

CITY COUNCIL AGENDA STATEMENT



Meeting Date: September 9, 2025

To: Honorable Mayor and Members of City Council

From: Brian Shea, Planning Director

Through: George Garrett, City Manager

Item: **Resolution 2025—81**, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 1, Year 34 (July 14, 2025 To January 13, 2026); And Providing For An Effective Date.

RECOMMENDATION

Based on the result of all BPAS applications, Planning Staff recommends that the City Council **APPROVE** the award of two (2) Market Rate General and two (2) Market Rate Owner Occupied BPAS allocations as shown in “Attachment A” and one (1) Affordable BPAS allocations “Attachment B”.

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 this report correspond to Period 1, Year 33, as defined by the Residential Building Permit Allocation System (RBPAS). This period includes January 14, 2024, To July 13, 2024.

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 thirty first 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 have 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.

Resolution 2022-22 amends the available allocation awards as set by Council. This resolution amends the previous Resolution 2010-18 that revised the annual allocations available.

Based upon the aforementioned MOU commercial square footage is also given out through the BPAS process. 500,000 square feet were set to be given out over the 10-year period. This amounts to 25,000 square feet every six months. New commercial development is rare, with the majority falling under commercial redevelopment. Therefore, applications for commercial BPAS are few and far between. Any commercial square footage not awarded rolls over into the next period.

II. ALLOCATION AWARDS AVAILABLE

The following allocation awards are available this period:

<u>Category</u>	<u>BPAS / Period</u>
(Market Rate)	
(a) Owner-occupied Pool	2 / period
(b) General Pool	2 / period
(Affordable)	
(c) General Affordable Pool	1 / period
(d) Community Workforce Pool	
(e) TBR Affordable Pool	
(To be granted to highest scoring allocation within the 3 pools)	
(Administrative Relief)	
(e) Administrative Relief Pool	0 / period

On January 1, 2011, the Florida Cabinet (sitting as the Administration Commission) passed Rule 28-18.400 F.A.C., which changes the roll-over procedure for building permit allocations for the City of Marathon. Per the rule:

“The number of allocations issued annually for residential development under the Residential Building Permit Allocation System (BPAS) shall not exceed a total annual unit cap of 30, plus any available unused BPAS allocations from a previous year. Unused BPAS allocations may be retained and made available only for affordable housing and Administrative Relief from BPAS year to BPAS year. Unused market rate allocations shall be available for Administrative Relief. Any unused affordable allocations will roll over to affordable housing. This BPAS allocation represents the total number of allocations for development that may be issued during a year. A BPAS year means the twelve-month period beginning on July 13. Policy 1-3.5.18 supersedes Policy 1-3.5.2 of the City of Marathon Comprehensive Plan.”

The above language has also been made part of the City of Marathon Comprehensive Plan, Policy 1-3.5.1.

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 are presented in the RBPAS Allocation Resolution.

Administrative relief may be provided through the above-mentioned code section. In making a determination in review of an application for administrative relief, the City Council may:

- (a) Offer to purchase the property at its fair market value as its preferred action if the property is considered environmentally sensitive; or
- (b) Grant the applicant an allocation award for all or a number of dwelling units requested in the next succeeding allocation period or extended pro rata over several succeeding quarterly allocation periods as the preferred action for buildable properties not meeting any of the criteria in subsection (f)(1) of this section; or
- (c) Suggest or provide such other relief as may be necessary and appropriate.

IV. ANALYSIS AND RECOMMENDATION

The market rate applications for consideration for an allocation this Period are shown on Attachment "A". The ranking of the applications is shown on both attachments.

See Attachment A of the Resolution: Ranking of Market Rate RBPAS.

The affordable applications for consideration for an allocation this Period are shown on Attachment "B". The ranking of the applications is shown on both attachments.

See Attachment B of the Resolution: Ranking of Affordable RBPAS.

Based on the result of the BPAS System, Planning Staff recommends that the City Council **APPROVE** the award of two (2) Market Rate General and one (1) Market Rate Owner Occupied BPAS allocations as shown in "Attachment A" and one (1) Affordable BPAS allocations as shown in "Attachment B".

**CITY OF MARATHON, FLORIDA
RESOLUTION 2025-81**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, APPROVING THE RANKING AND ALLOCATIONS OF THE MARKET RATE AND AFFORDABLE RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (RBPAS) FOR PERIOD 1, YEAR 34 (JULY 14, 2025 TO JANUARY 13, 2026); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon City Council (the “City”) reviewed the market rate and affordable residential dwelling unit application rankings for Period 1, Year 34 in compliance with the RBPAS Procedures promulgated in Section 107.07 of the Land Development Regulations (the “LDRs”);

WHEREAS, the City conducted a properly advertised public hearing (the “Public Hearing”) regarding the proposed residential BPAS rankings, Period 1, Year 34 pursuant to Chapter 107 Article 1 of the LDRs.

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. Based upon the evidence and testimony presented by City Staff and members of the public, the City Council hereby finds:

Residential Building Permit Allocation (RBPAS)

(1) The Public Hearing was properly advertised and held, as required by law, and the Applicants and all interested parties concerned in the matter were given an opportunity to be heard; and

(2) Based upon the RBPAS Rankings shown in the staff recommendation, attached as “Attachment A” for the Market Rate RBPAS pools and “Attachment B” for the Affordable pools, the City Council awards three (3) Market Rate Residential, one (1) Affordable Residential allocation; and

(3) The remaining RBPAS Applicants will retain their relative positions in the RBPAS ranking list and will be marked as deferred in accordance with Section 107.07 of the LDRs.

Section 3. Based upon the above Findings of Fact, the City Council does hereby make the following Conclusions of Law:

1. The RBPAS applications for Period 1, Year 34 of RBPAS have been processed in accordance with Chapter 107 Article 1 of the LDRs.
2. In rendering its decision, as reflected in this Resolution, the City Council has:
 - (a) Accorded procedural due process;
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by substantial competent evidence of record.
3. The attached RBPAS allocations are awarded. Applicants requesting transfer of building rights as part of the provision of affordable allocations shall be required to meet the criteria established in Chapter 107,17 C, prior to the receipt of affordable allocations from the City completion of transfer of market rate residential units to other locations.

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 9th DAY OF SEPTEMBER 2025.

THE CITY OF MARATHON, FLORIDA

Lynn Landry, 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

RANK	ROGO/BPAS NUMBER	NAME	BPAS SCORE	DATE ENTERED	TIME ENTERED	RE NUMBER
		MARKET RATE	YEAR 34	PERIOD 1		
Market Rate General Pool						
1	BPAS-21-42	Liron Gozlan	77	2/17/2021	9:00 AM	00325080-000000
2	BPAS-21-53	Marathon Sombbrero Beach LLC	76	5/17/2021	9:19 AM	00352890-000000
3	BPAS-21-34	Martinez, Julio	74	2/11/2021	9:00 AM	00364370-000000
4	BPAS-07-14	Zamora Corporation	73	2/5/2007	2:10 PM	00353690-000000
5	BPAS-21-64	Bueno Concrete	72	7/8/2021	2:59 PM	00328950-000000
6	BPAS-22-17	KANTHETY SANTOSH	72	6/7/2022	10:06 AM	00360440-000000
7	BPAS-21-3	Hole, Cheri	71	4/23/2018	11:22 AM	00331061-000500
8	BPAS-04-81	MAM Rev. Living Trust	70	9/7/2004	10:30 AM	00331061-002000
9	BPAS-21-96	Perona, Bernard P.	70	11/28/2005	11:17AM	00320990-000100
10	BPAS-18-39	Epifano, Robert	70	8/3/2018	12:00 PM	00105240-001000
11	BPAS-21-30	GEM Homes LLC	70	12/2/2020	10:00 AM	00101340-000000
12	BPAS-21-85	GEM Homes LLC	70	12/2/2020	10:00 AM	00101340-000000
13	BPAS-21-86	GEM Homes LLC	70	12/2/2020	10:00 AM	00101340-000000
14	BPAS-21-87	GEM Homes LLC	70	12/2/2020	10:00 AM	00101340-000000
15	BPAS-21-88	GEM Homes LLC	70	12/2/2020	10:00 AM	00101340-000000
16	BPAS-18-44	Firstco Marine LLC	68	12/28/2018	9:55 AM	00347480-000200
17	BPAS-06-16	Held, Michael & Robin	67	10/4/2006	12:00 PM	00105240-001900
18	BPAS-18-27	4 Avenue D LLC	67	1/16/2018	8:30 AM	00363840-000000
19	BPAS-21-99	4 Avenue D LLC	67	1/16/2018	8:31 AM	00363840-000000
20	BPAS-19-31	The Royal Company	67	7/12/2019	4:57 PM	00104441-000200
21	BPAS-20-27	Corrie, Brent	67	7/6/2020	1:26 PM	00100650-000100
22	BPAS-22-22	Cruz, Mildred	67	12/26/2023	4:21 PM	00356740-000000
23	BPAS-04-34	Felling, Michael	66	8/4/2004	3:02 PM	00376160-000000
24	BPAS-18-35	Epifano, Pamela	66	7/13/2018	4:56 PM	00105240-000500
25	BPAS-18-42	Fisher, Aaron	66	12/12/2018	1:30 PM	00354260-000000
26	BPAS-19-21	JC Construction	66	1/10/2019	2:02 PM	00349970-000000
27	BPAS-19-30	Guerra, Roger	66	7/15/2019	2:23 PM	00104441-000300
28	BPAS-21-70	Cruz, Alberto and Annie	66	7/1/2021	2:28 PM	00341930-000000
29	BPAS-20-25	Florida Keys Homes LLC	65	6/17/2020	12:00 PM	00354180-000000
30	BPAS-22-16	Igor Miseki Trust	65	3/23/2022	6:46 PM	00355820-000000
31	BPAS-22-21	Kennedy, James & Margaret	65	6/7/2022	1:45 PM	00326080-000100
32	BPAS-20-28	Carfora, Vincent & Sarah	64	7/6/2020	4:22 PM	00333641-009300
33	BPAS-21-38	Adkins, Michael	64	7/16/2020	12:46 PM	00373830-000100
34	BPAS-22-5	Reichert, Timothy & Martha	64	1/12/2022	9:10 AM	00333641-009800
35	BPAS-21-100	4 Avenue D LLC	62	1/16/2018	8:32 AM	00363840-000000
36	BPAS-23-10	Palma, Alexander & Angela	62	11/16/2023	9:21 AM	00356690-000000
37	BPAS-06-11	Moreau, Guy	61	1/19/2006	3:00 PM	00329300-000000
38	BPAS-04-96	Gulfstream Blvd Inc	60	12/21/2004	2:21 PM	00328900-000000
39	BPAS-05-47	Summit Key LLC	58	10/5/2005	12:30 PM	00339910-000000
40	BPAS-07-20	11th Street Storage LLC	56	3/9/2007	4:40 PM	00319870-000000
41	BPAS-21-101	11th Street Storage LLC	56	3/9/2007	4:40 PM	00319870-000000
42	BPAS-07-21	Hetuin, Jean Michael	56	3/9/2007	4:41 PM	00319880-000000
43	BPAS-21-102	Hetuin, Jean Michael	56	3/9/2007	4:41 PM	00319880-000000
44	BPAS-08-3	Overseas Land & Sea LLC	55	6/3/2008	1:55 PM	00100750-001200
45	BPAS-05-38	K TEK TRS QOZ LLC	54	7/13/2005	3:22 PM	00358230-000106
46	BPAS-22-23	Trujillo, Osvaldo	54	9/6/2022	1:20 PM	00322060-000000
47	BPAS-04-63	Tolton, Frank	53	8/16/2004	8:00 AM	00355418-00

Any application submitted, perseverance points or changes made after July 13, 2021 will not be reflected on this list.

		AFFORDABLE	YEAR 34	PERIOD 1		
Affordable General Pool						
RANK	ROGO/BPAS NUMBER	NAME	BPAS SCORE	DATE ENTERED	TIME ENTERED	RE NUMBER
1	BPAS-21-82	GEM Homes	68	12/2/2020	5:06 AM	00101340-000000
2	BPAS-21-83	GEM Homes	68	12/2/2020	5:07 AM	00101340-000000
3	BPAS-21-84	GEM Homes	68	12/2/2020	5:08 AM	00101340-000000
4	BPAS-24-2	Joanne Marie GK LLC	63	1/11/2024	3:10 PM	00376310-000000
5	BPAS-25-1	Alicia Diaz	45	11/19/2024	12:00 PM	00319780-000000
6	BPAS-25-2	Alicia Diaz	45	11/19/2024	12:00 PM	00319780-000000
7	BPAS-25-3	Alicia Diaz	45	11/19/2024	12:00 PM	00319780-000000
8	BPAS-25-4	Alicia Diaz	45	11/19/2024	12:00 PM	00319780-000000
9	BPAS-21-89	QOF, Inc	43	7/21/2020	9:05 AM	00350630-000000
10	BPAS-21-90	QOF, Inc	43	7/21/2020	9:05 AM	00350630-000000
11	BPAS-21-91	QOF, Inc	43	7/21/2020	9:05 AM	00350630-000000
Community Workforce Housing						
RANK	ROGO/BPAS NUMBER	NAME	BPAS SCORE	DATE ENTERED	TIME ENTERED	RE NUMBER
1	BPAS-21-111	Grassy Key Resort Group LLC	28	11/25/2021	3:35 PM	00371010-000000
2	BPAS-22-9	Grassy Key Resort Group LLC	28	2/22/2022	10:28 AM	00371010-000000
3	BPAS-22-10	Grassy Key Resort Group LLC	28	2/22/2022	10:31 AM	00371010-000000
4	BPAS-22-11	Grassy Key Resort Group LLC	28	2/22/2022	10:36 AM	00371010-000000
5	BPAS-22-12	Grassy Key Resort Group LLC	28	2/22/2022	10:38 AM	00371010-000000
6	BPAS-22-13	Grassy Key Resort Group LLC	28	2/22/2022	10:41 AM	00371010-000000
7	BPAS-22-14	Grassy Key Resort Group LLC	28	2/22/2022	10:43 AM	00371010-000000
8	BPAS-22-15	Grassy Key Resort Group LLC	28	2/22/2022	10:46 AM	00371010-000000
9	BPAS-23-2	GRASSY KEY MARINA INVESTMENT PATRNS LLC	26	1/9/2023	9:46 AM	00375960-000000
10	BPAS-23-3	GRASSY KEY MARINA INVESTMENT PATRNS LLC	26	1/9/2023	9:48 AM	00375960-000000
11	BPAS-23-4	GRASSY KEY MARINA INVESTMENT PATRNS LLC	26	1/9/2023	9:49 AM	00375960-000000
12	BPAS-23-5	GRASSY KEY MARINA INVESTMENT PATRNS LLC	26	1/9/2023	9:50 AM	00375960-000000
TBR Affordable Pool						
RANK	ROGO/BPAS NUMBER	NAME	BPAS SCORE	DATE ENTERED	TIME ENTERED	RE NUMBER
1	BPAS-21-44	Andrew George	43	3/18/2021	10:20 AM	00341720-000000
2	BPAS-21-46	Florida Keys Homes LLC	43	3/18/2021	11:10 AM	00102830-000401
3	BPAS-21-61	Rice, David and Mary	43	6/28/2021	1:11 PM	00341860-000000
4	BPAS-21-74	Rice, David and Mary	43	6/28/2021	1:11 PM	00341860-000000
5	BPAS-21-110	Ahearn, Justin and O'Neill Cara	32	11/10/2021	10:05 AM	00344270-000000
6	BPAS-21-47	Florida Keys Oz Homes Inc	28	3/30/2021	1:11 PM	00350490-000000
7	BPAS-21-48	Florida Keys Oz Homes Inc	28	3/30/2021	1:11 PM	00350490-000000
8	BPAS-21-49	Florida Keys Oz Homes Inc	28	3/20/2021	1:11 PM	00350490-000000
9	BPAS-21-54	Matlock, Richard and Delema	28	4/20/2021	9:00 AM	00338880-000000
10	BPAS-21-55	Matlock, Richard and Delema	28	4/20/2021	9:00 AM	00338880-000000

RANK	ROGO/BPAS NUMBER	NAME	BPAS SCORE	DATE ENTERED	TIME ENTERED	RE NUMBER
11	BPAS-21-56	Maldonado, Omar & Nicole	28	6/1/2021	7:56 AM	00320460-000000
12	BPAS-21-57	Maldonado, Omar & Nicole	28	6/1/2021	7:56 AM	00320460-000000
13	BPAS-21-58	Maldonado, Omar & Nicole	28	6/1/2021	7:56 AM	00320460-000000
14	BPAS-21-59	Maldonado, Omar & Nicole	28	6/1/2021	7:56 AM	00320460-000000
15	BPAS-21-115	Reinfandt, Brian and Young, Divina	27	12/10/2021	12:37PM	00333520-000000
20	BPAS-21-116	Reinfandt, Brian and Young, Divina	27	12/10/2021	12:38PM	00333530-000000
21	BPAS-24-5	10820 1st Ave LLC	27	7/30/2024	9:55AM	00333790-000000
22	BPAS-24-6	10820 1st Ave LLC	27	7/30/2024	9:55AM	00333790-000000
		<i>Awards</i>	<i>Available</i>	<i>Recommended</i>	<i>Remaining</i>	
		General	1	1	0	
		Workforce	0	0	0	
		TBR	0	0	0	