



City of Marathon Planning Commission
Monday February 23, 2026
9805 Overseas Hwy
City Hall Council Chambers
5:30 PM

- 1. Call To Order**
- 2. Pledge Of Allegiance**
- 3. Introduction-John Keller**
- 4. Roll Call**
- 5. Approval Of Minutes**
- 6. Items For Public Hearing**
- 7. Adjournment**

5. Items For Public Hearing

1. Consideration Of A Request By MarineMax East, Inc., For A Conditional Use Permit Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations ("The Code") Entitled "Conditional Use Permits", Authorizing The Continued Operation Of A Marina With Associated Fuel Sales And Storage At The Property Located At 77 Coco Plum Drive, Which Is Legally Described As Section 5, Township 66, Range 33, On Coco Plum Beach, Including Lots 3, 14, 15, 16 And 17 Of The Unrecorded Lime Grove Estates Plat, Marathon, Monroe County, Florida, Having Real Estate Number 00100750-001600, Nearest Mile Marker 54.
2. An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter One, "Future Land Use Element," And Intending To Modify Table 1-1, "Future Land Use Densities And Intensities," Modify Policy 1-3.5.13, "Inventory Affordable/Workforce Housing," Modify Policy 1-3.5.14, "Establish A Land Acquisition And Conservation Advisory Committee," Modify Objective 1-4.1, "Provide Workforce-Affordable Housing Building Permit Allocations," 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.
3. An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Two, "Housing Element," And Intending To Modify Policy 2-1.1.3, "Affordable And Workforce Housing Report," 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.

4. An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Three, "Infrastructure Element," And Intending To Modify Policy 3-3.4.1, "Pursue Funding Sources," 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.
5. An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Four, "Conservation And Coastal Element," And Intending To Modify Policy 4-1.2.14, "Establish And Coordinate Acquisition Programs," 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.
6. An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Five, "Intergovernmental Coordination Element," And Intending To Modify Policy 5-1.2.4, "Coordinate All Transportation Improvements," Modify Policy 5-1.2.10, "Render Appropriate Development Permits," 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.
7. An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Seven, "Transportation Element," And Intending To Modify Policy 7-1.1.3, "Address Short Term And Long Term Strategies To Reduce Clearance Time," 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.
8. An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Nine, "Implementation And Review Element," And Intending To Modify Policy 9-1.2.2, "Annual Work Program And Evaluation," 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.
9. 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.

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.
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.
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.
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.
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.

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.
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.
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.
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.
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.

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.



City of Marathon Planning Commission
Monday November 17, 2025
9805 Overseas Hwy
City Hall Council Chambers

MINUTES

Royse called the meeting of the Planning Commission to order on Monday November 17, 2025, at 5:30 pm.

In attendance: Planning Director Brian Shea, Attorney Steve Williams, Admin Assistant Lorie Mullins, Planner McKenzie Fraley, Planner Dan Guilizo, and members of the public.

The Pledge of Allegiance was recited.

The roll was called. Hiram Machado-present; Mary Ann Royse-present; Mike Cinque-absent; Andrew George-present; Matt Sexton-present.

Royse called for an approval of the Minutes from the last meeting. With no quorum, the approval of the minutes was tabled until the next meeting.

Item 1 was read into the record. An Ordinance Of The City Of Marathon, Florida; Amending Chapter 102 "Development Application Review Procedures" By Creating Article 25 "Requests For Accommodations", Amending Chapter 104 "Specific Use Regulations", Section 104.20 Entitled "Group Home", Amending Chapter 110 "Definitions", Article 3 Entitled "Defined Terms"; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The Department Of Commerce After Final Adoption By The City Council; And Providing For An Effective Date.

Shea presented the item as a state requirement with a deadline of January 1, 2026.

After a brief discussion regarding the state requirement, Machado made a motion to accept the item. George seconded. The motion was approved 4-0.

Motion and second to adjourn at 5:37pm.

ATTEST:

MaryAnn Royse-Planning Commission Chair

ATTEST:

Lorie Mullins-Admin Assistant
Planning Department

Audio-Video is available upon request.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: Anyone needing special assistance at the Planning Commission Meeting due to disability should contact the City of Marathon at (305) 743-0033 at least two days prior thereto.

(Please note that one or more Marathon City Council members may participate in the meeting.)

DRAFT



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: February 23, 2026

To: Honorable Chair and Planning Commissioners

From: Brian Shea, Planning Director

Agenda Item: Consideration Of A Request By MarineMax East, Inc., For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations ("The Code") Entitled "Conditional Use Permits", Authorizing The Continued Operation Of A Marina With Associated Fuel Sales And Storage At The Property Located At 77 Coco Plum Drive, Which Is Legally Described As Section 5, Township 66, Range 33, On Coco Plum Beach, Including Lots 3, 4, 14, 15, 16 And 17 Of The Unrecorded Plat, Lime Grove Estates, Marathon, Monroe County, Florida, Having Real Estate Number 00100750-001600. Nearest Mile Marker 54.

**APPLICANT/
OWNER:** MarineMax East, Inc.

AGENT: Stephen Tilbrook and Bethany Blakeman (Ackerman, LLP)

LOCATION: The project site is located on the west side of Coco Plum Drive approximately 2,320 feet south of Overseas Highway, nearest to mile marker 54. (See Figure 1.)

REQUEST: A Conditional Use Approval for continued operation of a marina with accessory fuel storage and sales.

LOT SIZE: 74,500 Square feet/1.71 acres (upland)
Total size: 2.58 acres

Figure 1
Project Site



SURROUNDING ZONING AND USES:

Figure 2 – Zoning



Figure 3 – Future Land Use Map (FLUM)



	<u>Zoning</u>	<u>Use</u>
North	Mixed Use (MU)	White Marlin Marina
East	Mixed Use- Maritime (MU-M)	Marine Warehouse
South	Residential High (RH)	Single-family Residences
West	Mixed Use- Maritime (MU-M)	Vacant

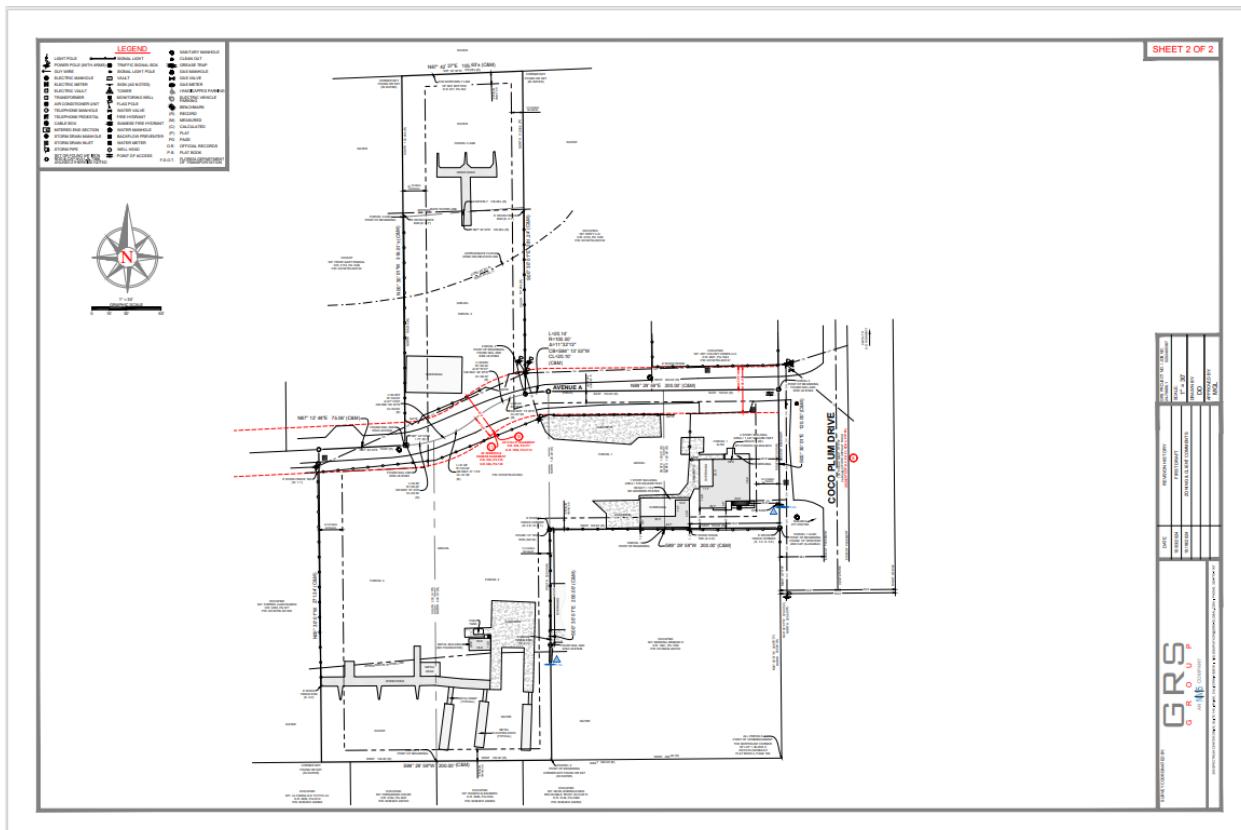
EXISTING CONDITIONS:

The project site consists of an existing marina along with accessory fuel storage and sales. The site is zoned Mixed Use-Marine (MU-M) and is located within the Mixed Use Commercial (MU-C) Future Land Use Map (FLUM) Category. (see Figures 2 and 3)

PROPOSED DEVELOPMENT:

The applicant is seeking to maintain the current marina and add accessory fuel storage and sales.

Figure 4
Existing Site Plan



BACKGROUND:

The use of the site as a marina is a permitted use within the MU-M District pursuant to Section 103.15.1. According to current records and information submitted in connection with the application, the marina use was established via a Conditional Use Permit issued by Monroe County on June 14, 1992 (#7-92). The fuel storage use is currently subject to an after-the-fact permit. Pursuant to City Code Section 103.15.1, fuel sales in a Mixed Use-Marine (MU-M) District is subject to a Conditional Use permit and there is no record of a Conditional Use permit having been issued in connection with the site. Approval of the Conditional Use permit would bring the use of the site into compliance with current code requirements.

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

The criteria for evaluating a Conditional Use Approval are outlined in Chapter 102, Article 13, Conditional Use Permits, in the City of Marathon Land Development Regulations.

CRITERIA

- A. The proposed use is consistent with the Comprehensive Plan and LDRs;

The MU-M zoning district is intended to establish areas suitable for uses which are essential to the commercial maritime industry, including sales and service of fishing equipment and supplies, seafood processing, fishing equipment manufacture and treatment, boat storage, restaurants, retail and affordable housing residential uses. The MU district is designated within the Mixed-use Commercial (MUC) future land use category on the Future Land Use Map (FLUM).

The marina is a permitted use within the MU-M District and the fuel sales and storage operation is also permitted via a Conditional Use Permit within the District. The intensity of development associated with the site is also within the parameters permitted within the Land Development Regulations including the standards contained within Table 103.15.2 – entitled Density, Intensity and Dimensions for Zoning Districts. As the uses on-site are consistent with the existing zoning and the zoning pattern is consistent with the comprehensive plan, the continued operation of the site is consistent with the both the Comprehensive Plan and Land Development Regulations.

Therefore, with conditions, the request is *in compliance* with the requirements of these sections.

- B. **The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;**

As noted above, the existing marina and accessory fuel use is located within the MU-M District. It is adjacent to other properties to the east and west that are also located within the MU-M District and improved with similar marine-related uses. To the north and south of the subject property are existing canals with high density residential development to the south and a marina use to the north. Finally, it is also noted that the existing marina and fuel use has been in operation for several years with no documented impacts to surrounding uses.

Therefore, the request is *in compliance* with the requirements of these sections.

C. The proposed use shall not adversely affect the health, safety, and welfare of the public;

The site will continue to be maintained in accordance with the requirements of the City's Land Development Regulation's including "Specific Use Regulations" contained within Chapter 104, Subsections 104.18 (Fuel Sales) and 104.30 (Marina). Please see below.

[Sec 104.30] Marina

Preference shall be given to the expansion of suitable existing facilities rather than new construction. Marinas may be allowed pursuant to Table 103.15.1 and are subject to the following conditions:

A. Marina Siting Criteria.

1. Concept Meeting. The applicant shall schedule and attend a concept meeting with the TRC to review siting criteria, the development approval process and marina operating practices. The following information shall be submitted with the completed application:

- a. Survey of the subject property;
- b. Preliminary site plan;
- c. Written description of size and type of development;
- d. Location map of facility;
- e. Aerial photograph of site;
- f. Site photographs;
- g. Bathymetry survey;
- h. If available, the following information will also be useful at this meeting:
 - (1) Vegetation survey; or
 - (2) Natural Resource Assessment.

2. Review of Applications. Marinas may be subject to the conditional use approval process established in Chapter 102, Article 13. In addition to the docking facility criteria established in Chapter 104, "Waterfront Walkways and Docks", and the requirements of Article 24 "Marina Operating Permit", Chapter 102. The City shall consider, in its review of permit applications

under this section, the following criteria. If any of the following questions are answered in the affirmative, the application shall be denied or modified:

- a. Would have a detrimental effect on the use of such waters for navigation, transportation, recreational or other public purposes and public conveniences;
- b. Would restrict the free use of the waterways and navigable waters;
- c. Would have a material adverse effect upon the flow of water or tidal currents in the surrounding waters;
- d. Would have a material adverse effect upon erosion, erosion control, extraordinary storm drainage, shoaling of channels, or would be likely to adversely affect the water quality presently existing in the area or limit progress that is being made toward improvement of water quality in the area;
- e. Would have a material adverse effect upon the natural beauty and recreational advantages of the City;
- f. Would have a material adverse effect upon the conservation of wildlife, marine life, and other natural resources, including shorelines, so as to be contrary to the public interest;
- g. Would have a material adverse effect upon the uplands surrounding or necessarily affected by such plan or development;
- h. Would have a material adverse effect on the community character or safety, health and welfare of the general public; or
- i. Are inconsistent with adopted State plans (i.e., manatee protection plans), the City of Marathon Comprehensive Plan, other formally adopted natural resource management plans, or any other City ordinances or regulations.

3. It shall be the burden of the applicant for a permit under this article to provide data and testimony to show the effect of the proposed plan and development on the criteria established in this section.
4. The City shall have the option of requiring the analysis of alternative designs where such alternatives have the potential to reduce environmental impacts or navigational impacts. It shall be the burden of the applicant to prove that alternatives do not result in lesser impacts than the proposed design. An analysis of alternatives may be submitted at the time of application at the option of the applicant.
5. The use of alternative designs, such as the use of multiuse private docks in lieu of single-family private docks, may be required where the assessment of cumulative impacts indicates that such cumulative impacts would violate the general provisions under this Chapter.

B. Special Conditions.

1. Prior to the issuance of any permit under this article, special conditions may be imposed for such permit. These conditions should include any item which can be reasonably expected to enhance the probability that the proposed activity will be conducted in compliance with the intent of this article. Those conditions may include, but are not limited to, field inspections by City staff, reports, monitoring, bonding, easements, guaranteed survival of non-affected and/or replanted vegetation, protective barriers, setbacks, protective earthwork, replants, signage, restoration and/or mitigation. Conditions may also be applied in order to assure consistency with the Comprehensive Plan.

2. Prior to the issuance of the Certificate of Occupancy, the marina shall obtain and maintain a Marina Operating Permit, in compliance with all standards of Article 24, Chapter 102.

3. It shall be unlawful for any person to deviate from the specific conditions of the permit as set forth by this article without the prior approval of the City Manager.

[Sec 104.18] Fuel Sales

Fuel sales may be allowed pursuant to Table 103.15.1 provided that the locations of fuel pump islands and fuel storage tanks meet the standards in this section. Other structures on the premises shall follow the standards for the zoning district. Within the I-M and MU-M districts, fuel sales shall be limited to vessels and other water vehicles.

A. Location of Fuel Pump Islands. Pump islands shall be a minimum of 25 feet from any road right-of-way line, ten (10) feet from any other property line or 12 feet from any building line. Canopies over the pump islands may extend up to ten (10) feet from any property line.

B. Location of Fuel Tanks. Gasoline and fuel storage tanks shall be located a minimum of 20 feet from any property line or building.

Therefore, subject to compliance with the standards associated with Sections 104.18 (Fuel Sales) and Section 104.30 (Marina) along with compliance with any additional conditions imposed by the City Council, the request is ***in compliance with*** the requirements of these sections.

D. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:

The parcel is not identified on the Species Focus List and is previously developed.

Further improvements to water quality are expected to arise from stormwater improvements to the site, which should provide up-to-date treatment and eliminate any existing discharges to surface

waters. The applicant has submitted preliminary stormwater plans suitable for the Conditional Use Application, and final plans are required prior to building permit issuance.

Site landscaping will be selected from Table 107.68.1, Appendix A, Article 8, Section 107 of the City of Marathon Code of Ordinances. The native vegetation will improve the environmental quality of the site and reduce irrigation needs.

Therefore, it is staff's opinion that the request is *in compliance* with the requirements of these sections so long as the development is conditioned on provision of final landscaping and mitigation plans subject to approval of the City Biologist and final stormwater plans subject to City approval.

- A final landscaping plan must be approved prior to permit issuance.
- A final stormwater plan must be submitted prior to permit issuance.

E. Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:

1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in cases of fire or catastrophe;

The application to maintain the existing marina and accessory fuel sales does not involve any increase in the intensity of the use of the subject site. As noted previously, the site has been in operation for more than twenty (20) years without any documented impacts to surrounding land uses. The applicant will provide improvements to the site in order to improve existing site conditions, to bring the property into greater compliance with current standards, and to mitigate any potential impacts associated with the continued operation of the marina.

Therefore, with conditions, the request is *in compliance* with the requirements of these sections.

2. Off-street parking and loading areas where required, with particular attention to item 1 above;

Parking requirements are outlined in Section 107.46. Parking for the marina and accessory fuel sales are provided below:

Convenience store, with or without fuel sales

Parking Standard – 1 per fueling position for vehicles fueling, plus 2 per working bay, plus 1 per 200 square feet of sales area. In this instance, fueling is limited to boats. No additional space is needed.

Marina

Parking Standard – 1 space per 2 wet slips and 1 space per 5 dry slips

The site maintains a lot area (upland) of approximately 74,500 square feet and has been in operation for more than twenty (20) years with no documented parking shortfalls. Subject to compliance with the above parking requirements adequate parking will be provided to accommodate the ongoing marina operation.

Therefore, with the conditions noted above, the request is **in compliance** with the requirements of these sections.

3. The noise, glare or odor effects of the conditional use on surrounding properties;

The subject application involves the continuation of the existing marina use with accessory fuel sales. The marina has previously been the subject of a marina operating plan, which will be updated as a condition of approval. Existing City site development standards along with mitigation measures included with this application will adequately address any potential impacts in the form of noise, glare, or odors.

Therefore, with conditions, the request is **in compliance** with the requirements of this section.

4. Refuse and service areas, with particular reference to locations, screening and Items 1 and 2 above;

Section 107.39 requires that all dumpsters and recycling bins be fully enclosed and screened. The site currently has an existing dumpster. Subject to compliance with Section 107.39, potential impacts associated with refuse and service areas are anticipated to be adequately mitigated.

Therefore, subject to appropriate mitigation measures as outlined above, the request is **in compliance** with the requirements of this section.

5. Utilities, with reference to location and availability;

Chapter 107, Article 13, establishes the City's Concurrency Management and certification requirements. This Conditional Use constitutes the City's Concurrency Level of Service Certificate, as follows:

- Wastewater: The property is currently connected to the City Sewer System. The applicant will provide wastewater and sewage collection and disposal via connecting to City wastewater system. This project should not constitute additional impacts to the City's wastewater system.
- Water: The Florida Keys Aqueduct Authority provides potable water for the facility.
- Solid Waste: Marathon Garbage Service provides solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards. However, a final stormwater plan will be required for building permit issuance.

- Recreation and Open Space: This development will have a de minimis impact on recreation and open space.
- Roadways: This development will have a de minimis impact on local roadways.
- Educational Facilities: This development will have a de minimis impact on educational facilities since existing uses are replaced in kind.

Therefore, with conditions, the request is in compliance with the requirements of these sections.

- City approval is required for the stormwater management system prior to Building Permit Approval.

6. Screening and buffering with reference to type, dimensions and character;

Table 107.66.1 establishes project boundary buffer standards for development throughout the City based on the compatibility of adjacent uses. In this instance, the subject site is surrounded by uses within the MU-M zoning district and a boundary buffer is not required.

Article 107-8 Landscaping, establishes landscaping standards including (1) Site Interior Landscaping (Section 107.65), (2) Parking Area Landscaping (Section 107.66), (3) Foundation Planting Requirements (Section 107.67), and (4) Streetscape Treatment Types (Section 107.71).

The purpose and intent of the City's Landscape requirements is “*to establish minimum standards for the design, layout, installation and continued maintenance of landscaping. The overall character of the landscape of the City development shall be based on the enhancement of the pedestrian quality of the environment through landscape vegetation and the promotion of local and regional qualities through preservation of existing vegetation, use of native species, energy conservation, aesthetics, privacy and the use of Low Impact Development strategies. It is furthermore, the purpose and intent of these regulations to promote energy efficiency and water conservation through the use of site adapted and appropriate, native plants and efficient landscape irrigation systems and watering practices, which may, in turn, result in long-term reductions in the use of fertilizers, pesticides, energy, maintenance, and the associated costs for the citizens of the City.*”

In this instance, the applicant is seeking to “*maintain*” an existing marina and to bring the existing sale of fuel into compliance with the Code through the obtaining of a Conditional Use Permit. It is anticipated that the applicant shall submit a landscape plan which brings the site as closely into compliance with current standards as is practical.

Therefore, the request is in compliance with the requirements of these sections.

7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding uses;

The application does not involve a request for new signage. Any new signage shall be subject to additional review and shall be considered in connection with existing code requirements.

Therefore, the request is in compliance with the requirements of these sections.

- Any future signs shall be reviewed for compliance with the City of Marathon LDR's.

8. Required yards and other open space;

Section 106.16 establishes required open space for the project. The parcel is considered developed; therefore, a twenty percent open space requirement applies. According to the provided conditional use plan, the property shall maintain a 20% open space.

Therefore, the request is **in compliance** with the requirements of these sections.

9. General compatibility with surrounding properties; and

The subject parcel is currently improved with a marina and accessory fuel storage and sales. The property is located within the MU-M zoning district and is adjacent to other similarly developed and marine-related uses located within the MU-M District. No additional development is proposed at this time and the existing marina has been in operation since prior to City incorporation with no documented instances of incompatibility. It is anticipated that current development standards and regulatory controls contained within the City Code will mitigate any potential impacts in the future.

Therefore, the request is **in compliance** with the requirements of these sections.

10. Any special requirements set forth in the LDRs for the particular use involved.

Section 104.18 of the City Code establishes guidelines for the sale of fuels. Fuel sales may be allowed pursuant to Table 103.15.1 provided that the locations of fuel pump islands and fuel storage tanks meet the standards in this section. Other structures on the premises shall follow the standards for the zoning district. Within the I-M and MU-M districts, fuel sales shall be limited to vessels and other water vehicles.

- Location of Fuel Pump Islands: Pump islands shall be a minimum of 25 feet from any road right-of-way line, ten (10) feet from any other property line or 12 feet from any building line. Canopies over the pump islands may extend up to ten (10) feet from any property line.
- Location of Fuel Tanks: Gasoline and fuel storage tanks shall be located a minimum of 20 feet from any property line or building.

In addition, marinas are regulated pursuant to Section 104.30 of the City Code, which contains the following Special conditions:

- Prior to the issuance of any permit under this article, special conditions may be imposed for such permit. These conditions should include any item which can be reasonably expected to enhance the probability that the proposed activity will be conducted in compliance with the intent of this article. Those conditions may include, but are not limited to, field inspections by City staff, reports, monitoring, bonding, easements, guaranteed survival of non-affected and/or replanted vegetation, protective barriers, setbacks,

protective earthwork, replants, signage, restoration and/or mitigation. Conditions may also be applied in order to assure consistency with the Comprehensive Plan.

- Prior to the issuance of the Certificate of Occupancy, the marina shall obtain and maintain a Marina Operating Permit, in compliance with all standards of Article 24, Chapter 102.
- It shall be unlawful for any person to deviate from the specific conditions of the permit as set forth by this article without the prior approval of the City Manager.

Therefore, with the conditions noted above, the request is *in compliance* with the requirements of this section.

CONCLUSION:

The Conditional Use Approval is intended to allow for the integration of certain land uses and structures within the City of Marathon based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety or welfare of the community.

The proposed application involves a request to maintain an existing marina along with the accessory storage and sale of fuel. The application, including the overall upgrading and improvement of the site, furthers the policies for development in the City and is consistent with the Comprehensive Plan and Land Development Regulations. The project is compatible with surrounding uses, and is not expected to create a nuisance, traffic congestion or threat to public, health, safety or welfare.

RECOMMENDATION:

The Planning staff respectfully recommends approval of the Conditional Use Permit to allow for the continued operation of the marina and accessory fuel storage at sales use located at 77 Coco Plum Drive to the Planning Commission. The proposed conditions of approval are listed below.

Conditions of Approval

1. All conditions of the Fire Marshal must be met prior to permit issuance.
2. A final landscaping plan must be approved prior to permit issuance.
3. A final stormwater plan must be submitted for review and approval prior to permit issuance. The stormwater management plan must meet 25yr-72hr storm event per storm water code Section 107.88.
4. A Final Site Plan must be submitted showing the buildings meeting the required setbacks, parking locations, and access drives.
5. Clear sight triangles must be shown on the site plan at time of building permit issuance.
6. A detailed lighting plan must be submitted before the project is permitted.

7. Prior to permit issuance, the dumpster must be shown on site and must be screened. The applicant will obtain the required permits to fully enclose and screen the dumpster in accordance with Section 107.39;
8. The marina shall obtain and maintain a Marina Operating Permit, in compliance with all standards of Article 24, Chapter 102.
9. All future signs will be reviewed and approved for compliance with the City of Marathon LDR's. Prior to permit issuance, the applicant will obtain sign permits for any signs erected on the property, as required under the Code;
10. Parking shall comply in all respects with City requirements.
11. Location of Fuel Pump Islands: Pump islands shall be a minimum of 25 feet from any road right-of-way line, ten (10) feet from any other property line or 12 feet from any building line. Canopies over the pump islands may extend up to ten (10) feet from any property line.
12. Location of Fuel Tanks: Gasoline and fuel storage tanks shall be located a minimum of 20 feet from any property line or building.
13. The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: February 23, 2026

To: Planning Commission

From: Brian Shea, Planning Director



Agenda Items: An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter One, "Future Land Use Element," And Intending To Modify Table 1-1, "Future Land Use Densities and Intensities," Modify Policy 1-3.5.13, "Inventory Affordable/Workforce Housing," Modify Policy 1-3.5.14, "Establish A Land Acquisition And Conservation Advisory Committee," Modify Objective 1-4.1, "Provide Workforce-Affordable Housing Building Permit Allocations," 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.

An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Two, "Housing Element," And Intending To Modify Policy 2-1.1.3, "Affordable And Workforce Housing Report," 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.

An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Three, "Infrastructure Element," And Intending To Modify Policy 3-3.4.1, "Pursue Funding Sources," 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.

An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Four, "Conservation and Coastal Element," And Intending To Modify Policy 4-1.2.14, "Establish And Coordinate Acquisition Programs," 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.

An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Five, "Intergovernmental Coordination Element," And Intending To Modify Policy 5-1.2.4, "Coordinate All Transportation Improvements," Modify Policy 5-1.2.10, "Render Appropriate Development Permits," 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.

Comprehensive Plan Modifying Chapter Seven, "Transportation Element," And Intending To Modify Policy 7-1.1.3, "Address Short Term And Long Term Strategies To Reduce Clearance Time," 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.

An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Nine, "Implementation and Review Element," And Intending To Modify Policy 9-1.2.2, "Annual Work Program And Evaluation," 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 seven (7) Ordinances removing outdated references to the rebranded State Land Planning Agency.

APPLICANT: City of Marathon

REQUEST: Amend City of Marathon Comprehensive Plan, as it pertains to the Department of Community Affairs (DCA) and Department of Economic Opportunity (DEO) to now reflect the current rebranding as Florida Commerce as the State Land Planning Agency as defined in Florida Statute.

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 1, 2, 3, 4, 5, 7, & 9, of the City of Marathon Comprehensive Plan, as they pertain to the Department of Community Affairs (DCA) and Department of Economic Opportunity (DEO) to now reflect the current rebranding as Florida Commerce as the State Land Planning Agency as defined in Florida Statute.

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 Impact would result from the proposed change.

Wastewater infrastructure

No Significant Impact would result from the proposed change.

Stormwater infrastructure

No Significant Impact would result from the proposed change.

Potable Water

No Significant Impact would result from the proposed change.

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 Impact would result from the proposed change.

Coastal High Hazard Areas

No Significant Impact would result from the proposed change.

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;

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 comprehensive plan amendment is therefore consistent with the proposed changes to the LDRs.

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:

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 seven (7) Ordinances removing outdated references to the rebranded State Land Planning Agency.

Sponsored By: Garrett
Planning Commission Public Hearing Date: February 23, 2026
City Council Public Hearing Date: March 10, 2026
TBD
Enactment Date: **TBD**

CITY OF MARATHON, FLORIDA
ORDINANCE 2026-XX

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON'S COMPREHENSIVE PLAN MODIFYING CHAPTER ONE, "FUTURE LAND USE ELEMENT," AND INTENDING TO MODIFY TABLE 1-1, "FUTURE LAND USE DENSITIES AND INTENSITIES," MODIFY POLICY 1-3.5.13, "INVENTORY AFFORDABLE/WORKFORCE HOUSING," MODIFY POLICY 1-3.5.14, "ESTABLISH A LAND ACQUISITION AND CONSERVATION ADVISORY COMMITTEE," MODIFY OBJECTIVE 1-4.1, "PROVIDE WORKFORCE-AFFORDABLE HOUSING BUILDING PERMIT ALLOCATIONS," 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 February 23, 2026,

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

WHEREAS, the City Council reviewed this Ordinance on March 10, 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. Chapter 1, is 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

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

[Chapter 1 - Future Land Use Element Goals, Objectives And Policies](#)

TABLE 1-1
Future Land Use Densities and Intensities*

Future Land Use Category	Permitted Residential Density (Units per acre)			Hotel/Motel/RV Maximum Spaces	Intensity (Units per acre)	Minimum Open Space Ratio
	Market Rate	Affordable	Licensed Mobile Home or RV Parks			
Airport (AD)	0		0	N/A	0.15 - 0.50	0.2
Conservation (C)	0.1 - 0.25	0.1 - 0.25	0	N/A	0.05 - 0.10	0.5
Industrial (I)	0	5 - 10	0	N/A	0.85	0.2
Mixed Use Commercial (MUC)	2 - 6	10 - 15	10 - 25	5 - 25	0.15 - 0.60 ⁴	0.2
Public Uses (PU)	0	15 - 25	0	3 - 25	0.15 - 0.75	0.2
Recreation (R)	0.25	0.25	0	5 - 15	0.15 - 0.50	0.2

Residential High (RH)	8	15 - 25	15 - 25	0	0	0.2
Residential Medium (RM)	5	10	0	0	0	0.2
Residential Low (RL)	0.5	0.5	0	0	0	0.5

Note:

1. See Objective 1-3.9 and subsequent policies.
2. The allocated and maximum net densities for submerged lands shall be 0.
3. For properties consisting of hammocks or disturbed wetlands within the Mixed Use Commercial future land use categories, the floor area ratio shall be 0.10 and the maximum net residential density shall be 0.
4. Open space shall be increased based upon the requirement for a habitat evaluation and shall conform to [Table 4-1](#) of the Coastal and Conservation Element.
5. The FAR in Mixed Use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided.
6. Residential Densities found in this Table are subject to the provisions of [Policy 1-3.5.16](#)
7. Existing Single Family Residences may be repaired, modified, or replaced. Individual vacant Lots within Blocks defined within a Platted Subdivision subject to RL-C zoning may be built upon IF the sum of all Lots within an individual Block are over 90% developed with single family residences as of the date that [DEO the State Land Planning Agency](#) accepts the Ordinance whichever occurs first.
8. This Footnote applies ONLY to properties and/or developed RV or Mobile Home sites which have been or would be recognized as having a Permanent RV structure, as defined in [Policy 1-3.2.8](#) which are located in the Residential High or Mixed Use Commercial Land Use Categories, Operable Road Ready RVs may be placed on the site of a Permanent RV once the Permanent RV structure is demolished and ONLY if it is determined that the property or site has retained its Transferable Building Right and the Right hasn't been previously transferred to another location within the City. Otherwise, said Permanent RV properties or sites

will retain their Market Residential Building Right or allocation. Said Market Rate Building Rights may be retained on-site as Market Rate residential units with the redevelopment of a Florida Building Code compliant residential structure. If the Development Right is transferred, it shall only be transferred as an Affordable Building Right. Though an operable Road Ready RV may utilize Permanent RV properties or sites, it shall not be assumed that the site has a Transient Residential Unit which can be transferred as such.

*All development and redevelopment shall comply with this Plan and the Land Development regulations.

Policy 1-3.5.13 Inventory Affordable/Workforce Housing

The City shall continue to maintain an inventory of all existing affordable and workforce housing, including mobile homes, RVs, motels, and any alternative type of dwelling unit that may be used as affordable/workforce housing. The City shall prepare a report, consistent with [Policy 2-1.1.8](#), which at a minimum shall identify the number and type of units. This report shall also include an estimate of the number of these units that may not have been lawfully established or fall under the umbrella for density entitlement. The report shall further analyze the impacts on the adopted level of service (LOS) standards as a result of the existing units which may not have been lawfully established or which may not fall under the umbrella for density entitlement. On the basis of this report the City shall explore the feasibility, through coordination with the [DEO State Land Planning Agency](#) and a Plan amendment, of allowing for the replacement, outside of the annual allocation system, of select identified units from this category. The City shall establish an incentive program encouraging registration and protection of these units along with specific measures to effectively maintain the number of units that are identified as affordable. §163.3177(6)(f)2 F.S.

Policy 1-3.5.14 Establish A Land Acquisition And Conservation Advisory Committee

The City has established a Land Acquisition and Conservation Advisory Committee. This Committee, in conjunction with City staff, shall draft a report recommending the best means for land acquisition and land conservation. The report shall include, at a minimum, a system for prioritizing acquisition for affordable/workforce housing, public uses, and conservation sites, as well as a system for continued monitoring, evaluation and updating adopted programs. The City shall maintain a list of properties containing environmentally sensitive lands in need of acquisition and shall periodically, or upon request, submit this list to the [Department of Economic Opportunity State Land Planning Agency](#). Through the Building Permit Allocation System (BPAS), development in environmentally sensitive areas shall be limited and discouraged.

Objective 1-4.1 Provide Workforce-Affordable Housing Building Permit Allocations

Pursuant to [Policy 1-3.5.9](#), the City has worked with the State [Department of Economic Opportunity State Land Planning Agency](#) to "obtain more residential allocations specifically for affordable housing." The City thereby, shall establish a new limited category to be

known as the "Affordable - Early Evacuation Pool" which will provide 300 workforce-affordable building permit allocations for the Workforce-Affordable Housing Initiative. These allocations are in addition to the maximum allocations identified in Rules 28-18, Florida Administrative Code. The City shall be responsible for the management, distribution, and enforcement of requirements associated with the Early Evacuation Affordable allocations. The City of Marathon shall ensure adherence to these requirements through implementation of the policies of this objective.

Sponsored By: Garrett
Planning Commission Public Hearing Date: February 23, 2026
City Council Public Hearing Date: March 10, 2026
TBD
Enactment Date: **TBD**

CITY OF MARATHON, FLORIDA
ORDINANCE 2026-XX

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON'S COMPREHENSIVE PLAN MODIFYING CHAPTER TWO, "HOUSING ELEMENT," AND INTENDING TO MODIFY POLICY 2-1.1.3, "AFFORDABLE AND WORKFORCE HOUSING REPORT," 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 February 23, 2026, providing a recommendation of approval to the City Council with no proposed changes; and

WHEREAS, the City Council reviewed this Ordinance on March 10, 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. Chapter 2, is 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

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

Chapter 2 - Housing Element Goals, Objectives And Policies

Policy 2-1.1.3 Affordable And Workforce Housing Report

The City shall continue to maintain an inventory of all existing affordable and workforce housing, including mobile homes, RVs, motels, and any alternative type of dwelling unit that may be used as affordable/workforce housing. The City shall prepare a report, consistent with Policy 2-1.1.8, which at a minimum shall identify the number and type of units. This report shall also include an estimate of the number of these units that may not have been lawfully established or fall under the umbrella for density entitlement. The report shall further analyze the impacts on the adopted level of service (LOS) standards as a result of the existing units which may not have been lawfully established or which may not fall under the umbrella for density entitlement. On the basis of this report, the City shall explore the feasibility, through coordination with the [DEOState Land Planning Agency](#) and a Plan amendment, of allowing for the replacement, outside of the annual allocation system, of select identified units from this category. The City shall establish an incentive program encouraging registration and protection of these units along with specific measures to effectively maintain the number of units that are identified as affordable.

§163.3177(6)(f)2 F.S.

Sponsored By: Garrett
Planning Commission Public Hearing Date: February 23, 2026
City Council Public Hearing Date: March 10, 2026
TBD
Enactment Date: **TBD**

CITY OF MARATHON, FLORIDA
ORDINANCE 2026-XX

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON'S COMPREHENSIVE PLAN MODIFYING CHAPTER THREE, "INFRASTRUCTURE ELEMENT," AND INTENDING TO MODIFY POLICY 3-3.4.1, "PURSUE FUNDING SOURCES," 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 February 23, 2026, providing a recommendation of approval to the City Council with no proposed changes; and

WHEREAS, the City Council reviewed this Ordinance on March 10, 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. Chapter 3, is 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

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

Chapter 3 - Infrastructure Element Goals, Objectives And Policies

Policy 3-3.4.1 Pursue Funding Sources

The City shall continue intergovernmental coordination efforts with Monroe County, the ~~Department of Economic Opportunity (DEO) State Land Planning Agency~~, the Department of Environmental Protection (DEP), the South Florida Regional Planning Council (SFRPC), and other County municipalities to develop and implement the most cost-effective and environmentally sound methods of regional solid waste management. §163.3177(6)(c)2. F.S.

Sponsored By: Garrett
Planning Commission Public Hearing Date: February 23, 2026
City Council Public Hearing Date: March 10, 2026
TBD
Enactment Date: **TBD**

CITY OF MARATHON, FLORIDA
ORDINANCE 2026-XX

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON'S COMPREHENSIVE PLAN MODIFYING CHAPTER FOUR, "CONSERVATION AND COASTAL ELEMENT," AND INTENDING TO MODIFY POLICY 4-1.2.14, "ESTABLISH AND COORDINATE ACQUISITION PROGRAMS," 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 February 23, 2026, providing a recommendation of approval to the City Council with no proposed changes; and

WHEREAS, the City Council reviewed this Ordinance on March 10, 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. Chapter 4, is 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

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

Chapter 4 - Conservation And Coastal Element Goals, Objectives And Policies

Policy 4-1.2.14 Establish And Coordinate Acquisition Programs

The City shall maintain a land acquisition program and prepare a Capital Investment Plan for the acquisition of environmentally sensitive land, land for affordable housing, open space, parks and recreation, and the purchase of development rights in coordination with regional, State, Federal and private programs, including but not limited to the DEP, the Monroe County Land Authority, the ~~Department of Economic Opportunity (DEO)~~ State Land Planning Agency and other agencies with an interest in conservation lands. This Capital Investment Plan shall be incorporated into the City's Capital Improvement Program.

Sponsored By: Garrett
Planning Commission Public Hearing Date: February 23, 2026
City Council Public Hearing Date: March 10, 2026
TBD
Enactment Date: **TBD**

CITY OF MARATHON, FLORIDA
ORDINANCE 2026-XX

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON'S COMPREHENSIVE PLAN MODIFYING CHAPTER FIVE, "INTERGOVERNMENTAL COORDINATION ELEMENT," AND INTENDING TO MODIFY POLICY 5-1.2.4, "COORDINATE ALL TRANSPORTATION IMPROVEMENTS," MODIFY POLICY 5-1.2.10, "RENDER APPROPRIATE DEVELOPMENT PERMITS," 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 February 23, 2026, providing a recommendation of approval to the City Council with no proposed changes; and

WHEREAS, the City Council reviewed this Ordinance on March 10, 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. Chapter 5, is 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

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

Chapter 5 - Intergovernmental Coordination Element Goals, Objectives And Policies

Policy 5-1.2.4 Coordinate All Transportation Improvements

The City shall coordinate all transportation improvements proposed by new development with FDOT, ~~DEO~~State Land Planning Agency, SFRPC, Monroe County, and other State and regional agencies concerned with assessing traffic impacts of proposed development.

Policy 5-1.2.10 Render Appropriate Development Permits

The City shall continue to cooperate with the Census Bureau, the ~~DEO~~State Land Planning Agency and the Monroe County Property Appraisers office in rendering appropriate development permits to these agencies.

Sponsored By: Garrett
Planning Commission Public Hearing Date: February 23, 2026
City Council Public Hearing Date: March 10, 2026
TBD
Enactment Date: **TBD**

CITY OF MARATHON, FLORIDA
ORDINANCE 2026-XX

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON'S COMPREHENSIVE PLAN MODIFYING CHAPTER SEVEN, "TRANSPORTATION ELEMENT," AND INTENDING TO MODIFY POLICY 7-1.1.3, "ADDRESS SHORT TERM AND LONG TERM STRATEGIES TO REDUCE CLEARANCE TIME," 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 February 23, 2026, providing a recommendation of approval to the City Council with no proposed changes; and

WHEREAS, the City Council reviewed this Ordinance on March 10, 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. Chapter 7, is 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

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

Chapter 7 - Transportation Element Goals, Objectives And Policies

Policy 7-1.1.3 Address Short Term And Long Term Strategies To Reduce Clearance Time

The City shall address short term and long term strategies to reduce clearance time and coordinate permit allocations by implementing the following program in coordination with FDOT, ~~DEO~~[the State Land Planning Agency](#) and other local governments in the Keys:

Short Term

1. Revise the data and analysis to identify interim transportation system management (TSM) strategies which can be implemented prior to June 1, 2005 (beginning of the 2005 hurricane season), to reduce clearance time not to exceed 24 hours or minimum State requirement; estimate reduction in clearance time that will result from the proposed TSM strategies; and specify the operational requirements to implement the TSM strategies and identify any preliminary actions, such as purchase of equipment, which must occur prior to June 1, 2005.
2. Begin the process with the assistance of ~~DEO~~[the State Land Planning Agency](#) and FDOT to enter into an interagency/interlocal agreement with the intent to execute the agreement prior to the start of the hurricane season in order to adopt the TSM strategy as a joint proposal, specify agency/local government responsibilities for implementing the TSM strategy, including shared funding, based on the data and analysis, and determine the share of interim permit allocations available for each jurisdiction base on the estimated reduction in clearance times.

Long Term

1. Cooperate with ~~DEO~~[the State Land Planning Agency](#), FDOT, and affected local governments and the Tourist Development Council to achieve consensus on long term strategies to further reduce clearance time and accommodate proposed allocations Keys-wide through the Year 2020 and revise any short term interagency/interlocal agreements to provide a schedule for implementing strategies, specify responsibilities for implementing the strategy, including shared funding, and determine the share of allocation available for each jurisdiction based on the ability to maintain clearance time at or below 24 hours,
2. Amend data and analysis and plan to incorporate strategy and revise the Capital Improvements Schedule to incorporate necessary transportation projects adopted for Marathon.

3. Coordinate with the FDOT and the County, to continue the systematic traffic monitoring program initiated in March 1991, on an annual basis, to monitor peak season traffic volumes at permanent count stations and travel speeds on each study segment of US 1 within the City, and to determine the cumulative impact of development and through traffic. The City shall use the methodology developed by the US 1 LOS Task Force for conducting this analysis and shall request that the Task Force, which shall include representatives from the City, update and refine the methodology's assumptions on a periodic basis when new data becomes available.
4. The City shall request FDOT to conduct a travel survey which identifies local and visitor travel patterns and frequency rates for all transportation modes; trip origins and destinations; trip generation rates for the City's households (permanent and seasonal residents); and tourism and retail-oriented businesses. As such, this survey shall identify the proportion of vehicular traffic passing through Marathon to other destinations in the Florida Keys or the mainland. This data shall be used to identify the policy implications of existing and projected tourist versus resident generated traffic impacts, and the statistical effects of the growth policies of other jurisdictions on Marathon traffic levels, as well as aid planning for commercial redevelopment, pursuant to the Future Land Use Element of the Plan.

Sponsored By: Garrett
Planning Commission Public Hearing Date: February 23, 2026
City Council Public Hearing Date: March 10, 2026
TBD
Enactment Date: **TBD**

CITY OF MARATHON, FLORIDA
ORDINANCE 2026-XX

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING
THE CITY OF MARATHON'S COMPREHENSIVE PLAN MODIFYING
CHAPTER NINE, "IMPLEMENTATION AND REVIEW ELEMENT," AND
INTENDING TO MODIFY POLICY 9-1.2.2, "ANNUAL WORK PROGRAM AND
EVALUATION," 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 February 23, 2026, providing a recommendation of approval to the City Council with no proposed changes; and

WHEREAS, the City Council reviewed this Ordinance on March 10, 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. Chapter 9, is 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

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

Chapter 9 - Implementation And Review Element Goals, Objectives, And Policies

Policy 9-1.2.2 Annual Work Program And Evaluation

The City shall maintain a seven (7) year work program for implementation of the Plan. The work program shall be reviewed and updated on an annual basis. The City shall annually assess its progress in accomplishing the work program and adopted Plan objectives and policies. Progress or activities implementing the work program and the Plan shall be summarized and submitted to the City Council at the first City Council meeting of each September and then forwarded to ~~DEO~~[the State Land Planning Agency](#) regarding the following:

1. Land Acquisition Program;
2. Use of Transferable Density Rights and Transfer of Building Rights;
3. Redevelopment within the Mixed Use Activity Centers; and
4. Building Permit Allocation System.

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: February 23, 2026

To: Planning Commission

From: Brian Shea, Planning Director

Agenda Items: 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Sponsored by: Garrett
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-XX**

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:

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:

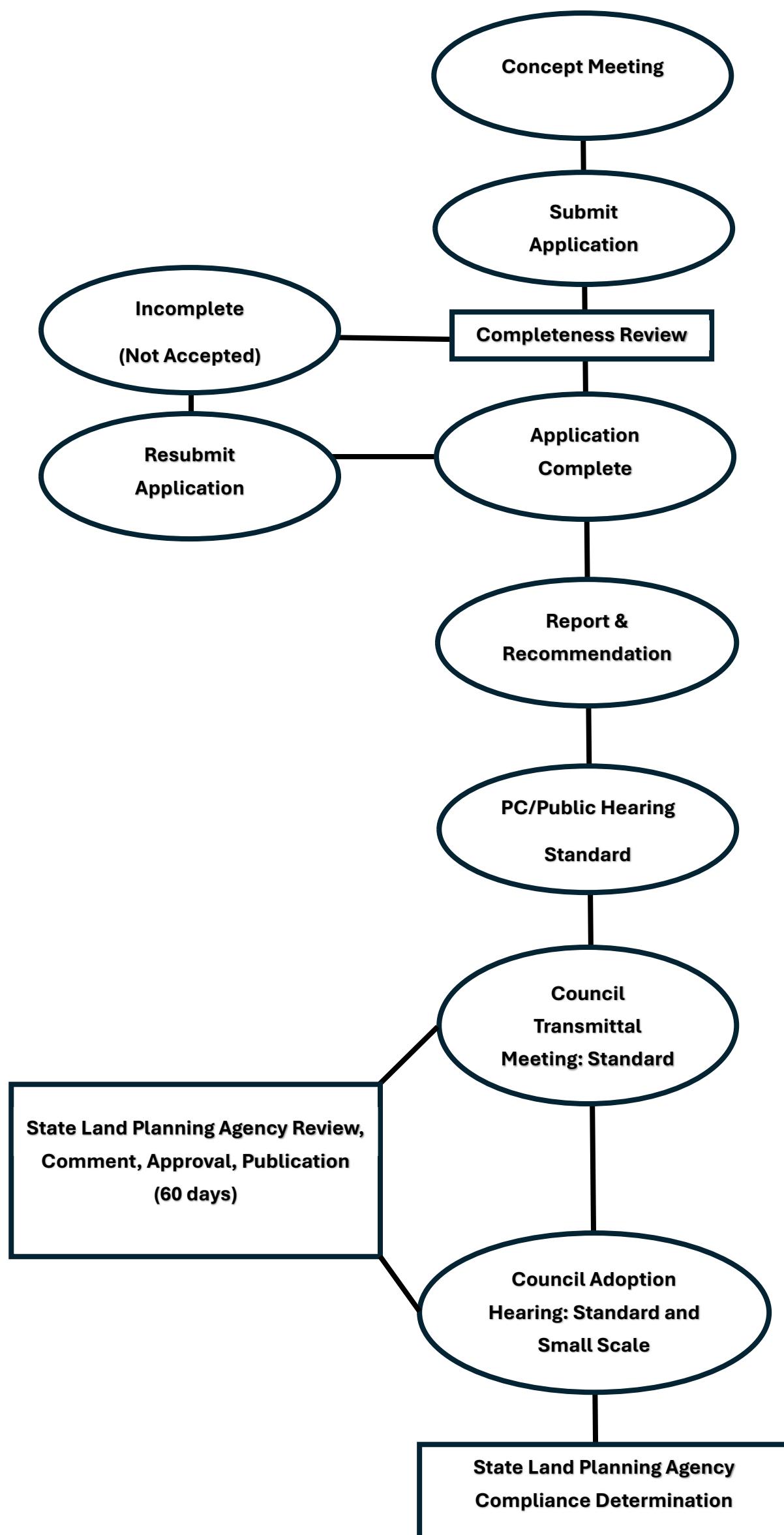
Diane Clavier, City Clerk

(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

DRAFT



Sponsored by: Garrett
Introduction Date: February 23, 2026
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ORDINANCE 2026-XX**

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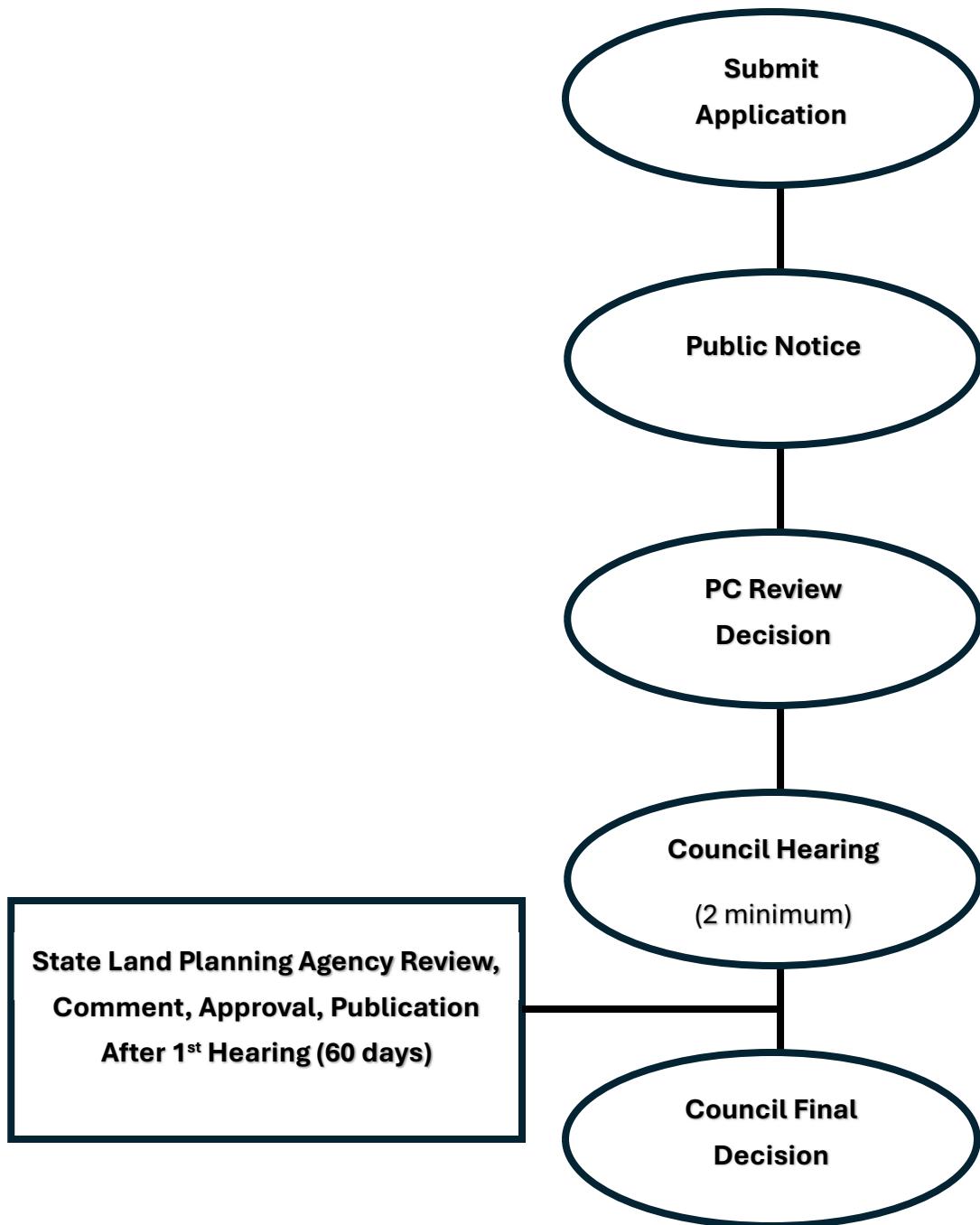
Diane Clavier, City Clerk

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Steven Williams, City Attorney

DRAFT



Sponsored by: Garrett
Introduction Date: February 23, 2026
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**CITY OF MARATHON, FLORIDA
ORDINANCE 2026-XX**

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.

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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

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FLORIDA, THIS 14th DAY OF APRIL 2026.**

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

DRAFT

Sec 102.32 Procedure For Consideration And Approval

1. The Council may enter into a development agreement with any person having a legal or equitable interest in real property located within the City by approval of a resolution, according to the following procedures:
 1. The development agreement shall be reviewed by the PC and considered at two (2) public hearings of the Council. The day, time and place of the second Council hearing on the development agreement shall be announced at the first hearing, and it shall be held at least seven (7) days after the first hearing.
 2. The Council shall vote whether to approve the resolution approving the development agreement at the second public hearing or thereafter.
 3. Notice of each public hearing shall be given in accordance with Fla. Stat. § 163.3225(2) and Article 4 "Notice of Public Meetings and Hearings" of this chapter.
 4. Within 14 days after the development agreement is fully executed, the applicant shall record the agreement with the Clerk of the Circuit Court for Monroe County. Within 14 days after recording, the City Clerk shall submit the agreement to the Department of Community Affairs State Land Planning Agency.
 5. The development agreement shall become effective 30 days after the Department of Community Affairs State Land Planning Agency receives its copy from the City.
2. This article is not intended to amend or repeal any existing City regulation. To the extent of any conflict between this article and other City regulations, the more restrictive is deemed to be controlling.

Sponsored by: Garrett
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-XX

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.

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

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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.

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FLORIDA, THIS 14th DAY OF APRIL 2026.**

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

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NOES:

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ABSTAIN:

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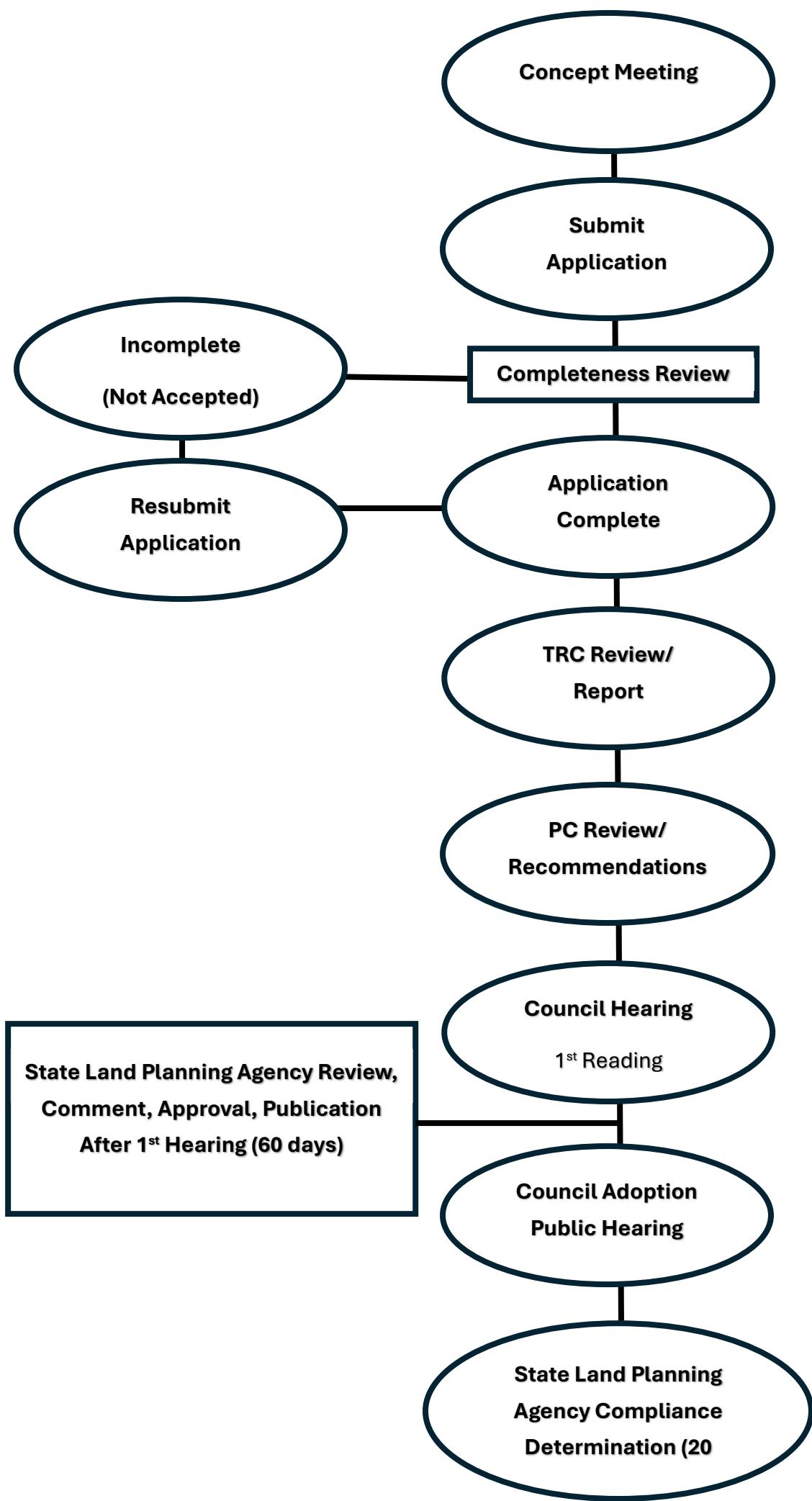
Diane Clavier, City Clerk

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ORDINANCE 2026-XX**

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.

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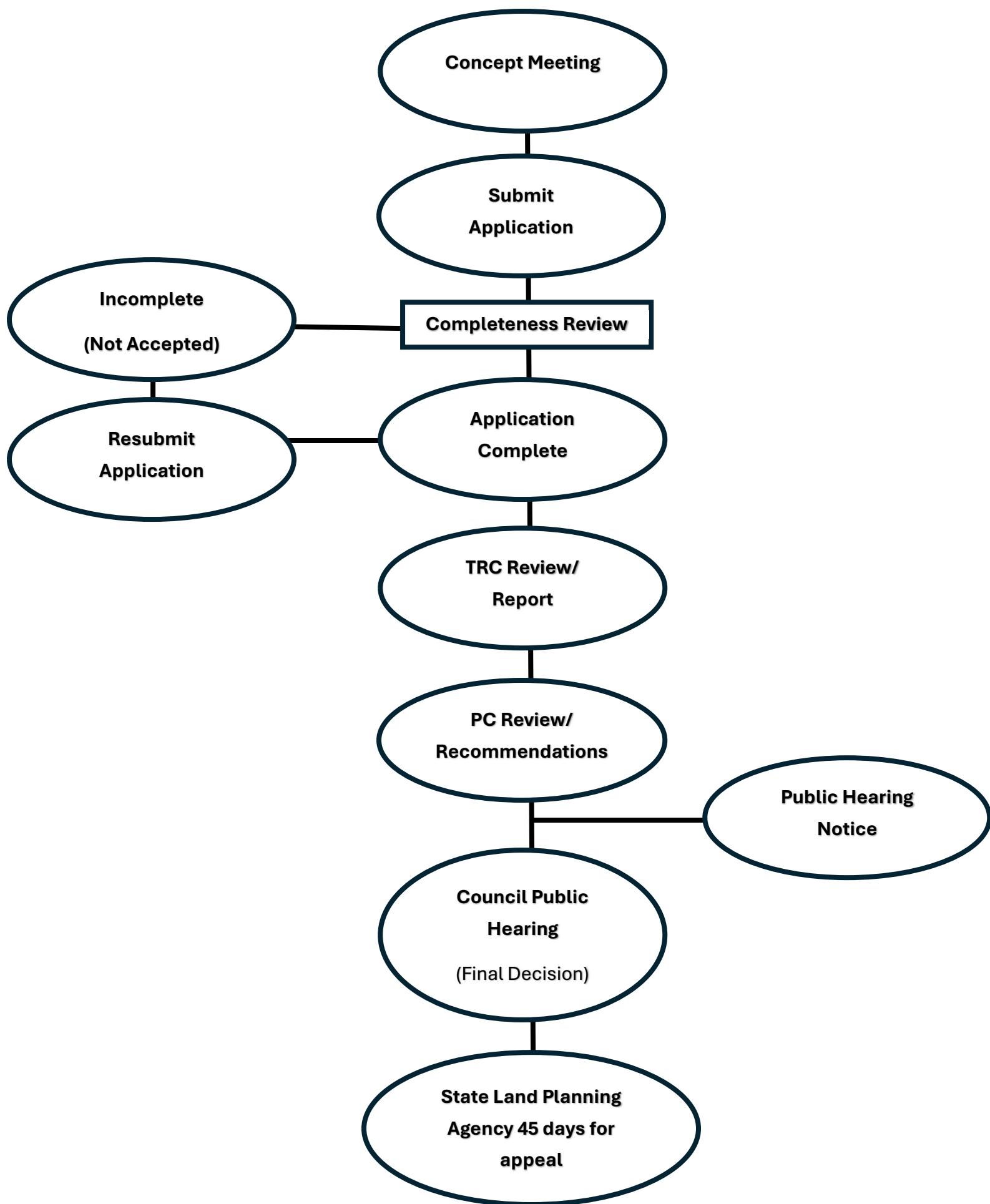
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Section 6. Land Development Regulations. The provisions of this Ordinance constitute a “land development regulation” as state law defines that term. Accordingly, the City Clerk is authorized and directed to forward a copy of this Ordinance to the State 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:

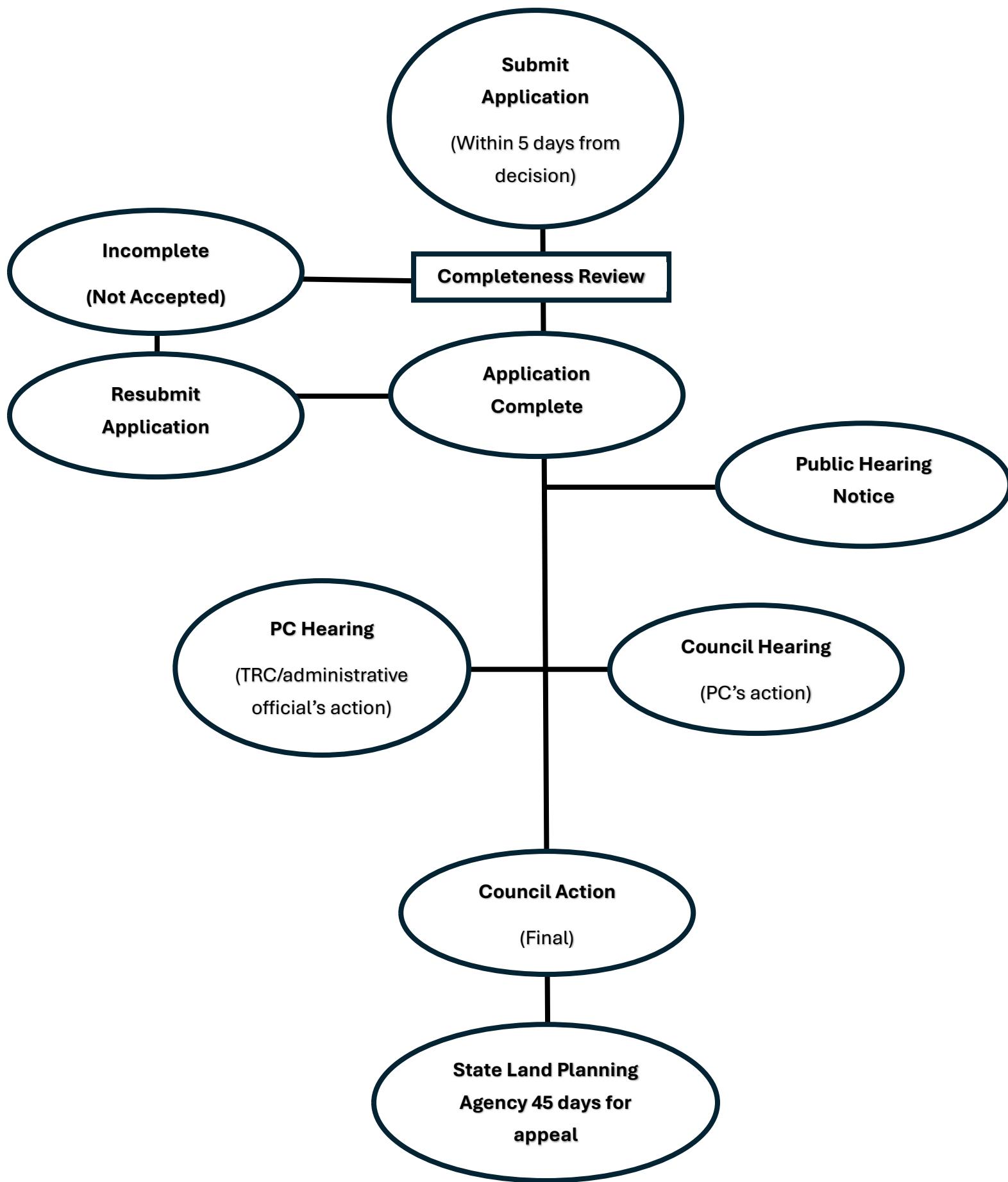
Diane Clavier, City Clerk

(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

DRAFT



Sponsored by: Garrett
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-XX**

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.

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:**

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.

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THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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:**

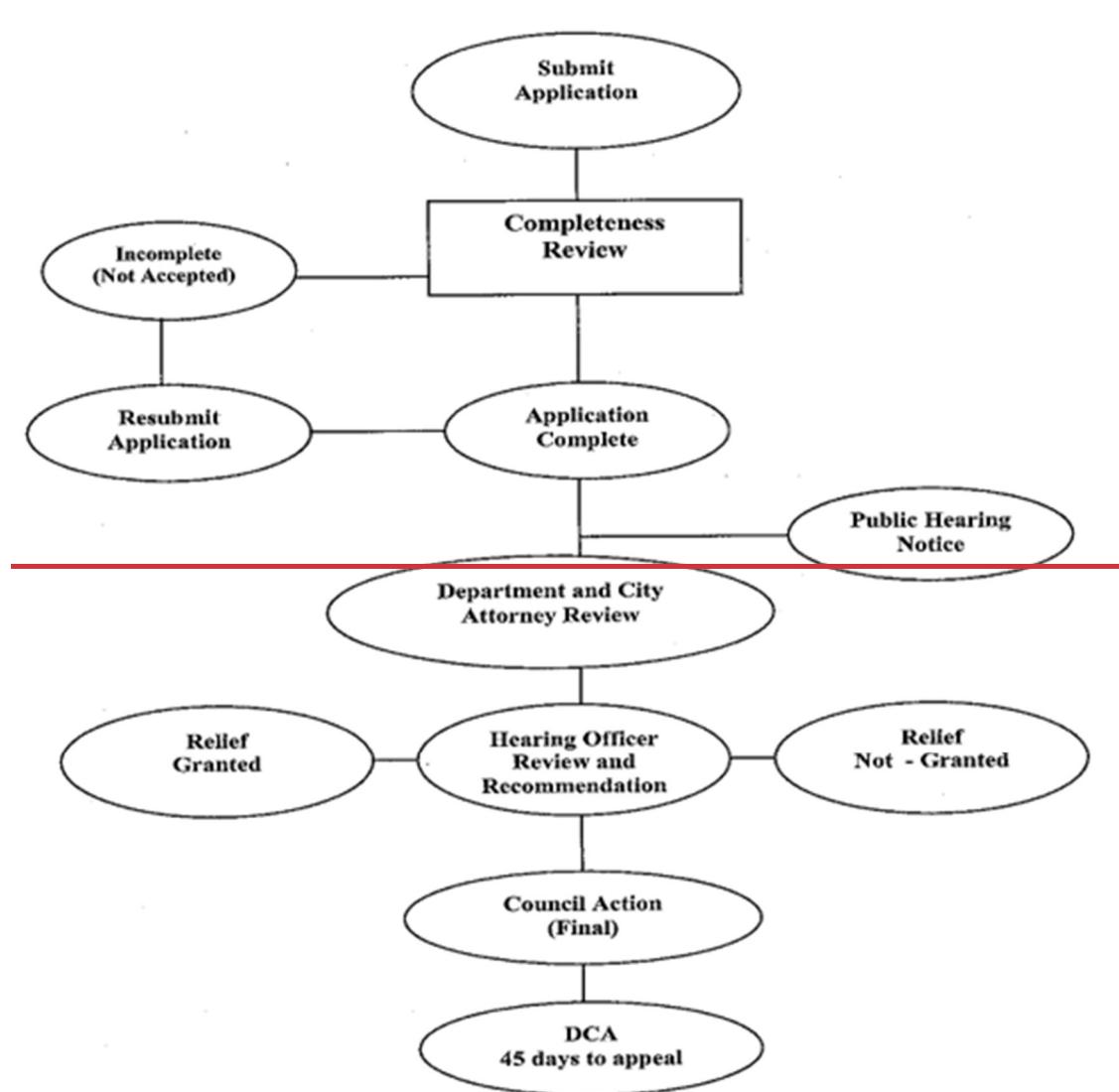
Steven Williams, City Attorney

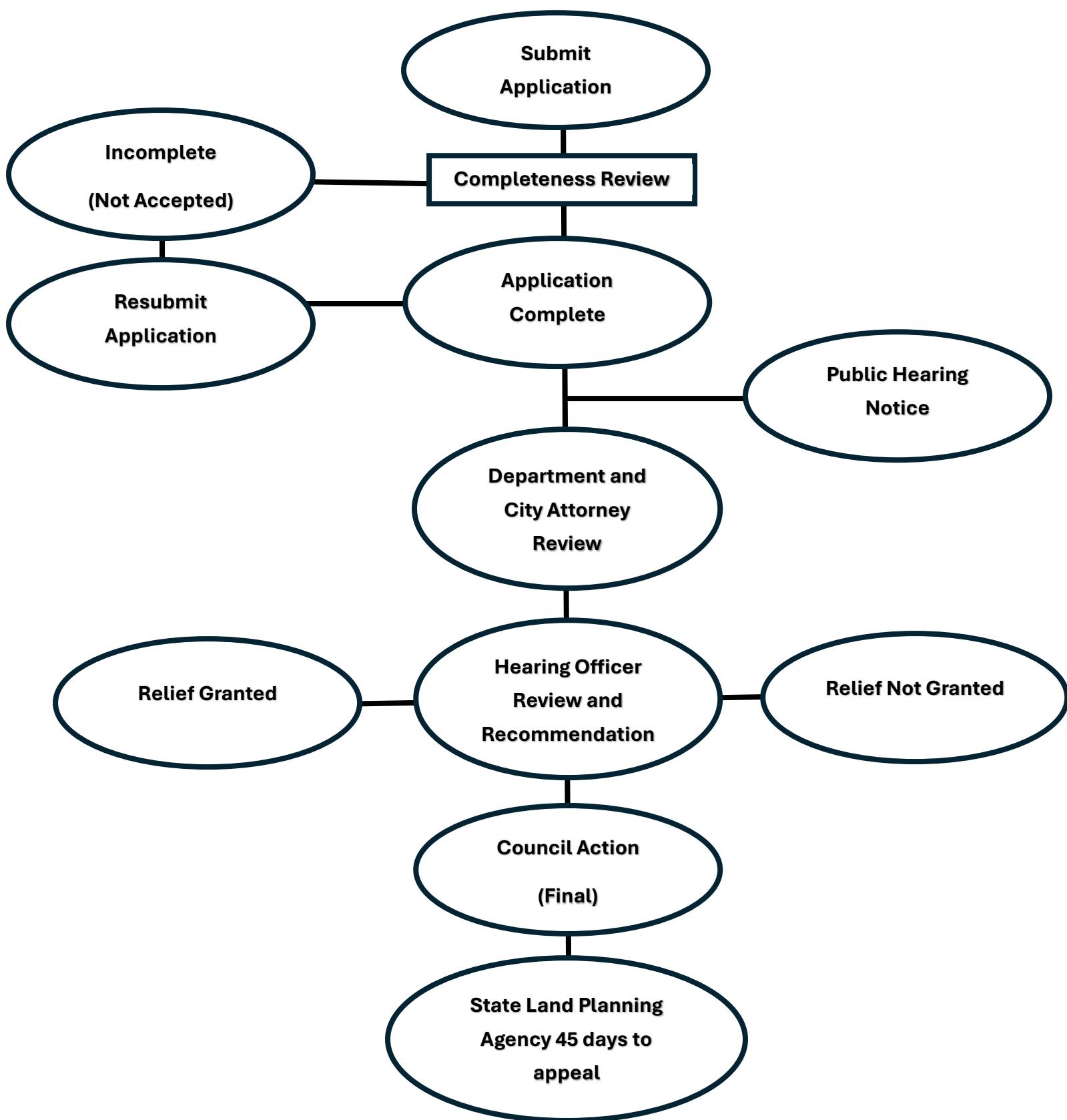
DRAFT

Sec 102.104 Final Determination By Council

The Council is the only entity which has final authority to grant or deny beneficial uses subject to appeal by DEO~~the State Land Planning Agency~~ under Chapter 380. In approving, denying or modifying an order from a Hearing Officer granting or denying an applicant beneficial use, the Council will ensure that the Hearing Officer has conducted the evidentiary hearing in a manner that is consistent with this article and the Comprehensive Plan. The Council will approve or reject the Hearing Officer's determination during a public hearing. The public shall be given the opportunity to be heard and make arguments for or against the determination during the Council's public hearing.

Figure 102.104.1 Beneficial Use Determinations Process





Sponsored by: Garrett
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-XX**

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.

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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

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FLORIDA, THIS 14th DAY OF APRIL 2026.**

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

DRAFT

Sec 102.110 Final Determination

The Council may adopt, reject or modify the Hearing Officer's determination, subject to appeal by ~~DFO~~ [the State Land Planning Agency](#) under Fla. Stat. ch. 380.

HISTORY

Amended by Ord. [2022-20](#) on 9/13/2022

Sponsored by: Garrett
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-XX**

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.

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THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

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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

DRAFT

Sec 103.15 Standards

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.

Table 103.15.1

Uses by Zoning District

Uses in bold have specific conditions listed in Chapter 104																
ZONING DISTRICT	C-N A	C-OI	R-L-C	R-L	R-M	R-M-1	R-M-2	R-M-H	R-H	M-U	M-U-M*	I-G	I-M*	A	P	P-R
Accessory buildings and accessory uses*****			P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Business / Professional Office												A	A	A		
Adult day care— Section 104.02			C	C	C	C	C	C	C	C						
Adult uses including product sales and entertainment— Section 104.51												C				
Affordable Housing Unit Section 104.03	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Airport public uses < 5,000 square feet Section 104.04															P	
Airport public uses > 5,000 square feet Section 104.04															C	
Alcohol Beverage Section 104.05											L	L	L	L		
Amusement or Sea life parks										C	C		C		C	
Artisan and photography studios and galleries										P	P					
Auto, RV, and truck storage										C		C	C	C		

Bars and taverns <u>Section 104.06</u>											C	C	C	C		
Beekeeping****	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Boardwalk/Observation Platform— <u>Section 104.64</u>	A	A	A	A	A	A	A	A	A	A	A	A		P	P	
Boat Ramp— <u>Section 104.07</u>					C	C	C	C	C	C	C	C	C	C	C	
Boat storage + 10 units, Dry— <u>Section 104.08</u>											C	P	P		P	
Boat storage + 10 units, wet— <u>Section 104.08</u>											C	P	P		P	
Boat storage < 10 units, dry— <u>Section 104.08</u>											C	P	P	P	P	
Boat storage < 10 units, wet— <u>Section 104.08</u>											C	P	P	P		
Boat Yard— <u>Section 104.09</u>											C		P			
Boat/ship dockage (noncommercial) 10+ slips — <u>Section 104.08</u>									A	A						
Boat/ship (commercial) dockage or charter <u>Section 104.08</u>											A	A	A	A	C	C
Boat/ship dockage (noncommercial) + 100' in length: 1-9 slips— <u>Section 104.08</u>	L	L	L	L	L	L	L	L	L	L						
Boat/ship dockage (noncommercial) up to 100' in length: 1-9 slips <u>Section 104.08</u>	A	A	A	A	A	A	A	A	A	A						
Bowling alley											C					
Broadcasting or Communications Tower <u>Section 104.10</u>	C	C									C	C	C	C	C	P
C & D Debris Transfer Facility— <u>Section 104.13.1</u>											C					
Campground— <u>Section 104.11</u>											C				C	C
Car wash											C					
Cemeteries											C					
Child care center <u>Section 104.12</u>									C	C						

Child care homes (up to 10 car trips per day) <u>Section 104.12</u>				C	C	C	C	C	C	C				
Clubs: Social, fraternal and lodges											P	P		
Community Workforce Housing Unit— <u>Section 104.13</u>								A	A	A	A	A	A	A
Convenience store <u>Section 104.14</u>								P	C	C	C			
Dormitory— <u>Section 104.15</u>								A						
Dry cleaning								P						
Duplex dwellings				C		C	P	P	C					
Equipment, establishments with outdoor storage— <u>Section 104.16</u>								C	C	C	C			
Equipment, establishments rental without outdoor storage								P	P	P	P			
Financial services (without drive through) <u>Section 104.17</u>								P		C			P	
Financial services (w/ drive through)— <u>Section 104.17</u>								C						
Food catering								P	P					
Fuel Sales— <u>Section 104.18</u>								C	C		C			
Funeral homes (no crematory)— <u>Section 104.19</u>								C						
Golf courses								C					C	
Group Homes (<7 residents)— <u>Section 104.20</u>				P	P	P	P	P	P	P	C			
Group Homes (7—14 residents)— <u>Section 104.20</u>				C	C	C	C	C	C	C	C			
Hazardous Waste Small Generator— <u>Section 104.21</u>										C		C	C	C

Health and membership clubs							P					
Heavy equipment sales							C	P				
Heavy equipment Sales, Marine							C	P	P	P		
Helicopter Landing Pad <u>Section 104.22</u>							C				P	P
Home occupations <u>Section 104.23</u>	L	L	L	L	L	L	L	L	L	L		
Hospitals— <u>Section 104.24</u>							P				P	
Hotel/Motel/Resort lodging— <u>Section 104.25</u>							C				C	
Incidental Food Sales <u>Section 104.26</u>								A	A			
Junk, Salvage, or Recycled Metal Yard <u>Section 104.27</u>								C				
Laundromats							P	C				
Live-aboard Vessels <u>Section 104.28</u>							C	C		C		
Manufacturing, assembly, storage, fabrication or distributions of goods and materials— <u>Section 104.29</u>							C	C	P	P		
Manufacturing, Heavy <u>Section 104.29</u>								C				
Marina— <u>Section 104.30</u>							C	P		P	P	C
Massage Therapist <u>Section 104.31</u>							L					
Media Sales and Rental <u>Section 104.32</u>							P					
Medical Marijuana Dispensing Facility <u>Section 104.33.1</u>							C	C				
Medical and dental offices and clinics— <u>Section 104.33</u>							C			C	C	
Mineral resource processes and sales establishment								P				
Mobile Home Park <u>Section 104.35</u>							P	C	C			

Mobile Home: New Placement— <u>Section 104.34</u>								P	C					
Mobile Replacement— <u>Section 104.34</u>				P	P	P	P	P	P	P	P	P		
Model Home— <u>Section 104.36</u>								A	A	A				
Modular Home— <u>Section 104.48</u>	P	P	P	P	P	P	P	P	P	P	P	P		A
Multi-family (<5) dwellings — <u>Section 104.37</u>							P	P	C	P				C
Multi-family (5+) dwellings — <u>Section 104.37</u>							C	C	C	C				C
Multi-tenant retail < 10,000 sf FA — <u>Section 104.38</u>								P	P					
Multi-tenant retail > 10,000 sf FA — <u>Section 104.38</u>							C							
Museum— <u>Section 104.39</u>								P	P			P	P	P
Night clubs— <u>Section 104.06</u>							C	A						
Nursing Home— <u>Section 104.40</u>							C	C						
Open-air markets								L	L			L		
Outdoor display— <u>Section 104.41</u>							A	A		A				
Outdoor Storage— <u>Section 104.42</u>							C	C	C	C				
Paint and body shop <u>Section 104.43</u>							C		C	C				
Parking lots and parking garages (as a principle use)							P		C			P		
Parks and recreational open space— <u>Section 104.44</u>	C	C	C	C	C	C	C	C	P			P	P	
Personal and service business shops								P	C					
Pharmacy— <u>Section 104.45</u>								C	C					
Place of worship or assembly— <u>Section 104.46</u>				C	C	C	C	C	P					

Plant nurseries and greenhouses													P					
Platting and/or Subdivision of land which would result in three (3) or more parcels	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Plumbing, electrical and carpenter shops													P	P	P	P		
Print shops													P	P	P	C		
Private educational and training facilities— <u>Section 104.47</u>													C	C	C	C	C	P
Private schools for elementary, intermediate and high school education— <u>Section 104.47</u>		C	C	C	C	C	C	C	C	C	C	C						C
Professional offices													P	P				P
Public schools for elementary, intermediate and high school education— <u>Section 104.47</u>		C	C	C	C	C	C	C	C	C	C	C						P
Public use or public facilities w or w/o business offices; with repair and storage													C	C	C	C	C	P
Public use or public facilities w or w/o business offices; without repair and storage <u>Section 104.47</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	
Recreational Vehicle (RV) Park													C	C				C
Recycling facilities															P			
Research/Lab													C	C	C	C		C
Restaurants with drive-throughs— <u>Section 104.49</u>													P	C				
Restaurants/stand and fast food without drive throughs													P	P	P	P	A	
Retail and supply yard establishments with outdoor storage													C	C	P	P		

Retail establishments up to 2,500 square feet FA								P	P			P
Retail establishments 2,500 —10,000 square feet FA								P	P			
Retail Establishment exceeding 10,000 square feet FA								C				
Safe house for battered or abused adults or children of up to eight (8) families							P	P				
Sales and leasing of heavy equipment and heavy excavation equipment										P	P	
Seafood Processing & Packaging— <u>Section 104.50</u>							C	P	C	P		
Sexually Oriented Business— <u>Section 104.51</u>									C			
Single-family dwellings (6 Bedrooms or less)	P	P	P* **	P	P	P	P	P	P	P	P	A
Single-family dwellings (7 Bedrooms or more)				C	C	C		C				
Small animal shelters/boarding kennels <u>Section 104.52</u>							C	C	C	C		C
Small Grocery Stores								P				
Sport Shooting and Training Ranges— <u>Section 104.52.1</u>							C	C	C	C		C
Storage (Indoor self) <u>Section 104.53</u>							C	C	P			
Storage, Auto, RV, or Boat — <u>Section 104.54</u>							C	C	P	P		
Storage (Outdoor) <u>Section 104.54</u>							C	C	C	C		
Submerged Mooring Facilities**— <u>Section 104.65</u>							C	C		C		C
Temporary Placement			P	P	P	P	P	P	P	P	P	P
Temporary Use— <u>Section 104.56</u>							L	L	L	L		L
Theatre (indoor)							C					
Trap Storage and Repair							C	P	C	P		

Triplex dwellings									P	P						
Utilities - Major— <u>Section 104.57</u>			C	C	C	C	C	C	C	C	C	C	C	C	C	C
Utilities - Minor— <u>Section 104.58</u>			P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vacation Rental units	L	L	L	L	L	L	L	L	L	L	L					
Vehicle, Vessel Repair Section 104.60												C	C	P	P	
Vehicle, Vessel sales Section 104.61												P	P	P	P	
Vendor Carts/Mobile Food Unit— <u>Section 104.62</u>												L	L	L	L	
Veterinary facilities, small animal clinics/hospitals; including boarding Section 104.63												C	C			
Veterinary facilities, small animal clinics; no boarding— <u>Section 104.63</u>												P	P			
Waterfront Walkways and docks— <u>Section 104.64</u>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wireless - New Tower Section 104.66												C	C	C	C	C
Wireless Tower- Replacement existing Section 104.66	C											P	P	P	P	P
Wireless - Satellite Earth Station— <u>Section 104.66</u>	C											C	C	P	P	
Wireless Attached facility — <u>Section 104.66</u>	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wireless - Stealth Facility — <u>Section 104.66</u>												C	C	P	P	P
Zero Lot lines (affordable units)									C	C						

*Permitted uses are limited to those which are related to the maritime industry

**Submerged Mooring Facilities may only be permitted in association with upland areas whose zoning is shown as having a "C"

***Existing Single-Family Residences may be repaired, modified, or replaced. Individual vacant Lots within Blocks defined within the Plat subject to RL-C zoning may be built upon IF the sum of all Lots within an individual Block are over 90 percent developed with single family residences as of the date that ~~DEO~~ the State Land Planning Agency accepts the Ordinance.

**** Limited to Florida Registered Beekeepers with the Florida Department of Agriculture and Consumer Services (FDACS).

*****In the event that an accessory structure and associated use is located or proposed to be

located on one of two adjacent or contiguous properties in common ownership one of which contains a principal structure and use, the other of which contains or will contain the accessory structure and use, the two properties do not need to be combined into one property (specifically excluding pools on adjacent properties). However, should the ownership of the two properties be divided into two different ownerships, the accessory structure and use shall cease, and any accessory structures shall be demolished until such time that a principal structure is approved and placed on the property.

Note: Uses may be subject to additional requirements, see [Chapter 104](#), Specific Use Regulations.

Table 103.15.2

DENSITY, INTENSITY AND DIMENSIONS FOR ZONING DISTRICTS

	A	C-NA	C-OI	I-G	I-M	MU	MU-M	P	PR	RH	R-MH	RM	R M-1	R M-2	RL	RL-C
Density Range (units per acre) ****		.25	0.1	5—10	5—10	6—15	6—15	10—25	1/4 ac	8—25	8—25	5—10	4	5	0.5	.254
Market Rate (maximum)		.25	0.1			6	6		.25	8	8	5	4	5	0.5	0.25
Affordable (maximum) 3		.25	0.1	5-10	5-10	15	15	10-25	.25	15-25	25	10	4	5	0.5	.25
Transient						5-25		3-25	10	0	0	0	0	0	0	0
Min lot area per unit (square feet)																
Market Rate		4 acres	10 acres			7,260	7,260		4 acres	5,445	5,445	8,712	10,000	8,712	2 acres	4 acres
Affordable		4 acres	10 acres	4,356	4,356	2,904	2,904	1,742	4 acres	1,742	1,742	4,356	10,000	8,712	2 acres	4 acres
FAR	0.15 -0.50	0.05-0.10	0.05-0.10	0.85	0.85	0.15-0.61	0.15-0.61	0.15-0.75	0.15-0.50							N/A
Setbacks																
Front, min	200	25	25	10	10	0-30	20	15	15	10	10	20	20	20	25	25

Rear, min	20 0	25	25	10	10	20	20	10	10	10	10	20	20	20	25	25
Side 1, min		10	10			0-1 0	10			5	5	5	10	10	10	10
Interior Side Min	20 0			5	5	10		5	5				10	5		
Side 2, min		10	10			0-1 0	10			5	5	5	10	10	10	10
Street Side Min	20 0			5	5	0-5		5	5							
Height Limit ³	42	42	42	42	42	42	42	42	42	42	42	42	42	42	42	42
Units Per Building***										10	N/A					
Max Lot Coverage **		5,0 00 ft ²	5%													
Open Space, Min. (%)**	0. 20	0.5 0	0.9 5	0.2 0	0.2 0	0.2 0	0.2 0	0.2 0	0.2 0	.20	.20	.20	.20	.20	0.5 0	0.5 0
Minimum Street-front Lot Width										75'		10 0'	10 0'	10 0'		

Footnotes for Table 103.15.2

* Determined by the Director, based upon Habitat Analysis

** Subject to Table 106.16.1 "Open Space Requirements per Habitat Type"

*** Affordable dwelling units not subject to this limitation

**** Allocated densities for all zoning districts are subject to the following additional requirements:

- Salt marsh/buttonwood association wetlands that are either undisturbed or of high functional capacity as defined in Article 4, of Chapter 106 shall be assigned a density of 0.25 units per acre for the sole purpose of transferring the density out of these habitats.
- Submerged lands, salt ponds and mangrove wetlands shall not be assigned density for any purpose (i.e., allocated density = 0).

1 The FAR for mixed-use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided

2 Density bonus limited to deed-restricted affordable housing as established in Article 1, "Affordable Housing" of [Chapter 104](#).

3 Subject to the additional height restrictions of [Article 5, Chapter 107](#).

4 Existing Single-Family Residences may be repaired, modified, or replaced. Individual vacant Lots within Blocks defined within the Plat subject to RL-C zoning may be built upon IF the sum of all Lots within an individual Block are over 90 percent developed with single family residences as of the date that [DEO-the State Land Planning Agency](#) accepts the Ordinance.

⁵ This Footnote applies ONLY to properties and/or developed RV or Mobile Home sites which have been or would be recognized as having a Permanent RV structure, as defined in Policy 1-3.2.8 which are located in the Residential High or Mixed Use Commercial Land Use Categories or in other Zoning Districts as determined and reviewed on a case by case basis, Operable Road Ready RVs may be placed on the site of a Permanent RV once the Permanent RV structure is demolished and ONLY if it is determined that the property or site has retained its Transferable Building Right and the Right hasn't been previously transferred to another location within the City. Otherwise, said Permanent RV properties or sites will retain their Market Residential Building Right or allocation. Said Market Rate Building Rights may be retained on-site as Market Rate residential units with the redevelopment of a Florida Building Code compliant residential structure. If the Development Right is transferred, it shall only be transferred as an Affordable Building Right. Though an operable Road Ready RV may utilize Permanent RV properties or sites, it shall not be assumed that the site has a Transient Residential Unit which can be transferred as such.

- a. This provision shall sunset three (3) years after the effective date of this footnote, August 11, 2020, and shall not be available thereafter.
- b. This provision shall only be available to those individuals who chose to utilize this provision to occupy property in their individual ownership – no rental of the site or an associated Operable Road Ready RV is allowed under this provision as shall be enacted through the City LDRs.

Table 103.15.3

Commercial-Industrial Intensity Table

Type of Use	FAR ¹
Retail	
<i>Low Intensity</i>	.60
<i>Med Intensity</i>	.45
<i>High Intensity</i>	.25
Office	.60
Commercial Recreation	.15
Institutional	.30
Outdoor Recreational	.15
Public Buildings and Uses	.45
Restaurant/Bar	.60
Industrial	.85
Light Industrial in MU	.30

¹ The FAR for mixed-use developments may be increased to .75 if mitigated by the development of affordable/workforce housing is provided.

Sponsored by: Garrett
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-XX**

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.

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:

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:

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

DRAFT

Sec 107.17 General Provisions

In addition to the affordable housing requirements of Section 107.18, below, the transfer of building rights shall be subject to the following:

1. *Deed of Transfer.* Prior to the issuance of a building permit authorizing the development of the TBR on the receiving site, a deed of transfer shall be recorded in the chain of title of the sending site containing a covenant prohibiting the further use of the building right(s) utilized;
2. *Warranty Deed.* A warranty deed shall be recorded in the chain of title of the receiving site evidencing the transfer of the building right; however, all bonds, assessments, back City taxes, fees and liens (other than mortgages) affecting the parcel shall be paid in full prior to recordation of the warranty deed for the transfer of the building right; and
3. *Sending or Affordable Housing Site Compliance.* Prior to issuance of a Certificate of Occupancy on the receiving site, the sending site and, if applicable, the Affordable Housing Site, must be brought into compliance with the requirements of the Code and any conditions of approval required by the TBR permit must be met. These conditions may include, but are not limited to:
 1. Bringing the sending site and, if applicable, the Affordable Housing Site, into compliance with landscaping, bufferyards, waste treatment, stormwater, and access requirements;
 2. In the case of a nontransient dwelling unit, the structure containing the building right to be transferred may be demolished and a cash-in-lieu payment pursuant to Subsection 107.18 B. hereof shall be made to the City, or must obtain a BPAS allocation to either continue use of the existing structure on the sending site or, if demolished, to rebuild the structure on the sending site or, if applicable, the Affordable Housing Site; and
 3. The owner of such structure(s) shall upgrade the roof, electric and plumbing of any structure to meet the most recent requirements of the Florida Building Code, and must provide storm shutters that comply with the Florida Building Code. If the structure is rebuilt, the Certificate of Occupancy for such structure must be obtained prior to issuance of the Certificate of Occupancy on the receiving site.
4. *Environmental Mitigation.*

1. For parcels which contain tropical hardwood hammocks, palm hammocks or high quality wetlands, as determined by the City Biologist, from which less than all building rights have been transferred, the following will be required:
 1. A restrictive covenant shall be recorded with the Monroe County Clerk of the Court, at the applicant's expense, restricting transfer of building rights back to the parcel; and
 2. The sending site shall be restored pursuant to a restoration plan approved by the City Biologist. The restoration shall be certified as completed by the City Biologist within six (6) months from the approval of the transfer.
2. For parcels which contain tropical hardwood hammocks, palm hammocks or high quality wetlands, as determined by the City Biologist, from which all building rights have been transferred, the following will be required:
 1. A Grant of Conservation Easement shall be recorded with the Monroe County Clerk of the Court, at the applicant's expense, permanently restricting the sending site as open space; and
 2. The sending site shall be restored pursuant to a restoration plan approved by the City Biologist. The restoration shall be certified as completed by the City Biologist within six (6) months from the approval of the transfer.
5. *Allocation Availability.* The City will endeavor to make available to applicants hereunder affordable housing BPAS allocations for purposes of meeting the affordable housing requirements of this Article. The City, however, shall have no obligation to make such allocations available to any particular application hereunder, and shall have no liability to any applicant hereunder or any third party if additional affordable housing BPAS allocations have not been authorized by the State ~~Department of Community Affairs~~Land Planning Agency or are otherwise not available.
6. *Duration of Right to Use.* After its transfer, the right to use the TBR would extend only for the period in which the owner of the receiving site must complete the conditions of development. The Director may approve an additional transfer should the development not occur. The additional transfer shall document the original sending site in the Deed of Transfer to ensure compliance with the provisions of this Article.

HISTORY

Amended by Ord. [2023-12](#) on 8/8/2023

Sponsored by: Garrett
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-XX**

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.

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:

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:

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

DRAFT

Sec 107.101 Permits

- A. *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.
- B. *Development permits.* Development permits shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a development permit is required in addition to a building permit.
- C. *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), development permits shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:
 1. Railroads and ancillary facilities associated with the railroad.
 2. Nonresidential farm buildings on farms, as provided in Fla. Stat. § 604.50.
 3. Temporary buildings or sheds used exclusively for construction purposes.
 4. Mobile or modular structures used as temporary offices.
 5. Those structures or facilities of electric utilities, as defined in Fla. Stat. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or

palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in Fla. Stat. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

D. *Application for a permit or approval.* To obtain a development permit the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section 107.102.1 of this chapter.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.
8. For projects proposing to enclose areas under elevated buildings, include signed Declaration of Land Restriction (Nonconversion Agreement); the agreement shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

- E. *Validity of permit or approval.* The issuance of a development permit pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- F. *Expiration.* A development permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- G. *Suspension or revocation.* The Floodplain Administrator is authorized to suspend or revoke a development permit if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.
- H. *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
 - 1. The South Florida Water Management District; Fla. Stat. § 373.036.
 - 2. [Florida Department of Economic Opportunity](#)[The State Land Planning Agency](#), Fla. Stat. § 380.05, Areas of Critical State Concern, and Fla. Stat. ch. 553, Part IV, Florida Building Code.
 - 3. Florida Department of Health for onsite sewage treatment and disposal systems; Fla. Stat. § 381.0065 and Chapter 64E-6, F.A.C.
 - 4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Fla. Stat. § 161.055.
 - 5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 - 6. Federal permits and approvals.

Sponsored by: Garrett
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-XX**

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.

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:

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.

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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:

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

DRAFT

Chickee. Chickees are constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. The term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

State Land Planning Agency. The State Land Planning Agency shall have the same definition as set forth in Florida Statute 380.031 as may be amended in Statute. The State Land Planning Agency may be listed historically as the Department of Commerce, the Department of Economic Opportunity, and the Department of Community Affairs.

Tiki. The term "tiki" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that may incorporate any electrical, plumbing, or other non-wood features.