

Sponsored by: Hernstadt  
Introduction Date: December 12, 2011  
Public Hearing Dates: January 10, 2012  
Enactment date: January 24, 2012

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2012-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE REQUEST BY MARATHON MARINA AND BOATYARD, INC. FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS ENTITLED "CONDITIONAL USE PERMITS", AUTHORIZING THE DEVELOPMENT OF A EIGHT-UNIT RV PARK AT PROPERTY LOCATED AT 1021 11<sup>TH</sup> STREET, NEAREST MILE MARKER 48, LEGALLY DESCRIBED AS PENINSULA STREET AND ADJACENT TO LOTS 8, 9, & 10, BLOCK 1 AND LOTS 8, 9 & 10 BLOCK 2, PLAT BOOK 2, PAGE 68, SECTION 08, TOWNSHIP 66, RANGE 32, RIGGS SUBDIVISION, HOG KEY, NEAREST MILE MARKER 48, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00320010-000000; AND PROVIDING FOR AN EFFECTIVE DATE**

**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 that may have potential impacts beyond the limits of the project boundaries; and

**WHEREAS**, on the 12<sup>th</sup> day of December, 2011, the City of Marathon Planning Commission (the "Commission"), and on the 10<sup>th</sup> day of January, 2012, the City of Marathon City Council (the "City") conducted properly advertised public hearings (the "Public Hearings") regarding the request submitted by Marathon Marina and Boatyard (the "Applicant"), for a conditional use permit pursuant to Chapter 102, Article 13 of the Marathon Land Development Regulations (the "LDRs"); and

**WHEREAS**, review and approval of the proposed project with conditions imposed is consistent with the City of Marathon Comprehensive Plan and LDRs.

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

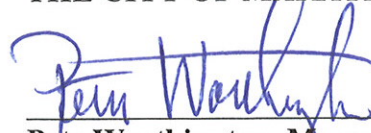
**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** Development Order 2012-001 granting a Conditional Use Permit to the Applicant, a copy of which is attached as Exhibit "A," is hereby approved.

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

**THE CITY OF MARATHON, FLORIDA**

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

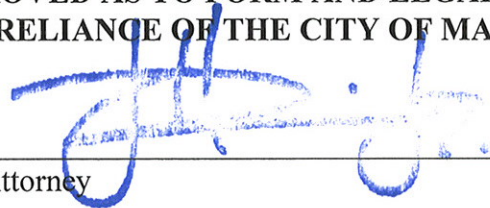
AYES: Cinque, Keating, Ramsay, Snead, Worthington  
NOES: None  
ABSENT: None  
ABSTAIN: None

**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 # 2012-001**

**A DEVELOPMENT ORDER APPROVING THE CONDITIONAL USE APPLICATION SUBMITTED BY MARATHON MARINA AND BOATYARD, INC. FOR A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 102, ARTICLE 13 OF THE CITY OF MARATHON LAND DEVELOPMENT REGULATIONS ENTITLED "CONDITIONAL USE PERMITS", AUTHORIZING THE DEVELOPMENT OF EIGHT-UNIT RV PARK AT PROPERTY LOCATED AT 1021 11<sup>th</sup> STREET, NEAREST MILE MARKER 48, LEGALLY DESCRIBED AS PENINSULA STREET AND ADJACENT TO LOTS 8, 9, & 10, BLOCK 1 AND LOTS 8, 9 & 10 BLOCK 2, PLAT BOOK 2, PAGE 68, SECTION 08, TOWNSHIP 66, RANGE 32, RIGGS SUBDIVISION, HOG KEY, NEAREST MILE MARKER 48, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00320010-000000**

**WHEREAS**, Marathon Marina And Boatyard, Inc. is the owner of the property located at 1021 11<sup>th</sup> Street, nearest mile marker 48 (the "Property") and applied for a Conditional Use approval to develop a Eight-Unit RV Park on property located in the Mixed Use (MU) land use district (the "Application"); and

**WHEREAS**, the City of Marathon Planning Commission (the "Commission"), in accordance with the provisions of Sections 101.02 and 102.75 of the City of Marathon Land Development Regulations (the "LDRs"), met to review the Application to determine its compliance with the applicable regulations on December 12<sup>th</sup>, 2011; and

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

**WHEREAS**, the City, in accordance with the provisions of Sections 101.01 and 102.76 of the LDRs, met on January 10, 2012, to review the Application to determine its compliance with the applicable regulations; and

**WHEREAS**, the Council has duly considered the recommendation of the Commission, and the information and documentary evidence submitted by Marathon Marina And Boatyard, Inc and does hereby find and determine as provided below.

**FINDINGS OF FACT:**

1. The applicant is proposing to redevelop a 39,895 square foot parcel with 7297 sq/ft of existing Commercial Floor Area into a 8 Unit Transient RV Park.

2. In accordance with Section 102.77 of the LDRs, 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 will 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 applicant complying with the following conditions:

1. Obtain approval of final landscaping, to include an “overdense (numbers and height) buffer along the north property line, and lighting plans in coordination with the City Biologist prior to building permit issuance;
2. Provide a NFP 303-compliant standpipe system for docks, and one (1) hydrant to service the Property as required by the City Fire Marshal;
3. Meet all floodplain-related requirements as part of the Building Permit process;
4. Provide engineered plans indicating the connection point to the City’s wastewater utility collection system; connect to same, and pay any assessments or connection fees due, or enter into an assessment agreement prior to obtaining a Certificate of Occupancy;
5. Prominently post signage prohibiting formaldehyde-based chemicals in RV’s from being discharged into wastewater facilities;
6. Connect the Property to the existing on-site stormwater injection well and comply with the 25- year, 72-hour storm drainage requirements;
7. Provide and implement phased plan to close all near-shore outfalls on the adjacent properties and retrofit the adjacent properties (if necessary) to bring them into compliance with the City’s stormwater regulations;
8. Provide handicapped-accessible access to all RV units, with a minimum 44-inch accessible path to adjacent street;
9. Obtain all required sign permits before erecting any signs on the Property, as required under the Code;
10. Obtain a Permit from the Florida Department of Health for a recreational vehicle park and comply with all regulations set forth in Chapter 513, *Florida Statutes* and Chapter 64E-15 of the Florida Administrative Code;
11. Obtain and maintain an annual operating permit from the Florida Department of Health for the public swimming pool;
12. The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year from the effective date of this Development Order.

**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 LDRs and Marathon City 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, the LDRs or the Marathon City Code. Failure to adhere to the terms and conditions of approval contained herein is a violation of the LDRs and Marathon 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 the project will not be detrimental to the community as a whole; and
2. In rendering its decision, as reflected in this Development Order, 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.

1-27-12  
Date

George Garrett  
George Garrett  
Planning Director

This Development Order was filed in the Office of the City Clerk of this 27 day of Jan., 2012.

Diane Clavier  
Diane Clavier, City Clerk