

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 6, 2022

DEPARTMENT: Community Sustainability

TITLE:

Ordinance 2022-12 - Second Reading - amending Chapter 23 "Land Development Regulations," Article 1 "General Provisions," Division 2 "Definitions," and Article 2 "Administration," Division 3 "Permits" adding a new Section 23.2-39 "Affordable/Workforce Housing Program," providing for a Lake Worth Beach Affordable/Workforce Housing Program

SUMMARY:

The proposed amendment would add a new section to the Land Development Regulations (LDRs) providing for a Lake Worth Beach Affordable/Workforce Housing Program, which would require that a percentage of any density, intensity and/or height bonuses be associated with a specific dedication of affordable/workforce housing units. In addition, the program allows for a density increase for all projects provided that the additional density is all deed restricted as affordable/workforce housing.

BACKGROUND AND JUSTIFICATION:

The subject amendment to the City's Land Development Regulations (LDRs) was drafted based on City Commission direction to staff to prepare an amendment to the LDRs to develop a formal Lake Worth Beach Affordable/Workforce Housing Program. The proposed program also meets a specific requirement of the City's Comprehensive Plan as well as several Pillars within the City's Strategic Plan.

In summary, applicants/developers requesting increases in density, intensity and/or height through the city's incentive and/or bonus program(s) shall provide for a dedication of a minimum fifteen percent (15%) of a project's total number of housing units as affordable/workforce. The units will be governed by both a deed restriction and a restrictive covenant for twenty (20) years. The program applies to both rental and fee simple ownership units. The program also allows for the Commission to have an option to extend the restrictive covenant in increments of twenty (20) years. In addition, the program allows for up to a fifteen percent (15%) increase in total density for all projects provided that all of the additional units are restricted as affordable/workforce housing units. Finally, an Affordable/Workforce Housing Trust Fund is to be established to assist with the creation and preservation of affordable units.

As part of the program, developers/project owners will be required to submit an annual audited report to the City to verify that the specified affordable/workforce housing units meet the requirements of the restrictive covenant. Should the report not be submitted or the units not meet the affordability requirements, the program includes a penalty provision assessing a fee that must be paid to the City. Any penalty fees collected will be placed in the affordable housing trust fund.

The Planning & Zoning Board (PZB) unanimously voted to recommend approval of the proposed text amendment to the City Commission at its June 1, 2022 meeting*. The Historic Resources

Preservation Board (HRPB) also unanimously voted to recommend approval of the proposed text amendment to the City Commission at the June 8, 2022 meeting*.

At its meeting of August 2, 2022, the City Commission voted unanimously to approve the proposed ordinance with the proposed penalty fee to be a minimum of \$15/sq. ft., which will be reviewed and adopted in the City's Schedule of Fees and Charges with its value to increase based on the Consumer Price Index. In addition, the penalty was to be assessed on a yearly basis for those units that do not meet the affordable/workforce criteria as established by the ordinance. These changes are highlighted in yellow on the attached ordinance.

With the August 16, 2022, City Commission meeting, discussion focused on clarifications and more information regarding the ordinance. The ordinance was tabled for a second reading on September 20, 2022. Over the intervening weeks, the changes and edits were extensive enough to warrant a second first reading with a subsequent second reading should the ordinance be approved.

The ordinance was approved by a vote of 4-0 at the September 20, 2022 City Commission meeting with several requested changes, which are reflected in the attached revised ordinance. The requested changes included extending the deed restriction to twenty-five years (25).

MOTION:

Move to approve/disapprove Ordinance 2022-12 amending Chapter 23 "Land Development Regulations," Article 1 "General Provisions," Division 2 "Definitions," and Article 2 "Administration", Division 3 "Permits" adding a new Section 23.2-39 "Affordable/Workforce Housing Program," providing for a Lake Worth Beach Affordable/Workforce Housing Program.

ATTACHMENT(S):

Draft Ordinance 2022-12
PZHP Staff Report

**Note: draft meeting minutes were not available upon publication of this staff report.*