

Sponsored By: Williams
Planning Commission Public Hearing Date: February 23, 2026
City Council Public Hearing Date: March 10, 2026
June 9, 2026
Enactment Date: June 9, 2026

**CITY OF MARATHON, FLORIDA
ORDINANCE 2026-02**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON’S COMPREHENSIVE PLAN MODIFYING CHAPTER ONE, “FUTURE LAND USE ELEMENT,” AND INTENDING TO MODIFY TABLE 1-1, “FUTURE LAND USE DENSITIES AND INTENSITIES,” MODIFY POLICY 1-3.5.13, “INVENTORY AFFORDABLE/WORKFORCE HOUSING,” MODIFY POLICY 1-3.5.14, “ESTABLISH A LAND ACQUISITION AND CONSERVATION ADVISORY COMMITTEE,” MODIFY OBJECTIVE 1-4.1, “PROVIDE WORKFORCE-AFFORDABLE HOUSING BUILDING PERMIT ALLOCATIONS,” PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE AFTER THE FIRST HEARING BY THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

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, the City of Marathon is located within an Area of Critical State Concern (ACSC), pursuant to Sections 380.05 and 380.0552, Florida Statutes, hereinafter referred to the “Keys ACSCs”; and

WHEREAS, Keys’ Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations pursuant to both Chapters 163 and 380.055, Florida Statutes, which have been approved by the State, as required by law, and;

WHEREAS, Chapter 166, *Florida Statutes*, grants the City of Marathon (the “City”) broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting regulations for the protection of the public; and

WHEREAS, in 2024 the legislature amended Section 20.60 of the Florida Statutes rebranding the State Land Planning Agency as the Department of Commerce; and

WHEREAS, the Ordinance, thus introduced, provides for the updates to the Comprehensive Plan based upon the renaming of the State Land Planning Agency; and

WHEREAS, the Planning Commission reviewed this Ordinance on February 23, 2026, providing a recommendation of approval to the City Council with no proposed changes; and

WHEREAS, the City Council reviewed this Ordinance on March 10, 2026, and again on June 9, 2026 adopting the Ordinance in its second hearing and directing staff to transmit the Ordinance to the Florida Department of Commerce for final approval; and

WHEREAS, pursuant to the same legislative provision, the City Council accepted the ORC Report, considered the recommendation of the Planning Commission, accepted additional public input, and deliberated on the proposed amendment to the Land Development Regulations on June 9, 2026 at a duly noticed public hearing, and directed that the amendment be transmitted to the Florida Department of Commerce as formally adopted by the City,

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. Chapter 1, is hereby amended as attached in Exhibit A.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, 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 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 Florida Department of Commerce for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 9TH DAY OF JUNE 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

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

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven Williams, City Attorney

[Chapter 1 - Future Land Use Element Goals, Objectives And Policies](#)

**TABLE 1-1
Future Land Use Densities and Intensities***

Future Land Use Category	Permitted Residential Density (Units per acre)			Hotel/Motel/RV Spaces (Units per acre)	Maximum Intensity (floor area ratio)	Minimum Open Space Ratio
	Market Rate	Affordable	Licensed Mobile Home or RV Parks			
Airport (AD)	0		0	N/A	0.15 - 0.50	0.2
Conservation (C)	0.1 - 0.25	0.1 - 0.25	0	N/A	0.05 - 0.10	0.5
Industrial (I)	0	5 - 10	0	N/A	0.85	0.2
Mixed Use Commercial (MUC)	2 - 6	10 - 15	10 - 25	5 - 25	0.15 - 0.60 ⁴	0.2
Public Uses (PU)	0	15 - 25	0	3 - 25	0.15 - 0.75	0.2
Recreation (R)	0.25	0.25	0	5 - 15	0.15 - 0.50	0.2

Residential High (RH)	8	15 - 25	15 - 25	0	0	0.2
Residential Medium (RM)	5	10	0	0	0	0.2
Residential Low (RL)	0.5	0.5	0	0	0	0.5

Note:

1. See Objective 1-3.9 and subsequent policies.
2. The allocated and maximum net densities for submerged lands shall be 0.
3. For properties consisting of hammocks or disturbed wetlands within the Mixed Use Commercial future land use categories, the floor area ratio shall be 0.10 and the maximum net residential density shall be 0.
4. Open space shall be increased based upon the requirement for a habitat evaluation and shall conform to [Table 4-1](#) of the Coastal and Conservation Element.
5. The FAR in Mixed Use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided.
6. Residential Densities found in this Table are subject to the provisions of [Policy 1-3.5.16](#)
7. Existing Single Family Residences may be repaired, modified, or replaced. Individual vacant Lots within Blocks defined within a Platted Subdivision subject to RL-C zoning may be built upon IF the sum of all Lots within an individual Block are over 90% developed with single family residences as of the date that ~~DEO~~ [the State Land Planning Agency](#) accepts the Ordinance whichever occurs first.
8. 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, 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.

*All development and redevelopment shall comply with this Plan and the Land Development regulations.

[Policy 1-3.5.13 Inventory Affordable/Workforce Housing](#)

The City shall continue to maintain an inventory of all existing affordable and workforce housing, including mobile homes, RVs, motels, and any alternative type of dwelling unit that may be used as affordable/workforce housing. The City shall prepare a report, consistent with [Policy 2-1.1.8](#), which at a minimum shall identify the number and type of units. This report shall also include an estimate of the number of these units that may not have been lawfully established or fall under the umbrella for density entitlement. The report shall further analyze the impacts on the adopted level of service (LOS) standards as a result of the existing units which may not have been lawfully established or which may not fall under the umbrella for density entitlement. On the basis of this report the City shall explore the feasibility, through coordination with the ~~DEO~~ [State Land Planning Agency](#) and a Plan amendment, of allowing for the replacement, outside of the annual allocation system, of select identified units from this category. The City shall establish an incentive program encouraging registration and protection of these units along with specific measures to effectively maintain the number of units that are identified as affordable. §163.3177(6)(f)2 F.S.

[Policy 1-3.5.14 Establish A Land Acquisition And Conservation Advisory Committee](#)

The City has established a Land Acquisition and Conservation Advisory Committee. This Committee, in conjunction with City staff, shall draft a report recommending the best means for land acquisition and land conservation. The report shall include, at a minimum, a system for prioritizing acquisition for affordable/workforce housing, public uses, and conservation sites, as well as a system for continued monitoring, evaluation and updating adopted programs. The City shall maintain a list of properties containing environmentally sensitive lands in need of acquisition and shall periodically, or upon request, submit this list to the ~~Department of Economic Opportunity~~ [State Land Planning Agency](#). Through the Building Permit Allocation System (BPAS), development in environmentally sensitive areas shall be limited and discouraged.

[Objective 1-4.1 Provide Workforce-Affordable Housing Building Permit Allocations](#)

Pursuant to [Policy 1-3.5.9](#), the City has worked with the State ~~Department of Economic Opportunity~~ [State Land Planning Agency](#) to "obtain more residential allocations specifically for affordable housing." The City thereby, shall establish a new limited category to be

known as the "Affordable - Early Evacuation Pool" which will provide 300 workforce-affordable building permit allocations for the Workforce-Affordable Housing Initiative. These allocations are in addition to the maximum allocations identified in Rules 28-18, Florida Administrative Code. The City shall be responsible for the management, distribution, and enforcement of requirements associated with the Early Evacuation Affordable allocations. The City of Marathon shall ensure adherence to these requirements through implementation of the policies of this objective.