

**BOARD OF COUNTY COMMISSION  
AGENDA ITEM SUMMARY**

Meeting Date: 4/18/07 – Key West

Division BOCC - District 1

Bulk Item: Yes X No     

Staff Contact Person: Mayor Pro Tem Spehar

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**AGENDA ITEM WORDING:**

Approval of a resolution authorizing the waiver of county building permit and application fees for all affordable housing projects that are allowed, under Monroe County Code Sec.6-27(d)(2) and Sec. 6-27(e), to obtain building permit and application fee waivers from the Board of County Commissioners, eliminating the present application requirement and directing Growth Management Staff to prepare an amendment to Sec. 6-27(d)(2) and Sec. 6-27(e), Monroe County Code to routinely implement the intention of the Board.

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**ITEM BACKGROUND:**

Monroe County Code Sec. 6-27 allows full exemption from county building permit and application fees for the construction of affordable housing projects that are “receiving financial assistance from Monroe County” and allows the developers of not-for-profit organizations “... and lessees of county-owned property for construction on said property...” to apply for waiver of county building permit and application fees. This resolution authorizes the routine waiver of fees for affordable housing projects that meet the criteria established by Monroe County Code Sec. 6-27, eliminates the application requirement, and directs staff to prepare the amendment to the Code for implementation.

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**PREVIOUS RELEVANT BOCC ACTION:**

2/21/07 BOCC Discussion resulting from Agenda Item D-26 seeking approval of fee waivers for the Park Village and Islander Village affordable housing projects

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

Approval.

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**TOTAL COST:** \_\_\_\_\_

**BUDGETED:** Yes \_\_\_ No \_\_\_

**COST TO COUNTY:** \_\_\_\_\_

**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes \_\_\_ No \_\_\_ **AMOUNT PER MONTH** \_\_\_ **Year** \_\_\_

**APPROVED BY:** County Atty SA OMB/Purchasing \_\_\_ Risk Management \_\_\_

**DOCUMENTATION:** Included X Not Required \_\_\_

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

**RESOLUTION NO. -2007**

**A RESOLUTION OF THE MONROE BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE WAIVER OF BUILDING PERMIT AND APPLICATION FEES FOR THE AFFORDABLE HOUSING DEVELOPMENTS, PURSUANT TO MONROE COUNTY CODE, SEC. 6-27(d)(2) AND SEC. 6-27(e).**

**WHEREAS**, the State of Florida and all local governments in the Florida Keys (each subject to Area of Critical State Concern mandates relating to housing affordability) recognize the need for affordable housing throughout the state and particularly in the Florida Keys where developable land for housing is extremely limited and expensive; and

**WHEREAS**, the Board of County Commissioners is committed to addressing critical housing affordability issues facing the Florida Keys; and

**WHEREAS**, the Board of County Commissioners makes the following findings of fact:

1. The State of Florida and all local governments in the Florida Keys recognize the need for affordable housing throughout the state and particularly in the Florida Keys where developable land for housing is extremely limited and expensive.
2. To encourage the creation of affordable housing the Board of County Commissioners must take innovative actions, such as the waiver or elimination of building, permitting and other fees.
3. Monroe County Code Sec. 6-27 (d) (2) provides for full exemption from county building and permit application fees for the construction of affordable housing projects that are "receiving financial assistance from Monroe County."
4. Monroe County Code Sec. 6-27 (e) provides that not-for-profit organizations and "... lessees of county-owned property for construction on said property ... may apply to the Board of County Commissioners for fee waivers from the permit and application fees".
5. A generic waiver for all projects for which waiver would be allowable under the County Code would provide incentives, or at least diminish the disincentives, for the creation of affordable housing, to include such measures as waiver of building, permitting and other fees, developers have been hesitant to create additional affordable housing in the Florida Keys; now therefore

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

Section 1. It is the intention of the Board of County Commissioners to always waive the building permit and application fees charged by Monroe County for construction or redevelopment of affordable housing projects for any applicant that is a not-for-profit organization, with 501(c) (3) status, or who is the lessee of county-owned property and/or who receives financial assistance from Monroe County for the purpose of constructing or redeveloping affordable housing projects.

Section 2. The permit application fees for all affordable housing projects which meet the conditions in section 1, above, and which have been initiated but have not received their certificates of occupancy are hereby waived effective the date of execution of this Resolution.

Section 3. Growth Management Division staff is directed to prepare an amendment to Monroe County Code Sec. 6-27(d)(2) and Sec. 6-27(e) to routinely implement the above intention of the Board.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said Board held on the \_\_\_\_ day of \_\_\_\_\_, 2007.

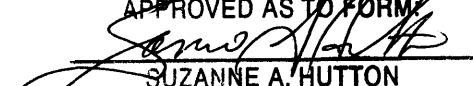
Mayor DiGennaro \_\_\_\_\_  
Mayor Pro Tem Spehar \_\_\_\_\_  
Commissioner McCoy \_\_\_\_\_  
Commissioner Neugent \_\_\_\_\_  
Commissioner Murphy \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA**

By: \_\_\_\_\_  
Mayor/Chairman

(SEAL)  
ATTEST: Danny L. Kohlage, Clerk

\_\_\_\_\_  
Deputy Clerk

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
  
SUZANNE A. HUTTON  
COUNTY ATTORNEY  
Date 4/05/07

**Sec. 6-27. Fees.**

(a) *Purpose:* The purpose of this section is to establish the authority, schedule, and exemptions for permitting and related fees.

(b) *Authority and Fee Schedule:* Except as specifically established by this chapter, the board of county commissioners may by resolution establish a fee schedule for, but not limited to permit applications, permits, plans examination, certificates of competency, re-inspections, permit renewals, administrative fees, variance requests, and administrative appeals.

(c) *Fees Required:* Except as authorized by this chapter, no permit shall be issued without payment of all appropriate fees. Where a nonrefundable application fee is charged, the fee may be applied to off-set the total permit fee at the time the permit is issued, except where the application fee exceeds the total permit fee. In this case, the application fee shall become the total permit fee.

(d) *Fee Exemptions:* Fees may be exempted for only those entities and activities specifically listed below:

(1) *Conditional exemptions:* The following governmental entities are exempt from county building permit and application fees, but only if the listed entity does not charge the county a fee (including an impact fee) for development, environment, or similar permits, or for right-of-way use:

- a. The State of Florida including the South Florida Water Management District;
- b. The United States;
- c. Municipalities wholly located within the county;
- d. City Electric System;
- e. Florida Keys Electric Co-op; and
- f. Florida Keys Aqueduct Authority.

(2) *Full exemptions:* The following entities or work are exempt from the county building permit and application fees:

- a. Monroe County;
- b. Volunteer fire departments;
- c. Volunteer emergency medical departments; and,
- d. Construction of affordable housing projects, as defined under the Florida Statutes or chapter 9.5, receiving financial assistance from Monroe County.

(e) *Fee Waivers:* Not-for-profit organizations with 501(c)(3) status from the Internal Revenue Service for construction of affordable or low income housing as defined by Florida Statutes and lessees of county-owned property for construction on said property may apply to the board of county commissioners for fee waivers from the permit and application fees.

(f) *Fee Refunds:* No fees paid for building permit fees shall be refunded without the approval of the board of county commissioners upon the recommendation of the county administrator. Permit application fees are not refundable.

(Ord. No. 010-2002, § 6; Ord. No. 019-2003, § 1)