

**Sponsored by:** Janke  
**Introduction:** September 9, 2003  
**Public Hearing:** September 9, 2003

Enactment:

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2003-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AMENDING OBJECTIVE 101.5 AND CORRESPONDING POLICIES TO ESTABLISH WEIGHTING CATEGORIES AS GUIDELINES FOR DEVELOPING SPECIFIC POINT VALUES IN THE LAND DEVELOPMENT REGULATIONS FOR THE RESIDENTIAL AND NON-RESIDENTIAL ALLOCATION POINT SYSTEM**

**WHEREAS**, the ROGO allocation system isn't satisfying the intent of the City of Marathon; and

**WHEREAS**, City Council held a work session on September 8, 2003 and recommended amendments to the Comprehensive Plan Objective 101.5 and corresponding policies; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, that:**

**Section 1.** Policy 101.5 is amended to read as follows;

Provisions added to existing text are shown by underline; provisions deleted from existing text are shown by ~~striketrough~~

**Objective 101.5**

Monroe County shall implement a Point System which directs future growth in order to:

1. encourage the redevelopment and renewal of blighted areas [9J-5.006(3)(b)2];
2. maintain and enhance the character of the community [9J-5.006(3)(b)3];
3. protect natural resources [9J-5.006(3)(b)4];
4. encourage a compact pattern of development [9J-5.006(3)(b)7]; and
5. encourage the development of affordable housing.

**Policy 101.5.1**

By January 4, 1997, Monroe County shall adopt a Point System for residential and nonresidential development which shall be used as a basis for selecting the development applications which are to be issued permits through the Permit Allocation System (see Policy 101.2.1).

**[INSERTED CORRESPONDING POLICY]**

### **Policy 101.2.1**

Monroe County shall establish a Permit Allocation System for new residential development. The Permit Allocation System shall limit the number of permits issued for new residential development. THIS POLICY IS SUPERSEDED BY POLICY 101.2.13 FOR AN INTERIM PERIOD OF TIME.

#### **3.1-4 Policy Document- Monroe County Year 2010 Comprehensive Plan**

### **Policy 101.2.13**

Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, HRS, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For years 3 and 4 of the work program the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations. Additional new residential permits will be allowed but limited to the number of nutrient reduction credits earned within the same unincorporated ROGO area. Nutrient reduction credits shall be earned consistent with Table 1 below. The nutrient reduction credits earned by the construction of Little Venice system shall be earned according to the following schedule:

1. 213 of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced. Of these credits, 52 shall be made available to Monroe County for affordable housing, and 67 for proposed affordable housing in the City of Marathon. Any credits not used for affordable housing shall be available for future allocation pursuant to paragraph 2 below. In addition, 52 of these credits shall be made available to the City of Marathon.
2. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated. Nutrient reduction credits that are earned from the construction of a central sewer system, in which state or federal funds are used, shall be allocated as follows:
  1. The local government shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds it contributed from its jurisdiction to the total construction costs; and
  2. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

Nutrient reduction credits earned using funds provided by the State and matched by the County in fiscal years 1997-98 and 1998-99 will be used to offset the nutrient impacts of the 88 new

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residential permits per year, but may not be used for additional new residential permits until such time as these funds generate more than 88 nutrient reduction credits for Years 3 and 4. For Year 5, the interim Permit Allocation System shall allow a minimum of 77 new residential permits. If fewer than 77 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits. For Year 6 and beyond, the interim permit allocation system

shall limit the number of permits issued for new residential development to the number of nutrient reduction credits earned within the same unincorporated ROGO area, except as otherwise authorized herein. For all years the number of permits issued for new residential development under the Rate of Growth Ordinance shall not exceed a total unit cap of 158 new residential units per year.

This allocation represents the total number of new permits for development that may be issued during a ROGO year. No exemptions or increases in the number of new permits, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement for affordable housing between the Department and the local government in the critical areas, may be allowed.

Monroe County shall develop a tracking system for monitoring the nutrient reduction credits earned. The tracking system shall commence upon effective date of this rule and the number nutrient reduction credits earned shall be cumulative and may be applied to future years of the interim Permit Allocation System.

**3.1-6 Policy Document- Monroe County Year 2010 Comprehensive Plan**

Table 3.1-1

Nutrient Reduction Credits

Treatment System Upgraded To

On-site Treatment Centralized Systems

Treatment System

Upgraded From

OWNR or

Equivalent On-site

Treatment and

Disposal System

Secondary

Treatment

Best Available

Treatment (BAT)

Advanced

Wastewater

Treatment (AWT)

Cesspit 1 EDU credit 1 EDU credit 1.0 EDU credit 1.5 EDU credit

SubStandard

OSTDS

0.5 0.5 1.0 1.5

Approved OSTDS 0.5 0 1 1.5

Secondary

Treatment

N/A N/A 1 1.5

Additionally, the unit cap for new residential development shall be linked to the following work program which identifies actions necessary to correct existing wastewater and stormwater problems, as well as actions necessary to determine appropriate future growth. Beginning September 30, 2003 and each year of the work program thereafter, Monroe County and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. The Commission shall consider the findings and recommendations provided in those reports and shall determine whether substantial progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that substantial progress has not been made, the unit cap for new residential development shall be reduced by at least 20 percent for the following year. If the Commission determines that substantial progress has been made, then the Commission shall increase the unit cap for new residential development for the following year up to a maximum of 158

units. Other agencies identified in the work program, or any interested persons may likewise report and make recommendations for consideration by the Commission.

Notwithstanding any other date set forth in this plan, the dates set forth in the work program shall control where conflicts exist. For each task in the work program, the Department of Community Affairs shall request of all relevant and appropriate federal, state, regional, and local agencies that they contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the county in completing the task. Each such agency shall prepare, in coordination with the county, a section to be included in Monroe County's reports which indicates the agency's actions relative to the work plan. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating with Monroe County, and relevant state and federal agencies, in the implementation of the tasks related to water quality, wastewater and stormwater facilities and in the development and implementation of the carrying capacity study. The Steering Committee will provide technical assistance and substantive comments and recommendations to ensure that the county's wastewater and stormwater master plans and the carrying capacity study are consistent with the objectives of the FKNMS Water Quality Protection Program. The Steering Committee will make recommendations on wastewater systems and Hot Spot priorities prior to implementation by the County. It is the intent of this rule to accelerate the pace, and increase the effectiveness of the current cesspit replacement effort through both a regulatory and an incentive-based program. No

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later than August, 1999 Monroe County shall engage in a public education program to ensure that the public understands that the County is committed to the swift identification and replacement of cesspits, as a full partner with the Department of Health. The public education program shall explain the role of cesspit removal in the overall context of the Work Plan and Wastewater Master Plan. The County and the state shall request the participation of the Steering Committee in the public education program as well as the Florida Keys Aqueduct Authority.

**WORK PROGRAM:**

**YEAR ONE** (ending December 31, 1997)

A. Complete Phase I (data collection) for the Wastewater and Stormwater Master Plans, and secure funding for plan completion. (Reference County Objective. 901.4)

Agencies; County, DCA DEP, HRS and SFWMD.

B. Complete a conceptual plan or scope of work to develop a carrying capacity. The carrying capacity analysis shall be designed to determine the ability of the Florida Keys ecosystem, and the various segments thereof, to withstand all impacts of additional land development activities. The analysis shall be based upon the findings adopted by the Administration Commission on December 12, 1995, or more recent data that may become available in the course of the study, and shall be based upon benchmark of, and all adverse impacts to the Keys land and water natural systems, in addition to the impact of nutrients on marine resources. The carrying capacity analysis shall consider aesthetic , socioeconomic (including sustainable tourism), quality of life and community character issues, including the concentration of population, the amount of open space, diversity of habitats, and species richness. The analysis shall reflect the interconnected nature of the Florida Keys' natural systems, but may consider and analyze the carrying capacity of specific islands or groups of islands and specific ecosystems of habitats, including distinct parts of the Keys' marine system. (Ref. 1991 Stip. Settlement Agreement)

Agencies: County, DCA, DEP, HRS, DOT, GFC, SFWMD, NMS, SFRPC, EPA, USFW, Army COE, and other interested parties to includes representatives of environmental organizations and development interests.

C. Complete AWT/OSDS demonstration study and initiate rulemaking for new standards for OSDS. (Reference County Policy 901.4.3).

Agencies: HRS.

D. Complete Marathon Facilities Plan and secure funding for the facility site(s). The wastewater facilities plan should implement the most cost effective method of collecting, treating, and disposing of wastewater and shall include an investigation of the feasibility of using alternative nutrient-stripping on-site disposal systems. The development of the facilities plan shall be a component of the wastewater Master Plan as that Plan is developed.

Agencies: County, DCA, and DEP.

E. Continue cesspit elimination program with identification of Hot Spots as first priority in accordance with Objective 901.2 and seek funding for cesspit identification. Enter into an interlocal agreement with HRS to specify the responsibilities and procedures for the OSDS inspection/compliance program as required by Policy 901.2.3. Adopt an ordinance which specifies the implementation procedures for the OSDS inspection/compliance program. The ordinance shall include authorization for HRS to inspect wastewater treatment systems on private property as required by Policy 901.2.3. (Reference County Objective 901.2).

1 On March 9, 1999, the Administrative Commission determined that the substantial progress toward the work program

objectives had not been made and authorized rulemaking to amend the work program beginning in Year Three. Work

program tasks from years One and Two not completed by the end of Year Two were included as tasks in subsequent years of

the work program.

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Agencies: County, DCA, and HRS.

F. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies: County, Land Authority, and DEP.

G. Revise the habitat Evaluation Index (HEI) based on peer review.

Agencies: County, DCA, DEP, FGFWFC, and Federal agencies.

#### **YEAR TWO** (ending December 31, 1998)

A. Complete the wastewater and Stormwater Master Plans and execute interagency agreements to define construction schedule by phases. Document that significant reduction in nutrients will be achieved each year thereafter within each sub-areas. The Master Plans shall include facility plans for all proposed treatment strategies, and determine retrofit and funding requirements for HOT Spots and cesspit identified in D below.

Agencies: County, DCA, DEP, and HRS.

B. Secure funding for the carrying capacity study and initiate Phase I (data collection) of the study.

Agencies: County, DCA, and DEP.

C. Complete cesspit ID process in Hot Spots, excluding the Marathon area.

Agencies: County, DCA, and HRS.

D. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies County, Land Authority, and DEP.

E. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Reference County Policy 103.1.5).

Agencies: County, DCA, SFWMD, USFWS

#### **YEAR THREE** (January 1, 1999 through July 12, 2000 )

A. Complete and begin implementation of Wastewater Master Plan. Utilizing the findings of the Wastewater Master Plan and recommendations of the Water Quality Steering Committee relating to Hot Spots do the following: refine and prioritize areas identified as Hot Spots, determine retrofit and funding requirements for priority Hot Spots and cesspit replacement for areas outside those areas identified for central or cluster wastewater collection systems, and begin developing facility plans for priority Hot Spots. Execute interagency agreements to define facility plan, design and construction schedules for each Hot Spot facility. Establish a water quality monitoring

program to document the reduction in nutrients as a result of these facilities. Complete a wastewater treatment finance plan and a service area implementation plan, and continue efforts to secure funding for Wastewater Master Plan implementation, with priority given to Hot Spots. Determine the feasibility and legal ramifications of establishing an escrow account as a means of providing long-term funding for replacing cesspits or substandard onsite sewage systems. Establish a mechanism such as special assessments, impact fees, infrastructure surcharge, or other dedicated revenues, to fund the local share of wastewater improvements in Years Four and Five. Seek to provide comparable subsidies for both wastewater collection systems and individual cesspit replacement.

Agencies: County, FCAA, DCA, DEP, DOH, SFWMD, EPA and Water Quality Protection Program Steering Committee (WQSC).

B. Secure funding for Storm Water Master Plan development, contract selected firm for development of Master Plan, and complete Phase I (data collection). Determine the feasibility of providing nutrient reduction credits for stormwater improvements.

Agencies: County, DCA, DOT, SFWMD, EPA and WQSC.

C. Conclude acquisition of North Key Largo Hammocks CARL project. Make offers to 33% of remaining private owners with property located in other CARL project boundaries.

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Agencies: County, Land Authority and DEP.

D. Secure remaining funds for the carrying capacity study, conduct workshops as outlined in the Scope of Work, select prime contractor, and initiate Phase I (data collection) of the study.

Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

E. Continue efforts to secure funding for the Marathon Facility. Complete Little Venice construction design, secure lands needed for Little Venice facility, and begin bid process and selection of construction firm.

Design a water quality monitoring program to document Little Venice project impacts.

Agencies: County, FCAA, DCA, DEP, WQSC, and EPA.

F. Continue cesspit identification by providing notice to all property owners with unknown systems, outside of Hot Spots. Initiate replacement of cesspits outside of Hot Spots. Award financial assistance grants to qualified applicants using FY 1997-98 state funds to ensure a minimum of 70 cesspit replacements. Develop a low interest loan and grant program to assist all residents in replacing cesspits, with priority of funds going, in order of preference, to very low-, low- and moderate-income households. Investigate the appropriate point at which nutrient reduction credits can be awarded for future committed water quality treatment facilities and the appropriateness of transferring credits among ROGO areas.

Agencies: County, DCA, FCAA, WQSC and DOH.

G. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)

Agencies: County, FCAA, DEP, DCA, SFWMD, EPA, WQSC and USFWS.

H. Develop an integrated funding plan for the purchase of land from ROGO applicants who have competed unsuccessfully for four consecutive years and applied for administrative relief.

Agencies: County.

I. The County, in conjunction with DCA, shall assess the feasibility of applying the nutrient reduction credit requirement to new commercial development.

Agencies: County and DCA.

**YEAR FOUR** (July 13, 2000 through July 12, 2001)

A. Continue implementation of Wastewater Master Plan, execute interagency agreements to define construction schedule by phases, and continue developing facility plans for priority Hot Spots in each ROGO area. Secure funding to implement the Wastewater Master Plan. Document that reduction in nutrients has been achieved within each of the sub-areas.

Agencies: County, FCAA, DCA, DEP, DOH, EPA and WQSC.

B. Complete Storm Water Master Plan. Identify priority projects for implementation and seek funding for plan implementation.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC.

C. Make offers to 50% of remaining private owners with property located in CARL project boundaries.

Agencies: County, Land Authority and DEP.

D. Complete Phase II of the carrying capacity study (data analysis) and present initial recommendations to review agencies.

Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

E. Establish baseline water quality for surface and groundwater quality potentially impacted by Little Venice project.

Agencies: County, DCA, DEP, FCAA, WQSC and EPA.

F. Complete cesspit identification and continue cesspit replacement outside of Hot Spots, with a priority of funds going, in order of preference, to low- and moderate income households; ensure that a minimum of 88 cesspits are replaced

Agencies: County, FCAA, WQSC and DOH.

**YEAR FIVE (July 13, 2001 through July 12, 2002 )**

**3.1-10 Policy Document- Monroe County Year 2010 Comprehensive Plan**

A. Continue implementation of the Wastewater Master Plan pursuant to executed interagency agreements.

Begin construction of wastewater facilities in selected Hot Spots.

Agencies: County, FCAA, DCA, DOH, DEP, EPA, and WQSC.

B. Execute interagency agreements to define construction schedule for selected storm water improvement projects. Complete land acquisition and final design for selected treatment strategies for Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, WQSC and SFWMD.

C. Conclude negotiations with all willing owners with property within CARL project boundaries. Acquire a total-date of 45% of the Key Deer/Coupon Bight project and 25% of the Florida Keys Ecosystems project from willing sellers.

Agencies: County, Land Authority, and DEP.

D. Complete final draft of the carrying capacity study including acceptance by review agencies.

Agencies: County, FCAA, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

E. Continue eliminating cesspits and inoperative septic tanks in areas outside of Hot Spots.

Agencies: County, DOH, FCAA and WQSC.

**YEAR SIX (July 13, 2002 through July 12, 2003)**

A. Continue construction of wastewater facilities in Hot Spots begun in previous year. Contract to design and construct additional wastewater treatment facilities in Hot Spots in accordance with the schedule of the Wastewater Master Plan. Continue implementation of Wastewater Master Plan with emphasis on Hot Spots.

Agencies: County, FCAA, DEP, DOW, DCA, EPA and WQSC.

B. Initiate construction of selected projects as identified in the Storm Water Master Plan.

Agencies: County, SFWMD, DEP, DCA, DOT, EPA and WQSC.

C. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the County's Future Land Use Map series and changes to the map series and the "as of right" and "maximum" densities authorized for the plan's future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.

Agencies: County, FCAA, FFWCC, DCA, DEP, DOH, DOT, SFWMD, SFRPC, EPA, Army COE,

WQSC, and USFWS, and other interested parties to include representatives of environmental organizations and development interests.

D. Complete the elimination of all cesspits in areas outside of Hot Spots. Agencies: County, FKAA, DOH and WQSC.

E. Develop a Keys-wide master land acquisition plan which shall include:

(1) a strategy for the acquisition of those properties which should be preserved due their habitat value as well as those other properties where future development is to be discouraged.

(2) a management plan for implementing the strategy, and

(3) a reasonable, feasible plan for securing funding for said land acquisition.

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Agencies : County, Land Authority, DCA, DEP, SFWMD, Army COE, EPA, USFWS, and other interested parties to include representatives of environmental organizations and development interests.

F. Initiate and complete a collaborative process for the adoption of land development regulations, and/or comprehensive plan amendments as needed, that will strengthen the protection of terrestrial habitat through processes such as the Permit Allocation System and permitting processes, and the preservation and maintenance of affordable housing stock.

Agencies: County, DCA, DEP, FFWC, USFWS, and other interested parties to include representatives of environmental organizations and development interests.

**YEAR SEVEN** (July 13, 2003 through July 12,2004)

A. Finalize construction and begin operating wastewater facilities in Hot Spots. Continue implementation of Wastewater Master Plan with continued emphasis on Hot Spots.

Agencies: County, FKAA, DEP, DCA, DOH, EPA and WQSC

B. Continue implementing selected projects as identified in the Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC

The Point System shall specify positive point factors which shall be considered as assets and negative point factors which shall be considered as liabilities in the evaluation of applications for new residential and non-residential development.

#### **Policy 101.5.2**

In order to encourage a compact form of residential growth, the Point System shall assign positive point ratings to applications for new residential development which would result in infill development in platted, improved subdivisions. [9J-5.006(3)(c)1 and 6]

#### **Policy 101.5.3**

In order to encourage a compact form of non-residential growth, the Permit Allocation System shall limit the amount of new non-residential development. (See Policy 101.3.1.) [9J-5.006(3)(c)1]

#### ***[INSERTED CORRESPONDING POLICY]***

##### **Objective 101.3**

Monroe County shall regulate non-residential development to maintain a balance of land uses to serve the needs of the future population of Monroe County.

##### **Policy 101.3.1**

Monroe County shall maintain a balance between residential and non-residential growth by limiting the gross square footage of non-residential development over the 15 year planning horizon in order to maintain a ratio of approximately 239 square feet of nonresidential development for each new residential unit permitted



through the Permit Allocation System. The ratio for commercial allocation shall be revised upon completion of the economic baseline analysis required by policy 101.3.5 which shall be completed no later than January 4, 1997. The commercial allocation allowed by this policy shall be uniformly distributed over the 15 year planning horizon consistent with the residential permit allocation system as set forth in policy 101.2.1. Within one year of the effective date of this plan, Monroe County shall amend this policy to specify the annual allowable square footage based upon the number of residential units allowed by year using the ratio set forth in this policy.

**Policy 101.3.5**

By January 4, 1998, Monroe County shall complete an economic base analysis in order to determine the demand for future non-residential development. The non-residential development allocation and Future Land Use Map (FLUM) designations for non-residential uses shall be revised base upon the results of this study. The economic base analysis will address existing non-residential uses, vacancy rates, economic trends and demand for non-residential uses by planning sub-areas.

**Policy 101.5.4**

Monroe County shall implement the Residential Permit Allocation and Point System via the land development regulations. The following weighting categories are hereby established as guidelines for developing the specific point values in the land development regulations:

<u>Weighting Category</u>	<u>Range of Points</u>
Major	6 to 10
Moderate	3 to 5
Minor	1 to 2

Adjustments to the specific point values assigned in the land development regulations may be accomplished without an amendment to this plan, provided the adjusted point values are consistent with the weighting categories assigned in this policy. The point system criteria and corresponding weighting categories are hereby established as shown below. The points are intended to be applied cumulatively except where specified otherwise. Dwelling units shall receive all applicable point allocations related to habitat protection.

- 1. Platted Subdivision Infill** - Points shall be assigned to Allocation Applications for proposed dwelling unit(s) which result in the infill of a legally platted subdivision and which lots are serviced by existing infrastructure. For the purposes of this section and Section 2 below, "existing infrastructure" means that infrastructure in place as of July 13, 1992, the effective date of the Dwelling Unit Allocation Ordinance.

<u>Weighting Category</u>	<u>Criteria</u>
Major Positive	Dwelling unit(s) which are proposed within a legally platted, recorded subdivision and which lots are served by existing infrastructure including, at a minimum, potable water, electricity, and paved roadways.

**2. Infrastructure Availability**

<u>Weighting Criteria</u>	<u>Criteria</u>
Major Positive	Any dwelling unit(s) which are proposed and which are not within a legally platted, recorded subdivision, but which sites are served by existing infrastructure including, at a minimum, potable water, electricity and paved roadways.

- 3. Lot Aggregation** - Points shall be assigned to Allocation Applications for proposed dwelling unit(s) which include a voluntary reduction of density permitted as of right within subdivisions (residential units per legally platted, buildable lots) by aggregating vacant, legally platted, buildable lots.

<u>Weighting Category</u>	<u>Criteria</u>
Moderate Positive	The application aggregates two (2) contiguous, vacant, legally platted, buildable lots.
Moderate Positive	Each additional contiguous, vacant, legally platted, buildable lot aggregated over two (2).

- 4. Affordable Housing** - Points shall be assigned to Allocation Applications for proposed dwelling units which contribute to the supply of affordable housing in Monroe County.

<u>Weighting Category</u>	<u>Criteria</u>
Moderate Positive	Proposed dwelling unit(s) which meet the affordable housing guidelines set forth in Policy 601.1.11.

***[INSERTED CORRESPONDING POLICY]***

**Policy 601.1.11**

By the effective date of this Plan, Monroe County shall adopt Land Development Regulations which provide that twenty percent (20%) of residential building permits will be initially reserved for single or multi-family affordable housing.

(See Technical Document, Section 7.2.1 and Future Land Use Policy 101.2.4)

Affordable housing eligible for this separate allocation must meet the criteria:

1. the occupants must derive at least seventy (70) percent of their household income from gainful employment in Monroe County; and
2. the annual household income must be no greater than one hundred twenty (120) percent of the median annual household income for Monroe County; and
3. the monthly rents or monthly mortgage payments, including taxes and insurance, must not exceed 30% of that amount which represents 120 percent of the median monthly household income for Monroe County; and
4. for twenty years the sale, transfer, inheritance, assignment or rental of any affordable housing unit shall be restricted by covenant to persons who meet the above requirements. . [9J-5.010(3)(c)5]

- 5. Land Dedication** - Points shall be assigned to Allocation Applications for proposed dwelling units which include a voluntary dedication to Monroe County of vacant, buildable lots or

unplatted, buildable land within areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection.

<u>Weighting Category</u>	<u>Criteria</u>
Minor Positive	Application includes dedication to Monroe County of one vacant, legally platted, buildable lot or at least one acre of unplatted, buildable land located within Conservation Areas or areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection.
Minor Positive	Additional minor positive point(s) shall be assigned for each additional legally platted, buildable lot, and for each one acre of unplatted, buildable land located in areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection, which lot(s) or acreage is dedicated to Monroe County.

## 6. Habitat Protection

a) Points shall be assigned to Allocation Applications for proposed dwelling unit(s) based on the type and quality of existing vegetation located within the area of approved clearing shown on the approved site plan:

<u>Weighting Category</u>	<u>Criteria</u>
Major Negative	Habitat Type/Habitat Quality Group 4; High Hammock (high quality) Low Hammock (high quality) Pineland Undisturbed Beach/Berm Saltmarsh and Buttonwood Wetlands Palm Hammock Cactus Hammock
Moderate Negative	Habitat Type/Habitat Quality Group 3; High Hammock (moderate quality) Low Hammock (moderate quality)
Minor Negative	Habitat Type/Habitat Quality Group 2; High Hammock (low quality) Low Hammock (low quality) Disturbed Saltmarsh and Buttonwood Disturbed Beach/Berm
Minor Positive	Habitat Type/Habitat Quality Group 1; Disturbed with Exotics

b) If the approved clearing area includes more than one habitat type/habitat quality group, points shall be assigned to the application for development on the basis of the following formula:

$$\begin{aligned} &\text{total points assigned} = \\ &\quad \frac{(\text{area of clearing in Group 1}) \times (\text{Group 1 point value})}{(\text{area in parcel to be cleared})} \\ &\text{plus} \\ &\quad \frac{(\text{area of clearing in Group 2}) \times (\text{Group 2 point value})}{(\text{area in parcel to be cleared})} \end{aligned}$$

(area in parcel to be cleared)

plus

$\frac{(\text{area of clearing in Group 3}) \times (\text{Group 3 point value})}{(\text{area in parcel to be cleared})}$

plus

$\frac{(\text{area of clearing in Group 4}) \times (\text{Group 4 point value})}{(\text{area in parcel to be cleared})}$

c) Determination of the quality of undisturbed high hammock, low hammock and pinelands shall be made through utilization of the habitat analysis indices and scores (HEI), applied pursuant to the Monroe County Land Development Regulations.

**7. Threatened, Endangered or Species of Special Concern Animal Species**

a) Points shall be assigned to Allocation Applications for proposed dwelling unit(s) based on the probable impacts of the proposed development on the successful protection and recovery of a threatened or endangered animal species in its natural habitat. Points shall be assigned as follows:

<u>Weighting Category</u>	<u>Criteria</u>
Major Negative	Dwelling unit(s) within a known habitat of threatened/endangered or species of special concern, except for marine turtles and the piping plover which are specifically addressed below.
Major Negative	Dwelling unit(s) within 100 feet of any known nesting area for marine turtles.
Major Negative	Dwelling unit(s) within 500 feet of any known nesting or resting area of the piping plover.
Moderate Negative	Dwelling unit(s) within a probable or potential habitat of threatened/endangered or species of special concern habitat.
Minor Negative	Dwelling unit(s) within the habitat of a wide-ranging threatened/endangered or species of special concern.

b) All habitat categories for threatened and endangered species are mapped on the "Protected Animal Species Map." Monroe County shall within six months of the effective date of the Plan amend the maps to reflect the habitat range of species of special concern.

**8. Critical Habitat Areas-** Points shall be assigned to Allocation Applications for proposed dwelling unit(s) located within critical habitat areas of the Florida Keys. Points shall be assigned as follows:

<u>Weighting Category</u>	<u>Criteria</u>
Major Negative	Any dwelling unit(s) proposed on Big Pine Key, No Name Key, Ohio Key and North Key Largo.
Major Negative	Dwelling unit(s) proposed within Priority I and Priority II acquisition areas of the National Key Deer Refuge, mandatory negative 10 points.
Major Negative	Dwelling unit(s) proposed within the Coupon Bight or CARL acquisition areas.
Major Negative	Dwelling unit(s) proposed within the "secondary zone" for nesting sites of the Southern Bald Eagle, as defined by the

	U.S. Fish and Wildlife Service in the Habitat Management Guidelines for the Bald Eagle in the Southeast Region, 1987, incorporated herein by reference.
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**9. Acreage Tract Density Reduction** - Points shall be assigned to Allocation Applications for proposed dwelling unit(s) which include a voluntary reduction of density permitted as of right:

Weighting Category	Criteria
Minor Positive	Application voluntarily reduces allocated density permitted as of right (residential units per acre) on unplatted, acreage tracts by between fifty (50) and sixty-six (66) percent;
Moderate Positive	Application voluntarily reduces allocated density permitted as of right on unplatted, acreage tracts by between sixty-seven (67) and seventy-five (75) percent;
Major Positive	Application voluntarily reduces allocated density permitted as of right on unplatted, acreage tracts by greater than seventy-five (75) percent.

**10. Perseverance Points** - Minor positive point(s) shall be awarded for each year that the applicant remains in the allocation system.

**11. Water Conservation** - Points shall be assigned to Allocation Applications for proposed dwelling units which include water conservation measures.

Weighting Category	Criteria
Minor Positive	Application includes ultra-low flow plumbing fixtures for all toilets, sinks, and showers: Toilets            1.6 gal/flush Showerheads    2.5 gal/min Faucets           2.0 gal/min
Minor Positive	Application includes either: (a) a primary water source consisting of a cistern (12,500 gallon minimum) or reverse osmosis facility (200 gallon per day minimum); or (b) a secondary water source consisting of a cistern (2,500 gallon minimum) or reverse osmosis facility (50 gallon per day minimum.)

Points for alternative water systems shall not be awarded in areas in which FKAA water connection is prohibited, as described in Chapter 48-7, F.A.C.

**12. Energy Conservation** - Points shall be assigned to Allocation Applications for proposed dwelling units which include energy conservation measures. Points shall not be awarded for these criteria in areas not served by the Florida Keys Electric Cooperative or the City Electric System.

**Weighting Category Criteria**

Minor Positive HVAC unit has an Energy Efficiency Rating of 12 or better.

Minor Positive For any one or more of the following:

Dwelling unit has solar hot water panel(s) with a minimum energy production of 14 kwh/day, Dwelling unit has photovoltaic system on a conventional grid,

which generates a minimum of 14 kwh/day and/or Dwelling unit has heat recovery unit(s) which provides supplemental heating of domestic hot water. Minor Positive Dwelling unit has a photovoltaic system, sized as above, in conjunction with the total elimination of the conventional grid system.

### **13. Structural Integrity of Construction**

#### Weighting Category Criteria

Minor Positive Application exceeds the minimum flood elevation required by the floodplain management standards section of the Monroe County Land Development Regulations by thirteen inches or more.

Minor Positive Dwelling unit meets a wind load of 160 mph or greater, as certified by a qualified engineer/architect.

Minor Positive Additional point(s) shall be given to dwelling units meeting a wind load of 175 mph or greater, as certified by a qualified engineer/architect.

**14. Coastal High Hazard Areas-** Points shall be assigned for development within coastal high hazard areas.

#### Weighting Category Criteria

Minor Negative Development proposed within "A" zones on the FEMA flood insurance rate maps.

Major Negative Development proposed within "V" zones on the FEMA flood insurance rate maps.

Minor Positive Development proposed within "X" zones on the FEMA flood insurance rate maps.

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**15. Coastal Barrier Resources System** - Major negative points shall be assigned to developments proposed within units of the Coastal Barrier Resources System.

**16. Offshore Islands/ Conservation Land Protection Area-** Negative points shall be assigned to allocation applications for proposed dwelling units located on offshore islands or within Conservation Land Protection Areas.

#### Weighting Category Criteria

Major Negative Development on Offshore Islands

Minor Negative Development which may impact Conservation Lands

**17. Transferable Development Rights-** Points shall be assigned to allocation applications for proposed dwelling units which utilizes transferable development rights.

#### Weighting Category Criteria

Minor Positive Points shall be assigned to any unit which uses TDR's.

**18. Historic Resources-** Points shall be assigned to allocation applications for

developments which affect historic or archaeological resources.

**Weighting Category Criteria**

Major Negative Major negative points shall be assigned to any development which adversely affects, removes or destroys historic structures located within local or national districts or destroys known archaeological resources. The Secretary of Interior's guidelines shall be used in making this determination.

Major Positive Development which preserves, restores or enhances historic or known archaeological resources.

**Policy 101.5.5**

Monroe County shall implement the Non-residential Permit Allocation and Point System via the land development regulations. The following weighting categories are hereby established as guidelines for developing the specific point values in the land development regulations. The points are intended to be applied cumulatively except where specified otherwise.

**Weighting Category Range of Points**

Major 6 to 10

Moderate 3 to 5

Minor 1 to 2

Adjustments to the specific point values assigned in the land development regulations may be accomplished without an amendment to this plan, provided the adjusted point values are consistent with the weighting categories assigned in this policy. The point system criteria and corresponding weighting categories are hereby established as shown below. The points are intended to be applied cumulatively except where specified otherwise. Non-residential development shall receive all applicable point allocation related to habitat protection.

**1. Commercial Area Infill** - Points shall be assigned to Allocation Applications for proposed non-residential developments which result in the infill of existing commercial areas which are serviced by existing infrastructure.

**Weighting Category Criteria**

Major Positive Non-residential development which is proposed as an addition to an existing non-residential development.

**2. Infrastructure Availability**

**Weighting Category Criteria**

Moderate Positive Any non-residential development site which is served by existing infrastructure, including at a minimum potable water, electricity and paved roadways. For the purposes of this section, "existing infrastructure" means that infrastructure in place as of July 13, 1992, the effective date of the Dwelling Unit Allocation Ordinance.

**3. Intensity Reduction** - Points shall be assigned to Allocation Applications for proposed non-residential developments which include a voluntary reduction of intensity.

Weighting Category Criteria

Moderate Positive The proposed development reduces the permitted floor area ratio by 35 percent or more.

**4. Land Dedication** - Points shall be assigned to Allocation Applications for proposed non-residential developments which include a voluntary dedication to Monroe County of vacant, buildable lots or unplatted, buildable land within areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection.

Weighting Category Criteria

Minor Positive Application includes dedication to Monroe County of one vacant, legally platted, buildable lot or at least one acre of unplatted, buildable land located within Conservation Areas or areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection.

Minor Positive Additional minor positive point(s) shall be assigned for each additional legally platted, buildable lot, and for each one acre of unplatted, buildable land located in areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection, which lot(s) or acreage is dedicated to Monroe County.

**5. Habitat Protection**

a) Points shall be assigned to Allocation Applications for proposed nonresidential development based on the type and quality of existing vegetation located within the area of approved clearing shown on the approved site plan:

Weighting Category Criteria

Major Negative Habitat Type/Habitat Quality Group 4;

High Hammock (high quality)

Low Hammock (high quality)

Pineland

Undisturbed Beach/Berm

Saltmarsh and Buttonwood Wetlands

Palm Hammock

Cactus Hammock

Moderate Negative Habitat Type/Habitat Quality Group 3;

High Hammock (moderate quality)

Low Hammock (moderate quality)

Minor Negative Habitat Type/Habitat Quality Group 2;

High Hammock (low quality)

Low Hammock (low quality)

Disturbed Saltmarsh and Buttonwood

Disturbed Beach/Berm

Minor Positive Habitat Type/Habitat Quality Group 1;

Disturbed with Exotics



b) If the approved clearing area includes more than one habitat type/habitat quality group, points shall be assigned to the application for development on the basis of the following formula:

total points assigned =

$$\begin{aligned} & \frac{(\text{area of clearing in Group 1}) \times (\text{Group 1 point value})}{(\text{area in parcel to be cleared})} \\ \text{plus} & \frac{(\text{area of clearing in Group 2}) \times (\text{Group 2 point value})}{(\text{area in parcel to be cleared})} \\ \text{plus} & \frac{(\text{area of clearing in Group 3}) \times (\text{Group 3 point value})}{(\text{area in parcel to be cleared})} \\ \text{plus} & \frac{(\text{area of clearing in Group 4}) \times (\text{Group 4 point value})}{\text{area in parcel to be cleared}} \end{aligned}$$

c) Determination of the quality of undisturbed high hammock, low hammock and pinelands shall be made through utilization of the habitat analysis indices and scores (HEI), applied pursuant to the Monroe County Land Development Regulations.

#### **6. Threatened or Endangered or Animal Species of Special Concern**

a) Points shall be assigned to Allocation Applications for proposed nonresidential development based on the probable impacts of the proposed development on the successful protection and recovery of a threatened or endangered or animal species of special concern in its natural habitat. Points shall be assigned as follows:

##### Weighting Category Criteria

Major Negative Non-residential development within a known habitat of documented threatened/endangered or species of special concern, except for marine turtles and piping plovers which are specifically addressed below.

Major Negative Non-residential development within 100 feet of any known nesting area for marine turtles.

Major Negative Non-residential development within 500 feet of any known nesting or resting area of the piping plover.

Moderate Negative Non-residential development within a probable or potential habitat of threatened/endangered or species of special concern habitat.

Minor Negative Non-residential development within the habitat of a wideranging threatened/endangered or species of special concern.

b) All habitat categories for threatened and endangered species are mapped on the "Protected Animal Species Map." Monroe County shall within six months of the effective date of the Plan amend the maps to reflect the habitat range of species of special concern.

**7. Critical Habitat Areas-** Points shall be assigned to Allocation Applications for proposed non-residential development located within critical habitat areas of the Florida Keys. Points shall be assigned as follows:

Major Negative Any non-residential development proposed on Big Pine Key, No Name Key, Ohio Key and North Key Largo.

Major Negative Non-residential development proposed within Priority I and Priority II acquisition areas of the National Key Deer Refuge, mandatory negative 10 points.

Major Negative Non-residential development proposed within the Coupon Bight or CARL acquisition area.

Major Negative Non-residential development proposed within the "secondary zone" for nesting sites of the Southern Bald Eagle as defined by the U.S. Fish and Wildlife Service in the Habitat Management Guidelines for the Bald Eagle in the Southeast Region, 1987, incorporated herein by reference.

**8. Perseverance Points** - Minor positive point(s) shall be awarded for each year that the applicant remains in the allocation system.

**9. Water Conservation** - Points shall be assigned to Allocation Applications for proposed non-residential developments which include water conservation measures.

Weighting Category Criteria

Minor Positive Project is designed according to xeriscape principles such that vegetation is 100% native plants, and rainfall is collected and directed to the landscaped areas.

Minor Positive All toilet fixtures in the proposed non-residential development are ultra-low flow, using 1.6 gal/flush or less.

**10. Energy Conservation** - Points shall be assigned to Allocation Applications for proposed non-residential development which include energy conservation measures.

Weighting Category Criteria

Minor Positive The HVAC unit has an Energy Efficiency Rating of 12 or better, or the entire area is outside.

Minor Positive The building has an Energy Performance Index of 70 or lower, as calculated for Section 9 - Residential Point System Method of the Florida Energy Efficiency Code for building construction, or the entire area is outside.

Minor Positive Application includes either:

- (a) a solar hot water heater
- (b) photovoltaic panels; or
- (c) a wind driven energy generator

Points shall not be awarded for these devices in areas not served by the Florida Keys Electric Cooperative or the City Electric System.

**11. Structural Integrity of Construction**

Weighting Category Criteria

Minor Positive Application exceeds the minimum flood elevation

required by the floodplain management standards section of the Monroe County Land Development Regulations by one (1) foot or more.

Minor Positive Non-residential structure meets a wind load of 130 mph or greater, as certified by a qualified engineer/architect.

Moderate Positive Additional point(s) shall be given to non-residential structures meeting a wind load of 155 mph or greater, as certified by a qualified engineer/architect.

**12. Coastal High Hazard Areas** - Points shall be assigned for development within coastal high hazard areas.

Weighting Category Criteria

Minor Negative Development proposed within "A" zones on the FEMA flood insurance rate maps.

Major Negative Development proposed within the "V" zones on the FEMA flood insurance rate maps.

Minor Positive Development proposed within "X" zones on the FEMA flood insurance rate maps.

**13. Coastal Barrier Resources System** - Major negative points shall be assigned to developments proposed within units of the Coastal Barrier Resources System.

**14. Highway Access**

Moderate Positive The parking lot is connected to an adjacent, nonresidential parking lot; or the applicant records a driveway easement in favor of the public to connect the applicant's parking lot to an adjacent, non-residential parking lot; or the development does not propose an additional driveway onto U.S. 1.

**15. Landscaping**

Weighting Category Criteria

Moderate Positive The project provides twice the number of native landscape plants than the number required by the Monroe County Land Development Regulations.

Minor Positive Additional point(s) shall be assigned if twenty-five (25) percent of the native plants are listed as threatened or endangered plants native to the Florida Keys.

**16. Disaster Recovery**

Weighting Category Criteria

Moderate Positive The development includes a permanently installed, nonportable generator.

Minor Positive The development includes permanent wiring set up to accommodate auxiliary power generation.

**17. Offshore Islands/ Conservation Land Protection Area**- Negative points shall be

assigned to allocation application for proposed non-residential development located on offshore islands or within Conservation Land Protection Areas.

Weighting Category Criteria

Major Negative Development on Offshore Islands

Minor Negative Development which may impact Conservation Lands.

**18. Transferable Development Rights-** Points shall be assigned to allocation applications for proposed non-residential development which utilizes transferable development rights.

Weighting Category Criteria

Minor Positive Moderate positive points shall be assigned to any nonresidential development which uses TDR's.

**19. Historic Resources-** Points shall be assigned to allocation applications for developments which affect historic or archaeological resources.

Weighting Category Criteria

Major Negative Major negative points shall be assigned to any development which adversely affects, removes or destroys historic structures located within local or national districts or destroys known archaeological resources. The Secretary of Interior's guidelines shall be used in making this determination.

Major Positive Development which preserves, restores or enhances historic or archaeological resources.

#### **Policy 101.5.6**

The Residential and Non-residential Point Systems shall be monitored on an annual basis and revised as necessary to add, delete or adjust positive and negative factors which may be identified by studies prepared as part of the implementation of the Goals, Objectives and Policies of the Comprehensive Plan. Such adjustments to the Point Systems shall result in amendments to the Comprehensive Plan and/or land development regulations as appropriate. These studies include, but are not limited to:

1. the Sanitary Wastewater Master Plan (see Sanitary Wastewater Objective 901.4 and related policies);
2. the Stormwater Management Master Plan (see Drainage Objective 1001.3 and related policies);
3. the Florida Keys National Marine Sanctuary Management Plan;
4. special studies undertaken as part of the Florida Keys National Marine Sanctuary Water Quality Protection Program (see Conservation and Coastal Management Objective 202.1 and related policies);
5. the Live-Aboard Study (see Conservation and Coastal Management Objective 202.4 and related policies);
6. the Florida Keys Advance Identification of Wetlands (ADID) Program (see Conservation and Coastal Management Objective 204.1 and related policies);

7. special studies as may be completed by the U.S. Fish and Wildlife Service, the State of Florida and private researchers regarding critical habitat areas of protected plant and wildlife species;
8. the Shoreline Use Priorities Plan (see Conservation and Coastal Management Objective 212.1 and related policies);
9. the Public Access Plan (see Conservation and Coastal Management Objective 213.1 and related policies);
10. the Marina Survey and development of Marina Siting Criteria (see Conservation and Coastal Management Objective 212.4 and related policies);
11. the Freshwater Lens Study (see Drainage Objective 1101.2 and related policies);
12. development of the Florida Keys Historic Register (see Future Land Use Objective 104.2 and related policies); and
13. the Parks and Recreation Plan (see Recreation and Open Space Objective 1201.10 and related policies).

**Policy 101.5.7**

As part of the first annual review of the Residential and Non-residential Point Systems, additional criteria may be included such as:

1. North Key Largo - Negative points may be assigned for development proposed within that portion of Key Largo located between the junction of State Road 905 and U.S. Highway 1 and the Dade County boundary at Angelfish Creek.
2. Traffic Capacity - As part of the first annual review of the Residential and Nonresidential Point System, positive points may be assigned for development served by US 1 segments which have surplus capacity. Negative points shall be assigned for development served by US 1 segments which have marginal capacity.
3. Offshore Islands - Negative points may be assigned to developments on offshore islands.
4. Conservation Lands - Negative points may be assigned to developments which may impact designated or proposed conservation lands.
5. Disturbed Saltmarsh and Buttonwood Wetlands - Negative points may be assigned to developments which require the placement of fill or structures in disturbed saltmarsh and buttonwood wetlands.
6. Historic Resources - Negative points may be assigned to developments which remove or destroy historic or archaeological resources. Positive points may be assigned to developments which restore or enhance historic or archaeological resources.
7. Potential Development Credits (PDCs) - An applicant may have the option of receiving positive points, called Potential Development Credits (PDCs), for transferring development rights away from a sender site for development proposed on an eligible receiver site, as specified in Objective 101.13 and related policies.

**Policy 101.5.8**

The Residential Permit Allocation Ordinance shall be amended to award a graduated scale of positive points to dwelling units which are proposed for lots within legally platted, recorded subdivisions, which are served by existing infrastructure, including at a minimum potable water, electricity and paved roadways. Maximum points shall be awarded for those projects proposed within platted subdivisions which are 67% to 100% built out; fewer points will be awarded for projects proposed for subdivisions 33% - 67% built out; and minimum points shall be awarded for projects proposed for subdivisions 0 - 33% built out. The percentage of build out shall be based upon updated, accurate data from the County's Geographic Information System (GIS). The Ordinance shall be amended when the pertinent information is readily available on the County's GIS.

**Policy 101.5.9**

Monroe County shall allow for the development of multiple-family units within the Permit Allocation System. If a project ranks high enough in the Point System for a portion of the development to receive an allocation award, but the project includes more units than are available during an allocation period, the entire project may receive allocation awards if the excess allocation is reduced from the next allocation period(s). Multi-family affordable housing or elderly housing projects shall be given priority.

**Section 3.** The City Clerk shall transmit the Amendment to the State of Florida Department of Community Affairs, in its capacity as the State Land Planning Agency (the "Department") as required by Chapters 163 and 380, *Florida Statutes*.

**Section 4.** Upon the effective date, the Amendment shall replace the City of Marathon *Transitional Comprehensive Plan*, previously applicable to the City pursuant to Sections 163.3167(4), 380.05(10) and 380.0552(9), *Florida Statutes*, Rule 28-19.200, *Florida Administrative Code*, and Section 9(6)(A) of the City Charter to the fullest extent allowed by law.

**Section 5.** This Ordinance shall be effective upon approval by the State Department of Community Affairs, pursuant to Chapter 380, *Florida Statutes*.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this \*\* day of \*\*, 2003.**

**THE CITY OF MARATHON, FLORIDA**

\_\_\_\_\_  
**Randy Mearns, Mayor**

AYES:  
NOES:  
ABSENT:

ABSTAIN:

**ATTEST:**

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Cindy L. Ecklund  
City Clerk

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

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CITY ATTORNEY

DRAFT