

**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 10th DAY OF MARCH, 2026.

THE CITY OF MARATHON, FLORIDA


Lynny Del Gaizo, Mayor

AYES: Matlock, Landry, Still, Struyf, Del Gaizo
NOES: None
ABSENT: None
ABSTAIN: None

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 26-01**

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 23rd 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 10th 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.

3/11/26

Date



Brian Shea
Director of Planning

This Development Order was filed in the Office of the City Clerk of this 11 day of March, 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 201 East Las Olas Blvd this 12 day of March, 2026.

Suite 1800
Fort Lauderdale, FL 33301



Diane Clavier, City Clerk