

CITY COUNCIL AGENDA STATEMENT



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

**Agenda Item:** **Resolution 2023-117**, Consideration Of A Request For A Conditional Use Permit For Scott Ebert Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled “Conditional Use Permits” For Unification of two residential units into a single family residential until with 11 bedroom and 11 bathrooms; Located at 574 Sombrero Beach Road; Which Is Legally Described As Block 2 (bottom floor) Southerly and Northernly (top floor) part of Lot 17, Sombrero Beach Village Boot Key PB5-86, Monroe County, Florida; Having Real Estate Number 00355110-000000 and 00355110-000100, Nearest Mile Marker 50

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**APPLICANT/ OWNER:** Scott Ebert

**AGENT:** Chad Neller

**LOCATION:** The project site is located on two parcels at 574 Sombrero Beach Road, nearest mile marker 50. See Figure 1.

**Figure 1**  
**Project Site**

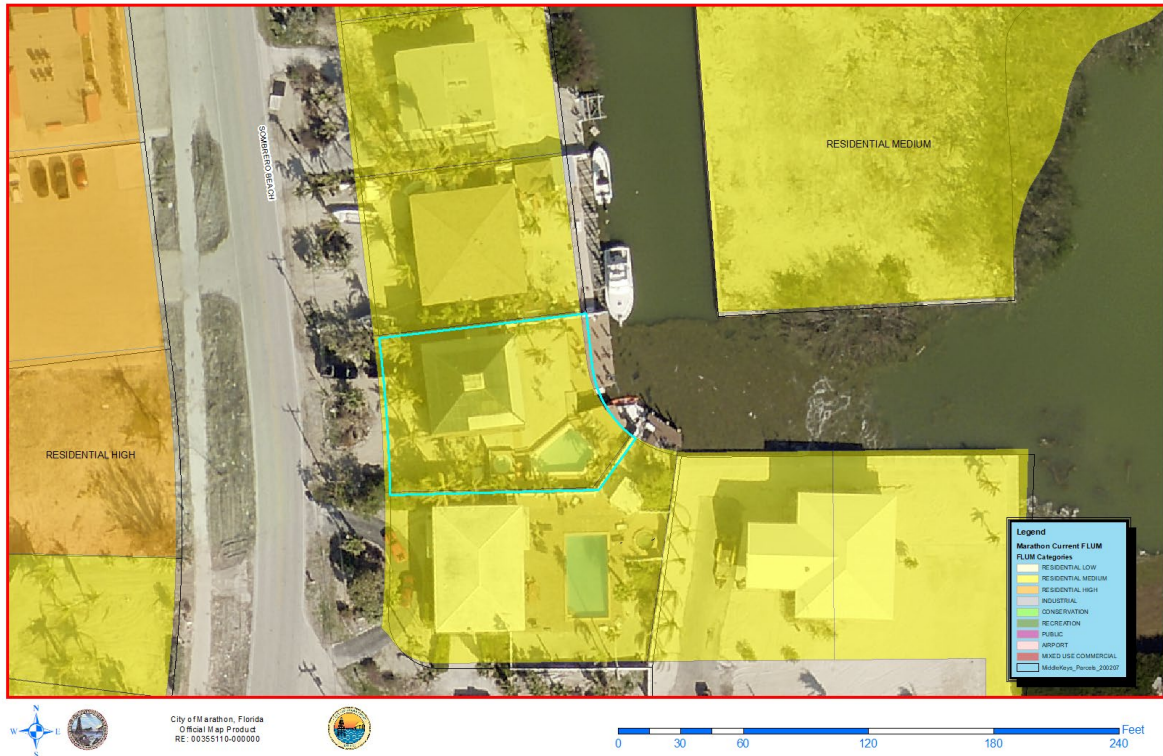


City of Marathon, Florida  
Official Map Product  
RE: 00355110-000000



0 30 60 120 180 240 Feet

**REQUEST:** A Conditional Use Approval for development of the subject properties having the real estate numbers 00355110-000000 and 00355110-000100 to combine two residential units into one single family 11 bedroom, 11 bathroom unit.



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

**Figure 2: Future Land Use Map**

**ZONING MAP DESIGNATION:** Residential Medium (RM). See Figure 3.



**LOT SIZE:**

Total acreage: 0.19 acres or 8,430 sq feet including both parcels.

**SURROUNDING ZONING AND USES:**

	<u>Zoning</u>	<u>Use</u>
<b>North</b>	Residential Medium	Single family residential
<b>East</b>	N/A	Canal
<b>South</b>	Residential Medium	Single family residential
<b>West</b>	Residential High	Single family residential and The Schooner Condos

**EXISTING CONDITIONS:**

The project site consists of two parcels having Real Estate Number 00355110-000000 and 00355110-000100. These parcels currently contain a duplex consisting of a four-bedroom and six-bedroom residential units.

**PROPOSED REDEVELOPMENT:**

Residential Units:                    One residential unit with 11 bedrooms and 11 baths.

**BACKGROUND:**

The proposed project is the unification of two residential units into one single family residential unit with more than six bedrooms 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  
00355110-000000 CU



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 unify the existing duplex into one single-family dwelling with 11 bedrooms and 11 bathrooms. Existing land use patterns are residential to the north, west and south and a canal 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 to the health, safety and welfare of the public. No new impacts are expected to arise from the proposed conditional use.

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. Stormwater management improvements were completed as part of recent permitting.

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;**

Ingress and egress to the property is being provided through the current access driveway onto Sombrero Beach Rd. A Traffic Study was prepared by a licensed traffic engineer. The proposed plan is projected to have a decrease of daily vehicles trips compared to the existing duplex on site.

Table 1 574 Sombrero Beach Road Trip Generation Summary Marathon, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i> Multifamily Housing (Low-Rise)	2 DU	12	0	1	1	1	0	1
<i>Proposed</i> Single-Family Detached Housing	1 DU	9	0	1	1	1	0	1
<b>Difference (Proposed - Existing)</b>		<b>(3)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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. 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 eleven (11) parking spaces. As the property sits now there is not enough space for the required amount of parking. The applicant proposes a maximum of 6 vehicles and 1 boat trailer parking spaces on site per their vacation rental agreement. See Attachment B.

The current property as a duplex with 4 and 6 bedrooms only requires two (2) parking spaces per unit for a total of four (4) required.

Therefore, the request ***with conditions 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 residential use will not change current setbacks from neighboring property owners. 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 refuse collection locations. Garbage is collected through cans with Marathon Garage Service.

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 provided flow calculations and will be assessed a fee of \$2,981.54 based upon the increased flows.
- Water: The Florida Keys Aqueduct Authority already provides potable water for the duplex.
- Solid Waste: Marathon Garbage Service already provides 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. A final stormwater plan has been completed through recent permits.
- 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 duplex; however, a traffic analysis was completed to analyze the impact on transportation facilities finding it will have a reduction in traffic.
- Educational Facilities: This redevelopment will have a de minimus impact on educational facilities since existing uses are replaced in kind.

Section 104.51.1. specifies that "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."

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. The property already fulfills this requirement.

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;

Planning Commission recommended additional conditions regarding lighting and signage.

- All lighting must be contained on property.
- Signage is required limiting occupancy and other pertinent vacation rental information as approved by the Planning Director.

Therefore, the request is **with conditions 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, developed. Which has is a minimum 20% open space requirement. Open space ratios were maintained and verified as part of the renovation permits.

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

**9. General compatibility with surrounding properties;**

The proposed use is residential. Adjacent uses include single family residential dwelling units. The proposed use is compatible with these nearby structures in terms of appearance and footprints. The use will not change the current appearance or footprint.

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

The property currently has a vacation rental license for both units (VACA-23-288 and VACA-23-385).

By appropriately conditioning the approval, City Council has the ability to 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. entitled Single-family dwellings (7 Bedrooms or more) requires 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. The City will require a minimum of one (1) parking space per bedroom unless otherwise justified and validated by the Conditional Use Permit applicant.

3. A Traffic Study was prepared by a licensed traffic engineer. The proposed plan is projected to have a decrease of daily vehicles trips compared to the existing duplex on site.

As stated in Section E 2. the applicant will require per their vacation rental agreement that there is a maximum of 6 vehicles and 1 boat trailer which must be parked in the driveway only.

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:**

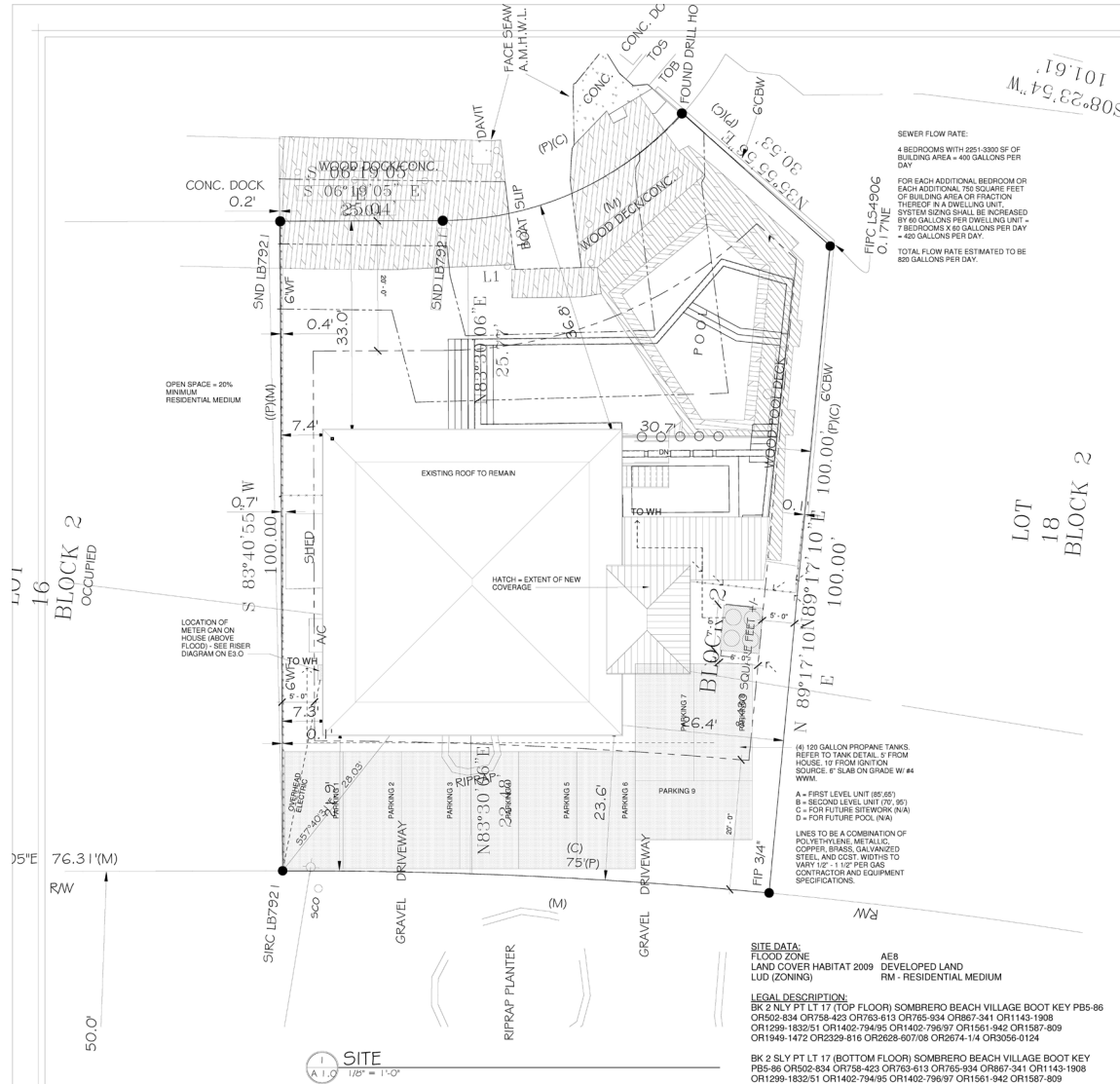
Planning staff recommended that the Planning Commission forward a recommendation of conditional approval of the Conditional Use permit to the City Council. The Planning Commission recommends approval (4-0). The proposed conditions of approval are listed below.

### Conditions and Limitations of Approval

1. Must meet NFPA1, NFPA 101 and NFPA 58 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. Parking to be a maximum of 6 vehicles and 1 boat trailer must maintained on the property and not in the ROW at any time.
4. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
5. A unity of Title will be required as part of single-family conversion.
6. All lighting must be contained on the property.
7. Signage is required limiting occupancy and other pertinent vacation rental information as approved by the planning director.



# Attachments: Attachment A: Proposed Site Plan



## Attachment B: Rental Agreement Parking



Rental Agreement for \_\_\_\_\_ (Renter Name) at 574 Sombrero Beach Road, Marathon, FL, 33050.

Dear \_\_\_\_\_ (Renter Name),  
 We look forward to your stay at Bumpa's Big House  
 Address:  
 574 Sombrero Beach Rd  
 Marathon, Florida 33050

Please look over the contract and if you have any questions, please let us know.  
 Thank you!  
 Keys Ocean Vacation Rentals Management Team

Reservation Number: RES-12345

Payment Schedule:

Memo	Status	Due Date	Amount Paid	Amount Due
Reservation Deposit	NOT_PAID	2023-03-02	\$0.00	\$
Booking Deposit	NOT_PAID	2023-04-02	\$0.00	\$
Security Deposit	NOT_PAID	2023-04-02	\$0.00	\$

Booking Charges:

Booking BKG-07069 (7 Nights) - Bumpa's Big House. (10 BR, 12 BA, Max. Occupancy 22)

ARRIVAL	DEPARTURE	DATE BOOKED
Saturday 2022-01-01 - 4:00 PM	Monday 2023-01-03 - 10:00 AM	Friday 2021-11-31

Booking Charges

Rental Charge	\$
CLEAN	\$
BOOKING	\$
Security Deposit	\$
Taxes	\$

VEHICLE(S) Supply license plate number(s). If rental car, please contact our office with the plate information upon your arrival.

There is room for 6 vehicles and 1 boat trailer. Vehicles must be parked in the driveway and are not allowed to be parked on the street.

*Sec. 8-14.7 - Per the city. Vehicles, watercraft, and trailers may be parked on the right-of-way within the limits of the vacation rental unit property lines if it is the common practice of those on the street where the vacation rental is located, and the placement of the vehicle, watercraft, or trailers would not impede the normal and safe flow of traffic on the street. Recreation vehicles shall not be used for sleeping or overnight accommodations at the vacation rental unit.*

Please Read and Initial: \*Initials

- Vehicle 1:
- Vehicle 2:
- Vehicle 3:
- Vehicle 4:
- Vehicle 5:
- Vehicle 6:
- Vehicle 7 OR Trailer:

THE UNDERSIGNED ACKNOWLEDGES HAVING READ THIS AGREEMENT AND  
 HEREBY AGREES TO ITS TERMS:

X  
Signature: \*Click here to sign  
 \_Tuesday, October 10, 2023  
 John Guest Signature and Date

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2023-117**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST FOR A CONDITIONAL USE PERMIT FOR SCOTT EBERT PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED “CONDITIONAL USE PERMITS” FOR UNIFICATION OF TWO RESIDENTIAL UNITS INTO A SINGLE FAMILY RESIDENTIAL UNTIL WITH 11 BEDROOM AND 11 BATHROOMS; LOCATED AT 574 SOMBRERO BEACH ROAD; WHICH IS LEGALLY DESCRIBED AS BLOCK 2 (BOTTOM FLOOR) SOUTHERLY AND NORTHERNLY (TOP FLOOR) PART OF LOT 17, SOMBRERO BEACH VILLAGE BOOT KEY PB5-86, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBER 00355110-000000 AND 00355110-000100, NEAREST MILE MARKER 50**

**WHEREAS**, Scott Ebert, (The “Applicant”) filed an Application on September 14, 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 November 20, 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 two residential units into a single-family residence with eleven bedrooms and eleven bathrooms.

**WHEREAS**, and on the December 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 2023-09 a copy of which is attached hereto as Exhibit “A”, granting a Conditional Use Permit to Scott 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 12<sup>th</sup> DAY OF DECEMBER 2023.**

**THE CITY OF MARATHON, FLORIDA**

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**Robin Still, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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Hillary Palmer, Deputy City Clerk

(City Seal)

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

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Steven T. Williams, City Attorney



**CITY OF MARATHON, FLORIDA  
CONDITIONAL USE  
DEVELOPMENT ORDER # 2023-09**

**A DEVELOPMENT ORDER OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST FOR A CONDITIONAL USE PERMIT FOR SCOTT EBERT PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED “CONDITIONAL USE PERMITS” FOR UNIFICATION OF TWO RESIDENTIAL UNITS INTO A SINGLE FAMILY RESIDENTIAL UNTIL WITH 11 BEDROOM AND 11 BATHROOMS; LOCATED AT 574 SOMBRERO BEACH ROAD; WHICH IS LEGALLY DESCRIBED AS BLOCK 2 (BOTTOM FLOOR) SOUTHERLY AND NORTHERNLY (TOP FLOOR) PART OF LOT 17, SOMBRERO BEACH VILLAGE BOOT KEY PB5-86, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE NUMBER 00355110-000000 AND 00355110-000100, NEAREST MILE MARKER 50**

**WHEREAS**, Scott Ebert (The “Applicant”) filed an Application on September 14, 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 November 20, 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 two residential units into a single-family residence with eleven bedrooms and eleven bathrooms.

**WHEREAS**, and on December 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 two 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 two 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, NFPA 101 and NFPA 58 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. Parking to be a maximum of 6 vehicles and 1 boat trailer must be maintained on the property and not in the ROW at any time.
4. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.
5. A unity of Title will be required as part of single-family conversion.
6. All lighting must be contained on property.
7. Signage is required limiting occupancy and other pertinent vacation rental information as approved by the planning director.

**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 Commerce 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 Commerce. During that forty-five days, the Florida Department of Commerce 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.

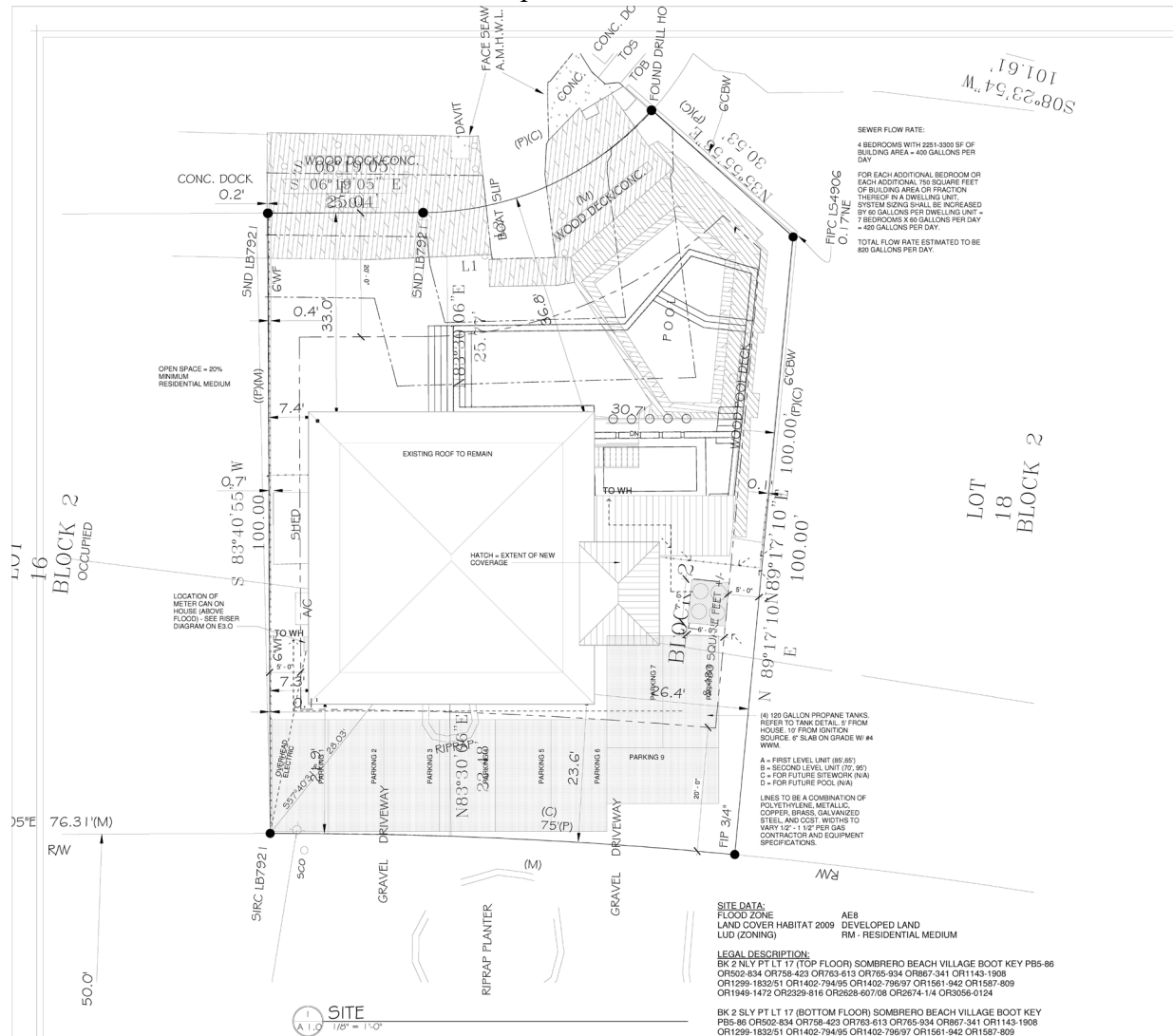
**CERTIFICATE OF SERVICE**

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 December, 2023.

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Diane Clavier City Clerk

# ATTACHMENT A Proposed Site Plan



SEWER FLOW RATE:  
4 BEDROOMS WITH 2251-3203 SF OF BUILDING AREA = 400 GALLONS PER DAY  
FOR EACH ADDITIONAL BEDROOM OR EACH ADDITIONAL 750 SQUARE FEET OF BUILDING AREA OR FRACTION THEREOF IN A DWELLING UNIT, SYSTEM SIZING SHALL BE INCREASED BY 60 GALLONS PER DWELLING UNIT = 7 BEDROOMS X 60 GALLONS PER DAY = 420 GALLONS PER DAY  
TOTAL FLOW RATE ESTIMATED TO BE 820 GALLONS PER DAY.

(4) 120 GALLON PROPANE TANKS. REFER TO TANK DETAIL. 5' FROM HOUSE. 10' FROM IGNITION SOURCE. 8' SLAB ON GRADE W/ #4 W/M.  
A = FIRST LEVEL UNIT (85' 80")  
B = SECOND LEVEL UNIT (75' 80")  
C = FOR FUTURE SITEWORK (IN) A  
D = FOR FUTURE POOL (IN) A  
LINES TO BE A COMBINATION OF POLYETHYLENE METALLIC COPPER BRASS GALVANIZED STEEL AND CCST. WIDTHS TO VARY 1/2" - 1 1/2" PER GAS CONTRACTOR AND EQUIPMENT SPECIFICATIONS.

**SITE DATA:**  
FLOOD ZONE AE8  
LAND COVER HABITAT 2009 DEVELOPED LAND  
LUD (ZONING) RM - RESIDENTIAL MEDIUM

**LEGAL DESCRIPTION:**  
BK 2 NLY PT LT 17 (TOP FLOOR) SOMBRERO BEACH VILLAGE BOOT KEY P85-86 OR502-834 OR758-423 OR763-613 OR765-934 OR867-341 OR1143-1908 OR1299-183251 OR1402-79495 OR1402-79697 OR1561-942 OR1587-809 OR1948-1472 OR2029-818 OR2928-80788 OR2074-114 OR3056-0124  
BK 2 SLY PT LT 17 (BOTTOM FLOOR) SOMBRERO BEACH VILLAGE BOOT KEY P85-86 OR502-834 OR758-423 OR763-613 OR765-934 OR867-341 OR1143-1908 OR1299-183251 OR1402-79495 OR1402-79697 OR1561-942 OR1587-809

**SITE**  
1/8" = 1'-0"