



CITY COUNCIL AGENDA STATEMENT

Meeting Date: March 10, 2026

To: Honorable Mayor Senmartin and Council Members

From: Brian Shea, Planning Director

Through: George Garrett, City Manager

Agenda Item: **Ordinance 2026-01** Of The City Of Marathon, Florida, Amending Chapter 6 “Buildings And Building Regulations”, Article 2 “Building Code”, Sec. 6-54 “Application Procedure For Permits Under Allocation System” Of The Code Of Ordinances; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; And Providing For An Effective Date.

BACKGROUND:

The City Planning Department is removing outdated references to the State Land Planning Agency within the Comprehensive Plan, Land Development Regulations, and Code of Ordinances to be consistent with State Statute. There exists a reference in the code of ordinances to the Florida Department of Community Affairs, which has not existed since 2013. Staff is recommending using the standard language of “State Land Planning Agency” to avoid having to update the code in the future should the current iteration (Florida Department of Commerce) be rebranded again.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u> X </u>	<u> </u>

FISCAL NOTE:

NA

APPROVED BY FINANCE DIRECTOR:

RECOMMENDATION:

Approval of Ordinance 2026-01.

Sponsored by: Garrett
Introduction Date: March 10, 2026
Public Hearing Dates: March 10, 2026
April 14, 2026
Enactment Date: April 14, 2026

CITY OF MARATHON, FLORIDA
ORDINANCE 2026-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 6 “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE 2 “BUILDING CODE”, SEC. 6-54 “APPLICATION PROCEDURE FOR PERMITS UNDER ALLOCATION SYSTEM” OF THE CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City of Marathon City Council to amend its current code of ordinances to reflect the change from DCA to Florida Commerce by simplifying to the statutory definition of “State Land Planning Agency”; and

WHEREAS, the City Council publicly considered the amendments to the Code of Ordinances as set forth in this Ordinance (the “Amendment”) at a properly noticed public hearings and finds the adoption of the Amendment, in the form attached hereto, is in the best interest of the City and complies with applicable State laws and rules.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The Code of the City of Marathon, Florida is hereby amended as Exhibit A attached.

Section 3. Conflict. The Provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or 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 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Marathon

~~Strikethrough~~ = deletion underline = addition

Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “Section” or other appropriate word.

Section 7. Effective Date. This Ordinance shall be effective immediately .

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14th DAY OF APRIL 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

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:

Steven Williams, City Attorney

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Sec 6-54 Application Procedure For Permits Under Allocation System

1. *Permitted, but unpaid.* If the permit is ready, but not paid for and not picked up and the applicant has a valid allocation award in accordance with the Dwelling Unit Allocation Ordinance or other building permit allocation system adopted by the City in the future the procedure is as follows:
 1. The Building Department office shall notify the permit applicant that the permit is ready to be issued (the "ready permit") and must be picked up within 60 days after notification.
 2. Notification shall be by certified mail to the name and address given by the applicant on the application. Proof of mailing to the correct name and address as listed on the application shall be considered correct and shall constitute adequate notice to the applicant that the applicant has not picked up the ready permit within 60 days from the date of mailing; then both the application and ready permit shall automatically expire. The application fee and total permit fee already paid shall not be refunded. Upon expiration, any further activity shall require a new application, along with all appropriate deposit fees and any other application review, as well as a valid allocation award in accordance with the Dwelling Unit Allocation Ordinance or other building permit allocation system adopted by the City in the future.
2. *Paid permit; work not started.* Once the permit is paid for and picked up but work has not started and the applicant has a valid allocation award in accordance with the Dwelling Unit Allocation Ordinance or other building permit allocation system adopted by the City in the future the procedure is as follows:
 1. After the new permit has been paid for and picked up in a timely fashion (see Subsection (c) of this section), the permit holder must await approval to proceed from the State Land Planning Agency (or reach the effective date of the permit) and then must commence the work, with approved inspections pursuant to the permit requirements, or by means of an approved temporary electrical inspection.
 2. In the event that the work outlined on in the permit has not begun within 180 days from the date the permit was issued, the permit shall automatically expire. The application fee and total permit fee already paid shall not be refunded. Upon expiration, any further activity shall require a new application along with all appropriate deposits and any other application review fees, as well as a valid allocation award in accordance with the Dwelling Unit

Allocation Ordinance or other building permit allocation system adopted by the City in the future.

3. *Permit paid for, picked up and work started.*

1. Any valid permit, for which construction has commenced, must progress in a timely fashion. The only method by which timely valid progress of authorized work may be shown is through the Building Department's having performed and approved an inspection within 180 days measured from either of:
 1. As to the initial inspection, the date work was required to begin; or
 2. As to inspections subsequent to the initial inspection, from the date of the last approved inspection.

Those inspections, as amended from time to time, may include, but shall not be limited to, any auger/auger cap, piling/piling cap, grade beam/slab, columns/tie beams, slab/wood floor, roof trusses/sheathing, final roofing, A/C ductwork, total rough plumbing, total rough electrical, framing, insulation/drywall, final mechanical, final plumbing, final electrical and final building.

2. Any permit whose progress fails to meet the "required inspection within 180 days" requirement shall automatically expire, and any further activity shall require a new application, appropriate deposits and any other application review fees, and a valid allocation award in accordance with the Dwelling Unit Allocation Ordinance or other building permit allocation system adopted by the City in the future.
3. Any expired permit that is reinstated in accordance with the provisions of this chapter will be subject to the edition of the Florida Building Code that is in effect at the time the reinstated permit is issued, and all work in place and all work required to complete the structure must meet all applicable regulations in effect at the time the expired permit is reinstated.

4. *Commencement of work or development.*

1. As used in this chapter, commencement of work or development shall entail:
 1. Receipt of a building permit and first inspection approval; or
 2. The initiation of significant site improvements such that the improvements would only permit the development authorized by the building permit of the approved project, and any other pattern of

development would require extensive changes to the installed improvement.

2. Commencement of work or development shall not consist of:
 1. The dividing of land into parcels;
 2. Demolition of a structure;
 3. Deposit of refuse, solid or liquid waste, or fill on the parcel, unless the building permit is exclusively and specifically for such; or
 4. The clearing of land.
5. *Final exterior inspection.* As used in this section, the term "final exterior inspection" means completion of all work related to the exterior footprint of the structure, including, but not limited to, all exterior finishes, enclosures, porches, patios, screened areas, walkways, driveways, landscaping, or stormwater management. In order to obtain an approved final exterior inspection, every aspect of permitted exterior work shall be completed and approved in accordance with the permit drawings.
6. *Variances to time limitations.*
 1. The Building Official may grant a one-time, 90-day administrative extension of any time limitations set forth in this section, provided that the permit holder has not previously deferred acceptance of the allocation award of the building permit subject to the extension under section 107.04 C.1. of the Marathon Land Development Regulations.
 2. In addition, the City Manager, or designee, may grant a variance to the time limitations set forth herein upon a demonstration and finding that the enforcement of this section would constitute a severe and undue hardship upon the permit holder. The applicant has the burden of demonstrating that the enforcement of this section would constitute a severe and undue hardship. Severe and undue hardship may include, but is not limited to the following:
 1. Death or incapacity of an owner or immediate family member of the owner;
 2. Destruction of the permitted improvements, of no less than 50 percent of the value of the permitted improvements, by an act of God or hazard (e.g., fire, windstorm, flood); or

3. Work stoppage due to bankruptcy, or bona fide financial hardship as determined by the City Manager or his designee, of an owner or construction lender or due to an order issued by a government agency, when the order did not result from the owner or builder's violation of a law, code, regulations, or conditions set forth in the development order.

The relief granted under this subsection shall be limited to a time extension not to exceed 90 days and shall be further limited to the minimum extension necessary to obviate the demonstrated hardship.

Any variance request made under this subsection shall be accompanied by a nonrefundable fee of \$250.00.

3. If the City Manager, or designee, does not grant a variance, or if such a variance is granted, but the applicant seeks a further variance due to a severe and undue hardship, then the applicant may apply for a variance from City Council. The applicant has the burden of demonstrating that the enforcement of this section would constitute a severe and undue hardship. Severe and undue hardship may include, but is not limited to, the following:
 1. Death or incapacity of an owner or immediate family member of the owner;
 2. Destruction of the permitted improvements, of no less than 50 percent of the value of the permitted improvements, by an act of God or hazard (e.g., fire, windstorm, flood); or
 3. Work stoppage due to bankruptcy, or bona fide financial hardship as determined by the City Manager or his designee, of an owner or construction lender or due to an order issued by a government agency, when the order did not result from the owner or builder's violation of a law, code, regulations, or conditions set forth in the development order.

The relief granted under this subsection shall be limited to a time extension not to exceed 90 days and shall be further limited to the minimum extension necessary to obviate the demonstrated hardship. If City Council grants a variance, it may, in its sole discretion, require the permit holder to immediately pay a deposit to the City in the amount of ten (10) percent of the most recent total market value of the parcel, as determined by data from the Monroe County Property Appraiser. The variance shall not be effective until the deposit has

been paid. The variance shall be held in a non-interest-bearing escrow account. If a certificate of occupancy is not issued by the date the variance expires, then the deposit shall be forfeited to the City. The discretionary deposit requirement shall not apply to any permits that are issued under the market rate owner-occupied allocation pool provided for in the City's Land Development Regulations.

Any variance request made under this subsection shall be accompanied by a nonrefundable fee of \$250.00. If a variance issued under this subsection includes the requirement of a ten (10) percent deposit and such deposit is not paid within 15 days, then the variance shall become null and void.