

**Sponsored By:** Garrett  
**Planning Commission Public Hearing Date:** September 16 2024  
**City Council Public Hearing Date:** October 08 2024  
January 14, 2025  
February 25, 2025  
**Enactment Date:** February 25, 2025

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2024-11**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN, AMENDING OBJECTIVE 1-4.1 "PROVIDE WORKFORCE-AFFORDABLE HOUSING BUILDING PERMIT ALLOCATIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO FLORIDA COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY FLORIDA COMMERCE.**

**WHEREAS**, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Land Planning Agency, "Florida Commerce" pursuant to Chapter 163, Florida Statutes; and

**WHEREAS**, the City is located within the Florida Keys Area of Critical State Concern (the "FKACSC"), as established pursuant to Chapter 380, Florida Statutes; and

**WHEREAS**, pursuant to the provisions of Chapters, 163, 166 and 380 Florida Statutes, the City of Marathon, Florida (the "City") proposes to amend Chapter 1, "Future Land Use Element," of the Comprehensive Plan; and

**WHEREAS**, amending the Objective furthers the goals, objectives and policies of the City Comprehensive Plan (the "Plan"); and

**WHEREAS**, pursuant to Chapter 163, *Florida Statutes*, and Sections 101.02 and 102.22 of the Code, the Planning Commission sitting as the Local Planning Agency publicly considered the proposed text amendment on September 16, 2024 at a duly noticed public hearing, and has recommended approval of the proposed text amendment to the City Council; and

**WHEREAS**, pursuant to the same legislative provision, the City Council considered the recommendation of the Planning Commission, accepted public input, and deliberated on the proposed Policy amendment on October 8, 2024 at a duly noticed public hearing, and recommended that the amendment be transmitted to the Florida Department of Commerce for review; and

**WHEREAS**, On October 08, 2024, the City Council on first hearing, reviewed and approved transmittal of this Ordinance to the Florida Department of Commerce and other required agency reviewers on October 08, 2024; and

**WHEREAS**, On January 14, 2025, and again on February 25, 2025, the City Council on adoption hearing, reviewed and approved this Ordinance based upon the Objections Recommendations, and Comments of the Florida Department of Commerce and other required agency reviewers on December 17, 2024; and

**WHEREAS**, the City Council finds that approval of the proposed Policy amendments are in the best interest of the City and complies with applicable laws and is consistent with the South Florida Regional Plan, the State Plan, Chapter 163, *Florida Statutes*, the principles for guiding development in the Florida Keys Area of Critical State Concern, the goals, objectives, and policies of the Plan, Chapter 102, Article 6 of the Code, and promotes and protects the health, safety and welfare of the residents of the City; and

**WHEREAS**, the City Council desires to approve the proposed amendments for transmittal to the Department of Commerce pursuant to Chapter 163.3184(3) F.S., in accordance with State law,

**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 Comprehensive Plan, Chapter 1, Future Land Use Element, Objective 1-4.1:

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

Pursuant to Policy 1-3.5.9, the City has worked with the State Department of ~~Economic Opportunity~~ **Commerce** to “obtain more residential allocations specifically for affordable housing.” The City thereby, shall establish a new limited category to be known as the “Affordable - Early Evacuation Pool” which will provide 300 workforce-affordable building permit allocations for the Workforce-Affordable Housing Initiative, **as well as any additional allocations which may be authorized by the Florida Administration Commission, Florida Statute, or transferred to Marathon that are not accepted by other Florida Keys municipalities or Monroe County.** These allocations are in addition to the maximum allocations identified in Rules 28-18, Florida Administrative Code. The City shall be responsible for the management, distribution, and enforcement of requirements associated with the Early Evacuation Affordable allocations. The City of

Marathon shall ensure adherence to these requirements through implementation of the policies of this objective.

**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 a “Comprehensive Plan amendment” as defined by State law. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the Department of Commerce and other state agencies 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 state land planning agency (Florida Commerce) pursuant to Chapters 163 and 380, Florida Statutes.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 25<sup>TH</sup> DAY OF FEBRUARY, 2025**

**THE CITY OF MARATHON, FLORIDA**


  
\_\_\_\_\_  
**Lynn Landry, Mayor**

AYES: Smith, Still, Matlock, DelGaizo, Landry  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
\_\_\_\_\_  
Diane Clavier, City Clerk

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

  
\_\_\_\_\_  
Steve Williams, City Attorney