

CITY COUNCIL AGENDA STATEMENT



Meeting Date: September 12, 2023
To: Honorable Mayor and City Council
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

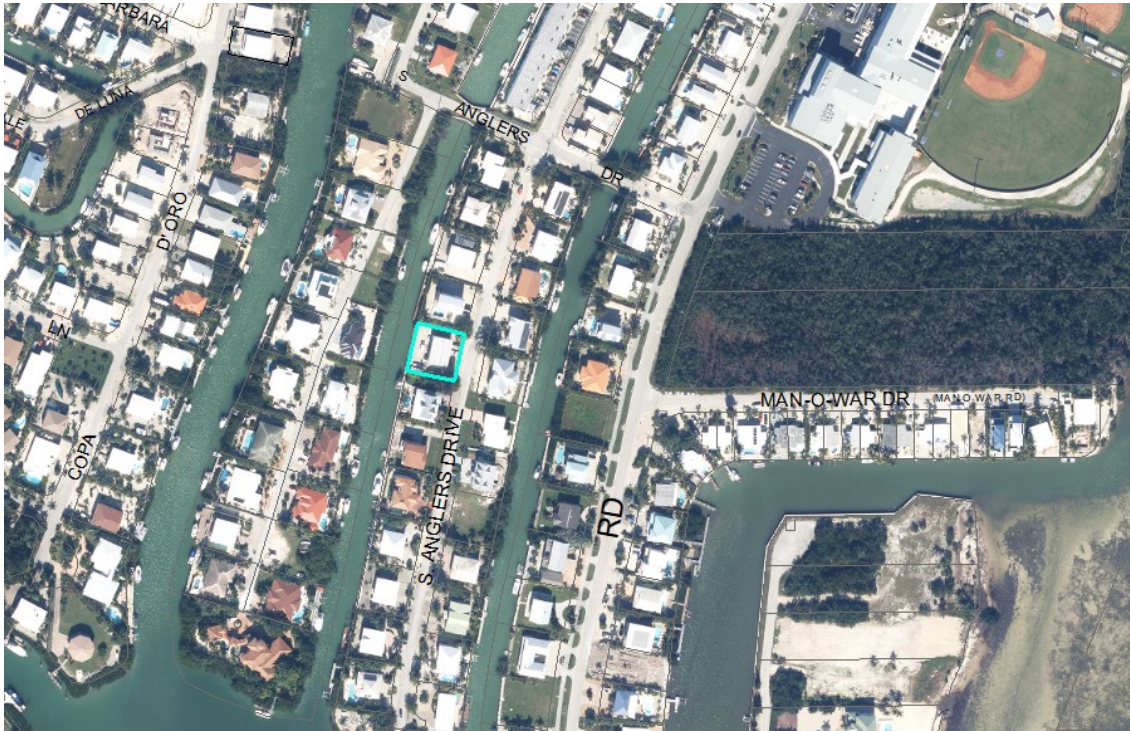
Agenda Item: **Resolution 2023-78**, Consideration Of A Request For A Conditional Use Permit For Ruth Ebert Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled “Conditional Use Permits” to convert a triplex into a single family residential with 11 bedrooms; Located at 213 S. Anglers Dr; Which Is Legally Described As Lot 38 Sombrero Anglers Club South Boot Key PB6-87, Monroe County, Florida; Having Real Estate Number 00355418-000500, Nearest Mile Marker 50.

APPLICANT/ OWNER: Ruth Ebert

AGENT: Chad Neller

LOCATION: The project site is located on one parcel at 213 S ANGLERS Dr MARATHON, nearest mile marker 50. See Figure 1.

Figure 1: Project Site



REQUEST: Conditional Use Approval for development of the subject property having real estate number 00355418-000500 to convert a triplex into one single family dwelling with 11 bedrooms and 11 bathrooms.

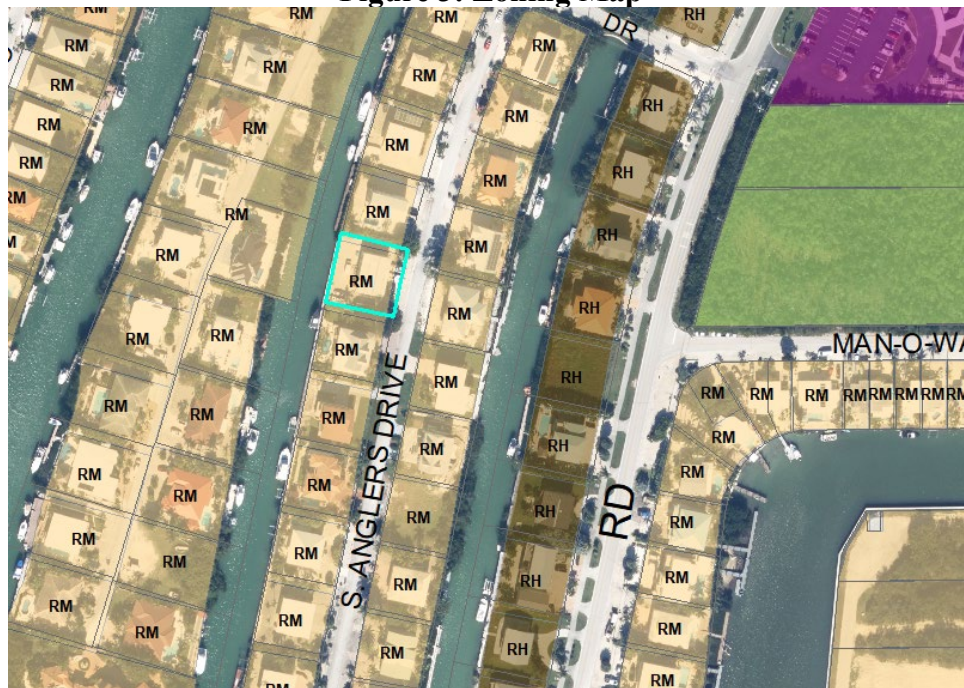
FUTURE LAND USE MAP DESIGNATION: Residential Medium (RM).

Figure 2: Future Land Use Map



ZONING MAP DESIGNATION: Residential Medium (RM).

Figure 3: Zoning Map



LOT SIZE:

Total acreage: 10,137 sq feet

SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Residential Medium	Single family residential
East	Residential Medium	Single family residential
South	Residential Medium	Single family residential
West	Residential Medium	Single family residential

EXISTING CONDITIONS:

The project site consists of one parcel having the Real Estate Number 00355418-000500. This parcel is currently a triplex.

PROPOSED REDEVELOPMENT:

Residential Units: 1 residential dwelling with 11 bedrooms and 11 bathrooms.

The residence the building footprint will increase from 4,176 sq ft to 7,295 sq ft.

BACKGROUND:

The proposed project is the conversion of a triplex into an 11-bedroom and 11-bathroom single family dwelling in the Residential medium zoning classification. This report addresses the Conditional Use application. **All conditions of the Conditional Use Permit approval will have to be met before any building permit will be approved.** See Attachment A.

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 redevelopment project is located within the Residential Medium (RM) Zoning District. Per Chapter 103, Article 2, Section 103.12 of the Land Development Regulations, the district is designed to “is intended to establish areas of low- to medium-density residential uses characterized principally by single-family detached and two-family dwellings, designated within the Residential

Medium (RM) future land use category on the Future Land Use Map (FLUM).”

The proposed project consists of the redevelopment of an existing residential use and is consistent with the Residential Medium District. Section 103.15 establishes whether specific uses are allowed as of right, limited, accessory or conditional uses, through Table 103.15.2. That table shows that single single-family dwellings of 7 bedrooms or more are allowed as Conditional Uses in the RM district. Conditional Use review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the RM district based on the types of uses proposed. The project as proposed meets the basic definition of development in the RM zoning district and meets the density constraints imposed on the type of proposed use.

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

The proposed project is located within the Residential Medium Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Residential Medium future land use category is to provide for medium-density single-family, residential development. The Residential Medium future land use category is characterized by predominantly compact development on lots with disturbed or scarified vegetation and areas that are appropriate for infill development and that are served by existing infrastructure.”

The proposed project will expand the existing triplex building to create a single-family dwelling with 11 bedrooms and 11 bathrooms. Existing land use patterns are residential to the north, south, west, and east of the property.

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

The proposed use is a continuation of residential use which has not had any known impact on the health, safety, and welfare of the public.

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

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

The subject area contains no area recognized as possible habitat for a state or federally listed animal species. Standard permit conditions in regard to flood and stormwater will be applied.

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

- Must comply with FEMA flood requirements. Structures not above base flood level are subject to the 50% rule. No permits will be issued that do not meet FEMA requirements.

- The following need to be addressed during the building permit process for plans to be approved: 1. Existing topographic information, including the areas outside the boundary and existing road shall be shown on the proposed site plan. 2. A proposed grading plan shall be shown on the plans to be submitted for permitting. 3. Swale volume calculations shall be shown on the plans. 4. Any work in the R/W, including gravel drives, shall be clearly shown on the plans and a R/W permit is required.

E. Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:

1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in cases of fire or catastrophe;

Ingress and egress to the property is being provided through the current access driveway onto S. Anglers Dr. The trip generation analysis shows that proposed use will generate 9 trips per weekday. The current triplex units generate 18 trips per weekday.

Therefore, 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;

Section 104.51.1. Parking space needs analysis. The City will require a minimum of one (1) parking space per bedroom unless otherwise justified and validated by the Conditional Use Permit applicant.

The proposed 11-bedroom single family dwelling will require 11 parking spaces. The applicant proposes 11 parking spaces on site. See Attachment A.

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 consists of continuation of current residential use. The proposed use will decrease current setback from neighboring property owners, but the new footprint will meet the required setbacks. Therefore, the proposed project should not have any adverse effect through noise, glare, or odors.

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 proposed use will not require dumpsters.

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 coordinate with the wastewater Utilities department for connection requirements.
- **Water:** The Florida Keys Aqueduct Authority already provides potable water for the triplex.
- **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. However, a final stormwater plan will be required for building permit issuance.
- **Recreation and Open Space:** This development will have a de minimus impact on recreation and open space.
- **Roadways:** The applicant is developing the site with a lower density than was contained within the triplex; however, a traffic analysis was completed to analyze the impact on transportation facilities.
- **Educational Facilities:** This redevelopment will have a de minimus impact on educational facilities since existing uses are replaced in kind.

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

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

The proposed conditional use will not alter the current screening, buffering, dimensions, or character of the property. Code states that one canopy tree is required for every 50 feet of linear street frontage.

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

- Submitted building plans must show that the site meets code requirements of one canopy tree for every 50 ft of linear street frontage.

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

No additional signage or exterior lighting is proposed to the property.

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

8. Required yards and other open space;

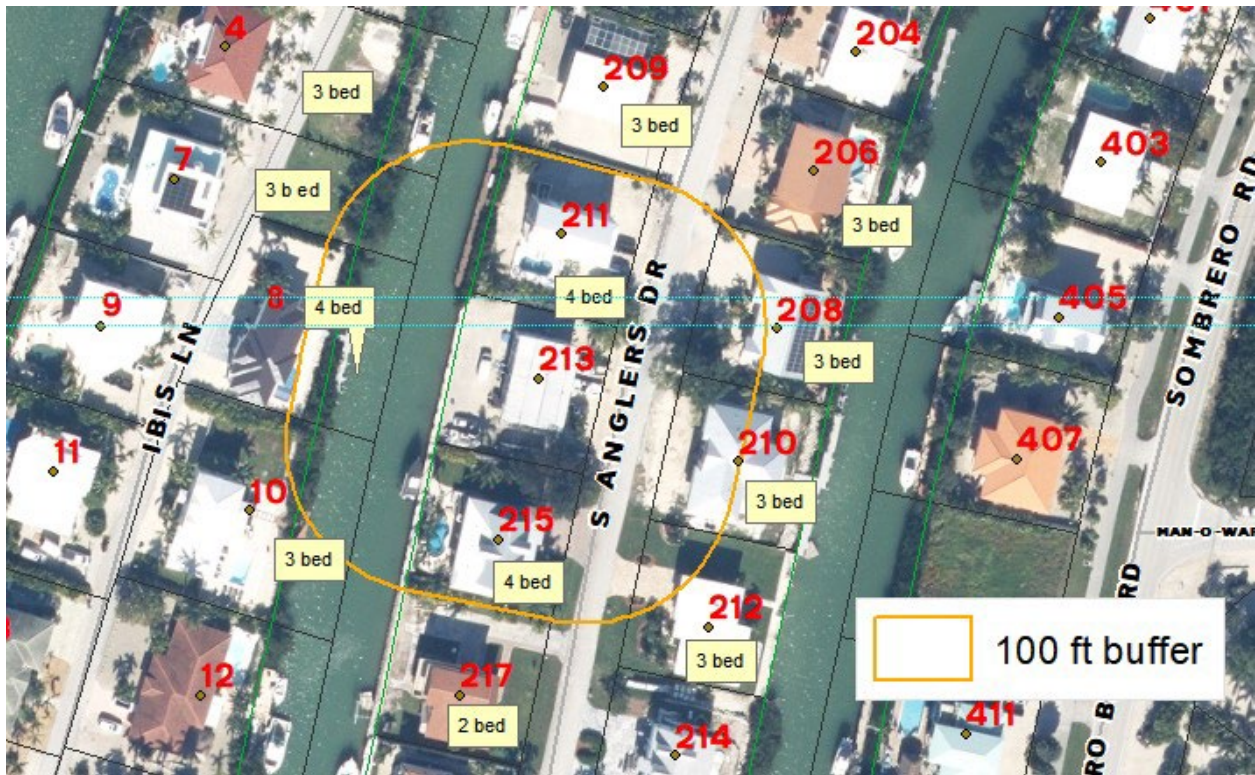
Table 106.16.1 specifies that property classified as Class III has a minimum 20% open space requirement.

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

- The submitted building permit application must show the 20% open space site requirement and that no more than 60% coverage of the 20 ft water buffer.
- The submitted building permit application must show that no part of the structure including stairs is located in the required site setbacks.

9. General compatibility with surrounding properties;

The proposed use is as a single family 11-bedroom and 11-bathroom dwelling. Adjacent uses include single family residential dwellings. The use will increase the current footprint from 4,176 sq ft to 7,295 sq ft. Traditionally, single-family residential use is compatible with surrounding single family uses. However, based on Monroe County Property Appraiser data no residence within 100 ft of the subject parcel has more than 4 bedrooms. As the structure currently exists, it is a nonconforming triplex. As a triplex, it does not meet community character, but the conversion to a single-family unit would normally assuage this concern. The difference here is that the single-family use nearly triples the four-bedroom community character. The number of existing bedrooms within the triplex currently totals seven bedrooms. This number of bedrooms as a single-family would trigger conditional use approval. The proposed use is compatible, but the *scale* of the use may not be compatible with the neighborhood character. Conversely, the existing use is not compatible with the neighborhood character, but the scale of the use would be nearly consistent with a typical conditional use approval.



Any approval for compliance should be tempered with the fact that the applicant may apply for and obtain permits to have six bedrooms in each of the units in the triplex without conditional use

approval. With the ability to vacation rent a unit at two people per bedroom, plus an additional two, this could amount to 42 people overnight for the triplex. As the 11-bedroom single-family under the same regulations, the same 24 people overnight is achieved.

By appropriately conditioning the approval, the City Council can ensure a level of compliance with community character that is not achievable with projects permitted as of right.

10. Any special requirements set forth in the LDRs for the particular use involved.

Existing residential use to remain residential.

Section 104.51.1. Single-family dwellings (7 Bedrooms or more) require the following conditions.

1. Wastewater Flow Calculations.

a. Residences with six (6) six bedrooms or less will be assumed to equate to one (1) Equivalent Dwelling Unit (EDU) at 167 gallons per day. System development and connection charges, as well as monthly base and flow charges will accrue and be billed as a single-family residence.

b. Residences with seven (7) bedrooms or more will be assessed based on a calculation of average wastewater flows developed and provided by a qualified wastewater engineer. Such wastewater flow will be calculated into the one-time System Development and Connection charges and be billed accordingly.

2. Parking space needs analysis. The City will require a minimum of one (1) parking space per bedroom unless otherwise justified and validated by the Conditional Use Permit applicant. One parking spot is being provided for each bedroom for a total of 11 parking spots.

3. A Traffic Study prepared by a licensed traffic engineer. A traffic study was prepared by a licensed traffic engineer and submitted with the application.

Therefore, with the above requirements, 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 use is consistent with the Comprehensive Plan and Land Development Regulations.

RECOMMENDATION:

Planning staff recommended that the Planning Commission forward a recommendation of

conditional approval of the Residential Development to the City Council. The Planning Commission recommends approval (3-1). The proposed conditions of approval are listed below.

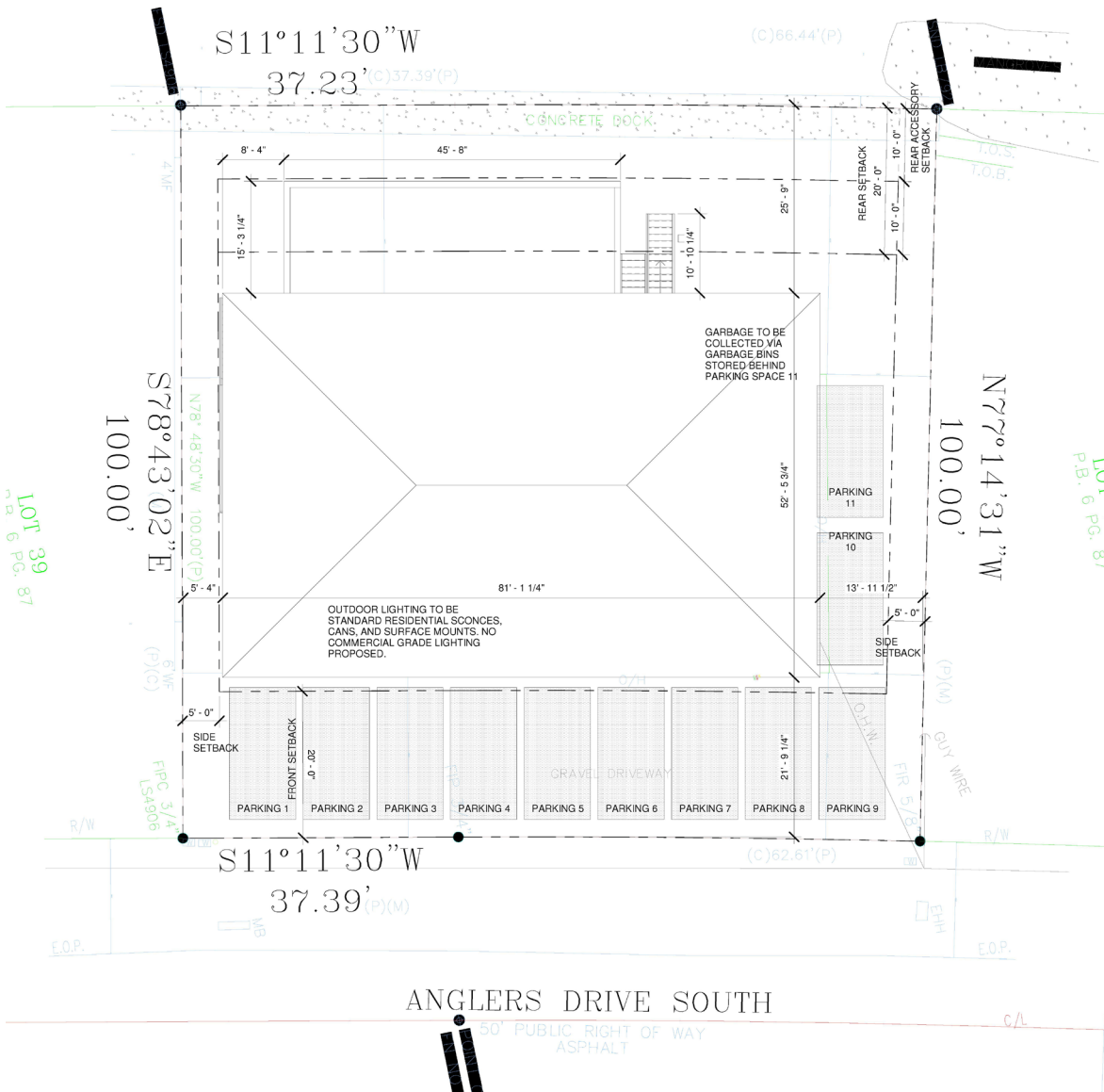
Conditions and Limitations of Approval

1. Must meet NFPA1 and NFPA 101 requirements.
2. The applicant will obtain City approval for wastewater management through the City's Wastewater Utility; Residences with seven (7) bedrooms or more will be assessed based on a calculation of average wastewater flows developed and provided by a qualified wastewater engineer. Such wastewater flow will be calculated into the one-time System Development and Connection charges and be billed accordingly.
3. Must comply with FEMA flood requirements. Structures not above base flood level are subject to the 50% rule. No permits will be issued that do not meet FEMA requirements.
4. The following need to be addressed during the building permit process for plans to be approved: 1. Existing topographic information, including the areas outside the boundary and existing road shall be shown on the proposed site plan. 2. A proposed grading plan shall be shown on the plans to be submitted for permitting. 3. Swale volume calculations shall be shown on the plans. 4. Any work in the Right of Way, including gravel drives, shall be clearly shown on the plans and a Right of Way permit is required.
5. Submitted building plans must show that the site meets code requirements of one canopy tree for every 50 ft of linear street frontage.
6. The submitted building permit application must show that no part of the structure including stairs is located in the required site setbacks.
7. The submitted building permit application must show the 20% open space site requirement and that more than 60% coverage of the 20 ft water buffer.
8. Maintain a list of registered tenants, the number of occupants which will be present during any occupancy, and the number, make and model of vehicles each tenant will have on site during each occupancy. This information shall be readily available upon request of any City employee or Sherriff's Deputy.
9. The owner shall provide off-street parking on property owned or lawfully leased by the owner of the property or the occupants for all vehicles, watercraft and trailers to be used by the tenants during any occupancy. The watercraft may be moored at either an existing on-site docking facility or stored on a trailer in an approved parking space. No on street parking is allowed.
10. The total length of docked vessels shall not exceed the width of the property at the waterline. Docked vessels may not be rafted together so as to align two (2) or more vessels abeam of one another. No docked vessel may create a hazard to navigation. For the purpose of this article, a hazard to navigation shall mean that the dock and vessel measures in excess of 25

percent of the width of the water body adjacent to the property. No boat docked at a vacation rental property shall be chartered to a person other than registered guests of the vacation rental unit or used for live-aboards, sleeping or overnight accommodations.

11. Rental unit must be rented as a single unit. No room lockouts are allowed.
12. All lighting must be contained onsite.
13. Noise controls barriers must be installed on the waterside and sides of the property.
14. Rental unit cannot be used as or advertised as a commercial wedding venue.
15. An area of the property must be designated for trash collection.
16. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

Attachments:
Attachment A: Proposed Site Plan



Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-XXX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST FOR A CONDITIONAL USE PERMIT FOR PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED “CONDITIONAL USE PERMITS” FOR A CONDITIONAL USE PERMIT FOR RUTH EBERT PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED “CONDITIONAL USE PERMITS” TO COVERT A TRIPLEX INTO A SINGLE FAMILY RESIDENTIAL WITH 11 BEDROOMS; LOCATED AT 213 S. ANGLERS DR; WHICH IS LEGALLY DESCRIBED AS LOT 38 SOMBRERO ANGLERS CLUB SOUTH BOOT KEY PB6-87, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBER 00355418-000500, NEAREST MILE MARKER 50.

WHEREAS, Ruth Ebert, (The “Applicant”) filed an Application on February 28, 2023, for a Conditional Use Permit pursuant to Chapter 102, Articles 13 of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, the Applicant has proposed to unify two residential units into a single family residence with 11 bedrooms and 11 bathrooms; and

WHEREAS, on the June 26, 2023, 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, based on competent and substantial testimony, the Commission recommended approval to the City Council to unify three residential units into a single-family residence with eleven bedrooms and eleven bathrooms.

WHEREAS, and on the September 12, 2023, 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, based on the recommendation of the Planning Commission and other competent and substantial testimony the City Council approved the request; 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;

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 2023-X a copy of which is attached hereto as Exhibit "A", granting a Conditional Use Permit to Ruth Ebert. The Director of Planning is authorized to sign on behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 12th DAY OF SEPTEMBER 2023.

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

Steven T. Williams, City Attorney



**CITY OF MARATHON, FLORIDA
CONDITIONAL USE
DEVELOPMENT ORDER # 2023-**

A DEVELOPMENT ORDER OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST FOR A CONDITIONAL USE PERMIT FOR RUTH EBERT PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED “CONDITIONAL USE PERMITS” FOR RUTH EBERT TO COVERT A TRIPLEX INTO A SINGLE FAMILY RESIDENTIAL WITH 11 BEDROOMS; LOCATED AT 213 S. ANGLERS DR; WHICH IS LEGALLY DESCRIBED AS LOT 38 SOMBRERO ANGLERS CLUB SOUTH BOOT KEY PB6-87, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBER 00355418-000500, NEAREST MILE MARKER 50.

WHEREAS, Ruth Ebert (The “Applicant”) filed an Application on February 28, 2023 for a Conditional Use Permit pursuant to Chapter 102, Articles 13 of the City of Marathon Land Development Regulations (LDRs); and

WHEREAS, the Applicant has proposed to unify two residential units into a single-family residence with 11 bedrooms and 11 bathrooms; and

WHEREAS, on June 26, 2023, 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, based on competent and substantial testimony, the Commission recommended approval to the City Council to unify three residential units into a single-family residence with eleven bedrooms and eleven bathrooms.

WHEREAS, and on September 12, 2023, 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, based on the recommendation of the Planning Commission and other competent and substantial testimony the City Council approved the unification of three residential units into a single-family residence with eleven bedrooms and eleven bathrooms.

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

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 is approved to unify three residential units into a single 11 bedroom and 11-bathroom single

family residence.

2. In accordance with Section 102.77 of the LDRs, the Commission and Council considered and determined that 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
 10. Any special requirements set forth in the LDRs for the Proposed Use involved.

CONDITIONS IMPOSED:

Granting approval of the Conditional Use Permit is subject to the following conditions:

1. Must meet NFPA1 and NFPA 101 requirements.
2. The applicant will obtain City approval for wastewater management through the City's Wastewater Utility; Residences with seven (7) bedrooms or more will be assessed based on a calculation of average wastewater flows developed and provided by a qualified wastewater engineer. Such wastewater flow will be calculated into the one-time System Development and Connection charges and be billed accordingly.
3. Must comply with FEMA flood requirements. Structures not above base flood level are subject to the 50% rule. No permits will be issued that do not meet FEMA requirements.
4. The following need to be addressed during the building permit process for plans to be approved: 1. Existing topographic information, including the areas outside the boundary and existing road shall be shown on the proposed site plan. 2. A proposed grading plan shall be shown on the plans to be submitted for permitting. 3. Swale volume calculations shall be shown on the plans. 4. Any work in the Right of Way, including gravel drives, shall be clearly shown on the plans and a Right of Way permit is required.
5. Submitted building plans must show that the site meets code requirements of one canopy tree for every 50 ft of linear street frontage.
6. The submitted building permit application must show that no part of the structure including stairs is located in the required site setbacks.

7. The submitted building permit application must show the 20% open space site requirement and that more than 60% coverage of the 20ft water buffer.
8. Maintain a list of registered tenants, the number of occupants which will be present during any occupancy, and the number, make and model of vehicles each tenant will have on site during each occupancy. This information shall be readily available upon request of any City employee or Sherriff's Deputy.
9. The owner shall provide off-street parking on property owned or lawfully leased by the owner of the property or the occupants for all vehicles, watercraft and trailers to be used by the tenants during any occupancy. The watercraft may be moored at either an existing on-site docking facility or stored on a trailer in an approved parking space. No on-street parking is allowed.
10. The total length of docked vessels shall not exceed the width of the property at the waterline. Docked vessels may not be rafted together so as to align two (2) or more vessels abeam of one another. No docked vessel may create a hazard to navigation. For the purpose of this article, a hazard to navigation shall mean that the dock and vessel measures in excess of 25 percent of the width of the water body adjacent to the property. No boat docked at a vacation rental property shall be chartered to a person other than registered guests of the vacation rental unit or used for live-aboard, sleeping or overnight accommodations.
11. Rental unit must be rented as a single unit. No room lockouts are allowed.
12. All lighting must be contained onsite.
13. Noise controls barriers must be installed on the waterside and sides of the property.
14. Rental unit cannot be used as or advertised as a commercial wedding venue.
15. An area of the property must be designated for trash collection.
16. 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 OWNER 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 City Code and LDRs, the Council may revoke this approval upon a determination that the owner or its successor or designee is in non-compliance with this Resolution, City Code, or LDRs. Failure to adhere to the terms and conditions of approval contained herein is a violation of the City 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 LDRs, 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 Amendment is hereby GRANTED subject to the conditions specified herein.

EFFECTIVE DATE:

This development order shall not take effect for five (5) days following the date it is filed with the City Clerk, and during that time, the CUP granted herein shall be subject to appeal as provided in the LDRs. An appeal shall stay the effectiveness of this development order until said appeal is resolved.

Date

Brain Shea
Director of Planning

This Development Order was filed in the Office of the City Clerk of this _____ day of _____, 2023.

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 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 this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Economic Opportunity. 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 12th day of September, 2023.

Diane Clavier City Clerk

ATTACHMENT A Proposed Site Plan

