

City of Marathon Planning Commission
Monday August 24, 2026
9805 Overseas Hwy
City Hall Council Chambers
5:30 PM

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

5. Please be advised that some items on the agenda may be quasi-judicial in nature. If you wish to give testimony on any item, please inform the Boards clerk by filling out an available sign-up form. An opportunity to speak will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, all persons giving testimony may be subject to cross examination. If you refuse either to be cross-examined or to be sworn your testimony will not be considered. The public will not be allowed to cross-examine witnesses, but they can ask the Commission to ask questions on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization.

6. Items For Public Hearing

1. Consideration Of A Request By GNS Family Partnership Ltd., 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 Construction Of A Boat Ramp At The Property Located At 2460 Coco Plum Drive, Which Is Legally Described As Bk 20 Lot 3b And Adj Canal And All Lot 4 (A/K/A 4-A And 4-B) Coco Plum Beach Re-Plat 1 Pb7-68 Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number: 00366031-000700. Nearest Mile Marker 54.
2. An Ordinance Of The City Of Marathon, Florida, Amending The City’s Land Development Regulations, 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.

3. An Ordinance Of The City Of Marathon, Florida, Amending The City's Land Development Regulations, Chapter 107, "General Development Standards," Article 5, "Setbacks And Height," Section 107.36, "Exception To Setback"; 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.
4. An Ordinance Of The City Of Marathon, Florida, Amending The City's Land Development Regulations, Chapter 103 "Zoning Districts", Article 3 "Use And Intensity Tables", Table 103.15.1 "Uses By Zoning District"; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; Providing For The Transmittal Of This Ordinance To The State Department Of Commerce; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Commerce In Accordance With State Law.
5. An Ordinance Of The City Of Marathon, Florida, Amending The City's Land Development Regulations Chapter, 103 "Zoning Districts", Article 3 "Use And Intensity Tables", Table 103.15.1 "Uses By Zoning District"; And Amending Chapter 104 "Specific Use Regulations," Article 1 "General Provisions," Section 104.05 "Alcohol Beverage; 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.
6. An Ordinance Of The City Of Marathon, Florida, Amending The City's Land Development Regulations, Chapter 102, "Development Application Review Procedures," Article 10, "Subdivision Of Land/Plats And Re-Plats," Section 102.49, "Major Subdivision Improvement Requirements"; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; Providing For The Transmittal Of This Ordinance To The State Department Of Commerce; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Commerce In Accordance With State Law.
7. An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan, Amending Chapter Four, "Conservation And Coastal Element," Policy 4-1.19.5, "Limit Public Expenditures In The Coastal High Hazard Area," And Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Seven, "Capital Improvements Element," Policy 7-1.5.3, "Review Proposals For Consistency With The Plan," Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal

Of This Ordinance To The State Department Of Commerce After The First Hearing
By The City Council; And Providing For An Effective Date.

The City of Marathon is committed to ensuring that all members of the public can participate fully in City Council meetings, programs, and services. We strive to provide an inclusive and accessible environment in accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

The City will provide reasonable accommodations to enable individuals with disabilities to attend and engage in Council meetings.

To request accommodation, please contact:

*Evie Engelmeyer, **ADA Coordinator***

City of Marathon

Phone: (305) 289-4122

Email: engelmeyere@ci.marathon.fl.us

Address: 9805 Overseas Highway, Marathon, FL 33050

*To ensure availability, requests should be made **at least 72 hours before the meeting**. However, the City will make every effort to fulfill requests received in less time.*

We welcome public input on how we can continue improving accessibility. If you have comments, concerns, or suggestions regarding accessibility at City Council meetings, please reach out to the ADA Coordinator using the contact information above.



**City of Marathon Planning Commission
Monday June 22, 2026
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Royse called the meeting of the Planning Commission to order on June 22, 2026, at 5:30 pm.

In attendance: Planning Director Brian Shea, Attorney Steve Williams, Admin Assistant Sarah Kirkhart, Planner Dan Gulizio, and members of the public.

The Pledge of Allegiance was recited.

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

Royse called for approval of the Minutes from the May 2026 meeting. A motion was made and approved.

The quasi-judicial statement was read into the record.

Item 1 was read into the record.

1. Consideration Of A Request By Key Colony Homes, LLC., 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 Construction Of A Boat Ramp At The Property Located At 62 Coco Plum Drive, Which Is Legally Described As BK 3 Lots 3 And 4, Coco Plum Beach, Fat Deer Key PB4-166, Marathon, Monroe County, Florida, Having Real Estate Number 00363290-000000, Nearest Mile Marker 54.

Shea advised that the request was identical to the application viewed during the prior months meeting. No additional public participation has been received. No substantive changes have occurred since the previous presentation. It was suggested that the commission could rely upon the prior presentation and associated record rather than repeating the presentation.

The applicant indicated there was no additional information to present and no changes to the application.

No member of the public appeared in opposition.

After a brief discussion Royce made a motion to accept the item. Machado seconded. The motion was approved 4-0

Motion and second to adjourn at 5:40pm.

ATTEST:

MaryAnn Royse-Planning Commission Chair

ATTEST:

Brian Shea-Director
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.

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

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: August 24, 2026

To: Planning Commission

From: McKenzie Fraley, Planner, Biologist, Land Steward

Agenda Item: Consideration Of A Request By GNS Family Partnership LTD., 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 Construction Of A Boat Ramp At The Property Located At 2460 Coco Plum Drive, Which Is Legally Described As BK 20 Lot 3B And Adj Canal and All Lot 4 (A/K/A 4-A AND 4-B) Coco Plum Beach Re-Plat 1 PB7-68 Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number: 00366031-000700. Nearest Mile Marker 54.

APPLICANT/ OWNER: GNS Family Partnership LTD

AGENT: Wolfe Stevens PLLC

LOCATION: The project is located at 2460 Coco Plum Drive, nearest Mile Marker 54.

**Figure 1
Project Site**



REQUEST: Conditional Use Approval for the construction of a boat ramp on the subject property.

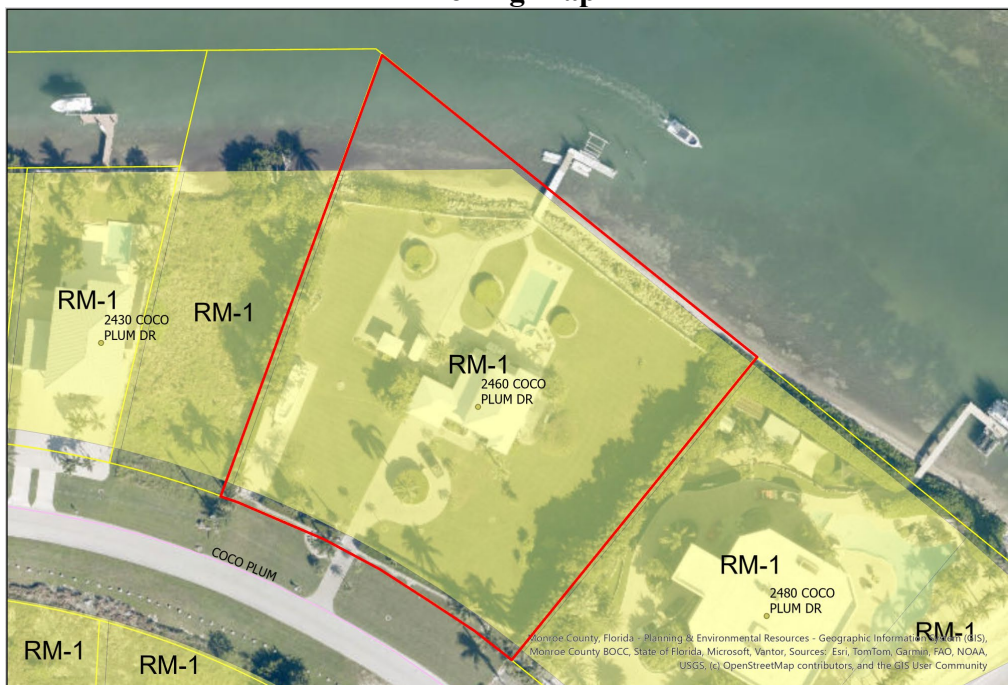
FUTURE LAND USE MAP DESIGNATION:
Residential Medium. See Figure 2.

Figure 2
Future Land Use Map



ZONING MAP DESIGNATION:
Residential-Medium 1. See Figure 3.

Figure 3
Zoning Map



LOT SIZE:

Total acreage is approximately 1.61 acres or 70,000 square feet.

SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	N/A (Canal) and Conservation-Native Area (C-NA)	Canal and State Conservation Land
East	Residential Medium-1	Single-Family Residence
South	Residential Medium-1	Single-Family Residence
West	Residential Medium-1	Single-Family Residence

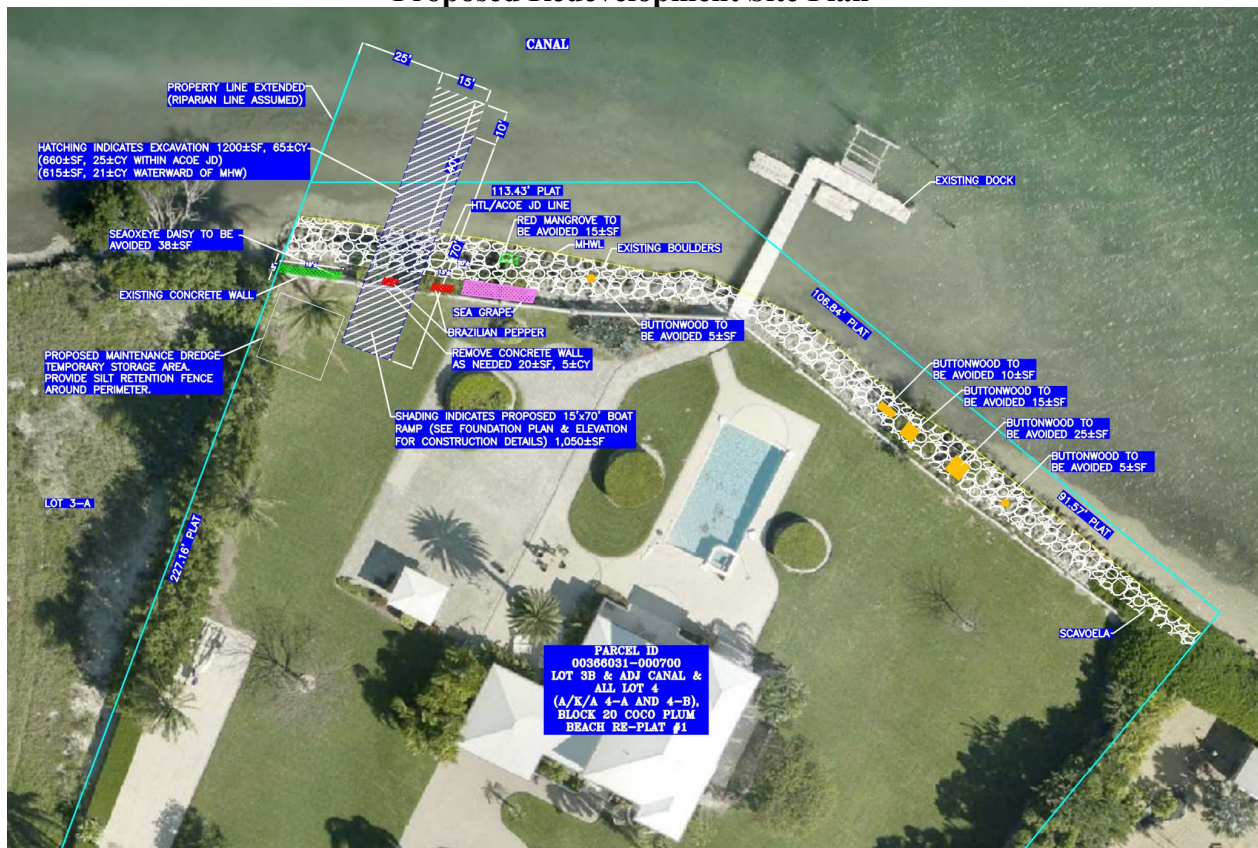
EXISTING CONDITIONS:

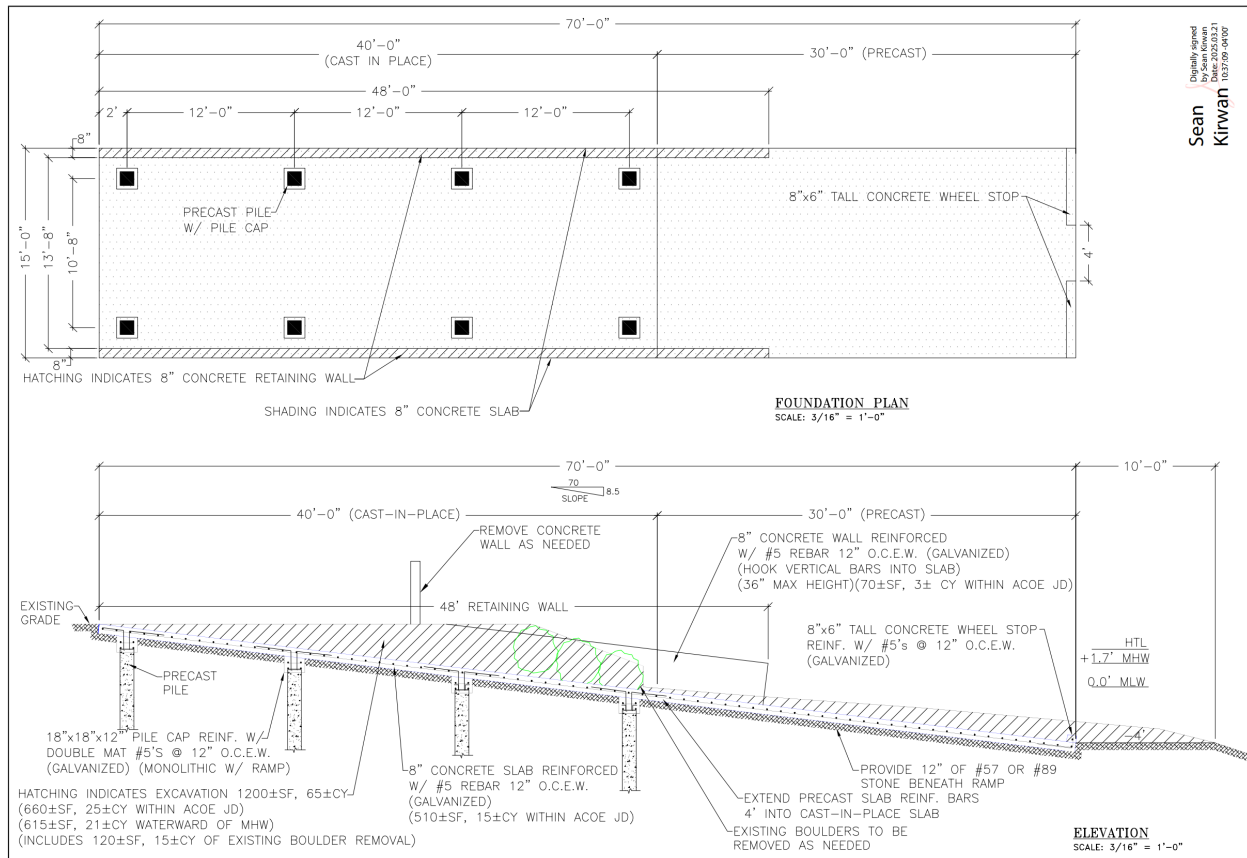
The project site is a single-family residence being utilized as a vacation rental with license VACA-26-26.

PROPOSED REDEVELOPMENT:

The project includes the improvement of the site with a boat ramp.
See Figure 4 for Site Plan layout.

Figure 4
Proposed Redevelopment Site Plan





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Kirwan

BACKGROUND:

The proposed project is located within the Residential Medium-1 (RM-1) zoning and the Residential Medium (RM) Future Land Use Map (FLUM) category. The site is currently a single-family residence utilized as a vacation rental, and the application involves the construction of a boat ramp for private use of the property. The proposed boat ramp requires a Conditional Use Permit from the City Council pursuant to Section 103.15.1 of the City Code. Conditional Use Permits are further subject to Article 102-13 (Conditional Use Permits) of the City Code. The boat ramp has previously received approval from the U.S. Army Corps of Engineers and the Florida Department of Environment Protection. This report addresses the Conditional Use Permit application only.

All conditions of the Conditional Use approval will have to be met before any building permit is approved.

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 proposed development project is located within the Residential Medium-1 Zoning District. Pursuant to Section 103.12D, the “*RM-1 District is intended to establish an area in the Coco Plum subdivision to ensure that the traditional lot sizes are maintained for single-family detached dwellings, through additional limitations as noted within this subsection, designated within the Residential Medium (RM) future land use category on the Future Land Use Map (FLUM).*”

The proposed project consists of the construction of a boat ramp within a rock revetment wall at a single-family residence. Section 103.15 determines whether specific uses are allowed as of right, limited, accessory or conditional uses, through Table 103.15.2. A boat ramp is permitted via a Conditional Use Permit within the RM-1 District. The Conditional Use Permit review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

It is staff’s opinion that the request is *in compliance* with the requirements of these sections as it is a Conditional Use within the MU-M District and is surrounded by similar marine related uses.

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

The proposed project is located within the Residential Medium-1 (RM-1) zoning district and the Residential Medium (RM) Future Land Use Map (FLUM). As discussed, boat ramps are Conditional Uses within the RM-1 District. The project site is also surrounded by RM-1 zoned properties. Based on the character of development surrounding the property and the existing zoning pattern in the area, it is staff’s opinion that the proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;

Therefore, it is staff’s opinion that 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 proposed conditional use does not adversely affect the health and welfare of the public. There should be no impacts on the surrounding properties as a result of the proposed development.

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Final review of floodplain compliance will occur as part of building permit issuance.

Therefore, it is staff’s opinion that the request is *in compliance* with the requirements of these sections, so long as the applicant complies with stormwater requirements.

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 current project site is a single-family residence being utilized as a vacation rental with a rock revetment wall along the shoreline with scarce vegetation. The conditions associated with both Federal and State permits related to the project establish adequate and proper protection for existing vegetation. The application and adherence to City Land Development regulation requirements will further protect and improve environmental conditions on site. The existing conditions maps indicate the subject area is designated as Grassland, Developed Land, a Structure and Rip Rap.

**Figure 5
Focus Area Habitat**



Therefore, it is staff's opinion that the request is **in compliance** with the requirements of these sections.

- Native vegetation shall remain intact, except for the area required for the boat ramp.

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;

Ingress and egress to the property is being provided through existing driveway on Coco Plum Drive. Section 107.43 requires site triangles where the access drive intersects with the street. Clear site triangles must be shown on the site plan at time of building permit issuance.

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 107.46.1 (Parking Schedule). There are no parking standards for a private boat ramp within the City Code. However, parking on site is adequate to accommodate the Single-Family Residence of the site.

Therefore, it is staff's opinion that 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 proposed project consists of development of a boat ramp within a Residential Medium-1 (RM-1) District. No detrimental noise, glare or odors are expected to be generated by the boat ramp.

Therefore, it is staff's opinion that 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;

The property is zoned Residential Medium-1.

Therefore, it is staff's opinion that 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 applicant is already connected for wastewater with the City.
- 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 minimus impact on recreation and open space.

- Roadways: The applicant is not altering the intensity of the property with the boat ramp. A traffic study was provided showing typically zero trips, but never more than two.
- Educational Facilities: This redevelopment will have no impact on educational facilities.

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.
- The Conditional Use Development Order will constitute the Certificate of Concurrency for the project. The determination will be valid for one year.

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

Table 107.66 establishes project boundary buffer standards within the City. The project is located within the Residential Medium-1 District. The property is bordered by parcels to the west, south, and east, which are also located within the RM-1 District. To the north, is a canal and property located within the C-NA District. No buffers are required in this instance, based on the existing zoning pattern in the area.

All proposed improvements will meet or exceed dimensional requirements within the RM-1 District. The site plan meets the navigational and structural requirements for a boat ramp.

Therefore, it is staff's opinion that 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;

Any and all exterior lighting proposed in connection with the boat ramp will be subject to compliance with City Land Development Regulations. Article 107.54 establishes criteria for lighting, including light pole light limitations and other technical criteria. Final lighting plans will be submitted along with final landscaping plans, and will include verification from the landscape architect that all provisions of the article are met.

Therefore, it is staff's opinion that the request is **in compliance** with the requirements of these sections.

8. Required yards and other open space;

Section 106.16 established required open space for the project. The site is a single-family residence; therefore, a twenty percent open space requirement applies. While subject to further site plan review, the project site complies in all respects with applicable open space requirements.

Therefore, it is staff's opinion that the request is **in compliance** with the requirements of these sections.

9. General compatibility with surrounding properties; and

The project of construction of a boat ramp is consistent with the prevailing zoning pattern in the area. Adjacent uses include residential uses adjacent to the waterfront. Construction of a boat ramp is expected to be fully compatible with these uses.

Section 104.07 restricts the width of boat ramps, including side slopes to 35'. The site plans show the boat ramp is below 35' wide.

Therefore, it is staff's opinion that 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 104.07 Boat Ramps contains special requirements.

The following criteria are applicable to this project:

- All boat ramps shall be located and designed so as not to create setback nonconformity for existing structures from the new MHW line created by the boat ramp and all new structures permitted subsequent to boat ramp approval must meet the new setback from MHW.
- All boat ramps shall be confined to shorelines of man-made canals, channels, and basins with little or no native vegetation and shall be located in the least vegetated area of the shoreline.
- The width of boat ramps, including side slopes, shall be limited to 35 feet.
- Boat ramps shall be designed such that all excavation necessary to build the ramp takes place at or landward of the MHW line that exists on the property prior to installation of the ramp.
- A maximum of two accessory docks meeting all docking facility requirements may be allowed.
- Boat ramps without accessory docks must meet the water depth and access criteria for a dock within ten (10) feet of the waterward end of the ramp to allow for a bottom slope.
- Dredging and filling shall be limited to the minimum amount necessary to construct the boat ramp surface, side slopes, walls and mooring or dock pilings.
- All such projects shall require approval by the Florida Department of Environmental Protection or the South Florida Water Management District and by the U.S. Army Corps of Engineers prior to issuance of a City permit.

Therefore, it is staff's opinion that 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 development consists of construction of a boat ramp for residential use. As such the development, 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:

Planning staff recommends conditional approval of the proposed boat ramp referred to as GNS Family Partnership LTD to the Planning Commission.

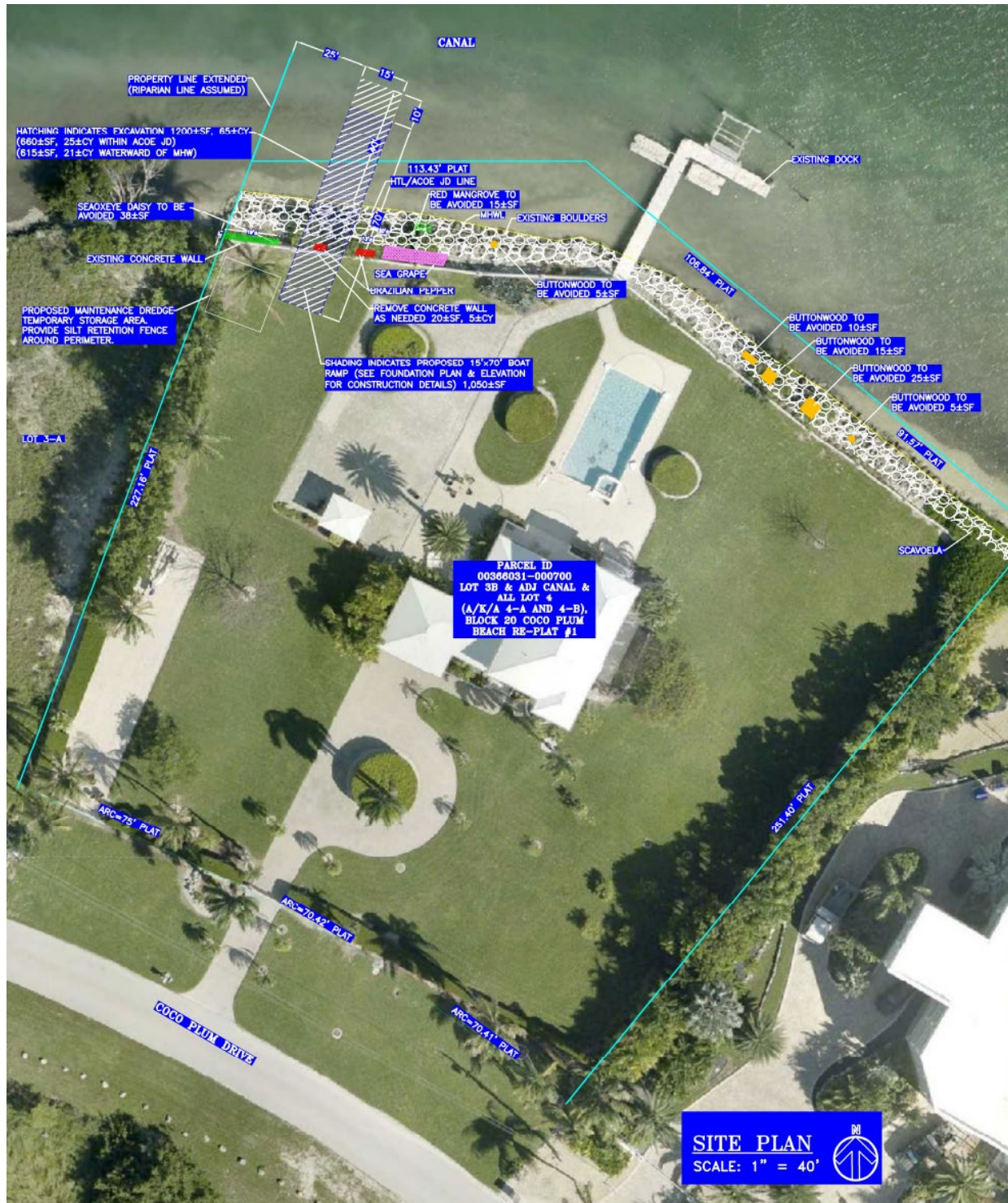
The proposed conditions of approval are listed below.

Conditions of Approval

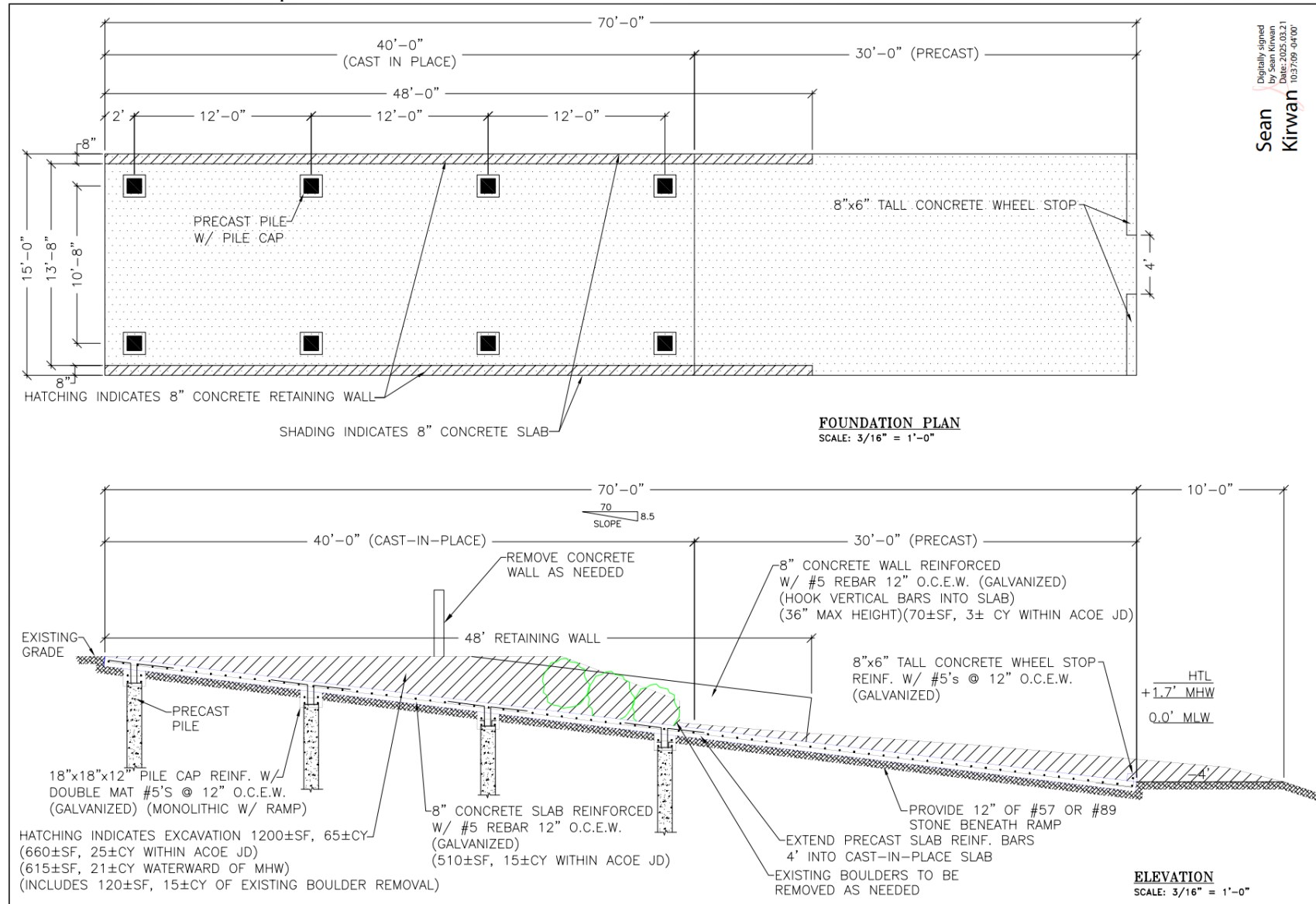
1. Boat ramps shall be located and designed so as not to encroach setbacks.
2. Boat ramps shall be confined to shorelines of man-made canal with little or no native vegetation and shall be located in the least vegetated area of the shoreline.
3. Width of boat ramp, including side slopes, is limited to 35 feet.
4. Boat ramps shall be designed such that all excavation necessary to build the ramp takes place at or landward of the MHW line that exists on the property prior to installation of the ramp.
5. Dredging and filling is limited to the minimum amount necessary to construct the boat ramp surface, side slopes, walls and mooring or dock pilings.
6. If construction of boat ramp is found to have any effect on the Eastern Indigo Snake Habitat, then the prescribed protection measures must be undertaken, and the information posted on site.
7. Native vegetation shall remain intact, except for the area required for the boat ramp.
8. Top of ramp/drain to intercept stormwater.
9. Small swales needed to collect stormwater runoff.
10. Detail grading plan depicting existing and proposed elevations. All runoff is required to be diverted to the stormwater system with no off-site discharge.
11. City approval is required for the stormwater management system prior to Building Permit Approval.
12. The Conditional Use Development Order will constitute the Certificate of Concurrence for the project. The determination will be valid for one year.

ATTACHMENTS

Attachment A: Site Plan



Attachment B: Foundation plan and Elevation



Digitally signed by Sean Kirwan Date: 2025.03.21 10:37:09 -0400



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: August 24, 2025

To: Honorable Planning Commission

From: Brian Shea, Planning Director

Agenda Item: An Ordinance Of The City Of Marathon, Florida, Amending The City's Land Development Regulations, 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.

An Ordinance Of The City Of Marathon, Florida, Amending The City's Land Development Regulations, Chapter 107, "General Development Standards," Article 5, "Setbacks And Height," Section 107.36, "Exception To Setback"; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; Providing For The Transmittal Of This Ordinance To The State Department Of Commerce; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Commerce In Accordance With State Law

RECOMMENDATION:

Staff recommends APPROVAL.

APPLICANT: City of Marathon

REQUEST:

The proposed ordinance has been drafted to amend the definition and exception to setback ordinances to adopt language consistent with House Bill 929 as adopted into Chapter 2026-55 of the laws of Florida. The purpose of the amendment is to codify consistent language for tikis and chickees based upon the amendments to State law.

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Purpose of Proposed Amendment:

The purpose of the amendments is are to adopt language consistent with new State Law.

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:

PC Agenda 260824 1. The need and justification for the change;

2. The consistency of the proposed amendment with the Comprehensive Plan; and
 3. Whether the proposed change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.
- C. *Findings:* The PC shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Council, indicating if the proposed amendment should be:
1. Approved as proposed;
 2. Approved with amendments proposed by the PC; or
 3. Denied

Section 102.27. - Hearing(s) by Council.

- A. The decision to process a text amendment is within the sole discretion of the Council.
- B. For any proposed text amendment, the Council shall hold a minimum of two (2) public hearings, conforming to the requirements of Fla. Stat. Ch. 166, before taking action on the amendment.

Section 102.28. - Action by Council.

Following the public hearings, the Council shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes, or deny the proposed amendment.

As noted, review of proposed LDR text amendments is to be made based on three basic criteria: need and justification for change, consistency with the adopted Comprehensive Plan, and whether the proposed amendment will further the purposes of the LDRs, other ordinances, and actions taken to further the implementation of the Comprehensive Plan. The Planning Commission, in reviewing the proposed amendment, may recommend approval as is, approval with changes, or denial to the City Council.

ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

The City of Marathon needs to amend these sections to be consistent with Florida Statute.

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

Nothing in the comprehensive plan directly pertains to tikis or chickees.

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

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

CONCLUSION:

Staff indicates that the proposed text amendments are consistent with the standards and 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

Sponsored By: Williams
Planning Commission Public Hearing Date: August 24, 2026
City Council Public Hearing Date: September 8, 2026
October 13, 2026
Enactment Date: October 13, 2026

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

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS, 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 of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Commerce ("FloridaCommerce"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Land Development Regulations based upon changes to Florida Statute 125.489, 166.04845, 553.73(10)(i).; and

WHEREAS, this Ordinance had a hearing before the Planning Commission on August 24, 2026 and a first hearing before the City Council on September 8, 2026 during which both entities, took staff testimony, all public comment, and having duly deliberated, determined that the Ordinance was in the best interest of the public. The Ordinance was noticed for a second hearing on October 13, 2026, at which time, the Ordinance was passed unanimously, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

~~Strikethrough~~ = deletion **bold underline** = addition

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Amend the Land Development Regulations, Article 3 "Defined Terms" as attached in Exhibit A.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or

unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. The provisions of this Ordinance constitute an amendment to the Land Development Regulations as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the Department of Commerce for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall become effective upon approval by the Florida Department of Commerce pursuant to Chapters 163, 166, and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 13 DAY OF OCTOBER 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven T. Williams, City Attorney

Chapter 110 "Definitions" Article 3 "Defined terms":

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; that may have a wooden deck; and that does not incorporate any electrical, plumbing, or other nonwood features, except that a chickee may:

1. Incorporate nonwood fasteners, including, but not limited to, nails, screws, bolts, nuts, washers, staples, and hurricane straps.
2. Incorporate electrical or plumbing features in accordance with a building permit for the incorporation of such 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, that may have a wooden deck, and that may incorporate any electrical, plumbing, or other non-wood features.

Sponsored By: Williams
Planning Commission Public Hearing Date: August 24, 2026
City Council Public Hearing Date: September 8, 2026
October 13, 2026
Enactment Date: October 13, 2026

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

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS, CHAPTER 107, "GENERAL DEVELOPMENT STANDARDS," ARTICLE 5, "SETBACKS AND HEIGHT," SECTION 107.36, "EXCEPTION TO SETBACK"; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE DEPARTMENT OF COMMERCE IN ACCORDANCE WITH STATE LAW.

WHEREAS, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Commerce ("FloridaCommerce"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Land Development Regulations based upon changes to Florida Statute 125.489, 166.04845, 553.73(10)(i).; and

WHEREAS, this Ordinance had a hearing before the Planning Commission on August 24, 2026 and a first hearing before the City Council on September 8, 2026 during which both entities, took staff testimony, all public comment, and having duly deliberated, determined that the Ordinance was in the best interest of the public. The Ordinance was noticed for a second hearing on October 13, 2026, at which time, the Ordinance was passed unanimously, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

~~Strikethrough~~ = deletion **bold underline** = addition

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Amend the Land Development Regulations, Section 107.36 as attached in Exhibit A.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or

unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. The provisions of this Ordinance constitute an amendment to the Land Development Regulations as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the Department of Commerce for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall become effective upon approval by the Florida Department of Commerce pursuant to Chapters 163, 166, and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 13 DAY OF OCTOBER 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven T. Williams, City Attorney

Sec 107.36 Exception To Setback

A. Side Yard.

1. For parcels in the MU districts, and for duplexes and multi-unit, affordable dwellings in certain residential zoning districts, the required interior side yard setbacks may be reduced through the conditional use process established in Article 13, Chapter 102.
2. Driveways, which may include a turnaround area; walkways not to exceed five (5) feet wide and landscape features such as, but not limited to; decorative fountains and landscape lighting may be allowed provided that:
 - a. All accessory structures in the front yard setback shall maintain the required side setback;
 - b. Must be detached from principal structure and be nonenclosed;
 - c. Must maintain all required bufferyard and landscape street treatments of Article 8 "Landscaping" of this Chapter;
 - d. The open space requirements of Article 9 of this Chapter are met;
 - e. Shall be located within existing cleared areas before encroaching into areas of native vegetation;
 - f. All new impervious area is subject to the stormwater management requirements established in Article 11 of this Chapter.
3. Accessory stairs and platforms to elevate mechanical, plumbing and electrical equipment. Accessory structures, limited to stairs and platforms, may be permitted within a required side yard setback on a parcel developed exclusively with a residential use if the following provisions are met:
 - a. The accessory structure is required to elevate mechanical, plumbing and electrical equipment at or above required flood elevations;
 - b. The accessory structures are situated at least two (2) feet from the side yard property line; and
 - c. The accessory structures must be constructed to avoid any off-site discharge of stormwater from the subject parcel in accordance with Article 11 of this Chapter; and
 - d. In no event shall the total combined area of all accessory structures occupy more than 80 percent (80%) of the required side yard setback area.

4. Chikees and Tikis shall maintain a ten (10) feet side yard setback from the property line.

- B. *Small Lots.* In all residentially zoned districts, for parcels 4,500 square feet or less in size, the front and rear setback requirements are reduced to ten (10) feet each.
- C. *Front Yard.* In all residentially zoned districts, driveways, which may include a turnaround area; walkways not to exceed five (5) feet wide and landscape features such as, but not limited to, decorative fountains and landscape lighting may be allowed provided that:
1. All accessory structures in the front yard setback shall maintain the required side setback;
 2. Must be detached from principal structure and be nonenclosed;
 3. Must maintain all required bufferyard and landscape street treatments of Article 8 "Landscaping" of this Chapter;
 4. The open space requirements of Article 9 of this Chapter are met;
 5. Shall be located within existing cleared areas before encroaching into areas of native vegetation;
 6. All new impervious area is subject to the stormwater management requirements established in Article 11 of this Chapter.
- D. *Rear Yard.* For landlocked residential parcels an exception to the rear yard setback may be allowed for detached accessory structures provided that:
1. The entire parcel is brought into compliance with the stormwater management requirements established in Article 11 of this Chapter;
 2. A minimum five-foot setback from each property line in the rear setback is maintained;
 - a. Chikees and Tikis are not accessory structures eligible for this exemption and shall maintain a ten (10) feet rear yard setback from the property line.

3. Must maintain all required bufferyard and landscape street treatments of Article 8 "Landscaping" of this Chapter;
4. The open space requirements of Article 9 of this Chapter are met;
5. Shall be located within existing cleared areas before encroaching into areas of native vegetation.
6. Accessory stairs and platforms to elevate mechanical, plumbing and electrical equipment. Accessory structures, limited to stairs and platforms, may be permitted within a required rear setback on a parcel developed exclusively with a residential use if the following provisions are met:
 - a. The accessory structure is required to elevate mechanical, plumbing and electrical equipment at or above required flood elevations;
 - b. The accessory structures are situated at least five (5) feet from the rear yard property line; and
 - c. Maximum shoreline setbacks are to be maintained and, in no event shall a shoreline setback be less than ten (10) feet from mean high water;
 - d. The accessory structures must be constructed to avoid any off-site discharge of stormwater from the subject parcel in accordance with Article 11 of the Chapter; and
 - e. In no event shall the total combined area of all accessory structures occupy more than 60 percent (60%) of the required rear yard setback area.



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: August 24, 2025

To: Honorable Planning Commission

From: Brian Shea, Planning Director

Agenda Item: An Ordinance Of The City Of Marathon, Florida, Amending The City's Land Development Regulations, Chapter 103 "Zoning Districts", Article 3 "Use And Intensity Tables", Table 103.15.1 "Uses By Zoning District"; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; Providing For The Transmittal Of This Ordinance To The State Department Of Commerce; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Commerce In Accordance With State Law.

RECOMMENDATION:

Staff recommends APPROVAL.

APPLICANT: City of Marathon

REQUEST:

The proposed ordinance has been drafted to amend Table 103.15.1 to be compliant with the recent laws created under HB 399: Land Use and Development Regulations, which created Florida Statute 553.385.

Purpose of Proposed Amendment:

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

AUTHORITY

Section 102.26. Planning Commission Recommendation.

A. *Authority:* The PC shall consider a proposed text amendment at the request of the Council.

B. *Review Criteria:* The PC shall review such proposed amendment, based upon the criteria listed below:

1. The need and justification for the change;
2. The consistency of the proposed amendment with the Comprehensive Plan; and
3. Whether the proposed change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

C. *Findings:* The PC shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Council, indicating if the proposed amendment should be:

2. Approved with amendments proposed by the PC; or
3. Denied

Section 102.27. - Hearing(s) by Council.

- A. The decision to process a text amendment is within the sole discretion of the Council.
- B. For any proposed text amendment, the Council shall hold a minimum of two (2) public hearings, conforming to the requirements of Fla. Stat. Ch. 166, before taking action on the amendment.

Section 102.28. - Action by Council.

Following the public hearings, the Council shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes, or deny the proposed amendment.

As noted, review of proposed LDR text amendments is to be made based on three basic criteria: need and justification for change, consistency with the adopted Comprehensive Plan, and whether the proposed amendment will further the purposes of the LDRs, other ordinances, and actions taken to further the implementation of the Comprehensive Plan. The Planning Commission, in reviewing the proposed amendment, may recommend approval as is, approval with changes, or denial to the City Council.

ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

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

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

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

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

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

1. A manufactured building, as defined in s. 553.36, intended for single-family residential use; or

2. A manufactured home, as defined in s. 320.01(2)(b), which is constructed, in whole or in part, off site and is treated as real property.

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

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

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

Policy 1-3.3.3 encourages the redevelopment of aging mobile homes. The new mobile homes must meet current flood and wind codes. Therefore, the amendment will be

consistent with the Comprehensive Plan and Florida Building Code.

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

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

CONCLUSION:

Staff indicates that the proposed text amendments are consistent with the standards and 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

Sponsored By: Williams
Planning Commission Public Hearing Date: August 24, 2026
City Council Public Hearing Date: September 8, 2026
October 13, 2026
Enactment Date: **October 13, 2026**

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

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS, CHAPTER 103 "ZONING DISTRICTS", ARTICLE 3 "USE AND INTENSITY TABLES", TABLE 103.15.1 "USES BY ZONING DISTRICT"; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE DEPARTMENT OF COMMERCE IN ACCORDANCE WITH STATE LAW.

WHEREAS, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Commerce ("FloridaCommerce"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Land Development Regulations based upon changes to Florida Statute 553.385.; and

WHEREAS, this Ordinance had a hearing before the Planning Commission on August 24, 2026 and a first hearing before the City Council on September 8, 2026 during which both entities, took staff testimony, all public comment, and having duly deliberated, determined that the Ordinance was in the best interest of the public. The Ordinance was noticed for a second hearing on October 13, 2026, at which time, the Ordinance was passed unanimously, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

~~Strikethrough~~ = deletion **bold underline** = addition

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Amend the Land Development Regulations, Table 103.15.1 as attached in Exhibit A.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses,

and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. The provisions of this Ordinance constitute an amendment to the Land Development Regulations as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the Department of Commerce for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall become effective upon approval by the Florida Department of Commerce pursuant to Chapters 163, 166, and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 13 DAY OF OCTOBER 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven T. Williams, City Attorney

Section 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-NA	C-OI	RL-C	RL	RM	RM-1	RM-2	R-MH	RH	MU	MU-M*	I-G	I-M*	A	P	PR

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

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

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



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: August 24, 2026

To: Honorable Planning Commission

From: Brian Shea, Planning Director

Agenda Item: An Ordinance Of The City Of Marathon, Florida, Amending The City's Land Development Regulations Chapter, 103 "Zoning Districts", Article 3 "Use And Intensity Tables", Table 103.15.1 "Uses By Zoning District"; And Amending Chapter 104 "Specific Use Regulations," Article 1 "General Provisions," Section 104.05 "Alcohol Beverage; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; Providing For The Transmittal Of This Ordinance To The State Department Of Commerce; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Commerce In Accordance With State Law.

RECOMMENDATION:

Staff recommends APPROVAL.

APPLICANT: City of Marathon

REQUEST:

The proposed ordinance has been drafted to amend Table 103.15.1 and Section 104.05 to encourage the redevelopment of the Marathon Airport and allow for commercial activities related to restaurants and alcohol.

Purpose of Proposed Amendment:

The purpose of the amendment is to allow the future potential for the airport to have alcohol sales.

AUTHORITY

Section 102.26. Planning Commission Recommendation.

A. *Authority:* The PC shall consider a proposed text amendment at the request of the Council.

B. *Review Criteria:* The PC shall review such proposed amendment, based upon the criteria listed below:

1. The need and justification for the change;
2. The consistency of the proposed amendment with the Comprehensive Plan; and
3. Whether the proposed change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

C. *Findings:* The PC shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Council, indicating if the proposed amendment should be:

1. Approved as proposed;
2. Approved with amendments proposed by the PC; or
3. Denied

Section 102.27. - Hearing(s) by Council.

- A. The decision to process a text amendment is within the sole discretion of the Council.
- B. For any proposed text amendment, the Council shall hold a minimum of two (2) public hearings, conforming to the requirements of Fla. Stat. Ch. 166, before taking action on the amendment.

Section 102.28. - Action by Council.

Following the public hearings, the Council shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes, or deny the proposed amendment.

As noted, review of proposed LDR text amendments is to be made based on three basic criteria: need and justification for change, consistency with the adopted Comprehensive Plan, and whether the proposed amendment will further the purposes of the LDRs, other ordinances, and actions taken to further the implementation of the Comprehensive Plan. The Planning Commission, in reviewing the proposed amendment, may recommend approval as is, approval with changes, or denial to the City Council.

ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

Marathon airport is seeking to redevelop as a commercial airport. As such, other commercial entities may be included in the redevelopment, which may include restaurants. By amending the ordinance, the restaurants will be able to apply for the appropriate ABV license to serve alcohol to their patrons. The County has permitted a new Fixed Based Operator building that includes a bar area, which will need to eventually seek ABV licensing.

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

This furthers Objective 7-3.1, and policies 7-3.1.1 and 7-3.1.6. The Marathon Airport expansion shall to be consistent with the needs identified in the updated airport master plan. The City shall establish effective coordination strategies and enter into an interlocal agreement with Monroe County to ensure all development within and adjacent to the airport facility is in compliance with all applicable regulations.

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

These changes as proposed coordinate the efforts of the County and City for expanded commercial flights at the Marathon Airport. They also further the policies set forth in the Economic Resiliency Plan, that further encourage commercial flights out of Marathon Airport.

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

Sponsored By: Williams
Planning Commission Public Hearing Date: August 24, 2026
City Council Public Hearing Date: September 8, 2026
October 13, 2026
Enactment Date: **October 13, 2026**

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

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS CHAPTER, 103 "ZONING DISTRICTS", ARTICLE 3 "USE AND INTENSITY TABLES", TABLE 103.15.1 "USES BY ZONING DISTRICT"; AND AMENDING CHAPTER 104 "SPECIFIC USE REGULATIONS," ARTICLE 1 "GENERAL PROVISIONS," SECTION 104.05 "ALCOHOL BEVERAGE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE DEPARTMENT OF COMMERCE IN ACCORDANCE WITH STATE LAW.

WHEREAS, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Commerce ("FloridaCommerce"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Land Development Regulations based upon changes to Florida Statute 553.385.; and

WHEREAS, this Ordinance had a hearing before the Planning Commission on August 24, 2026 and a first hearing before the City Council on September 8, 2026 during which both entities, took staff testimony, all public comment, and having duly deliberated, determined that the Ordinance was in the best interest of the public. The Ordinance was noticed for a second hearing on October 13, 2026, at which time, the Ordinance was passed unanimously, and

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~~Strikethrough~~ = deletion **bold underline** = addition

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Amend the Land Development Regulations, Table 103.15.1 as attached in Exhibit A.

SECTION 3. Amend the Land Development Regulations, Section 104.05 as attached in Exhibit B.

SECTION 4. 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 5. The provisions of this Ordinance constitute an amendment to the Land Development Regulations as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the Department of Commerce for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

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ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 13 DAY OF OCTOBER 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven T. Williams, City Attorney

Section 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-NA	C-OI	RL-C	RL	RM	RM-1	RM-2	R-MH	RH	MU	MU-M*	I-G	I-M*	A	P	PR

Alcohol Beverage— Section 104.05										L	L	L	L	<u>L</u>		

[Sec 104.05] Alcohol Beverage

This section in conjunction with allowed uses in Table 103.15.1 is designed and intended to provide for reasonable regulation and control over the sale of alcoholic beverages within the City of Marathon by establishing an alcoholic beverage use permit procedure and providing criteria to be utilized to assure that all future proliferation of alcoholic beverage use enterprises within the City limits are compatible with the City's Comprehensive Plan and LDRs, and that alcoholic beverage use permits not be granted where such uses will have an adverse impact upon the health, safety and welfare of the citizens and residents of the city. All persons, firms, partnerships, or corporations who have received approval from the PC under the former provisions of Section 19-218 of the Monroe County Code, as same heretofore existed, shall retain all rights and privileges heretofore granted under said section.

- A. *Permits.* After the effective date of this ordinance, all persons, firms, partnerships or corporations desiring to sell alcoholic beverages upon any premises located within the City and who desire to do so upon a premises not heretofore approved by the PC, shall obtain an alcoholic beverage use permit utilizing the procedure outlined in Subsection C. "Procedure", below.
- B. *Classifications.* Corresponding to those alcoholic beverage license classifications as heretofore and hereafter adopted by the State of Florida, alcoholic beverage use permits hereafter issued pursuant to this ordinance shall be classified as follows:
 - 1. 1APS: Beer, package only;
 - 2. 1COP: Beer, on-premises and package;
 - 3. 2APS: Beer and wine, package only;
 - 4. 2COP: Beer and wine, on-premises and package;
 - 5. 6COP: Beer, wine, and liquor, on-premises and package;
 - 6. 6COP SRX: Restaurant, no package sales;
 - 7. 6COP SR: Restaurant, package sales;
 - 8. 6COP S: Motel, package sales;
 - 9. 6COP SBX: Bowling, no package sales;
 - 10. 6COP SPX: Boat, no package sales;
 - 11. 3BPS: Beer, wine, liquor, package sales only;
 - 12. 3M: Additional license for 6COP, over three (3) bars;
 - 13. 12RT: Racetrack, liquor, no package sales.

C. *Procedure.* The following procedure shall be followed on any application for an alcoholic beverage use permit hereafter made:

1. Applications for alcoholic beverage use permits shall be submitted to the City Manager or his designee in writing on forms provided by the director. Such applications must be signed by the owner of the real property for which the permit is requested. Lessees of the premises may apply for such permits provided that proper authorization from the owner of the premises is given and the application for permit is cosigned by such owner.
2. Upon receipt of a properly completed and executed application for alcoholic beverage use permit stating the exact classification requested along with the necessary fee, the City Manager or his designee shall issue a notice of intent to issue the alcoholic beverage use permit if the application meets the guidelines established in Subsection D., "Criteria", herein.
3. The City Manager or his designee shall review the application and may deny or grant an alcoholic beverage use permit. In granting an alcoholic beverage use permit under this section, the City Manager or his designee may prescribe appropriate and safeguards as are in his or her opinion necessary to protect the public interest and ensure harmony with the purpose and intent of this section.
4. Prior to issuance of an alcoholic beverage use permit, the City Manager or his designee shall give the applicant notice of the City's intent to issue the alcoholic beverage use permit. Thereafter, in accordance with the provisions of Article 4 "Notice of Public Meetings and Hearings" of Chapter 102 of the LDRs, the applicant shall provide written notice to adjacent property owners of the City's intent to issue the alcoholic beverage use permit.
5. Within 35 days of the date of the publishing of the notice of intent, a public hearing on an application for an alcoholic beverage use permit may be requested in writing to the City Manager or his designee, by the applicant, an adjacent property owner or an aggrieved or adversely affected property owner located within 300 feet of the property that is subject to the alcoholic beverage use permit. If a public hearing is requested, in accordance with the provisions of Article 17 "Appeals", of Chapter 102, the City shall schedule a public hearing of the PC. The provisions of Article 21 of Chapter 102 shall govern any such hearing, and the person requesting the public hearing shall be responsible for providing notice of the hearing in accordance with the provisions of Article 4, "Notice of Public Meetings and Hearings" of Chapter 102 of the LDRs. The City Manager or his designee shall issue the alcoholic beverage use permit if a public hearing is not requested in accordance with this subsection.

D. *Criteria for Approval.* The City Manager or his designee or PC shall give due consideration to the following factors as they may apply to the particular application prior to rendering a decision to grant the requested permit:

1. The effect of such use upon surrounding properties and the immediately neighborhood as represent by property owners within a 300 feet of the premises. For the purposes of this section, "premises" shall mean the entire site of a shopping center.
2. The suitability of the premises in regard to its location, site characteristics and intended purpose. Lighting on the permitted premises shall be shuttered and shielded from surrounding properties, and construction of such permitted properties will be soundproofed. In the event music and entertainment is permitted, the premises shall be air conditioned.
3. Access, traffic generation, road capacities, and parking requirements.
4. Demands upon utilities, community facilities and public services.
5. Compliance with the City's restrictions or requirements and any valid regulations.

E. *Approval by the City Manager or his designee or the PC.* The City Manager or his designee or the PC may grant approval based on reasonable condition considering the criteria outlines herein.

F. *Where Permitted.* Alcoholic beverage sales maybe permitted at restaurants, hotels, marinas, [airports](#), and campgrounds regardless of the land use district in which they are located. Nothing contained herein shall exempt an applicant from obtaining a conditional approval when such is otherwise required by the City LDRs.

G. *Distance requirement.*

1. *Schools.*
 - a. No new or relocated package sale vendor shall be permitted to open and/or start the business of package sales within 500 feet of an established school.
 - b. Distance from a school shall be measured by following a straight line from the main entrance of the place of business to the nearest point of the school grounds in use as part of the school facilities. The package sale vendor seeking a new location must submit a scaled survey drawn by a registered land surveyor attesting to the separation of the uses in question. This requirement may be waived upon the written certification by the Director that the minimum distance separation has been met.

- c. The location of all existing places of business subject to this section shall not in any manner be impaired by this section, and the distance limitation provided in this section shall not impair any existing licensed location heretofore issued to and held by any such vendor nor shall such vendor's right of renewal be impaired by this section; provided, however, that the location of any such existing license shall not be transferred to a new location in violation of this section.
- d. Distance requirements not applied to renewal, change in name or ownership, or change in certain licenses. The distance requirement set forth above in Subsection 1(a) shall not be applied to the location of an existing vendor when there is:
 - (1) A renewal of an existing license;
 - (2) A transfer in ownership;
 - (3) A change in business name; or
 - (4) A any decrease in the numerical designation of a state issued license which is of the same series (type);

Such exemption is allowed provided that the physical location of the vendor establishment does not change. No increase in the series (type) of state issued license shall be permitted at or for a location (new or existing) except in compliance with the provisions hereof.

- 2. *Variances.* The PC is authorized to grant variances to the distance requirements as established by Subsections 1. and 2. above where the PC finds that such variance will not be contrary to the public interests. The application for a variance and the processing and hearing upon the application shall be in accordance with Article 20 "Variance", Chapter 102 of the LDRs. The decision of the PC may be appealed to the Council.
- H. *Transferability.* Alcoholic beverage use permits issued by virtue of this section shall be deemed to be a privilege running with the land. The sale of the real property which has been granted an alcoholic beverage use permit shall automatically vest the purchases thereof with all rights and obligations originally granted or imposed to or on the applicant. Such privilege may not be separated from the fee simple interest in the realty.
- I. *Appeals.* All persons aggrieved by the actions of the City Manager or the PC in granting or denying requested alcoholic beverage permits may request an appeal hearing in accordance with the provisions of Article 17 "Appeals" of Chapter 102.
- J. *Successive Applications.* Whenever any application for alcoholic beverage approval is denied for failure to meet the substantive requirements of this section an application for alcoholic

beverage approval for all or a portion of the same property shall not be considered for a period of two (2) years unless a supermajority of the PC decides that the original decision was based on a material mistake of fact or that there exists changed conditions and new facts not existing at the time of the original decision. Which would justify entertaining a new application before the expiration of the two-year period. However, in the case of a shopping center, as defined in Article 110 "Definitions", this section shall only apply to the commercial retail unit within the shopping center for which approval was sought and not the entire shopping center site itself.



PLANNING COMMISSION AGENDA STATEMENT

Meeting Date: August 24, 2026

To: Honorable Planning Commission

From: Brian Shea, Planning Director

Agenda Item: An Ordinance Of The City Of Marathon, Florida, Amending The City's Land Development Regulations, Chapter 102, "Development Application Review Procedures," Article 10, "Subdivision Of Land/Plats And Re-Plats," Section 102.49, "Major Subdivision Improvement Requirements"; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; Providing For The Transmittal Of This Ordinance To The State Department Of Commerce; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Commerce In Accordance With State Law.

RECOMMENDATION:

Staff recommends APPROVAL.

APPLICANT: City of Marathon

REQUEST:

The proposed ordinance has been drafted to amend Section 102.49 to recognize that flood adaptation measures may exceed those standards set in the Florida Greenbook.

Purpose of Proposed Amendment:

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

AUTHORITY

Section 102.26. Planning Commission Recommendation.

A. *Authority:* The PC shall consider a proposed text amendment at the request of the Council.

B. *Review Criteria:* The PC shall review such proposed amendment, based upon the criteria listed below:

1. The need and justification for the change;
2. The consistency of the proposed amendment with the Comprehensive Plan; and
3. Whether the proposed change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

C. *Findings:* The PC shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Council, indicating if the proposed amendment should be:

2. Approved with amendments proposed by the PC; or
3. Denied

Section 102.27. - Hearing(s) by Council.

- A. The decision to process a text amendment is within the sole discretion of the Council.
- B. For any proposed text amendment, the Council shall hold a minimum of two (2) public hearings, conforming to the requirements of Fla. Stat. Ch. 166, before taking action on the amendment.

Section 102.28. - Action by Council.

Following the public hearings, the Council shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes, or deny the proposed amendment.

As noted, review of proposed LDR text amendments is to be made based on three basic criteria: need and justification for change, consistency with the adopted Comprehensive Plan, and whether the proposed amendment will further the purposes of the LDRs, other ordinances, and actions taken to further the implementation of the Comprehensive Plan. The Planning Commission, in reviewing the proposed amendment, may recommend approval as is, approval with changes, or denial to the City Council.

ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

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

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

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

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

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

CONCLUSION:

Staff indicates that the proposed text amendments are consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of

these statutes and rules.

RECOMMENDATION:

Staff recommends APPROVAL

Sponsored By: Williams
Planning Commission Public Hearing Date: August 24, 2026
City Council Public Hearing Date: September 8, 2026
October 13, 2026
Enactment Date: October 13, 2026

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

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS, CHAPTER 102, "DEVELOPMENT APPLICATION REVIEW PROCEDURES," ARTICLE 10, "SUBDIVISION OF LAND/PLATS AND RE-PLATS," SECTION 102.49, "MAJOR SUBDIVISION IMPROVEMENT REQUIREMENTS"; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE DEPARTMENT OF COMMERCE IN ACCORDANCE WITH STATE LAW.

WHEREAS, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Commerce ("FloridaCommerce"), pursuant to Chapters 163 and 380, Florida Statutes; and

WHEREAS, the City Council finds it necessary, desirable, and proper to adopt the amendments to the Land Development Regulations based upon changes to Florida Statute 553.385.; and

WHEREAS, this Ordinance had a hearing before the Planning Commission on August 24, 2026 and a first hearing before the City Council on September 8, 2026 during which both entities, took staff testimony, all public comment, and having duly deliberated, determined that the Ordinance was in the best interest of the public. The Ordinance was noticed for a second hearing on October 13, 2026, at which time, the Ordinance was passed unanimously, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

~~Strikethrough~~ = deletion **bold underline** = addition

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Amend the Land Development Regulations, Section 102.49 as attached in Exhibit A.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or

unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. The provisions of this Ordinance constitute an amendment to the Land Development Regulations as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the Department of Commerce for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall become effective upon approval by the Florida Department of Commerce pursuant to Chapters 163, 166, and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 13 DAY OF OCTOBER 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven T. Williams, City Attorney

Sec 102.49 Major Subdivision Improvement Requirements

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

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

PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: August 24, 2026

To: Honorable Planning Commission

From: Brian Shea, Planning Director

Agenda Item: An Ordinance Of The City Of Marathon, Florida, Amending The City Of Marathon's Comprehensive Plan, Amending Chapter Four, "Conservation and Coastal Element," Policy 4-1.19.5, "Limit Public Expenditures In The Coastal High Hazard Area," And Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Seven, "Capital Improvements Element," Policy 7-1.5.3, "Review Proposals For Consistency With The Plan," Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Commerce After The First Hearing By The City Council; And Providing For An Effective Date.

RECOMMENDATION:

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

APPLICANT: City of Marathon

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

ANALYSIS OF COMPREHENSIVE PLAN CHANGE REQUEST:

Preface

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

Section 102.19 simply states:

Section 102.19. Standards for Review.

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

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

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

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

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

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

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

Compliance Discussion

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

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

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

BACKGROUND

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

ANALYSIS

Natural Resources

No Significant Impact would result from the proposed change.

Historical and Cultural Resources

No Significant Impact would result from the proposed change.

Infrastructure

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

Wastewater infrastructure

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

Stormwater infrastructure

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

Potable Water

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

Solid Waste

No Significant Impact would result from the proposed change.

Transportation

No Significant Impact would result from the proposed change.

Affordable Housing

No Significant Impact would result from the proposed change.

Hazard Mitigation

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

hazard mitigation projects and increase resiliency.

Coastal High Hazard Areas

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

Hurricane Evacuation

No Significant Impact would result from the proposed change.

Ports – Marina Siting

No Significant Impact would result from the proposed change.

Public Use – Access to Water

No Significant Impact would result from the proposed change.

Land Acquisition

No Significant Impact would result from the proposed change.

Alternate Compliance Review Criteria

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

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

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

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

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

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

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

CONCLUSION:

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

RECOMMENDATION:

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

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

TBD
Enactment Date: **TBD**

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

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY OF MARATHON'S COMPREHENSIVE PLAN, AMENDING CHAPTER FOUR, "CONSERVATION AND COASTAL ELEMENT," POLICY 4-1.19.5, "LIMIT PUBLIC EXPENDITURES IN THE COASTAL HIGH HAZARD AREA," AND AMENDING THE CITY OF MARATHON'S COMPREHENSIVE PLAN MODIFYING CHAPTER SEVEN, "CAPITAL IMPROVEMENTS ELEMENT," POLICY 7-1.5.3, "REVIEW PROPOSALS FOR CONSISTENCY WITH THE PLAN," PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE AFTER THE FIRST HEARING BY THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, provides for comprehensive plan implementation through the enactment of certain ordinances; and

WHEREAS, the City of Marathon is located within an Area of Critical State Concern (ACSC), pursuant to Sections 380.05 and 380.0552, Florida Statutes, hereinafter referred to the "Keys ACSCs"; and

WHEREAS, Keys' Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations pursuant to both Chapters 163 and 380.055, Florida Statutes, which have been approved by the State, as required by law, and;

WHEREAS, Chapter 166, *Florida Statutes*, grants the City of Marathon (the "City") broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting regulations for the protection of the public; and

WHEREAS, in 2024 the legislature amended Section 20.60 of the Florida Statutes rebranding the State Land Planning Agency as the Department of Commerce; and

WHEREAS, the Ordinance, thus introduced, provides for the updates to the Comprehensive Plan based upon the renaming of the State Land Planning Agency; and

WHEREAS, the Planning Commission reviewed this Ordinance on August 24, 2026, providing

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

WHEREAS, the City Council reviewed this Ordinance on September 8, 2026, and again on **XXX, 2026** adopting the Ordinance in its second hearing and directing staff to transmit the Ordinance to the Florida Department of Commerce for final approval; and

WHEREAS, pursuant to the same legislative provision, the City Council accepted the ORC Report, considered the recommendation of the Planning Commission, accepted additional public input, and deliberated on the proposed amendment to the Land Development Regulations on **XXX, 2026** at a duly noticed public hearing, and directed that the amendment be transmitted to the Florida Department of Commerce as formally adopted by the City,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

~~Strikethrough~~ = deletion **bold underline** = addition

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Policy 4-1.19.5 & Policy 7-1.5.3, are hereby amended as attached in Exhibit A.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. The provisions of this Ordinance constitute an amendment to the Land Development Regulations as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the Florida Department of Commerce for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

SECTION 5. This Ordinance shall be effective immediately upon approval by the Florida Department of Commerce pursuant to Chapters 163 and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS **XXTH DAY OF **XXX** 2026.**

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven Williams, City Attorney

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

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

Policy 7-1.5.3 Review Proposals For Consistency With The Plan

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