



## **LEE COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE**

**PUBLIC WORKS BUILDING  
1500 MONROE STREET, FORT MYERS, FL 33901  
FIRST FLOOR CONFERENCE ROOM 1B**

**MONDAY, October 9, 2023  
2:00 PM**

### **AGENDA**

1. Call to Order / Review of Affidavit of Publication
2. Approval of Minutes – November 2, 2022
3. Election – Chair and Vice-Chair
4. Overview of Affordable Housing Actions
5. 2023/2024 Incentive Report
6. Adjournment

To view a copy of the agenda, go to [www.leegov.com/dcd/calendar](http://www.leegov.com/dcd/calendar). For more information, contact Tracy Toussaint at [ttoussaint@leegov.com](mailto:ttoussaint@leegov.com).

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**MINUTES REPORT  
AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)  
November 2, 2022**

**MEMBERS PRESENT:**

Shawn Williams, Chair  
Ramie Hall, Vice-Chair  
Jill Morrissey  
Marion Briggs  
Claudia Perfect  
Melisa Giovannelli  
Steve Woods  
Carl Baxter, Jr.

**MEMBERS ABSENT**

Commissioner Ray Sandelli  
Henry Zuba  
Armando Jorge  
Remegio (Terry) Serrata

**STAFF PRESENT**

David Loveland, Director  
Amanda Swindle, County Attorney's Office  
Jeannie Sutton, Deputy Director, Department of Human and Veteran Services  
Mikki Rozdolski, Planning Manager  
Brandon Dunn, Principal Planner  
Angela Dietrich, SHIP Coordinator

**MEMBERS OF THE PUBLIC/INTERESTED PARTIES**

Tanya Soholt, Habitat for Humanity  
Sandra Stine, WFBL  
Ron Matthews, Genesis Real Estate Developer  
Lois Healy, Affordable Homeownership Foundation  
Alex Olivares, Catholic Charities  
Dan O'Berski, TCG

**Agenda Item 1 – Call to Order/Affidavit of Publication**

Mr. Shawn Williams brought the meeting to order at 2:05 p.m. in the Administration East Building, 2201 Second Street, First Floor Conference Room, Downtown, Fort Myers.

Ms. Amanda Swindle stated that she reviewed the Affidavit of Publication and it sufficient as to form and content and the meeting could proceed.

**Agenda Item 2 – Approval of Minutes – August 12, 2019**

Ms. Marion Briggs made a motion to approve the minutes. Mr. Carl Baxter, Jr. 2<sup>nd</sup> the motion. The motion passed unanimously.

Affordable Housing Committee  
November 2, 2022 - DRAFT

### **Agenda Item 3 – Election of Chair and Vice-Chair**

Ms. Briggs made a motion to nominate Mr. Williams for Chair. Ms. Ramie Hall 2<sup>nd</sup> the motion. The motion passed unanimously.

Ms. Jill Morrissey made a motion to nominate Ms. Hall for Vice-Chair. Mr. Carl Baxter 2<sup>nd</sup> the motion. The motion passed unanimously.

### **Agenda Item 4 – Overview of Affordable Housing**

Ms. Mikki Rozdolski gave an overview of FEMA damage assessments reports of Lee County. FEMA is reporting as of the date of this meeting 6,000 destroyed structures, 32,000 major destruction and 28,000 moderately damaged homes. FEMA has received close to 200,000 registrations for individual assistance. They have awarded \$278,000,000 in individual assistance. FEMA has more than 13,000 households eligible for Transitional Sheltering Assistance (TSA). They have also approved \$167,000,000 in Small Business Association Loans (SBA).

Ms. Jeannie Sutton gave an overview of Lee County Short term and long term housing recovery goals. Lee County short term goals will be looking at direct housing by rolling out new construction and acquisition rehab projects to increase Lee County's housing stock.

The Department of Human and Veteran Services has a NOFA application process that just closed for their CDBG and HOME Funds. They have also repurposed other funds from their agency to disaster recovery to help with long-term housing needs.

### **Agenda Item 5 – 2022/2023 Incentive Report**

Mr. Brandon Dunn provided an overview of the 2022/2023 Incentive Report to the AHAC members and public. Mr. Dunn explained to the committee members that there were no changes to the incentive report from the previous years.

Mr. Steve Wood made a motion to approve the 2022/2023 Incentive Report with the recommendation that Lee County Commissioners explore the deferral of impact fees.

Ms. Melisa Giovannelli 2<sup>nd</sup> the motion. The motion passed unanimously.

### **Agenda Item 4– Adjournment**

Mr. Williams asked for a motion to adjourn. Ms. Giovannelli made the motion. Mr. Baxter 2<sup>nd</sup> the motion. The motion passed unanimously and the meeting adjourned at 2:45 pm.

**A recording of this meeting is available. Please contact Angela Dietrich at 239-533-8389 or [adietrich@leegov.com](mailto:adietrich@leegov.com) to obtain a copy of the recording.**

## BACKGROUND

As a recipient of State Housing Initiative Partnership (SHIP) funds, Lee County established an Affordable Housing Advisory Committee (AHAC) on April 15, 2008 as required by the Florida Statutes, Sec. 420.9076. The AHAC is responsible for reviewing and evaluating local plans, policies, procedures, land development regulations, the Comprehensive Plan, and other aspects of Lee County housing activities that impact the production of affordable housing. Further, the AHAC is required to consider and evaluate the implementation of the incentives provided in Florida Statutes, Sec. 420.9076 (4)(a)-(k).

The AHAC reviewed, considered, and evaluated the affordable housing incentives provided in Florida Statutes, Sec. 420.9076(4) and makes these recommendations to the Board of County Commissioners:

A. **420.9076(4)(a): The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in s.163.3177(6)(f)3.**

**1. Incentive Description: EXPEDITED PERMITTING**

The Planning Section of the Lee County Department of Community Development provides procedural and technical assistance to developers of Affordable Housing Developments (AHDs). Developers of AHDs in unincorporated Lee County may request, from the Planning section, an expedited permit processing. The approval for expedited processing is routed with each county permit for the AHDs to assure that the processing of approvals for construction of the AHDs will be expedited to a greater degree than other projects.

**2. Adopting Ordinance or Resolution Number or identify local policy:**

- 2023/2024 - 2025/2026 Local Housing Assistance Plan – Page 22 - 23
- Lee County Comprehensive Plan (Lee Plan)
  - Policy 135.1.5
  - Policy 135.4.13

**3. Implementation Schedule (Date):** Ongoing

**4. Staff Recommendation:** Continue Strategy

**5. 2022 AHAC Recommendation:** Continue Strategy

**6. 2023 AHAC Recommendation:**

**B. 420.9076(4)(b): All allowable fee waivers provided for the development or construction of affordable housing.**

**1. Incentive Description: MODIFICATION OF IMPACT FEES**

- a. **Impact Fee Reimbursement Program** - Reimbursement of up to half (50%) of the amount paid for school impact fees for new construction of affordable residential single-family or multi-family homes to be occupied by income eligible households. These funds are available above and beyond any other assistance awarded.

This program is available for housing units built anywhere in Lee County where school impact fees have been paid within the past calendar year. The maximum purchase price of a home is the maximum established for the SHIP Program. Income limits apply to families purchasing the unit.

To encourage broad participation, there is a ceiling on the cumulative total of reimbursement distributed to any single builder per County fiscal year (10/1 – 9/30).

- b. **Impact Fee Exemption Program** - Exemptions for payment of Road, Regional Park, Community Park, Fire Protection and Emergency Medical Services Impact Fees are provided for residential building permits in Harlem Heights, Charleston Park, and the Fort Myers/Lee County Enterprise Zone.

Dwellings in subdivisions, mobile home or manufactured housing parks, and multi-family dwellings that are operated as a community for older persons that also prohibit persons under the age of 18 from residing within the dwellings as a permanent resident are exempt from payment of School Impact Fees.

- c. **Utility Connection Fees Deferral Program** - Deferral of Lee County Utilities connection fees for Very-Low and Low Income housing developed by non-profit organizations until the time of building permit application. Without the deferral, regulations require that 50% of the connection fees be paid at the time the County is asked to commit to the capacity availability and the remaining 50% at final acceptance of infrastructure. The program provides non-profits more cash flow as an incentive to constructing housing for the most needy.
- d. **Building Permit Fee Waivers** - The Florida Housing Finance Corporation's State Apartment Incentive Loan Program (SAIL) provides low-interest loans on a competitive basis as gap financing to leverage mortgage revenue bonds and Low-Income Housing Tax Credit resources. This allows developers to obtain the full financing needed to construct or rehabilitate affordable rental units. The application for this program allows Lee County to make commitments to multiple projects, and the minimum commitment amount is \$50,000. The local government contribution for projects awarded SAIL financing are provided as building permit fee waivers.

**2. Adopting Ordinance or Resolution Number or identify local policy:**

**Impact Fee Reimbursement Program**

- 2023/2024 - 2025/2026 Local Housing Assistance Plan – Page 23 - 24
- Lee County Administrative Code
  - 13-4 Administrative Procedures Governing Reimbursement of Lee County School Impact Fees
- Lee County Comprehensive Plan (Lee Plan)
  - Policy 135.1.5

**Impact Fee Exemption Program**

- Lee County Land Development Code

- Chapter 2, Article VI, Division 2. Road Impact Fee – Section 2-274 Exemptions
- Chapter 2, Article VI, Division 3. Regional Parks Impact Fee – Section 2-312 Exemptions
- Chapter 2, Article VI, Division 4. Community Parks Impact Fee – Section 2-352 Exemptions
- Chapter 2, Article VI, Division 5. Fire Protection and Emergency Medical Services Impact Fee – Section 2-394 Exemptions

**3. Implementation Schedule:** Ongoing

**4. Staff Recommendation:** Continue Strategy

**5. 2022 AHAC Committee Recommendation:** Explore deferring impact fees.

**6. 2023 AHAC Committee Recommendation:**

**C. 420.9076(4)(c): The allowance of flexibility in densities for affordable housing.**

**1. Incentive Description: FLEXIBLE DENSITIES**

The Lee County Comprehensive Plan provides increased densities for housing that is affordable to very-low, low, moderate, and workforce-income families. The program provides both a construction option (affordable units must be constructed) and cash option (market priced units may be constructed in exchange for a cash contribution to the Affordable Housing Trust Fund).

**7. Adopting Ordinance or Resolution Number or identify local policy:**

- Lee County Administrative Code
  - AC13-5
- 2023/2024 - 2025/2026 Local Housing Assistance Plan – Page 24
- Lee County Comprehensive Plan (Lee Plan)
  - Policy 135.1.4
  - Policy 135.4.14
- Lee County Land Development Code
  - Chapter 2, Article IV, Section 2-146 and 2-147

**8. Implementation Schedule (Date): Ongoing**

**4. Staff Recommendation:** Continue Strategy

**5. 2022 AHAC Committee Recommendation:** Continue Strategy

**6. 2023 AHAC Committee Recommendation:**

**D. 420.9076(4)(d): The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.**

**1. Incentive Description: RESERVATION OF INFRASTRUCTURE CAPACITY**

There are currently no restrictions on the availability of infrastructure capacity. Therefore, the reservation of capacity for very-low, low, and moderate income households is not necessary.

**7. Adopting Ordinance or Resolution Number or identify local policy:**

- 2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 24

**3. Implementation Schedule (Date):** Not Applicable

**4. Staff Recommendation:** No change

**5. 2022 AHAC Committee Recommendation:** No Change

**6. 2023 AHAC Committee Recommendation:**



**E. 420.9076(4)(e): Affordable accessory residential units.**

**1. Incentive Description: AFFORDABLE ACCESSORY RESIDENTIAL UNITS**

The Lee County Land Development Code allows accessory apartments by right in certain areas, regardless of density provisions, which provides opportunities for additional affordable housing units. The purpose of allowing accessory residential units is to facilitate the provision of affordable housing, to strengthen the family unit, and to provide increased opportunities for housing the elderly and persons with special needs.

**2. Adopting Ordinance or Resolution Number or identify local policy:**

- 2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 24 – Page 25
- Lee County Land Development Code
  - Chapter 34, Article VII, Section 34-1177

**3. Implementation Schedule (Date):** Ongoing

**4. Staff Recommendation:** Continue Strategy

**5. 2022 AHAC Committee Recommendation:** Continue Strategy

**6. 2023 AHAC Committee Recommendation:**

**F. 420.9076(4)(f): The reduction of parking and setback requirements for affordable housing.**

**1. Incentive Description: PARKING AND SETBACK REQUIREMENTS**

The Land Development Code provides several avenues for relief in parking and setbacks:

- Developments within the Mixed Use Overlay (MUO) are subject to reduced parking, setbacks, open space and landscaping standards.
- Parking and setback requirements may be reduced through the planned development rezoning process by requesting deviations from the property development regulations.
- Similar to the deviation process, variances may be requested in conventional zoning districts to reduce parking and setback requirements.
- Reduced parking requirements are provided for Assisted Living Facilities, Continuing Care Facilities, Independent living facilities, including group quarters, health care, social services, and similar uses.

**2. Adopting Ordinance or Resolution Number or identify local policy:**

- 2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 25
- Lee County Comprehensive Plan
  - Objective 11.2
- Lee County Land Development Code
  - Chapter 10, Article II, Division 2, Subdivision II, Section 10-104
  - Chapter 34, Article IV, Division 2, Section 34-373
  - Chapter 34, Article IV, Division 3, Section 34-411
  - Chapter 34, Article VII, Division 26, Section 34-2020

**3. Implementation Schedule (Date):** Ongoing

**4. Staff Recommendation:** Continue Strategy

**5. 2022 AHAC Committee Recommendation:** Continue Strategy

**6. 2023 AHAC Committee Recommendations:**

**G. 420.9076(4)(g): The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.**

**1. Incentive Description: FLEXIBLE LOT CONFIGURATIONS**

The Land Development Code provides options for allowing flexible lot configurations, including zero-lot-line configurations.

- Developments within the Mixed Use Overlay (MUO) are subject to reduced parking, setbacks, open space and landscaping standards which allows for flexible lot configurations, including zero-lot-line configurations for affordable housing.
- The planned development rezoning process allows for flexible lot configurations with approval of deviations from development design standards. Similar to the deviation process, variances may be requested in conventional zoning districts.

**2. Adopting Ordinance or Resolution Number or identify local policy:**

- 2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 25
- Lee County Comprehensive Plan
  - Policy 135.4.13
  - Objective 11.2
- Lee County Land Development Code
  - Chapter 10, Article II, Division 2, Subdivision II, Section 10-104
  - Chapter 34, Article IV, Division 2, Section 34-373
  - Chapter 34, Article IV, Division 3, Section 34-411

**3. Implementation Schedule (Date):** Ongoing

**4. Staff Recommendation:** Continue Strategy

**5. 2022 AHAC Committee Recommendation:** Continue Strategy

**6. 2023 AHAC Committee Recommendation:**

**H. 420.9076(4)(h): The modification of street requirements for affordable housing.**

**1. Incentive Description: MODIFICATION OF STREET REQUIREMENTS**

The Land Development Code allows for the modification of street requirements through the planned development rezoning process. Through this process, an applicant can design their own property development regulations for lot configuration and setbacks and seek deviations in roadway designs and parking. Variances are available for conventional zoning districts.

**2. Adopting Ordinance or Resolution Number or identify local policy:**

- 2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 25
- Lee County Comprehensive Plan
  - Policy 135.4.15
- Lee County Land Development Code
  - Chapter 10, Article II, Division 2, Section 10-291(3)
  - Chapter 10, Article II, Division 2, Section 10-296(d)(2)
  - Chapter 34, Article IV, Division 2, Section 34-373

**3. Implementation Schedule (Date):** Ongoing

**9. Staff Recommendation:** Continue Strategy

**10. 2022 AHAC Committee Recommendation:** Continue Strategy

**11. 2023 AHAC Committee Recommendation:**

**I. 420.9076(4)(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.**

**1. Incentive Description: PROCESS OF ONGOING REVIEW**

Lee County created an Executive Regulatory Oversight Committee with the responsibility to review and consider the impact of development regulations being considered for adoption on the cost of development.

**2. Adopting Ordinance or Resolution Number or identify local policy:**

- 2020/2021 – 2022/2023 Local Housing Assistance Plan – Page 25 – Page 27
- Lee County Comprehensive Plan
  - Policy 135.1.3
  - Policy 158.6.1
  - Policy 158.6.2
- Lee County Administrative Code
  - AC-2-22 Executive Regulatory Oversight Committee (EROC)

**3. Implementation Schedule (Date):** Ongoing

**4. Staff Recommendation:** Continue Strategy

**5. 2022 AHAC Committee Recommendation:** Continue Strategy

**6. 2022 AHAC Committee Recommendation:**

**J. 420.9076(4)(j): The preparation of a printed inventory of locally owned public lands suitable for affordable housing.**

**1. Incentive Description: PUBLIC LAND INVENTORY**

The Department of County Lands reviews County owned surplus real estate for possible disposal either by donation or sale, as the case may be, for disposition of governmentally owned real estate. The Department of County Lands regularly makes available its inventory of public lands for evaluation by government agencies and non-profit and for-profit affordable housing providers for the construction and development of affordable housing.

**2. Adopting Ordinance or Resolution Number or identify local policy:**

- 2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 26
- Florida Statutes 125.35 and 125.38
- Lee County Ordinance 02-34 Lee County Surplus Lands

**3. Implementation Schedule (Date):** Ongoing

**4. Staff Recommendation:** Continue Strategy

**5. 2022 AHAC Committee Recommendation:** Continue Strategy

**6. 2023 AHAC Committee Recommendation:**

**K. 420.9076(4)(k): The support of development near transportation hubs and major employment centers and mixed-use developments.**

**1. Incentive Description: SUPPORT OF DEVELOPMENT NEAR TRANSPORTATION HUBS**

Contiguous and compact growth patterns are promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevents development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The Mixed Use Overlay (MUO) incentivizes redevelopment located within areas that have existing services and infrastructure. The MUO allows properties within the designated areas to develop under the conventional zoning district with reduced regulations. The required open space is reduced by 50%, buffer widths and setbacks are reduced, up to 60% of the parking space requirement is reduced, allows for increased heights, and there are no maximum lot size or coverage requirements.

**2. Adopting Ordinance or Resolution Number or identify local policy:**

- 2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 26
- Lee County Comprehensive Plan (Lee Plan)
  - Goal 2
  - Objective 2.1
  - Policy 2.1.1
  - Objective 2.2
  - Policy 5.1.6
  - Policy 5.1.7
  - Policy 5.1.8
  - Objective 11.2
- Lee County Land Development Code
  - Chapter 2, Article II, Division 1, Section 2-41

**3. Implementation Schedule (Date):** Ongoing

**4. Staff Recommendation:** Continue Strategy

**5. 2022 AHAC Committee Recommendation:** Continue Strategy

**6. 2023 AHAC Committee recommends:**