MONROE COUNTY, FLORIDA
AFFORDABLE HOUSING ADVISORY COMMITTEE
RESOLUTION NO. 01- 2023

A RESOLUTION BY THE AFFORDABLE HOUSING ADVISORY COMMITTEE RECOMMENDING TO 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.

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, Monroe County Social Services administers the County's State Housing Initiatives Partnership (SHIP) program as approved by the Monroe County Board of County Commissioners on January 17, 2018, memorialized by Resolution No. 003A-2018; and

WHEREAS, the Monroe County Board of County Commissioners approved the current 2023, 2024, 2025 Local Housing Assistance Plan (LHAP) on July 20, 2022, memorialized by Resolution No. 205-2022; and

WHEREAS, the LHAP is in effect until June 30, 2025; 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 F.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, 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 hearing on December 22, 2023 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 Section 163.3164, F.S., 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, low income 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 adoptions, 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
0. Purchase and Lease Back Program.

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

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

PASSED AND ADOPTED by the Monroe County Affordable Housing Advisory Committee at a meeting held on the 22nd of December, 2023.

Mayor Pro Tem Craig Cates	YES
Paul Caceres	YES
Pam Caputo	ABSENT
Catherine Felton	YES
Kurt Lewin	ABSENT
Doug Mader	ABSENT
Tim Root	ABSENT
Chris Todd Young	YES
Joe Scarpelli	YES
Joe Walsh	YES

III. LHAP Incentive Strategies

In addition to the required Incentive Strategy A and Strategy B, include all adopted incentives with the policies and procedures used for implementation as provided in Section 420.9076, F.S.:

A. Name of the Strategy: Expedited Permitting

Permits as defined in s. 163.3177 (6) (f) (3) for affordable housing projects are expedited to a greater degree than other projects.

Established policy and procedures: The Monroe County Year 2030 Comprehensive Plan and Land Development Code and Code of Ordinances establish procedures for expediting the development of affordable housing projects.

Provide a description of the procedures used to implement this strategy: 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 the Strategy: Ongoing Review Process

An ongoing process for review of local policies, ordinances, regulations and plan provisions that increase the cost of housing prior to their adoption.

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 Planning & Environmental Resources and Monroe County Building Department

Updates shown in red underline.

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. 139-2(b) (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

Other Incentive Strategies Adopted:

C. 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 139-1(b)(4) and Chapter 126 of the Land Development Code.

Monroe County Comprehensive Plan Policy 601.1.12: Monroe County shall annually monitor the eligibility of the occupants of housing units which have received special benefits, including but not limited to those issued under the affordable housing provisions specified in the Land Development Code or those issued through the Permit Allocation System. If occupants no longer meet the eligibility criteria specified in the Plan and in the Land Development Code, and their eligibility period has not expired, then Monroe County may take any one or a combination of the following actions:

1. require the payment of impact fees, if they were waived;
2. proceed with remedial actions through the Department of Code Compliance, as a violation of the Monroe County Code;
3. take civil court action as authorized by statute, common law, or via agreement between an applicant and the County; and/or
4. require the sale or rental of the unit(s) to eligible occupants.

Monroe County Code Chapter 126 – Impact Fees, Section 126-4(h)(6): Type of Development Not Affected. … (6) Affordable or employee housing units (as

Updates shown in red underline.

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 139-1 Affordable and employee housing; administration: 139-1(b)(4) The requirements of this Land Development Code for the provision of impact fees shall be waived for affordable and employee housing and any market rate housing developed in accordance with subsection (b)(8) of this section.

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

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

Established policy and procedures:

1) Pursuant to Sections 130-157 and 139-1(b)(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

2) Pursuant to Section 139-1(b)(2) of the Land Development Code, the maximum net residential density allowed per district and by this section shall not require Transferable Development Rights (TDR) for affordable and employee housing and market rate housing developed in accordance with subsection (b)(8) of this section. This allows a higher density for affordable and employee housing without the transfer and retirement of additional density.

3) Pursuant to Section 139-1(b)(5), the County allows the construction of affordable housing units on nonresidential sites, including hotel/motel density development, 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). Providing a 'density bonus' for the development of affordable or employee housing on the site with the nonresidential use.

Updates shown in red underline.

Responsible Agency: Monroe County Planning & Environmental Resources Department

E. 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

F. 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, guest houses, lock-outs or any other potentially habitable structures that are occupied by a separate and independent resident/household.

Responsible Agency: Monroe County Planning & Environmental Resources Department

G. 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 131-3(c), 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

H. Name of Strategy: Allowance of Flexible Lot Configurations

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

Pursuant to Sections 110-110 and 110-111 of the Land Development Code, there is a process to request a lot line adjustment for lots in a duly recorded lot as shown on a plat approved by the County. The resulting lots configured in the lot line adjustment process must meet the minimum requirements for a building site pursuant to the Land Development Code and Comprehensive Plan. All resulting lots will conform to the site development standards of the applicable zoning district.

Responsible Agency: Monroe County Planning & Environmental Resources Department

I. 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

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 601.1.3)

On April 21, 2021, the Monroe County BOCC reviewed the updated inventory of County owned sites which may be appropriate for use as affordable housing. The inventory includes two developed parcels and two vacant parcels. The two developed parcels were also included in the 2015 approved inventory. The two vacant parcels were deeded to Habitat for Humanity in June 2022 for the development of affordable housing.

Responsible Agency: The Clerk of Court has the list of properties approved by the Board of County Commissioners in Resolution 167-2021. Monroe County Planning & Environmental Resources Department.

Updates shown in red underline.

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 130-139(b)(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 601.1.5 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:

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

   Responsible Agency: Monroe County Planning & Environmental Resources Department

4) Pursuant to Section 114-15 of the Land Development Code, nonresidential and multi-family uses generating over two thousand (2,000) trips per day

shall be developed to encourage mass transit, by including features such as: transit facilities, including covered bus shelters, pedestrian/bicycle paths, bicycle racks, carpool facilities, adequate turning radii for large vehicles, and pedestrian access to adjacent nonresidential and multi-family uses.

Responsible Agency: Monroe County Planning & Environmental Resources Department

L. Name of Strategy: Inclusionary Housing

Residential
Established policy and procedure: Per Section 139-1(e)(2) of the Land Development Code:

a. Residential developments, other than mobile home or mobile home spaces covered by subsection (e)(2)b. of this section, that result in the development or redevelopment of three (3) 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 (3) units on a parcel or contiguous parcels shall require that one (1) developed or redeveloped unit be an affordable housing unit. For the purpose of this section, and notwithstanding subsection (e)(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 (10) 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 (10) mobile homes or mobile home spaces on a parcel or contiguous parcels shall require that three (3) 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 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 (ORD 030-2003, 017-2006, 011-2008 and 006-2016) from which this section is derived, which prior development did not meet the compliance thresholds set forth in subsection (e)(2)a. or (d)(2)b. of this section, the requirements of subsection (e)(2)a. or (e)(2)b. of this section shall be met as part of the subsequent development for all units proposed for development or redevelopment.

Nonresidential and Transient
Ordinance 001-2021 was adopted by the Monroe County BOCC on February 17, 2021 which created an inclusionary housing requirement to address **nonresidential and transient development** to ensure that affordable housing is provided to the local workforce by employee generating development proportionate with the need for affordable workforce housing it creates.

The established policy and procedure is set forth in Section 139-1(f) of the Land Development Code. The intent of the section is to ensure that there is an affordable supply of housing for the local workforce. This will be accomplished by requiring workforce housing be provided for all new development and redevelopment in an amount proportionate to the need for affordable workforce housing that the nonresidential and transient use development or redevelopment creates. The intent of this subsection is to permit nonresidential and transient use owners to continue to establish uses consistent with the current building and safety standards and to ensure that as development and redevelopment occurs, comprehensive plan policies regarding affordable housing are implemented.

The technical support and analysis upon which the nonresidential inclusionary housing requirements are established are based upon the '*Affordable Workforce Housing Support Study for Non-Residential Development*,' prepared by Clarion Associates, LLC, prepared in June 2017.

Responsible Agency: Monroe County Planning & Environmental Resources Department

Recommendation: Monroe County shall maintain land development regulations on inclusionary housing.

Updates shown in red underline.

M. Name of Strategy: Mobile Home Park Incentive Program

Established policy and procedure: Section 139-2(b) 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.

This program provides an eligible sender site owner the opportunity to transfer market rate ROGO exemptions currently associated with existing and lawfully established dwelling units from eligible sender sites to receiver site(s) within Monroe County, provided that it involves the pooling of affordable dwelling unit rights for redevelopment at donated, purchased or otherwise appropriately deed-restricted sites, and transfer of ROGO exemptions or allocations for the purpose of implementing and facilitating one or more affordable housing projects.

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.

Ordinance 001-2021 was adopted by the Monroe County BOCC on February 17, 2021 which created a definition for "workforce" and "workforce housing" as a part of a larger ordinance to create an inclusionary housing requirement to address nonresidential and transient development. The new Workforce housing use is interchangeable with the terms detached or attached dwellings, employee housing or commercial apartments included in the land use districts and shall be a permitted use in all land use districts where detached dwelling, attached dwellings, employee housing or commercial apartments are included as a current permitted use. The adopted definitions are consistent with the recommendation from the AHAC specified in Resolution 01-2016.

Established definitions in LDC Section 101-1:
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. Workforce housing shall be interchangeable with the terms detached or attached dwellings, employee housing or commercial apartments included in the land use districts and shall be a permitted use in all land use districts where detached dwelling, attached dwellings, employee housing or commercial apartments are included as a current permitted use. An applicant choosing to develop workforce housing is subject to the requirements of Chapter 139 and all other requirements included in the land development code, including but not limited to, density, parking, bufferyards, access, etc.

Responsible Agency: Monroe County Planning & Environmental Resources Department

O. Name of Strategy: Purchase and Lease Back Program

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

Additionally, the County has actively participated in the federal and state grant opportunities made available after Hurricane Irma to acquire and redevelop mobile parks as workforce housing. The County has applied for a Community Development Block Grant - Disaster Recovery (CDBG-DR) grant to fund the property's purchase price and development costs.

Responsible Agencies: Monroe County Land Development Authority; Monroe County Housing Authority and Monroe County Attorney's Office.