



CITY COUNCIL AGENDA STATEMENT

Meeting Date: September 8, 2026

To: Honorable Mayor and City Council

From: Brian Shea, Planning Director

Through: Steve Williams, Interim City Manager

Agenda Item: **Ordinance 2026-27**, Amending The City's Land Development Regulations Chapter, 103 "Zoning Districts", Article 3 "Use And Intensity Tables", Table 103.15.1 "Uses By Zoning District"; And Amending Chapter 104 "Specific Use Regulations," Article 1 "General Provisions," Section 104.05 "Alcohol Beverage; 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.

RECOMMENDATION:

Staff recommends APPROVAL.

APPLICANT: City of Marathon

REQUEST:

The proposed ordinance has been drafted to amend Table 103.15.1 and Section 104.05 to encourage the redevelopment of the Marathon Airport and allow for commercial activities related to restaurants and alcohol.

Purpose of Proposed Amendment:

The purpose of the amendment is to allow the future potential for the airport to have alcohol sales.

AUTHORITY

Section 102.26. Planning Commission Recommendation.

A. *Authority:* The PC shall consider a proposed text amendment at the request of the Council.

B. *Review Criteria:* The PC shall review such proposed amendment, based upon the criteria listed below:

1. The need and justification for the change;
2. The consistency of the proposed amendment with the Comprehensive Plan; and
3. Whether the proposed change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

C. *Findings:* The PC shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Council, indicating if the proposed amendment should be:

1. Approved as proposed;
2. Approved with amendments proposed by the PC; or
3. Denied

Section 102.27. - Hearing(s) by Council.

- A. The decision to process a text amendment is within the sole discretion of the Council.
- B. For any proposed text amendment, the Council shall hold a minimum of two (2) public hearings, conforming to the requirements of Fla. Stat. Ch. 166, before taking action on the amendment.

Section 102.28. - Action by Council.

Following the public hearings, the Council shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes, or deny the proposed amendment.

As noted, review of proposed LDR text amendments is to be made based on three basic criteria: need and justification for change, consistency with the adopted Comprehensive Plan, and whether the proposed amendment will further the purposes of the LDRs, other ordinances, and actions taken to further the implementation of the Comprehensive Plan. The Planning Commission, in reviewing the proposed amendment, may recommend approval as is, approval with changes, or denial to the City Council.

ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

Marathon airport is seeking to redevelop as a commercial airport. As such, other commercial entities may be included in the redevelopment, which may include restaurants. By amending the ordinance, the restaurants will be able to apply for the appropriate ABV license to serve alcohol to their patrons. The County has permitted a new Fixed Based Operator building that includes a bar area, which will need to eventually seek ABV licensing.

B. The consistency of the proposed amendment with the Comprehensive Plan; and

This furthers Objective 7-3.1, and policies 7-3.1.1 and 7-3.1.6. The Marathon Airport expansion shall to be consistent with the needs identified in the updated airport master plan. The City shall establish effective coordination strategies and enter into an interlocal agreement with Monroe County to ensure all development within and adjacent to the airport facility is in compliance with all applicable regulations.

C. Whether regulations change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

These changes as proposed coordinate the efforts of the County and City for expanded commercial flights at the Marathon Airport. They also further the policies set forth in the Economic Resiliency Plan, that further encourage commercial flights out of Marathon Airport.

CONCLUSION:

Staff indicates that the proposed text amendments are consistent with the standards and tenets of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules.

RECOMMENDATION:

Staff recommends APPROVAL

Planning Commission recommends approval 3-0.

Sponsored By: Williams
Planning Commission Public Hearing Date: August 24, 2026
City Council Public Hearing Date: September 8, 2026
October 13, 2026
Enactment Date: **October 13, 2026**

**CITY OF MARATHON, FLORIDA
ORDINANCE 2026-27**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS CHAPTER, 103 "ZONING DISTRICTS", ARTICLE 3 "USE AND INTENSITY TABLES", TABLE 103.15.1 "USES BY ZONING DISTRICT"; AND AMENDING CHAPTER 104 "SPECIFIC USE REGULATIONS," ARTICLE 1 "GENERAL PROVISIONS," SECTION 104.05 "ALCOHOL BEVERAGE; 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 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 changes to Florida Statute 553.385.; and

WHEREAS, this Ordinance had a hearing before the Planning Commission on August 24, 2026 and a first hearing before the City Council on September 8, 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 October 13, 2026, at which time, the Ordinance was passed unanimously, and

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, Table 103.15.1 as attached in Exhibit A.

SECTION 3. Amend the Land Development Regulations, Section 104.05 as attached in Exhibit B.

SECTION 4. 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 5. 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 6. 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 13 DAY OF OCTOBER 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

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 T. Williams, City Attorney

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

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.

Uses in bold have specific conditions listed in Chapter 104

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ZONING DISTRICT	C-NA	C-OI	RL-C	RL	RM	RM-1	RM-2	R-MH	RH	MU	MU-M*	I-G	I-M*	A	P	PR

Alcohol Beverage— Section 104.05										L	L	L	L	<u>L</u>		

[Sec 104.05] Alcohol Beverage

This section in conjunction with allowed uses in Table 103.15.1 is designed and intended to provide for reasonable regulation and control over the sale of alcoholic beverages within the City of Marathon by establishing an alcoholic beverage use permit procedure and providing criteria to be utilized to assure that all future proliferation of alcoholic beverage use enterprises within the City limits are compatible with the City's Comprehensive Plan and LDRs, and that alcoholic beverage use permits not be granted where such uses will have an adverse impact upon the health, safety and welfare of the citizens and residents of the city. All persons, firms, partnerships, or corporations who have received approval from the PC under the former provisions of Section 19-218 of the Monroe County Code, as same heretofore existed, shall retain all rights and privileges heretofore granted under said section.

- A. *Permits.* After the effective date of this ordinance, all persons, firms, partnerships or corporations desiring to sell alcoholic beverages upon any premises located within the City and who desire to do so upon a premises not heretofore approved by the PC, shall obtain an alcoholic beverage use permit utilizing the procedure outlined in Subsection C. "Procedure", below.
- B. *Classifications.* Corresponding to those alcoholic beverage license classifications as heretofore and hereafter adopted by the State of Florida, alcoholic beverage use permits hereafter issued pursuant to this ordinance shall be classified as follows:
 - 1. 1APS: Beer, package only;
 - 2. 1COP: Beer, on-premises and package;
 - 3. 2APS: Beer and wine, package only;
 - 4. 2COP: Beer and wine, on-premises and package;
 - 5. 6COP: Beer, wine, and liquor, on-premises and package;
 - 6. 6COP SRX: Restaurant, no package sales;
 - 7. 6COP SR: Restaurant, package sales;
 - 8. 6COP S: Motel, package sales;
 - 9. 6COP SBX: Bowling, no package sales;
 - 10. 6COP SPX: Boat, no package sales;
 - 11. 3BPS: Beer, wine, liquor, package sales only;
 - 12. 3M: Additional license for 6COP, over three (3) bars;
 - 13. 12RT: Racetrack, liquor, no package sales.

C. *Procedure.* The following procedure shall be followed on any application for an alcoholic beverage use permit hereafter made:

1. Applications for alcoholic beverage use permits shall be submitted to the City Manager or his designee in writing on forms provided by the director. Such applications must be signed by the owner of the real property for which the permit is requested. Lessees of the premises may apply for such permits provided that proper authorization from the owner of the premises is given and the application for permit is cosigned by such owner.
2. Upon receipt of a properly completed and executed application for alcoholic beverage use permit stating the exact classification requested along with the necessary fee, the City Manager or his designee shall issue a notice of intent to issue the alcoholic beverage use permit if the application meets the guidelines established in Subsection D., "Criteria", herein.
3. The City Manager or his designee shall review the application and may deny or grant an alcoholic beverage use permit. In granting an alcoholic beverage use permit under this section, the City Manager or his designee may prescribe appropriate and safeguards as are in his or her opinion necessary to protect the public interest and ensure harmony with the purpose and intent of this section.
4. Prior to issuance of an alcoholic beverage use permit, the City Manager or his designee shall give the applicant notice of the City's intent to issue the alcoholic beverage use permit. Thereafter, in accordance with the provisions of Article 4 "Notice of Public Meetings and Hearings" of Chapter 102 of the LDRs, the applicant shall provide written notice to adjacent property owners of the City's intent to issue the alcoholic beverage use permit.
5. Within 35 days of the date of the publishing of the notice of intent, a public hearing on an application for an alcoholic beverage use permit may be requested in writing to the City Manager or his designee, by the applicant, an adjacent property owner or an aggrieved or adversely affected property owner located within 300 feet of the property that is subject to the alcoholic beverage use permit. If a public hearing is requested, in accordance with the provisions of Article 17 "Appeals", of Chapter 102, the City shall schedule a public hearing of the PC. The provisions of Article 21 of Chapter 102 shall govern any such hearing, and the person requesting the public hearing shall be responsible for providing notice of the hearing in accordance with the provisions of Article 4, "Notice of Public Meetings and Hearings" of Chapter 102 of the LDRs. The City Manager or his designee shall issue the alcoholic beverage use permit if a public hearing is not requested in accordance with this subsection.

D. *Criteria for Approval.* The City Manager or his designee or PC shall give due consideration to the following factors as they may apply to the particular application prior to rendering a decision to grant the requested permit:

1. The effect of such use upon surrounding properties and the immediately neighborhood as represent by property owners within a 300 feet of the premises. For the purposes of this section, "premises" shall mean the entire site of a shopping center.
2. The suitability of the premises in regard to its location, site characteristics and intended purpose. Lighting on the permitted premises shall be shuttered and shielded from surrounding properties, and construction of such permitted properties will be soundproofed. In the event music and entertainment is permitted, the premises shall be air conditioned.
3. Access, traffic generation, road capacities, and parking requirements.
4. Demands upon utilities, community facilities and public services.
5. Compliance with the City's restrictions or requirements and any valid regulations.

E. *Approval by the City Manager or his designee or the PC.* The City Manager or his designee or the PC may grant approval based on reasonable condition considering the criteria outlines herein.

F. *Where Permitted.* Alcoholic beverage sales maybe permitted at restaurants, hotels, marinas, [airports](#), and campgrounds regardless of the land use district in which they are located. Nothing contained herein shall exempt an applicant from obtaining a conditional approval when such is otherwise required by the City LDRs.

G. *Distance requirement.*

1. *Schools.*
 - a. No new or relocated package sale vendor shall be permitted to open and/or start the business of package sales within 500 feet of an established school.
 - b. Distance from a school shall be measured by following a straight line from the main entrance of the place of business to the nearest point of the school grounds in use as part of the school facilities. The package sale vendor seeking a new location must submit a scaled survey drawn by a registered land surveyor attesting to the separation of the uses in question. This requirement may be waived upon the written certification by the Director that the minimum distance separation has been met.

- c. The location of all existing places of business subject to this section shall not in any manner be impaired by this section, and the distance limitation provided in this section shall not impair any existing licensed location heretofore issued to and held by any such vendor nor shall such vendor's right of renewal be impaired by this section; provided, however, that the location of any such existing license shall not be transferred to a new location in violation of this section.
- d. Distance requirements not applied to renewal, change in name or ownership, or change in certain licenses. The distance requirement set forth above in Subsection 1(a) shall not be applied to the location of an existing vendor when there is:
 - (1) A renewal of an existing license;
 - (2) A transfer in ownership;
 - (3) A change in business name; or
 - (4) A any decrease in the numerical designation of a state issued license which is of the same series (type);

Such exemption is allowed provided that the physical location of the vendor establishment does not change. No increase in the series (type) of state issued license shall be permitted at or for a location (new or existing) except in compliance with the provisions hereof.

- 2. *Variances.* The PC is authorized to grant variances to the distance requirements as established by Subsections 1. and 2. above where the PC finds that such variance will not be contrary to the public interests. The application for a variance and the processing and hearing upon the application shall be in accordance with Article 20 "Variance", Chapter 102 of the LDRs. The decision of the PC may be appealed to the Council.
- H. *Transferability.* Alcoholic beverage use permits issued by virtue of this section shall be deemed to be a privilege running with the land. The sale of the real property which has been granted an alcoholic beverage use permit shall automatically vest the purchases thereof with all rights and obligations originally granted or imposed to or on the applicant. Such privilege may not be separated from the fee simple interest in the realty.
- I. *Appeals.* All persons aggrieved by the actions of the City Manager or the PC in granting or denying requested alcoholic beverage permits may request an appeal hearing in accordance with the provisions of Article 17 "Appeals" of Chapter 102.
- J. *Successive Applications.* Whenever any application for alcoholic beverage approval is denied for failure to meet the substantive requirements of this section an application for alcoholic

beverage approval for all or a portion of the same property shall not be considered for a period of two (2) years unless a supermajority of the PC decides that the original decision was based on a material mistake of fact or that there exists changed conditions and new facts not existing at the time of the original decision. Which would justify entertaining a new application before the expiration of the two-year period. However, in the case of a shopping center, as defined in Article 110 "Definitions", this section shall only apply to the commercial retail unit within the shopping center for which approval was sought and not the entire shopping center site itself.