Sponsored By: Williams
Planning Commission Public Hearing Date: May 18, 2026
City Council Public Hearing Date: June 9, 2026
July 14, 2026
Enactment Date: July 14, 2026

CITY OF MARATHON, FLORIDA
ORDINANCE 2026-22

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS, CHAPTER 104, "SPECIFIC USE REGULATIONS," ARTICLE 1, "GENERAL PROVISIONS," SECTION 104.64, "WATERFRONT WALKWAYS AND DOCKS:"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT COMMERCE AFTER FINAL ADOPTION BY THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Commerce ("FloridaCommerce"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Land Development Regulations based upon the application submitted by Nathan Bartlett, Charlie Brown, Chad Neller, John Keller, Armand Messina, Melissa Case, Jeff Case, Tania Saldana, Melaney Gomez, Robert T. Childress, Mary Schick, Simone Bologna, Gaetana Bologna, Tommaso Cammarata, Dan Schick, Charles R. Caton, Jennifer Mueller, Kent Loftus, Mary Elwell, & Yens Heredia.; and

WHEREAS, this Ordinance had a hearing before the Planning Commission on May 18, 2026 and a first hearing before the City Council on June 9, 2026 during which both entities, took staff testimony, all public comment, and having duly deliberated, determined that the Ordinance was in the best interest of the public. The Ordinance was noticed for a second hearing on July 14, 2026, at which time, the Ordinance was passed unanimously, and

WHEREAS, the Ordinance was heard on July 14, 2026, passing on that date,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

~~Strikethrough~~ = deletion **bold underline** = addition

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Amend the Land Development Regulations, Chapter 104, "Specific Use Regulations," Article 1, "General Provisions," Section 104.64 Entitle "Waterfront Walkways and Docks" as attached in Exhibit A.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause of phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. The provisions of this Ordinance constitute an amendment to the Land Development Regulations as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the Department of Commerce for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall become effective upon approval by the Florida Department of Commerce pursuant to Chapters 163, 166, and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14th DAY OF JULY 2026.

THE CITY OF MARATHON, FLORIDA

Mayor, Lynny Del Gaizo

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

ATTEST:

Diane Clavier, City Clerk

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

Steven T. Williams, City Attorney

[1]Additions to existing text are shown by underline/red print; deletions are shown as ~~strikethrough~~

[Sec 104.64] Waterfront Walkways And Docks

It is the intent of the Council to protect and enhance the City's bodies of water so that the public may continue to enjoy the traditional recreational uses of those waters such as swimming, boating, and fishing. These uses may be allowed pursuant to Table 103.15.1, subject to the following conditions:

A. *Water Access Structures.* Water access structures such as walkways and observation platforms, not intended for use as a docking facility, are permitted as an accessory use as limited or conditional uses in all zoning districts, subject to the limitations of Article 4, Chapter 106 and the following standards. If the water access structure is part of a larger project required to undergo conditional use approval then the water access structure shall be included in the conditional use review.

    1. Walkways and access ways landward of mean high water, located in habitat types other than those listed in Subsection 2. below, and that serve nonresidential uses or residential uses of more than three (3) dwelling units shall be no greater than eight (8) feet in width, Such walkways that serve all other uses shall not exceed five (5) feet in width.

    2. Except as provided herein, all structures extending over mangrove, wetlands, or submerged lands shall be pile supported and not exceed four (4) feet in width, but may be up to eight (8) feet wide for structures whose purpose serves an educational and/or research function and which is intended to provide for ADA compliance access.

    3. All structures shall be approximately perpendicular to the shoreline. Through the Special Approval process the City may permit a nonperpendicular walkway.

    4. Such structures shall not be used for docking purposes and shall bear signage indicating "No Mooring of Motorized Vessels".

    5. All structures shall be designed to terminate in water no deeper than six (6) inches at MLW or begin the terminal platform no further than ten (10) feet beyond the waterward extent of mangroves.

    6. All structures shall be designed so that the top of the decking, including the terminal platform, must be elevated at least five (5) feet above MHW, except for a ladder or steps that may be added for swimming access only in the absence of seagrasses or hardbottom communities.

7. Where a terminal platform is proposed, such platform shall not exceed 160 square feet, inclusive of any steps or ladder. The terminal platform may include a non-enclosed gazebo that does not exceed 100 square feet in area and the highest portion of the roof shall be no more than 12 feet above the decking or terminal platform level. The terminal platform shall be designed and built in such a manner as to deter or restrict the structure for boating use. Such requirements may include, but are not limited to, double railing, no lower landings, ladders, superelevated decks and signage, etc.

B. *Docking Facilities.* The intent of this section is to address the design and construction of docking facilities extending from land located at or landward of the mean low water (MLW) line. Docking facilities not meeting the definition of a marina are permitted as of right as an accessory use in all zoning districts. Docking facilities meeting the definition of a marina may be allowed as specified in Table 103.14.1, subject to the following criteria:

1. *Generally.*

a. The City, based on the location of natural resources, encourages, and may require, the use of a single mooring facility at apartments, condominiums, zero lot line attached units, and cooperative apartments.

b. Docking facilities are allowed in all zoning districts. Type of use (principal or accessory), approval process, use restrictions and other standards shall be consistent with the zoning and/or lawful existing use of the applicable adjacent upland riparian property that is the subject of the application for development approval.

c. No more than one (1) dock structure can be constructed per single-family residential property under common ownership, provided it complies with the other sections of this article and the provisions of Laws of Florida ch. 311.82(1955).

d. Docks for the joint use of adjacent waterfront property owners may be centered on the extended common property line without being in variance to the setback requirements.

e. Boat lifts shall not be permitted where the installation of such lifts can reasonably be expected to have an adverse

impact on the natural resources in the immediate vicinity of the installation.

f. No building shall be permitted to be constructed over any wetland or submerged waters. Covered boat lifts without side walls may be permitted.

g. Multi-family and commercial docks abutting adjacent waterfront single-family residential property must be set back a minimum of 20 feet from the adjacent waterfront residential property line and riparian line. This requirement may be waived by the Director provided that signed statements of no objection from the affected property owners have been submitted.

h. The permitted structure over water shall not substantially interfere with the riparian rights of other property owners nor substantially obstruct a navigable channel or the navigation rights of other property owners.

i. Except as provided below, no building, equipment, facility or any other type of structure shall be erected, placed, located, or maintained on a dock that extends above the walking surface of the dock:

(1) Pilings, subject to a maximum height limit of eight and one-half (8 1/2) feet above the highest walking surface of the dock when a piling is attached to a boat dock, in all other cases the maximum height limit for a piling shall be eleven and one-half (11 1/2) feet above the mean high water line.

(2) Benches, guard rails~~, fish cleaning tables~~, ladders and equipment lockers which do not exceed a height of four (4) feet above the walking surface of the dock upon which such structures are placed or erected.

(3) Boat lifts adjacent to a boat dock or seawall. No part of the boat lift structure, except boat guides, shall exceed a height of ~~five~~ eight (58) feet, measured from the highest walking surface of the dock or seawall cap.

(4) Pile-mounted davits which do not exceed a height of eight and one-half (8 1/2) feet, measured from the highest walking surface of the dock.

(5) Covered boat lifts over submerged bottoms containing areas of protected living marine resources are prohibited. The maximum height of a covered boat lift is twenty (20) feet above mean high water, as measured from mean high water to the highest point of the covered boat lift.

(6) Fish cleaning tables, whether covered or uncovered, which do not exceed a height of eight (8) feet above the highest walking surface of the dock upon which such structures are placed or erected. Only one (1) fish cleaning table shall be allowed per slip. The maximum length of a fish cleaning table shall be nine and a half (9.5) feet.

2. *Protect Living Marine Resources.* Docking facilities shall not terminate over submerged lands which are vegetated with sea grasses or hard bottom communities, except as may be permitted by the FDEP and ACOE. The dock may be lengthened beyond the below minimum water depth standards only enough to allow the terminal platform to not be located over protected living marine resources, subject to the maximum length standards of this section.

3. *Minimum Water Depth.* Except as otherwise provided within this Ordinance, the siting of docking facilities shall require minimum minus four (-4) feet mean low water (MLW) depth at the terminal end. Where adequate depth at the terminal end of the dock is not available, the dock may be lengthened only enough to allow the centerline of an average width vessel to lie in four (4) feet of water at MLW, subject to the maximum length standards of this section.

4. *Access to Open Water.* The docking facility must have continuous access to open water at depths of minus four (-4) feet or greater over a channel width of 20 feet, or access to open water via a marked, Federal and State approved navigation channel. For the purposes of this requirement, "open water" means the portion of the Straits of Florida, Florida Bay, the Gulf of Mexico or the Atlantic Ocean, which consists of an uninterrupted expanse of water deeper than four (4) feet at MLW and continuous access

means a natural passage or an existing man-made channel no shallower than four (4) feet at MLW and no narrower than 20 feet.

5. *Maximum Length and Maintenance of Navigational Access.*

    a. The permitted length of docks shall be commensurate with the shoreline width of the land parcel at which the dock is located subject to a maximum length of 100 feet waterward from the mean low water line.

    b. The length of docks shall not exceed ten (10%) percent of the width of the water body as measured laterally across the water body from the mean low water line at the proposed dock location to the mean low water line on the opposite shoreline. Where the minimum water depth pursuant to Subsections 3. and 4. of this section cannot be reached, the dock may be lengthened only enough to allow the centerline of the vessel to be located at the required water depth.

    c. Notwithstanding any other part of this section, in no case shall a dock or mooring structure together with a moored vessel preempt more than 25 percent of the navigable portion of a water body thereby creating a significant navigational obstruction.

6. *Dock Orientation and Design.*

    a. All docks shall be approximately perpendicular to the shoreline. Through the Special Approval process the City may permit a nonperpendicular walkway where perpendicular designs are not feasible. Any existing bulkhead or bulkhead approved pursuant to Section 106.36 of Chapter 106 may be improved as a parallel dock by attaching a cantilever or pile-supported extension as needed to reach required water depths and comply with all other standards of this article. Any parallel structure shall not exceed eight (8) feet in width.

    b. Where a continuous mangrove fringe exists along the shoreline, a dock with a walkway perpendicular to the shoreline such as "T" or "L" dock may be permitted. Such structures shall be located to provide access through an existing break or existing trimmed area in the mangrove fringe

or native shoreline vegetation; however, if no such break exists, a walkway, no more than four (4) feet in width, may be cut through the mangrove fringe or native shoreline vegetation. The terminal platform or shore-parallel end of such a "T" or "L" dock must be located entirely outside the mangrove fringe if navigational standards can be met. If they cannot be met, the terminal platform is restricted to 160 square feet in size and no wider than eight (8) feet and the design shall minimize mangrove trimming or removal.

c. Pier type docks may be permitted provided that:

(1) Such structures are oriented approximately perpendicular to the shoreline;

(2) Such structures are located in an existing break in the mangroves or shoreline vegetation; however, if no such break exists, a walkway, no more than four (4) feet in width, may be cut through the mangroves or shoreline vegetation;

(3) If proposed, the terminal platform is no wider than eight (8) feet in dimension and does not exceed a total of 160 square feet in area. The terminal platform may include stairways for swimming access provided that all stairways are contained within the square footage allowed for the terminal platform;

(4) Any docking portions extending over water no shallower than four (4) feet at MLW may be supported by floats.

7. *Lighting.*

a. No dusk to dawn lights are allowed. All dock facility lighting must be able to switch off or on by motion detector, or be activated by a three-way switch.

b. Lights limited to one (1) on the terminal platform and one (1) on the landward end of the dock or pier, and one (1) every 100 feet between the terminal platform and the landward end of the dock, except where a hardship exists.

c. All lights must be downward directed and have adequate shielding to prevent light trespass and minimize light pollution from light scatter.

d. The type and location of lighting fixtures must be included on the diagram of the dock or pier and submitted with permit application.

e. All docks shall have amber colored night time reflectors set at a minimum of one (1) at each side in the middle and one (1) at each side of the terminal end.

f. Lighting shall not exceed a height of six (6) feet, measured from the highest walking surface of the dock for the Protection of Sea Turtles.

8. *Navigation Hazard Reductions.* All docks with boat lifts, davits or similar lifting mechanisms shall provide cleats, rings, or similar features that can be used to tie down the vessel when it is out of the water in order to stabilize the vessel during high wind.

    a. *Other Agency Permits Required.* All applicable federal, state and water management district permits are received before the issuance of a building permit.

    b. *Impact on Natural Systems.* A dock shall not be detrimental to the continued functioning of natural systems, including aquatic vegetation.

    c. *Removal of Regulated Trees.* Removal of regulated trees, shall comply with Article 2, Trees and Native Vegetation, of Chapter 106, and shall be the minimum necessary to facilitate construction of a dock.

    d. *Marine Turtle Nesting Area Special Requirements.* No development other than pile supported docks and walkways designed to minimize adverse impacts on marine turtles shall be allowed within 50 feet of any portion of any beach berm complex which is known to be or is potential nesting area for marine turtles.

        (1) The 50-foot setback shall be measured from either the landward toe of the most landward beach berm or from 50

feet landward of MHW, whichever results in the greater setback distance, but the maximum total setback shall be 100 feet from MHW.

(2) Within known or potential nesting areas for marine turtles, as determined by the City Biologist, the U.S. Fish and Wildlife Service, and/or other appropriate agencies, the City Biologist may, in cooperation with other appropriate agencies, determine that specific segments of shorelines have been previously, lawfully altered to such a degree that suitable nesting habitat for marine turtles is not longer present. In such case, the City Biologist in cooperation with the FDEP may recommend reasonable measures to restore the nesting habitat. If such measure is not feasible, the specific requirements of this subsection do not apply. Restoration of suitable nesting habitat shall be required for unlawfully altered beaches.

(3) Any such dock or walkway shall be designed to the following criteria to minimize adverse impacts on marine turtles.

(A) The structure shall have a minimum horizontal distance of four (4) feet between pilings or other upright members.

(B) The structure shall have a minimum clearance of two (2) feet above grade.

(C) If stairs or a ramp with less than the minimum two (2) feet clearance above grade is required, such stairs or ramp shall be enclosed with vertical barriers no more than two (2) inches apart.

(D) All outdoor and indoor artificial lighting complies with applicable sections of the City Code, Protection of Sea Turtles.

9. *Special Exceptions and Approvals.* A special approval may be granted for variances to the standards in Subsections 5. and 6. only of this Section subject to the following guidelines and procedures:

a. The City Manager or his designee may approve exceptions to the standards in Subsection B.5. "Maximum Length and Maintenance of Navigational Access" subject to the following limitations and required findings:

(1) A dock length exceeding the standards in Subsection (e) of this Section may only be approved for the purpose of complying with minimum water depth requirements of Subsection (c) of this Section;

(2) In no case shall any dock be approved that violates Subsection B.5. of this Section that prohibits significant obstruction of navigational access;

(3) Exceptions shall not be available for properties on beaches that serve as potential or known marine turtle nesting habitat, including, but not limited to; the oceanfront shoreline of Grassy Key;

(4) Such special exceptions shall only be granted based on a written determination that, among other criteria, the proposed dock will not be inconsistent with community character, will not interfere with public recreational uses in or on adjacent waters, and will pose no navigational or safety hazard;

(5) At least 30 calendar days prior to the issuance of a City permit under such a special exception, the City Manager shall ensure that shoreline property owners within 300 feet of the subject parcel are notified by regular mail of the proposed special exception in order to allow an opportunity for appeal.

10. *After-the-Fact Dock Permits.* Any person who undertakes to construct a dock without obtaining the required permit from the City shall have 30 days from the date of written notice from the City to file an application for an after-the-fact permit, or to remove the unpermitted structure. Such after-the-fact application must comply with all the terms and conditions of this article.

11. *Disrepaired or Dilapidated Docks.* If any dock constructed under this article or continued in existence under this article falls into disrepair so

as to become a dangerous structure involving risks to the safety and well-being of the community or individual members thereof, such structure must either be removed or repaired so as to conform with the requirements of this article. Upon determination by the City or its designated representative that any dock has become a dangerous structure, written notice thereof shall be given by registered/certified mail or personal service to the owner of record of the riparian upland property. Such party so informed shall have 30 days from the date of the notice within which to secure the area and respond to the City indicating the intent regarding the dilapidated structure. Such party shall have an additional 60 days to remove the structure or apply for a permit to repair such structure to conform to the requirements of this article. The entire structure must be brought into conformance with the requirements of this article.

12. *Application Information.*

    a. All applications under this article are to be filed in accordance with Article 2, Chapter 102, "Common Development Application Elements". Processing fees shall be paid at the time of application.

    b. Prior to the issuance of a permit under this article, the applicant must show that the proposed activity is consistent with the City Comprehensive Plan.

    c. Prior to a final determination on an application under this article, the applicant may be requested to supply any other information necessary to promote a thorough review of a permit application.

    d. All applications under this article must include a statement outlining the intended use of the project facility.

13. *Single-Family Dock Application Information.*

    a. Adequate water depth at the slip and to navigable waters must be evidenced on applications for the expansion of existing dock facilities or the creation of new dock facilities.

    b. In addition to the requirements of Article 2, Chapter 102, "Common Development Application Elements", the following

information is required for applications for single family dock permits:

(1) The application form adopted by the City, properly filled out and signed.

(2) A detailed statement describing the upland land use and activities.

(3) Satisfactory evidence of title or extent of interest of the applicant to the riparian upland ownership or submerged ownership with a copy of the trustee's deed in chain of title.

(4) A copy of the State Department of Environmental Protection permit or South Florida Water Management District permit, where applicable.

(5) A copy of the U.S. Army Corps of Engineers permit, where applicable.

(6) An affidavit attesting to the dates any existing structures were built, and a copy of any prior authorization or permit for the structures, where applicable.

(7) Permit sketches clearly depicting the proposed project. The sketches and application package must include the following:

    (A) Drawings of the proposed project drawn to an appropriate scale showing plan view and representative cross section view(s).

    (B) The drawings must clearly show the following:

        (a) Name of waterway.

        (b) North arrow and graphic scale.

        (c) Existing shoreline, and the apparent mean high water line.

        (d) Sufficient water depths in the affected areas.

        (e) Locations of existing structures.

        (f) Linear footage of riparian shoreline.

(g) All drawings and legal descriptions pertaining to proof of ownership submitted as part of an application for a permit from the City must contain the required signature and seal of a registered professional land surveyor in accordance with Fla. Stat. 472.031(1).

(h) Location of the proposed activity, including half section, township, range, affected water body, vicinity map, and legal description (lot, block and subchapter or parcel real estate number.

14. *Multi-Family Dock Application Information.* The following information is required for applications for multi-family docks:

    a. All information required for single-family docks.

    b. Except for applications for tie piling and previously approved lifts, all applications for multi-family docks shall have the signature and seal of a state registered professional engineer affixed to the plans submitted for approval.

    c. Information shall be submitted, prepared by a state registered civil engineer, attesting to the fact that adequate flushing exists and that the project will not cause stagnation or water quality degradation.

    d. The following additional information is required:

        (1) A detailed statement describing the proposed activity and how it affects the Waters of the City.

        (2) A completed copy of the disclosure form provided by the City.

15. *Commercial Dock Application Information.* The following information is required for applications for commercial docks. If the commercial dock meets the definition of a marina, standards for marinas shall apply:

    a. All information required for single-family docks and multi-family docks.

    b. An approved hurricane preparedness plan.

c. Any other information deemed necessary by the Director to meet the criteria of this article.

16. *Minimum Construction Specifications.* All waterfront construction such as docks, piers, seawalls, or revetments shall be planned and designed by a professional engineer in accordance with the LDRs and the applicable standards of the City.