

ORDINANCE NO. 12-06

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS," ARTICLE IV "ADMINISTRATIVE PROCEDURES," DIVISION 16 "AFFORDABLE HOUSING STANDARDS" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

WHEREAS, on September 27, 2007, the Village Council adopted Ordinance No. 07-23, which established the Affordable Housing Standards within Chapter 30, Article IV, Division 16 (the "Affordable Housing Standards") of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village"); and

WHEREAS, due to the current nationwide economic downturn, the Village Council wishes to provide economic relief to property owners and developers to help stimulate the local economy; and

WHEREAS, the Affordable Housing Standards establish a goal of providing affordable housing in the Village to serve 30 percent of the local workforce and their families generated by development; and

WHEREAS, the Village Council desires to temporarily lower the affordable housing goal for nonresidential in-lieu fees from 30 percent to no less than 15 percent of the generated local workforce and their families for the next two years; and

WHEREAS, the Village Local Planning Agency has reviewed this Ordinance in accordance with the requirements of Chapter 163, Florida Statutes; and

WHEREAS, the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, the Village Council finds that the provisions of this Ordinance are intended to advance the public health, safety, and welfare of the citizens of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true, correct and incorporated herein by this reference.

Section 2. Affordable Housing Standards. Chapter 30 "Land Development

Regulations," Article IV "Administrative Procedures," Division 16 "Affordable Housing Standards" of the Code is hereby amended to read as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as strikethrough
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Sec. 30-631. Definitions.

For the purposes of this division only, the following words or phrases used herein shall have the following meanings:

Affordable housing trust account means the account established in accordance with subsection 30-641(a) to ensure the in-lieu fees collected pursuant to this section are designated and used for affordable residential dwelling units attributable to employee-generating development that paid the in-lieu fees the purposes of planning, subsidizing or developing affordable housing within the village.

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Sec. 30-632. Findings.

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(9) *Affordable housing goal.* To address this serious community problem and to maintain the long-term sustainability of the village's and county's economy, as well as the character of the community, the village council has established the goal of providing housing in the village to 30 percent of the generated local workforce and their families, at prices they can afford. , except the nonresidential

in-lieu fees shall be temporarily reduced for the next two years beginning on October 1, 2012 as shown in Table 30-639(e)(1)c. The temporary reduction is intended to provide economic relief to property owners and developers to help stimulate the local economy during the current nationwide economic downturn.

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Sec. 30-633. Purpose.

The purpose of these affordable housing standards is to ensure there is an affordable supply of housing for 30 percent of the generated local workforce and their families, except the nonresidential in-lieu fees shall be temporarily reduced for the next two years beginning on October 1, 2012 as shown in Table 30-639(e)(1)c. This is accomplished by the following:

(1) Requiring affordable housing be provided for all new development or redevelopment in an amount proportionate to the need for affordable housing that the development or redevelopment creates; or

(2) The payment of a fee in-lieu or the donation of land for affordable housing in an amount proportionate to the need for affordable housing the development or redevelopment creates.

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Sec. 30-639. Affordable housing standards.

(a) *General requirements.*

(2) *Amount of affordable housing required.*

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b. *Nonresidential development.* All employee generating development not exempted by section 30-637 shall provide affordable housing for 30 percent of the number of households generated by the employee generating development, except the nonresidential in-lieu fees shall be temporarily reduced for the next two years beginning on October 1, 2012 as shown in Table 30-639(e)(1)c. All nonresidential development shall provide affordable residential dwelling units in accordance with Table 30-639(a)(2)b.1 and this subsection.

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(e) *Payment of an in-lieu fee.* If the director finds it is impracticable to construct affordable residential dwelling units on the site of the employee generating development or off-site pursuant to section 30-639(b), then the applicant may offer to mitigate for affordable housing through payment of an in-lieu fee pursuant to this section.

(1) *Fee amount.* The in-lieu fees for residential development vary based on the size of the new residential dwelling unit or incremental increase in size of the enclosed living area of an existing residential dwelling unit. The fees for nonresidential development vary, based on the new gross leasable floor area and type of nonresidential development. The in-lieu fee formula shall be used to calculate the in-lieu fee as follows:

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- b. *Nonresidential in-lieu fee schedule.* An in-lieu fee schedule which provides the in-lieu fees per square foot of nonresidential development and the type of nonresidential development is shown in Tables 30-639(e)(1)b. and 30-639(e)(1)c. Fees for nonresidential developments shall be calculated by multiplying the per square foot in-lieu fee amount for the appropriate type of land use by the actual square footage of the nonresidential development.

TABLE 30-639(e)(1)b. Amount of in-lieu fees to mitigate nonresidential development (per square foot)

Nonresidential Land Use	Per Square Foot In-Lieu Fee Amount
Governmental	\$12.23
Industrial	\$32.09
Institutional	\$34.64
Office	\$37.22
Retail	\$11.35
Tourist – Expansion or redevelopment of existing use	\$16.45
Tourist – New development	\$25.00

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- c. *Temporary nonresidential in-lieu fee schedule.* The following in-lieu fee schedule provides the temporarily reduced in-lieu fees per square foot of nonresidential development for the two years beginning on October 1, 2012, after which time the fees shall be as set forth in Table 30-639(e)(1)b. The temporary reduction is intended to provide economic relief to property owners and developers to help stimulate the local economy during the current nationwide economic downturn.

TABLE 30-639(e)(1)c. Temporary amount of in-lieu fees to mitigate nonresidential development (per square foot) for two years beginning on October 1, 2012

Nonresidential Land Use	Per Square Foot In-Lieu Fee Amount
<u>Governmental</u>	<u>\$6.12</u>
<u>Industrial</u>	<u>\$16.05</u>
<u>Institutional</u>	<u>\$17.32</u>
<u>Office</u>	<u>\$18.61</u>
<u>Retail</u>	<u>\$5.68</u>
<u>Tourist – Expansion or redevelopment of existing use</u>	<u>\$8.23</u>
<u>Tourist – New development</u>	<u>\$12.50</u>

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Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this

Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Repeal of Conflicting Provisions. The provisions of the Code and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Inclusion in the Code. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become a part of the Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Transmittal to the Florida Department of Economic Opportunity. The provisions of this Ordinance constitute a "land development regulation" as State law defines that term. Accordingly, the Village Clerk is authorized to forward a copy of this Ordinance to the Florida Department of Economic Opportunity for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 7. Effective Date. This Ordinance shall not be effective until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Ordinance herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this Ordinance shall not be effective until either sixty (60) days after its transmittal to the Florida Department of Economic Opportunity or until twenty-one (21) days following the publishing in the Florida Administrative Weekly of a final order approving the Ordinance by the Florida Department of Economic Opportunity, pursuant to Chapter 380.05, Florida Statutes; or if the final order is challenged, until the challenge to the order is resolved pursuant to Chapter 120, Florida Statutes.

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The foregoing Ordinance was offered by Councilman Achenberg, who moved for its adoption on first reading. This motion was seconded by Councilman Purdo, and upon being put to a vote, the vote was as follows:

Mayor Michael Reckwerdt ABSENT
Vice Mayor Ken Philipson YES
Councilman Don Achenberg YES
Councilman Ted Blackburn YES
Councilman Dave Purdo YES

PASSED on first reading this 24th day of May, 2012.

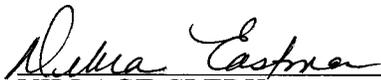
The foregoing Ordinance was offered by Vice Mayor Philipson, who moved for its adoption on second reading. This motion was seconded by Councilman Blackburn, and upon being put to a vote, the vote was as follows:

Mayor Michael Reckwerdt YES
Vice Mayor Ken Philipson YES
Councilman Don Achenberg YES
Councilman Ted Blackburn YES
Councilman Dave Purdo YES

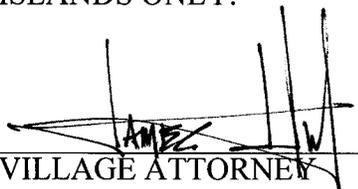
PASSED AND ADOPTED on second reading this 28th day of June, 2012.


KENTPHILIPSON, VICE MAYOR

ATTEST:


VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF ISLAMORADA, VILLAGE OF ISLANDS ONLY.


VILLAGE ATTORNEY

This Ordinance was filed in the Office of the Village Clerk on this 28 day of June, 2012.


Debra Eastman, Village Clerk