Use Permit for approval of a primary plat and site plan for the property into five (5) single family residential lots and one access drive lot 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 18th day of October 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 9th day of November 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 2021-13 a copy of which is attached hereto as Exhibit “A”, granting a Conditional Use Permit to Seaview Commons 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 9TH DAY OF NOVEMBER, 2021.

THE CITY OF MARATHON, FLORIDA

, 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 # 2021-13**

APPROVAL OF A REQUEST FOR A CONDITIONAL USE PERMIT FOR A PLAT AND SITE PLAN APPROVAL AS SUBMITTED BY SEAVIEW COMMONS LLC. FOR 0 PESCAYO AVE, WHICH IS DESCRIBED AS LOT 1, BLOCK 6 OF COCO PLUM BEACH, FAT KEY DEER, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00363510-000000. NEAREST MILE MARKER 54.

WHEREAS, Seaview Commons, LLC filed an Application on September 8, 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 18th day of October, 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 9th day of November 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. Acquisition of any additional development rights, as authorized through this development approval are the responsibility of the developer.
2. The applicant shall comply with NFPA 1, NFPA101, and NFPA 303 by insulation of a wet standpipe system and the proposed turn around will meet a B40 templet for access of fire units;
3. The applicant will meet all floodplain-related requirements as part of the Building Permit process;
4. The applicant shall provide plans indicating connection point to the City of Marathon Wastewater Treatment Plant when provided by Utilities department and pay any assessments due resulting from change in use;
5. The applicant shall comply with the 25- year, 72-hour storm drainage requirements;
6. The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year from the effective date;

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

EXHIBIT 1. APPROVED PRELIMINARY PLAT

