

Indian River County

Affordable Housing Advisory Committee

**2008 Incentives Review and Recommendation
Report**

Community Development Department
Indian River County
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Approved by the Affordable Housing Advisory Committee at a Public Hearing on
November 19, 2008

Approved by the Board of County Commissioners
December 9, 2008

Resolution No. 2008 – 198

INTRODUCTION

With passage of HB 1375 in 2007, local governments were required to establish an Affordable Housing Advisory Committee (AHAC) by June 1, 2008. In Indian River County, the Board of County Commissioners created an Affordable Housing Advisory Committee on March 18, 2008. According to HB 1375, each AHAC must review the local government's established policies and procedures, ordinances, land development regulations and comprehensive plan and must recommend specific actions or initiatives to encourage or facilitate affordable housing, while protecting the ability of property to appreciate in value. The first AHAC report is due to the Board of County Commissioners by December 31, 2008.

By May 2, 2009, the county must submit an electronic version of the report to the Florida Housing Finance Corporation (FHFC). This submittal must occur in conjunction with the transmittal of the County's next Local Housing Assistance Program update to the FHFC. That update is due to the FHFC by May 2009. After the initial submission, reports are required to be submitted triennially on December 31 of the year preceding the submission of the Local Housing Assistance Plan (LHAP) update.

Section 420.9076 (4) F.S. requires that, at a minimum, each advisory committee shall submit a report to the local governing body that includes recommendations on affordable housing incentives in the following areas:

- A. The processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), 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 configuration, 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.

BACKGROUND

In February, 1990, the Indian River County Board of County Commissioners adopted the Indian River County Comprehensive Plan. In the Housing Element of that plan, Policy 1.3 stated:

“An advisory committee shall be appointed by the Board of County Commissioners to provide additional guidance on county housing policies. Comprised of representatives of the housing industry, financial institutions, Housing Authority, and citizens, the committee shall be advisory and terminated upon acceptance of its final report. This committee shall submit a final report to the Board of County Commissioners by 1993...”

Consistent with Housing Policy 1.3, the Board of County Commissioners, on March 5, 1991, created a fifteen (15) member Indian River County Affordable Housing Advisory Committee (Resolution No. 91-29). That committee was comprised of representatives of the housing industry, financial institutions, and the Housing Authority, as well as citizens.

In April 1993, the Affordable Housing Advisory Committee voted to adopt and transmit the Committee’s Final Report to the Board of County Commissioners for its review and consideration. That final report was submitted to the Board of County Commissioners on May 25, 1993, and the original AHAC was then dissolved.

In 1992, the Florida Legislature established the State Housing Initiatives Partnership (SHIP) program. The purpose of the SHIP program is to provide funds to local governments for the provision of affordable housing for qualifying households. In order to receive SHIP funds, the county was required to satisfy several requirements, including the creation of a Local Affordable Housing Advisory Committee to conduct a review of the county’s regulations and to develop a Local Housing Incentive Plan.

To obtain SHIP funds, the Board of County Commissioners adopted the Indian River County Local Housing Assistance Program (Ordinance #93-13) in April 1993. Consistent with the requirements of Section 420.9076, F.S. and Section 308.07 of the County Code, the Board of County Commissioners created the county’s second Affordable Housing Advisory Committee (AHAC) in 1993. The function of that committee was to review the County’s Local Housing Assistance Plan and develop local housing incentive strategies. Once established, that committee worked with staff and fulfilled all of the requirements of Section 420.9076, F.S.

On December 13, 1994, the Board of County Commissioners adopted the final Indian River County Affordable Housing Incentive Plan with resolution number 94-162. That plan which remains in effect includes many of the affordable housing incentives listed in paragraphs A through K of Section 420.9076(4) F.S. The second AHAC was dissolved in 2001.

Since adoption of the plan, the county’s affordable housing incentives have been utilized by for-profit and non-profit housing developers and organizations to provide affordable housing within the county. Through these incentives, 2,643 affordable rental housing units were constructed between 1993 and 2008. Also during that time, 1,441 income

eligible individuals were assisted with the purchase of a home and/or rehabilitation of a housing unit.

On March 18, 2008, the Board of County Commissioners approved resolution No. 2008-038, establishing the Indian River County Affordable Housing Advisory Committee (AHAC). Subsequently, the Board appointed members to the AHAC on May 6, 2008.

AHAC met on the following dates:

- June 5, 2008
- July 17, 2008
- August 20, 2008
- November 19, 2008 (Public Hearing)

ANALYSIS

In this section, each of the Chapter 420.9076(4), F.S. requirements, A through K, is addressed. For each of the requirements, current citations from the county's Comprehensive Plan and Land Development Regulations (LDRs) are provided. Each section also includes analysis and recommendations.

A. The process of approvals of development orders or permits, as defined in s.163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects.

Section 163.3164(7), F.S. defines a development order as “any order granting, denying, or granting with conditions an application for a development permit.” Section 163.3164(8), F.S. defines a development permit to “include any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land”.

In Indian River County, permits for affordable housing projects are expedited to a greater degree than other projects. Established policies and procedures for expedited permitting are found in Policies 1.5 and 1.6 of the Housing Element. These policies read as follows:

POLICY 1.5: By 2000, the county shall assess its existing permit processing procedure and, if warranted, establish a full one-stop permitting process.

POLICY 1.6: The county shall take all necessary steps to eliminate delays in the review of affordable housing development projects. In order to define delay, the county hereby establishes the following maximum timeframes for approval of projects when an applicant provides needed information in a timely manner:

- Administrative approval – 5 days;
- Minor site plan – 5 weeks;
- Major site plan – 6 weeks;
- Special exception approval – 13 weeks

Whenever these review times increase by 150% or more due to the work load of review staff, the county will begin prioritizing the review of affordable housing development project applications. In prioritizing affordable housing development project applications, staff will schedule affordable housing project applications for review before other types of project applications to ensure that maximum review timeframes are not exceeded for affordable housing projects.

ANALYSIS:

While Policy 1.5 of the housing element, which calls for the county to establish a one stop permit process, was not implemented, the county is, instead, in the process of establishing a full web-based permitting process. Many of the components of web-based permitting are now available, and the remaining components should be in place by 2009.

Consistent with Policy 1.6, the Community Development Department processes affordable housing projects ahead of all other projects. This has been done since 1994. For each affordable housing project application, planning staff notifies other reviewing departments in writing that the application is an affordable housing project and must be reviewed ahead of all other projects. Overall, this process has worked well, with affordable housing projects identified upfront and reviewing departments expediting

these project reviews. For major affordable housing projects, this process has saved applicants several weeks in application review/processing time.

RECOMENDATION:

It is recommended that Housing Element Policy 1.5 be revised to indicate that the county is establishing a web-based online permitting process. In addition, the county should maintain Housing Element Policy 1.6, regarding prioritizing the permit process review of affordable housing development projects ahead of all other projects. No other action is needed.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒ No ☐

B. The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

Impact fees and utility capacity charges are one time charges applied towards new construction to obtain revenues necessary to make capital improvements. Overall, these impact fees and utility capacity charges increase the cost of housing. Legally, impact fees must be applied to all activities that create a demand for capital facilities. Consequently, impact fees cannot be waived or reduced. There are, however, alternative methods of fee payment to assist income eligible persons with the cost of impact fees and /or utility capacity charges.

Currently, Indian River County provides SHIP program loans and grants of up to \$20,000.00 per unit to income eligible households for the cost of impact fees and utility capacity charges for new units. The county also provides SHIP loans and grants for existing units to connect to the county regional water and wastewater system. To obtain SHIP impact fee funds, applicants must execute loan or grant agreements with the county, indicating that they will comply with the county's Local Housing Assistance Program's requirements. These loans or grants are limited to income eligible households in the Very low Income (VLI) (not to exceed 50% of the county's median income), Low Income (LI) (51-80% of county's median income), and moderate income (MI) (between 81-120% of the county's median income) categories.

Besides providing impact fee loans and grants, the county also provides financing of water and sewer capacity charges for new units and existing units connecting to the county regional system. The following policies from the Housing Element of the Comprehensive Plan provide for financial assistance for payment of impact fees and connection charges for affordable housing units.

POLICY 4.3: The county shall maintain its ordinance which provides for the financing of water and sewer impact fees for newly constructed housing units.

POLICY 4.4: The County shall maintain its Housing Trust Fund which provides below-market interest rate financing and/or grants for land acquisition, downpayment/closing cost loans, impact fee payment loans, and rehabilitation loans for affordable housing units in the county. The fund will also assist non-profit facilitators with pre-development expenses associated with very low, low, and moderate income housing development. Some disbursements from the Housing Trust Fund will be grants, but the majority of funds will be revolving loans, with borrowers paying back principal and applicable interest into the trust, therefore ensuring a permanent source of financing.

ANALYSIS:

Impact fees and utility capacity charges are needed to provide revenue for constructing capacity producing capital improvements necessary to accommodate growth. Overall, this impact fee revenue partially funds construction of major roadways, libraries, schools, parks, correctional facilities, fire/ems facilities, law enforcement facilities, solid waste facilities, and public buildings, as well as expansion of the county's regional water and

sewer system. Because these fees are based on fairshare payments by the people benefiting from the capital improvements, impact fees and utility capacity charges cannot be waived or reduced for any individual group or category of construction. On the other hand, these fees increase the cost of housing and put a burden on the production of affordable housing projects. To lessen the impact on affordable housing projects, the cost of impact fees may be paid by other funding sources.

Waiving impact fees does not eliminate the cost of the infrastructure that the impact fees are designed to pay for. Either new development or existing residents must pay the cost of needed infrastructure improvements. If new development, which puts additional demand on county facilities, does not pay its fair share of infrastructure cost through impact fees, then existing residents will have to pay those costs through higher fees or taxes.

While waiving or reducing impact fees for certain groups is not legal, impact fees for affordable units may be paid from other funding sources. In fact, the county provides impact fee loans and grants to extremely low, very low, and moderate income households thorough the SHIP program.

In the past, the county has provided impact fee grants and loans to eligible households as part of several CDBG neighborhood revitalization and housing projects. Also, the county provides impact fee loans associated with new home construction to all Habitat for Humanity clients. In addition, the county provides impact fee grants and loans to eligible individuals needing to connect to the county water or sewer system.

So far, the county provided more than 250 SHIP impact fee grants/loans. Since this program has been successful, the county should keep its SHIP Program impact fee assistance strategy for income qualified households.

RECOMENDATION:

The county should maintain Housing Element Policy 4.4, regarding payment of impact fees and water and wastewater capacity charges for income eligible households through SHIP funds. Policy 4.4 should, however, be revised to reflect the current list of SHIP program strategies, including the impact fee/capacity charge loan/grant strategy. The county should also revise Housing Element Policy 4.3, regarding financing of water and sewer impact fees for newly constructed housing units, to reflect the fact that water and sewer capacity charges can also be financed.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒ No ☐

C. The allowance of flexibility in densities for affordable housing.

Within Indian River County, the future land use map and zoning district designations establish a maximum density or intensity for all properties. Overall, density is an important factor in forming the character of a community and the preferred lifestyle of its residents. While higher densities may result in lower housing costs, higher across the board densities do not always translate into lower housing prices. Consequently, the preferred method for reducing housing costs through increased density is to provide affordable housing density bonuses associated with affordable housing projects. Currently, Housing Policy 2.5 and LDR Section 911.14(4) provide affordable housing projects an up to a 20% density bonus over the maximum density established by the underlying land use designation.

Currently, Housing Element Policy 2.5 and Section 911.14(4) of the LDRs provide for affordable housing density bonuses. Section 171.41(9) of the LDRs provides for small lot subdivisions for affordable housing.

***POLICY 2.5:** The County shall maintain its affordable housing density bonus provision for planned development projects, allowing eligible affordable housing projects to receive up to a 20% density bonus based on the following table.*

<i>Very Low Income (VLI) and Low Income (LI) Affordable Units as Percentage of Project's Total Units</i>	<i>Density Bonus (Percent increase in allowable units).</i>	<i>Additional Density Bonus for Providing Additional Buffer and Landscaping based on one of the following options (percent increase in allowable units)</i>		<i>Range of Possible Density Bonus Percentage (Percent increase in allowable units)</i>
		<i>Option I</i>	<i>Option II</i>	
		<i>Material equal to a 10' wide Type C buffer* with 6' opaque feature along residential district boundaries and 4' opaque feature along roadways</i>	<i>Material equal to a 20' wide Type B buffer* with 6' opaque feature along residential district boundaries and 4' opaque feature along roadways</i>	
<i>More than 30%</i>	<i>10%</i>	<i>5% or</i>	<i>10%</i>	<i>10–20%</i>

*Buffer types are identified in Chapter 926 of the county's Land Development Regulations

The County's Affordable Housing Density Bonus Provisions are Codified in Section 911.14(4) of the LDRs (See Attachment 1).

Another option to increase affordable housing project yields is the county's small lot subdivision allowance. Although the county's small lot subdivision regulations, section 971.41(9) of the county's land development regulations, do not have an allowance for density bonuses, the smaller lot configuration allows for more lots to be created. While a standard RS-6 parcel (single family residential up to 6 units per acre) has a minimum lot size of 7,000 square feet, the small lot subdivision regulation allows for lot sizes to be reduced to 5,000 square feet. While standard RS-6 zoning typically yields about 2.5 to 3 units per acre, a small lot subdivision can yield up to 5 units per acre.

The county's Small Lot Subdivision for Affordable Housing Projects are Codified in Section 971.41(9) of the LDRs (See Attachment 2).

ANALYSIS:

The allowance of an up to 20% density bonus for affordable housing projects and the county's small lot subdivision provision provide for the development of affordable housing projects with higher densities and/or higher yields. These provisions are appropriate tools for providing density increases for affordable housing projects. General density increases, however, are not acceptable in Indian River County and may not result in less expensive homes.

RECOMENDATION:

The county should maintain its affordable housing density bonus and small lot subdivision provisions for affordable housing projects. Because the 10' type 'C' buffer listed in the density table of section 911.14(4) is a buffer type that is no longer used in the county landscape code, the landscape buffer requirements of section 911.14(4) should be revised to correspond to the county's current landscape requirements. Also section 911.14(4)(a)1.a. of the LDRs should be revised to read "has a market value less than 2 ½ times the county annual median household income" instead of 2 times the county's annual median household income. The county's current median income is \$57,000.00.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒ No ☐

D. The reservation of infrastructure capacity for housing for very low income persons, low income persons, and moderate income persons.

Consistent with state law, the Indian River County Comprehensive Plan provides that no development, including housing development, shall be approved unless there is sufficient infrastructure capacity available to serve the development. These requirements are contained in Chapter 910, Concurrency Management System, of the county's LDRs. This concurrency management requirement serves as the principal mechanism for ensuring that growth is managed in a manner consistent with the provisions of the comprehensive plan. In Indian River County, there are two types of concurrency certificates. One is a conditional concurrency certificate. A conditional concurrency certificate indicates that, at the time of conceptual development approval, there is sufficient capacity to accommodate the development. Conditional concurrency, however, does not require payment of impact fees and water and sewer capacity charges and does not vest, or guarantee, that capacity will be available at the time of building permit issuance. The second type of concurrency is initial concurrency. Initial Concurrency requires payment of impact fees and water and sewer capacity charges and vests the development.

In Indian River County, initial concurrency certificates vest capacity for the duration of the concurrency certificate, either one (1) year, three (3) years, or seven (7) years. According to county regulations, initial concurrency certificates may be issued only to projects with approved site plans or complete Land Development Permit applications. To obtain an initial concurrency certificate, an applicant must pay all applicable impact fees, as well as water and sewer capacity charges, in advance of development. This will vest the project and guarantee that adequate infrastructure will be available for the project at the time of building permit issuance. The vesting will last for the duration of the concurrency certificate and will expire at the end of the concurrency certificate timeframe. After issuance of an initial concurrency certificate, an applicant must obtain all building permits associated with the initial concurrency certificate and pursue development to completion by obtaining a Certificate of Occupancy (CO).

ANALYSIS:

Reserving infrastructure capacity upfront for a project is important if there are deficiencies in concurrency related facilities. In Indian River County, there is sufficient capacity in all of concurrency related facilities to accommodate development projects. Therefore, reserving capacity upfront is not a critical issue at this time. To reserve capacity for one project, however, means that the reserved capacity is not available for other projects. To reserve capacity for a project, an applicant must pay all impact fees and utility capacity charges so the county has the funds to construct the increment of capacity consumed by the applicant's project.

RECOMENDATION:

The county should maintain its current concurrency management procedures which allow for upfront reservation of infrastructure capacity. Like other applicants, Affordable housing applicants, may apply for an Initial Concurrency Certificate and reserve infrastructure capacity upfront.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒

No ☐

E. The allowance of affordable accessory residential units in residential zoning districts.

Through its land development regulations, Indian River County permits the construction of a small dwelling unit (second unit) as accessory to a single family house on a residentially zoned property. This regulation is intended to make inexpensive dwelling units associated with a primary residence available to low income households. Following is the applicable code for accessory dwelling units.

Section 971.41(10) of the LDRs Accessory Dwelling Unit :

a) The construction of an accessory dwelling unit on a residentially zoned lot shall be allowed subject to the provisions of section 971.41(10). The standards and requirements of this section are intended to make available inexpensive dwelling units to meet the needs of older households, single member households, and single parent households. This is in recognition of the fact that housing costs continue to increase, that households continue to decline in size, and that the number of elderly Americans is on the rise.

(b) Districts requiring administrative permit approval, (pursuant to the provisions of 971.04):

A-3	A-2	A-1	RFD	RS-1	RS-2	RS-3
RS-6	RT-6	RM-3	RM-4	RM-6	RM-8	RM-10
Con-2	Con-3	Rose-4	RMH-6	RMH-8		

1 Requirements of section 971.41(10) shall not supersede property owner deed restrictions.

(d) Additional information required:

1. A site plan conforming to Chapter 914 requirements.

e) Criteria for accessory dwelling units:

1. Accessory dwelling units shall be located only on lots which satisfy the minimum lot size requirement of the applicable zoning district.

2. The accessory dwelling unit shall be clearly incidental to the principal dwelling and shall only be developed in conjunction with or after development of the principal dwelling unit.

3. Not more than one (1) accessory dwelling unit shall be established in conjunction with a principal dwelling unit.

4. No accessory dwelling unit shall be established in conjunction with a multifamily dwelling unit.

5. The heated/cooled gross floor area of the accessory dwelling unit shall not exceed thirty-three (33) percent of the heated/cooled gross floor area of the principal structure or seven hundred fifty (750) gross square feet, whichever is less. The accessory dwelling unit shall be no smaller than three hundred (300) gross square feet of heated/cooled area.

6. No accessory dwelling unit shall have a doorway entrance visible from the same street as the principal dwelling unit.

7. Detached accessory dwelling units shall be located no farther than seventy-five (75) feet in distance from the principal dwelling unit from the closest point of the principal dwelling unit to the closest point of the accessory dwelling unit.

8. Excluding converted garage accessory dwelling units, the accessory dwelling unit shall be designed so that the exterior facade material is similar in appearance to the facade of the existing principal structure.

9. One (1) off-street parking space shall be provided for the accessory dwelling unit in addition to spaces required for the principal dwelling unit.

10. The accessory dwelling unit shall be serviced by centralized water and wastewater, or meet the environmental health department's well and septic tank and drainfield requirements. Modification, expansion or installation of well and/or septic tank facilities to serve the accessory dwelling unit shall be designed in a manner that does not render any adjacent vacant properties "unbuildable" for development when well and/or septic tank facilities would be required to service development on those adjacent properties.

11. No accessory dwelling unit shall be sold separately from the principal dwelling unit. The accessory dwelling unit and the principal dwelling unit shall be located on a single lot or parcel or on a combination of lots or parcels unified under a recorded unity of title document.

12. An accessory dwelling unit shall be treated as a multi-family unit for traffic impact fee and traffic concurrency purposes, and the concurrency requirements of Chapter 910 for a multi-family unit shall be satisfied.

ANALYSIS:

On September 29, 1992, The Board of County Commissioners adopted the county's accessory dwelling unit provision. In Indian River County, accessory dwelling units are allowed in all residential zoning districts. In addition to allowing for these smaller units, Section 971.41(10) of the county's land development regulations establishes specific land use criteria to regulate the size, location and appearance of these units and prevent over crowding.

Even though the county has allowed accessory dwelling units since 1992, these type of units were not popular until 2004, when the price of land and housing started to increase. When housing affordability became an issue, more people started looking at ways to create affordable housing units. One method was to build more accessory dwelling units. So far, about 50 permits for building accessory dwelling units have been issued within the county. These types of units are appropriate as affordable housing units.

RECOMENDATION:

The county's accessory dwelling unit provision is appropriate and should be maintained.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒ No ☐

F. The reduction of parking and setback requirements for affordable housing.

As structured, the county's Land Development Regulations establish minimum setback and lot size requirements for both single family residential zoning districts and multiple family residential zoning districts. These setback requirements provide a standard separation between houses and between houses and roadways. For affordable housing projects, the small lot subdivision provisions of section 971.41 of the LDRs allow for a reduction of lot size and building setbacks for single family homes.

In the RS-6 zoning district, for example, single family homes are required to have a minimum lot width of seventy (70) feet. Small lot subdivisions, however, may have a minimum lot width of only fifty (50) feet, with side yard setbacks reduced from ten (10) feet to seven (7) feet. While rear yard setbacks are reduced from 20 feet to 15 feet, the minimum front yard setback on all single family homes from the edge of right-of-way is twenty (20) feet. This setback distance allows for cars to be parked in the driveway and not block the sidewalk or impede pedestrian movement.

For residential uses, the county requires two parking spaces for each dwelling unit. This requirement is detailed in section 954.05(56) and is as follows:

Section 954.05(56)

Single-family dwellings and duplexes. Two (2) spaces for each dwelling unit; single-family dwellings and duplexes shall be exempted from all other requirements in subsection 954.07(4) and 954.10. Uncovered parking spaces shall be exempted from the front yard setback requirements.

ANALYSIS:

To ensure health and safety, all residential development must meet current minimum parking and setback requirements for the appropriate zoning district as established in the county LDRs. For example, the county's 20 foot minimum front yard setback provides enough distance for parking a vehicle in a driveway without the vehicle projecting into the sidewalk. Reducing or eliminating parking requirements will force residents to park in roadway rights-of-way. This can create safety issues unless minimum mandatory widths are increased.

Generally, reduced setbacks for affordable housing projects are appropriate, because reduced setbacks can increase yield and reduce housing prices. In Indian River County, the small lot subdivision allowances provide for reduced lot sizes, as well as reduced side yards and reduced rear yards setbacks, for affordable housing projects only.

RECOMENDATION:

The county's current parking requirements are appropriate and should be maintained. Through its small lot subdivision allowance, the county provides for reduced setbacks for affordable housing projects. This small lot subdivision allowance should be maintained.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒ No ☐

G. The allowance of flexible lot configuration, including zero lot line configurations for affordable housing.

Currently, the Board of County Commissioners may grant waivers from the residential development standards found in Chapter 911 of the LDRs through the Planned Development (PD) process established in Chapter 915 of the county LDRs. If granted, these waivers can allow for development of small lot configuration, zero lot line and reduced setback projects. The waiver criteria for the PD process are found in section 915.15 of the LDRs and are provided below.

Section 915.15.

Planned development allowable waivers and development parameters.

(1) Conceptual P.D. plans shall list, for all areas and phases within the P.D. project area, the proposed waivers and development parameters for the following:

- a. Minimum lot size (in square feet);*
- b. Minimum lot width (in feet);*
- c. Minimum lot frontage (in feet);*
- d. Minimum yard setbacks for buildings: front, rear, and side;*
- e. Minimum yard setbacks for accessory structures (such as pools, patios, and decks); front, rear, and side;*
- f. Maximum lot coverage; building(s) and impervious surface area;*
- g. Minimum separation distances between buildings;*
- h. Minimum right-of-way widths (by road type);*
- i. Minimum open space per lot and by phase [Note: The minimum open space for the entire project shall meet or exceed the requirements of section 915.18.]*
- j. Minimum preservation/conservation area per lot.*

Note: more conceptual plan submittal requirements are listed-out in section 915.22

(2) Notwithstanding other provisions in this chapter (915) and Chapter 971, specific land use criteria listed in Chapter 971 may be waived (modified or not applied) where such criteria would merely apply to the compatibility of uses within the P.D. project area if approved by the county. Where specific land use criteria apply to the relationship of a use(s) within a P.D. project and properties adjacent to the project area, the specific land use criteria shall apply pursuant to the provisions of chapter 971.

(3) The conventional standards and criteria found in Chapter 911, Zoning, not covered in section 915.15(1) shall apply unless otherwise specifically waived or modified by other provisions of this chapter.

ANALYSIS:

Generally, the PD process serves as a mechanism whereby the county can approve projects with reduced setbacks and/or mixed uses. The advantage of using the PD process instead of traditional zoning is that an applicant can increase or at least maximize his development project's density. In the PD process, however, there are development required trade-offs, such as additional landscaping, which are required to gain the waivers for smaller lots and higher yield. These trade-offs can have the effect of off-setting any housing unit price reductions due to increasing yield. The county's small lot subdivision allowance, however, provides for specific reduced lot size, and setbacks without requiring any specific waivers.

RECOMENDATION:

The county should maintain its existing PD process which allows for waivers from conventional zoning standards (setbacks, lot size, etc.) as an available option for residential development projects.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒ No ☐

H. The modification of street requirements for affordable housing.

As adopted, the county's existing sidewalk and street requirements provide for minimum construction standards to ensure public safety. According to section 913.09(b)(1) (Subdivisions and Plats) of the LDRs, all subdivisions must comply with the minimum standards set forth in Chapter 952 (Traffic). While Chapter 952 sets the minimum right-of-way width for a local or residential street at 60 feet, the minimum right-of-way width may be reduced to 50 feet if the street is constructed with a curb and gutter drainage system. In both cases, however, minimum lane widths remain the same at 11 feet. Although there is a higher cost associated with curb and gutter construction than with swale drainage, the reduction in the amount of right-of-way can produce a higher yield for a project. These street right-of-way requirements can be modified through the Planned Development (PD) process.

Following is the county's current minimum right-of-way requirement.

913.09(b)(1)

Minimum street and rights-of-way widths. The minimum street and rights-of-way widths shall be as stated in Chapter 952, Traffic, of the LDRs. The board of county commissioners may require the increase of right-of-way and pavement widths if it finds that the modification in width is consistent with the projected traffic needs and good engineering practice. No variance will be granted on minimum right-of-way widths for public streets. Right-of-way widths for one-way streets may be reduced from the above standards as approved by the public works director.

ANALYSIS:

As structured, the county's minimum street right-of-way width requirements are based on the minimum area needed to accommodate the various improvements that must be located in the right-of-way. Besides travel lanes, sidewalks, and drainage facilities, these improvements include water and sewer lines, gas lines, phone lines, cable lines, and others. Since the referenced improvements must be provided for in the road right-of-way, the county has determined that the minimum right of way width must be 60 feet for swale drainage roads and 50 feet for curb and gutter roadways.

At 60 feet, the county's minimum local road right-of-way width requirement is low. Consequently, no right-of-way width modification is necessary.

RECOMENDATION:

The county's current street right-of-way requirements are appropriate to ensure public safety and should be maintained.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒ No ☐

I. The establishment of a process by which local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

Currently, Policy 1.7 of the Housing Element of the Comprehensive Plan requires that a financial impact statement be provided to appropriate advisory committees as well as to the Board of County Commissioners prior to the adoption of any new county regulation that may increase the cost of housing. Below is Policy 1.7 of the Housing Element of the Comprehensive Plan which details the adoption process for county regulations that may increase the cost of new housing.

POLICY 1.7: As part of the adoption process for any county regulation which could affect housing development, county planning staff shall prepare a Financial Impact Statement to assess the anticipated impact of the proposed regulation on the cost of housing. When proposed regulatory activities are anticipated to increase the estimated cost per unit for the development of housing, the Financial Impact Statement shall include an estimated increased cost per unit projection. The financial impact statement then will be reviewed by the Professional Services Advisory Committee, the Planning and Zoning Commission, and, if possible, the Affordable Housing Advisory Committee. Those groups shall consider the regulation's effect on housing cost in making their recommendation to the Board of County Commissioners. The Board of County Commissioners will consider the financial impact statement in making its final decision on the adoption of any proposed regulations.

ANALYSIS:

Since 1994, staff has prepared Financial Impact Statements for all proposed new regulations impacting housing costs. By providing Financial Impact Statements of proposed regulations to decision-makers before the adoption of those regulations, planning staff ensures that decision-makers consider the costs as well as the benefits of proposed new policies, ordinances, and regulations. While these Financial Impact Statements do not prevent the Board of County Commissioners from adopting new regulations, the statements do provide the Board with an additional tool to measure the effect of proposed regulations.

RECOMENDATION:

The county's current process of providing Financial Impact Statements to the Board of County Commissioners prior to adoption of any new regulations, ordinances, policies, procedures, or plan provisions that may increase the cost of affordable housing should be maintained.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒ No ☐

J. The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

In 2006, the Florida State Legislature passed HB 1363 relating to affordable housing. One provision of that bill was that each local government must prepare an inventory of all real property that it owns within its jurisdiction that is appropriate for use as affordable housing. Beginning in July 2007 then every 3 years thereafter, Indian River County needs to prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title and is appropriate for use as affordable housing.

At a public hearing on June 19, 2007, the Board of County Commissioners reviewed an inventory list of county owned properties. The Board then adopted a resolution that included an inventory list of county owned properties that are appropriate for affordable housing. With respect to those properties, the Board of County Commissioners decided to donate the parcels to non-profit housing organizations for the construction of permanent affordable housing. Since then, staff has been working with non-profit housing organizations for the disposition of the above mentioned referenced lots.

The county's Housing Policy 2.4 provides for maintaining an inventory of all surplus county-owned land and making those lots available to housing developers.

***POLICY 2.4:** The county's general services department shall maintain an inventory of all surplus county-owned land and foreclosed properties that could be used for affordable housing. The county shall notify for-profit and non-profit affordable housing developers whenever it proposes to sell surplus land.*

ANALYSIS:

Consistent with state law, the Board of County Commissioners reviewed and approved an inventory list of county owned properties. Of all the properties on that list, ten were determined to be appropriate for affordable housing. Currently, the county is in the process of preparing the necessary documents to donate each of the properties to a non-profit affordable housing organization for the construction of permanent affordable housing units. The non-profit housing organizations which will receive the donated lots are: Habitat for Humanity, Every Dream Has a Price, and the Coalition for Attainable Homes. Donating county owned surplus lands to non-profit housing organizations will reduce the cost of affordable housing units on the donated properties and is an appropriate affordable housing tool.

RECOMENDATION:

Policy 2.4 of the Housing Element should be revised to correspond with the new state requirements for preparing a list of county owned surplus properties appropriate for affordable housing and disposing of those properties.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒

No ☐

K. The support of development near transportation hubs and major employment centers and mixed use developments.

In Indian River County, the Future Land Use Map (FLUM) identifies areas appropriate for residential development and the appropriate density for those areas. The objective of the FLUM is to create a land use pattern that situates residential development in close proximity to schools, health care facilities, employment centers, and major roadways.

ANALYSIS:

In Indian River County, the future land use map is an important tool in establishing appropriate locations for residential development. Generally, the map provides for residential development to be located near compatible land uses, existing neighborhoods, and proximate to public transportation, major employment centers, and community services. Ideally, affordable housing projects should be located near employment centers and transportation hubs for additional savings in terms of transportation cost and travel time. For that reason, the county supports locating affordable housing developments near transportation hubs, major employment centers and mixed use developments by expediting the permit process for these types of housing projects.

RECOMENDATION:

A new policy should be added under Housing Element Objective 1 that indicates that the county will provide incentives for residential developments to locate near transportation hubs, employment centers, and mixed use developments. These incentives will involve expediting permit review for these types of developments.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒ No ☐

Other Housing Strategies

Besides the affordable housing incentives listed in paragraphs A through K of Section 420.9076 F.S., the county proposes to establish or to assist non-profit housing organizations to implement the following affordable housing strategies.

Community Land Trust (CLT)

One tool to provide homeownership opportunities to households that would otherwise be renters is a Community Land Trust. A Community Land Trust (CLT) is a nonprofit organization that seeks to preserve housing affordability over the long term. By selling homes to low or moderate income families, but retaining ownership of the land under these homes, a CLT preserves housing affordability even after an affordable housing unit is sold. Generally, a CLT leases a land parcel to a homeowner for 99 years, while the homeowner owns the structure on the land.

In the land trust model, buyers of land trust homes agree that, when they move, they will sell their home to another low or moderate income family at an affordable price. Consequently, resale of CLT units is limited to income eligible households, and resale prices are limited to keep CLT units affordable for the next homebuyer. By owning the land under the house, the land trust ensures that the subsidy is retained for the benefit of subsequent families. Therefore, the owner of a CLT unit may share in the equity produced by the sale of a CLT unit, but will not realize a market rate of return.

According to the Central Florida Workforce Housing Toolkit, some of the most established CLT's are Durham, North Carolina; Burlington, Vermont; The New Town, Tempe, Arizona; Sawmill, Albuquerque, New Mexico; Middle Key, Florida; and Hannibal Square, Winter Park, Florida.

Generally, CLTs are used:

- In fast-growing areas, where the price of real estate is escalating rapidly. They can be used in gentrifying areas to preserve a community's character. Limits on resale prices ensure that some housing remains affordable, even in these areas.
- In disinvested neighborhoods, where CLTs can be used to increase owner occupancy, decrease absentee ownership, improve the physical condition of housing and stabilize the community. Such CLTs assist not only the buyers of the CLT homes, but also existing homeowners in the area, who likely are lower income families.
- In expensive resort communities, where CLTs can provide housing for the community's workers.

Benefits:

- Provides permanent stock of affordable & workforce housing
- Lowers housing cost
- Provides some return of equity
- Provides for deduction of mortgage interest payments
- Provides financial stability (no fear of rent increase)
- No cost to the county

Issues:

- Better for a household than renting, but not as good as traditional home ownership
- Resale restriction limits ability of the owner to utilize full equity
- Resale formula must be prepared carefully to provide some benefit to homeowner without making the house unaffordable for the next homebuyer
- Mechanics of resales (direct sale or through CLT) are complicated and must be established upfront
- Payment of ad valorem taxes and insurance are additional costs that an owner of a CLT home must incur that a renter does not

Conclusion:

A CLT is an effective method of providing affordable homeownership opportunities. Although CLTs are generally established by private non-profit groups, local governments usually assist non-profit housing groups which are willing to form CLTs. This assistance may involve providing technical assistance, providing surplus properties appropriate for affordable housing and others.

RECOMENDATION:

The county should support any non-profit housing organization seeking to establish a CLT by providing surplus lands appropriate for affordable housing, when available, and technical assistance as needed.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒

No ☐

Private/Public Housing Trust Fund

Generally, Housing Trust Funds are established through an ordinance or legislation passed by a county, city, or state legislature. Two steps are necessary to create a Housing Trust Fund. First, a revenue source must be dedicated to the Housing Trust Fund, or other obligations (e.g., developer extractions) that create revenue must be established. Second, the Housing Trust Fund must be created as a separate and distinct entity that can receive and disburse funds. Currently, the county has a housing trust fund for SHIP program funds and an HHR trust fund for HHR program funds.

A private/public housing trust fund may be established by a city or county to collect public and private funds that may be used to assist income eligible households with the provision of affordable housing. A private/public trust fund would be separate from a SHIP trust fund.

Benefits:

- Can provide gap financing (low interest loan or grant)
- No cost to the county, unless the county decides to contribute to the trust fund
- Local governments that cannot provide affordable housing within their jurisdictions could contribute to a trust fund
- Could be used as match to get other federal or state funds
- Additional funding for provision of Affordable or Workforce Housing (gap financing or leveraging other funds).

Issues:

1801 No major issues

Conclusion:

Establishing a private/public housing trust fund could facilitate the provision of more affordable housing. Within Indian River County, high cost barrier island towns that cannot provide affordable housing within their jurisdiction could contribute to a private/public affordable housing trust fund. Also, private parties, businesses, and developers could contribute funds to this trust fund.

RECOMENDATION:

The county should establish a private/public housing trust fund separate from its current SHIP and HHR trust funds.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒ No ☐

Community Development Corporation (CDC)

Community Development Corporation (CDC) is a broad term referring to not-for-profit organizations incorporated to provide programs, offer services, and engage in other activities that promote and support a community. CDCs usually serve a geographic location such as a neighborhood or a town. They often focus on serving lower-income residents or struggling neighborhoods. They can be involved in a variety of activities, including economic development, education, and real estate development. These organizations are often associated with the development of affordable housing.

Activities:

- Real estate development
 - affordable housing
- Economic development
 - small business lending
 - small business technical assistance
 - small business incubation (i.e. provision of space at low or no cost to start-up businesses)
- Education
 - early childhood education
 - workforce training
- Non profit incubation
- Youth and leadership development
- Advocacy
- Community Planning
- Community Organizing

Benefits:

- Facilitates development of affordable or workforce housing
- Advocates for affordable housing
- No cost to the county

Issues:

- No major issues

Conclusion:

An active CDC can assist with the provision of affordable housing.

RECOMENDATION:

The county should provide technical assistance to any not-for-profit organization proposing to form a CDC.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒ No ☐

Employer Assisted Housing

Employer Assisted Housing (EAH) is an initiative where employers can assist their employees in purchasing a home; in exchange, the employer is guaranteed that the participating employee will remain with the firm for a designated period of time. The employee benefits as he/she receives substantial assistance in obtaining a home. The employer benefits as the program is an effective recruitment tool and aids in the retention of employees.

Employers who wish to assist employees with housing can undertake any number of activities, including: providing (or partnering with another agency to provide) homeownership education and counseling services; providing down payment assistance, closing cost assistance and/or second mortgage financing as a grant, a low or no-interest loan or a forgivable loan; offering an employee a savings plan with the employer making a matching contribution; providing a mortgage guarantee to assist employees with securing financing; or acquiring property to rent to employees, either at a market or subsidized rate.

Employer assisted housing programs generally are used in areas where housing prices are high and/or unemployment is low, and in areas where one employer is dominant.

Benefits:

- Provision of affordable or workforce housing
- Effective recruitment and retention tools for large private and public employers

Issues:

- Additional cost to employer

Conclusion:

Employer assisted housing is an effective program to provide affordable housing for workers and to retain those workers for longer periods.

RECOMENDATION:

The county should promote this program by informing major private and public employers of the possibilities and benefits of establishing an employer assisted housing program.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes ☒ No ☐

New Construction Technologies

New construction technologies (such as modular homes, etc.) and new green building programs may be utilized for the provision of affordable housing. In some cases, new construction technologies can expedite the construction of new affordable homes and be more cost effective.

Benefits:

- Decreases housing cost
- Expedites housing production

Issues:

1801 None

Conclusion:

This is an effective way of reducing the housing cost. The county currently allows these new construction technologies, including green building programs, and expedites permits for affordable housing projects.

RECOMENDATION:

The county should continue to expedite permits for affordable housing projects utilizing new construction technologies and green building programs.

BOARD OF COUNTY COMMISSIONERS ACTION:

Board of County Commissioners Approval of the AHAC Recommendation

Yes [✓] No ☐

CONCLUSION

Since adoption of the county's Comprehensive Plan Housing Element in 1990 and then adoption of the county's Affordable Housing Incentive Plan in 1994, the county has established and maintained several affordable housing incentives. Therefore, Indian River County currently provides many of the affordable housing incentives listed in paragraphs A through K of Section 420.9076(4) F.S.

In the past, the county's affordable housing incentives have worked well in encouraging non-profit housing organizations and for-profit affordable housing developers to provide affordable housing. With the minor changes to existing policies and regulations reflected in this report, as well as the addition of five new strategies, the county should be even more successful in addressing the challenges of affordable housing in the future.

The table below provides summary of recommendations for paragraph A through K of Section 420.9076, F.S. as well as new affordable housing strategies.

Housing Incentives Summary

Items	Strategy	Strategy Status			Recommendation
		Already Implemented by the County	Proposed for Addition	Not Appropriate	
A	Expedited Permitting for affordable housing projects	√			<ul style="list-style-type: none"> - Revise Housing Element Policy 1.5 for establishing web based online permitting process - Maintain Housing Element Policy 1.6 for expedited affordable housing projects and permits
B	Modification or alternative methods of impact fee payments for affordable housing projects	√			<ul style="list-style-type: none"> - Maintain with minor changes Housing Element Policy 4.4 regarding payment of impact fees and utilities capacity charges for income eligible households with SHIP funds - Maintain Housing Element Policy 4.3 for financing water & sewer capacity charges with minor changes
C	Flexible Densities	√			<ul style="list-style-type: none"> - Maintain with minor changes county's affordable housing density provision established in Policy 2.5 of the Housing Element and LDRs
D	Reservation of infrastructure capacity for affordable housing projects	√			<ul style="list-style-type: none"> - Maintain current county concurrency management system which allows for upfront reservation of infrastructure capacity
E	Allowance for accessory residential units	√			<ul style="list-style-type: none"> - Maintain county's accessory dwelling unit provision
F	Reduction of parking and setback requirements for affordable housing projects	√		√ *	<ul style="list-style-type: none"> - Maintain county's reduced setbacks for affordable housing projects through small lot subdivision allowance - Maintain county's parking requirements
G	Flexible lot configuration	√			<ul style="list-style-type: none"> - Maintain county's PD process which allows for waiver of conventional zoning standards

Items	Strategy	Strategy Status			Recommendation
		Already Implemented by the County	Proposed for Addition	Not Appropriate	
H	Modification of street requirements	√		√	- Maintain the county's current street rights-of-way requirements
I	Establish process for considering before adoption cost effect of new regulations, policies, and ordinances	√			- Maintain county's current policy of preparing financial impact statements for proposed new regulations, policies, and ordinances
J	Inventory of publicly owned land	√			- Maintain county's surplus land procedure with minor changes to policy 2.4 of the Housing Element
K	Support developments near transportation hubs and major employment centers		√		- Add a new policy under Housing Element Objective 1 to encourage these types of development by expediting their permits
---	CLT		√		- Support creation of CLTs
---	Private/Public Housing Trust Fund		√		- Support creation of a new private/public trust fund
---	CDC		√		- Support Community Development Corporations (CDC)
---	Employer Assisted Housing		√		- Promote employer assisted housing program
---	New Construction Technologies		√		- Encourage use of new construction technologies and green building programs by expediting permits

1801 The parking reduction component of Item F is not appropriate for Indian River County.

RECOMMENDATION:

The Affordable Housing Advisory Committee recommends that the Board of County Commissioners maintain the county's affordable housing incentives with the following revisions and additions:

- Revise policy 1.5 of the Housing Element to indicate that the county is establishing a web-based online permitting process.
- Revise policy 4.3 of the Housing Element to change the term “water and sewer impact fees” to “water and sewer capacity charges”.
- Revise policy 4.4 of the Housing Element to reflect the county's current list of SHIP program strategies.
- Revise policy 2.5 of the Housing Element and Section 911.14(4) of the county's LDRs for affordable housing density bonus to correspond to the county's current landscape requirements. Also to change market value for affordable housing units to 2 ½ times the county annual median income.
- Revise policy 2.4 of the housing element related to an inventory of county owned surplus land to correspond to new state requirements.
- Add a new policy under objective 1 of the Housing Element to support housing developments near transportation hubs, major employment centers and mixed use developments by expediting the permit process for these types of housing projects.
- Assist non-profit housing organizations in establishing Community Land Trusts (CLT)
- Assist non-profit organizations in establishing Community Development Corporations (CDC)
- Assist employers with establishing employer assisted housing programs
- Create a new private/public housing trust fund
- Expedite permits for housing projects utilizing new construction technologies including green building programs

Attachments

1. Section 911.14(4) of the LDRs, Density Bonus
2. Section 971.41(9) of the LDRs, Small Lot Subdivision
3. Resolution No. 2008-038 Establishing AHAC
4. Copy of Public Hearing Advertisement
5. Copy of the BCC Resolution to adopt AHAC Report Recommendations

Attachment 1

Section 911.14(4) of the LDRs, Density Bonus.

Residential developments may receive a density bonus not to exceed twenty (20) percent of the density permitted by the applicable zoning district. Affordable dwelling units provided in compliance with this section, regardless of whether or not the affordable dwelling units are part of a planned development project, shall comply with the requirements of the Indian River County Land Development Regulations Section 911.14 and Section 971.41(9).

(3) Density.

(a) The maximum density of residential communities shall be established by the density of the underlying land use designation.

(b) Residential communities within commercial or industrial land uses shall have a maximum density of eight (8) dwelling units per acre.

I No residential community shall exceed the maximum permitted density as stated in (a) or (b) above unless a density bonus meeting the provisions of section 911.14(4) is approved as part of planned development.

(4) Density bonus.

(a) Affordable housing. Residential developments may receive a density bonus not to exceed twenty (20) percent of the density permitted by the applicable zoning district.

1. For the purpose of this section, an affordable dwelling unit shall be a dwelling unit which:

a. Has a market value less than two (2) times the county's annual median household income for Indian River County as established by the Florida Housing Finance Corporation; or

b. Has a monthly rent less than one-twelfth (1/12) times thirty (30) percent of eighty (80) percent of the county's annual median household income for Indian River County as established by the Florida Housing Finance Corporation.

2. Affordable dwelling units provided in compliance with this section, regardless of whether or not the affordable dwelling units are part of a planned development project, shall comply with the following requirements:

a. The affordable dwelling unit shall remain available as an affordable dwelling unit for the following periods:

i. Owner-occupied units shall remain affordable dwelling units for a period of not less than twenty (20) years commencing on the first day following the issuance of a certificate of occupancy, or equivalent final building inspection, for the unit.

ii. Renter-occupied units shall remain affordable dwelling units for a period of not less than fifteen (15) years commencing on the first day following the issuance of a certificate of occupancy, or equivalent final building inspection, for the unit;

b. Initial occupancy of an owner-occupied affordable dwelling unit shall be by a household classified as very low-income, low-income or moderate-income whereby the classification is verified by the Indian River County Community Development Department or an agency, either public or private, designated by the community development department or by any state or federal public agencies.

c. Households occupying an affordable housing rental unit shall be classified as very low, low, or moderate-income households whereby the classification is verified by the Indian River County Community Development Department, or its designee or by any state or federal public agency, prior to the household's occupancy of the unit. While occupying the affordable housing rental unit, a household's annual adjusted gross income may increase to an amount not to exceed one hundred forty (140) percent of one hundred twenty (120) percent of the county's median household income adjusted for household size.

d. With respect to owner-occupied affordable dwelling units provided under the provisions of the section:

i. The owner-occupant's household annual adjusted gross median income may increase without limit following the household's purchase of the affordable dwelling unit; and

ii. Resale of an affordable dwelling unit by the initial owner or any subsequent owner shall be subject to one of the following provisions:

a. If the purchasing household is not verified to be either a very low, or low income household, then the selling household shall be subject to providing a cash payment of the original loan amount and applicable interest, to the Indian River County Local Housing Assistance Trust Fund.

- b. If the purchasing household is verified to be either a very low, or low income household, then the selling household shall not be required to provide any payment.
- e. For projects utilizing the provision of on-site or off-site affordable dwelling units, no certificate for occupancy for a market rate priced dwelling unit shall be issued unless the ratio of market rate dwelling units certified for occupancy to affordable dwelling units certified for occupancy is equal to or greater than the overall project's approved ratio of market rate dwelling units to affordable dwelling units.
- f. Prior to the issuance of a certificate of occupancy for the affordable dwelling unit(s), a separate private deed covenant, entitled a "restriction on transfer," shall be filed in the public records of Indian River County. The covenant shall be subject to review and approval by county staff in order to verify compliance with the requirements of this section, and the covenant shall:
- i. Identify the subject unit as an affordable dwelling unit and specify that at no time may the identified unit be utilized as a model home, construction office or other non-residential occupancy use; and
 - ii. Identify the units corresponding fifteen- or twenty-year affordability timeframe; and
 - iii. Identify that the initial owner and each subsequent owner of an owner-occupied affordable dwelling unit must satisfy and comply with the re-sale provision of the county's local housing assistance plan; and
 - iv. Identify the Board of County Commissioners of Indian River County or its community development department or as its designee, as the agency with enforcement and verification authority to enforce the terms of the covenant, and as the contact agency for closing agents to obtain estoppel letters; and

1801 Identify any additional terms or conditions relating to the provision of the affordable dwelling unit as established by the Board of County Commissioners via its review and approval of the corresponding planned development approval.

- vi. Specify that monitoring the occupancy of the affordable dwelling unit shall be included in the compliance monitoring activities of the county's local housing assistance program, or a suitable substitute determined by the Indian River County Board of County Commissioners.
- vii. Specify that no provision of the restrictive covenant may be amended without the consent of the Board of County Commissioners of Indian River County.

3. An applicant may obtain a development density bonus for a planned development project in compliance with one of the following options:

- a. An applicant may obtain a density bonus by providing affordable dwelling units within the residential development project which will utilize the density bonus. For development projects utilizing the on-site affordable dwelling unit density bonus, the affordable housing density bonus shall be determined as indicated in the following table:

Very Low Income (VLI) and Low Income (LI) Affordable Units as Percentage of Project's Total Units	Density Bonus (Percent increase in allowable units).	Additional Density Bonus for Providing Additional Buffer and Landscaping based on one of the following options (percent increase in allowable units)		Range of Possible Density Bonus Percentage (Percent increase in allowable units)
		Option I	Option II	
		Material equal to a 10' wide Type C buffer* with 6' opaque feature along residential district boundaries and 4' opaque feature along roadways	Material equal to a 20' wide Type B buffer* with 6' opaque feature along residential district boundaries and 4' opaque feature along roadways	
More than 30%	10%	5% or	10%	10–20%

**Buffer types are identified in Chapter 926 of the county's Land Development Regulations*

b. An applicant may obtain a density bonus by providing affordable dwelling units off-site from the residential development project which will utilize the density bonus. For development projects utilizing the off-site affordable dwelling unit density bonus, the affordable housing density bonus shall be determined as follows:

The percentage of density bonus shall be one-half (1/2) of the applicable density bonus as determined for on-site affordable housing projects as provided in the above table.

1801 *Approval procedure and other requirements. All planned developments shall be reviewed consistent with the requirements of Chapter 915, Planned Development.*

Attachment 2

Section 971.41(9) of the LDRs Small Lot Subdivisions.

Small lot single-family subdivisions (administrative permit):

(a) Districts requiring administrative permit approval, (pursuant to the provision of 971.04):

RS-6, RT-6, RM-6, RM-8, RM-10

(b) Criteria for small lot subdivisions:

- 1. The small lot subdivision shall be serviced by centralized water and wastewater.*
- 2. The gross density of any small lot subdivision shall not exceed the maximum density allowed within the zoning district in which the subdivision is located.*
- 3. Perimeter lots are those lots which abut or are adjacent to areas not included in the proposed small lot subdivision. Perimeter lots which abut property having a residential or agricultural zoning designation shall:*

a. Conform to the standard applicable size and dimension criteria of the respective zoning district in which the project is located; or

b. Comply with the following size and dimension criteria:

<i>Minimum lot width:</i>	<i>50 feet</i>
<i>Minimum lot size:</i>	<i>5,000 sq. ft.</i>
<i>Minimum yard setbacks:</i>	
<i>Front:</i>	<i>20 feet</i>
<i>Side:</i>	<i>7 feet; 5 feet on lots fronting a curve or cul-de-sac circle</i>
<i>Rear:</i>	<i>Minimum rear yard setbacks shall be provided, based upon lot width, as indicated in the table below:</i>
<i>Lot Width (feet)</i>	<i>Rear Yard (feet)</i>
<i>>=50 & <55</i>	<i>30</i>
<i>>=55 & <60</i>	<i>27</i>
<i>>=60 & <65</i>	<i>24</i>
<i>>=65 & <70</i>	<i>22</i>

- 4. Interior lots (those determined not to be perimeter lots) and those perimeter lots which abut a property having a commercial/industrial land use designation shall comply with the following size and dimension criteria:*

<i>Minimum lot width:</i>	<i>50 feet</i>
<i>Minimum lot size:</i>	<i>5,000 sq. ft.</i>
<i>Minimum yard setbacks:</i>	
<i>Front:</i>	<i>20 feet</i>
<i>Side:</i>	<i>7 feet; 5 feet on lots fronting a curve or cul-de-sac circle</i>
<i>Rear:</i>	<i>15 feet</i>

5. Accessory structures may encroach into required yards as allowed in section 911.15 of the land development regulations.

6. In lieu of buffering requirements specified in Chapters 911 and 913, the following buffer requirements shall apply to small lot single-family subdivision projects:

A. Buffers adjacent to collector and arterial roads. A twenty-five-foot wide Type "B" buffer with six-foot opaque feature shall be provided along all perimeters that are adjacent to collector and arterial roads.

B. Buffers for other perimeters. A ten-foot wide Type "C" buffer with three-foot opaque feature shall be provided along all perimeters that are not adjacent to collector and arterial roads.

C. The buffer improvement(s) shall be located within a buffer easement(s) or tract(s) as designated on the small lot subdivision plat. Said easement(s) or tract(s) shall be depicted on the final plat and shall be dedicated to the subdivision's property owners' association to ensure maintenance of the buffer improvements. The buffer easement improvement(s) shall be considered a required subdivision improvement and shall be provided in accordance with the provisions of section 913.08 of the land development regulations.

D. No structure(s), other than those related to buffering, drainage or utilities, shall be located in the buffer easement.

7. In lieu of the green/recreation space, swale, curbing, and sidewalk requirements of Chapters 911 and 913, the following requirements shall apply:

A. A minimum seven and one-half (7.5) percent of the total project area shall be provided as green space/recreation space. Said area may consist of preserved wetlands and or native uplands, park space, pools, day-care space, clubhouses, ball-courts, playgrounds, play-field areas, or similar uses approved by the community development director. Said area(s) shall be designed to be conveniently accessible and useable by all project residents.

B. Sidewalks (minimum four-foot width) shall be provided along both sides of all streets unless an alternative design is approved by the community development director.

C. The urban service area boundary buffer and wall variation requirements of Chapter 913 shall apply to small lot single-family subdivisions.

8. Minimum building setbacks as specified in 971.41(9)(b)3. and 4. above, shall be depicted as a residential building envelope on the preliminary plat. Language shall be noted on the final plat to the effect that specially-approved setbacks are in effect on the lots.

9. Workforce or affordable housing. In exchange for lot size and setback reductions, small lot single-family subdivision projects shall meet the following workforce or affordable housing criteria:

A. All dwelling unit sales and rent prices shall be restricted for a period of at least ten (10) years from the date of the unit's first sale (closing).

1. The initial sales price of a small lot subdivision housing unit shall not exceed three and one-half (3 1/2) times the Indian River County annual median household income. Over the ten -year restriction period, the sales price may be increased three (3) percent per year (compounded annually).

2. Where a small lot subdivision housing unit is rented, the monthly rental price shall not exceed the Indian River County maximum rent by unit type for moderate income as published by the Florida Housing Finance Corporation.

B. As an option to and in lieu of criterion "A" above, an applicant may propose an alternative to the resale price and appreciation restriction. Any such alternative must ensure that small lot subdivision housing units remain affordable for at least ten (10) years. An alternative to the sales price restriction shall be structured as a deed restriction which shall apply to lots created by the small lot subdivision process. The draft restriction shall be submitted in conjunction with the small lot subdivision preliminary plat application and shall:

- Identify the proposed method of ensuring affordability which may include:

- Rent/price resale restriction
- Buyer income qualification
- Shared equity process
- Other

- Identify appeal/variance procedure or a prohibition of appeals/variances

- Identify a monitoring program which shall be administered by public agencies or private organizations qualified to provide or assist with workforce or affordable housing.

The alternative shall be considered by the planning and zoning commission and evaluated under the above criteria. The PZC is authorized to approve the alternative and attach conditions to ensure that the above criteria are satisfied.

- C. The maximum size of each dwelling unit shall be restricted in perpetuity to one thousand five hundred (1,500) square feet under air.*
- D. The restrictions required under items A. or B., and C. above shall be incorporated into deed restrictions, running in favor of the county and any unit buyer or renter, approved by the county attorney and filed in the public records by the project applicant. The sales price restriction shall require county consent of the sales price prior to each closing during the ten-year restriction period. Such consent is authorized to be made by the community development director or his designee.*

Attachment 3

ATRUE COPY
CERTIFICATION ON LAST PAGE
J.K. BARTON, CLERK

RESOLUTION NO. 2008 - 038

A RESOLUTION OF INDIAN RIVER COUNTY, FLORIDA, ESTABLISHING
THE INDIAN RIVER COUNTY AFFORDABLE HOUSING ADVISORY
COMMITTEE AND ASSIGNING TASKS TO THE COMMITTEE.

WHEREAS, Indian River County adopted Ordinance No. 93 - 13, establishing the Indian River County Local Housing Assistance Program; and

WHEREAS, Ordinance No. 93 - 13 was codified as Chapter 308 of the Indian River County Code; and

WHEREAS, an Affordable Housing Advisory Committee was appointed in May 18, 1993 to perform and complete the duties and functions set forth in Section 420.9076, Florida Statutes, and Section 308.07 of the Indian River County Code; and

WHEREAS, the 1993 Affordable Housing Advisory Committee performed and completed all tasks referenced above and was eventually dissolved on November 4, 2003; and

WHEREAS, the 2007 Florida Legislature, as part of the HB 1375, revised Section 420.9076.F.S. to require all Counties in the state to establish Affordable Housing Advisory Committees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, that:

1. A new Affordable Housing Advisory Committee (AHAC) is hereby established.
2. The Affordable Housing Advisory Committee voting membership shall be as identified in Exhibit "A" attached to this resolution.

RESOLUTION NO. 2008 - 038

3. The Affordable Housing Advisory committee non-voting membership shall be as identified in Exhibit "B" attached to this resolution.
4. Vacancies in membership shall be filled and approved by majority vote of the Indian River County Board of County Commissioners.
5. The provisions of Chapter 103, Commissions and Boards, of the Indian River County Code shall apply to the activities of the Affordable Housing Advisory Committee unless otherwise specified in Section 308.07 of the Indian River County Code.
6. The Affordable Housing Advisory Committee shall have no power or authority to commit Indian River County to any policies, incur any financial obligation, or create any liability on the part of the County until approved or adopted by the Board of County Commissioners.
7. Duties of the Affordable Housing Advisory Committee include but are not limited to:
 - Providing advice to the Board of County Commissioners regarding the provision of affordable housing and workforce housing within the county
 - Assessing new affordable housing strategies
 - Reviewing and assessing the county's current affordable housing incentives
 - Reviewing the County's current policies and procedures as related to the provision of affordable housing

RESOLUTION NO. 2008 - 038

- Reviewing the Housing Element component of the County's Comprehensive Plan Evaluation and Appraisal Report.
- Reviewing the County's Land Development Regulations as they relate to the provision of affordable and workforce housing.
- Submitting a report to the Board of County Commissioners by December 31, 2008 and each 3 years thereafter, to recommend specific actions or initiatives to encourage and facilitate affordable housing while protecting the ability of property to appreciate in value.

The foregoing resolution was offered by Commissioner Peter D. O'Bryan and seconded by Commissioner Wesley S. Davis, and, being put to a vote, the vote was as follows:

Chairman, Sandra L. Bowden	<u>Aye</u>
Vice-Chairman, Wesley S. Davis	<u>Aye</u>
Commissioner Peter D. O'Bryan	<u>Aye</u>
Commissioner Joseph E. Flescher	<u>Aye</u>
Commissioner Gary C. Wheeler	<u>Aye</u>

The Chairman thereupon declared the resolution duly passed and adopted this 18th day of March, 2008.

RESOLUTION NO. 2008 - 038

INDIAN RIVER COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By Sandra L. Bowden
Sandra L. Bowden, Chairman

ATTEST:

Jeffrey K. Barton, Clerk
Jeffrey K. Barton, Clerk

APPROVED AS TO FORMAT
AND LEGAL SUFFICIENCY:

William G. Collins, II
William G. Collins, II
County Attorney

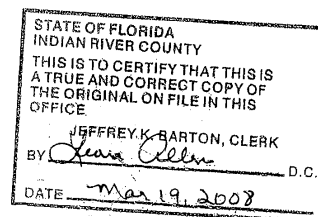


EXHIBIT "A"

Members of the Indian River County Affordable Housing Advisory Committee Appointed by the Indian River County Board of County Commissioners, pursuant to Section 420.9076(2).F.S.:

Representational Criteria

Voting Members

1. A citizen who is actively engaged in the residential home building industry in connection with affordable housing.
2. A citizen who is actively engaged in the banking or mortgage industry in connection with affordable housing.
3. A citizen who is a representative of those areas of labor engaged in home building in connection with affordable housing.
4. A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
5. A citizen who is actively engaged as a for-profit provider of affordable housing.
6. A citizen who is actively engaged as a not-for-profit provider of affordable housing
7. A citizen who is actively engaged as a real estate professional in connection with affordable housing.
8. A citizen who actively serves on the County's local planning agency (Planning and Zoning Commission) pursuant to S.163.3147F.S.
9. A citizen who resides within the county.
10. A citizen who represents employers within the county.
11. A citizen who represents essential services personnel, as defined in the Local Housing Assistance plan.

EXHIBIT "A"

Voting Members

12. A representative appointed by the City of Fellsmere
13. A representative appointed by the City of Vero Beach
14. A representative appointed by the City of Sebastian
15. A representative appointed by the Town of Indian River Shores
16. A representative appointed by the Town of Orchid

EXHIBIT "B"

Non-Voting Member

Representational Criteria

1. A member of the Indian River County Board of County Commissioners

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Attachment 4

Public Hearing Notice

Notice is hereby given that, on November 19, 2008, the Indian River County Affordable Housing Advisory Committee (AHAC), pursuant to requirements of Section 420.9076(5), F.S., will conduct a public hearing on the Affordable Housing Advisory Committee's 2008 Incentive Review and Recommendation Report for revisions and additions to the county's affordable housing incentives. The AHAC report addresses all affordable housing incentives listed in paragraphs A through K of Section 420.9076(4), F.S. As structured, the draft AHAC report recommends keeping all of the county's current affordable housing incentives with some revisions.

Date & Time: Wednesday, November 19, 2008, at 9:30 a.m.

Place: Conference Room B1-501
County Administration Building "B"
1800 27th Street
Vero Beach, FL 32960

Reports: Copies of the AHAC Report are available at the Planning Division located at 1801 27th Street, Vero Beach, FL 32960

ANYONE WHO NEEDS A SPECIAL ACCOMMODATION FOR THIS MEETING MUST CONTACT THE COUNTY'S AMERICAN'S WITH DISABILITIES ACT (ADA) COORDINATOR AT (772) 226-1233 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING.

To be advertised on November 9, 2008, in Section "A"

Please forward two proofs of publication before public hearing date to:

Kathy Charest
Planning Department
1801 27th Street
Vero Beach, Florida 32960

RESOLUTION NO. 2008-198

A RESOLUTION OF THE INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING THE INDIAN RIVER COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC) REPORT AND DIRECTING STAFF TO REVISE THE COUNTY'S LOCAL HOUSING ASSISTANCE PLAN CONSISTENT WITH THE AFFORDABLE HOUSING ADVISORY COMMITTEE REPORT RECOMMENDATIONS

WHEREAS, The County, on April 6, 1993, adopted ordinance 93-13, establishing the county's Local Housing Assistance Program pursuant to section 420.9072, Florida Statutes and Rule 67-37, F.A.C.; and

WHEREAS, pursuant to revised Section 420.9076(4), F.S., each local government participating in the State Housing Initiatives Partnership (SHIP) program must prepare an Affordable Housing Advisory Committee Report that recommends to the local governing body specific actions or initiatives to encourage or facilitate affordable housing; and

WHEREAS, the Indian River County Affordable Housing Advisory Committee held public meetings on June 5, 2008, July 17, 2008, and August 20, 2008, at which the AHAC reviewed the county's Housing Element Evaluation and Appraisal Report and existing county affordable housing incentives, as well as the affordable housing incentives contained in paragraphs A through K of Section 420.9076 (4) F.S., to determine which incentives are appropriate for Indian River County and should be incorporated in the AHAC report; and

WHEREAS, the AHAC held a public hearing pursuant to the requirements of Section 420.9076(5), F.S., on November 19, 2008 to review the Affordable Housing Advisory Committee Report; and

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RESOLUTION NO. 2008-198

WHEREAS, the AHAC at its November 19, 2008 public hearing voted to approve the AHAC report and recommend that the Board of County Commissioners amend the Indian River County Local Housing Assistance Plan; and

WHEREAS, a copy of the Affordable Housing Advisory Committee report must be submitted to the Florida Housing Finance Corporation by December 31, 2008; and

WHEREAS, a copy of the amended Indian River County Local Housing Assistance Plan must be submitted to the Florida Housing Finance Corporation for its review by May 1, 2009.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Indian River County, Florida THAT:

Section 1.

The above recitals are ratified in their entirety.

Section 2.

The attached Indian River County Affordable Housing Advisory Committee Report is hereby approved, and staff is directed to revise the county Local Housing Assistance Plan to include recommendations contained in the AHAC report.

Section 3.

Staff is directed to submit a copy of the AHAC report to the Florida Housing Finance Corporation by December 31, 2008.

Section 4.

Staff is directed to submit a copy of the revised Indian River

RESOLUTION NO. 2008-198

County Local Housing Assistance Plan to the Florida Housing Finance Corporation by May 1, 2009.

The foregoing resolution was offered by Commissioner Flescher, and seconded by Commissioner Solari, and being put to a vote, the vote was as follows:

Chairman, Wesley S. Davis	<u>AYE</u>
Vice Chairman, Joseph E. Flescher	<u>AYE</u>
Commissioner, Bob Solari	<u>AYE</u>
Commissioner, Gary C. Wheeler	<u>AYE</u>
Commissioner, Peter O'Bryan	<u>AYE</u>

The Chairman thereupon declared the resolution duly passed and adopted this 9th day of December, 2008.

Board of County Commissioners
of Indian River County

By: Wesley S. Davis, Chairman

Attest by: Athena Adams, D.C.

Mary Louise Scheidt, Clerk, Ad Interim

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: William G. Collins, II
County Attorney

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