

RESOLUTION NO. 375 -2012

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA APPROVING AN AMENDMENT TO THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING THE SUBMISSION OF THE AMENDED LOCAL HOUSING ASSISTANCE PLAN TO THE FLORIDA HOUSING FINANCE CORPORATION

Whereas, the State Housing Initiatives Partnership (SHIP) Act, ss. 420.907-420.9079, Florida Statutes (1992), and Rule Chapter 67-37, Florida Administrative Code, required local governments to develop a one to three-year local Housing Assistance Plan outlining how funds will be used; and

Whereas, the Monroe County Housing Authority has prepared a three-year Local Housing Assistance Plan which was approved by the Monroe County Board of County Commissioners; and

Whereas, the Florida legislature finds that affordable housing is most effectively provided by combining public and private resources, and the legislature intends that local governments achieve this combination of resources by encouraging active partnerships between government, lenders, builders and developers, real estate professionals, advocates for low-income persons and community groups to produce affordable housing; and whereas the legislature intends that this partnership concept be extended among counties and municipalities; and

Whereas, the Florida legislature intends that local governments achieve this combination of resources through the establishment of an affordable housing advisory committee to recommend monetary and non-monetary incentives for affordable housing (as provided in s.420.9076); and

Whereas, Monroe County participates in the State Housing Initiatives Partnership Program (SHIP) and is a recipient of funding for its affordable housing programs and activities; and

Whereas, recent rule changes in FAC 67-37.010, effective February 2008, mandate that all SHIP program participants comply with Florida Statute Section 420.9076(2) requiring the establishment of an affordable housing advisory committee; and

Whereas, Rule 67-37.010 states that the Monroe County LHAP be amended to include "local affordable housing incentive strategy recommendations" approved by the membership of the Affordable Housing Advisory Committee; and

Whereas, the Affordable Housing Advisory Committee reviewed established policies and procedures, ordinances, land development regulations, and the comprehensive plan for Monroe County and recommended specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. (FS 420.9076(4)); and

Whereas, the Affordable Housing Advisory Committee held a public hearing on October 10, 2012 and approved affordable housing incentives in the following areas:

1. The processing of approvals of development orders or permits as defined in s. 163.3164 for affordable housing projects is expedited to a greater degree than other projects;
2. The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing;
3. The allowance of flexibility in densities for affordable housing;
4. The reservation of infrastructure capacity for housing for very low income, low income and moderate income persons;
5. The allowance of affordable accessory residential units in residential zoning districts;
6. The reduction of parking and setback requirements for affordable housing;
7. The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing;
8. The modification of street requirements for affordable housing;
9. The establishment of a process by which a local government considers, before adoptions, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing;
10. The preparation of a printed inventory of locally owned public lands suitable for affordable housing;
11. The support of development near transportation hubs and major employment centers and mixed-use developments;
12. Inclusionary Housing;
13. Affordable Housing Incentive Programs;
14. Employee Housing and Commercial Apartment Definition and Permitted Uses;
15. Purchase and Lease Back Program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Adoption of Incentive Strategies

The Incentive Strategies portion of the Local Housing Assistance Plan is amended as shown on Exhibit A.

Section 2: Official Notification to FHFC.

A copy of the amended LHAP shall be given to the Monroe County Housing Authority and forwarded to the Florida Housing Finance Corporation.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 12th day of December, 2012.

| | |
|--|------------|
| Mayor <u>George Neugent</u> | <u>Yes</u> |
| Mayor Pro Tem, <u>Heather Carruthers</u> | <u>Yes</u> |
| Commissioner <u>Danny L. Kolhage</u> | <u>Yes</u> |
| Commissioner <u>David Rice</u> | <u>Yes</u> |
| Commissioner <u>Sylvia Murphy</u> | <u>Yes</u> |

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY George L. Neugent
Mayor George Neugent

(SEAL)

ATTEST: Amy Heavilin, CLERK

Janet Sumner
DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
[Signature]
Date: 11-18-2012

FILED FOR RECORD
2013 JAN 18 PM 12:52
CLERK OF COURT
MONROE COUNTY, FLORIDA

EXHIBIT A

LHAP INCENTIVE STRATEGIES Section 420.9071(16), Florida Statutes

A. Name of Strategy: Expedited Permitting

Established policy and procedures:

The Monroe County Comprehensive Plan and Land Development Regulations establish procedures for expediting the development of affordable housing projects. The County is allowed to issue 197 building permits annually and of these permits, the Count sets aside 71 permits for affordable housing. This includes the unused allotment of permits for affordable housing set aside units to be rolled over and accumulated each year without going through the ROGO (Rate of Growth Ordinance) process. Additionally, any development order or development permit for affordable housing shall receive priority in processing and review of applications and permits. (Section 9-2(b), Monroe County Code)

Responsible Agency: Monroe County Growth Management Division

B. Name of Strategy: Modification of Impact Fee Requirements

Established policy and procedures: The County shall continue to waive impact fees for all affordable housing, pursuant to Comprehensive Plan Policy 601.1.12 and LDC Chapter 12.

Monroe County 2012 Comprehensive Plan Policy 601.1.12: By January 4, 1997, Monroe County shall adopt Land Development Regulations which may include density bonuses, impact fee waiver programs, and other possible regulations to encourage affordable housing.

Monroe County Code Chapter 126 – Impact Fees, Section 126-4(h)(6), **Type of Development Not Affected:** *Affordable or employee housing units (as defined in section 101-1) for which a deferred payment of impact fees has been recorded in the chain of title.”*

Responsible Agency: The Building Department and Planning Departments are responsible for implementation.

C. Name of Strategy: Flexibility in Densities for Affordable Housing

Established policy and procedures:

Pursuant to Section 130-161(a)(1) Monroe County Code, the following density bonuses are allowed for affordable and employee housing: a Maximum Net Density of 25

dwelling units per buildable acre for land classified urban residential (UR); a Maximum Net Density of 18 dwelling units per buildable acre for land classified Mixed Use (MU); and a Maximum Net Density of 18 dwelling units per buildable acre for land classified suburban commercial (SC).

Responsible Agency: Monroe County Growth Management Division

- 2) The County shall continue to allow the construction of affordable housing units on commercial sites without deducting from the commercial floor area allowed or residential density allowed. [LDC Sec. 130-161(a) (5)]

Responsible Agency: Monroe County Growth Management Division

D. Name of Strategy: Reservation of Infrastructure Capacity for Affordable Housing

Established policy and procedure: Monroe County prepares an annual Public Facilities Capacity Report. This Report indicates that there is sufficient infrastructure capacity to accommodate the needs county residents.

Responsible Agency: Monroe County Growth Management Division

E. Name of Strategy: Allowance of Affordable Accessory Residential Units in Residential Zoning Districts

Established policy and procedure: On developed parcels other than IS/URM lots, accessory residential units may be allowed in Monroe County, provided that the second residential unit is consistent with existing density and Rate of Growth Ordinance (ROGO) requirements specified within the Monroe County Code and the Monroe County Comprehensive Plan.

On IS/URM lots and parcels other than IS/URM lots where maximum net density has been achieved, accessory residential guest houses may be allowed in Monroe County, provided that the guest house serves as a housekeeping establishment of the principal residence, is consistent with the definition of accessory use/structure in the Monroe County Code, and is consistent with the Monroe County Planning and Environmental Resources Department Administrative Direction No: 01-104 dated February 3, 2004 and the memorandum of understanding between the County and State concerning such development.

Responsible Agency: Monroe County Growth Management Division

F. Name of Strategy: Reduction of parking and setback requirements for affordable housing

Established policy and procedure: Currently, variances are available where the requisite criteria can be met.

Responsible Agency: The Planning and Environmental Resources Department is responsible for this on a case by case basis.

G. Name of Strategy: Allowance of Flexible Lot Configurations

Established policy and procedure: Monroe County allows flexible lot configurations to the extent setback and buffers are met. Within a development, zero lot line configurations are allowed. Variances are available where the requisite criteria can be met.

Responsible Agency: The Planning and Environmental Resources Department is responsible for this on a case by case basis.

H. Name of Strategy: Modification of Street Requirements

Established policy and procedure: Monroe County allows internal street configurations that meet life-safety criteria.

Responsible Agency: The Planning and Environmental Resources Department is responsible for this on a case by case basis.

I. Name of Strategy: Cost of Housing

Established policy and procedures:

1. All ordinances, policies, resolutions, regulations, and comprehensive plan provisions (regulations) that may affect the cost of housing including those regarding infrastructure, permitting, impact fees, or development process and approvals shall be reviewed by the growth management director, the planning director, the building official and the finance or budget director. The assessment shall evaluate whether the new regulation does, in fact, affect the cost of housing including affordable housing. Such evaluation shall be addressed in the staff report to the board of county commissioners. (Section 9-3, Monroe County Code)

Responsible Agency: Monroe County Growth Management Division

2. The county allows applicants to apply to the Board of County Commissioners to waive permit application fees for affordable housing.

Responsible Agency: The Planning and Environmental_Resources Department and Building Department are responsible for the administration of the respective fee waivers.

J. Name of Strategy: Provide an Inventory of County Owned Property Suitable for Affordable Housing

Established policy and procedures: Pursuant to a Section 125.379, Florida Statutes, the County has prepared and will continue to provide an inventory of possible sites suitable for affordable housing. (Comprehensive Plan Policy 601.1.6)

Responsible Agency: The Clerk of Court has the list of properties approved by the Board of County Commissioners in Resolution 299-2007.

K. Name of Strategy: Support development near transportation hubs and major employment centers and mixed use developments

Established policy and procedures: Livable CommuniKeys Plans (LCP) have been approved for Key Largo, Tavernier, Big Pine Key and No Name Key, and Stock Island. An LCP is nearing completion for the Lower Keys. These LCPs identify activity centers that encourage the development of affordable housing near identified mixed use and employment centers.

Responsible Agency: Monroe County Growth Management Division

L. Name of Strategy: Inclusionary Housing

Established policy and procedure:

Section 130-161(b)(2), Monroe County Code:

a. Residential developments, other than mobile home or mobile home spaces covered by subsection (b)(2)b. of this section, that result in the development or redevelopment of three or more dwelling units on a parcel or contiguous parcels shall be required to develop or redevelop at least 30 percent of the residential units as affordable housing units. Residential development or redevelopment of three units on a parcel or contiguous parcels shall require that one developed or redeveloped unit be an affordable housing unit. For the purpose of this section, and notwithstanding subsection (b)(2)b. of this section, any dwelling unit exceeding the number of lawfully established dwelling units on site, which are created by either a TRE or ROGO allocation award, shall be considered developed units.

b. The removal and replacement with other types of dwelling units of ten or more mobile homes that are located on a parcel or contiguous parcels and/or the conversion of mobile home spaces located on a parcel or contiguous parcels into a use other than mobile homes shall be required to include in the development or redevelopment a number of affordable housing units equal to at least 30 percent of the number of existing units being removed and replaced or converted from mobile home use or, in the event the new use is nonresidential, to develop affordable housing units at least equal in number to 30 percent of the number of mobile homes or mobile home spaces being converted to other than mobile home use. Removal and replacement or conversion to a different use of ten mobile homes or mobile home spaces on a parcel or contiguous parcels shall require that three units be replaced or converted to deed-restricted affordable housing.

c. In calculating the number of affordable housing units required for a particular project, or phase of a project, all dwelling units proposed for development or redevelopment or mobile homes or mobile home spaces to be converted from mobile home use since the effective date of the ordinance from which this section is derived shall be counted. In phased projects, the affordable housing requirements shall be proportionally allocated among the phases. If a subsequent development or redevelopment is proposed following a prior development approved on the same property as it existed as of the effective date of the ordinance from which this section is derived, which prior development did not meet the compliance thresholds set forth in subsection (b)(2)a. or (b)(2)b. of this section, the requirements of subsection (b)(2)a. or (b)(2)b. of this section shall be met as part of the subsequent development for all units proposed for development or redevelopment after the effective date of the ordinance from which this section is derived.

Responsible Agency: Monroe County Growth Management Division

M. Name of Strategy: Affordable Housing Incentive Programs

Established policy and procedure:

1. Section 130-161.1 Monroe County Code establishes incentives for affordable housing development by allowing the transfer of market rate ROGO exemptions within the ROGO subarea from mobile home parks that deed restricts the existing mobile home site to affordable units for 99 years.
2. Consider amending the Land Development Code to allow incentives for a market rate unit to obtain an affordable ROGO allocation and move the market rate unit to another site through a Transfer of ROGO Exemption (TRE) if the existing site will be deed restricted for 99 years as affordable.

Responsible Agency: Monroe County Growth Management Division

N. Name of Strategy: Employee Housing and Commercial Apartment Definition and Permitted Uses

Established policy and procedure:

The definition and permitted uses section of the Monroe County Code needs to be amended to encourage employee housing within existing commercial centers and zoning districts that allow either employee or commercial apartments. The goal is to not to require employees to work on the site where employee housing is located; employees should work within the subarea where the employee housing is located.

Responsible Agency: Monroe County Growth Management Division

O. Purchase and Lease Back Program

Established policy and procedure: The County has a purchase and lease-back program for affordable housing.

Responsible Agencies: Monroe County Land Development Authority; Monroe County Housing Authority