

Resolution No. 02-2015

A RESOLUTION OF THE MONROE COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE RECOMMENDING TO THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, 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.

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 on April 17, 2013, memorialized by Resolution No. 128-2013; 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 (SHIP) and is a recipient of funding for its affordable housing programs and activities; and

WHEREAS, Rule 67-37.010, effective February 2008, mandates 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 has 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, as required by F.S. 420.9076(4); and

WHEREAS, the Affordable Housing Advisory Committee held a public meeting on November 20, 2015, to review and provide recommendations to the BOCC on the following affordable housing incentives:

- (a) 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.
- (b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- (c) The allowance of flexibility in densities for affordable housing.
- (d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.
- (e) The allowance of affordable accessory residential units in residential zoning districts.
- (f) The reduction of parking and setback requirements for affordable housing.
- (g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h) The modification of street requirements for affordable housing.
- (i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (k) The support of development near transportation hubs and major employment centers and mixed-use developments.
- (l) Inclusionary Housing.
- (m) Mobile Home Park Incentive Program;
- (n) Employee Housing, Commercial Apartments, and Workforce Housing as Permitted Uses; and
- (o) Purchase and Lease Back Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MONROE COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE:

Section 1. The Monroe County Affordable Housing Advisory Committee recommendation the BOCC adopt the Incentive Strategies portion of the Local Housing Assistance Plan as shown on Exhibit A.

PASSED AND ADOPTED by the Monroe County Affordable Housing Advisory Committee at a meeting held on the 20th day of November, 2015.

- YES Jim Cameron
- YES Capt. Ed Davidson
- YES Hana Eskra
- YES Bill Hunter
- ABSENT Warren Leamard
- YES Ken Naylor
- ABSENT Heather Roberts
- ABSENT Tim Root
- YES Jim Saunders
- YES Stephanie Scuderi
- YES Ed Swift III
- YES Randy Wall
- YES Jodi Weinhofer
- YES William Wiatt

Exhibit A to AHAC Resolution 02-2015

AFFORDABLE HOUSING ADVISORY COMMITTEE
2015 EVALUATION AND RECOMMENDATIONS
ON LHAP INCENTIVE STRATEGIES

INCENTIVE STRATEGIES REQUIRED FOR CONSIDERATION (A-K):

A. Name of Strategy: Expedited Permitting

Established policy and procedures:

The Monroe County Year 2010 Comprehensive Plan and Land Development Code 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 County sets aside 71 permits for affordable housing. Any unused allotment of permits for affordable housing is rolled over and accumulated in subsequent years. Note, the BOCC transmitted a Comprehensive Plan amendment to make all affordable housing allocations available immediately (no longer need to distribute 71 allocations per year) to expedite the use/availability of affordable allocations. Adoption is anticipated in early 2016.

Affordable housing permit applications are not required to go through the competitive ROGO (Rate of Growth Ordinance) process. Additionally, any development order or development permit for affordable housing receives priority in processing and review of applications and permits, per Section 9-2(b) of the Monroe County Code.

Responsible Agency: Monroe County Building Department and Planning & Environmental Resources Department

B. Name of Strategy: Modification of Impact Fee Requirements

Established policy and procedure:

The County waives impact fees for all affordable housing permits, pursuant to Comprehensive Plan Policy 601.1.12, Section 130-161(a)(4) and Chapter 126 of the Land Development Code.

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. ... (6) 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.*

Monroe County Code Section 130-161 Affordable and employee housing; administration:

130-161(a)(4) *The requirements of this chapter for the provision of impact fees shall be waived for affordable and employee housing and any market rate housing developed in accordance with subsection (a)(8) of this section.*

Responsible Agency: Monroe County Building Department and Planning & Environmental Resources Department

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

Established policy and procedures:

1) Pursuant to Sections 130-157 and 130-161(a)(1) of the Land Development 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 within an Urban Residential (UR) land use district; a Maximum Net Density of 18 dwelling units per buildable acre for land within a Mixed Use (MU) land use district; a Maximum Net Density of 18 dwelling units per buildable acre for land within a Suburban Commercial (SC) land use district; and a Maximum Net Density of 12 dwelling units per buildable acre for land within an Urban Commercial (UC) land use district.

Responsible Agency: Monroe County Planning & Environmental Resources Department

Recommendation:

The Monroe County Affordable Housing Advisory Committee will be reviewing density bonuses as part of its tasks assigned by the BOCC.

SEE AHAC TASK # 6. Develop strategies for increasing density to encourage workforce housing development, such as micro housing and dormitories

2) Pursuant to Section 130-161(a)(5), the County allows the construction of affordable housing units on commercial sites without deducting from the commercial floor area allowed (*when calculating density, any existing lawfully established or proposed affordable or employee housing on a parcel and the floor area thereof shall be excluded from the calculation of the total gross nonresidential floor area*).

Responsible Agency: Monroe County Planning & Environmental Resources Department

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 of County residents.

Responsible Agency: Monroe County Planning & Environmental Resources Department

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

Established policy and procedure:

Additions and accessory bedrooms may be permitted on developed parcels as an accessory use/structure. The accessory use/structure must be consistent with existing density and Rate of Growth Ordinance (ROGO) requirements specified within the Land Development Code and the Monroe County Comprehensive Plan. Accessory uses/structures do not include second dwelling units or any other potentially habitable structures that are occupied by a separate and independent resident.

Responsible Agency: Monroe County Planning & Environmental Resources Department

Recommendation:

The Monroe County Affordable Housing Advisory Committee will review density and affordable workforce accessory dwelling units as part of its tasks assigned by the BOCC.

SEE AHAC TASK # 6. Develop strategies for increasing density to encourage workforce housing development, such as micro housing and dormitories.

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

Established policy and procedure:

Pursuant to Sections 102-186 and 102-187, off-street parking requirements may be granted variances if the requisite criteria can be met.

Pursuant to Section 130-189, any required off-street parking spaces may be located on an accessory driveway within the front yard setback on a parcel developed exclusively with a residential use, provided it does not occupy more than 60 percent of the required front yard setback area and any vehicle utilizing such an off-street parking space shall be properly licensed and operable.

Responsible Agency: Monroe County Planning & Environmental Resources Department

Recommendation:

The Monroe County Affordable Housing Advisory Committee will be reviewing setback and variance requirements for affordable workforce housing as part of its tasks assigned by the BOCC.

SEE AHAC TASK # 5. Develop incentives for development of workforce housing on Tier III properties.

G. Name of Strategy: Allowance of Flexible Lot Configurations

Established policy and procedure:

Monroe County allows flexible lot configurations to the extent setback and bufferyard requirements are met. Pursuant to Sections 102-186 and 102-187, variances to setback and bufferyard requirements may be granted if the requisite criteria can be met.

Responsible Agency: Monroe County Planning & Environmental Resources Department

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: Monroe County Planning & Environmental Resources Department & Engineering Department

I. Name of Strategy: Process to Consider Policies/Regulations Affecting the Cost of Housing

Established policy and procedures:

1. Section 9-3 of the Monroe County Code states: *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.*

Responsible Agency: Monroe County Assistant County Administrator, Monroe County Planning & Environmental Resources and Monroe County Building Department

2. The County allows applicants to apply to the Board of County Commissioners to waive building permit application fees for affordable housing (Section 6-108(e), Monroe County Code).

Responsible Agency: Monroe County Building Department

3. The adopted Fee Resolution for the Planning & Environmental Resources Department provides that there shall be no application or other fees, except advertising and noticing fees, for affordable housing projects, except that all applicable fees shall be charged for applications for all development approvals required for any development under Sec. 130-161.1 (Transfer of ROGO Exemptions from Mobile Home Parks) and for applications for variances to setback, landscaping and/or off-street parking regulations associated with an affordable housing development.

Responsible Agency: The Monroe County Planning and Environmental Resources Department and Monroe County Building Department

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

Established policy and procedures:

Pursuant to 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)

On November 20, 2015, the Monroe County Affordable Housing Advisory Committee reviewed and recommended an inventory to the BOCC. The BOCC will be reviewing the updated inventory of County owned sites which may be appropriate for use as affordable housing.

Responsible Agency: The Clerk of Court has the list of properties approved by the Board of County Commissioners in Resolution 299-2007. Monroe County Planning & Environmental Resources Department

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

Established policy and procedures:

1) Pursuant to Sections 130-157 and 130-161(a)(1) of the Land Development Code, the following density bonuses are allowed for affordable and employee housing within zoning districts that allow commercial and mixed use development: a Maximum Net Density of 18 dwelling units per buildable acre for land within a Mixed Use (MU) land use district; a Maximum Net Density of 18 dwelling units per buildable acre for land within a Suburban Commercial (SC) land use district; and a Maximum Net Density of 12 dwelling units per buildable acre for land within an Urban Commercial (UC) land use district.

Responsible Agency: Monroe County Planning & Environmental Resources Department

2) Livable CommuniKeys Plans (LCP) have been adopted by the Board of County Commissioners for Key Largo, Tavernier, Big Pine Key and No Name Key, Stock Island, and the Lower Keys. These LCPs identify activity centers that encourage the development of affordable housing near identified mixed use and employment centers. Proposed amendments to the Land Development Code also incorporate these areas as community center zoning overlay districts.

Responsible Agency: Monroe County Planning & Environmental Resources Department

3) Policy 601.1.8 of the Monroe County Comprehensive Plan states:

If Monroe County funding, or if County-donated land is to be used for any affordable housing project, alternative sites shall be assessed according to the following guidelines:

* * *

4. *Proximity to employment and retail centers. Sites within five miles of employment and retail centers shall be preferred. [9]-5.010(3)(c)(5)]*

Responsible Agency: Monroe County Planning & Environmental Resources Department

OTHER COUNTY INCENTIVE STRATEGIES TO ENCOURAGE OR FACILITATE AFFORDABLE HOUSING (L-O):

L. Name of Strategy: Inclusionary Housing

Established policy and procedure:

Per Section 130-161(b)(2) of the Land Development 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 Planning & Environmental Resources Department

Recommendation:

Monroe County shall maintain land development regulations on inclusionary housing and shall evaluate expanding the inclusionary housing requirements to include or address nonresidential and transient development and redevelopment based on specific data and analysis.

SEE AHAC TASK # 10. Develop strategies to assist in developing inclusionary housing requirements for hospitality and commercial sector to build workforce housing

M. Name of Strategy: Mobile Home Park Incentive Program

Established policy and procedure:

Section 130-161.1 of the Land Development Code establishes incentives for affordable housing development by allowing the transfer of market rate ROGO exemptions within the ROGO subarea from mobile home parks in exchange for maintaining an equal or greater number of deed-restricted affordable dwelling units within Monroe County.

Recommendation:

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 Planning & Environmental Resources Department

N. Name of Strategy: Employee Housing, Commercial Apartments, and Workforce Housing as Permitted Uses

Established policy and procedure:

The Monroe County Land Development Code currently permits “Employee Housing” and/or “Commercial Apartments” in several Land Use (Zoning) Districts where residential units are not otherwise permitted. Per Section 101-1 of the code:

Employee housing means an attached or detached dwelling unit that is intended to serve as affordable, permanent housing for working households, which derive at least 70 percent of their household income from gainful employment in the county and meet the requirements for affordable housing as defined in this section and as per section 130-161.

Commercial apartment means an attached or detached residential dwelling unit located on the same parcel of land as a nonresidential use that is intended to serve as permanent housing for the owner or employees of that nonresidential use. The term does not include a tourist housing use or vacation rental use.

Responsible Agency: Monroe County Planning & Environmental Resources Department

Recommendation:

The definition and permitted uses sections of the Monroe County Code should be amended to incorporate the AHAC’s proposed definitions of “Workforce” and “Workforce Housing” and include Workforce Housing as a permitted use in all zoning districts that currently permit either Commercial Apartments or Employee Housing. The goal is to encourage Workforce Housing within existing commercial centers and zoning districts, but to not require Workforce Housing residents to work on the site where the housing is located.

AHAC proposed definitions:

Workforce means individuals or families who are gainfully employed supplying goods and/or services to Monroe County residents or visitors.

Workforce Housing means dwelling units for those who derive at least 70% of their income as members of the Workforce in Monroe County and who meet the affordable housing income categories of the Monroe County Code.

SEE AHAC TASKS # 1-2.

1. Propose a definition for “Workforce” and the need within and where (geographically in unincorporated Monroe County) for providing housing for various income levels (very low, low, median and moderate).
2. Evaluate and define the workforce housing need in unincorporated Monroe County.

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

Recommendation:

Identify and prioritize Tier III lands to purchase and lease back for the development of rental workforce housing.

SEE AHAC TASKS # 4-5.

4. Develop solutions for rental housing;
5. Develop incentives for development of workforce housing on Tier III properties;