

## CITY COUNCIL AGENDA STATEMENT



**Meeting Date:** June 13, 2023

**To:** Honorable Mayor and Council Members

**Through:** George Garrett, City Manager

**Agenda Item:** **Resolution 2023-58**, Approving A Request To Waive Building Permit Fees For The Project Known As Coco Vista Pursuant To Chapter 6-23 (b) (2) c.; Building Fees / Fee Exemptions; And Providing For An Effective Date

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### **BACKGROUND**

Pursuant to Chapter 6-23 (b) (2) c. the developers of the Coco Vista affordable housing project (124 affordable housing units on Coco Plum) are requesting that building fees be waived for the project (See below for the Chapter citation).

The developers meet stipulated criteria under the Code as they have received funding for the project from Florida Housing Finance, as specified in subsection c. Further, the developers argue that this waiver will assist them in making up for expenses incurred and construction cost increases during the intervening time that the City has worked to resolve the 3<sup>rd</sup> District Courts opinion concerning the 1,300 Early Evacuation Units approved by the Governor and Cabinet sitting as the Administration Commission.

#### *Sec. 6-23. - Building fees.*

*(a) The City may adopt by resolution a schedule of building permit fees. Such resolution shall incorporate policies for fee waiver applications that have been authorized by ordinance of the City Council. There will be no waiver of building fees for any other applicants than those enumerated in the following subsections unless approved by the City Council. Waiver of fees does not constitute waiver of permit application, review and inspection by the City of Marathon.*

#### *(b) Fee exemptions.*

*(1) The following governmental entities are exempt from City of Marathon building permit fees only if the listed entity does not charge the City a fee (including an impact fee) for development, environmental, or similar permits, or for right-of-way use:*

- a. The State of Florida and its agencies;*
- b. The United States Government and its agencies;*
- c. Florida Keys Electric Co-operative;*
- d. Florida Keys Aqueduct Authority;*
- e. Marathon City Government and its agencies;*
- f. Monroe County Government and its agencies.*

*(2) The following entities are entitled to apply to the City Council for a waiver of building permit fees:*

- a. The City of Marathon Volunteer Fire Department;*
- b. Nonprofit organizations applying for construction of affordable or low income housing, as defined by Florida Statutes or the Land Development Regulations of City of Marathon, that hold current 501(c)(3) status from the IRS; and*

c. Any organization, entity or individual applying for construction of affordable or low income housing, as defined by Florida Statutes or the Land Development Regulations of City of Marathon, either (i) on property owned or leased from Monroe County, the City of Marathon or the Middle Keys Community Land Trust, or (ii) which is receiving financial assistance from the State Housing Trust, Monroe County, the City of Marathon or the Middle Keys Community Land Trust.

**CONSISTENCY CHECKLIST:**

	Yes	No
1. Comprehensive Plan	_____	<u>  X  </u>
2. Other – 2010 Sewer Mandate	_____	<u>  X  </u>

**FISCAL NOTE:**

N/A

**APPROVED BY FINANCE DIRECTOR:**

**RECOMMENDATION:**

Approval

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2023-58**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MARATHON, FLORIDA, APPROVING A REQUEST TO WAIVE  
BUILDING PERMIT FEES FOR THE PROJECT KNOWN AS COCO VISTA  
PURSUANT TO CHAPTER 6-23 (B) (2) C.; BUILDING FEES / FEE  
EXEMPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Marathon approved a 124-unit affordable housing project now known as Coco Vista (aka Seaview Commons I & II) (August 2020); and

**WHEREAS**, the approval of the project relied in part on the allocation of affordable housing development rights known as Early Evacuation Affordable Residential Units (September 2021); and

**WHEREAS**, the City Ordinance creating Early Evacuation Affordable Housing Units has been made valid through state legislative action during the 2022-23 Legislative Session; and

**WHEREAS**, delays resulting from a Florida 3<sup>rd</sup> District Court opinion on the matter have caused significant unforeseen expenses and project cost increases; and

**WHEREAS**, pursuant to Chapter 6-23 (b) (2) c. the developers of the Coco Vista affordable housing project (124 affordable housing units on Coco Plum) are requesting that building fees be waived for the project; and

**WHEREAS**, the developers argue that this waiver will assist them in making up for expenses incurred and construction cost increases during the intervening time that the City has worked to resolve the 3<sup>rd</sup> District Courts opinion concerning the 1,300 Early Evacuation Units approved by the Governor and Cabinet sitting as the Administration Commission; and

**WHEREAS**, the developers meet stipulated criteria under the Code as they have received funding for the project from Florida Housing Finance, as specified in subsection c.; and

**WHEREAS**, waiving building permit fees in this instance is in the best interest of the citizens of the City of Marathon and meets the test of what is best in the protection of the health, safety, and welfare of the citizens of the City,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF MARATHON, FLORIDA, THAT:**

**Section 1.** The foregoing recitals are true and correct and are hereby incorporated into this Agreement.

**Section 2.** All building permit fees for the project known as Coco Vista shall be waived.

**Section 3.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
MARATHON, FLORIDA, THIS 13TH DAY OF JUNE, 2023**

**THE CITY OF MARATHON, FLORIDA**

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Luis Gonzalez, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE  
CITY OF MARATHON, FLORIDA ONLY:**

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Steve Williams, City Attorney