

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 2025-09**

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.

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 104, Article 1, Section 104.02.1 entitled “Affordable -- Early Evacuation Residential Unit” 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 ~~XX~~TH DAY OF ~~XXX~~ 2025.

THE CITY OF MARATHON, FLORIDA

~~XXX~~, Mayor

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

AYES:
NOES:
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

Sec 104.02.1 Affordable--Early Evacuation Residential Unit

Pursuant to the City's provision of affordable allocations from the "Affordable—Early Evacuation Pool," under Section 107.06 F. the following criteria shall apply to all Affordable—Early Evacuation residential units:

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 and 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^{*}.

Evacuation exemptions. Persons living in workforce-affordable housing who are exempt from evacuation requirements of Policy 1.1.2.i.(ii) include all first responders, correction officers, health care professionals, or other first-response workers required to remain

during an emergency, provided the person claiming exemption under this policy has faithfully certified their status with property management.

*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.