

Sponsored by: Garrett
Introduction Date: February 23, 2026
Public Hearing Dates: March 10, 2026
April 14, 2026
Enactment Date: April 14, 2026

**CITY OF MARATHON, FLORIDA
ORDINANCE 2026-17**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 103 “ZONING DISTRICTS”, ARTICLE 3 “USE AND INTENSITY TABLES”, TABLES 103.15.1 “USES BY ZONING DISTRICT” AND 103.15.2 “DENSITY, INTENSITY AND DIMENSIONS FOR ZONING DISTRICTS”; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE DEPARTMENT OF COMMERCE IN ACCORDANCE WITH STATE LAW.

WHEREAS, the City Council (the “Council”) enacted its Comprehensive Plan on July 5, 2005, and its Land Development Regulations (LDRs) on November 7, 2007; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, provides for comprehensive plan implementation through the enactment of certain ordinances; and

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

WHEREAS, pursuant to Section 163.3174 and 166.041, *Florida Statutes*, and Section 102, Article 7 of the Marathon Code, the City’s Planning Commission sitting as the Local Planning Agency on February 23rd, 2026 publicly considered the amendments to Land Development Regulations set forth in this Ordinance (the “Amendment”) at a properly noticed public hearing and recommended to the City Council the adoption of the Amendment; and

WHEREAS, the City Council publicly considered the amendments to Land Development Regulations set forth in this Ordinance (the “Amendment”) at a properly noticed public hearing 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:

~~Strikethrough~~ = deletion underline = addition

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 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 6. Land Development Regulations. The provisions of this Ordinance constitute a “land development regulation” as state law defines that term. Accordingly, the City Clerk is authorized and directed to forward a copy of this Ordinance to the State Department of Commerce for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 7. Effective Date. This Ordinance shall be effective immediately upon approval by the State Department of Commerce pursuant to Chapter 380, Florida Statutes.

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:

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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 103.15 Standards

- A. *Uses.* Certain uses, whether permitted as of right, limited, accessory or conditional uses may affect adjacent properties, the neighborhood, or community, even if the site planning and development standards of the applicable zoning district are satisfied. Uses in bold on Table 103.15.1 have special criteria contained in [Article 1 of Chapter 104 "Specific Use Regulations"](#), which are intended to mitigate potential problems and hazards, and to ensure consistency with the Plan.
- B. *Zoning Districts.* The density, intensity, setbacks, and dimensional standards relative to each parcel are subject to the limitations of the zoning district as reflected in Tables 103.15.1 and 103.15.2.

Table 103.15.1
Uses by Zoning District

Uses in bold have specific conditions listed in Chapter 104																
ZONING DISTRICT	C-N A	C-OI	R-L- C	R-L	R-M	R-M- 1	R-M- 2	R-M- H	R-H	M-U	M-U- M*	I-G	I-M *	A	P	P R
Accessory buildings and accessory uses****			P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Business / Professional Office											A	A	A			
Adult day care — Section 104.02			C	C	C	C	C	C	C	C						
Adult uses including product sales and entertainment — Section 104.51												C				
Affordable Housing Unit Section 104.03	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Airport public uses < 5,000 square feet Section 104.04															P	
Airport public uses > 5,000 square feet Section 104.04															C	
Alcohol Beverage Section 104.05										L	L	L	L			
Amusement or Sea life parks										C	C		C		C	
Artisan and photography studios and galleries										P	P					
Auto, RV, and truck storage										C		C	C	C		

Bars and taverns Section 104.06												C	C	C	C			
Beekeeping****	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Boardwalk/Observation Platform — Section 104.64	A	A	A	A	A	A	A	A	A	A	A	A		A		P	P	
Boat Ramp — Section 104.07					C	C	C	C	C	C	C	C	C			C	C	
Boat storage + 10 units, Dry — Section 104.08												C	P	P		P		
Boat storage + 10 units, wet — Section 104.08												C	P	P		P		
Boat storage < 10 units, dry — Section 104.08												C	P	P	P		P	
Boat storage < 10 units, wet — Section 104.08												C	P	P	P			
Boat Yard — Section 104.09													C		P			
Boat/ship dockage (noncommercial) 10+ slips — Section 104.08									A	A								
Boat/ship (commercial) dockage or charter Section 104.08												A	A	A	A		C	C
Boat/ship dockage (noncommercial) + 100' in length: 1-9 slips — Section 104.08	L	L	L	L	L	L	L	L	L	L								
Boat/ship dockage (noncommercial) up to 100' in length: 1-9 slips Section 104.08	A	A	A	A	A	A	A	A	A	A								
Bowling alley												C						
Broadcasting or Communications Tower Section 104.10	C	C										C	C	C	C	C	P	
C & D Debris Transfer Facility — Section 104.13.1														C				
Campground — Section 104.11												C					C	C
Car wash												C						
Cemeteries												C						
Child care center Section 104.12										C	C							

Mobile Home: New Placement— Section 104.34										P	C								
Mobile Home: Replacement— Section 104.34						P	P	P	P	P	P	P	P						
Model Home— Section 104.36										A	A	A							
Modular Home— Section 104.48	P	P	P	P	P	P	P	P	P	P	P	P	P	P					A
Multi-family (<5) dwellings — Section 104.37										P	P	C	P						C
Multi-family (5+) dwellings — Section 104.37										C	C	C	C						C
Multi-tenant retail < 10,000 sf FA— Section 104.38												P	P						
Multi-tenant retail > 10,000 sf FA— Section 104.38												C							
Museum— Section 104.39												P	P				P	P	P
Night clubs— Section 104.06												C	A						
Nursing Home— Section 104.40											C	C							
Open-air markets												L	L				L		
Outdoor display— Section 104.41												A	A			A			
Outdoor Storage— Section 104.42												C	C	C	C				
Paint and body shop Section 104.43												C		C	C				
Parking lots and parking garages (as a principle use)												P		C				P	
Parks and recreational open space— Section 104.44	C			C	C	C	C	C	C	C	C	P						P	P
Personal and service business shops												P	C						
Pharmacy— Section 104.45												C	C						
Place of worship or assembly— Section 104.46						C	C	C	C	C	P								

Plant nurseries and greenhouses											P						
Platting and/or Subdivision of land which would result in three (3) or more parcels	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Plumbing, electrical and carpenter shops											P	P	P	P			
Print shops											P	P	P	C			
Private educational and training facilities— Section 104.47											C	C	C	C	C	P	C
Private schools for elementary, intermediate and high school education— Section 104.47				C	C	C	C	C	C	C	C						C
Professional offices											P	P					P
Public schools for elementary, intermediate and high school education— Section 104.47				C	C	C	C	C	C	C	C						P
Public use or public facilities w or w/o business offices; with repair and storage											C	C	C	C	C	P	P
Public use or public facilities w or w/o business offices; without repair and storage Section 104.47	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P
Recreational Vehicle (RV) Park									C		C						C
Recycling facilities													P				
Research/Lab											C	C	C	C			C
Restaurants with drive-throughs— Section 104.49											P	C					
Restaurants/stand and fast food without drive throughs											P	P	P	P	A		
Retail and supply yard establishments with outdoor storage											C	C	P	P			

Retail establishments up to 2,500 square feet FA											P	P					P
Retail establishments 2,500 —10,000 square feet FA											P	P					
Retail Establishment exceeding 10,000 square feet FA											C						
Safe house for battered or abused adults or children of up to eight (8) families										P	P						
Sales and leasing of heavy equipment and heavy excavation equipment													P	P			
Seafood Processing & Packaging — Section 104.50											C	P	C	P			
Sexually Oriented Business — Section 104.51													C				
Single-family dwellings (6 Bedrooms or less)	P	P	P*	P	P	P	P	P	P	P	P	P	P	P			A
Single-family dwellings (7 Bedrooms or more)					C	C	C		C								
Small animal shelters/boarding kennels Section 104.52											C	C	C	C			C
Small Grocery Stores											P						
Sport Shooting and Training Ranges — Section 104.52.1											C	C	C	C			C
Storage (Indoor self) Section 104.53											C	C	P				
Storage, Auto, RV, or Boat — Section 104.54											C	C	P	P			
Storage (Outdoor) Section 104.54											C	C	C	C			
Submerged Mooring Facilities** — Section 104.65											C	C		C			C
Temporary Placement			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Use — Section 104.56											L	L	L	L			L L
Theatre (indoor)											C						
Trap Storage and Repair											C	P	C	P			

Triplex dwellings									P	P							
Utilities - Major — Section 104.57			C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Utilities - Minor — Section 104.58			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vacation Rental units	L	L	L	L	L	L	L	L	L	L	L						
Vehicle, Vessel Repair Section 104.60											C	C	P	P			
Vehicle, Vessel sales Section 104.61											P	P	P	P			
Vendor Carts/Mobile Food Unit — Section 104.62											L	L	L	L			
Veterinary facilities, small animal clinics/hospitals; including boarding Section 104.63											C	C					
Veterinary facilities, small animal clinics; no boarding — Section 104.63											P	P					
Waterfront Walkways and docks — Section 104.64	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wireless - New Tower Section 104.66											C	C	C	C	C	C	C
Wireless Tower- Replacement existing Section 104.66	C								P	P	P	P	P	P	P	P	C
Wireless - Satellite Earth Station — Section 104.66	C										C	C	P	P			
Wireless Attached facility — Section 104.66	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wireless - Stealth Facility — Section 104.66											C	C	P	P		P	
Zero Lot lines (affordable units)									C	C							

*Permitted uses are limited to those which are related to the maritime industry

**Submerged Mooring Facilities may only be permitted in association with upland areas whose zoning is shown as having a "C"

***Existing Single-Family Residences may be repaired, modified, or replaced. Individual vacant Lots within Blocks defined within the Plat subject to RL-C zoning may be built upon IF the sum of all Lots within an individual Block are over 90 percent developed with single family residences as of the date that [DEQ-the State Land Planning Agency](#) accepts the Ordinance.

**** Limited to Florida Registered Beekeepers with the Florida Department of Agriculture and Consumer Services (FDACS).

*****In the event that an accessory structure and associated use is located or proposed to be

located on one of two adjacent or contiguous properties in common ownership one of which contains a principal structure and use, the other of which contains or will contain the accessory structure and use, the two properties do not need to be combined into one property (specifically excluding pools on adjacent properties). However, should the ownership of the two properties be divided into two different ownerships, the accessory structure and use shall cease, and any accessory structures shall be demolished until such time that a principal structure is approved and placed on the property.

Note: Uses may be subject to additional requirements, see [Chapter 104](#), Specific Use Regulations.

Table 103.15.2

DENSITY, INTENSITY AND DIMENSIONS FOR ZONING DISTRICTS

	A	C-NA	C-OI	I-G	I-M	MU	MU-M	P	PR	RH	R-MH	RM	R-M-1	R-M-2	RL	RL-C
Density Range (units per acre) ****		.25	0.1	5— 10	5— 10	6— 15	6— 15	10 — 25	1/4 ac	8— 25	8— 25	5— 10	4	5	0.5	.25 4
Market Rate (maximum)		.25	0.1			6	6		.25	8	8	5	4	5	0.5	0.2 5
Affordable (maximum) 3		.25	0.1	5-1 0	5-1 0	15	15	10- 25	.25	15- 25	25	10	4	5	0.5	.25
Transient						5-2 5		3-2 5	10	0	0	0	0	0	0	0
Min lot area per unit (square feet)																
Market Rate		4 acr es	10 acr es			7,2 60	7,2 60		4 acr es	5,4 45	5,4 45	8,7 12	10, 00 0	8,7 12	2 acr e	4 acr es
Affordable		4 acr es	10 acr es	4,3 56	4,3 56	2,9 04	2,9 04	1,7 42	4 acr es	1,7 42	1,7 42	4,3 56	10, 00 0	8,7 12	2 acr e	4 acr es
FAR	0. 15 -0. 50	0.0 5-0 .10	0.0 5-0 .10	0.8 5	0.8 5	0.1 5-0. .6 ¹	0.1 5-0 .6 ¹	0.1 5-0 .75	0.1 5-0 .50							N/ A
Setbacks																
Front, min	20 0	25	25	10	10	0-3 0	20	15	15	10	10	20	20	20	25	25

Rear, min	20 0	25	25	10	10	20	20	10	10	10	10	20	20	20	25	25	
Side 1, min		10	10			0-1 0	10			5	5	5	10	10	10	10	
Interior Side Min	20 0			5	5	10		5	5				10	5			
Side 2, min		10	10			0-1 0	10			5	5	5	10	10	10	10	
Street Side Min	20 0			5	5	0-5		5	5								
Height Limit ³	42	42	42	42	42	42	42	42	42	42	42	42	42	42	42	42	
Units Per Building ^{***}										10	N/A						
Max Lot Coverage ^{**}		5,000 ft ²	5%														
Open Space, Min. (%) ^{**}	0.20	0.50	0.95	0.20	0.20	0.20	0.20	0.20	0.20	0.20	.20	.20	.20	.20	.20	0.50	0.50
Minimum Street-front Lot Width											75'		100'	100'	100'		

Footnotes for Table 103.15.2

* Determined by the Director, based upon Habitat Analysis

** Subject to Table 106.16.1 "Open Space Requirements per Habitat Type"

*** Affordable dwelling units not subject to this limitation

**** Allocated densities for all zoning districts are subject to the following additional requirements:

- Salt marsh/buttonwood association wetlands that are either undisturbed or of high functional capacity as defined in Article 4, of Chapter 106 shall be assigned a density of 0.25 units per acre for the sole purpose of transferring the density out of these habitats.
- Submerged lands, salt ponds and mangrove wetlands shall not be assigned density for any purpose (i.e., allocated density = 0).

¹ The FAR for mixed-use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided

² Density bonus limited to deed-restricted affordable housing as established in Article 1, "Affordable Housing" of [Chapter 104](#).

³ Subject to the additional height restrictions of [Article 5, Chapter 107](#).

⁴ Existing Single-Family Residences may be repaired, modified, or replaced. Individual vacant Lots within Blocks defined within the Plat subject to RL-C zoning may be built upon IF the sum of all Lots within an individual Block are over 90 percent developed with single family residences as of the date that [DEO the State Land Planning Agency](#) accepts the Ordinance.

⁵ This Footnote applies ONLY to properties and/or developed RV or Mobile Home sites which have been or would be recognized as having a Permanent RV structure, as defined in Policy 1-3.2.8 which are located in the Residential High or Mixed Use Commercial Land Use Categories or in other Zoning Districts as determined and reviewed on a case by case basis, Operable Road Ready RVs may be placed on the site of a Permanent RV once the Permanent RV structure is demolished and ONLY if it is determined that the property or site has retained its Transferable Building Right and the Right hasn't been previously transferred to another location within the City. Otherwise, said Permanent RV properties or sites will retain their Market Residential Building Right or allocation. Said Market Rate Building Rights may be retained on-site as Market Rate residential units with the redevelopment of a Florida Building Code compliant residential structure. If the Development Right is transferred, it shall only be transferred as an Affordable Building Right. Though an operable Road Ready RV may utilize Permanent RV properties or sites, it shall not be assumed that the site has a Transient Residential Unit which can be transferred as such.

- a. This provision shall sunset three (3) years after the effective date of this footnote, August 11, 2020, and shall not be available thereafter.
- b. This provision shall only be available to those individuals who chose to utilize this provision to occupy property in their individual ownership – no rental of the site or an associated Operable Road Ready RV is allowed under this provision as shall be enacted through the City LDRs.

Table 103.15.3
Commercial-Industrial Intensity Table

Type of Use	FAR ¹
Retail	
<i>Low Intensity</i>	.60
<i>Med Intensity</i>	.45
<i>High Intensity</i>	.25
Office	.60
Commercial Recreation	.15
Institutional	.30
Outdoor Recreational	.15
Public Buildings and Uses	.45
Restaurant/Bar	.60
Industrial	.85
Light Industrial in MU	.30

¹ The FAR for mixed-use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided.