

CITY COUNCIL AGENDA STATEMENT



Meeting Date: February 10th, 2026

To: Honorable Mayor and Members of City Council

From: Brian Shea, Planning Director

Through: George Garrett, City Manager

Item: **Resolution 2026-17**, Repealing And Superseding Resolution 2010-18

Establishing A Revised Annual Allocation Quantity For Each Category Of Dwelling Unit Allocations For The Residential Building Permit Allocations System (BPAS); Providing For Rollover To Future BPAS Periods Of Unused BPAS Allocations, Providing For Numerical Adjustments Of The Allocations By Resolution Of The City Council; And Providing For An Effective Date

RECOMMENDATION

Approve the resolution as written.

I. BACKGROUND AND JUSTIFICATION

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).

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.

In February of 2010 City Council adopted Resolution 2010-18, to provide for the numerical adjustments within the categories for market rate and affordable allocations. These are set forth in part II on the next page. Based upon the code, a change through resolution can occur to adjust these numbers. The one criterion that must be met is that at least 20% of the allocations awarded must be affordable housing.

The Florida legislature amended the hurricane evacuation times from 24 hours to 24.5 hours. Section 22, Chapter 2025-190, Laws of Florida provides:

“The permit allocations must be distributed to counties and municipalities based on the number of vacant buildable lots within each jurisdiction. The permit allocations must be distributed over a period of at least 10 years but may not exceed 900 total permit allocations. All permits must be issued to vacant, buildable parcels, of which only one may be awarded for any individual parcel, and the distribution of which must prioritize allocations for owner-occupied residences, affordable housing, and workforce housing.”

The Administration Commission allocated 135 units for the City of Marathon, one third of which were made available January 1, 2026. The Administration Commission directed the Department of Commerce to work collaboratively with the County and municipalities to prioritize amendments to local comprehensive plans to accept the unit. The City of Marathon already has provisions in place for this under Policy 1-3.5.4 Residential Building Permit Allocation System (RBPAS). Specifically there is language that states the City must “maintain an up-to-date hurricane evacuation plan and meet the required 24 hour hurricane evacuation time **or other applicable state standard for hurricane evacuation.**”

II. PREVIOUS ALLOCATION AWARDS

The following allocation awards are available per period:

<u>Category</u>	<u>BPAS / Period</u>
(Market Rate)	
(a) Owner-occupied Pool	3 / period
(b) General Pool	9 / period
(Affordable)	
(c) General Affordable Pool	1 / period
(d) Community Workforce Pool	1 / period
(e) TBR Affordable Pool	1 / period
(Utilizing remaining affordable & Administrative Relief allocations)	
(Administrative Relief)	
(e) Administrative Relief Pool	0 / period

III. ANALYSIS AND RECOMMENDATION

Based upon the current available allocations, and the above requirements, allocations will be evenly distributed using the below table.

Even Year (2026, 2028, 2030, 2032, 2034)

January Period		July Period		Total Year
Market Rate	4	Market Rate	5	9
Pools	(2 General, 2 OO)	Pools	(2 General, 3 OO)	
Affordable	1	Affordable	2	3
Pools	(Highest Scoring)	Pools	(1 General, 1 WF)	
Total	5	Total	7	12

Odd Year (2027, 2029, 2031, 2033, 2035)

January Period		July Period		Total Year
Market Rate	6	Market Rate	6	12
Pools	(3 General, 3 OO)	Pools	(3 General, 3 OO)	
Affordable	1	Affordable	2	3
Pools	(Highest Scoring)	Pools	(1 General, 1 WF)	
Total	7	Total	8	15

This ratio maintains a minimum of 20% affordable housing, stretches the allocations over a 10 year period. Also included in the resolution is language that any unused allocations within a pool roll over into that same pool within that year. Any allocations that are unused within that year follow the requirements set forth in Section 107.08.E as shown below:

“Any excess market rate dwelling unit allocations may be rolled over into the next year's allocations provided that at least one-half (1/2) of the unallocated market rate allocations are rolled over into affordable dwelling unit allocations. If the number of unallocated market rate allocations is odd, the odd numbered allocation shall rollover to an affordable allocation.”

The following allocation awards would be available per period based upon this recommendation:

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

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

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2026-17**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, REPEALING AND SUPERSEDING RESOLUTION 2010-18 ESTABLISHING A REVISED ANNUAL ALLOCATION QUANTITY FOR EACH CATEGORY OF DWELLING UNIT ALLOCATIONS FOR THE RESIDENTIAL BUILDING PERMIT ALLOCATIONS SYSTEM (BPAS); PROVIDING FOR ROLLOVER TO FUTURE BPAS PERIODS OF UNUSED BPAS ALLOCATIONS, PROVIDING FOR NUMERICAL ADJUSTMENTS OF THE ALLOCATIONS BY RESOLUTION OF THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Marathon, Florida (the "City") adopted a revised set of Land Development Regulations in 2007 (the "LDR's"); and

WHEREAS, the LDR's establish a Residential Building Permit Allocation System (BPAS) in Chapter 107, Section 107.02, "Numerical Allocation Limits," which sets a total annual allocation quantity of thirty (30); and

WHEREAS, the City Council adopted Ordinance 2009-18 on June 9th 2009 which in part established a new affordable allocation pool category entitled "TBR Affordable Pool"; and

WHEREAS, the City Council adopted Resolution 2010-18 on February 9th 2010 which in part changed the numerical allocations granted per period; and

WHEREAS, Section 107.01 of the LDR's requires that the BPAS system shall run on a semi-annual basis such that fifteen (15) new Building Permit Allocations may be awarded each period; and

WHEREAS, Section 107.02 of the LDR's states that the annual allocations are to be distributed in a ratio of eighty (80%) percent / twenty (20%) percent Market Rate to Affordable; and

WHEREAS, Section 107.04 of the LDR's has been amended by Ordinance 2009-18 to include six (6) allocation pools; and

WHEREAS, Section 107.04 of the LDR's also allows for certain numerical adjustments among the categories, allowing for periodic adjustments as may be necessary during each BPAS year; and

WHEREAS, it is the desire of the City Council to provide an appropriate distribution of Building Permit Allocations during the current BPAS year as required under the LDR's.

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 are incorporated herein.

Section 2. The BPAS Annual Allocation Pools for year 30, period 2 are as follows:

<u>Category</u>	<u>BPAS / Period</u>
(Market Rate)	
(a) Owner-occupied Pool	7 / period
(b) General Pool	2 / period
(Affordable)	
(c) General Affordable Pool	1 / period
(d) Community Workforce Pool	1 / period
(e) TBR Affordable Pool	1 / period
(Administrative Relief)	
(e) Administrative Relief Pool	0 / period

This BPAS Allocation pool represents an 80% percent / 20 % percent split of Market Rate to Affordable Building Permit Allocations.

Section 3. The BPAS Annual Allocation Pools for year 31, period 1 are as follows:

<u>Category</u>	<u>BPAS / Period</u>
(Market Rate)	
(a) Owner-occupied Pool	2 / period
(b) General Pool	1 / period
(Affordable)	1 / period
(c) General Affordable Pool	
(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

This BPAS Allocation pool represents an 80% percent / 20 % percent split of Market Rate to Affordable Building Permit Allocations.

Section 4. The BPAS Annual Allocation Pools for year 31, period 2 are as follows and will be maintained as such for future years unless otherwise modified by subsequent Resolution of the City:

<u>Category</u>	<u>BPAS / Period</u>
(Market Rate)	
(a) Owner-occupied Pool	2 / period
(b) General Pool	2 / period
(Affordable)	1 / period
(c) General Affordable Pool	
(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

This BPAS Allocation pool represents an 80% percent / 20 % percent split of Market Rate to Affordable Building Permit Allocations.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10TH DAY OF FEBRUARY, 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, 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:

Steve Williams, City Attorney