

ORDINANCE NO. _____-24

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, FLORIDA BY CREATING CHAPTER 65 TO BE ENTITLED “AFFORDABLE AND WORKFORCE HOUSING”; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, on October 4, 2023 the Town adopted Resolution 84-10--23 declaring Zoning in Progress to allow for the development of regulations for affordable or workforce housing to implement the Fla. Stat. § 166.04151(7), known as the “Live Local Act”; and

WHEREAS, given the adoption of the Live Local Act, Town Commission directed the Community Development Department (Department) in consultation with the Town Attorney to consider, study and prepare regulations addressing affordable and workforce housing in the Town; and

WHEREAS, the Live Local Act authorizes the location of residential housing without regard to its compatibility with existing non-residential land use designations and the land use designations of surrounding properties; and

WHEREAS, the Live Local Act authorizes the location of residential housing in non-residential land use designations without regard to its compatibility with the height, density or intensity on adjacent existing properties, which is anticipated to create serious land use conflicts, impacts on public facilities and the cost of providing public services; and

WHEREAS, the Live Local Act permits local governments to take into consideration their comprehensive plans; and

WHEREAS, the Live Local Act allows affordable and workforce housing units to be constructed in existing commercial, industrial, and mixed use zoning districts of the Town, which is not consistent with existing policies of the Town’s Comprehensive

Plan, including, Future Land Use Element **Policy 5.4** that directs the Town to utilize techniques such as distance requirements, buffering, landscaping, lower-intensity development, and scale-down requirements to provide appropriate transitions between high density residential uses and the uses in adjacent zoning districts having different intensities, densities, and functions; and

WHEREAS, the Live Local Act must be reconciled with Policy 1.1 of the Comprehensive Plan Future Land Use Element which requires that the Town's Land Development Regulations be amended as necessary to regulate the use and intensity of land development consistent with this element to ensure the compatibility of adjacent land uses and "to encourage redevelopment, renewal or renovation, to maintain or improve existing neighborhoods and commercial areas;" and

WHEREAS, the Town Attorney and Community Development Department, after careful review have prepared regulations which are intended to establish an affordable and workforce housing program that is consistent with the Comprehensive Plan; and

WHEREAS, the Town's Planning and Zoning Board has conducted a public hearing to review the proposed amendments to the Code and has provided a recommendation to the Town Commission; and

WHEREAS, the Town Commission, after its review of the recommendations from the Planning and Zoning Board, and after due notice and public hearings finds that it is appropriate and necessary to adopt the new chapter 65 entitled "Affordable and Workforce Housing".

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are hereby incorporated as the legislative findings of the Town Commission.

Section 2. Chapter 65 of the Lake Park Code of Ordinances, entitled "Affordable and Workforce Housing" is hereby created to read as follows:

CHAPTER 65 - AFFORDABLE AND WORKFORCE HOUSING

Sec. 65-1. Purpose and Intent.

The purpose of this chapter is to provide for an affordable and workforce housing program in the Town.

The intent of the implementation of this program is to:

- (1) Ensure an adequate inventories of owner-occupied and rental housing throughout the Town that is available to low, moderate, moderate-high and middle income households to meet the specific housing needs of the Town as reflected in the Affordable Housing Needs Assessment by the Shimberg Center of Affordable Housing.
- (2) Encourage a diversity of housing options to allow for new residents to move into Town and existing residents to remain in the Town as they age and to provide for multi-generational housing opportunities.
- (3) Establish regulations to encourage the production of both rental and for-sale units to meet the Town's need for housing to serve various income levels.
- (4) Encourage and prioritize the construction of units for purchase to correct the rental-homeownership imbalance in the Town.
- (5) Identify locations for workforce and affordable housing in residential or mixed use districts, areas with transit opportunities and provide incentives for construction in these targeted areas.
- (6) Improve the quality of housing stock by incentivizing redevelopment of older, declining apartment buildings.
- (7) Provide for affordable and workforce housing in concert with federal, state, and county programs.
- (8) Provide regulations to ensure the health, safety, and welfare of occupants of affordable and workforce housing.
- (9) Provide regulations to ensure the compatible integration of affordable and workforce housing into existing neighborhoods.
- (10) To provide regulations to mitigate any conflicts with adjacent incompatible land uses for those projects developed under FS 166.04151 (6) and (7) which are located in commercial or industrial districts.

Sec. 65-2. - Definitions.

"Affordable unit" shall mean that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual household income level for the households as indicated in the definitions below, consistent with FS section 420.0004.

“AMI” shall mean area median income, as established for Palm Beach County.

“Highest allowable density” shall mean the highest allowable density by right in a zoning district. Additional or “bonus density” that is only granted at the discretion of the Town Commission shall not be used in determining the highest allowable density.

“Low Income household level” shall mean the annual gross household income is between 50.1% to 80% of the median annual adjusted gross income for households within Palm Beach County, as determined by HUD and updated annually.

“Major transit stop” shall mean a terminal or station designed to move a substantial volume of daily workforce commuters, via a mobility service such as a bus or train or other type of service, on a routine basis. It shall not mean a bus-stop.

“Moderate Income household level” shall mean the annual gross household income is between 80.1% to 100% of the median annual adjusted gross income for households within Palm Beach County., as determined by HUD and updated annually.

“Preserved Affordable Unit (PAU)” shall mean new affordable units that replace existing housing units at the same number and affordability range of affordable units lost through redevelopment of a site.

“Middle Income household level” shall mean the annual gross household income is between 120.1% to 140% of the median annual adjusted gross income for households within Palm Beach County, as determined by HUD and updated annually.

“Upper Moderate Income household level” shall mean the annual gross household income is between 100.1% of 120 % the median annual adjusted gross income for households within Palm Beach County., as determined by HUD and updated annually.

“Very Low Income household level” shall mean the annual gross household income is between 25% to 50% of the median annual adjust gross income for households within Palm Beach County as determined by HUD and updated annually.

“Workforce housing” shall mean dwelling units that are affordable to those households which fall into the low, moderate, upper moderate, or middle income categories and meet the definition of affordable as defined above.

Sec. 65-3. Reserved.

Section 65-4. - Application Requirements for Workforce Housing.

(a) In addition to the site plan application which addresses requirements contained in Town Code sections 67-38 and 67-38.1, any workforce housing project shall submit:

(1) A Workforce Housing Opportunity Program (HOP)

a. Any applicant who proposes a development project which intends to use the provisions of FS 166.04151 (6) or 166.04151 (7), or any County, State or Federal program for the production of affordable workforce housing, shall submit a workforce housing program (WHOP) per section (2) below.

(2) Workforce Housing Opportunity Program (HOP) shall include:

a. Description of specific requirements of the particular assistance program being used and documentation demonstrating that the proposed project complies with the requirements of the program(s).

b. Funding source or sources to be used shall include all financial relief including, but not limited to, construction grants or loans, tax credits, or relief from property taxes..

c. Amount of funding requested and documentation of the funding's approval status.

d. Anticipated fiscal impact to the Town, including any loss of revenue.

e. Anticipated dates to begin and complete construction.

f. Details on the workforce units as follows:

1. Units for sale: The type, size and sales price for proposed market-rate for-sale housing dwelling units and the workforce housing dwelling units;

2. Rental Units: The type, size and corresponding estimated rents of the proposed market-rate units and the proposed workforce housing dwelling units;

3. A floor plan or site plan for the project which specifically identifies the location of the proposed workforce dwelling units and which demonstrates that these dwelling units have been integrated within the development and are of comparable quality with its market-rate units;

4. An inventory of the workforce units by income household level;

5. The anticipated timing of the completion and delivery of the workforce housing dwelling units;

- g. If an application would result in the demolition of existing affordable or workforce housing dwelling units, provide documentation as to how these units will be replaced or their loss will be mitigated by Preserved Affordable Units (PAU).
- h. For projects with for sale units that will be in a condominium, the estimated initial annual condo fees per unit. The developer shall be responsible for the payment of the first year of condo fees for the workforce units.
 - h. Monitoring and Compliance Plan in accordance with section 65-12.
 - i. Any additional information reasonably requested by the Town, or by the entity that has been delegated by the Town Commission the responsibility of implementing the Town's workforce housing program.

(b) The Housing Opportunity Program shall be incorporated into the development order of an approved site plan.

Section 65-5. - Location of Workforce Housing

- (a) Workforce housing may be located in the Town's residential districts (R-1, R-1A, R-2, R-2, and R-1B) or its mixed use districts (PADD, C-3 Twin Cities Mall, and FHMUDO) and shall meet the regulations of those districts and the regulations contained herein.
- (b) Projects with affordable units applied for under 166.04151: Affordable housing which meets the statutory provisions of 166.04151 section and falls within the workforce housing categories set forth in this chapter may be located within the Town's commercial districts (C-1, C-1B or C-2) and are developed in accordance with the land development regulations for multi-family development as set out in the PADD or C-3 Districts, and observe all the regulations contained therein.
- (c) Projects with affordable units applied for under 166.04151: Affordable housing which meets the statutory provisions of 166.04151 and falls within the workforce housing categories set forth in this chapter may be located within the Town's Industrial zoned districts (C-4 and CLIC-1) and are developed in accordance with the land development regulations for multi-family development as set out in the PADD or C-3 Districts, and observe all the regulations contained therein.

Sec. 65-6. - Required elements for projects that Include Workforce Housing units.

- (1) Rental workforce housing units shall be equally allocated sequentially among the following three eligible household level income tiers beginning with low, adjusted

for family size: 50.1% to 80% (low), 80.1% to 100% (moderate), and 100.1% to 120% (upper moderate).

- (2) For sale workforce housing dwelling units shall be equally allocated sequentially among the following eligible household income tiers, adjusted for family size: moderate, upper moderate, and middle income households.
- (3) Workforce housing units must be reasonably integrated throughout a project and shall not be clustered together or segregated in any way from the market-rate units.
- (4) The number of studio, one, two, and three or more-bedroom affordable housing units shall be proportional to the number of studio, one, two and three bedroom market rate units. The project must include 3 bedroom units.
- (5) Workforce housing units shall be developed simultaneously with or prior to the development of the other market-rate units. If a project is phased, the phasing plan shall provide for the construction of workforce units proportionately and concurrently with the market-rate units
- (6) The exterior appearance of workforce housing units shall be substantially similar to the market-rate units and shall provide exterior building materials and finishes of a similar type and quality, with allowances for demonstrable value-engineering deviations.

The interior building materials and finishes of the workforce units shall be of a substantially similar type and quality as market-rate, with allowances for demonstrable value-engineering deviations.

- (7) Usable open space and common areas for both children and adults shall be provided. This may include, but is not limited to, tot lots, passive, landscaped sitting areas, open play field.
- (8) Workforce units shall be located in proximity to existing transit routes, recreation and shopping opportunities whenever possible.
- (9) Any project that displaces existing affordable units, shall at a minimum replace the same number of units based upon the same income category as the units that previously existed.

Section 65-7. - Protection from incompatible land uses

- (a) In order to ensure the health, safety, and welfare of occupants of a workforce housing project which is to be located in a commercial or industrial zoning districts pursuant to the provisions of FS 166.04151, the following regulations shall apply to protect the occupants of the units from the impacts of incompatible land uses.

All proposed projects shall meet all the criteria below to be eligible for processing of an application that relies upon FS 166.04151 for the development of affordable or workforce housing units.

- (1) Environmental Assessment and mitigation plan: Applicants for projects that rely upon FS 166.04151, shall submit an environmental assessment of businesses within 300 feet of a project's property, assessing noise, odor, truck traffic impacts, and proposal to mitigate impacts.
- (2) Buffer: A minimum 40 ft. landscaped buffer and wall shall be provided on all sides that abut industrial- zoned land, in addition to setbacks of the regulating district.
- (3) Open space: Due to distance from residential parks, a project shall provide usable outdoor area for purposes of a playground and other activities, based on 100 sq. ft. per unit, based on the total units in the building. However in no instance shall less than 5,000 square feet be provided. The area may be split, and may be located within building footprint.
- (4) Parking: Parking shall meet the standards established under the Town's general parking code under Sec. 78-142.

Sec. 65-8. - Review and Approval of Projects.

1. For those projects not developed under FS 166.04151, review and approval procedure for affordable or workforce housing shall follow the public hearing procedures as set out in the Town Code for special exception and site plan approvals.

Sec. 65-9. - Administrative Approval Process for Projects developed under FS 166.04151 (7).

Projects qualifying for administrative approval shall:

- (a) Pay the fee for the administrative review of site plans in accordance with the fee schedule for site plan review and escrow.
- (b) Comply with the requirements set out in Sec. 65-4 above.
- (c) Submit two sets of mailing labels for the owner's addresses of all properties within 300 feet of a project's property line on each side of the project boundaries. The Town will rely upon the mailing labels submitted to notify the property owners of the proposed project. The notice shall state the time/place where an owner or resident can meet with staff of the Department of Community Development to

review and provide oral or written comments on a project no later than 60 days after an application is deemed by the Town to be complete.

- (d) Plan review shall be subject to all Town, state and federal regulations, with the exception of those explicitly exempted by the Statute.
- (e) Administrative review shall be coordinated by the Community Development Department.
- (f) “Highest allowable density” shall be defined as the highest allowable density by right in a zoning district.
- (g) Administrative review is only available to those projects which comply with the Town’s Code of Ordinances and has been deemed to be consistent with the Town’s Comprehensive Plan.
- (h) An administrative development order shall be issued by the Town Manager, with copy supplied to the Town Commission, Town Clerk and Community Development Department.

Sec. 65-10.
Reserved.

Sec. 65-11. - Displacement of Existing Affordable Housing Units.

- (a) Preserved Affordable Units (PAU): Any project which displaces existing units in the low income to very low income, moderate income or upper moderate income categories shall be required to provide an equivalent amount of units within the project (Preserved Affordable Units- PAU). This shall apply to those projects which displace ten or more affordable units, in addition to any other workforce units that may be required within the project.
- (b) The incorporation of PAUs shall be considered a Public Benefit, qualifying the project for density bonuses if available in that district. When proposing to utilize Public Benefits bonuses, PAUs shall be the first benefit.
- (c) For Rental projects, bonus density units will be granted at the ratio of 3 bonus units for each workforce or affordable unit created.
- (d) For ownership projects, the bonus density will be granted at the ratio of 4 bonus units for each workforce unit created.
- (e) Applicability
 - 1. The Director of Community Development shall determine the applicability of the PAU requirement on any proposal. Determination shall be made following a pre-application conference.

2. The determination will identify whether PAUs will be required by comparing the rents charged at the property with rents affordable to the applicable Area Median Income (AMI) level under each definition. The Director will utilize average rents for each unit size at each property as compiled by staff or, if such information is not available, rent information provided by the property owner. Existing rents to be calculated may not include utilities and other fees that are added on to rents for other purposes.
- g. The project shall submit a Workforce Housing Opportunity Plan per section 65-4 therein.
 - h. Duration and monitoring shall follow sections 65-12 and 65-13 therein.

Sec. 65-12. – Incentives.

(a) Expedited Review and Permitting for Projects in any Location

- (1) The community development director shall assign one individual staff member to be the single point of contact who shall have the responsibility of assisting applicants throughout the town's development application review and permitting process.
- (2) The community development department shall establish the necessary steps required for permitting qualified projects in a pre-application meeting and shall prepare a permitting timetable within five business days for the project's completion of an application to the town for review. A plans review timeline shall be developed and agreed upon by both parties which include submittal deadlines and review for all development related issues.
- (3) The project shall receive priority at every phase of the development application review and permitting process by town staff, including "face-to-face" or "stand-up" meetings to conduct reviews with the applicant present to have an efficient interaction during the review, to get answers immediately to questions, and/or to make expectations clear on how issues will be addressed. Public hearing scheduling shall be expedited if applicable to an application.
- (4) The Town and the applicant shall review comments and plans or revisions thereto in a thorough and timely manner.
- (5) Should any issues arise during the development application review and permitting process, a "face-to-face" or "zoom" meeting between the town staff and applicant's representatives shall be conducted within three business days of the applicant's written notification of the issues.

(b) Parking reduction: The Town will consider a parking reduction if the development is located within one-half mile of an existing major transit stop, as defined herein, and the major transit stop is accessible from the development.

The provision of affordable and/or workforce ownership housing units in mixed use districts , shall be considered a public benefit, entitling the project to receive bonus units above the base density as set forth in section 65-11 therein.

(c) Town Incentives for construction of workforce home-ownership units for first time buyers: R-2 Zoning District.

(1) Incentives shall apply to projects that propose for sale units for first-time home buyers in the R-2 Zoning District. This may include single-family, duplex, townhomes and condominiums.

a. Projects proposing a minimum of 10 % of the units as workforce housing may:

1. Increase the building height by two stories, resulting in a four story or 55 ft. high maximum.

2. Apply the 19 du/acre to any lot size over 5,000 square feet.

3. Apply for a waiver of the Town's mobility fees for the workforce units.
4. Apply for a reduction in the Town's building permit fee in a pro-rata based on the number of workforce units.
5. Apply for a front setback waiver of up to 10 feet.

(d) Duration of Affordability under this section

a. Rental Projects receiving bonus density under this section shall be required to maintain the affordability of the units for a period of no less than 25 years.

b. Owner-occupied units shall remain maintain their affordability designation as a workforce unit for a minimum of 15 years. Units must remain owner-occupied, including any re-sale, for fifty years. The developer shall record a deed restriction to run with the property. Should the owner sell within the first ten years, the unit must be sold within the range of workforce housing as defined by this chapter.

c. Workforce owner-occupied units in a condominium: The developer shall pay year one of any required condominium fees for each qualifying unit.

d. The workforce and/or affordable housing restriction shall be set forth as a deed restriction on the property, project and/or units and the content of such deed restriction shall be approved by the town attorney or designee. The restriction period shall commence upon the issuance of the first affordable workforce unit in the project.

Sec. 65-13. –Recordation and Monitoring.

(a) Recordation

- (1) Recordation. Upon the approval of a site plan for a residential development or mixed use development, which includes affordable or workforce housing dwelling units, a deed restriction in the form approved by the town attorney shall be recorded in the public records of the county for those dwelling units which have been designated for affordable or workforce housing.

(b) Monitoring

- (1) Approved rental workforce housing monitoring requirements.

- a) Approved workforce and/or affordable housing rental projects shall submit an annual report to the Town, completed by a qualified third-party reporting firm which has been previously approved by the Town.
- b) The required annual report shall be accompanied by a notarized affidavit attesting to the truth and veracity of the subject certification, taken under oath and signed by an authorized representative of the property owner.
- c) The report shall be submitted to the Town on an annual basis for the duration of the restriction period.
- d) The report shall:
 1. Demonstrate that the workforce housing units are occupied by households that have an annual gross income that is less than the established income category for the restricted units, adjusted for actual household size (per natural persons), and that the monthly rents for the restricted units do not exceed the established rent limit per number of bedrooms, as published and updated annually by the Florida Housing Finance Corporation (FHFC).
 2. Provide a narrative of the standard operating procedures used by the project to administer workforce housing program within the project, along with applications received, approved, and denied, along with inquiries received.
 3. Include a statement explaining the qualifications of the income certification reviewers.
 4. Include a statement explaining the qualifications and background of

the third party reviewer.

- e) The Town may hire a third party such as a housing trust at the applicant's expense, to review the proposal and to annually assist with monitoring. This requirement may be waived for projects monitored by Palm Beach County.
- f) Failure to comply with the above shall result in the suspension of any rental business tax receipt that has been issued by the Town for the property and the property shall be subject to code-enforcement proceedings until coming into compliance.

2. Approved ownership units monitoring requirements

- a) The developer of for-sale workforce housing units, prior to closing on any unit shall submit to the Town for review and approval:
 - 1. Draft sales agreement that sets forth all the information relating to the purchaser's responsibilities, including but not limited to, the sale and re-sale restrictions.
 - 2. Resale restriction that shall be recorded with the deed upon closing.
 - 3. Documentation that the proposed purchaser falls within the workforce income levels set out in section 65-6 (2)
- b) Obligations of the purchaser of the workforce unit.
 - 1. Execution of notarized document provided by the Town acknowledging their understanding of the program and its restrictions and responsibilities, including requirements if the purchaser should choose to sell the home prior to the ten-year expiration of the workforce housing commitment
 - 2. Annual income disclosure provided to the Town
 - 3. Notification to the Town, should the owner elect to sell the home within the first ten years following purchase.

Section 3. Codification. The provisions of this ordinance shall become and be

made a part of the Code of Ordinances of the Town of Lake Park. The sections of the ordinance may be re-numbered or re-lettered to accomplish such.

Section 4. Severability. If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance

Section 5. Effective date. This ordinance shall take effect immediately upon execution.