

Sponsored by: Council
Planning Commission Public Hearing Date: March 20, 2006
City Council Public Hearing Dates: March 28, 2006
April 10, 2006
Enactment date: April 10, 2006

**CITY OF MARATHON, FLORIDA
ORDINANCE 2006-05**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA AMENDING THE RESIDENTIAL RATE OF GROWTH REGULATIONS SET FORTH AT SECTIONS 9.5-124, 9.5-125 AND 9.5-127, AND PROVIDING FOR SEVERABILITY, THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE, FOR INCLUSION IN THE CODE, FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS, AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH STATE LAW

WHEREAS, the existing land development regulations implementing the various policies in the City of Marathon's (the "City") comprehensive plan concerning the provision of affordable and middle income housing have proven to be inadequate in addressing the shortfall of affordable and middle income housing in the City; and

WHEREAS, the City Council desires to amend the existing provisions of the Marathon City Code (the "Code") regarding the residential permit allocation rate of growth ordinance to facilitate and encourage affordable and middle income housing in the City; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, and Section 9.5-22 of the Code, the City's Planning Commission sitting as the Local Planning Agency has publicly considered the amendments to the Code set forth in this Ordinance (the "Amendments") at a properly noticed public hearing and recommended to the City Council the adoption of the Amendments; and

WHEREAS, in accordance with Sections 163.3184 and 166.041, Florida Statutes, public notice has been given of the public hearings for the proposed adoption of this Ordinance amending the Code; and

WHEREAS, the City Council finds the adoption of this Ordinance is in the best interest of the City and complies with applicable State laws and rules; and

WHEREAS, the City Council finds that enactment of this Ordinance furthers the objectives, goals and policies of the City’ s Comprehensive Plan and the Principles for Guiding Development of the Florida Keys Area of Critical State Concern.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA AS FOLLOWS:¹

Section 1. Amendment to Section 9.5-124 of the Code of the City of Marathon, Florida is hereby amended to read as follows:

Section 9.5-124. Residential dwelling unit allocation application procedures.

(h) *Expiration of allocation award:* An allocation award shall expire when its corresponding building permit is deemed to expire or after sixty ninety (90) calendar days of mailing notification for the award of allocation.

Section 2. Amendment to Section 9.5-125 of the Code of the City of Marathon, Florida is hereby amended to read as follows:

Section 9.5-125. Residential dwelling unit allocations.

(a) Annual residential dwelling unit allocation: The City has set the following basic annual residential dwelling unit allocations.

(1) Eighty (80) percent of the annual allocations are awarded to market rate dwelling units. Any unallocated market rate residential allocations may be rolled over into the next year’s allocations provided that at least one-half of the unallocated market rate are rolled over into affordable residential allocations. If the number of unallocated market rate allocations is odd, the odd numbered allocation shall rollover to an affordable allocation.

(2) Twenty (20) percent of the annual allocations are award to affordable/workforce dwelling units. The City may not decrease the percentage reserved for affordable, but may, if approved by a super majority vote of City Council, increase the percentage and recognize multiple levels of affordability for separate allocation.

(c) Affordable/workforce housing allocation awards:

(1) Affordable/workforce housing allocation rollover. Any portion of the ~~twenty (20) percent~~ affordable/workforce housing allocation(s) not used for affordable/workforce housing shall be ~~allocated to general (market rate) housing~~ rolled over into the next allocation period or next allocation year. The definition of affordable housing shall be as specified in Article 3, Division 11.

¹ Additions to existing text are shown by underline deletions are shown as ~~strikethrough~~.

(2) Affordable/workforce housing size All allocation awards designated to be set aside for affordable housing shall be assigned to the Monroe County Housing Authority for distribution in accordance with an intergovernmental agreement between the Monroe County Housing Authority and Monroe County.

The Housing Authority shall ensure that affordable housing allocation applicants are eligible under Article 3, Division 11, Affordable Housing.

Affordable/workforce housing units shall be limited to a maximum of 1500 square feet in floor area (heated and cooled area).

b. The determination of the number of affordable housing allocation awards available and the evaluation of affordable housing allocation applications shall be made by the planning department in accordance with the provisions specified in Section 9.5-126, "Residential dwelling unit allocation evaluation procedures" and Section 9.5-127, the results into the evaluation report for consideration and finalization by the planning commission.

(3) Number of affordable/workforce housing allocations required.

<u>Number of Allocations</u>	<u>Maximum size of dwelling (square feet)</u>	<u>Type of dwelling</u>	<u>Number of bedrooms</u>
<u>.5</u>	<u>750</u>	<u>Efficiency/Studio apartment</u>	<u>Up to 2</u>
<u>.5</u>	<u>750</u>	<u>Single family dwelling or multi-family dwelling</u>	<u>2</u>
<u>1</u>	<u>1500</u>	<u>Single family dwelling or multi-family dwelling</u>	<u>Greater than 1</u>

Section 3. Amendment to Section 9.5-127 of the Code of the City of Marathon, Florida is hereby amended to read as follows:

Sec. 9.5-127. Residential dwelling unit allocation evaluation criteria.

(a) *Evaluation criteria table:* The point values established below are intended to be applied cumulatively except where specified otherwise.

Category	Points	Criteria	Additional Requirements
(6) (a) Affordable Housing Points are intended to	+5	(a) Application proposes dwelling unit(s) which meet the definition of <i>affordable housing</i> in Article 3,	1. The following documents must accompany the application: <ul style="list-style-type: none"> ▪ an affidavit of ownership of

<p>increase the supply of affordable housing</p> <p>(b) Middle Income Housing Points are intended to increase the supply of reasonably priced housing</p>	<p>+5</p>	<p>Division 11, and restricts the dwelling unit(s) for a period of at least twenty (20) <u>fifty (50)</u> years to households which:</p> <ul style="list-style-type: none"> ▪ derive at least seventy (70) percent of their household income from gainful employment in Monroe County; and ▪ earn an income no greater than one hundred twenty (120) percent of the median household income in Monroe County; <p>(b) Application proposes dwelling unit(s) which is to be the residence of wage earners living within the City of Marathon, and restricts dwelling unit(s) for a period of at least twenty (20) <u>fifty (50)</u> years to households which:</p> <ul style="list-style-type: none"> ▪ derive at least seventy (70) percent of their household income from gainful employment in Monroe County; and ▪ earn an income no greater than one hundred sixty (160) percent of the median household income in Monroe County; 	<p>all affected lots, parcels, acreage or land; and</p> <ul style="list-style-type: none"> ▪ a legally binding restrictive covenant consistent with Sec. 9.5-266(a)(3) and (4)[original ordinance section number]. Such documentation must be approved by the City Council or its designee before any development approval may be issued pursuant to an award.
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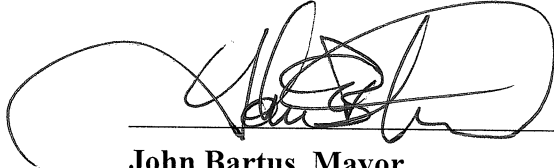
Section 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause of phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases 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 a “land development regulation” as State law defines that term. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the State Department of Community Affairs for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 6. This Ordinance shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, this 10th day of April, 2006.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

AYES: Worthington, Pinkus, Mearns, Bull, Bartus

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:



Cindy L. Ecklund
City Clerk

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



City Attorney