

ORDINANCE NO. 004 – 2010

AN ORDINANCE AMENDING MONROE COUNTY CODE SECTION 6-108; PROVIDING FOR WAIVERS OF SOME FEES FOR AFFORDABLE HOUSING; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2007, the Board of County Commissioners for Monroe County approved a building permit fee schedule designed to allocate the costs of operating the County Building Department to the users of the services of that department; and

WHEREAS, waivers and exemptions of permit fees have to be offset with ad valorem taxes due to Section 553.80, F.S., which limits building permit fees to only those costs associated with the services rendered in connection with the issuance of a building permit; and

WHEREAS, the Board of County Commissioners for Monroe County passed Ordinance No. 036-2009 on December 16, 2009, eliminating most exemptions and allowing for applications for waiver of building permit fees for certain affordable housing as defined by state statutes; and

WHEREAS, Monroe County Code has different definitions for affordable housing than the Florida Statutes and Ordinance 36-2009 needs to be clarified;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Section 6-108, Monroe County Code, is hereby amended to read:

Sec. 6-108. 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) *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) *Exemptions.* Exemptions only exist as specifically provided by State statute and for volunteer fire departments.
- (e) *Waivers.* Any entity may apply to the board of county commissioners for fee waivers from the permit and application fees for construction or renovation of affordable, low or very low income housing intended for occupancy for those households with income up to one hundred twenty percent (120%) of the median annual adjusted gross income as defined by Monroe County. Persons or entities which have a development order in effect as of February 17, 2010 for affordable housing may apply for such fee waivers. Persons or entities building affordable housing which uses a higher percentage median income than one hundred twenty percent (120%) for qualification for occupancy may apply for a waiver from building permit and application fees only if the specific project for development is being subsidized with or is leveraging state or federal funding. There are no other waivers of permit fees.
- (f) *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.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

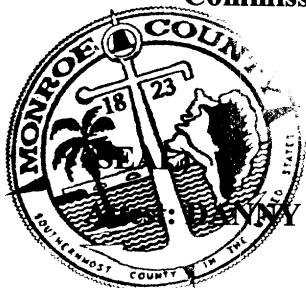
Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4 The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. This ordinance shall take effect immediately upon its filing with the office of the Secretary of State of the State of Florida.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 17th day of February, 2010.

Mayor Sylvia J. Murphy	<u>Yes</u>
Mayor Pro Tem Heather Carruthers	<u>Yes</u>
Commissioner Mario DiGennaro	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>
Commissioner Kim Wigington	<u>Yes</u>



DANNY L. KOLHAGE, Clerk

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

By *Danny L. Kolhage*
Deputy Clerk

By *Sylvia J. Murphy*
Mayor Sylvia J. Murphy

FILED FOR RECORD

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DANNY L. KOLHAGE
CLERK CIR. CT.
MONROE COUNTY, FL

**MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:**
Susan M. Grimsley
SUSAN M. GRIMSLEY
ASSISTANT COUNTY ATTORNEY
Date MARCH 4, 2010