



## CITY COUNCIL AGENDA STATEMENT

Meeting Date: November 12, 2024

To: Honorable Mayor and City Council

From: George Garrett, City Manager

Agenda Item: **Resolution 2024-121**, Providing A Recommendation To The Monroe County Board Of County Commissioners Regarding The Number Of Additional Residential Building Permit Allocations Marathon Would Like To Receive In Potential Future Allocations; Providing For Transmittal Of This Resolution To Certain People With The County; Providing For Transmittal Of This Resolution To Florida Commerce; And Providing For An Effective Date.

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### **BACKGROUND:**

Staff used the Monroe County Property Appraiser October parcel data and selected only the PC code 0000 for vacant residential parcels. Parcels were then removed with known projects, as well as parcels that are tied to condo association common areas, docks, access easements, and government owned parcels. The total number of vacant parcels using these metrics is 575. Of these, approximately 123 are most likely unbuildable due to habitat, including 6 that are red flag wetlands. It should be noted that not all parcels that can be developed with residential units may be flagged as PC code 0000. Nearly every single zoning district (excluding airport) allows for the development of a residential unit subject to the density requirements of that district. Many that are flagged as vacant commercial (1000) could support residential development, and could apply based upon existing regulations, but have the potential for commercial development if no residential allocations are available. There are an additional 105 vacant parcels flagged as PC code 1000.

One metric that is not accounted for is all parcels that are currently combined for tax purposes with the property appraiser. Without a formal unity of title, these may be split at any time and would alter the number of vacant parcels. Additionally, based upon the platting and subdivision regulation, there exist an uncounted number of parcels that may be split in the future.

Another metric not accounted for is of those 575 parcels, some of these may have active permits, or may have building rights associated with them. Staff will continue to assess parcel by parcel to verify these individually. If any have a BPAS allocation, we will continue to monitor, as the expiration of the permit could void the allocation. Staff are aware of a few parcels where the existing building right has been transferred off of a parcel through the TBR process, to then have the owner of the parcel apply for another allocation through BPAS.

The total number of vacant lots and the number of allocations being sought should not be considered the same number. If allocations are received, they must comply with existing ROGO/BPAS allocation requirements. These discourage development in sensitive areas and encourage development in areas that are appropriate for infill development. Scoring also includes many different criteria that can then lead to the ranking of an application.

Further, as long as density and other regulations permit, an application may be made for another unit on an already developed lot. This application may, and in many cases will, score higher than an application on a low scoring buildable lot. This would result in the allocation being awarded to the more suitable lot, while not reducing the overall takings risk. Additionally, as noted above, commercially zoned vacant parcels could apply for and receive residential allocations, again not reducing the potential for overall takings claims.

Approximate density analysis has been undertaken for these purely residentially zoned parcels. However, it was noted that some do not currently have density based upon their size but are still buildable. This is because “a building permit may be issued for a single-family dwelling or a Florida Building Code compliant mobile home on any legally created lot within a recorded plat for a lot zoned Residential High (RH), Residential Medium (RM), or Residential Mobile Home (R-MH) that is rendered nonconforming for allowed maximum densities by the adoption of these LDRs, provided that such use is permitted otherwise under the Plan and the LDRs and complies with each and every other requirement of the Plan and LDRs.” These will have to be reviewed on a parcel-by-parcel basis.

There are currently 109 BPAS applications split between the Market Rate and Affordable allocations lists. Removing requests for multiple units, this number is reduced to 74 parcels.

There are approximately 113 privately owned Transferable Building Rights (TBRs) that are currently being administratively held at City Hall. There is an ILA where an additional 18 Market rates may potentially be developed within City limits if not transferred to the County. The City does not control the sale or transfer of these allocations. The City just ensures that the allocations are transferred based upon the existing TBR requirements. These allocations could go to vacant parcels but may also be transferred to lots that have existing building rights on them if they have enough density. These TBRs are also bound by similar environmental restrictions as the BPAS allocations.

A separate yet still relevant issue is larger affordable housing projects. These require units as well, and in some cases can be projects that cross jurisdictional lines that are geographically within 25 miles of each other. The affordable housing study noted that this severely constrained the ability to provide affordable housing. Most larger projects seek tax credits and are in the approximate 50–65-unit range. In one instance the units were split with half being built in Marathon, and the remaining half being constructed in Big Pine Key. The Council should determine how many units should be made available for these types of projects and include them in the request. Alternatively, as these projects can span jurisdictions, this can be a separate countywide requested number allowing for more flexibility across jurisdictions.

No matter the number of allocations sought, the City should continue to coordinate with the Monroe County Land Authority to acquire parcels.

#### RECOMMENDATION:

Approval of the Resolution.

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2024-121**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, PROVIDING A RECOMMENDATION TO THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE NUMBER OF ADDITIONAL RESIDENTIAL BUILDING PERMIT ALLOCATIONS MARATHON WOULD LIKE TO RECEIVE IN POTENTIAL FUTURE ALLOCATIONS; PROVIDING FOR TRANSMITTAL OF THIS RESOLUTION TO CERTAIN PEOPLE WITH THE COUNTY; PROVIDING FOR TRANSMITTAL OF THIS RESOLUTION TO FLORIDA COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Marathon has implemented the Building Permit Allocation System (“BPAS”) as codified in Chapter 107, Article 1, of the City’s Land Development Regulations (the “LDRs”); and

**WHEREAS**, in the Fall of 2023, the State Department of Commerce issued their Florida Keys Hurricane Evacuation Modeling Report which provided several scenarios for clearance times in the event of a hurricane; and

**WHEREAS**, all the jurisdictions in Monroe County, including the City of Marathon, decided to let the County lead the effort on future consideration of additional ROGO/BPAS allocations; and

**WHEREAS**, The City of Marathon desires to recommend to the Monroe County Board of County Commissioners (“BOCC”) that the City of Marathon wishes to receive **XXX** additional BPAS allocations; and

**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 recommends to the BOCC that the City of Marathon receive **XXX** BPAS allocations, should future allocations be made available by the State of Florida.

**Section 3.** The City Clerk is directed to furnish copies of this resolution to:

- A. Mayor Holly Merrill Raschein and all members of the BOCC;
- B. County Clerk Kevin Madok;
- C. County Administrator Christine Hurley; and
- D. Florida Commerce.

**Section 4.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 12<sup>th</sup> DAY OF NOVEMBER 2024.**

**THE CITY OF MARATHON, FLORIDA**

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**Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk

(City Seal)

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

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Steven T. Williams, City Attorney