



CITY COUNCIL AGENDA STATEMENT

Meeting Date: December 14, 2021
To: Honorable Mayor and Council Member
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: Resolution 2021-116, Consideration Of A Request By Tranquility Bay Adult Daycare 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 An Adult Daycare; Located At 11524 Overseas Highway; Which Is Legally Described As Blocks 2, Lots 7-8, Key Colony Subdivision 3, Key Vaca, Monroe County, Florida, Having Real Estate Number 00334750-000000. Nearest Mile Marker 53.

APPLICANT/ OWNER: Lucy Cruz

AGENT: Lucy Cruz

LOCATION: The project site is located at 11524 Overseas Highway at nearest mile marker 53. See Figure 1.

REQUEST: A Conditional Use Permit approving a change of use to an adult daycare facility to be located on the subject property, within an existing building; having the real estate number 00334750-000000.

LOT SIZE: Total acreage 0.57 acres or 25,000 square feet

SURROUNDING ZONING AND USES:

Table with 3 columns: Direction, Zoning, and Use. Rows include North (Mixed Use (MU), Moose Lodge), West (Mixed Use (MU), Advanced Auto), East (Mixed Use (MU), Curly's Coffee and Marina), and South (Mixed Use (MU), D'Asign Source).

EXISTING CONDITIONS:

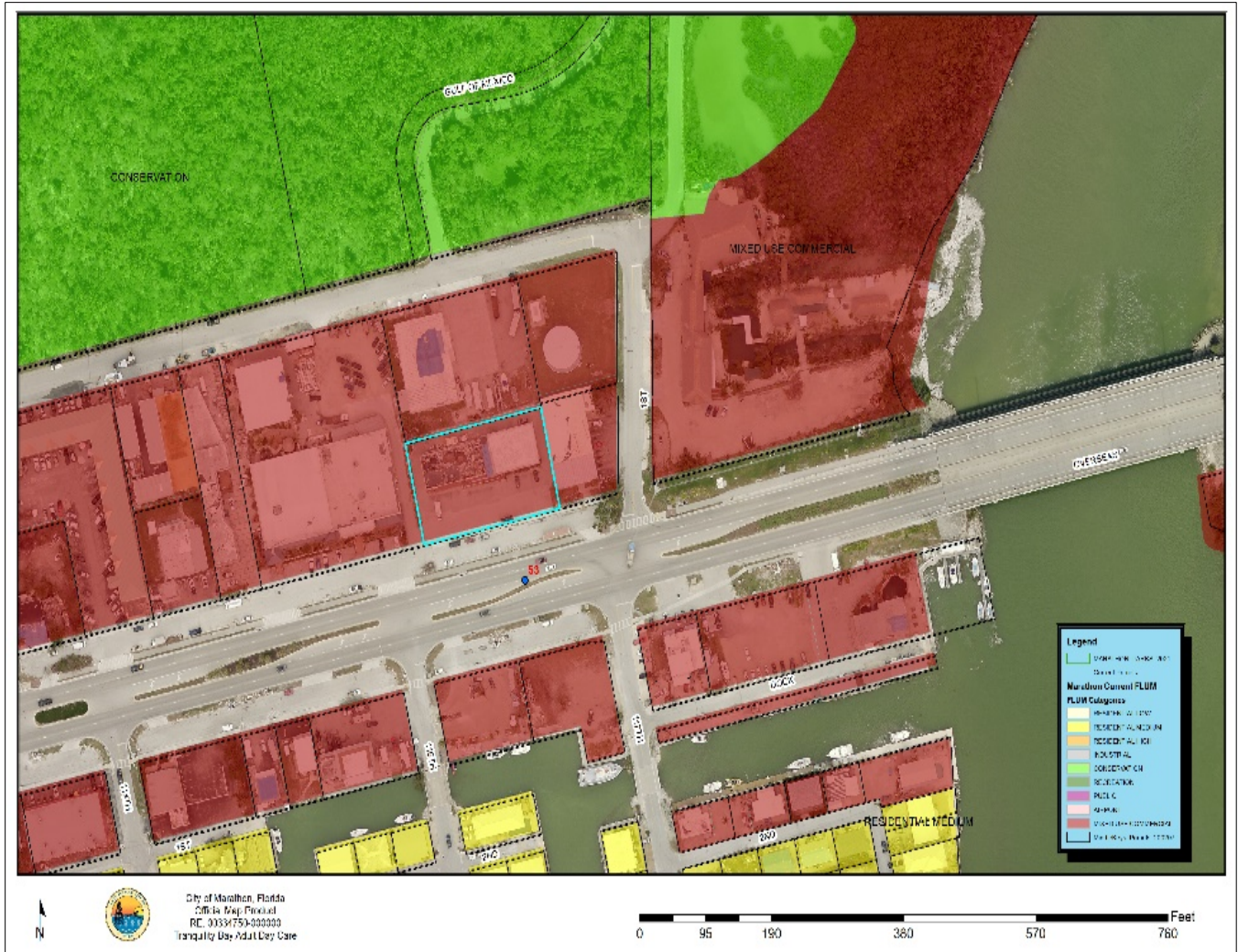
The project site consists of an existing commercial development site known as Marathon Plaza. Existing businesses and occupants consist of Batter Up Cupcakery, Sue Corbin P.A. Accountant, Marooned in Marathon and, Keys Rotisserie. The existing FLUM is Mixed Use Commercial (MUC) and the zoning is Mixed Use (MU). See Figures 2 and 3.

**Figure 1
Project Site**



**FUTURE LAND USE MAP DESIGNATION:
Mixed Use Commercial (MUC). See Figure 2.**

**Figure 2
Future Land Use Map**



impacts from the development of the project, except minimally, for staff parking and accommodations for the pickup and drop off of clients at the facility.

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 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 project is for an adult daycare facility, an allowed use pursuant to Table 103.15.1 of the LDRs, supported by elements of the Comprehensive Plan. Relevant Policies concerning this project follow:

City of Marathon Comprehensive Plan

- a. “Policy 1-1.1.2 Adopt Compatibility for Residential and Non-Residential Review Criteria,”
- b. “Policy 1-1.1.3 Protect Residential Neighborhood Character,” and
- c. “Policy 1-1.1.4 Transition between Land Uses

The project is surrounded by commercial development with the exception of the properties to the north which is a Moose Lodge and to the northeast which is owned and utilized by the Aqueduct Authority.

d. Policy 1-3.1.4 Future Land Use Categories

The Future Land Use Map (FLUM) designates the parcels as Mixed Use Commercial. Within this designation various commercial uses are permitting in addition to residential uses including affordable and/or commercial apartments as well as single-family homes. The project is consistent with the intent of this district and neither a zoning nor FLUM change is necessary for this project.

e. Policy 1-3.2.5 Maximum Height

The project area, including the six commercial units with a maximum height of approximately thirty-five (35) less than the maximum height allowed under the City’s Comprehensive Plan.

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

The project exceeds the commercial intensity and residential density limitations of the City's Comprehensive Plan. However, this project proposes no expansion of the existing developed area and would otherwise be considered as a legal non-conforming structure under the LDRs. The proposed use is therefore consistent with the intent to protect existing structures and the uses they would allow, particularly within the Mixed Use (MU) FLUM and zoning districts.

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

The proposed adult daycare facility promotes the revitalization of the city's commercial area, has already mitigated its proximity with the adjacent residential neighborhood by providing fencing and vegetative buffers between the two areas.

h. Policy 1-3.4.2 Protect Established Densities & Policy 1-3.4.3 Replacement of Existing Densities and Intensities

The project site was renovated within the past several years and complies to the maximum extent practicable with the current City regulations. As noted above, this project does not propose any expansion of existing structures

City of Marathon Land Development Regulations

- Section 103.09 – Mixed Use (MU)

The MU District is intended to accommodate a wide range of commercial and residential uses and activities including the proposed adult daycare facility.

- Table 103.15.1 Uses By Zoning District – Mixed Use (MU)

This redevelopment is consistent with Table 103.15.1, uses by Zoning District, via a Conditional Use Permit Application, as contained herein.

- 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. Though the project site in total exceeds density and intensity limitation, the property is an existing, legally permitted conforming structure in that regard. As it is not anticipated that the project will create any additional impacts on services or in requirements for parking, the project then meets the criteria set out above for improving such sites to the maximum extent practicable with diminimus changes in existing or new uses.

- Section 107.47 Parking

Parking for the site and the project is met utilizing, the FDOT secondary access road, parking on the project site, and existing parking in the rear of the building. As noted by the applicant, the daycare facility provides pickup and drop-off for its clients. Limited parking will be necessary except for staff.

- Section 107.40 Maximum Height

The project sites and associated existing structures are well below the forty-two (42) foot height limitation of the City's LDRs.

- Sections 107.63 – 107.72 Landscaping

Existing landscaping was upgraded during recent improvements to the overall building as the project site. No additional landscaping is required.

- Sections 107.73 – 107.81 Open Space

The project site meets the minimum open space requirements of twenty (20) percent and therefore meets the minimum requirements of the LDRs.

- Sections 107.82 – 107.85 Fences and Screening

Landscaping exists on the project site. In this context, the project meets City screening and landscaping requirements.

- Sections 107.87 – 107.97 Stormwater Management

The existing Stormwater Management Plan associated with this site demonstrates compliance with the requirements of the LDRs.

- Sections 107.98 – 107.102.5 Floodplain Management

The site buildings are all above FEMA minimum flood elevations therefore the project is compliant with the requirements of the LDRs.

The project as proposed meets the basic definition of development in the MU zoning district. 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 site is surrounded by other compatible commercial uses to the north, south, east, and west.

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 will enhance the community by providing reasonable, local adult daycare an enhancement to the City's capacity to provide great social service benefits. The project will not cause any negative impacts to the City's health, safety, and welfare.

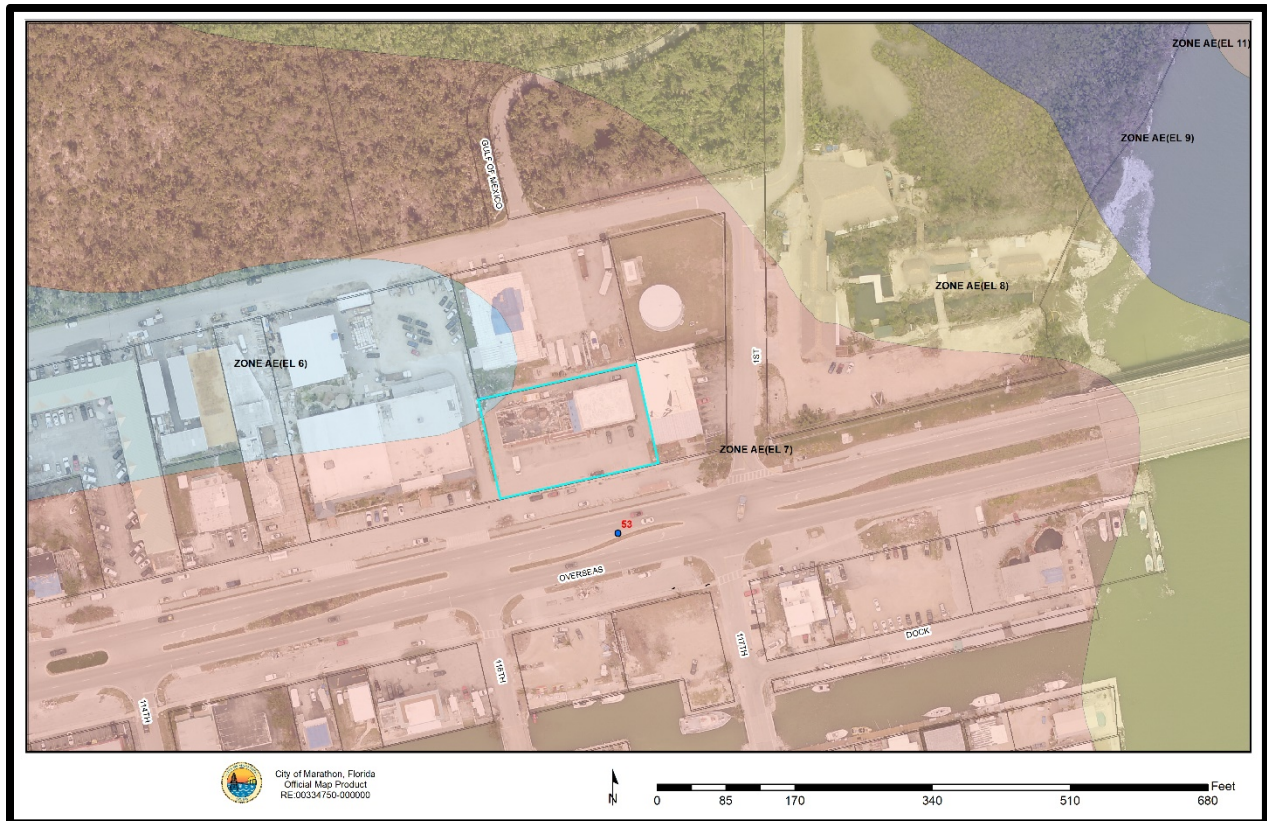
The existing structure are entirely above FEMA's minimum flood elevations (AE 7) as shown in Figure 4 and is therefore compliant.

The project will be required to be licensed as an adult day care facility by the state. As such all necessary licenses must be in place prior to occupancy.

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

- Pursuant to Section 104.02 - Adult day care is allowed, provided that the adult day care center maintains the required licensing from the Florida Agency for Health Care Administration and shall comply with the requirements of Fla. Stat. Ch. 400, Part V.

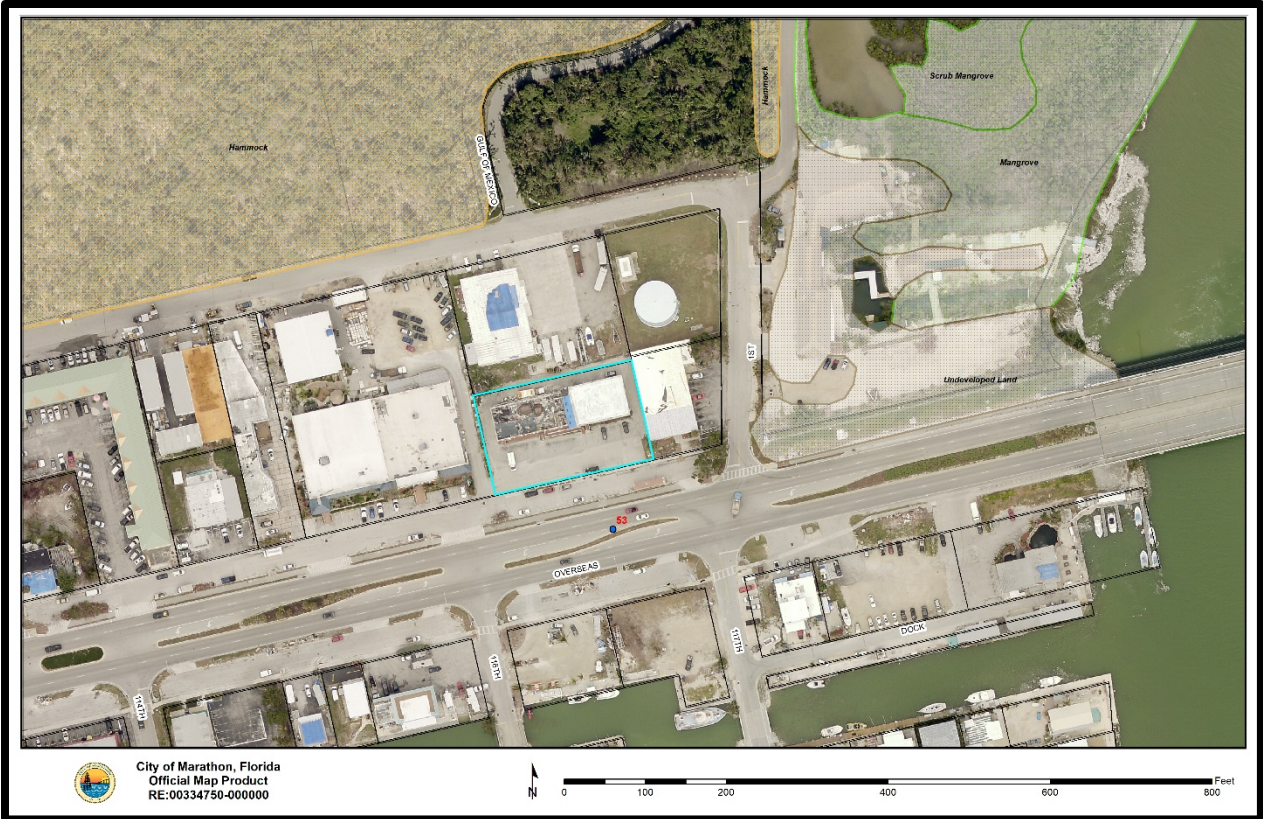
**Figure 4
Flood Zones**



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:

There will be no negative impacts on habitat, environment, or water quality parameters. The project only involves a change of use within an existing building. A map of the area indicates that surrounding properties lie within the FEMA-FWS Species Focus Area for the Eastern Indigo Snake. However, this has absolutely no impact on the project before the Planning Commission and City Council.

**Figure 5
FEMA – FWS Species Focus Area Maps**



There is no native vegetation on the property. All vegetation on site is landscape material providing buffering between adjacent land use districts and uses.

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 was not required as the project. Parking will be provided for staff only and clients will be picked up and delivered home by the applicant in their own vehicles.

Section 107.43 requires site triangles where the access drive intersects with the street. Clear site triangles are provided in the FDOT secondary Right-Of Way that provides access to the property.

Pursuant to Section 104.02, "Adult Day Care," a vehicular circulation plan must be provided and approved before occupancy. The applicant proposes to pick up and deliver the majority of its clients utilizing their own vehicles. Loading and off-loading will occur within the FDOT secondary right-of-way in front of the facility.

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

- Vehicle Circulation: In addition to the requirements of [Chapter 107](#), Article 6 "Parking, Loading and Stacking", an applicant for an adult care center shall provide a vehicular circulation plan showing on-site queuing and circulation based upon the location and number of patrons that utilize the facility.

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

Parking requirements are outlined in Section 107.47 (Mixed-Use Development Parking Requirements). The project will require limited parking as clients utilizing the facility will be picked up and dropped off by the applicant utilizing their van. Staff will park on the existing FDOT secondary street, or utilizing the existing 21 spaces on the parcel.

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. Appropriate screening and buffering measures are already in place.

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 be fully enclosed and screened. The site plan indicates that all dumpsters are (hidden) screened.

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. The project will utilize existing space and will have no additional burden on City utilities or public services.

- Wastewater: No issue
- Water: No issue
- Solid Waste: No issue.
- Surface Water: No issue.
- Recreation and Open Space: No issue.
- Roadways: No issue.
- Educational Facilities: No issue.

The Applicant has provided letters of coordination with all necessary utilities with the general determination that all required services may be provided and are adequate for the development of the new use at the project site.

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

- Fire and EMS coordination is required should an elderly adult patient require assistance or evacuation to a hospital or other health facility.

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

Landscaping has been completed to code per previous permit.

Therefore, with conditions, 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 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. It will replace an existing sign already located at above the portion of the building proposed for the new daycare facility.

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.

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 and the site complies with this minimum requirement.

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

9. General compatibility with surrounding properties; and

The applicant proposed a new use in an existing building. All activities associated with the use will be located within the occupied space within the building and all transport of clients, arrivals, departures, or field trips will be initiated from the FDOT secondary right-of-way. Activities associated with the new use should not affect other commercial ventures or the neighboring residential community.

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 applicant proposes a new use, an adult daycare facility, at an existing location and in an existing building space. As a facility regulated by the state as an adult daycare facility, all appropriate health care and social services license necessary and required for such facilities must be in place prior to occupancy. Similarly, the facility will work with elderly adults which may require medical assistance from time to time. The applicant must develop a fire / EMS coordination plan prior to occupancy.

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

- All state health care and social services licenses must be in place and
- A fire / EMS coordination plan must be in place prior to occupancy.

CONCLUSION:

The Conditional Use Approval process 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.

All condition of the Conditional Use approval will have to be met before any building permit will be approved.

RECOMMENDATION:

Planning staff recommends approval of the proposed Conditional Use Permit allowing an adult daycare facility with the following conditions:

Conditions of Approval

1. Vehicle Circulation: In addition to the requirements of [Chapter 107](#), Article 6 "Parking, Loading and Stacking", an applicant for an adult care center shall provide a vehicular circulation plan showing on-site queuing and circulation based upon the location and number of patrons that utilize the facility.
2. All state health care and social services licenses must be in place.
3. A fire / EMS coordination plan must be in place prior to occupancy.
4. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.

**CITY OF MARATHON, FLORIDA
RESOLUTION 2021-116**

APPROVAL OF A REQUEST BY TRANQUILITY BAY ADULT DAYCARE 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 AN ADULT DAYCARE; LOCATED AT 11524 OVERSEAS HIGHWAY; WHICH IS LEGALLY DESCRIBED AS BLOCK 2, LOTS 7-8 KEY COLONY SUBDIVISION, KEY VACA, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00334750-000000. NEAREST MILE MARKER 53.

WHEREAS, Tranquility Bay Adult Day Care (The “Applicant”) filed an Application on September 2, 2021 for a Conditional Use Permit pursuant to Chapter 102, Article 8 of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS; the Applicant proposes a change of use from retail to an institutional use providing for an adult day care facility; 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 15th day of November 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 8 of the LDRs; and

WHEREAS, and on the 14th day of December, 2021 the 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 8 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 2017-14, a copy of which is attached hereto as Exhibit "A", granting a Conditional Use Permit to Tranquility Bay Adult Day Care 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 DECEMBER 2021.

THE CITY OF MARATHON, FLORIDA

John Bartus, 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



**CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER # 2021-14**

DEVELOPMENT ORDER ISSUED TO TRANQUILITY BAY ADULT DAYCARE 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 AN ADULT DAYCARE; LOCATED AT 11524 OVERSEAS HIGHWAY; WHICH IS LEGALLY DESCRIBED AS BLOCK 2, LOTS 7-8 KEY COLONY SUBDIVISION, KEY VACA, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00334750-000000. NEAREST MILE MARKER 53.

WHEREAS, Tranquility Bay Adult Day Care (The “Applicant”) filed an Application on September 2, 2021 for a Conditional Use Permit pursuant to Chapter 102, Article 8 of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS; the Applicant proposes a change of use from retail to an institutional use providing for an adult day care facility; 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 15th day of November 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 8 of the LDRs; and

WHEREAS, and on the 14th day of December, 2021 the 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 8 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 remodel and open an adult daycare facility within an existing building (See Attached Site Plan as Attachment 1).
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. Vehicle Circulation: In addition to the requirements of [Chapter 107](#), Article 6 "Parking, Loading and Stacking", an applicant for an adult care center shall provide a vehicular circulation plan showing on-site queuing and circulation based upon the location and number of patrons that utilize the facility.
2. All state health care and social services licenses must be in place and
3. A fire / EMS coordination plan must be in place prior to occupancy.
4. All signs will be reviewed and approved for compliance with the City of Marathon LDR's.

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