

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: February 20, 2008

Division: Growth Management

Bulk Item: Yes  No

Department: \_\_\_\_\_

Staff Contact: Lisa Tennyson

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**AGENDA ITEM WORDING:** A public hearing to consider an ordinance adopting amendments to the Monroe County Land Development Regulations to revise Section 9.5-4 entitled "Essential Services Personnel" and "Workforce Housing" and adding definitions.

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**ITEM BACKGROUND:** These terms are referred to in state statutes and are used as definitions by other housing agencies. Florida Statute Section 420.5095 defines "essential services personnel." The County therefore has a need to define "essential services personnel" for use in its LDRs. The definition for "workforce housing" is found in Florida Statute Sec. 420.5095(3)(a) and is another term in the affordable housing guidelines which allow for various income limitations, in this case 150% of the median income in an area of critical state concern, adjusted for household size.

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**PREVIOUS RELEVANT BOCC ACTION:** The BOCC, on September 20, 2006, by Resolution No. 384-2006, adopted Amendment 2 to the State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan ("LHAP"). Included in the LHAP is a definition of the term "essential services personnel."

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**CONTRACT/AGREEMENT CHANGES:** None

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**STAFF RECOMMENDATIONS:** Approval

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**TOTAL COST:** N/A

**BUDGETED:** Yes  No

**COST TO COUNTY:** \_\_\_\_\_

**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes  No  **AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Atty  OMB/Purchasing  Risk Management

**DOCUMENTATION:** Included  Not Required

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_ - 2008

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS TO REVISE SECTION 9.5-4 ENTITLED “ESSENTIAL SERVICES PERSONNEL” AND “WORKFORCE HOUSING” ADDING DEFINITIONS; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING EFFECTIVE DATE**

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**WHEREAS**, the Monroe County Board of County Commissioners (the “Board”) has considered the comments of the public, recommendations of the Planning Commission, County staff and the Workforce Housing Task Force and its counsel, and other matters, and;

**WHEREAS**, the Board makes the following Findings of Fact:

1. In Section 420.5095(1), F.S., the Florida Legislature found and declared that recent rapid increases in the median purchase price of a home and the cost of rental housing have far outstripped the increases in median income in the state, preventing essential services personnel from living in the communities where they serve and thereby creating the need for innovative solutions for the provision of housing opportunities for essential services personnel.

2. In Section 420.5095(3)(b), F.S., the Legislature has defined “Essential Services Personnel” as follows:

"Essential services personnel" means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential services personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to s. 420.9075(3)(a)."

3. In Section 420.5095(3)(a), F.S., the Legislature has defined “Workforce Housing” as follows:

"Workforce housing" means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of the area median income, adjusted for household size, or 150 percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as areas of critical state concern for at least 20 consecutive years prior to removal of the designation."

4. On September 20, 2006, by Resolution No. 384-2006, this Board added the following definition of “Essential Services Personnel” to the County’s Local Housing Assistance Plan (“LHAP”):

“Essential Services Personnel” in Monroe county according to its adopted and amended LHAP shall mean and include, without limitation full-time working persons employed in Monroe County providing services in the construction and skilled building trades, real estate, finance, public and non-profit organization, healthcare, licensed professions and trades, commercial fishing, hospitality, wholesale and retail consumer services, transportation, education, security, entertainment and any similar service otherwise constituting an essential component of the local economy and community.

5 Monroe County and its municipalities have a mutual interest in preserving and providing workforce and other affordable housing countywide. The County and other Keys jurisdictions should define “Essential Services Personnel” and “Workforce Housing” for coordinated regional housing planning purposes. Members of the public have requested, the County’s Workforce Housing Task Force has considered, and the latter’s Counsel and County Staff have recommended adoption of these LDR definitions.

6. The proposed definitions draw from the definitions of “Essential Services Personnel” and “Workforce Housing” established by Sections 420.5095(a)-(b), F.S. This is consistent with current County Code Section 9.5-3 which provides that “[t]he terms used in this chapter, unless otherwise specifically provided, shall have the meanings provided by the statutes of this state for the same terms.”

7. The proposed amendments to the Land Development Regulations are consistent with and further goals, objectives and policies of the Year 2010 Comprehensive Plan.

**NOW, THEREFORE,** BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THE FOLLOWING: That the preceding findings support the Board’s decision to approve the amendments to the Land Development Regulations of the Monroe County Code as provided herein:

**Section 1.**

Amend Code Section 9.5-4 to create and add Code Definitions 9.5-4 (E-2A) and 9.5-4 (W-18), which shall read respectively as follows:

(E-2A) *Essential Services Personnel* means and includes, without limitation full-time working persons employed in Monroe County providing services in the construction and skilled building trades, real estate, finance, public and non-profit organization, healthcare, licensed professions and trades, commercial fishing, hospitality, wholesale and retail consumer services, transportation, education, security, entertainment and any similar service otherwise constituting an essential component of the local economy and community. Where required or appropriate, the term’s meaning shall correspond to that set

forth in the County's Local Housing Assistance Plan established pursuant to s. 420.9075(3)(b), F.S. The County Code term for *Essential Services Personnel* shall be construed consistently with the definition for *Essential Services Personnel* as set forth in Section 420.5095(b), F.S., as amended.

(W-18) *Workforce Housing* shall mean housing for Monroe County "Essential Services Personnel", as these persons are defined under any applicable Local Housing Assistance Plan(s) ("LHAP(s)") established pursuant to Section 420.9075, F.S., as amended (to include, where applicable and lawfully permitted, housing for such personnel's family members who reside with them). The County Code term for *Workforce Housing* shall be construed consistently with the definition for Workforce Housing as set forth in Section 420.5095(a), F.S., as amended.

**Section 2.** If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**Section 4.** This ordinance shall be transmitted to the Secretary of State and by the Planning Department to the Department of Community Affairs pursuant to Chapter 163, Florida Statutes.

**Section 5.** This ordinance shall become effective as provided by law.

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**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 20th day of February, A.D., 2008.

Mayor Charles "Sonny" McCoy \_\_\_\_\_  
Mayor Pro Tem Mario Di Gennaro \_\_\_\_\_  
Commissioner Sylvia Murphy \_\_\_\_\_  
Commissioner George Neugent \_\_\_\_\_  
Commissioner Dixie Spehar \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
CHARLES "SONNY" McCOY, MAYOR

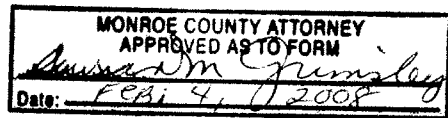
(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

\_\_\_\_\_  
DEPUTY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney



Jerry Coleman, Esq.  
Barton W. Smith, Esq. (FL only)  
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**MEMORANDUM (CONSULTANT STAFF REPORT)**

**TO:** Monroe County Board of County Commissioners

**FROM:** Jerry Coleman, Esq.  
Counsel to Monroe County Workforce Housing Task Force

**THROUGH:** Townsley Schwab, Acting, Sr., Director of Planning  
& Environmental Resources  
  
Lisa Tennyson, Affordable Housing Coordinator

**DATE:** January 22, 2008

**SUBJECT:** PROPOSED TEXT AMENDMENT TO THE MONROE COUNTY  
LAND DEVELOPMENT REGULATIONS (LDR)

**MEETING DATE:** February 20, 2008

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**I. PROPOSED AMENDMENT:**

The proposed amendment adds new **Section 9.5-4 “Essential Services Personnel”** and **“Workforce Housing”** definitions.

**A. Previous County Action:**

**i. Board of County Commissioners**

At the May 18, 2005 Board of County Commission meeting in Key Largo, affordable housing liaison, the late Commissioner Murray Nelson, moved for and received unanimous BOCC approval to form a County Workforce Housing Task Force to address the County’s affordable housing challenges.

As the Workforce Housing Task Force began to regularly meet, questions arose regarding the exact meaning of the term “workforce housing” and a possibility for confusion was recognized since the County Code does not

define the term. Current Code section 9.5-4 (A-5) sets forth the definition of the broad term “affordable housing”. In 9.5-4 (E-1), “employee housing” (basically a special subset of affordable housing) is also defined. Differences between employee housing and affordable housing include current local gainful employment requirements without an express requirement for income earnings for households to qualify for the latter. In order for affordable housing to qualify under the Code as employee housing, a household, along with meeting the requirements of affordable housing in Section 9.5-4 (A-5) and 9.5-266, must also derive at least seventy percent (70%) of its household income from gainful employment in Monroe County. “Workforce Housing” is not defined.

In 2006 the State of Florida defined “workforce housing” in 2006-69 of the Laws of Florida (now codified as § 420.5095, F.S.), and the term has become commonly used in the housing and planning literature. As noted, members of the public have made inquiry about and have indicated some confusion as to just what “workforce housing” means. Thus, we believe that with the County’s and the municipalities’ increased affordable/employee housing activities, proposed LDR changes relating to housing, and with state definitions in place and with the housing and planning literature’s increased use of the term “workforce housing,” it would be in the County’s and public’s best interest to define workforce housing in our own Code, thereby minimizing any chances for confusion and also establishing consistency with the state definition.

Additionally, the BOCC, on September 20, 2006, by Resolution No. 384-2006, adopted Amendment 2 to the State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan (“LHAP”). Included in the LHAP is a definition of the term “essential services personnel.” Section 420.5095 also defines “essential services personnel.” The County therefore has a need to define “essential services personnel” for use in its LDRs.

On December 4, 2007, the Development Review Committee convened to review this proposed ordinance and duly considered revisions and modifications by staff and the public.

On January 8, 2008, the Planning Commission unanimously recommended that the BOCC approve the proposed comprehensive plan amendment.

**B. Sponsor:**

The proposed text amendment originated from discussions of the Workforce Housing Taskforce and recommendations of the Division of Housing and Community Development.

**C. Characteristics of the proposed text amendment**

1. The intent of the addition to Section 9.5-4 is to define **workforce housing** and **essential services personnel** in Monroe County's LDRs.

**II. ANALYSIS:**

**A. Consistency with the Land Development Regulations**

**County requirements for amendments to the land development regulations:**  
Pursuant to Section 9.5-511(d)(5)b of the Monroe County Code, the Board of County Commissioners may consider the adoption of an ordinance enacting proposed changes to the text or maps based on one (1) or more of the following factors, for which the following justification is provided:

(i) *Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based;*

None.

(ii) *Changed assumptions (e.g., regarding demographic trends);*

None.

(iii) *Data errors, including errors in mapping, vegetative types and natural features described in Volume I of the plan;*

None.

(iv) *New issues;*

The defining of **workforce housing** and **essential services personnel** in § 420.5095, F.S. and the adoption by the County of Amendment 2 of its LHAP has created the potential for confusion in terminology and a definitional issue for the County and other Keys jurisdictions. Defining **workforce housing** and **essential services personnel** in the same manner as has the State may help to avoid any potential for confusion.

(v) *Recognition of a need for additional detail or comprehensiveness; or*

The Workforce Housing Taskforce Counsel and County Staff have recognized the need to add **workforce housing** and **essential services personnel** to Section 9.5-4 definitions in the LDRs for consistency with state law definitions. The addition of these definitions will assist in drafting and implementing future amendments to the LDRs and will aid in

avoiding confusion in drafting and implementing current and future affordable housing laws and regulations.

(vi) *Data updates;*

None.

**B. Consistency with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern.**

The proposed text amendment is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle. Specifically, the amendment furthers:

*Principle (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.*

*Principle (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.*

*Principle (j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.*

and

*Principle (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.*

**III. FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. The proposed definition amendment is justified by two (2) of the factors in Section 9.5-511 of the Monroe County Code, which the BOCC may consider for amending the land use regulations:

(iv) *New issues; and*

(v) *Recognition of a need for additional detail or comprehensiveness.*

2. The proposed text amendment is consistent with the following Principles for Guiding Development in the Florida Keys Area of Critical State Concern:

*(a), (d), (j) and (l).*

3. The proposed text amendment is in the interest of public welfare.

The amendments to the land development regulations contribute to the set of overall programs and policies designed to preserve, protect and augment the

County's existing and future affordable and workforce housing stock.

**IV. STAFF AND CONSULTANT RECOMMENDATION(S):**

Approval.