

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 2026-30, Amending The City Of Marathon's Comprehensive Plan, Amending Chapter Four, "Conservation and Coastal Element," Policy 4-1.19.5, "Limit Public Expenditures In The Coastal High Hazard Area," And Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Seven, "Capital Improvements Element," Policy 7-1.5.3, "Review Proposals For Consistency With The Plan," 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.

RECOMMENDATION:

The Planning staff recommends approval of the Ordinance adding in language to address public expenditure exceptions for flooding adaptation efforts.

APPLICANT: City of Marathon

REQUEST: Amend City of Marathon Comprehensive Plan, as it pertains to the addressing flooding adaptation measures.

ANALYSIS OF COMPREHENSIVE PLAN CHANGE REQUEST:

Preface

The current Land Development Regulations provide only brief guidance concerning the review of a proposed Comprehensive Plan Amendment.

Section 102.19 simply states:

Section 102.19. Standards for Review.

When considering an application for a Comprehensive Plan Amendment, the review shall include all standards and criteria of Fla. Stat. Ch. 163.

Standards in Chapter 163, F.S. offer some additional guidance, but are limited. Pertinent sections of Chapter 163 promulgate process rather than establishing criteria for the development of a proposed Comprehensive Plan Amendment. Chapter 163.3184, Process for adoption of comprehensive plan or plan amendment, define the sequential process for transmittal, review, and approval of a Comprehensive Plan Amendment. Most relevant to this delineation of process is the definition of “**compliance**” which is recited for review below:

163.3184 Process for adoption of comprehensive plan or plan amendment. --

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

(b) "In compliance" means consistent with the requirements of ss. [163.3177](#), when a local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable. Thus, leading through an exhaustive process, the State Land Planning Agency must find a Comprehensive Plan or Plan Amendment in compliance in accordance with the above definition. Process as further defined in the section leads from Local Government Transmittal through review by the State Land Planning Agency and other required local and state government bodies to a finding of “in compliance” by the State Land Planning Agency.

Review is contemplated and expected to be completed by such agencies as the South Florida Regional Planning Council, whose responsibility it is to review the proposal for consistency with the Strategic Regional Policy Plan. Such review is not, therefore, the responsibility of the local government to determine consistency in this regard and will not be addressed herein. Though referenced in the definition of compliance and elsewhere Chapters 163.3177, 163.3191, 163.3245, and 369 will not be reviewed as a compliance matter. Chapter 163.3177 defines required elements in a comprehensive plan. The City has an approved comprehensive plan which must be assumed to have all the required elements. Chapter 163.3191 refers to the required Evaluation and Appraisal Report (EAR); a review of an approved comprehensive plan required of the City every seven years. The City is not subject to an EAR at this juncture and therefore is not relevant as a criterion to the review herein. Finally, Chapter 163.3245 refers to the development of an optional sector plan. This optional element of an approved comprehensive plan was not adopted by the City and therefore will not be used as a criterion for review in this proposed amendment. Chapter 369 refers to invasive aquatic plant control and the Wekiva River area and similarly will not be the subject of compliance review herein.

Other pertinent review elements leading to a determination of compliance are found in Chapter 163.3178 Coastal management, Chapter 163.3180 Concurrency, and the principals for guiding development in the Florida Keys Area of Critical State Concern.

Compliance Discussion

Relevant criteria promulgated in Chapters 163 and 380 F.S. can be itemized in bullets as follows based on the critical concerns more specifically identified in the City's comprehensive plan:

- Natural Resource Protection
 - Wetlands
 - Estuaries
 - Living marine resources
 - Beaches / Dunes
 - Unique wildlife habitat
 - Water Quality
- Historical Resources
- Infrastructure / Concurrency Management
 - Wastewater
 - Stormwater
 - Potable Water
 - Solid Waste
 - Transportation
- Affordable Housing
- Hazard Mitigation
 - CHHA
 - Hurricane Evacuation
- Ports
 - Marina Siting
- Public Use
 - Shoreline use and Access
 - Water dependent and independent activity
- Land Acquisition
 - Conservation
 - CHHA
 - Public Services

These bullet items should be utilized as the focus points for review of the proposed amendment and for future comprehensive plan amendments.

BACKGROUND

Staff is recommending changes to the Comprehensive Plan. The draft ordinance has been proposed to modify language in Chapters 4 & 7, of the City of Marathon Comprehensive Plan, as they pertain to the flooding adaptation projects, based upon the recommendations set forth in the approved Watershed Management Plan (Resolution 2026-41).

ANALYSIS

Natural Resources

No Significant Impact would result from the proposed change.

Historical and Cultural Resources

No Significant Impact would result from the proposed change.

Infrastructure

No Significant Negative Impact would result from the proposed change. Flood adaptation projects would benefit public infrastructure by making it more resilient.

Wastewater infrastructure

No Significant Negative Impact would result from the proposed change. Flood adaptation projects would benefit wastewater infrastructure by making it more resilient.

Stormwater infrastructure

No Significant Negative Impact would result from the proposed change. Flood adaptation projects would benefit stormwater infrastructure by making it more resilient.

Potable Water

No Significant Negative Impact would result from the proposed change. Flood adaptation projects would benefit potable water infrastructure by making it more resilient.

Solid Waste

No Significant Impact would result from the proposed change.

Transportation

No Significant Impact would result from the proposed change.

Affordable Housing

No Significant Impact would result from the proposed change.

Hazard Mitigation

No Significant Negative Impact would result from the proposed change. Flood adaptation projects are

hazard mitigation projects and increase resiliency.

Coastal High Hazard Areas

No Significant Negative Impact would result from the proposed change. Flood adaptation projects within the CHHA benefit properties not within the CHHA.

Hurricane Evacuation

No Significant Impact would result from the proposed change.

Ports – Marina Siting

No Significant Impact would result from the proposed change.

Public Use – Access to Water

No Significant Impact would result from the proposed change.

Land Acquisition

No Significant Impact would result from the proposed change.

Alternate Compliance Review Criteria

Since there are no internal Comprehensive Plan change review criteria available in Chapter 102, Article 6, those that would apply for an LDR text change request (Chapter 102, Article 7) are useful. The basis for the LDR text change criteria is the same as for a Comprehensive Plan change ultimately.

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 proposed language addresses flood adaptation measures across multiple chapters of the Comprehensive Plan, thus ensuring further consistency.

C. Whether the proposed 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:

The proposed Amendments are consistent with and further the goals of the City of Marathon Comprehensive Plan and Land Development Regulations.

RECOMMENDATION:

The Planning staff recommends approval of the Ordinance adding in language to address public expenditure exceptions for flooding adaptation efforts.

Planning Commission recommends approval of this ordinance (3-0).

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

**CITY OF MARATHON, FLORIDA
ORDINANCE 2026-30**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON'S COMPREHENSIVE PLAN, AMENDING CHAPTER FOUR, "CONSERVATION AND COASTAL ELEMENT," POLICY 4-1.19.5, "LIMIT PUBLIC EXPENDITURES IN THE COASTAL HIGH HAZARD AREA," AND AMENDING THE CITY OF MARATHON'S COMPREHENSIVE PLAN MODIFYING CHAPTER SEVEN, "CAPITAL IMPROVEMENTS ELEMENT," POLICY 7-1.5.3, "REVIEW PROPOSALS FOR CONSISTENCY WITH THE PLAN," 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 August 24, 2026, providing

a recommendation of approval to the City Council with no proposed changes; and

WHEREAS, the City Council reviewed this Ordinance on September 8, 2026, and again on ~~XXX, 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 ~~XXX, 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. Policy 4-1.19.5 & Policy 7-1.5.3, are 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 XXTH DAY OF ~~XXX~~ 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

Policy 4-1.19.4 Limit Public Expenditures In The Coastal High Hazard Area

The City shall limit public expenditures which subsidize development in designated CHHA areas or which lead to an increase in the capacity of a facility and allow for an additional number of facility users. Infrastructure improvements are defined as those activities (construction of roads, bridges, sewer and water plants), which lead to an increase in the capacity of a facility and allow for an additional number facility users. Improvements to a facility to addresses existing deficiencies [or flooding adaptation](#) ~~is~~ [are](#) not governed by this policy.

Policy 7-1.5.3 Review Proposals For Consistency With The Plan

Through the development review process, and in coordination with FDOT, the City shall ensure that all roadway improvements [or flooding adaptation projects](#) shall be consistent with the policies of this Plan.