

APPENDIX 4
MODEL LINKAGE FEE ORDINANCE

AN ORDINANCE OF THE CITY/COUNTY OF _____, FLORIDA, TO ESTABLISH A LINKAGE FEE TO INCREASE THE SUPPLY OF AFFORDABLE HOUSING, PROVIDING FOR THE PURPOSE AND INTENT, PROVIDING DEFINITIONS, PROVIDING THE ESTABLISHMENT OF AN AFFORDABLE HOUSING LINKAGE FEE, PROVIDING FOR EXEMPTIONS, ESTABLISHING AN AFFORDABLE HOUSING TRUST FUND, PROVIDING FOR IMPLEMENTATION, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY/COUNTY OF _____

SECTION I. Creation

The Code of Ordinances of the City/County of _____ is hereby amended to adopt a linkage fee program to read as follows:

1. The City/County Commission of _____ has determined that the public health, safety and general welfare requires the implementation of an affordable housing program for the following purposes:
 - a. To implement the goals, policies and objectives of the _____ Comprehensive Plan,
 - b. To provide housing opportunities for lower income families in order to meet the existing and anticipated housing needs of such persons and to maintain a socio-economic mix in the community,
 - c. To satisfy the community's obligation to provide that a fair share of the community's housing production is affordable to lower income families,
 - d. To provide for a range of housing opportunities for those who work in _____ and who provide the community with essential services but cannot afford to live in the community,
 - e. To provide that developments which create additional affordable housing demand within _____ share in the responsibility to provide affordable housing.

SECTION II. Definitions

Affordable Housing. (A definition consistent with the definition in the local SHIP program may be appropriate)

Residential Construction. Enclosed building and floor areas used for living and habitation including screened porches, recreation rooms, guest houses, but excluding garages, carports, open balconies, screen pool enclosures, cabanas, attics and storage sheds.

Square Footage. Square footage shall be calculated in the same method as defined and utilized within the zoning code as calculated for floor area or floor area ratio.

Non-residential Construction. Enclosed building and floor areas used for non-residential purposes, but excluding parking decks or garages, carports or covered parking, attics, external mechanical or storage buildings.

SECTION III. Affordable Housing Fee Established

1. In order to implement an affordable housing program, an affordable housing fee is hereby established, to be paid at the time of the issuance of building permits, based on the following schedule:
 - a. For residential construction the fee shall be \$.50 per square foot of construction.
 - b. For non-residential construction, the fee shall be \$3.00 per square foot of construction.
2. The affordable housing fee shall be assessed for all new construction, building additions and on the renovation of existing

buildings and building space when the building permit value of the renovation or improvement exceeds fifty (50%) percent of the replacement cost of the building or building space at the time of the construction.

SECTION IV. Exemptions

1. The following buildings constructed within the City/County of _____ shall be exempt form the affordable housing fee:
 - a. Residential buildings constructed as part of the City’s affordable housing program.
 - b. Residential building projects which contain a set-aside of housing units(s) which qualify under the definition of affordable housing or residential units which are constructed such that they qualify as affordable housing, as defined herein.
 - c. Non-residential building construction that constitutes the exempt use of property for education, literary, scientific, religious, charitable or governmental use, as defined by Chapter 196, Florida Statutes, or that is used for such purposes by organizations which qualify for exemption from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
 - d. Nursing homes or assisted living facilities, but not including retirement homes.
2. Whenever questions arise as to the applicability of these exemptions, such interpretations may be requested from the City Commission by the City Manager or by the affected party.

SECTION V. Affordable Housing Linkage Fee Trust Fund

There is hereby established an Affordable Housing Linkage Fee Trust Fund. All fees collected under these ordinance provisions shall be deposited within this fund, and shall be expended only for those purposed budgeted and authorized by the City/County Commission.

SECTION VI. Affordable Housing Program Implementation

The City/County of _____ shall use the funds deposited within the Affordable Housing Linkage Fee Trust Fund for the following purposes:

(Put in eligible uses of funds or tie to an existing program)

SECTION VII. Reference in Building Code

Reference to the Affordable Housing Linkage Fee shall be included within the Building Code, Section____ Permits; schedule of permit fees.

SECTION VIII. Conflicts

All ordinances or portions of ordinances in conflict herewith shall be hereby repealed.

SECTION IX. Effective Date

This ordinance shall become effective on_____

ADOPTED at a meeting of the City/County Commission of _____, Florida _____ on this _____ day of _____ 2001.

Mayor/County Commission Chair

ATTEST:

City/County Clerk