

Sponsored by: Hernstadt  
Introduction Date: November 21, 2011  
Public Hearing Dates: December 13, 2011  
Enactment date: January 10, 2012

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2012-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST BY MARATHON VETERINARY HOSPITAL, INC. FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED "CONDITIONAL USE PERMITS", AUTHORIZING THE DEVELOPMENT OF A VETERINARY HOSPITAL FACILITY WITH INDOOR ANIMAL BOARDING AT PROPERTY LOCATED AT 5001 OVERSEAS HIGHWAY, OCEAN, NEAREST MILE MARKER 50, WHICH IS LEGALLY DESCRIBED AS AMENDED PLAT OF MARAMEADE SUBDIVISION, KEY VACA, LOTS 19, 20, 21, 22, 41, AND 42, BLOCK B, SECTION 11, TOWNSHIP 66, RANGE 32, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00324380-000000.**

**WHEREAS**, the purpose of the conditional use process is to provide the general public and the neighboring community with the opportunity to review and comment on proposed development, which may have potential impacts beyond the limits of the project boundaries; and

**WHEREAS**, on the 21<sup>st</sup> day of November, 2011, the City of Marathon (the "City") Planning Commission (the "Commission") and on the 13<sup>th</sup> day of December, 2011, the City Council (the "Council") conducted properly advertised public hearings (the "Public Hearings") regarding the request submitted by Marathon Veterinary Hospital, Inc. (the "Applicant"), for a conditional use permit pursuant to Chapter 102, Article 13 of the City Code (the "Code"); and

**WHEREAS**, review and approval of the proposed project with conditions imposed is consistent with the City of Marathon Comprehensive Plan and Land Development Regulations,

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

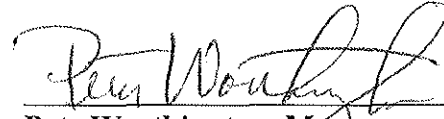
**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** The City Council hereby approves Development Order Number 2011-06, a copy of which is attached hereto as Exhibit "A," granting the request by Marathon Veterinary Hospital, Inc. for a Conditional Use Permit to develop a veterinary hospital facility with indoor animal boarding.

**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 10<sup>th</sup> DAY OF JANUARY, 2012.**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Pete Worthington, Mayor**

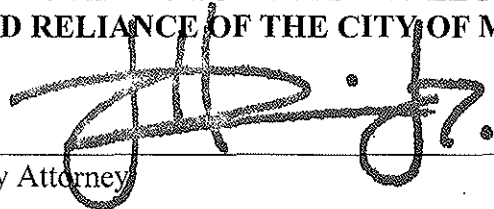
AYES: Cinque, Keating, Ramsay, Snead, Worthington  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
\_\_\_\_\_  
Diane Clavier, City Clerk

(City Seal)

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

  
\_\_\_\_\_  
City Attorney



**CITY OF MARATHON, FLORIDA  
CONDITIONAL USE  
DEVELOPMENT ORDER # 2011-006**

**A DEVELOPMENT ORDER APPROVING THE CONDITIONAL USE APPLICATION SUBMITTED BY MARATHON VETERINARY HOSPITAL, INC. FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS (CODE) ENTITLED “CONDITIONAL USE PERMITS”, AUTHORIZING THE DEVELOPMENT OF A VETERINARY HOSPITAL FACILITY WITH INDOOR ANIMAL BOARDING AT THE PROPERTY LOCATED AT 5001 OVERSEAS HIGHWAY, OCEAN, NEAREST MILE MARKER 50, WHICH IS LEGALLY DESCRIBED AS AMENDED PLAT OF MARAMEADE SUBDIVISION, KEY VACA, LOTS 19, 20, 21, 22, 41, AND 42, BLOCK B, SECTION 11, TOWNSHIP 66, RANGE 32, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00324380-000000.**

**WHEREAS**, Marathon Veterinary Hospital, Inc. is the lessee of the Property and applied for a Conditional Use approval to develop a Veterinary Hospital Facility With Indoor Animal Boarding on property located in the Mixed Use (MU) land use district (the “Application”); and

**WHEREAS**, the Planning Commission (the “Commission”), in accordance with the provisions of Sections 101.02 and 102.75 of the City of Marathon Land Development Regulations, met to review the Application to determine its compliance with the applicable regulations on November 21<sup>st</sup>, 2011; and

**WHEREAS**, the Commission recommended approval of the Application to the City Council (the “Council”), subject to conditions; and

**WHEREAS**, the Marathon City Council (the “City”), in accordance with the provisions of Sections 101.01 and 102.76 of the City of Marathon Land Development Regulations, met to review the Application to determine its compliance with the applicable regulations on December 13<sup>th</sup>, 2011; and

**WHEREAS**, the City has duly considered the recommendation of the Commission, and the information and documentary evidence submitted by Marathon Veterinary Hospital, Inc. and does hereby find and determine as provided below.

**FINDINGS OF FACT:**

1. The applicant is proposing to redevelop a parcel with six thousand (6000) square feet of Commercial Floor Area to include a veterinary hospital facility with indoor animal boarding.

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

**CONDITIONS IMPOSED:**

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

### Conditions of Approval

- 1) The approval shall be for Veterinary Clinic with option for indoor kennel facilities only – No outdoor kennels will be allowed. Any other use other than the approved Veterinary Clinic shall require an amendment to this Conditional Used Development Order.
- 2) The approval shall include an outdoor exercise area enclosed with an 8 ft. concrete block wall and exterior landscape material.
- 3) The applicant shall obtain approval of final landscaping and lighting plans in coordination with the City Biologist prior to building permit issuance;
- 4) The applicant shall provide fire protection plans in accordance with fire protection requirements, specifically to comply with NFPA 150 Standard for Fire and Life Safety in the animal housing facilities
- 5) The applicant shall meet all floodplain related requirements as part of the Building Permit process;
- 6) The applicant shall connect to the City of Marathon Wastewater Treatment Plant #4 and pay any assessments due (or elect an assessment agreement) at time of permitting.
- 7) The applicant shall obtain sign permits for any signs erected on the property, as required under the Code.
- 8) The owner shall address Section 104.63 “Veterinary Clinic or Hospital “of the LDR’s regarding soundproofing and outdoor areas prior to the issuance of a Certificate of Occupancy. This condition shall continue to apply so long as a Veterinary Clinic is operated at this location.
- 9) The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year from the effective date.

### VIOLATION OF CONDITIONS:

The applicant understands and acknowledges that it must comply with all of the terms and conditions herein, and all other applicable requirements of the City or other governmental agencies applicable to the use of the Property. In accordance with the Code, the Council may revoke this approval upon a determination that the Applicant or its successor or designee is in non-compliance with this Resolution or Code. Failure to adhere to the terms and conditions of approval contained herein is a violation of the Code and persons found violating the conditions shall be subject to the penalties prescribed therein.

**CONCLUSIONS OF LAW:**

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

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

**EFFECTIVE DATE:**

This development order shall not take effect for thirty (30) days following the date it is filed with the City Clerk, and during that time, the conditional use approval granted herein shall be subject to appeal as provided in the City Code. An appeal shall stay the effectiveness of this development order until said appeal is resolved.

1/12/2012  
Date

George Garrett  
George Garrett  
Planning Director

This Development Order was filed in the Office of the City Clerk of this 12 day of Jan., 2012.

Diane Clavier  
Diane Clavier, City Clerk