

## **ORDINANCE NO. 03-2025**

**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 “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**, in response to the adoption of the Live Local Act, (“Act”) the Town Commission directed the Community Development Department (“Department”) in consultation with the Town Attorney to consider, study and prepare regulations to be applicable in the Town to address workforce housing; and

**WHEREAS**, on October 4, 2023 the Town adopted Resolution 84-10-23 declaring Zoning in Progress to allow for the development of regulations providing for workforce housing and to specifically implement Section 166.04151(7) of the Act; and

**WHEREAS**, the Act authorizes the development of residential housing in non-residential zoning districts in the Town without regard to the compatibility of the new residential housing with the land uses of surrounding properties, including developed commercial and industrial properties; and

**WHEREAS**, the Act authorizes the development of residential housing in areas designated with non-residential land use designations, including those already developed as commercial and industrial uses without regard to the new residential uses’ compatibility with the height, massing, density or intensity of the designated or developed non-residential properties; and

**WHEREAS**, the Act mandates that there shall only be administrative review of projects utilizing the Live Local Act for the development of workforce housing and elected officials of local governments are not permitted to evaluate potentially serious land use conflicts, adverse impacts on public facilities, and the cost of providing public services upon their residents and property owners; and

**WHEREAS**, the Act permits local governments to take into consideration the limited application of the objectives and policies of their comprehensive plans; and

**WHEREAS**, the Act allows workforce housing units to be constructed in the Town's designated and existing commercial, industrial, and mixed-use zoning districts, which is not consistent with existing objectives and policies of the Town's Comprehensive Plan, including, specifically, Future Land Use Element Policy 5.4; and

**WHEREAS**, Future Land Use Policy 5.4 directs the Department 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 Act cannot be reconciled with Policy 1.1 of the Comprehensive Plan's 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**, despite the constraints of the Act, the Town Attorney and Community Development Department, after careful review have prepared regulations to establish a workforce housing program that is consistent with the Comprehensive Plan; and

**WHEREAS**, the Town Commission, after its review of the recommendations from the Town Attorney and the Department finds that it is appropriate and necessary to adopt a new chapter 65 entitled to be entitled "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 "Workforce

Housing” is hereby created to read as follows:

## **CHAPTER 65. WORKFORCE HOUSING**

### **Sec. 65-1. Purpose and Intent.**

The purpose of this chapter is to provide for a workforce housing units program in the Town.

The intent of the workforce housing program is to:

- (1) Ensure adequate inventories of owner-occupied and rental housing throughout the Town that is available to very low, 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 prepared 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 housing units to provide workforce units to residents of the Town having various income levels.
- (4) Encourage and prioritize the construction of residential units for purchase to correct an existing rental-homeownership imbalance in the Town.
- (5) Identify locations for workforce units in residential or mixed-use zoning districts, areas with transit opportunities and provide incentives for new construction in these targeted areas.
- (6) Improve the quality of housing stock by providing incentives to facilitate the redevelopment of older, declining apartment buildings.
- (7) Provide for workforce units in concert with federal, state, and county programs.
- (8) Provide regulations to ensure the health, safety, and welfare of occupants of workforce units.
- (9) Provide regulations to ensure the compatible integration of workforce units into the Town’s existing neighborhoods.
- (10) To provide standards for land use, density, intensity, height and parking for certain development proposals submitted under FS 166.04151 and to set forth an administrative review procedure under which the Department shall decide whether to permit said proposals.

- (11) To provide regulations to mitigate any conflicts with adjacent incompatible land uses for those projects proposed for development in the commercial, mixed use, or industrial zoning districts of the Town pursuant to FS 166.04151 (6) and (7).

**Sec. 65-2. - Definitions.**

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

“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 density permitted.

“Land Use Restriction Agreement” shall mean a legally executed document that sets forth the terms and conditions established by the Town of Lake Park that must be met by any workforce housing project and is recorded in the official records of Palm Beach County.

“Low Income household level” shall mean the annual gross household income is between 60.1% and 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 or others, via a mobility service such as a bus or train with a mix of other transportation options. It shall not mean a bus stop.

“Moderate Income household level” shall mean the annual gross household income is between 80.1% and 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 workforce units that are provided in equivalent number and affordable categories to compensate for any workforce units lost through redevelopment of a property.

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

“Transit stop” shall mean a designated location with a covered structure recognized by the transit authority as a pick-up/drop off connection to a countywide transit system that provides routine service with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods. Connection to the transit system shall be sufficient for commuters in terms of number of daily connections and destinations

provided.

Accessible to a transit stop shall mean (1) that a person walking between the transit stop and the development may travel the entire distance on even, paved sidewalks or within marked crosswalks, (2) that the entire route meets applicable standards of the Americans with Disabilities Act, and (3) that the route does not cross any road having a design speed greater than 25 miles per hour or having more than two motor vehicle lanes.

“Upper Moderate Income household level” shall mean the annual gross household income is between 100.1% and 120 % of 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 50 % and 60% of the median annual adjusted gross income for households within Palm Beach County as determined by HUD and updated annually.

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

“Workforce unit” shall mean a residential dwelling unit that is affordable to a household whose income, adjusted for family size, falls into the very low, low, moderate, upper moderate, or middle income categories, as defined above.

“Workforce housing project” shall mean a residential or mixed use project that provides all or a percentage of its total units as workforce housing, and typically associated with a public or private program that provides a financial incentive for the construction of workforce housing

**Sec. 65-3.** Reserved.

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

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

(1) A Sustainable Workforce Housing Plan (SWHP)

a. Any applicant who proposes a development plan which intends to use the provisions of FS 166.04151 or any County, State or Federal program

for the production of workforce units, shall submit a Sustainable Workforce Housing Plan (SWHP) per section (2) below.

(2) The Plan shall include:

- a. A description of the specific requirements of the assistance program being used and documentation demonstrating that the proposed project complies with the requirements of the program(s).
- b. Funding sources to be used to develop the project including, but not limited to, construction grants or loans, loans from private lenders, funding from equity partners, tax credits, or relief from property taxes.
- c. The amount of funding requested and documentation of the approval status from each of the funding sources
- d. Anticipated fiscal impact to the Town, including the Town's cost on a pro rata basis to provide services to the residents of the workforce housing project and document any loss of revenue to the Town as a result of providing these services.
- 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 and workforce units.
  2. Rental Units: The type, size and corresponding estimated rents of the proposed market-rate and workforce units.
  3. A floor plan and site plan for the project which specifically identifies the location of the proposed workforce units and which demonstrates that these units are integrated within a workforce housing project.
  4. Evidence demonstrating that the workforce units are of the same quality as the market-rate units;
  5. An inventory of the workforce units by income household level.
  6. The anticipated completion date and delivery of the workforce units.
- g. If an application would result in the demolition of existing workforce 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 workforce units that will be owned as condominiums, the developer shall be responsible for the payment of the first year of condominium fees for the workforce units.
  - i. Monitoring and Compliance Plan in accordance with section 65-12.
  - j. Any additional information reasonably requested by the Department, or by an entity that has been delegated by the Town Commission as having the responsibility of implementing the Town's workforce housing program.
- (b) The submission to the Department of a Sustainable Workforce Housing Plan shall be a condition of the approval of any workforce housing project and 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), shall meet the regulations of those zoning districts, land development regulations, and be otherwise consistent with the Comprehensive Plan.
- (b) Projects with workforce units applied for under 166.04151:
- 1) Only those workforce housing projects which meet the statutory provisions of section 166.04151, F.S. and fall 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). Projects which include workforce units shall be developed in accordance with the land development regulations for multi-family development as set out in the C-3 District, meet all land development regulations, and otherwise be consistent with the Comprehensive Plan
  - 2) Only those workforce housing projects which meet the statutory provisions of 166.04151 and provide units that are 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). Workforce housing projects shall be developed in accordance with the land development regulations for multi-family development as set out in the C-3 District meet all land development regulations, and otherwise be consistent with the Comprehensive Plan.
  - 3) Only those workforce housing projects which meet the statutory provisions of 166.04151 and provide units that are within the workforce housing categories set forth in this chapter may be located on properties owned by a religious institution on which a house of worship is located. Workforce housing projects

shall be developed in accordance with the land development regulations for multi-family development as set out in the C-3 District, meet all land development regulations and otherwise be consistent with the Comprehensive Plan

**Sec. 65-6. - Required elements for projects that include workforce housing units.**

- a) Any project which proposes to include workforce housing units shall meet the following:
  - (1) Rental workforce housing units shall be allocated equally among the following four eligible household level income tiers adjusted for family size, beginning with very low: very low, low, moderate, and upper moderate income households. If a workforce housing project is phased, each phase shall also allocate units equally.
  - (2) For sale workforce housing units shall be allocated equally among the following three eligible household income tiers, adjusted for family size: moderate, upper moderate, and middle income households. If a workforce housing project is phased, each phase shall also allocate units equally.
  - (3) Workforce housing units shall be reasonably integrated throughout a project and if phased, its phases shall not be clustered together or segregated in any way from market-rate units.
  - (4) The number of studio, one, two, and three or more-bedroom workforce housing units shall be proportional to the number of studio, one, two and three bedroom market rate units. All projects shall include 3-bedroom units.
  - (5) Workforce housing units shall be developed simultaneously with or prior to the development of the other market-rate units, and allocated per (1) and (2) above.
  - (6) The exterior appearance of workforce units shall be substantially similar to the market-rate units and shall provide exterior building materials and finishes of the same type and quality, with allowances for demonstrable value-engineering deviations.

The interior building materials and finishes of the workforce units shall be of the same 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 within ¼ mile of an existing transit stop, recreation and shopping opportunities whenever possible.
- (9) Any project that displaces existing workforce units, shall replace the same number of the workforce units eliminated based upon the same income category as the workforce units that previously existed, in addition to the affordable units established by the project funding requirements

### **Section 65-7. - Protection from incompatible land uses**

- (a) In order to ensure the health, safety, and welfare of the residents of a workforce housing project in a commercial or industrial zoning districts, the following regulations shall apply to protect the occupants of the workforce units from the impacts of incompatible land uses. In order to be eligible for the Department's processing of a workforce housing project, the applicant shall demonstrate to the Department that it meets all the criteria below.
  - (1) Environmental Assessment and Mitigation plan: Submit and receive an acknowledgement from the Department of an environmental assessment of all businesses within 300 feet of the applicant's property, assessing noise, odor, truck traffic impacts, and proposal to mitigate impacts.
  - (2) Buffer: Provide at least a 40 foot landscaped buffer and six foot masonry wall on all sides of the property where the applicant's property directly abuts industrial- zoned land, in addition to the setbacks of the applicable zoning district. For property that abuts industrial zoned land and is separated by a right-of-way, a minimum of a 30 foot landscape buffer shall be provided. Driveway access through the buffer is permitted. The buffer shall not count towards any open space requirements.
  - (3) Open space: Provide usable outdoor area for active recreational activities, based on 100 sq. ft. of recreational space per unit of all of the units in the project's buildings. Regardless of the number of units, all projects shall provide at least 5,000 square feet of active recreational space within the project
  - (4) Parking: Parking shall meet the standards established under the Town's general parking code in Sec. 78-142.

(b) Live Local Act Projects in Single-family Zoning Districts.

In order to ensure the health, safety, and welfare of the residents of a single-family neighborhood from the potential incompatible impacts of a multi-family use with the heights and densities allowable for a Live Local Act project, the applicant shall demonstrate to the Department that it meets all the criteria below.

- (1) Environmental Assessment and Mitigation plan: Shall submit and receive an acknowledgement from the Department of an environmental assessment for the proposed use, assessing traffic, school impacts, town recreation impacts, shadow studies, and a proposal to mitigate any impacts.
- (2) Buffer: Provide a minimum 30 foot landscaped buffer on all sides of the property. No parking shall be permitted in the buffer, however driveway access is allowed. The buffer shall not count towards any open space requirements.
- (3) Open space: Provide usable outdoor area for active recreational activities, based on 100 sq. ft. of recreational space per unit of all of the units in the project's buildings. Regardless of the number of units, all projects shall provide at least 5,000 square feet of active recreational space within the project
- (4) Parking: Parking shall meet the standards established under the Town's general parking code in Sec. 78-142.

**Sec. 65-8 Land Development Regulations specific to projects developed under the Live Local Act, FS 166.04151,**

In addition to requirements set forth herein the following shall apply:

- (a) Density. Density shall not exceed the highest base density allowed in any zoning district, and is not permitted to be at a density based upon any bonus for density permitted in any district.
  - (1) For projects developed in single-family neighborhoods, allowable density shall be calculated based on the net area to be used for the residential development and shall not include the area of the religious institution building, its required parking, and any accessory structures or uses.
- (b) Height. Height shall not exceed the base height permitted within the applicable zoning district, and is not permitted to any increased height that could be based upon any bonuses, for any projects that have been provided a height bonus or waiver within one mile of the project.

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

(a) Submittal requirements: Projects qualifying for administrative approval shall:

- 1) Pay the fee for the administrative review of site plans in accordance with the Town's adopted fee schedule for site plan review. An escrow account shall be established, and payment made at the time of application in accordance with the Town's adopted Master Fee Schedule.
- 2) Comply with all submittal requirements for the submittal of workforce housing as specified in Section 65-4, above.

3) Submit two sets of mailing labels for containing the owners of properties and their addresses that are 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 (b) When an application is submitted and deemed by the Department sufficient for review, the Town shall prepare a notice to be sent to the owners of properties that are within 300 feet of a project's property line on each side of the project boundaries. The notice shall state the time/place where an owner or resident can review the proposed project. The notice shall provide a minimum of 30 days to submit written comments to the Community Development Department. The Town may choose to hold an informational meeting to obtain public comments, and if so, the notice shall state the time and place of the meeting.

(c) Administrative Review Standards

All development applications shall meet the standards for workforce units established herein, shall be consistent with the Comprehensive Plan and meet all land development regulations.

- 1) Plan review shall be subject to all Town, state and federal regulations, with the exception of those explicitly exempted by the Live Local Act, FS 166.04151(7).
- 2) The administrative review of all applications shall be subject to the review of the Department and any Town consultants.
- 3) The Department may impose conditions of approval to insure that the project meets the intent of this Chapter.
- 4) The property owner shall execute a Land Use Restriction Agreement, on a form approved by the Town Attorney. This agreement shall include, but is not limited to the details on the workforce units such as number, type and location of workforce units; income levels served; affordability period; requirements regarding compliance monitoring and annual reporting; enforcement and remedies; and such other information as determined by the Department to be necessary to insure compliance with this chapter. The agreement shall be recorded in the official

records of Palm Beach County, and shall run with the land through the duration of the affordability period.

(d) Following the Department's finding that the project has complied with this Chapter, an administrative order shall be prepared by the Department stating such findings and including such conditions that are necessary. The administrative order shall be issued by the Town Manager upon recommendation of approval by the Department, with copy supplied to the Town Commission and Town Clerk who shall maintain same as part of the Town's official records. An administrative development order shall be issued by the Department

(e) The Town Manager shall not issue a development order unless the owner of the land which is subject to the development order has entered into a land use restriction agreement that meets the standards of this chapter.

(f) Proposed demolition of a locally designated historic structure under FS 166.04151 (7).

(1) Requests for demolition of a historic structure shall adhere to all requirements and standards and criteria associated with special certificate of appropriateness or an amendment/rescission as set forth in Chapter 66, with the only exception being that only administrative approval shall be required.

(2) The Community Development Department shall assume the responsibilities otherwise reserved for the Historic Preservation Board and the Town Commission when evaluating any special certificate of appropriateness or request for demolition.

(3) When an application is submitted and deemed by the Department sufficient for review, the Town shall prepare a notice to be sent to the owners of properties that are within 300 feet of a project's property line on each side of the project boundaries. The notice shall state the time/place where an owner or resident can review the proposed application. The notice shall provide a minimum of 30 days to submit written comments to the Community Development Department. The Town may choose to hold an informational meeting to obtain public comments, and if so, the notice shall state the time and place of the meeting.

(4) Following the Department's finding that the applicant has met the criteria set out in Chapter 66 an administrative order shall be prepared by the Department stating such findings and including such conditions that are necessary. The administrative order shall be issued by the Town Manager upon recommendation of approval by the Department, with copy supplied to the Town Commission and Town Clerk who shall maintain same as part of the Town's official records.

#### **Sec. 65- 10. - Review and Approval of Projects.**

- (a) Any workforce housing project not developed under FS 166.04151(7) shall follow the public hearing procedures as required by state law and/or the Town Code for special exception use and site plan applications.

**Sec. 65-11.**

Reserved.

**Sec. 65- 12– Incentives.**

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

- 1) The Department's director may assign a specific staff member to be a single point of contact who shall have the responsibility of assisting applicants through the Department's development application review and permitting process.
- 2) The Department shall establish the necessary steps required for permitting qualified projects in a pre-application meeting and shall prepare a permitting timetable for the project's completion of an application to the town for review. An approximate plan review timeline shall be developed and agreed upon by the applicant and the department which include submittal deadlines and review for all development related issues.

**Sec. 65-13–Recordation and Monitoring**

- (a) Recordation: Upon the approval of a site plan for a residential development or mixed use development, which includes workforce units, a Land Use Restriction Agreement approved by town attorney and executed by the property owner and the Town shall be recorded by the owner in the public records of Palm Beach County.
- (1) The restriction period shall commence upon the issuance of a certificate of occupancy for the first workforce unit in the first building completed in a workforce housing unit project, or .
  - (2) The duration of the restriction shall be the length of the required term to maintain workforce housing as mandated under this program.

(b) Monitoring: Any project providing affordable housing shall provide annual monitoring reports in accordance with this section.

(1) Approved rental workforce units monitoring requirements.

- a. Approved workforce housing rental projects shall submit an annual report to the Department, completed by a qualified third-party reporting firm approved by the Town.
- b. The required annual report shall be accompanied by a notarized affidavit attesting to the truth and veracity of the report, and signed by an authorized representative of the property owner.
- c. The report shall be submitted to the Department on an annual basis for the duration of the restriction period.
- d. The report shall:
  1. Demonstrate that the workforce units are occupied by households that have an annual gross income that is within 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 the workforce housing program within the project, along with applications received, approved, and denied, and any inquiries received.
  3. Include a statement explaining the qualifications of the income certification reviewers.
  4. Include a statement explaining the qualifications 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 and annually monitor proposed workforce housing projects.

(a) The owner or owners of real estate that is the subject of a Live Local Act, FS 166.04151 (7).administrative approval and their successors, assigns, and agents shall continue to meet the affordability standards established herein throughout the affordability period and shall and shall comply with the approved land use restriction agreement. If a workforce housing project does not meet the affordability standard or any term of the applicable land use restriction agreement during the development's affordability period, the Department may allow the owner 30 days or other "a reasonable time "as determined by the Department's Director to cure or correct the violation. If the owner or owners do not cure the violation within the time allowed, the Town may enforce the provisions of this chapter by taking any of the following actions:

1. Enforce the land use restriction agreement.
2. Suspend a business tax receipt
3. Pursue code enforcement action pursuant to Chapter 162, Florida Statutes and the Town Code.
4. Seek declaratory and/or injunctive relief in a court of competent jurisdiction

**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.