

Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City of Marathon has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, the City of Marathon may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

Proposed ordinance’s title/reference:

Ordinance 2025-08, An Ordinance By The City Of Marathon, Florida, Amending The City’s Comprehensive Plan, Amending Policy 1-4.1.2 “Specific Standards And Requirements For Workforce-Affordable Housing”; 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.

Ordinance 2025-09, An Ordinance By The City Of Marathon, Florida, Amending Chapter 104, Article 1 “General Provisions” By Amending Section 104.02.1 “Affordable -- Early Evacuation Residential Unit” To Address Government Agency Management; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To Florida Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Applicable Exemptions:

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - ☐ Development orders and development permits, as those terms are defined in s.163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;

- ☐ Comprehensive Plan Amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
- ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Business Impact Estimate:

The City of Marathon hereby publishes the following information:

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

At their August BOCC meeting, the County drafted the same language into their amendments so that the County or the Housing Authority would be able to manage the evacuation without having an on-site office. At the same meeting, the BOCC approved setting aside EE units to be used in Marathon on County property through an ILA. To have consistency across the jurisdictions, by having the City adopt the same language, the County can manage their units within City limits.

- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

There is no additional compliance cost for businesses, as the amendments only apply to government housing.

- (b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

There is no new charge or fee associated with these ordinances.

- (c) An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

No additional regulatory costs.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:

There are no businesses that will be affected, as the amendments only apply to government housing.

4. Additional information the governing body determines may be useful (if any):

The proposed amendments further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan. It provides for the government or housing authority to manage government owned early evacuation units without an onsite office.

Note: *The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.*

CITY COUNCIL AGENDA STATEMENT



Meeting Date: October 14, 2025
To: Mayor and Honorable City Council Members
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Items: **Ordinance 2025-08**, Amending The City's Comprehensive Plan, Amending Policy 1-4.1.2 "Specific Standards And Requirements For Workforce-Affordable Housing"; 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.

Ordinance 2025-09, Amending Chapter 104, Article 1 "General Provisions" By Amending Section 104.02.1 "Affordable -- Early Evacuation Residential Unit" To Address Government Agency Management; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To Florida Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

RECOMMENDATION:

The Planning staff recommends approval of both Ordinances modifying provisions for Early Evacuation BPAS units.

APPLICANT: City of Marathon

REQUEST: Amend City of Marathon Comprehensive Plan and Land Development Regulations in order to recognize that a government agency or public housing authority may act as management of an early evacuation unit project, and by virtue would not need onsite management.

ANALYSIS OF COMPREHENSIVE PLAN CHANGE REQUEST:

Preface

The current Land Development Regulations provide only brief guidance concerning the review of a proposed Comprehensive Plan Amendment.

Section 102.19 simply states:

Section 102.19. Standards for Review.

When considering an application for a Comprehensive Plan Amendment, the review shall include all standards and criteria of Fla. Stat. Ch. 163.

Standards in Chapter 163, F.S. offer some additional guidance, but are limited. Pertinent sections of Chapter 163 promulgate process rather than establishing criteria for the development of a proposed Comprehensive Plan Amendment. Chapter 163.3184, Process for adoption of comprehensive plan or plan amendment, define the sequential process for transmittal, review, and approval of a Comprehensive Plan Amendment. Most relevant to this delineation of process is the definition of “**compliance**” which is recited for review below:

163.3184 Process for adoption of comprehensive plan or plan amendment. --

(1) DEFINITIONS. --As used in this section, the term:

(b) "In compliance" means consistent with the requirements of ss. [163.3177](#), when a local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable. Thus, leading through an exhaustive process, the State Land Planning Agency must find a Comprehensive Plan or Plan Amendment in compliance in accordance with the above definition. Process as further defined in the section leads from Local Government Transmittal through review by the State Land Planning Agency and other required local and state government bodies to a finding of “in compliance” by the State Land Planning Agency.

Review is contemplated and expected to be completed by such agencies as the South Florida Regional Planning Council, whose responsibility it is to review the proposal for consistency with the Strategic Regional Policy Plan. Such review is not, therefore, the responsibility of the local government to determine consistency in this regard and will not be addressed herein. Though referenced in the definition of compliance and elsewhere Chapters 163.3177, 163.3191, 163.3245, and 369 will not be reviewed as a compliance matter. Chapter 163.3177 defines required elements in a comprehensive plan. The City has an approved comprehensive plan which must be assumed to have all the required elements. Chapter 163.3191 refers to the required Evaluation and Appraisal Report (EAR); a review of an approved comprehensive plan required of the City every seven years. The City is not subject to an EAR at this juncture and therefore is not relevant as a criterion to the review herein. Finally, Chapter 163.3245 refers to the development of an optional sector plan. This optional element of an approved comprehensive plan was not adopted by the City and therefore will not be used as a criterion for review in this proposed amendment. Chapter 369 refers to invasive aquatic plant control and the Wekiva River area and similarly will not be the subject of compliance review herein.

Other pertinent review elements leading to a determination of compliance are found in Chapter 163.3178 Coastal management, Chapter 163.3180 Concurrency, and the principals for guiding development in the Florida Keys Area of Critical State Concern.

Compliance Discussion

Relevant criteria promulgated in Chapters 163 and 380 F.S. can be itemized in bullets as follows based on the critical concerns more specifically identified in the City's comprehensive plan:

- Natural Resource Protection
 - Wetlands
 - Estuaries
 - Living marine resources
 - Beaches / Dunes
 - Unique wildlife habitat
 - Water Quality
- Historical Resources
- Infrastructure / Concurrency Management
 - Wastewater
 - Stormwater
 - Potable Water
 - Solid Waste
 - Transportation
- Affordable Housing
- Hazard Mitigation
 - CHHA
 - Hurricane Evacuation
- Ports
 - Marina Siting
- Public Use
 - Shoreline use and Access
 - Water dependent and independent activity
- Land Acquisition
 - Conservation
 - CHHA
 - Public Services

These bullet items should be utilized as the focus points for review of the proposed amendment and for future comprehensive plan amendments.

BACKGROUND

Staff is recommending changes to the Early Evacuation language in both the Comprehensive Plan and Land Development Regulations. These changes are to add specific language related to the requirements of on-site management to allow for an alternative for projects managed by the government. The exact verbiage is as follows: *For developments owned or operated by a government agency or public housing authority, property management is not required to be located onsite as indicated in this subsection and Comprehensive Plan Policy 1-4.1.2. However, the government agency or public housing authority will oversee and enforce required evacuation of the residents and must be available at all times to respond to evacuation orders.

ANALYSIS

Natural Resources

No Significant Impact would result from the proposed change, as the original language regarding resource protection is not being touched.

Historical and Cultural Resources

No Significant Impact would result from the proposed change.

Infrastructure

No Significant Impact would result from the proposed change.

Wastewater infrastructure

No Significant Impact would result from the proposed change.

Stormwater infrastructure

No Significant Impact would result from the proposed change.

Potable Water

No Significant Impact would result from the proposed change.

Solid Waste

No Significant Impact would result from the proposed change.

Transportation

No Significant Impact would result from the proposed change.

Affordable Housing

No Significant Impact would result from the proposed change.

Hazard Mitigation

No Significant Impact would result from the proposed change.

Coastal High Hazard Areas

No Significant Impact would result from the proposed change.

Hurricane Evacuation

No Significant Impact would result from the proposed change. The government agencies in

question facilitate the mandatory evacuation and would not need to have an onsite office.

Ports – Marina Siting

No Significant Impact would result from the proposed change.

Public Use – Access to Water

No Significant Impact would result from the proposed change.

Land Acquisition

No Significant Impact would result from the proposed change in regard to land acquisition.

Alternate Compliance Review Criteria

Since there are no internal Comprehensive Plan change review criteria available in Chapter 102, Article 6, those that would apply for an LDR text change request (Chapter 102, Article 7) are useful. The basis for the LDR text change criteria is the same as for a Comprehensive Plan change ultimately.

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

At their August BOCC meeting, the County drafted the same language into their amendments so that the County or the Housing Authority would be able to manage the evacuation without having an on-site office. At the same meeting, the BOCC approved setting aside EE units to be used in Marathon on County property through an ILA. To have consistency across the jurisdictions, by having the City adopt the same language, the County can manage their units within City limits.

B. The consistency of the proposed amendment with the Comprehensive Plan; and

The City is amending both the comprehensive plan and LDRs with the same language, thereby ensuring consistency. Additionally, Objective 5-1.1 entitled “Improve Intergovernmental Coordination” states:

The City shall continue to improve coordination among government agencies with planning and impact assessment duties affecting the City. The City shall maintain coordination mechanisms and interlocal agreements with other units of local government providing services but not having regulatory authority over the use of land, and with the Plans of adjacent municipalities, the county and adjacent counties.

C. Whether the proposed change shall further the purposes of the LDRs, and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

The proposed text amendments do further the purposes of the LDRs, and other City Codes, regulations and actions designed to implement the Comprehensive Plan by providing expansion on the mechanism to obtain and implement the Workforce-Affordable Housing Initiative. The changes to the LDRs and Comprehensive Plan ensure consistency between the two documents. Additionally, by duplicating the same language that Monroe County adopted, we are ensuring consistency of language between jurisdictions.

The proposed regulations do further the basic goals and premises outlined in the introduction to the City's Comprehensive Plan as follows:

“With the knowledge that the City needs redevelopment and new development to provide the necessary improvements to guarantee the residents of the City a clean, healthy environment and a sound economy in which to live and enjoy their families, it is the desire and intent of the City through the Goals, Objectives and Policies of the adopted Comprehensive Plan and Land Development Regulations implementing the Plan to protect our character, environment and viability through:

- Protection of the small-town family feel of the community
- Continued utilization of the established mixed-use pattern of the community
- Protection of the heritage of the commercial fishing industry
- Acknowledgement and protection of a character that is unique to the Keys
- Protection of existing and increased affordable housing opportunities
- Implementation of effective surface water management strategies
- Systematic removal of failing and inadequate on-site wastewater disposal systems
- Maintenance and management of central wastewater and stormwater facilities
- Protection and enhancement of sensitive upland, wetland, and submerged land habitat
- Protection for the existing uses, densities, and intensities
- Providing new investment and reinvestment opportunities
- Ensuring new development and redevelopment protects the environment
- Ensuring new and redevelopment compliments and enhances community character
- Implementation of thoughtful, managed growth.”

CONCLUSION:

The proposed Amendments are consistent with and further the goals of the City of Marathon Comprehensive Plan and Land Development Regulations.

RECOMMENDATION:

The Planning staff recommends approval of both Ordinances modifying provisions for Early Evacuation BPAS units. Planning Commission recommended approval of both ordinances (3-1).

Sponsored By: Garrett
Planning Commission Public Hearing Date: September 15, 2025
City Council Public Hearing Date: October 14, 2025
TBD
Enactment Date: **TBD**

**CITY OF MARATHON, FLORIDA
ORDINANCE 2025-08**

AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY’S COMPREHENSIVE PLAN, AMENDING POLICY 1-4.1.2 “SPECIFIC STANDARDS AND REQUIREMENTS FOR WORKFORCE-AFFORDABLE HOUSING”; 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 Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, provides for comprehensive plan implementation through the enactment of certain ordinances; and

WHEREAS, the City of Marathon is located within an Area of Critical State Concern (ACSC), pursuant to Sections 380.05 and 380.0552, Florida Statutes, hereinafter referred to the “Keys ACSCs”; and

WHEREAS, Keys’ Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations pursuant to both Chapters 163 and 380.055, Florida Statutes, which have been approved by the State, as required by law, and;

WHEREAS, Chapter 166, *Florida Statutes*, grants the City of Marathon (the “City”) broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting regulations for the protection of the public; and

WHEREAS, in support of the City of Marathon’s workforce by alleviating constraints on affordable housing the City participated in the Workforce-Affordable Housing Initiative, as approved during the June 13, 2018, meeting of the Administration Commission; and

WHEREAS, the Ordinance, thus introduced, provides for an alternative to on site property management for government administered units; and

WHEREAS, the Planning Commission reviewed this Ordinance on September 15, 2025, providing a recommendation of approval to the City Council with no proposed changes; and

WHEREAS, the City Council reviewed this Ordinance on October 14, 2025, and again on **XXX**,

2025 adopting the Ordinance in its second hearing and directing staff to transmit the Ordinance to the Florida Department of Commerce for final approval; and

WHEREAS, pursuant to the same legislative provision, the City Council accepted the ORC Report, considered the recommendation of the Planning Commission, accepted additional public input, and deliberated on the proposed amendment to the Land Development Regulations on **XXX, 2025** at a duly noticed public hearing, and directed that the amendment be transmitted to the Florida Department of Commerce as formally adopted by the City,

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. Chapter 1, Goal 4, Objective 1-4.1, Policy 1-4.1.2 entitled “Specific Standards And Requirements For Workforce-Affordable Housing” is hereby amended as attached in Exhibit A.

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 an amendment to the Land Development Regulations as defined by State law. Accordingly, the City shall forward a copy of this Ordinance to the Department of Economic Opportunity 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 Department of Economic Opportunity pursuant to Chapters 163 and 380, Florida Statutes.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS **XXTH DAY OF **XXX** 2025.**

THE CITY OF MARATHON, FLORIDA

XXX, Mayor

AYES:

NOES:

¹Additions to existing text are shown by underline/red print; deletions are shown as ~~strikethrough~~

ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

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

Steven Williams, City Attorney

Policy 1-4.1.2 Specific Standards And Requirements For Workforce-Affordable Housing

Affordable-Early Evacuation residential units under this program shall:

- A. be multifamily structures;
- B. be rental units;
- C. require, at a minimum, adherence to the latest edition of the Florida Building Code as published by the Florida Building Commission;
- D. not be placed in the V-Zone or within the Coastal Barrier Resource Systems;
- E. require on-site property management^{*};
- F. comply with applicable habitat and other locational criteria and densities for multifamily affordable housing units;
- G. shall not be placed in any habitat defined as mangroves, saltmarsh & buttonwood, hardwood hammock, or fresh water wetlands (disturbed categories excepted);
- H. incorporate sustainable and resilient design principles into the overall site design;
- I. ensure accessibility to employment centers and amenities;
- J. require deed-restrictions ensuring:
 - 1. the property remains workforce-affordable housing in perpetuity;
 - 2. tenants evacuate during the period in which transient units are required to evacuate;
 - 3. rental agreements contain a separate disclosure requiring renters to acknowledge that failure to adhere to the evacuation requirement could result in severe penalties, including eviction, to the resident;
 - 4. onsite property managers are formally trained in evacuation procedures^{*}.

^{*}For developments owned or operated by a government agency or public housing authority, property management is not required to be located onsite as indicated in Policy 1-4.1.2. However, the government agency or public housing authority will oversee and enforce required evacuation of the residents and must be available at all times to respond to evacuation orders.

