

CITY COUNCIL AGENDA STATEMENT



Meeting Date: September 10, 2024

To: Honorable Mayor and Members of City Council

From: Brian Shea, Planning Director

Through: George Garrett, City Manager

Item: **Resolution 2024-76**, A Resolution Of The City Council Of The City Of Marathon, Extending The Approval Of The Allocations Of The Early Evacuation Building Permit Allocation System (EE-BPAS) Under Resolution 2021-77, Providing 6 Months From The Date Of This Resolution For The Permits To Be Issued; And Providing For An Effective Date.

RECOMMENDATION

Based upon direction by the City Council, staff recommends approving the resolution granting an additional six months for applicants to pick up issued permits utilizing the Early Evacuation Affordable Units awarded under Resolution 2021-77.

I. BACKGROUND AND JUSTIFICATION

This evaluation report has been prepared pursuant to Chapter 107 Article 1 of the City of Marathon Land Development Regulations (the "Code"). The residential dwelling unit allocation rankings attached to the previous resolution corresponded to Period 1, Year 30, as defined by the Residential Building Permit Allocation System (RBPAS). This period includes July 14, 2021 to, January 13, 2022.

Monroe County adopted the Rate of Growth Ordinance (#016-1992), commonly referred to as ROGO, on July 13, 1992 to implement portions of its Comprehensive Plan. The ROGO established a building permit allocation system for residential construction, for the purpose of directing and limiting growth and enabling the safe and timely evacuation of the Keys in the event of a hurricane.

The City adopted new Land Development Regulations by Ordinance 2007-03 which replaced the Rate of Growth Ordinance with the Residential Building Permit Allocation System (RBPAS).

In this, its thirtieth year, the BPAS allocation system may issue up to 30 awards for residential construction within the boundaries of the City, pursuant to the agreement between the City, the Department of Economic Opportunity (DEO) and Monroe County. Of the 30 allocation awards, 80% (24) are assigned to market-rate residential units and 20% (6) are assigned to affordable housing. Applications for permits are evaluated, scored and ranked according to criteria outlined in Chapter 107 Article 1 of the City of Marathon Land Development Regulations twice a year.

To provide some remedy for the decline in building permits being issued, the City adopted Ordinance 2009-09 that called for a temporary procedure to be implemented to RBPAS. This allowed the Planning Department to create a new list from the applicants that are able and willing to move forward with an awarded allocation and pick up building permits. Temporary Procedures has sunset, however to maintain the efficiency of permitting, a similar process is followed. Rather than bringing a new list back to Council each time an owner responds to defer, the owners are asked before the list is created.

In June of 2009 City Council adopted Ordinance 2009-18, creating a “TBR Affordable Pool”. Additionally, in November of 2010, the City Council adopted Ordinance 2010-12, which would allow up to 50% of the annual allocations to be distributed to the “Administrative Relief Pool” at the City Council’s discretion and by the criteria set forth in the Ordinance.

In October of 2018 the City Council enacted Ordinance 2018-10, creating an Affordable Early Evacuation Pool. The units allowed under this pool are to evacuate within the 48 to 24-hour window of evacuation. Allocations were awarded through Resolution 2021-77. The allocations were codified through Florida Statute on July 1 of 2023.

II. ALLOCATION AWARDS AVAILABLE

The 300 allocation awards were made available by the governor, which were in addition to the maximum allocations identified in Rules 28-18, Florida Administrative Code. At any time, through a public hearing process prescribed in Chapter 102, Article 2 of the Land Development Regulations, the City may allocate Early Evacuation Allocations to the cumulative limit of 300 affordable allocations.

III. EVALUATION AND RANKING

Staff’s evaluation of the BPAS applications was performed according to the provisions of the Building Permit Allocation System; positive points were granted in compliance with the evaluation criteria contained in Section 107.09 of the City Land Development Regulations. Each allocation application was ranked based on the total number of points scored. RBPAS applications with identical scores were further ranked based on the date and time they applied for RBPAS.

The final Rankings and proposed allocations were presented in the RBPAS Allocation Resolution 2021-77.

Applications for allocations were received that did not meet the specific criteria in the code for Early Evacuation units. These included structures that do not meet the Florida Building Code, as well as units that were proposed to be located within V-zones.

IV. ANALYSIS AND RECOMMENDATION

Based upon direction by the City Council, staff recommends approving the resolution granting an additional six months for applicants to pick up issued permits utilizing the Early Evacuation Affordable Units awarded under Resolution 2021-77.

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2024-76**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, EXTENDING THE APPROVAL OF THE ALLOCATIONS OF THE EARLY EVACUATION BUILDING PERMIT ALLOCATION SYSTEM (EE-BPAS) UNDER RESOLUTION 2021-77, PROVIDING 6 MONTHS FROM THE DATE OF THIS RESOLUTION FOR THE PERMITS TO BE ISSUED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon City Council (the “City”) approved the award of Early Evacuation Units through Resolution 2021-77;

WHEREAS, the City wishes to see more affordable housing constructed in the City of Marathon.

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

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council hereby grants an additional six months for the applicants to obtain permits.

Section 3. The City Council may grant additional extension through resolution.

Section 4. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10th DAY OF SEPTEMBER, 2024.

THE CITY OF MARATHON, FLORIDA

Robyn Still, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

Steven T. Williams, City Attorney