



CITY COUNCIL AGENDA STATEMENT

Meeting Date: August 9, 2022
To: Honorable Mayor and Council Members
From: George Garrett, City Manager
Through: Brian Shea, Planning Director

Agenda Item: Resolution 2022-75, Consideration Of A Request By Skocean LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of An Outdoor Boat Trailer Storage Yard Located At 8151 Overseas Highway; Which Is Legally Described As Block 3 Lots 1, 2, 3, and 45 Lida Subdivision First Addition, Key Vaca PB4-103, Monroe County, Florida, Having Real Estate Number 00348171-000000. Nearest Mile Marker 51.

APPLICANT/ OWNER: Skocean, LLC/ Marathon Landings, LLC

AGENT: Mike Card

LOCATION: The project site is located at 8151 Overseas Highway at nearest mile marker 51. See Figure 1.

REQUEST: A Conditional Use Permit approving a change of use to an outdoor boat trailer storage yard to be located on the subject vacant property; having the real estate number 00348171-000000.

LOT SIZE: Total acreage 0.80 acres or 34,888 square feet

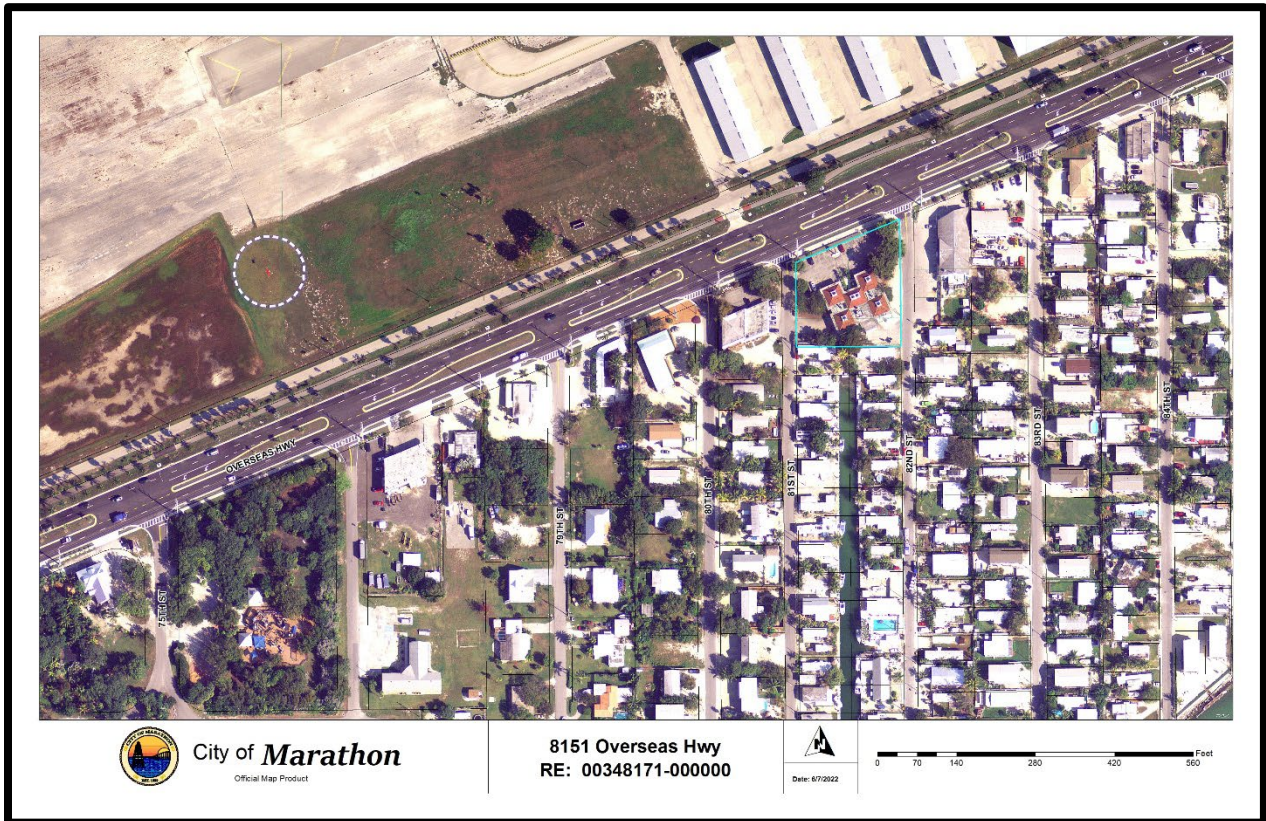
SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Mixed Use (MU)	Marathon Airport
West	Mixed Use (MU)	Bishop Building Offices
East	Mixed Use (MU)	Marathon Elks Club
South	Residential Medium (RM)	Residential houses

EXISTING CONDITIONS:

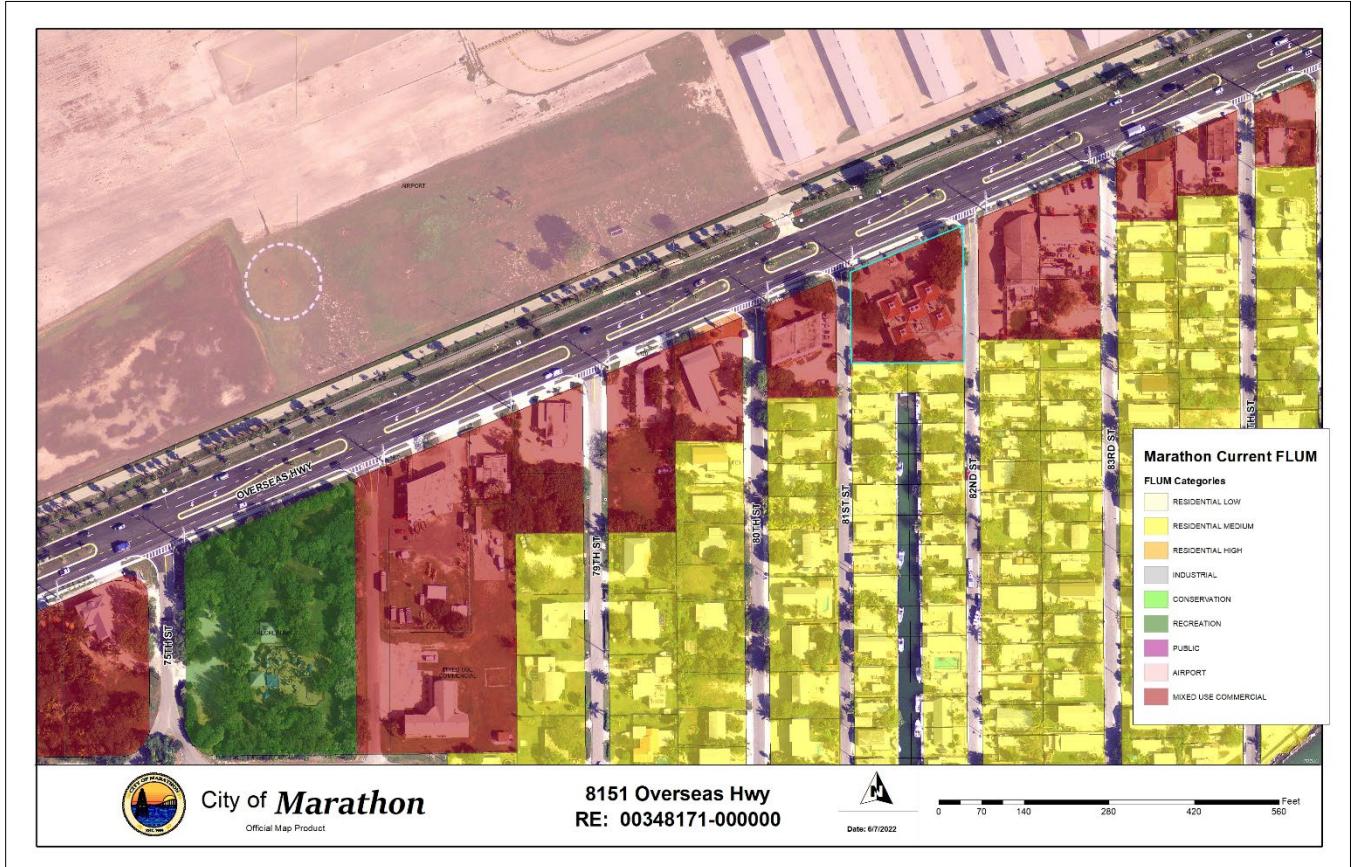
The project site consists of a vacant lot that previously housed medical offices before the structure was damaged by Hurricane Irma and demolished. The existing FLUM is Mixed Use Commercial (MU-C), and the zoning is Mixed Use (MU). See Figures 2 and 3.

**Figure 1
Project Site**



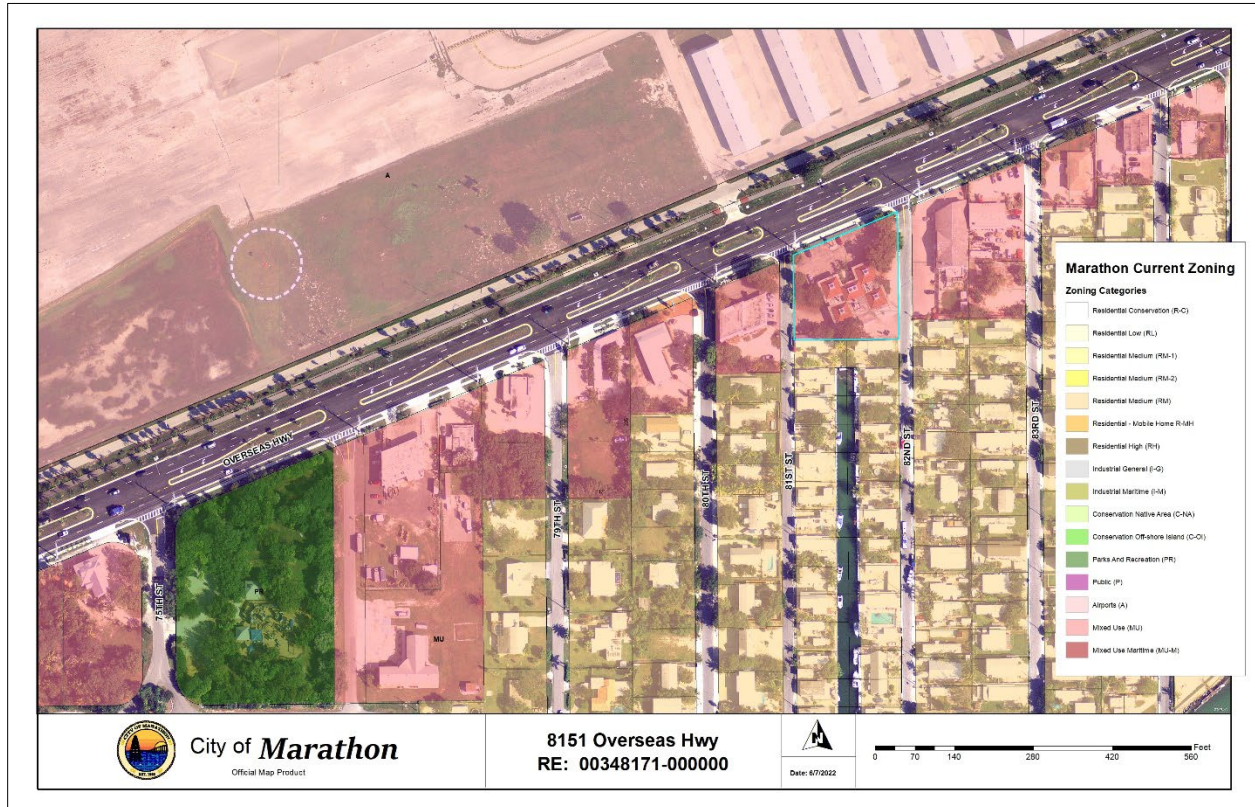
FUTURE LAND USE MAP DESIGNATION:
Mixed Use Commercial (MU-C). See Figure 2.

Figure 2
Future Land Use Map



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

Figure 3
Zoning Map



PROPOSED REDEVELOPMENT:

The Applicant requests a change of use to develop an outdoor boat trailer storage yard.

BACKGROUND:

The proposed project seeks to utilize the vacant lot for outdoor boat trailer storage. Future plans consist of boat trailer racks to be installed and secured to the ground as well as a future elevated office building. The total property size is 34,888 square feet. In general, staff sees no impacts from the development of the project, except minimally, for traffic flow on US 1.

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 outdoor trailer storage yard, 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 south which is residential housing.

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 is a vacant lot. There are future plans to have an elevated small office building however the height will be well under what is allowed under the City’s Comprehensive Plan.

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

The project does not exceed the commercial intensity and residential density limitations of the City’s Comprehensive Plan. This project proposes within a year the construction of a small, elevated office building.

g. Policy 1-3.3.1 b., e., and f. General Redevelopment Criteria

The proposed new business promotes the revitalization of the city’s commercial area, with existing commercial to the west and east. Since the building was used previously for commercial use as an old medical building, landscaping, and buffering were already in place with plans submitted for additional plantings.

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

The project site was demolished within the past year and complies to the maximum extent practicable with the current City regulations. The project in the future may add a small, elevated office building.

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 outdoor boat trailer storage yard.

- 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. The proposed uses fall within the allowed intensities for the site. 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 for short term boat trailers only. Once office is constructed there will need to be parking spaces provided at that time.

- Section 107.40 Maximum Height

The project site is vacant land, and the future office structure and boat storage racks will be well below the forty-two (42) foot height limitation of the City's LDRs.

- Sections 107.63 – 107.72 Landscaping

A landscape plan has been submitted to feature silver buttonwoods as a buffer hedge as well as canopy tree, smaller shrubs, and palms.

- 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 plan has been submitted. 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 is vacant land.

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, east, and west.

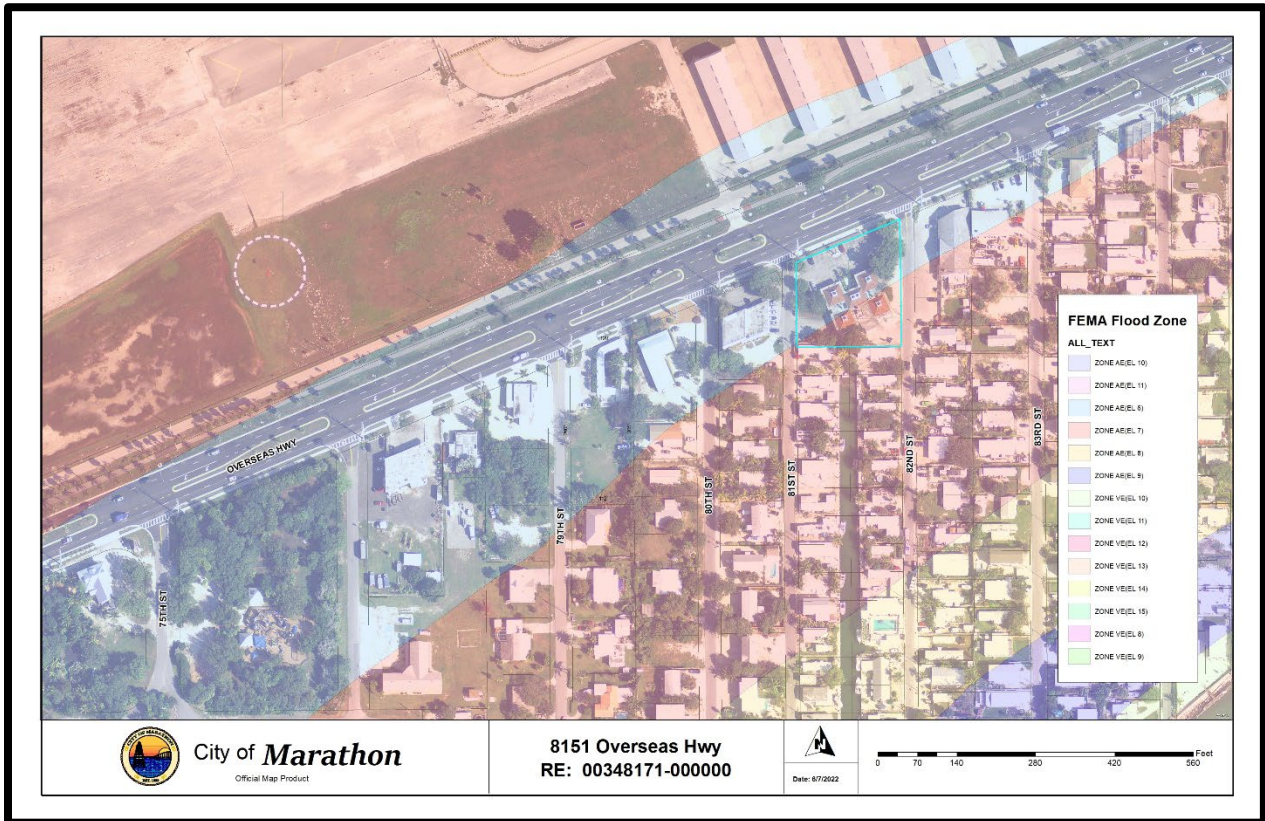
Therefore, the request is ***in compliance*** with the requirements of these sections.

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 a short-term boat trailer storage yard which is 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.

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

**Figure 4
Flood Zones**

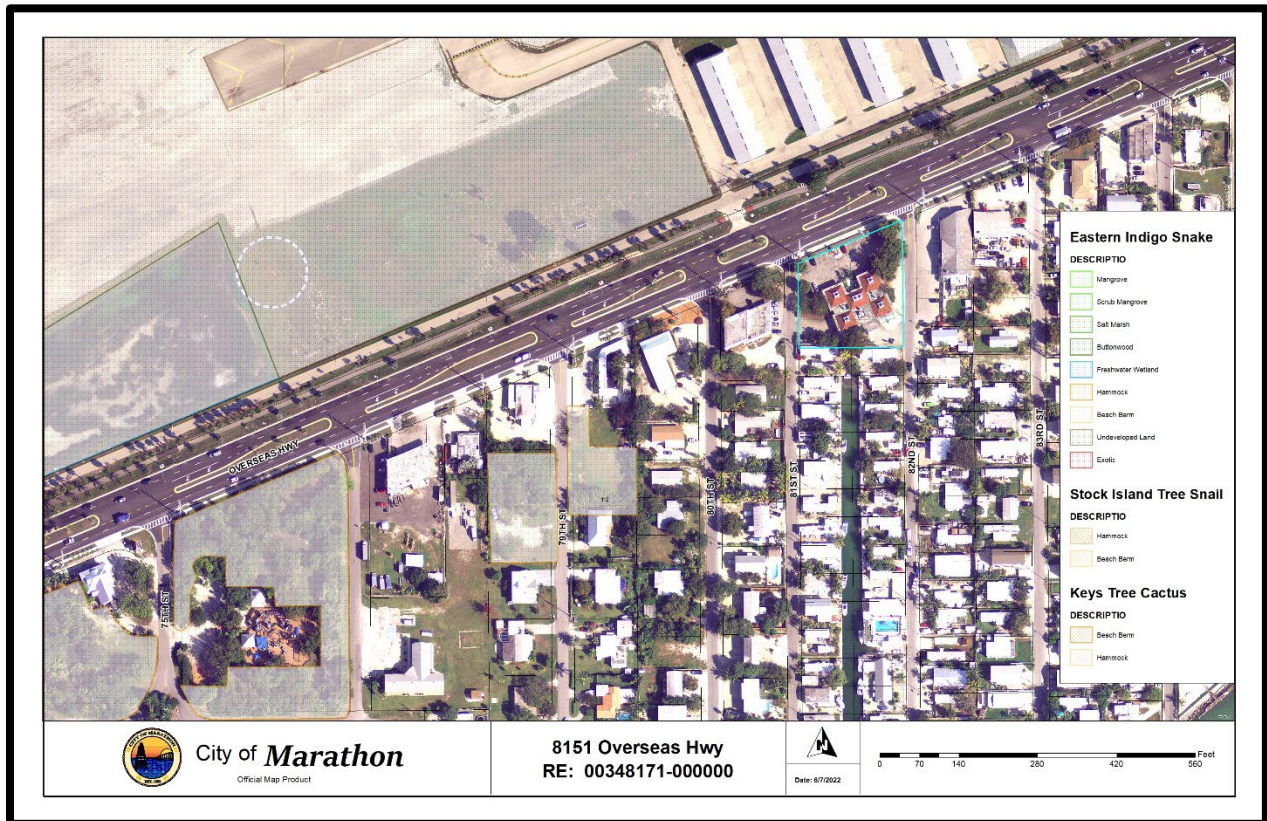


D. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:

There will be no negative impacts on habitat, environment, or water quality parameters. A map of the area indicates that surrounding properties are not within the FEMA-FWS Species Focus Area.

Figure 5

FEMA – FWS Species Focus Area Maps



A landscape plan has been submitted which will use existing buffering as well as additional landscape material added.

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 required. Parking will be provided for boat trailer storage. There is a full access driveway on both 81st St and 82nd Street. The traffic will be one way directional with entrance at 81st street and exit at 82nd.

Table 1 Card Trailer Storage Trip Generation Analysis Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Proposed Development</i> Marina - Boat Trailer Storage	75 Spaces	97	1	2	3	5	3	8

Compiled by: KBP Consulting, Inc. (June 2022).

Section 107.43 requires site triangles where the access drive intersects with the street. Clear site triangles must be shown on final site plan.

Therefore, with the above condition, 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 107.47 (Mixed-Use Development Parking Requirements). The project will require limited parking as clients utilizing the facility will be dropping off and pickup up boat trailers at scheduled times. One parking space per 400 square feet gross floor area will be required.

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. While there are some screenings and buffering in place per the landscape plan there will be additional plantings installed. Final lighting plan must be submitted prior to permit issuance.

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. At this time, no dumpsters are needed on site. This will be reviewed with future building plans when submitted.

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 thus have a de minimus impact.

- Wastewater: Sewer connection is on site; addition of office would be de minimis impact.
- Water: The Florida Keys Aqueduct Authority already provide potable water for the facility.
- Solid Waste: Marathon Garbage Service can provide service of solid waste disposal.
- Surface Water: Site plan and stormwater plan will be reviewed with submittal of permit set for issuance of building permit.
- Recreation and Open Space: This development will have no impact on recreational open space.
- Roadways: The applicant is redeveloping the site at a lower density and intensity than contained within the prior development, and therefore is assumed to have a de minimis impact on transportation facilities.

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

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

The proposed landscape meets the minimum requirements per Section 107.70 for project buffer requirements. According to the Code, two (2) canopy trees and two (2) understory trees per one hundred linear feet of property frontage, located within a ten-foot-wide landscape buffer. All parking shall be screened from the right-of-way by a landscaped buffer along the streets, including a continuous hedge or combination hedge and earth berm providing a three-foot high visual screen within two (2) years of planting. The buffer along the US-1 corridor is existing from the previous development and meets requirements. A high buffer is required along the south property line per Section 107.70.2. The City Biologist has reviewed the submitted landscape plan and has found it to be in compliance.

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 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. Signs will be placed at each driveway indicating direction for flow of traffic as well as a sign per Code at US 1.

Therefore, with conditions, 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 vacant lot. All activities associated with the use will be located within the vacant property. 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, outdoor boat trailer storage yard. Screening is required for outdoor storage and is addressed in Section E, 6. above.

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

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.

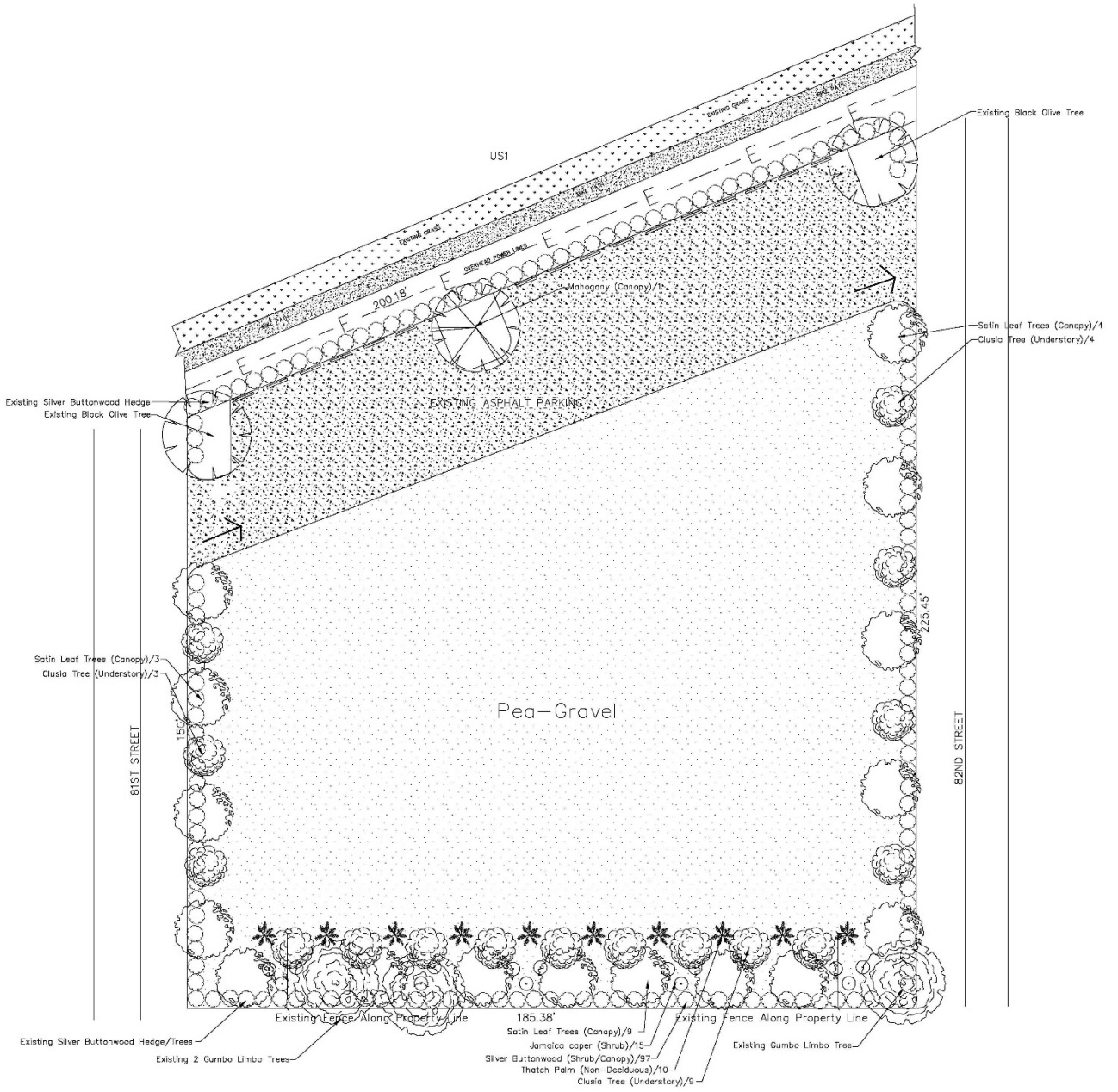
RECOMMENDATION:

Planning Commission recommends approval of the proposed Conditional Use Permit allowing an outdoor boat trailer storage yard to City Council (3-0). Planning staff recommends conditional approval to City Council. The proposed conditions of approval are listed below.


Conditions of Approval

1. The applicant will show clear site triangles on final site plan.
2. The applicant must submit a final lighting plan prior to permit issuance.
3. The applicant will provide one parking space per 400 square feet gross floor area.
4. The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
5. The applicant will meet all floodplain related requirements as part of the Building Permit process;
6. The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;
7. The applicant will obtain City approval of wastewater management through the City's Wastewater Utility;
8. The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
9. The applicant will obtain sign permits for any signs erected on the property, as required under the code; and
10. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

Landscape Plan

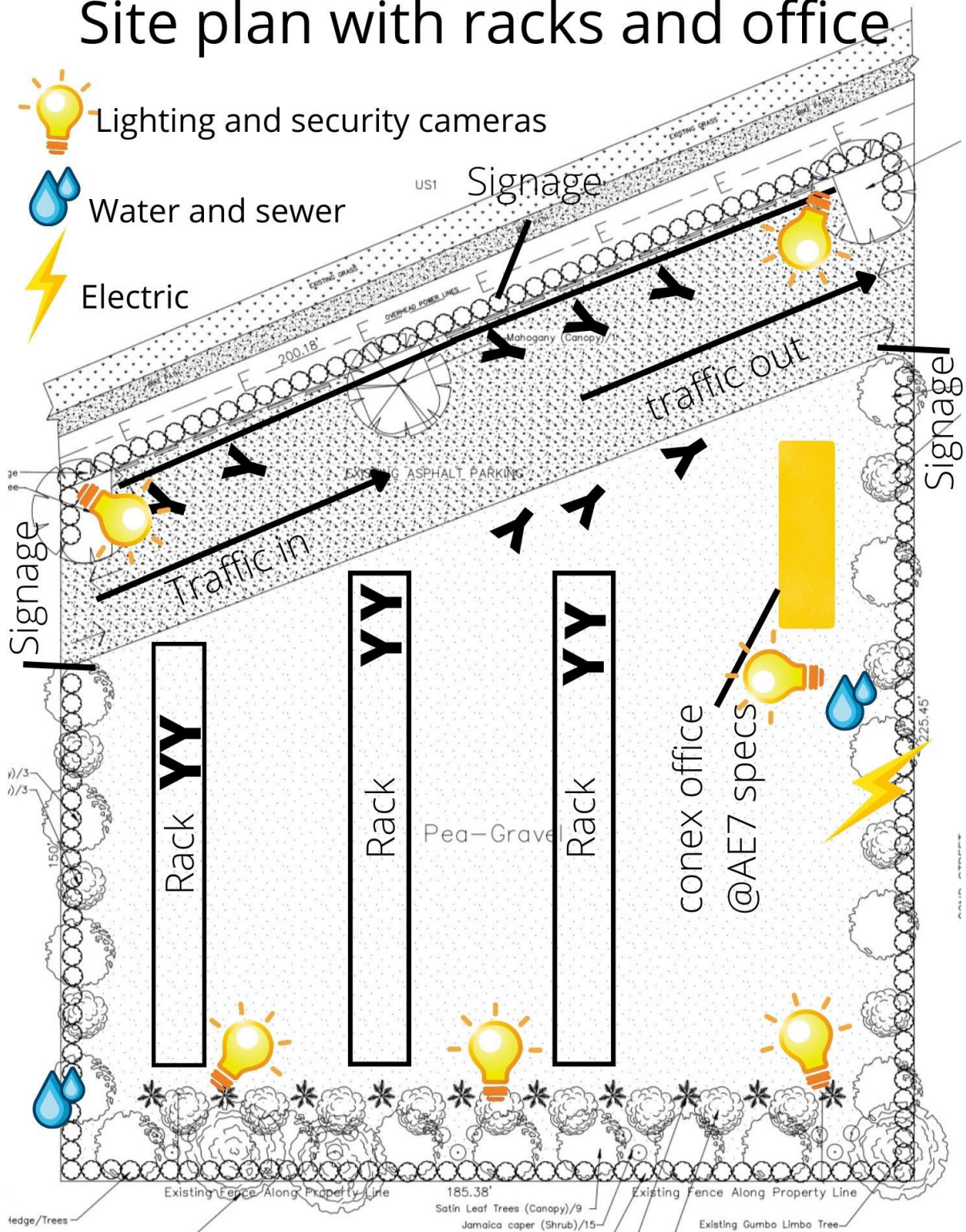


Site plan with racks and office

 Lighting and security cameras

 Water and sewer

 Electric



**CITY OF MARATHON, FLORIDA
RESOLUTION 2022-75**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA OF A REQUEST BY SKOCEAN LLC FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (“THE CODE”) ENTITLED “CONDITIONAL USE PERMITS”, AUTHORIZING THE DEVELOPMENT OF AN OUTDOOR BOAT TRAILER STORAGE YARD LOCATED AT 8151 OVERSEAS HIGHWAY; WHICH IS LEGALLY DESCRIBED AS BLOCK 3 LOTS 1, 2, 3, AND 45 LIDA SUBDIVISION FIRST ADDITION, KEY VACA PB4-103, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00348171-000000. NEAREST MILE MARKER 51.

WHEREAS, Skocean LLC (The “Applicant”) filed an Application on June 2, 2022, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, the applicant has requested a conditional use approval for the redevelopment of the subject property to include an outdoor boat trailer storage yard; and

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

WHEREAS, on the 18th day July 2022, the City of Marathon Planning Commission (the “Commission”) conducted a properly advertised public hearing (the “Public Hearing”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, on the 9th day August 2022, the City of Marathon City Council (the “Council”) conducted a properly advertised public hearing (the “Public Hearing”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

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

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

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

Section 2. The City Council hereby approves Development Order 22-06, a copy of which is attached hereto as Exhibit "A", granting a Conditional Use Permit to Skocean LLC subject to the Conditions imposed. The Director of Planning is authorized to sign the Development Order on behalf of the City.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 9th DAY OF AUGUST 2022.

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

**EXHIBIT “A”
CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER 22-06**

A DEVELOPMENT ORDER APPROVING A REQUEST BY SKOCEAN LLC FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (“THE CODE”) ENTITLED “CONDITIONAL USE PERMITS”, AUTHORIZING THE DEVELOPMENT OF AN OUTDOOR BOAT TRAILER STORAGE YARD LOCATED AT 8151 OVERSEAS HIGHWAY; WHICH IS LEGALLY DESCRIBED AS BLOCK 3 LOTS 1, 2, 3, AND 45 LIDA SUBDIVISION FIRST ADDITION, KEY VACA PB4-103, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00348171-000000. NEAREST MILE MARKER 51.

WHEREAS, Skocean LLC (The “Applicant”) filed an Application on June 2nd, 2022, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, the applicant has requested a conditional use approval for the redevelopment of the subject property to include an outdoor boat trailer storage yard; and

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

WHEREAS, on the 18th day July 2022, the City of Marathon Planning Commission (the “Commission”) conducted a properly advertised public hearing (the “Public Hearing”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

WHEREAS, on the 9th day August 2022, the City of Marathon City Council (the “Council”) conducted a properly advertised public hearing (the “Public Hearing”) regarding the request submitted by the Applicant, for a Conditional Use Permit pursuant to Chapter 102, Article 13 of the LDRs; and

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

FINDINGS OF FACT:

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

CONDITIONS IMPOSED:

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

Conditions of Approval

1. The applicant will show clear site triangles on final site plan.
2. The applicant must submit a final lighting plan prior to permit issuance.
3. The applicant will provide one parking space per 400 square feet gross floor area.
4. The applicant will provide fire protection plans in accordance with fire protection requirements as outlined by the City Fire Marshal;
5. The applicant will meet all floodplain related requirements as part of the Building Permit process;
6. The applicant will obtain City approval of the stormwater management system prior to Building Permit issuance;

7. The applicant will obtain City approval of wastewater management through the City's Wastewater Utility;
8. The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
9. The applicant will obtain sign permits for any signs erected on the property, as required under the code; and
10. The Conditional Use Development Order will constitute the Certificate of Concurrency 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 the terms and conditions herein, and all other applicable requirements of the City or other governmental agencies applicable to the use of the Property. In accordance with the Code, the Council may revoke this approval upon a determination that the Applicant or its successor or designee is in non-compliance with this Resolution or Code. Failure to adhere to the terms and conditions of approval contained herein is a violation of the Code and persons found violating the conditions shall be subject to the penalties prescribed therein.

CONCLUSIONS OF LAW:

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

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

EFFECTIVE DATE:

This development order shall not take effect for 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 _____, 2022.

Diane Clavier, City Clerk

NOTICE

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

In addition, please be advised that 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 Economic Opportunity. During those forty-five days, the Florida Department of Economic Opportunity may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Resolution was furnished, via U.S. certified mail, return receipt requested, addressed to _____ this ____ day of _____, 2022.

Diane Clavier, City Clerk