



CITY COUNCIL AGENDA STATEMENT

Meeting Date: September 8, 2025

To: Honorable Mayor and Council Members

From: Brian Shea, Planning Director

Through: Steve Williams, City Manager

Agenda Item: **Ordinance 2026-28**, 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"; 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 to be compliant with the recent laws created under HB 399: Land Use and Development Regulations, which created Florida Statute 553.385.

Purpose of Proposed Amendment:

The purpose of the amendment is to identify all of the zoning categories that allow for single family residences, to include that those may be manufactured, mobile, or modular homes.

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;

The City of Marathon needs to amend Table 103.15.1 to be consistent with the following statute:

553.385 Zoning of off-site constructed residential dwellings; parity.—

(1) As used in this section, the term:

(a) "Local government" means a county or municipality.

(b) "Off-site constructed residential dwelling" means:

1. A manufactured building, as defined in s. 553.36, intended for single-family residential use; or
2. A manufactured home, as defined in s. 320.01(2)(b), which is constructed, in whole or in part, off site and is treated as real property.

(2) (a) An off-site constructed residential dwelling must be permitted as of right in any zoning district where single-family detached dwellings are allowed.

(b) A local government may not adopt or enforce any zoning, land use, or development regulation that treats an off-site constructed residential dwelling differently or more restrictively than a single-family, site-built dwelling allowed in the same zoning district.

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

Policy 1-3.3.3 encourages the redevelopment of aging mobile homes. The new mobile homes must meet current flood and wind codes. Therefore, the amendment will be consistent with the Comprehensive Plan and Florida Building Code.

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 required statutory changes still further the purposes of the LDRs and reduce discrimination based upon housing type.

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 recommended 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 2026-28**

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"; 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. 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 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 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

Mobile Home: New Placement—Section 104.34	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>P</u>	<u>P</u> E	<u>P</u>	<u>P</u>	<u>P</u>			<u>A</u>
Mobile Home: Replacement—Section 104.34	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	P	P	P	P	P	<u>P</u>			<u>A</u>

Modular Home	P	P	P	P	P	P	P	P	P	P	P	P	P			A

Single-family dwellings (6 Bedrooms or less)	P	P	P***	P	P	P	P	P	P	P	P	P	P			A
