

Sponsored By: Lindsey
Planning Commission Public Hearing Date: August 20, 2018
City Council Public Hearing Date: September 11, 2018
October 23, 2018
Enactment Date: October 23, 2018

**CITY OF MARATHON, FLORIDA
ORDINANCE 2018-09**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN, ADDING GOAL 1-4 AND ASSOCIATED OBJECTIVES AND POLICIES TO CHAPTER 1, "FUTURE LAND USE ELEMENT;" AND GOAL 1-4 SHALL BE KNOWN AS THE "WORKFORCE-AFFORDABLE HOUSING INITIATIVE" PROVIDING FOR AN ADDITIONAL 300 AFFORDABLE ALLOCATIONS TO AN ALLOCATION POOL TO BE IDENTIFIED AS THE AFFORDABLE-EARLY EVACUATION POOL;" AND PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF ECONOMIC OPPORTUNITY AFTER FINAL ADOPTION BY THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE.

WHEREAS, the City of Marathon (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Community Affairs ("DCA"), pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the City is located within the Florida Keys Area of Critical State Concern (the "FKACSC"), as established pursuant to Chapter 380, Florida Statutes; and

WHEREAS, pursuant to the provisions of Chapters, 163, 166 and 380 Florida Statutes, the City of Marathon, Florida (the "City") proposes to amend Chapter 1, "Future Land Use Element," of the Comprehensive Plan; and

WHEREAS, adding Goal 1-4, "Workforce-Affordable Housing Initiative," and associated Objective, and Policies which further the goals, objectives and policies of the City Comprehensive Plan (the "Plan"); and

WHEREAS, pursuant to Chapter 163, *Florida Statutes*, and Sections 101.02 and 102.22 of the Code, the Planning Commission sitting as the Local Planning Agency publicly considered the proposed text amendment on August 20, 2018 at a duly noticed public hearing, and has recommended approval of the proposed Map amendment to the City Council; and

WHEREAS, the City Council reviewed and approved transmittal of this Ordinance to the Florida Department of Economic Opportunity and other required agency reviewers on September 11, 2018; and

WHEREAS, the State Department of Economic Opportunity returned a favorable Objections, Recommendations, and Comments (ORC) Report during the week of October, 14, 2018 indicating that the City could adopt this proposed Ordinance as written; 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 Policy amendment on October 23, 2018 at a duly noticed public hearing, and recommended that the amendment be transmitted to the Florida Department of Economic Opportunity as formally adopted by the City; and

WHEREAS, the City Council finds that approval of the proposed Policy amendments are in the best interest of the City and complies with applicable laws and is consistent with the South Florida Regional Plan, the State Plan, Chapter 163, *Florida Statutes*, the principles for guiding development in the Florida Keys Area of Critical State Concern, the goals, objectives, and policies of the Plan, Chapter 102, Article 6 of the Code, and promotes and protects the health, safety and welfare of the residents of the City; and

WHEREAS, the City Council desires to approve the proposed amendment pursuant to Chapter 163.3184 F.S., in accordance with State law,

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. Amend the Comprehensive Plan, Chapter 1, Future Land Use Element, to include Goal 1-4 and related objective and policies:

Goal 1-4 Workforce-Affordable Housing Initiative.

To support the City of Marathon's workforce by alleviating constraints on affordable housing, the City shall participate in the Workforce-Affordable Housing Initiative, as approved during the June 13, 2018 meeting of the Administration Commission. The Workforce-Affordable Housing Initiative will require new construction or repurposed structures that participates to commit to evacuating renters in the 48 to 24-hour window of evacuation.

Objective 1-4.1 Provide Workforce-Affordable Housing Building Permit Allocations.

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

Pursuant to Policy 1-3.5.9, the City has worked with the State Department of Economic Opportunity to “obtain more residential allocations specifically for affordable housing.” The City thereby, shall establish a new limited category to be known as the “Affordable - Early Evacuation Pool” which will provide 300 workforce-affordable building permit allocations for the Workforce-Affordable Housing Initiative. These allocations are in addition to the maximum allocations identified in Rules 28-18, Florida Administrative Code. The City shall be responsible for the management, distribution, and enforcement of requirements associated with the Early Evacuation Affordable allocations. The City of Marathon shall ensure adherence to these requirements through implementation of the policies of this objective.

Policy 1-4.1.1 – Distribution of Workforce-Affordable Housing Allocations.

Workforce-affordable housing allocations shall be distributed at any time through adequate public notice and hearing procedures pursuant to Chapter 102, Articles 1 through 4 of the City’s Land Development Regulations and in accordance with the BPAS ranking procedures established in Chapter 107, Article 1, “Building Permit Allocation System (BPAS).

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:
 - (i) the property remains workforce-affordable housing in perpetuity;
 - (ii) tenants evacuate during the period in which transient units are required to evacuate;

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- (iii) 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;
- (iv) onsite property managers are formally trained in evacuation procedures.

Policy 1-4.1.3 – 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.

Policy 1-4.1.4 – ADA Compliance.

All workforce-affordable housing developments must demonstrate compliance with all applicable federal standards for accessibility for persons with disabilities.

Policy 1-4.1.5 -Evaluation and Report.

The City of Marathon shall provide the state land planning agency with an annual report on the progress and implementation of the Workforce-Affordable Housing Initiative. Reported information shall include documentation of the number of workforce-affordable units built, occupancy rates, and compliance with the requirement to evacuate the units in the Phase I evacuation. Said report shall be provided to the State in a timely manner such that the State may include the information in the required Annual Report to the Governor and Cabinet on the City of Marathon progress toward completion of its Work Program pursuant to Goal 9-1 of the City's Comprehensive Plan and Rule 28-18, F.A.C.

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 a “Comprehensive Plan amendment” as defined by State law. Accordingly, the City Clerk is authorized to forward a copy of this Ordinance to the DCA and other state agencies for review and approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

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SECTION 5. This Ordinance shall be effective immediately upon approval by DCA pursuant to Chapters 163 and 380, Florida Statutes.

SECTION 6. 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 23RD DAY OF OCTOBER, 2018.


THE CITY OF MARATHON, FLORIDA



Michelle Coldiron, Mayor

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

ATTEST:



for Diane Clavier, City Clerk

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



David Migut, City Attorney

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

RECEIVED
CITY CLERK
DATE: 11/27/18

November 21, 2018

The Honorable Michelle Coldiron
Mayor, City of Marathon
9805 Overseas Highway
Marathon, Florida 33050

Dear Mayor Coldiron:

The Department of Economic Opportunity (“Department”) has completed its review of the comprehensive plan amendment for City of Marathon adopted by Ordinance No. 2018-09 on October 23, 2018 (Amendment No. 18-01ACSC), which was received and determined complete on October 29, 2018. We have reviewed the amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), and have determined that the adopted amendment meets the requirements of Chapter 163, Part II, F.S., for compliance, as defined in Section 163.3184(1)(b), F.S. The Department is therefore issuing a Notice of Intent to find the comprehensive plan amendment “In Compliance.” A copy of the Notice of Intent is enclosed and will be posted on the Department’s Internet website. You may access the Notice of Intent at:

<http://specialdistrictreports.floridajobs.org/webreports/ORCreports/ORCindex.aspx>

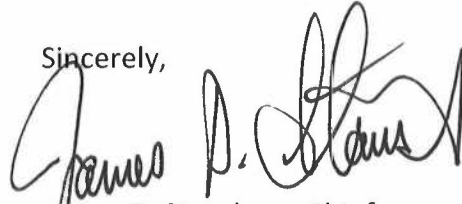
The Department’s Notice of Intent to find a plan amendment “In Compliance” is deemed to be a final order if no timely petition challenging the amendment has been filed. If this plan amendment is challenged by an affected person, the amendment will not become effective until the Department or the Administration Commission enters a final order determining the amendment to be “In Compliance.”

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions related to this review, please contact Justin Stiehl, Planning Analyst, by telephone at (850) 717-8523 or by email at justin.stiehl@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/js

Enclosure: Notice of Intent

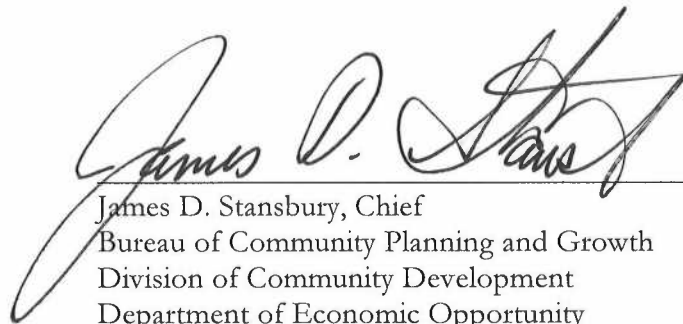
cc: George Garrett, Director, Planning Department, City of Marathon

Ms. Isabel Cosio Carballo, Executive Director, South Florida Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY, THE STATE LAND PLANNING
AGENCY
NOTICE OF INTENT TO FIND THE
CITY OF MARATHON
COMPREHENSIVE PLAN AMENDMENTS
IN COMPLIANCE
DOCKET NO. 18-01ACSC-NOI-4406-(A)-(I)

The Department gives notice of its intent to find the Amendments to the Comprehensive Plan for the City of Marathon, adopted by Ordinance No. 2018-09 on October 23, 2018, IN COMPLIANCE, pursuant to Section 163.3184(4), F.S.

If a timely petition challenging the Amendments was not filed within thirty (30) days after the local government adopted the Amendments, the Amendments become effective upon the posting of this Notice of Intent on the Department's Internet Website. If a timely petition was filed, the Amendments do not become effective until the Department or the Administration Commission enters a final order determining that the Amendments are in compliance.



James D. Stansbury, Chief
Bureau of Community Planning and Growth
Division of Community Development
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399