

**Sponsored by:** Lindsey  
**Introduction Date:** September 13, 2016  
**Public Hearing Dates:** October 11, 2016 and October 25, 2016  
**Enactment date:** October 25, 2016

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2016-08**

**AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,  
AMENDING THE FIRST TIME HOMEBUYER ASSISTANCE  
PROGRAM; PROVIDING FOR THE REPEAL OF ALL CODE  
PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS  
ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR  
INCLUSION IN THE CODE OF ORDINANCES, CITY OF MARATHON,  
FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Marathon (the “City”) has experienced a large disparity between the sales price of single-family and multi-family dwelling units and the median family income in the City;

**WHEREAS**, consequently, substantial savings for a down payment is required for a home purchase; and

**WHEREAS**, in Section 104.03 of the City’s Land Development Regulations (the “LDRs”), the City has set forth the income requirements for affordable housing in the City; and

**WHEREAS**, families that meet the affordable housing income criteria set forth in the LDRs find it difficult to save money for a down payment; and

**WHEREAS**, the City Council has provided the ability for First Time Home Buyers to more affordably acquire a first home in the Florida Keys through the First Time Home Buyers Assistance Program; and

**WHEREAS**, the City has established an Affordable Housing Program fund to collect fees and other amounts owing by developers and property owners in connection with affordable housing contributions under development agreements or otherwise pursuant to the LDRs; and

**WHEREAS**, the City established a Workforce Housing Committee in April of 2015 whose purpose it was to better define the current workforce and affordable housing needs within the City and to make appropriate recommendations to the City Council concerning workforce and affordable housing; and

**WHEREAS**, the City also undertook a study through the Florida International University (FIU) in order to provide up to date information concerning the City’s workforce and affordable housing needs; and

**WHEREAS**, the City held a joint workshop on May 23, 2016 with the Workforce Housing Committee and the City Council at which time the Committee made a number of recommendations, including proposed revisions to the City's First Time Home Buyers Program Ordinance (FTHBP); and

**WHEREAS**, the City Council requested that staff to begin revisions to the FTHBP in accordance with the Committee's suggestions and the Council's additional deliberations and direction; and

**WHEREAS**, revision of the First Time Home Buyers Assistance Program is in the public interest as it will assist in expanding the privilege of home ownership to individuals of low and moderate income levels by providing no interest down payment loans.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**<sup>1</sup>

**Section 1.** The above recitals are true, correct, and incorporated herein by this reference.

**Section 2.** Chapter 3, Article III, of the Code of Ordinances, City of Marathon, Florida, is hereby amended to read as follows:

#### **DIVISION 4. FIRST TIME HOMEBUYER ASSISTANCE PROGRAM**

##### Section 3-41 Definitions

Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa. Words of one gender include the correlative words of the other gender, unless the sense indicates otherwise. Additionally, the terms set forth below have the following meaning except where the context clearly otherwise requires:

“Department” means the Planning Department of the City;

“Director” means the director of the Planning Department of the City;

“Adjusted gross income” shall have the same definition as set forth in Section 104.03 (F) of the LDRs;

“LDRs” means the City's Land Development Regulations set forth in Chapter 16 of the City Code;

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<sup>1</sup> / Additions and new text are shown by underline, deletions are shown as ~~strikethrough~~.

“Resident of the City” means the person’s principal residence and domicile is within the city limits of Marathon

“Resident of the County but within the Extended Qualification Area” means the person’s principle residence and domicile is within the Florida Keys from Big Pine Key to Conch Key.

“First Time Homebuyer” means a person or persons who have not had an interest in real property for at least the past three years.

“Primary Employment Income” refers to a person’s income that is derived from at least 51% of Employment within the City Limits of Marathon.

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### Section 3-43 Qualifying Standards

(a) An applicant for the first time homebuyer assistance program shall meet all of the following requirements:

- (1) Be a Resident of the **City** at the time the application is submitted **OR** be a resident of the **County but within the Extended Qualification Area whose primary employment income is derived from employment within the City of Marathon**; and
- (2) Agree to occupy the eligible property to be purchased under this program as the applicant’s principal residence (provided, however, that this requirement may be temporarily suspended if the applicant has to temporarily relocate due to the applicant or spouse being (i) an armed forces reservist being called to active duty or (ii) an active duty member of the armed forces being called to serve in a conflict area, and
- (3) Be a United States citizen or a resident alien; and
- (4) Be at least eighteen years of age; and
- (5) Have adjusted gross income that meets either the very-low, low, median, ~~or~~ moderate, **or middle** income requirements set forth in Section 104.03 of the LDRs. **Deference will be given to those qualified as moderate income or below**; and
- (6) Shall not have previously received a loan under this program; and

- (7) Shall have the ability to secure first mortgage **institutional** financing on the property on terms and conditions reasonably acceptable to the City. **Private mortgage financing shall not be eligible.**
  - (8) Must provide at least three and one-half percent (3.5%) of the purchase price for the property in cash (or such other percentage as may be required by the **institutional lender** ~~FHA~~ from time to time).
- (b) Eligible properties shall be one of the following:
- (1) Existing single family detached dwelling unit located in the City of Marathon; or
  - (2) Existing single family residential unit which is within a multi-family dwelling unit located in the City of Marathon.
  - (3) Homes purchased with funding from the City of Marathon First Time Homebuyer Program must pass a Housing Quality Standards inspection as published by the U.S. Department of Housing and Urban Development,

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**Section 3.** If any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**Section 5.** The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Marathon, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Marathon Code.

**Section 6.** This Ordinance shall be effective immediately upon enactment.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 25<sup>th</sup> day of October 2016.**

**THE CITY OF MARATHON, FLORIDA**



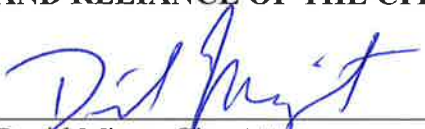
**Mark Senmartin, Mayor**

AYES: Bartus, Zieg, Kelly, Coldiron, Senmartin  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
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Diane Clavier  
City Clerk

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

  
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David Migut, City Attorney