

CITY COUNCIL COMMISSION AGENDA STATEMENT



Meeting Date: June 9, 2026
To: City Council
From: Brian Shea, Planning Director
Through: Steve Williams, Acting City Manager

Agenda Item: Consideration Of A Request By Key Colony Homes, 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 Construction Of A Boat Ramp At The Property Located At 62 Coco Plum Drive, Which Is Legally Described As BK 3 Lots 3 And 4, Coco Plum Beach, Fat Deer Key PB4-166, Marathon, Monroe County, Florida, Having Real Estate Number 00363290-000000, Nearest Mile Marker 54.

APPLICANT/ OWNER: Key Colony Homes, LLC

AGENT: Sean Rempfer

LOCATION: The project is located at 62 Coco Plum Drive, nearest Mile Marker 54.

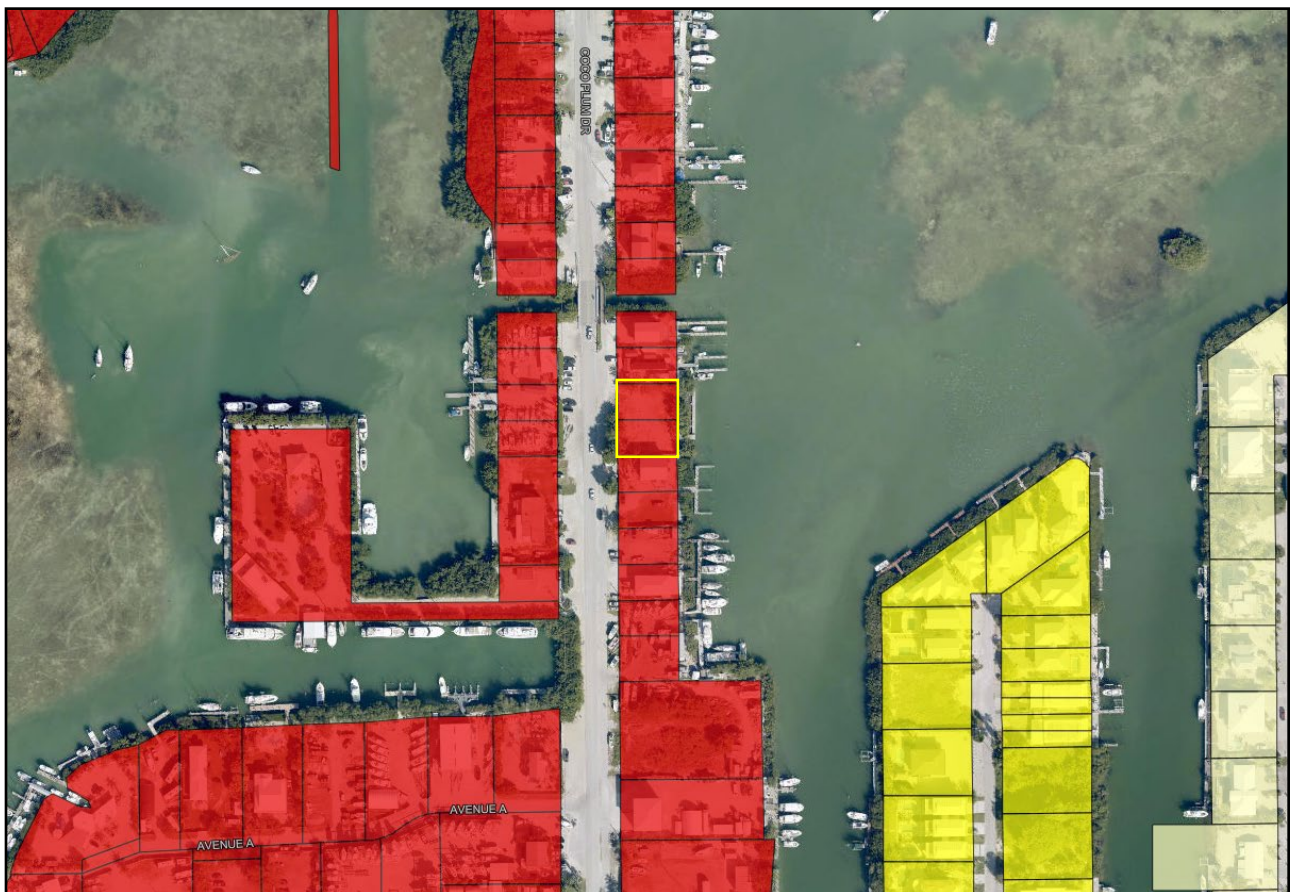
**Figure 1
Project Site**



REQUEST: Conditional Use Approval for the construction of a boat ramp on the subject property.

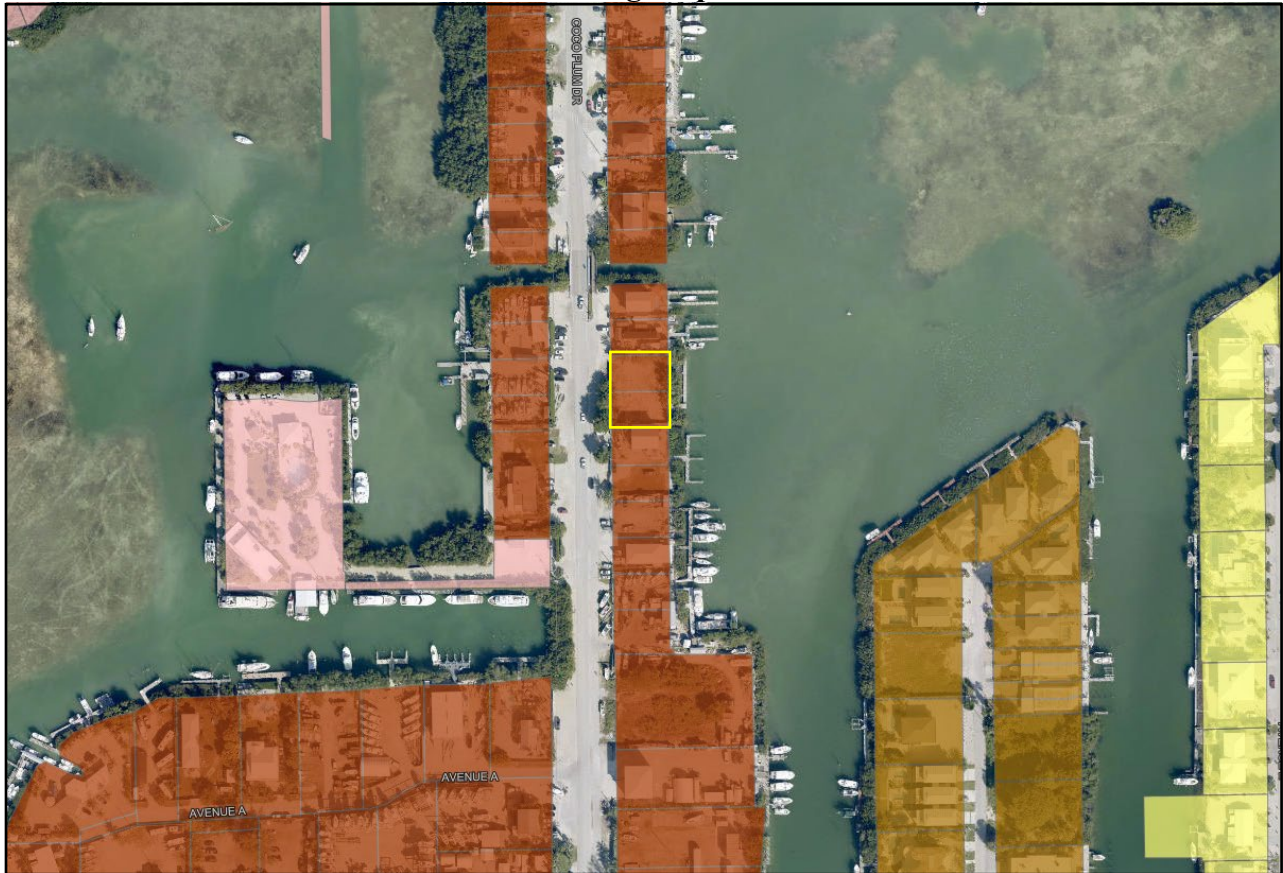
FUTURE LAND USE MAP DESIGNATION:
Mixed-Use Commercial (MU-C). See Figure 2.

Figure 2
Future Land Use Map



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

**Figure 3
Zoning Map**



LOT SIZE:

Total acreage 0.27 acres or 12,000 square feet.

SURROUNDING ZONING AND USES:

	<u><i>Zoning</i></u>	<u><i>Use</i></u>
North	Mixed-Use Maritime (MU-M)	Marine Use
East	N/A	Bonefish Bay
South	Mixed-Use Maritime, (MU-M)	Single-Family Residence
West	Mixed-Use Maritime (MU-M)	Marine Use

and boat slips have previously received approval from the U.S. Army Corps of Engineers and the Florida Department of Environment Protection. This report addresses the Conditional Use Permit application only.

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

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

The criteria for evaluating a Conditional Use Approval are outlined in Chapter 102, Article 13, Conditional Use Permits, in the City of Marathon Land Development Regulations.

CRITERIA

A. The proposed use is consistent with the Comprehensive Plan and LDRs;

The proposed development project is located within the Mixed-Use Maritime (MU-M) Zoning District. Pursuant to Section 103.09, the *“MU-M zoning district is intended to establish areas suitable for uses which are essential to the commercial maritime industry, including sales and service of fishing equipment and supplies, seafood processing, fishing equipment manufacture and treatment, boat storage, restaurants, retail and affordable housing residential uses. The MU district is designated within the Mixed-use Commercial (MUC) future land use category on the Future Land Use Map (FLUM).”*

The proposed project consists of the construction of a boat ramp along with a dock and boat slips to be used in conjunction with the adjacent marina – Key Colony Homes, LLC. Section 103.15 determines whether specific uses are allowed as of right, limited, accessory or conditional uses, through Table 103.15.2. A boat ramp is permitted via a Conditional Use Permit within the MU-M District. The Conditional Use Permit review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

It is staff’s opinion that the request is *in compliance* with the requirements of these sections as it is a Conditional Use within the MU-M District and is surrounded by similar marine related uses.

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 Mixed-Use Commercial (MU-C) FLUM category and the Mixed-Use Maritime (MU-M) Zoning District. As discussed, boat ramps are Conditional Uses within the MU-M District. The project site is also surrounded by MU-M zoned properties. Based on the character of development surrounding the property and the existing zoning pattern in the area, it is staff’s opinion that the proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;

Therefore, it is staff’s opinion that 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 does not adversely affect the health and welfare of the public. The impacts on surrounding properties as a result of the proposed development should be positive.

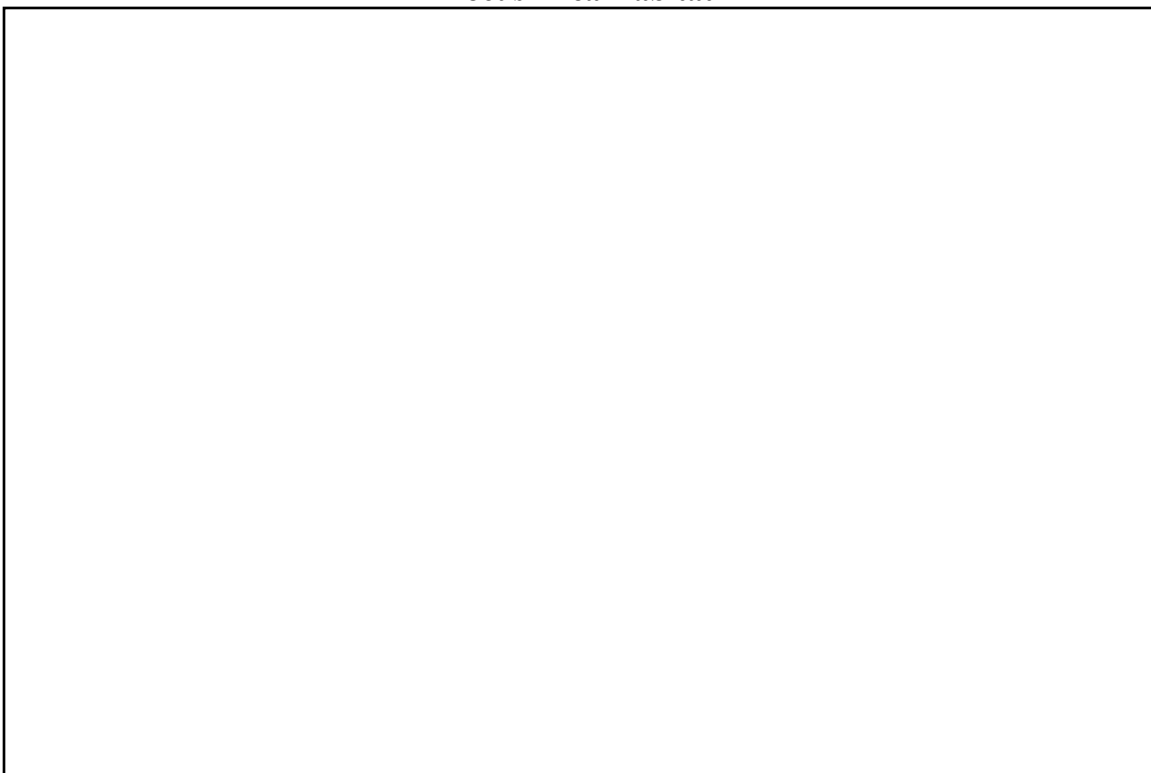
Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Final review of floodplain compliance will occur as part of building permit issuance.

Therefore, it is staff's opinion that the request is *in compliance* with the requirements of these sections, so long as the applicant complies with stormwater requirements.

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 current project site is largely scarified with a mangrove fringe along the eastern property border. The conditions associated with both Federal and State permits related to the project establish adequate and proper protection for existing vegetation. The application and adherence to City Land Development regulation requirements will further protect and improve environmental conditions on site. The existing conditions maps indicate the subject area is designated as Developed Land.

**Figure 5
Focus Area Habitat**





Further improvements to water quality are expected to arise from stormwater improvements to the site, which should provide up-to-date treatment and eliminate any existing discharges to surface waters.

Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. The native vegetation will improve the environmental quality of the site and reduce irrigation needs.

Therefore, it is staff's opinion that the request is in compliance with the requirements of these sections so long as the development is conditioned on compliance with both U.S. Army Corp of Engineers and Florida Department of Environmental Protection, plans subject to approval of the City Biologist and final stormwater plans subject to City approval.

- Native vegetation shall remain intact, except for the area required for the boat ramp.

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 existing driveway on Coco Plum Drive. Section 107.43 requires site triangles where the access drive intersects with the street. Clear

site triangles must be shown on the site plan at time of building permit issuance.

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

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

Parking requirements are outlined in Section 107.46.1 (Parking Schedule). There are no parking standards for a private boat ramp within the City Code. However, parking on site will be adequate to accommodate the number of boat slips proposed in connection with the development of the site. Therefore, it is staff's opinion that 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 project consists of development of a boat ramp within a Mixed-Use Maritime (MU-M) District. No detrimental noise, glare or odors are expected to be generated by the boat ramp, boat slips, or docking facility.

Therefore, it is staff's opinion that 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 and recycling bins be fully enclosed and screened. The improvement of the property will comply with City Land Development Regulations, including the screening of any dumpsters. .

Therefore, it is staff's opinion that 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 wastewater Utilities department for connection requirements. This project will constitute a major expansion, resulting in a de minimus impact.
- Water: The Florida Keys Aqueduct Authority will provide potable water for the facility.
- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards. 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 higher intensity than was contained within the undeveloped vacant land; therefore, a traffic study 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, with conditions, the request is *in compliance* with the requirements of these sections.

- City approval is required for the stormwater management system prior to Building Permit Approval.
- Detail grading plan depicting existing and proposed elevations. All runoff is required to be diverted to the stormwater system with no off-site discharge
- The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

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

Table 107.66 establishes project boundary buffer standards within the City. The project is located within the MU-M District. The property is bordered by parcels to the north and south, which are also located within the MU-M District. To the west, across Coco Plum Drive, is additional property located within the MU-M District. To the east of the project site is Bonfish Bay. No buffers are required in this instance, based on the existing zoning pattern in the area.

All proposed improvements will meet or exceed dimensional requirements within the MU-M District. The site plan meets the navigational and structural requirements for a boat ramp.

Therefore, it is staff's opinion that 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;

Any and all exterior lighting proposed in connection with the boat ramp will be subject to compliance with City Land Development Regulations. Article 107.54 establishes criteria for lighting, including light pole light limitations and other technical criteria. Final lighting plans will be submitted along with final landscaping plans, and will include verification from the landscape architect that all provisions of the article are met.

Therefore, it is staff's opinion that the request is *in compliance* with the requirements of these sections.

8. Required yards and other open space;

Section 106.16 established required open space for the project. The site is scarified; therefore, a

twenty percent open space requirement applies. While subject to further site plan review, the project site is proposed to comply in all respects with applicable open space requirements.

Therefore, it is staff's opinion that the request is *in compliance* with the requirements of these sections.

9. General compatibility with surrounding properties; and

The project of construction of a boat ramp is consistent with the prevailing zoning pattern in the area and compatible with existing maritime-related uses. Adjacent uses include residential and maritime uses adjacent to the waterfront. Construction of a dock, boat slips, and boat ramp is expected to be fully compatible with these uses. The proposed project represents improvement to current conditions and development is expected to increase compatibility with surrounding properties.

Section 104.07 restricts the width of boat ramps, including side slopes to 35'. The site plans show the boat ramp is below 35' wide.

Therefore, it is staff's opinion that 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.

Section 104.07 Boat Ramps contains special requirements.

The following criteria are applicable to this project:

- All boat ramps shall be located and designed so as not to create setback nonconformity for existing structures from the new MHW line created by the boat ramp and all new structures permitted subsequent to boat ramp approval must meet the new setback from MHW.
- All boat ramps shall be confined to shorelines of man-made canals, channels, and basins with little or no native vegetation and shall be located in the least vegetated area of the shoreline.
- The width of boat ramps, including side slopes, shall be limited to 35 feet.
- Boat ramps shall be designed such that all excavation necessary to build the ramp takes place at or landward of the MHW line that exists on the property prior to installation of the ramp.
- A maximum of two accessory docks meeting all docking facility requirements may be allowed.
- Boat ramps without accessory docks must meet the water depth and access criteria for a dock within ten (10) feet of the waterward end of the ramp to allow for a bottom slope.
- Dredging and filling shall be limited to the minimum amount necessary to construct the boat ramp surface, side slopes, walls and mooring or dock pilings.
- All such projects shall require approval by the Florida Department of Environmental Protection or the South Florida Water Management District and by the U.S. Army Corps of Engineers prior to issuance of a City permit.

- Additionally, this section, 104.25 A. 4., contains a requirement for hotel/motel redevelopment to include on- or off- site employee living space as specified below:

Therefore, it is staff's opinion that the request is **in compliance** with the requirements of this section.

CONCLUSION:

The Conditional Use Approval is intended to allow for the integration of certain land uses and structures within the City of Marathon based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety or welfare of the community.

The proposed development consists of construction of a boat ramp for residential use. As such the development, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety or welfare.

RECOMMENDATION:

Planning staff recommends conditional approval of the proposed Conditional Use Permit allowing a boat ramp to be constructed provided that **all conditions are met prior to permit issuance**. The proposed conditions of approval are listed below. Planning commission recommends approval (4-0).

The proposed conditions of approval are listed below.

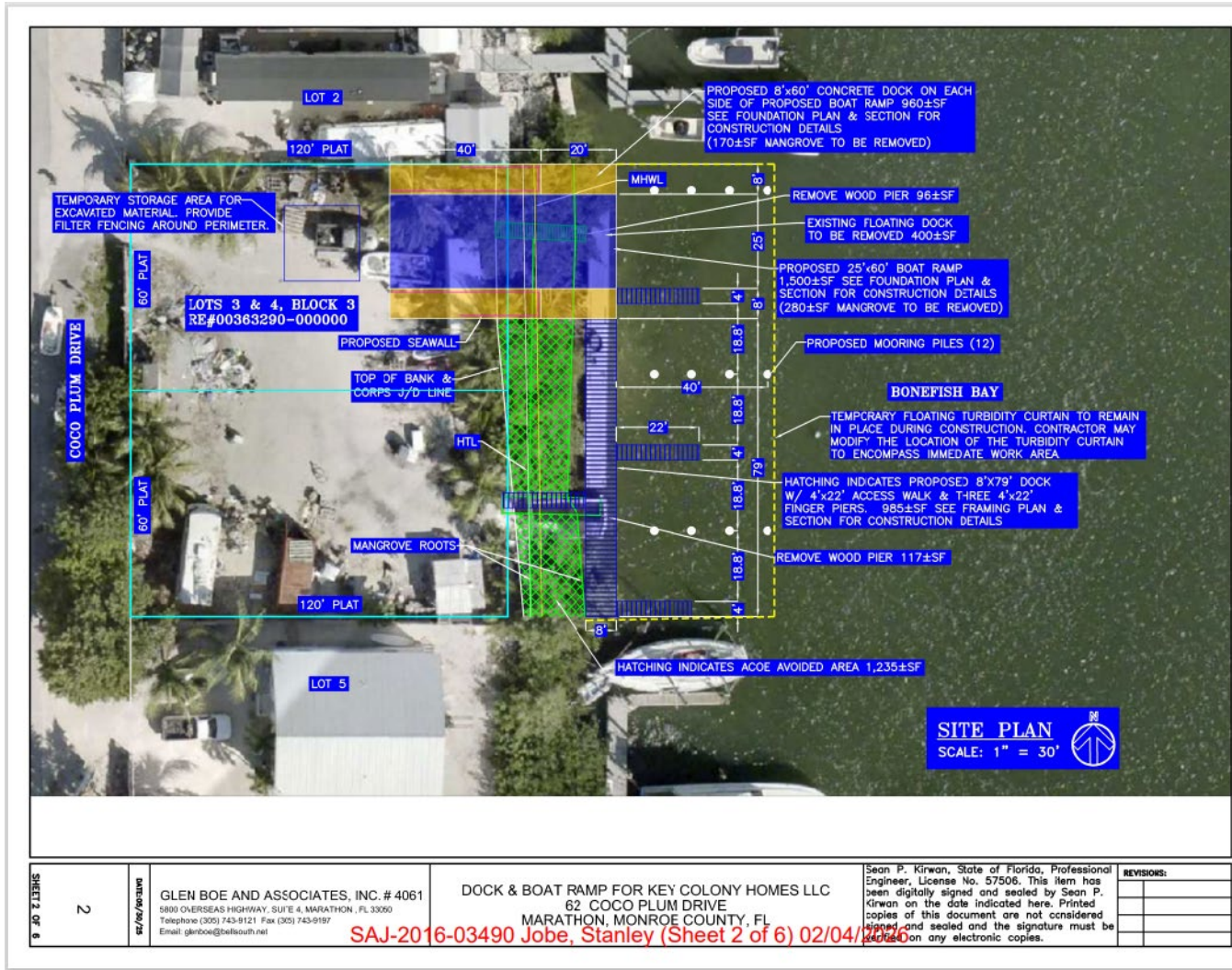
Conditions of Approval

1. Boat ramps shall be located and designed so as not to encroach setbacks.
2. Boat ramps shall be confined to shorelines of man-made canal with little or no native vegetation and shall be located in the least vegetated area of the shoreline.
3. Width of boat ramp, including side slopes, is limited to 35 feet.
4. Boat ramps shall be designed such that all excavation necessary to build the ramp takes place at or landward of the MHW line that exists on the property prior to installation of the ramp.
5. Dredging and filling is limited to the minimum amount necessary to construct the boat ramp surface, side slopes, walls and mooring or dock pilings.
6. If construction of boat ramp is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information posted on site.
7. Native vegetation shall remain intact, except for the area required for the boat ramp.
8. Top of ramp/drain to intercept stormwater.

9. Small swales needed to collect stormwater runoff.
10. Detail grading plan depicting existing and proposed elevations. All runoff is required to be diverted to the stormwater system with no off-site discharge.
11. City approval is required for the stormwater management system prior to Building Permit Approval.
12. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

Attachments:

Attachment: Proposed Site Plan A



SHEET 2 OF 6
2

GLEN BOE AND ASSOCIATES, INC. # 4061
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33060
Telephone (305) 743-9121 Fax (305) 743-9197
Email: glenboe@bellouth.net

DOCK & BOAT RAMP FOR KEY COLONY HOMES LLC
62 COCO PLUM DRIVE
MARATHON, MONROE COUNTY, FL

Sean P. Kirwan, State of Florida, Professional Engineer, License No. 57506. This item has been digitally signed and sealed by Sean P. Kirwan on the date indicated here. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

REVISIONS:

SAJ-2016-03490 Jobe, Stanley (Sheet 2 of 6) 02/04/2016

**CITY OF MARATHON, FLORIDA
RESOLUTION 2026-47**

CONSIDERATION OF A REQUEST BY KEY COLONY HOMES, 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 CONSTRUCTION OF A BOAT RAMP AT THE PROPERTY LOCATED AT 62 COCO PLUM DRIVE, WHICH IS LEGALLY DESCRIBED AS BK 3 LOTS 3 AND 4, COCO PLUM BEACH, FAT DEER KEY PB4-166, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00363290-000000, NEAREST MILE MARKER 54.

WHEREAS, Key Colony Homes, LLC. (The “Applicant”) filed an Application on March 30, 2026, 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 development approval to authorize construction of a boat ramp; 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 of May 2026, 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 June 9, 2026, 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 26-02, a copy of which is attached hereto as Exhibit “A”, granting a Conditional Use Permit to Key Colony Homes,

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 JUNE, 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, 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 26-02**

CONSIDERATION OF A REQUEST BY KEY COLONY HOMES, 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 CONSTRUCTION OF A BOAT RAMP AT THE PROPERTY LOCATED AT 62 COCO PLUM DRIVE, WHICH IS LEGALLY DESCRIBED AS BK 3 LOTS 3 AND 4, COCO PLUM BEACH, FAT DEER KEY PB4-166, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00363290-000000, NEAREST MILE MARKER 54.

WHEREAS, Key Colony Homes, LLC., (The “Applicant”) filed an Application on March 30, 2026, 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 development approval to authorize construction of a boat ramp; 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 May, 2026, 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 of June, 2026, 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 is seeking to construct a boat ramp as an accessory use to an existing marina, and;
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. Boat ramps shall be located and designed so as not to encroach setbacks.
2. Boat ramps shall be confined to shorelines of man-made canal with little or no native vegetation and shall be located in the least vegetated area of the shoreline.
3. Width of boat ramp, including side slopes, is limited to 35 feet.
4. Boat ramps shall be designed such that all excavation necessary to build the ramp takes place at or landward of the MHW line that exists on the property prior to installation of the ramp.
5. Dredging and filling is limited to the minimum amount necessary to construct the boat ramp surface, side slopes, walls and mooring or dock pilings.

6. If construction of boat ramp is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information poster posted on site.
7. Native vegetation shall remain intact, except for the area required for the boat ramp.
8. Top of ramp/drain to intercept stormwater.
9. Small swale needed to collect stormwater runoff.
10. Detail grading plan depicting existing and proposed elevations. All runoff is required to be diverted to the stormwater system with no off-site discharge.
11. City approval is required for the stormwater management system prior to Building Permit Approval.
12. 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 five (5) 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 _____, 2026.

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 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 those 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 ___ day of _____, 2026.

Diane Clavier, City Clerk