



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 2026-29**, Amending The City's Land Development Regulations, Chapter 102, "Development Application Review Procedures," Article 10, "Subdivision Of Land/Plats And Re-Plats," Section 102.49, "Major Subdivision Improvement Requirements"; 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 Section 102.49 to recognize that flood adaptation measures may exceed those standards set in the Florida Greenbook.

Purpose of Proposed Amendment:

The purpose of the amendment is to recognize that flood adaptation measures may exceed those standards set in the Florida Greenbook.

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;

By adopting these changes, the City takes steps to further resiliency and move forward with risk reduction and adaptation measures as identified in the adopted Watershed Management Plan.

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

The City is simultaneously adopting comprehensive plan language that addresses flood adaptation measures across multiple chapters of the Comprehensive Plan, thus ensuring further consistency.

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

The adoption of these Comprehensive Plan and LDR amendments were recommended within the adopted Watershed Management Plan. The adoption therefore implements the adopted plan.

CONCLUSION:

Staff indicates that the proposed text amendments are consistent with the standards and tenants 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 2026-29**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS, CHAPTER 102, "DEVELOPMENT APPLICATION REVIEW PROCEDURES," ARTICLE 10, "SUBDIVISION OF LAND/PLATS AND RE-PLATS," SECTION 102.49, "MAJOR SUBDIVISION IMPROVEMENT REQUIREMENTS"; 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, Section 102.49 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~~

Sec 102.49 Major Subdivision Improvement Requirements

- A. As defined in Chapter 110, Article 3, a Major Subdivision is one in which the requested subdivision of land includes the approval and required construction of new streets which connect to existing public and/or private streets within the City. Over and above the provision of subdivision documents and a plat, the ultimate approval of a major subdivision also involves the construction of infrastructure improvements including stormwater, wastewater, potable water, fire hydrants, and electric utility elements and the overlying streets. Since such improvements will require time and considerable expense to construct, construction guarantees shall be required.
- B. For each lot created as part of the approved major subdivision, the City shall provide a letter outlining all required system development charges. System development charges shall be paid at or before final subdivision and plat approval. Such assessment of charges shall be completed in accordance with Chapter 34 of the City's Code of Ordinances and particularly Article 6 of the Chapter. Said charges are associated with the direct costs of the City's existing utility and any necessary improvements therein. Said system development charges are not payment for required internal utility construction as part of the approved subdivision and plat.
- C. All construction of required streets and utilities shall be completed pursuant to this Section. Construction Guarantees shall be required pursuant to Sections 102.50 and 102.51 and shall provide that if the construction of the required improvements is not completed within two (2) years after approval of the final plat, the City may deem the applicant to be in default pursuant to Section 102.52 D.
- D. Standards for street construction and drainage improvements are hereby established as the FDOT, Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways (the "Florida Greenbook") May 2013 Edition or as revised. Standard Right-of-Way dimensions, typically 50 feet, and cross-sectional standards are available through the City Public Works Department. [Road elevation and adaptation projects may meet or exceed FDOT road standards to the extent practicable based on available right-of-way, stormwater improvements, elevations and other factors that may influence design.](#) Further, design standards for City Utilities and the location of available wastewater utilities may be obtained through the City Utilities Department.
- E. *Procedure for Acceptance by the City.*
 - 1. The City will review and approve engineering design plans and construction documents for all streets and utility elements approved as part of an approved subdivision and plat or re-plat. The subdivision developer will be responsible for obtaining approvals, permits, inspections, and sign-offs for all other utilities independently.

2. Once approved, the subdivision applicant shall be responsible for making all necessary street, utilities, and drainage improvements within the boundaries of the plat.
 - a. Such improvements will be inspected and certified by the design engineer and all improvements with respect to the street, right-of-way, wastewater utilities and stormwater utilities shall be warranted for a period of two (2) years in favor of the City.
 - b. The subdivision developer shall provide all other utility sign-offs and certifications to the City.
 - c. The City may elect to complete its own inspections on the street and its utilities pursuant to its approvals, permits, and design standards.
3. Once all inspections and certifications are approved by the City, the City will accept ownership of all rights-of-way, streets and utilities within its control that lie within the boundaries of the subdivision and plat.