

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 3-19-2008

Division: Commissioner Dixie Spehar

Bulk Item: Yes No

Department: BOCC – District 1

Staff Contact Person: Les Boatwright, Ex Assist

AGENDA ITEM WORDING: Approval to transfer remaining balance in the Employee Housing Fair Share Impact Fee Trust Fund to Growth Management Department to reimburse past waiving of fees for affordable housing. Amount is \$116,593.00

ITEM BACKGROUND: At the Feb 20th, 2008 BOCC Meeting, we approved \$53,655 from the above trust fund to be loaned to the Village of Islamorada for the “Woods Corner” affordable housing community located in Islamorada. The purpose of the loan is to pay the impact fees for the development and is to be repaid by the Village with guarantee by the Middle Keys Land Trust. This shows the County and City working together for a common goal, per Section 9.5-496

PREVIOUS RELEVANT BOCC ACTION:

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

TOTAL COST: _____

BUDGETED: Yes No

COST TO COUNTY: N/A

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes No

AMOUNT PER MONTH _____ **Year** _____

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL: Dixie M. Spehar
Dixie M. Spehar

DOCUMENTATION: Included: Not Required

DISPOSITION: _____

AGENDA ITEM # _____

Sec. 9.5-124.9. Employee housing fair share impact fee.

(a) *Purpose:* All new non-residential floor area, including commercial/business, institutional, and industrial development, creates a direct or indirect requirement for employee housing. The availability and stability of employee housing stock is essential for the economic health of Monroe County. Therefore all applicants for new or transferred non-residential floor area shall be assessed a fee to be used by Monroe County to address employee housing issues.

(b) *Type of development affected:*

(1) All new non-residential floor area under subsection 9.5-124.2(a).

(2) The following development activities exempted under section 9.5-124.3 are subject to the employee housing fair share impact fee:

a. Non-residential development in areas exempted from residential ROGO. (Subsection 9.5-124.3(a)(2)).

b. Development activity for certain not-for-profit organizations. (Subsection 9.5-124.3(a)(4)).

c. Vested rights. (Subsection 9.5-124.3(a)(5)).

d. De minimis expansion of non-residential floor area. (Subsection 9.5-124.3(a)(6)).

e. Industrial uses. (Subsection 9.5-124.3(a)(7)).

f. Transfer and redevelopment off-site of lawfully established non-residential floor area, which has not operated commercially for three (3) years or more. (Subsection 9.5-124.3(a)(10)).

(c) *Establishment of Fee Schedule:* An applicant for any new non-residential floor area, identified in subsection (b) above, shall pay, prior to the issuance of a building permit, a fair share employee housing fee as established by the following schedule:

TABLE INSET:

Structures for non-residential uses of one (1) to 1,999 square feet	\$1.00 per square foot
Structures for non-residential uses of 2,000 to 2,999 square feet*	\$2.00 per square foot
Structures for non-residential uses of 3,000 square feet or greater*	\$3.00 per square foot
*The fee is calculated on the total new or transferred non-residential floor area subject to f. above.	

(d) Proceeds from the impact fees collected shall be deposited in the employee housing fair share impact fee account and used exclusively to offset the cost of required permitting and connection fees related to the development of new employee housing, in accordance with a schedule and procedures recommended by the planning commission and approved by the board of county commissioners.

(Ord. No. 032-2001, § 1; Ord. No. 046-2003, § 4)

Sec. 9.5-496. Affordable and employee housing fair share impact fee trust fund.

(a) *Purpose:*

(1) The board of county commissioners has determined and recognized through the adoption of volume II of the Monroe County Comprehensive Land Use Plan and in recognition of the recommendations contained in the affordable housing study prepared for the City of Key West and the County of Monroe by the Plantec Corporation dated February, 1988, that the county will need significant amounts of affordable and employee housing through the year 2005 and that it is in the interest of the public welfare to supply regulatory incentives in order to aid in the increase of the stock of affordable and employee housing.

(2) All new commercial, multifamily residential, institutional and industrial development creates a direct or indirect requirement for affordable or employee housing.

(3) Additional capital costs of providing new affordable and employee housing are the connection fees (impact fees), system development fees, and impact fees of the FKAA, CES, and the Florida Keys Electric Co-op, and the cost of land infrastructure improvements for qualified affordable housing projects.

(4) It is the purpose of this section to establish a trust fund to receive the regulatory impact fees collected under sections 9.5-266 and 9.5-496 of this chapter and, through their expenditure, to provide for the payment of the above-enumerated agencies, impact fees, land acquisition cost and infrastructure fees which are necessary capital costs associated with the provisions of affordable and employee housing.

(5) It is further the purpose of this section to provide a fair and equitable "fair share fee" for affordable and employee housing impacts generated by commercial, recreational, multifamily residential, institutional and industrial development, which are not otherwise required to provide employee housing, in all Urban Residential Mobile Home, Urban Residential Mobile Home-Limited, Sparsely Settled, Native Area, Mainland Native Area, Offshore Island, Improved Subdivision, Recreational Vehicle, Military Facilities, Airport and Parks and Recreation Districts, except for accessory uses, home occupations and single-family, mobile home, and duplex dwellings.

(b) *Exemptions:* The following new land development activities shall be exempted from the requirement to provide employee housing:

(1) Alterations or expansion of an existing multifamily dwelling unit where no additional units are created and the use is not changed;

(2) The construction of accessory buildings or structures which are not dwelling units and which do not constitute an increase in intensity of use;

- (3) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use;
- (4) The construction of any publicly owned governmental buildings, except for those used for permanent or temporary housing; and
- (5) The construction of single-family, mobile home and duplex dwellings.

(c) *Establishment of Fee Schedule; General Enabling Language:* The Monroe County Planning Department in cooperation with the Affordable Housing Task Force for the Florida Keys shall, not later than June 1, 1990, prepare a fair share employee housing fee schedule and specific requirements for deposit of funds, use of funds collected, refund of fees, and exemption of fees for new land uses that create the need for employee housing and do not provide such housing. The fee schedule shall be reviewed at least simultaneously or sooner with the preparation of the comprehensive plan as required by rule 9J-5, Florida Administrative Code.

Editor's note: Section 9.5-496 was created by DCA Rule 28-20.023.