

Exhibit A

Sec. 6.11. Exemptions, credits, and deferrals.

6.11.A. *Exemptions.* The following shall be exempted from payment of impact fees:

1. Alteration, expansion or replacement of an existing residential building where no additional dwelling units are created, where the use is not changed, and no additional vehicular trips will be produced over and above that produced by the existing use.
2. Alteration, remodeling or replacement of an existing nonresidential building or structure where the use is not changed and the square footage and/or parking is not increased.
3. The construction of accessory buildings or structures that do not create an additional impact on public capital facilities or produce additional vehicular trips over and above that produced by the principal building or use of the land.
4. Housing constructed that meets the definition of affordable housing.

a. Prior to the application for a building permit, builders of affordable housing for either very low, low, moderate or workforce income households may request that exemption from the payment of impact fees accordance with Chapter 163.31888, F.S.

Staff Note: Want to make sure that any type, or combination, of affordable housing is eligible.

b. Exemptions will be made to applicants who meet the criteria and shall be determined on a case-by-case basis by the County Administrator.

c. In order to receive an exemption of impact fees the sales prices of the homes cannot exceed 90 percent of median area purchase price as established by the United States Department of the Treasury in accordance with section 3(b)2 of the United States Housing Act of 1937. In addition, house size is correlated to household size, so that the home to be constructed does not exceed HUD income guidelines.

Staff Note: This section is derived from 6.11.C which is now shown as Struck through. It does not include the repayment language of 3 and 4.

An exemption must be claimed by the feepayer prior to the issuance of a building permit. Any exemption not so claimed shall be deemed waived by the feepayer.

~~6.11.C. *Deferral of impact fee payments for affordable housing.*~~

- ~~1. Prior to the application for a building permit, builders of affordable housing for very low, low, and moderate income households may request that payment of impact fees be deferred until the issuance of the certificate of occupancy or one year after the issuance of the building permit, whichever is earlier. This deferral is available only when the affordable housing occurs in development that has been issued a valid certificate of public facilities exemption under the article 5, Adequate Public Facilities.~~
- ~~2. Deferrals will be made to applicants who meet the criteria and shall be determined on a case-by-case basis by the County Administrator.~~

- ~~3. Prior to the application for a building permit, buyers of very low and low income housing may apply for a loan from the County for 100 percent of the impact fees assessed on very low and low income housing as that term is defined in the Martin County Comprehensive Plan. Repayment is due upon sale or transfer of the affected property, or at the end of 15 years, whichever occurs first, unless the County chooses to allow refinancing of the loan if the affected housing continues to meet the County's definition of very low or low income housing.~~
 - ~~4. Prior to the application for a building permit, buyers of moderate income housing may apply for a loan from the County for 50 percent of the impact fees assessed on moderate income housing as that term is defined in the Martin County Comprehensive Plan. The interest on the loan shall be equivalent to the County's longterm borrowing rate at the time of the loan. Repayment of the loan plus interest is due upon sale or transfer of the affected property, or at the end of ten years, whichever occurs first, unless the County chooses to allow refinancing of the loan if the affected housing continues to meet the County's definition of moderate income housing.~~
 - ~~5. In order to receive a deferral of impact fees the sales prices of the homes cannot exceed 90 percent of median area purchase price as established by the United States Department of the Treasury in accordance with section 3(b)2 of the United States Housing Act of 1937. In addition, house size is correlated to household size, so that the home to be constructed does not exceed HUD income guidelines.~~
- 6.11CD. *Deferral of impact fee payments for permit-ready industrial development.* For a permit-ready industrial development, impact fees shall be paid no later than at the time of building permit issuance for construction on each of the individual lots approved as part of the development. The impact fee due for each of the approved individual lots shall be based on the size and intensity of the actual development proposed for each lot and shall be determined according to the impact fee schedule in effect at the time of the payment.

Exhibit B

Sec. 6.44. Definitions.

Affordable housing shall have the same meaning as set forth in the Martin County Comprehensive Growth Management Plan.

Sec. 6.51. Exemption, credits, and ~~deferrals.~~ appeals.

Staff Note: Two choices: add Appeals here and leave the language of 6.51. This draft shows that. Other option is to create a new section that used the language from 6.13 but modified for schools.

Sec. 6.52. Appeals.

Any determination made by the Superintendent of Schools in reference to this division may be appealed to the School Board by filing an appeal with the Superintendent of Schools within 30 days of such decision. The Superintendent shall schedule the appeal for consideration by the School Board at the next available regular meeting of the Board. The School Board shall render a decision within 60 calendar days of the date of the regular meeting at which the appeal was considered unless good cause is shown and made part of the record, or provided that the appellant has not requested a postponement of the matter.

And renumber the next two.

6.51.A. *Exemption.*

1. Alteration, expansion or replacement of an existing residential building where no additional dwelling units are created and where the use is not changed shall be exempted from payment of the school impact fee. An exemption must be claimed by the feepayer at the time of the issuance of a building permit. Any exemption not so claimed shall be deemed waived by the feepayer.

2. Housing constructed that meets the definition of affordable housing.

- a. Prior to the application for a building permit, builders of affordable housing for either very low, low, moderate, or workforce income households may request that exemption from the payment of impact fees accordance with Chapter 163.31888, F.S.
- b. Exemptions will be made to applicants who meet the criteria and shall be determined on a case-by-case basis by the School Superintendent.
- c. In order to receive a exemption of impact fees the sales prices of the homes cannot exceed 90 percent of median area purchase price as established by the United States Department of the Treasury in accordance with section 3(b)2 of the United States Housing Act of 1937. In addition, house size is correlated to household size, so that the home to be constructed does not exceed HUD income guidelines.

6.51.C.—~~Deferral of impact fee payments for affordable housing.~~

1. ~~Builders of affordable housing for low and very low income households may request prior to the application for building permit that payment of impact fees be deferred until the issuance of the certificate of occupancy or one year after the issuance of the building permit, whichever is earlier.~~
2. ~~Definitions.~~

Affordable housing is defined in the Martin County Comprehensive Growth Management Plan as housing that requires 30 percent or less of a household's gross annual income for monthly housing costs.

Low income households are determined as households whose income is 51 percent to 80 percent of the median income limits established by the U.S. Department of Housing and Urban Development (HUD), adjusted for family size and as distributed yearly by the Florida Housing Finance Agency.

Very low income households are defined as households whose income is 50 percent or less of median income as determined by the income limits established by the U.S. Department of Housing and Urban Development (HUD), adjusted for family size and as distributed yearly by the Florida Housing Finance Agency.
3. ~~Deferrals will be made to applicants who meet the criteria and will be determined on a case-by-case basis by the superintendent or his/her designee.~~
4. ~~In order to receive a deferral of impact fees, the sales prices of the homes cannot exceed 90 percent of median area purchase price as established by the United States Department of the Treasury in accordance with section 3(b)2 of the United States Housing Act of 1937. In addition, house size is correlated to household size, so that the home to be constructed does not exceed HUD income guidelines.~~
5. ~~Appeals.~~ Any determination made by the Superintendent of Schools may be appealed to the School Board by filing notice of said appeal to the Superintendent of Schools within 30 days of such decision.