



Kevin Madok, CPA

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

August 2, 2017

Department of State
Administrative Code & Register
500 S Bronough Street
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is an electronic copy of Ordinance No. 008-2017 repealing Section 126-14 “Employee Housing Fair Share Impact Fee” of the Monroe County Land Development Code; providing for severability; providing for the repeal of conflicting provisions; providing for transmittal to the State Land Planning Agency and the Secretary of State; providing for inclusion in the Monroe County Code; and providing for an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on June 21, 2017. Should you have any questions, please feel free to contact me at (305) 295-3130.

Respectfully Submitted,

Kevin Madok, CPA, Clerk of
the Circuit Court & Comptroller &
ex-officio to the Monroe County
Board of County Commissioners

by: Pamela G. Hancock, D.C.

cc: Growth Management
County Attorney
BOCC
File

KEY WEST
500 Whitehead Street
Key West, Florida 33040
305-294-4641

MARATHON
3117 Overseas Highway
Marathon, Florida 33050
305-289-6027

PLANTATION KEY
88820 Overseas Highway
Plantation Key, Florida 33070
305-852-7145

PK/ROTH BUILDING
50 High Point Road
Plantation Key, Florida 33070
305-852-7145



ORDINANCE NO.008- 2017

AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS REPEALING SECTION 126-14 "EMPLOYEE HOUSING FAIR SHARE IMPACT FEE" OF THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Monroe County Board of County Commissioners, during a regular meeting held on September 19, 2001, passed and adopted Ordinance 032-2001, which amended the Monroe County Code providing for a non-residential Rate of Growth (NROGO) Ordinance; and

WHEREAS, Ordinance 032-2001 established an Employee Fair Share Impact Fee to address new non-residential floor area as it created a need for employee housing and the availability and stability of employee housing was and remains essential for the economic health of Monroe County; and

WHEREAS, the proceeds from the impact fees collected are restricted to the exclusive use of offsetting the cost of required permitting and connection fees related to the development of new employee housing; and

WHEREAS, the Board of County Commissioners, on March 23, 2016, approved the transfer of \$571,364 from the Employee Housing Fair Share Impact Fee to Fund 180 in the building Department to offset the cost of permitting work waived by the BOCC for development of affordable housing, the first actual transfer since 2008; and

WHEREAS, Monroe County Land Development Code Chapter 139 addresses the administration of affordable and employee housing, including inclusionary housing requirements and the affordable housing trust fund, as well as affordable housing incentive programs; and

1 WHEREAS, the Board of County Commissioners approves the continuation of Monroe
2 County Land Development Code Chapter 139 to assist with the issue of affordable and employee
3 housing;

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

6 Section 1. The Monroe County Land Development Code is amended as follows:
7 Deletions are ~~stricken through~~ and additions are underlined.)

8 ~~Sec. 126-14. Employee Housing Fair Share Impact Fee.~~

9 ~~(a) Purpose. All new nonresidential floor area, including commercial/business, institutional, and~~
10 ~~industrial development, creates a direct or indirect requirement for employee housing. The~~
11 ~~availability and stability of employee housing stock is essential for the economic health of~~
12 ~~the county. Therefore, all applicants for new or transferred nonresidential floor area shall be~~
13 ~~assessed a fee to be used by the county to address employee housing issues.~~

14 ~~(b) Type of development affected. The following types of development are affected by the impact~~
15 ~~fee:~~

16 ~~(1) All new nonresidential floor area under section 138-49(a); and~~

17 ~~(2) The following development activities exempted under section 138-50 are subject to the~~
18 ~~employee housing fair share impact fee:~~

19 ~~a. Nonresidential development in areas exempted from residential ROGO, per section~~
20 ~~138-50(b);~~

21 ~~b. Development activity for certain not for profit organizations, per section 138-50(d);~~

22 ~~c. Vested rights, per section 138-50(e);~~

23 ~~d. De minimis expansion of nonresidential floor area, per section 138-50(f);~~

24 ~~e. Industrial uses, per section 138-50(g); and~~

25 ~~f. Transfer and redevelopment off site of lawfully established nonresidential floor area~~
26 ~~which has not operated commercially for three years or more, per section 138-50(j).~~

27 ~~(e) Establishment of fee schedule. An applicant for any new nonresidential floor area identified~~
28 ~~in subsection (b) of this section shall pay, prior to the issuance of a building permit, a fair~~
29 ~~share employee housing fee as established by the following schedule:~~

Structures for nonresidential uses of one to 1,999 square feet \$1.00 per square foot

Structures for nonresidential uses of 2,000 to 2,999 square feet* \$2.00 per square foot

Structures for nonresidential uses of 3,000 square feet or greater* \$3.00 per square foot

*The fee is calculated on the total new or transferred nonresidential floor area subject to subsection (a)(2)f. of this section.

~~(d) *Proceeds.* 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.~~

Section 2. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

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

Section 4. Transmittal. This ordinance shall be transmitted to the Florida State Land Planning Agency as required by F.S. 380.05(11) and F.S. 380.0552(9).

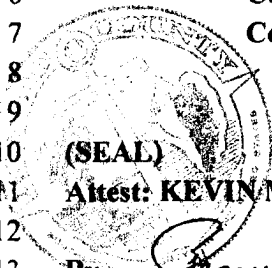
Section 5. Filing. This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective pursuant to Section 7 until a final order is issued according to F.S. 380.05(6) by the Florida State Land Planning Agency or Administration Commission approving the ordinance, and if the final order is challenged, until the challenge to the order is resolved pursuant to F.S. Chapter 120.

Section 6. Inclusion in the Monroe County Code. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an amendment thereto, and shall be appropriately renumbered to conform to the uniform marking system of the Code.

Section 7. Effective Date. This ordinance shall become effective as provided for by law and stated above but not earlier than January 1, 2018. This ordinance applies to any permit, and or other development approval application submitted after December 31, 2017.

1 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida,
2 at a regular meeting held on the 21st day of June, 2017.

3	Mayor George Neugent	<u>Yes</u>
4	Mayor <i>pro tem</i> David Rice	<u>Yes</u>
5	Commissioner Heather Carruthers	<u>Yes</u>
6	Commissioner Danny L. Kolhage	<u>Yes</u>
7	Commissioner Sylvia Murphy	<u>Yes</u>



10 (SEAL)
11 Attest: KEVIN MADOK, Clerk

12 By *Kevin Madok*
13 Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By *George E. Neugent*
Mayor George Neugent

FILED FOR RECORD

2017 AUG -2 PM 3:18

CLK. CIR. CL.
MONROE COUNTY, FLA

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

Peter Morris
PETER MORRIS
ASSISTANT COUNTY ATTORNEY
Date: *7/10/17*