



## CITY COUNCIL AGENDA STATEMENT

**Meeting Date:** March 10, 2026

**To:** Honorable Mayor and Council Members

**From:** Brian Shea, Planning Director

**Agenda Item:** **Resolution 2026-19** Consideration Of A Request By MarineMax East, Inc., 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 Continued Operation Of A Marina With Associated Fuel Sales And Storage At The Property Located At 77 Coco Plum Drive, Which Is Legally Described As Section 5, Township 66, Range 33, On Coco Plum Beach, Including Lots 3, 4, 14, 15, 16 And 17 Of The Unrecorded Plat, Lime Grove Estates, Marathon, Monroe County, Florida, Having Real Estate Number 00100750-001600. Nearest Mile Marker 54.

**APPLICANT/  
OWNER:** MarineMax East, Inc.

**AGENT:** Stephen Tilbrook and Bethany Blakeman (Ackerman, LLP)

**LOCATION:** The project site is located on the west side of Coco Plum Drive approximately 2,320 feet south of Overseas Highway, nearest to mile marker 54. (See Figure 1.)

**REQUEST:** A Conditional Use Approval for continued operation of a marina with accessory fuel storage and sales.

**LOT SIZE:** 74,500 Square feet/1.71 acres (upland)  
Total size: 2.58 acres

**Figure 1  
Project Site**



**SURROUNDING ZONING AND USES:**

**Figure 2 – Zoning**



**Figure 3 – Future Land Use Map (FLUM)**



	<u>Zoning</u>	<u>Use</u>
<b>North</b>	Mixed Use (MU)	White Marlin Marina
<b>East</b>	Mixed Use- Maritime (MU-M)	Marine Warehouse
<b>South</b>	Residential High (RH)	Single-family Residences
<b>West</b>	Mixed Use- Maritime (MU-M)	Vacant

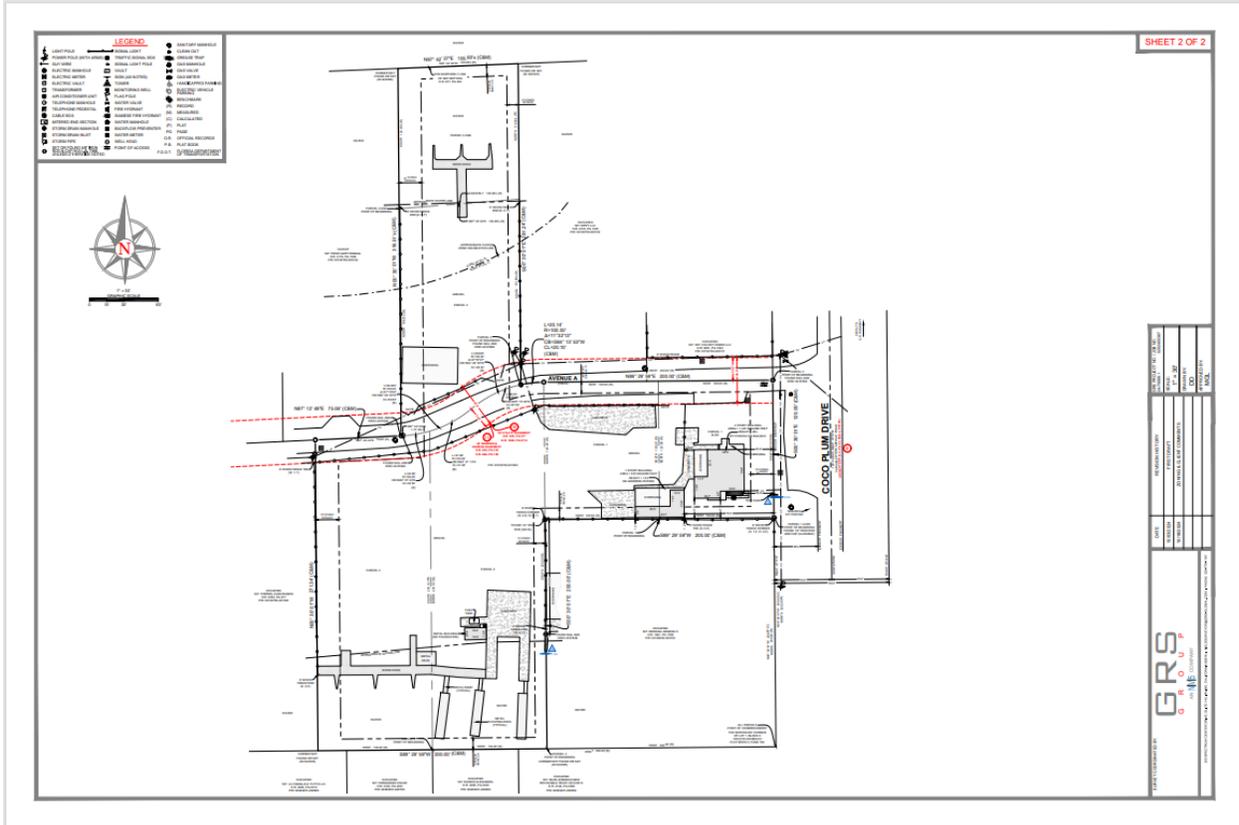
**EXISTING CONDITIONS:**

The project site consists of an existing marina along with accessory fuel storage and sales. The site is zoned Mixed Use-Marine (MU-M) and is located within the Mixed Use Commercial (MU-C) Future Land Use Map (FLUM) Category. (see Figures 2 and 3)

**PROPOSED DEVELOPMENT:**

The applicant is seeking to maintain the current marina and add accessory fuel storage and sales.

**Figure 4  
Existing Site Plan**



**BACKGROUND:**

The use of the site as a marina is a permitted use within the MU-M District pursuant to Section 103.15.1. According to current records and information submitted in connection with the application, the marina use was established via a Conditional Use Permit issued by Monroe County on June 14, 1992 (#7-92). The fuel storage use is currently subject to an after-the-fact permit. Pursuant to City Code Section 103.15.1, fuel sales in a Mixed Use-Marine (MU-M) District is subject to a Conditional Use permit and there is no record of a Conditional Use permit having been issued in connection with the site. Approval of the Conditional Use permit would bring the use of the site into compliance with current code requirements.

**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 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 marina is a permitted use within the MU-M District and the fuel sales and storage operation is also permitted via a Conditional Use Permit within the District. The intensity of development associated with the site is also within the parameters permitted within the Land Development Regulations including the standards contained within Table 103.15.2 – entitled Density, Intensity and Dimensions for Zoning Districts. As the uses on-site are consistent with the existing zoning and the zoning pattern is consistent with the comprehensive plan, the continued operation of the site is consistent with the both the Comprehensive Plan and Land Development Regulations.

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

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

As noted above, the existing marina and accessory fuel use is located within the MU-M District. It is adjacent to other properties to the east and west that are also located within the MU-M District and improved with similar marine-related uses. To the north and south of the subject property are existing canals with high density residential development to the south and a marina use to the north. Finally, it is also noted that the existing marina and fuel use has been in operation for several years with no documented impacts to surrounding uses.

Therefore, 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 site will continue to be maintained in accordance with the requirements of the City’s Land Development Regulation’s including “Specific Use Regulations” contained within Chapter 104, Subsections 104.18 (Fuel Sales) and 104.30 (Marina). Please see below.

**[Sec 104.30] Marina**

Preference shall be given to the expansion of suitable existing facilities rather than new construction. Marinas may be allowed pursuant to Table 103.15.1 and are subject to the following conditions:

A. Marina Siting Criteria.

1. Concept Meeting. The applicant shall schedule and attend a concept meeting with the TRC to review siting criteria, the development approval process and marina operating practices. The following information shall be submitted with the completed application:

- a. Survey of the subject property;
- b. Preliminary site plan;
- c. Written description of size and type of development;
- d. Location map of facility;
- e. Aerial photograph of site;
- f. Site photographs;
- g. Bathymetry survey;
- h. If available, the following information will also be useful at this meeting:
  - (1) Vegetation survey; or
  - (2) Natural Resource Assessment.

2. Review of Applications. Marinas may be subject to the conditional use approval process established in Chapter 102, Article 13. In addition to the docking facility criteria established in Chapter 104, "Waterfront Walkways and Docks", and the requirements of Article 24 "Marina Operating Permit", Chapter 102. The City shall consider, in its review of permit applications under this section, the following criteria. If any of the following questions are answered in the affirmative, the application shall be denied or modified:

- a. Would have a detrimental effect on the use of such waters for navigation, transportation, recreational or other public purposes and public conveniences;
- b. Would restrict the free use of the waterways and navigable waters;
- c. Would have a material adverse effect upon the flow of water or tidal currents in the surrounding waters;
- d. Would have a material adverse effect upon erosion, erosion control, extraordinary storm drainage, shoaling of channels, or would be likely to adversely affect the water quality presently existing in the area or limit progress that is being made toward improvement of water quality in the area;
- e. Would have a material adverse effect upon the natural beauty and recreational advantages of the City;
- f. Would have a material adverse effect upon the conservation of wildlife, marine life, and other natural resources, including shorelines, so as to be contrary to the public interest;
- g. Would have a material adverse effect upon the uplands surrounding or necessarily affected by such plan or development;
- h. Would have a material adverse effect on the community character or safety, health and welfare of the general public; or

i. Are inconsistent with adopted State plans (i.e., manatee protection plans), the City of Marathon Comprehensive Plan, other formally adopted natural resource management plans, or any other City ordinances or regulations.

3. It shall be the burden of the applicant for a permit under this article to provide data and testimony to show the effect of the proposed plan and development on the criteria established in this section.

4. The City shall have the option of requiring the analysis of alternative designs where such alternatives have the potential to reduce environmental impacts or navigational impacts. It shall be the burden of the applicant to prove that alternatives do not result in lesser impacts than the proposed design. An analysis of alternatives may be submitted at the time of application at the option of the applicant.

5. The use of alternative designs, such as the use of multiuse private docks in lieu of single-family private docks, may be required where the assessment of cumulative impacts indicates that such cumulative impacts would violate the general provisions under this Chapter.

#### B. Special Conditions.

1. Prior to the issuance of any permit under this article, special conditions may be imposed for such permit. These conditions should include any item which can be reasonably expected to enhance the probability that the proposed activity will be conducted in compliance with the intent of this article. Those conditions may include, but are not limited to, field inspections by City staff, reports, monitoring, bonding, easements, guaranteed survival of non-affected and/or replanted vegetation, protective barriers, setbacks, protective earthwork, replants, signage, restoration and/or mitigation. Conditions may also be applied in order to assure consistency with the Comprehensive Plan.

2. Prior to the issuance of the Certificate of Occupancy, the marina shall obtain and maintain a Marina Operating Permit, in compliance with all standards of Article 24, Chapter 102.

3. It shall be unlawful for any person to deviate from the specific conditions of the permit as set forth by this article without the prior approval of the City Manager.

#### **[Sec 104.18] Fuel Sales**

Fuel sales may be allowed pursuant to Table 103.15.1 provided that the locations of fuel pump islands and fuel storage tanks meet the standards in this section. Other structures on the premises shall follow the standards for the zoning district. Within the I-M and MU-M districts, fuel sales shall be limited to vessels and other water vehicles.

A. Location of Fuel Pump Islands. Pump islands shall be a minimum of 25 feet from any road right-of-way line, ten (10) feet from any other property line or 12 feet from any building line. Canopies over the pump islands may extend up to ten (10) feet from any property line.

B. Location of Fuel Tanks. Gasoline and fuel storage tanks shall be located a minimum of 20 feet from any property line or building.

Therefore, subject to compliance with the standards associated with Sections 104.18 (Fuel Sales) and Section 104.30 (Marina) along with compliance with any additional conditions imposed by the City Council, 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 parcel is not identified on the Species Focus List and is previously developed.

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. The applicant has submitted preliminary stormwater plans suitable for the Conditional Use Application, and final plans are required prior to building permit issuance.

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 provision of final landscaping and mitigation plans subject to approval of the City Biologist and final stormwater plans subject to City approval.

- A final landscaping plan must be approved prior to permit issuance.
- A final stormwater plan must be submitted prior to permit issuance.

**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;**

The application to maintain the existing marina and accessory fuel sales does not involve any increase in the intensity of the use of the subject site. As noted previously, the site has been in operation for more than twenty (20) years without any documented impacts to surrounding land uses. The applicant will provide improvements to the site in order to improve existing site conditions, to bring the property into greater compliance with current standards, and to mitigate any potential impacts associated with the continued operation of the marina.

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. Parking for the marina and accessory fuel sales are provided below:

Convenience store, with or without fuel sales

Parking Standard – 1 per fueling position for vehicles fueling, plus 2 per working bay, plus 1 per 200 square feet of sales area. In this instance, fueling is limited to boats. No additional space is needed.

Marina

Parking Standard – 1 space per 2 wet slips and 1 space per 5 dry slips

The site maintains a lot area (upland) of approximately 74,500 square feet and has been in operation for more than twenty (20) years with no documented parking shortfalls. Subject to compliance with the above parking requirements adequate parking will be provided to accommodate the ongoing marina operation.

Therefore, with the conditions noted above, 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 subject application involves the continuation of the existing marina use with accessory fuel sales. The marina has previously been the subject of a marina operating plan, which will be updated as a condition of approval. Existing City site development standards along with mitigation measures included with this application will adequately address any potential impacts in the form of noise, glare, or odors.

Therefore, with conditions, 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 site currently has an existing dumpster. Subject to compliance with Section 107.39, potential impacts associated with refuse and service areas are anticipated to be adequately mitigated.

Therefore, subject to appropriate mitigation measures as outlined above, 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 property is currently connected to the City Sewer System. The applicant will provide wastewater and sewage collection and disposal via connecting to City wastewater system. This project should not constitute additional impacts to the City's wastewater system.
- **Water**: The Florida Keys Aqueduct Authority provides potable water for the facility.
- **Solid Waste**: Marathon Garbage Service 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. However, a final stormwater plan will be required for building permit issuance.
- **Recreation and Open Space**: This development will have a de minimis impact on recreation and open space.
- **Roadways**: This development will have a de minimis impact on local roadways.
- **Educational Facilities**: This development will have a de minimis 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.

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

Table 107.66.1 establishes project boundary buffer standards for development throughout the City based on the compatibility of adjacent uses. In this instance, the subject site is surrounded by uses within the MU-M zoning district and a boundary buffer is not required.

Article 107-8 Landscaping, establishes landscaping standards including (1) Site Interior Landscaping (Section 107.65), (2) Parking Area Landscaping (Section 107.66), (3) Foundation Planting Requirements (Section 107.67), and (4) Streetscape Treatment Types (Section 107.71).

The purpose and intent of the City's Landscape requirements is *"to establish minimum standards for the design, layout, installation and continued maintenance of landscaping. The overall character of the landscape of the City development shall be based on the enhancement of the pedestrian quality of the environment through landscape vegetation and the promotion of local*

*and regional qualities through preservation of existing vegetation, use of native species, energy conservation, aesthetics, privacy and the use of Low Impact Development strategies. It is furthermore, the purpose and intent of these regulations to promote energy efficiency and water conservation through the use of site adapted and appropriate, native plants and efficient landscape irrigation systems and watering practices, which may, in turn, result in long-term reductions in the use of fertilizers, pesticides, energy, maintenance, and the associated costs for the citizens of the City.”*

In this instance, the applicant is seeking to “*maintain*” an existing marina and to bring the existing sale of fuel into compliance with the Code through the obtaining of a Conditional Use Permit. It is anticipated that the applicant shall submit a landscape plan which brings the site as closely into compliance with current standards as is practical.

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;**

The application does not involve a request for new signage. Any new signage shall be subject to additional review and shall be considered in connection with existing code requirements.

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

- Any future signs shall be reviewed for compliance with the City of Marathon LDR’s.

**8. Required yards and other open space;**

Section 106.16 establishes required open space for the project. The parcel is considered developed; therefore, a twenty percent open space requirement applies. According to the provided conditional use plan, the property shall maintain a 20% open space.

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

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

The subject parcel is currently improved with a marina and accessory fuel storage and sales. The property is located within the MU-M zoning district and is adjacent to other similarly developed and marine-related uses located within the MU-M District. No additional development is proposed at this time and the existing marina has been in operation since prior to City incorporation with no documented instances of incompatibility. It is anticipated that current development standards and regulatory controls contained within the City Code will mitigate any potential impacts in the future.

Therefore, 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 104.18 of the City Code establishes guidelines for the sale of fuels. Fuel sales may be allowed pursuant to Table 103.15.1 provided that the locations of fuel pump islands and fuel storage tanks meet the standards in this section. Other structures on the premises shall follow the standards for the zoning district. Within the I-M and MU-M districts, fuel sales shall be limited to vessels and other water vehicles.

- Location of Fuel Pump Islands: Pump islands shall be a minimum of 25 feet from any road right-of-way line, ten (10) feet from any other property line or 12 feet from any building line. Canopies over the pump islands may extend up to ten (10) feet from any property line.
- Location of Fuel Tanks: Gasoline and fuel storage tanks shall be located a minimum of 20 feet from any property line or building.

In addition, marinas are regulated pursuant to Section 104.30 of the City Code, which contains the following Special conditions:

- Prior to the issuance of any permit under this article, special conditions may be imposed for such permit. These conditions should include any item which can be reasonably expected to enhance the probability that the proposed activity will be conducted in compliance with the intent of this article. Those conditions may include, but are not limited to, field inspections by City staff, reports, monitoring, bonding, easements, guaranteed survival of non-affected and/or replanted vegetation, protective barriers, setbacks, protective earthwork, replants, signage, restoration and/or mitigation. Conditions may also be applied in order to assure consistency with the Comprehensive Plan.
- Prior to the issuance of the Certificate of Occupancy, the marina shall obtain and maintain a Marina Operating Permit, in compliance with all standards of Article 24, Chapter 102.
- It shall be unlawful for any person to deviate from the specific conditions of the permit as set forth by this article without the prior approval of the City Manager.

Therefore, with the conditions noted above, 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 application involves a request to maintain an existing marina along with the accessory storage and sale of fuel. The application, 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:**

The Planning staff respectfully recommends approval of the Conditional Use Permit to allow for the continued operation of the marina and accessory fuel storage at sales use located at 77 Coco Plum Drive to the Planning Commission. Planning Commission recommended approval of the conditional use (3-0). The proposed conditions of approval are listed below.

### **Conditions of Approval**

1. All conditions of the Fire Marshal must be met prior to permit issuance.
2. A final landscaping plan must be submitted for review and approval prior to permit issuance.
3. A final stormwater plan must be submitted for review and approval prior to permit issuance. The stormwater management plan must meet 25yr-72hr storm event per storm water code Section 107.88.
4. A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
5. Clear sight triangles must be shown on the site plan at time of building permit issuance.
6. A detailed lighting plan must be submitted for review and approval prior to permit issuance.
7. Prior to permit issuance, the dumpster must be shown on site and must be screened. The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
8. The marina shall obtain and maintain a Marina Operating Permit, in compliance with all standards of Article 24, Chapter 102.
9. All future signs will be reviewed and approved for compliance with the City of Marathon LDR's. Prior to permit issuance, the applicant will obtain sign permits for any signs erected on the property, as required under the Code.
10. Parking shall comply in all respects with City requirements.
11. Location of Fuel Pump Islands: Pump islands shall be a minimum of 25 feet from any road right-of-way line, ten (10) feet from any other property line or 12 feet from any building line. Canopies over the pump islands may extend up to ten (10) feet from any property line.
12. Location of Fuel Tanks: Gasoline and fuel storage tanks shall be located a minimum of 20 feet from any property line or building.
13. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2026-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA OF A REQUEST BY MARINEMAX EAST, INC., 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 CONTINUED OPERATION OF A MARINA WITH ASSOCIATED FUEL SALES AND STORAGE AT THE PROPERTY LOCATED AT 77 COCO PLUM DRIVE, WHICH IS LEGALLY DESCRIBED AS SECTION 5, TOWNSHIP 66, RANGE 33, ON COCO PLUM BEACH, INCLUDING LOTS 3, 4, 14, 15, 16 AND 17 OF THE UNRECORDED PLAT, LIME GROVE ESTATES, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00100750-001600. NEAREST MILE MARKER 54.**

**WHEREAS**, MarineMax, Inc. (The “Applicant”) filed an Application on December 30, 2025, 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 maintain an existing marina and to permit accessory fuel storage and sales; 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 23rd day of February 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 March 10, 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 26-01, a copy of which is attached hereto as Exhibit “A”, granting a Conditional Use Permit to MarineMax, East, Inc., 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 10<sup>th</sup> DAY OF MARCH, 2026.**

**THE CITY OF MARATHON, FLORIDA**

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**Lynny Del Gaizo, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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Diane Clavier, 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 Williams, City Attorney

**EXHIBIT “A”  
CITY OF MARATHON, FLORIDA  
CONDITIONAL USE  
DEVELOPMENT ORDER 26-01**

**A DEVELOPMENT ORDER APPROVING A REQUEST BY MARINEMAX EAST, INC., 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 CONTINUED OPERATION OF A MARINA WITH ASSOCIATED FUEL SALES AND STORAGE AT THE PROPERTY LOCATED AT 77 COCO PLUM DRIVE, WHICH IS LEGALLY DESCRIBED AS SECTION 5, TOWNSHIP 66, RANGE 33, ON COCO PLUM BEACH, INCLUDING LOTS 3, 4, 14, 15, 16 AND 17 OF THE UNRECORDED PLAT, LIME GROVE ESTATES, MARATHON, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00100750-001600. NEAREST MILE MARKER 54.**

**WHEREAS**, MarineMax east, Inc., (The “Applicant”) filed an Application on December 30, 2025, 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 maintain a marina with accessory fuel sales and storage; 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 23<sup>rd</sup> day February, 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 10<sup>th</sup> day of March, 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 maintain an existing marina and accessory fuel storage along with a Conditional Use permit for the sale of fuel as an accessory use to the 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. All conditions of the Fire Marshal must be met prior to permit issuance.
2. A final landscaping plan must be submitted for review and approval prior to permit issuance.

3. A final stormwater plan must be submitted for review and approval permit issuance. The stormwater management plan must meet 25yr-72hr storm event per storm water code Section 107.88.
4. A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
5. Clear sight triangles must be shown on the site plan at time of building permit issuance.
6. A detailed lighting plan must be submitted for review and approval prior to permit issuance.
7. Prior to permit issuance, the dumpster must be shown on site and must be screened. The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
8. The marina shall obtain and maintain a Marina Operating Permit, in compliance with all standards of Article 24, Chapter 102.
9. All future signs will be reviewed and approved for compliance with the City of Marathon LDR's. Prior to permit issuance, the applicant will obtain sign permits for any signs erected on the property, as required under the Code;
10. Parking shall comply in all respects with City requirements.
11. Location of Fuel Pump Islands: Pump islands shall be a minimum of 25 feet from any road right-of-way line, ten (10) feet from any other property line or 12 feet from any building line. Canopies over the pump islands may extend up to ten (10) feet from any property line.
12. Location of Fuel Tanks: Gasoline and fuel storage tanks shall be located a minimum of 20 feet from any property line or building.
13. 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