

COUNCIL AGENDA STATEMENT



Meeting Date: April 14, 2026

To: Honorable Mayor and Council Members

From: Brian Shea, Planning Director

Through: Steve Williams, Attorney/Interim City Manager

Agenda Items: **Ordinance 2026-09** An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 102 “Development Application Review Procedures”, Article 6 “Comprehensive Plan Amendment”, Amending Figure 102.22.1 “Comprehensive Plan Amendment Review Process”; 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.

Ordinance 2026-10 An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 102 “Development Application Review Procedures”, Article 7 “Land Development Text Amendment”, Amending Figure 102.28.1 “Land Development Regulation Text Amendment Process”; 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.

Ordinance 2026-11 An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 102 “Development Application Review Procedures”, Article 8 “Development Agreement”, Amending Section 102.32 “Procedure For Consideration And Approval”; 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.

Ordinance 2026-12 An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 102 “Development Application Review Procedures”, Article 11 “Rezoning”, Amending Figure 102.62.1 “Rezoning Review Process”; 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.

Ordinance 2026-13 An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 102 “Development Application Review Procedures”, Article 13 “Conditional Use”, Amending Figure 102.80.1 “Conditional Use Permit Review Process; 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.

Ordinance 2026-14 An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 102 “Development Application Review Procedures”, Article 17 “Appeals”, Amending Figure 102.98.1 “Appeals Review Process”; 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.

Ordinance 2026-15 An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 102 “Development Application Review Procedures”, Article 18 “Beneficial Use Determinations”, Section 102.104 “Final Determination By Council”, Amending Figure 102.104.1 “Beneficial Use Determinations Process”; 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.

Ordinance 2026-16 An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 102 “Development Application Review Procedures”, Article 19 “Vested Rights Determinations”, Amending Section 102.110 “Final Determination”; 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.

Ordinance 2026-17 An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 103 “Zoning Districts”, Article 3 “Use And Intensity Tables”, Tables 103.15.1 “Uses By Zoning District” And 103.15.2 “Density, Intensity And Dimensions For Zoning Districts”; 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.

Ordinance 2026-18 An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 107 “General Development Standards”, Article 2 “Transfer of Building Rights”, Section 107.17 “General Provisions”; 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.

Ordinance 2026-19 An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 107 “General Development Standards”, Article 12 “Floodplain Management”, Section 107.101 “Permits”; 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.

Ordinance 2026-20 An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 110 “Definitions”, Article 3 “Defined Terms”; 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

BACKGROUND:

APPLICANT: City of Marathon

REQUEST:

The draft ordinance has been proposed to modify language in Chapters 102, 103, 107 & 110, of the City of Marathon Land Development Regulations, as they pertain to the Department of Community Affairs (DCA) and Department of Economic Opportunity to now reflect the current rebranding as Florida Commerce as the State Land Planning Agency as defined in Florida Statute. In addition to adding the definitions of a tiki and of a chickee.

Purpose of Proposed Amendment:

The purpose of the amendment is to remove references to DCA and DEO in the flow charts and code sections to reflect the change to the State Land Planning Agency. In addition to adding the definitions of a tiki and of a chickee.

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 criterion and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

Chapter 2011-142, L.O.F. (the law), reorganized the land planning and community development, workforce development, and economic development functions of Florida's government into one state agency. This created the Department of Economic Opportunity, and the division of Community Development. The Division of Community Development includes former DCA responsibilities and functions. Generally, the division assists local governments and communities in planning functions and administers state and federal community development and project planning grant programs. In 2024 the legislature amended Section 20.60 of the Florida Statutes rebranding as the Department of Commerce. To avoid additional code changes should any future legislature rebranding occur, the term State Land Planning Association is being inserted instead.

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

The 2026 EAR amendments to the Comprehensive Plan included the references and changes from DEO to the State Land Planning Agency, now known as Florida Commerce. This LDR amendment is therefore consistent with those changes.

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 proposed text amendments furthers the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan by offering a clear,

concise, and accurate definitions and flow charts.

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 of all twelve (12) ordinances. Planning Commission recommended approval of all twelve ordinances (3-0).

Sponsored by: Williams
Introduction Date: February 23, 2026
Public Hearing Dates: March 10, 2026
April 14, 2026
Enactment Date: April 14, 2026

**CITY OF MARATHON, FLORIDA
ORDINANCE 2026-09**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 102 “DEVELOPMENT APPLICATION REVIEW PROCEDURES”, ARTICLE 6 “COMPREHENSIVE PLAN AMENDMENT”, AMENDING FIGURE 102.22.1 “COMPREHENSIVE PLAN AMENDMENT REVIEW PROCESS”; 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 Council (the “Council”) enacted its Comprehensive Plan on July 5, 2005, and its Land Development Regulations (LDRs) on November 7, 2007; and

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, it is the desire of the City of Marathon City Council to amend its current LDRs to reflect the change from DEO and DCA to Florida Commerce by simplifying to the statutory definition of “State Land Planning Agency”; and

WHEREAS, pursuant to Section 163.3174 and 166.041, *Florida Statutes*, and Section 102, Article 7 of the Marathon Code, the City’s Planning Commission sitting as the Local Planning Agency on February 23rd, 2026 publicly considered the amendments to Land Development Regulations set forth in this Ordinance (the “Amendment”) at a properly noticed public hearing and recommended to the City Council the adoption of the Amendment; and

WHEREAS, the City Council publicly considered the amendments to Land Development Regulations set forth in this Ordinance (the “Amendment”) at a properly noticed public hearing and finds the adoption of the Amendment, in the form attached hereto, is in the best interest of the City and complies with applicable State laws and rules

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA:

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Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The Code of the City of Marathon, Florida is hereby amended as Exhibit A attached.

Section 3. Conflict. The Provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any sentence, section, 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 sentences, sections, clauses or phrases of the 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. Inclusion in the Code of Ordinances. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Marathon Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “Section” or other appropriate word.

Section 6. Land Development Regulations. The provisions of this Ordinance constitute a “land development regulation” as state law defines that term. Accordingly, the City Clerk is authorized and directed to forward a copy of this Ordinance to the State Department of Commerce for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 7. Effective Date. This Ordinance shall be effective immediately upon approval by the State Department of Commerce pursuant to Chapter 380, Florida Statutes.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14th DAY OF APRIL 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

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Diane Clavier, City Clerk

(City Seal)

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

Steven Williams, City Attorney

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