



# Lake Park Town Commission, Florida

## Live Local Act Workshop

Commission Chamber, Town Hall, 535 Park Avenue, Lake Park, FL 33403

August 07, 2024 6:00 P.M.

<b>Roger Michaud</b>	___	<b>Mayor</b>
<b>Kimberly Glas Castro</b>	___	<b>Vice Mayor</b>
<b>Michael Hensley</b>	___	<b>Commissioner</b>
<b>Mary Beth Taylor</b>	___	<b>Commissioner</b>
<b>Judith Thomas</b>	___	<b>Commissioner</b>
<b>John D’Agostino</b>	___	<b>Town Manager</b>
<b>Thomas J. Baird</b>	___	<b>Town Attorney</b>
<b>Vivian Mendez, MMC</b>	___	<b>Town Clerk</b>

***PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contract the Town Clerk’s office by calling 881-3311 at least 48 hours in advance to request accommodations.***

### CIVILITY AND DECORUM

*The Town of Lake Park is committed to civility and decorum to be applied and observed by its elected officials, advisory board members, employees and members of the public who attend Town meetings. The following rules are hereby established to govern the decorum to be observed by all persons attending public meetings of the Commission and its advisory boards:*

- Those persons addressing the Commission or its advisory boards who wish to speak shall first be recognized by the presiding officer. No person shall interrupt a speaker once the speaker has been recognized by the presiding officer. Those persons addressing the Commission or its advisory boards shall be respectful and shall obey all directions from the presiding officer.
- Public comment shall be addressed to the Commission or its advisory board and not to the audience or to any individual member on the dais.
- Displays of disorderly conduct or personal derogatory or slanderous attacks of anyone in the assembly is discouraged. Any individual who does so may be removed from the meeting.
- Unauthorized remarks from the audience, stomping of feet, clapping, whistles, yells or any other type of demonstrations are discouraged.
- A member of the public who engages in debate with an individual member of the Commission or an advisory board is discouraged. Those individuals who do so may be removed from the meeting.
- All cell phones and/or other electronic devices shall be turned off or silenced prior to the start of the public meeting. An individual who fails to do so may be removed from the meeting.

**CALL TO ORDER/ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**SPECIAL PRESENTATION/REPORT:**

- [1.](#) Proposed Ordinance to Implement the LIVE LOCAL ACT - Creating Chapter 65 of the Town Code Entitled "Affordable and Workforce Housing".

**PUBLIC COMMENT:**

*This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.*

**TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

**REQUEST FOR FUTURE AGENDA ITEMS:**

**ADJOURNMENT:**

**FUTURE MEETING DATE:** Next Scheduled Regular Commission Meeting will be held on August 21, 2024.



# Town of Lake Park Library Board

## Agenda Request Form

Meeting Date: **August 7, 2024** Agenda Item No. \_\_\_\_\_

**Agenda Title: WORKSHOP: PROPOSED AFFORDABLE HOUSING ORDINANCE TO IMPLEMENT THE LIVE LOCAL ACT.**

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON \_\_\_\_\_ READING
- NEW BUSINESS**
- OTHER: \_\_\_\_\_ Workshop

Approved by Town Manager Bambi McKibbon-Turner

Date: \_\_\_\_\_  
Digitally signed by Bambi McKibbon-Turner  
 DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park,  
 Assistant Town Manager/Human Resources Director,  
 email=btturner@lakeparkflorida.gov, c=US  
 Date: 2024.07.30 16:25:25 -04'00'

Name/Title \_\_\_\_\_

<b>Originating Department:</b>  <b>Community Development</b>	<b>Costs: \$ 0.00</b>  <b>Funding Source:</b> Acct. # _____ <input type="checkbox"/> Finance _____	<b>Attachments:</b>  <ol style="list-style-type: none"> <li>1. <b>Staff Report for Workshop</b></li> <li>2. <b>Proposed Ordinance/Chapter 65</b></li> <li>3. <b>Proposed Addition to Chapter 65</b></li> </ol>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> <b>Not Required</b>	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <b>KG</b> <b>Please initial one.</b>

**The purpose of the workshop is to familiarize the Town Commission with the proposed ordinance, and receive initial feedback from the Commission and public.**

**Summary Explanation/Background:**

The "Live Local Act" (LLA), passed by the State Legislature in 2023, created a program to encourage the construction of rental housing projects in which a minimum of 40 % of the units are "affordable". For such projects the State also pre-empted local zoning authority regarding height, density, location, and approval procedures.

Due to a concern with the potential negative impacts of these pre-emptions, in October 2023 the Town Commission, enacted "Zoning in Progress" to allow staff time to develop regulations to implement the LLA which would provide the framework to mitigate potential use conflicts and insure consistency with the Comprehensive Plan.

Staff has developed regulations which LLA projects would be required to follow, as well as any affordable project submitted under any program. The regulations would be codified in a new chapter in the Town Code, "Chapter 65 Affordable and Workforce Housing."

Independent of the response to the LLA, Staff is also proposing an initiative related to the potential loss of affordable or workforce housing due to redevelopment, which the Commission may wish to consider or postpone for further future discussion

Following the Commission's input at the workshop the ordinance will be revised to reflect the Commission's comments, be reviewed by the Town Attorney and scheduled for a Public Hearing before the Planning and Zoning Board in August or September. Commission hearings are anticipated for September or October.

The staff report and proposed ordinance follow.

**Recommended Motion:** Discussion and direction, no motion needed.

## TOWN COMMISSION WORKSHOP

### PROPOSED HOUSING ORDINANCE TO IMPLEMENT THE LIVE LOCAL ACT – CREATION OF CHAPTER 65 “AFFORDABLE AND WORKFORCE HOUSING”

#### A. Background

The Town Commission, at its October 4, 2023 meeting adopted Resolution # 84-10--23 declaring Zoning in Progress (ZIP) to allow for the development **of regulations for affordable/ workforce housing to implement the State mandated Live Local Act (LLA)**, as well as affordable projects that might be submitted under other programs. This declaration was necessary as the Town had no regulations specific to affordable or workforce housing. The Zoning in Progress is set to expire on September 30<sup>th</sup> of this year. The Commissions particular concerns were stated in the resolution, found in **Attachment A** of this report.

During the ZIP period Town staff and Town attorney have reviewed other local ordinances, the Comprehensive Plan and other documents, and have prepared an ordinance for the Town Commission’s consideration that creates a new chapter in the Town Code “Chapter 65- Affordable and Workforce Housing”, to provide the necessary regulation.

The Ordinance primarily addresses housing that falls into the “Workforce Housing” category, as this is how the Town proposes to define “affordable” in the context of the LLA. Workforce Housing includes four income categories which are classified as low, moderate, upper moderate and medium.

In addition to providing regulations to address the LLA, staff has also proposed a regulatory mechanism to address and offset affordable and workforce housing lost through redevelopment, to be included in the proposed Chapter 65. This initiative is discussed in section D. of this report. The Commission may consider the program at this time or choose to focus on it separately later.

To date, the Town is not aware of any developers intending to submit projects under the LLA. However, unless amended, this act will be in effect until October 2033. At least one LLA project has been submitted in Palm Beach County and several in Miami Dade County.

#### B. Live Local Act in brief

The sections of the Live Local Act that relate to zoning are codified in Florida Statute 166.04151 (7). The relevant section, as well as the recent 2024 amendments are included herein as **Attachment B**.

This section mandates that local governments must allow affordable housing projects that meet the LLA in any district that allows commercial, industrial,

or mixed use. For Lake Park, such projects could be located in the C-1, C-2 and C-1B commercial districts, the C-4 and CLIC-1 industrial districts and the mixed use districts of Park Avenue Downtown (PADD), Twin Cities (C-3), and Federal Highway Mixed Use District Overlay (FHMUDO). The map in **Attachment C** identifies those areas.

Also of relevance to the Town, the statute includes mandates regarding density, height, and administrative review. Any LLA project is entitled to the maximum density permitted in the Town, as well as the maximum height allowed by a zoning district (or sub-district) in the Town within 1 mile of the proposed project.

This session, the legislature clarified some of some of the statute sections, most notably that the “highest density” is the density not including any bonus density. The maximum height the project is entitled to also exclude any bonus height. However there were no other substantial changes that would alleviate Town concerns.

Thus, the statute authorizes the locations and densities without regard for the compatibility of the proposed development with surrounding properties as required by the Town’s Comprehensive Plan and Land Development Regulations, and without regard for the impacts of height, density or intensity on adjacent existing properties. Without regulations, this would result in serious land use conflicts, impacts on the cost of providing public services, and general welfare of residents and businesses.

**Without regulation the implementation of the LLA would be inconsistent with existing objective and policies of the Town’s Comprehensive Plan**, including specifically Future Land Use Element Policy 5.4 that requires that the Town “utilize such techniques as distance requirements, buffering, landscaping, lower- intensity development, and scale-down requirements to provide appropriate transitions between high density uses and zoning districts having different intensities, densities, and functions.” Thus the Zoning in Progress allowed the Town the time to develop such new regulations.

### **C. Proposed Town Regulations to Address the LLA**

**The primary goal of the new chapter is to insure that the Town has in place regulations that would be utilized should any developer propose housing under Florida Statute 166.04151 (7) of the LLA. The ordinance has also been drafted such that the regulations would apply to any proposed workforce housing project as well.** The proposed regulations would insure the health and safety of any occupants and help to mitigate any impacts due to projects being located in commercial and industrial use districts. The proposed Chapter 65 establishes a framework under which the Town can consider and process any applications under this statute.

## **Major provisions proposed for Chapter 65**

*(Reference to applicable proposed chapter section provided in parenthesis.)*

- ✓ Provides definitions and income ranges of the various categories typically used when considering who is eligible for “affordable housing”, which follow those used by HUD. The specific ranges are contained in the definition section of the proposed chapter. (sec. 65-2)
- ✓ “Affordable” Income Categories: Specifies which income levels will be used by the Town to address the “affordable housing” requirements set by the LLA to insure that a developer doesn’t only use the highest income level in the affordable category. The Town’s ordinance provides that all four income level ranges in workforce housing must be used. (sec.65-6)

The Town’s definition of “workforce housing” includes the same categories used by the Palm Beach County Workforce Housing Program (sec. 65-2)

### **See Attachment D**

- ✓ Requires submittal of a Workforce Housing Opportunity Plan (HOP) that provides specific detail regarding the program being utilized, financing and details of the workforce units, including rental ranges, location, etc. This is to be submitted along with the site plan. (sec.65-4)
- ✓ Provides requirements to ensure the affordable units are substantially similar to market units regarding quality, and that they are interspersed throughout the project.(sec. 65-6)
- ✓ Sets out requirements to help mitigate the impact of any adjacent incompatible uses and provide for the health and safety of residents living in a LLA project. Requirements include an impact review of adjacent uses, protections such as buffering and setbacks, and the provision of open space for recreation. (sec.65-7)
- ✓ Sets out a process for the mandated administrative review for the LLA projects. Under the Town Code projects would normally follow a Public Hearing Process. However as this does not occur for administrative review, staff has included a requirement for the project to be the subject of a workshop meeting with notice to all properties within 300 feet. (sec.65-9)
- Requires a monitoring plan, annual monitoring reports for duration of affordable units. (sec.65-13)
- Requirements of Town Chapter 65 would also apply to any project that is proposing “affordable” housing under any federal, state or local developer funding/financial assistance program.

## D. Non LLA Related – Proposed Town initiative to mitigate loss of affordable units

As stated earlier, the purpose of the Zoning in Progress was to provide time to establish regulations for affordable housing proposed under the LLA or any other funding program, which will be accomplished through Chapter 65.

However, with the increasing interest in redevelopment in the downtown area staff has become concerned with the potential loss of affordable units through redevelopment which may impact residents who live and work in the Town. Therefore, the staff is proposing a mechanism to offset the potential loss, described below.

As this initiative is independent of the LLA, staff would prepare a separate adoption ordinance. Should the Commission wish to pursue this initiative in depth at a later date, it will be not move forward at this time.

### Displaced Affordable Units and the Preserved Affordable Unit (PAU) program

As existing affordable housing sites are re-developed, there is a concern that the Town will lose a significant portion of its affordable rental units. For example, in the area around 10<sup>th</sup> Street alone there are approximately 235 affordable rental units in major apartment complexes (15 + units) with Humani Courts being the largest at 63 units. Please see map in **Attachment E**. There are many smaller apartment buildings or single-family rentals that are not contained in this count, nor are any affordable owner-occupied.

While some of the properties are in need of redevelopment this poses a dilemma, potentially reducing the opportunity for those that are employed in low wage businesses in Lake Park to live in the Town. It is with this in mind that staff is proposing a mechanism to retain some of the number of units (not the actual units) lost through redevelopment, known as Preserved Affordable Units” (PAUs).

Proposed Section 65-11 would require that any new project which would result in the removal of ten or more affordable units must include workforce units within the project at an equal number (PAUs) to replace those lost. **In return the developer is afforded higher density for the supplied public benefit.**

### Affordable units as a Public Benefit

A major difficulty in establishing a density based incentive program is that the PADD and districts C-3 already have a high base density of 48 dwelling units per acre and then allow greater additional density if deemed consistent with the intent of the district. (In the FHMUDO there is no specific density limit.) For the most part a district’s intent is only generally defined, leading developers to significantly exceed the base. For example, two PADD projects currently in review have proposed densities that are 203 units/acre and 335 units/acre.

Most affordable rental units are currently located in the general Park Avenue downtown area, within either the PADD, C-1, C-2 or R-2 zoning districts. With the future PADD expansion, most of these units will be in the PADD.



Due to the high base density and ease of obtaining additional density in the PADD, incentives are limited. Therefore staff is proposing that for redevelopment projects within the PADD, creation of workforce units within the new project be required as explained above and also specifically listed as a public benefit and consistent with the intent of the districts. For developments desiring to exceed the base density of 48 du/acre, the replacement of lost units would be required to be the first of any public benefits in order to consider increased density.

For rental projects, bonus density units would be provided at a ratio of 3 bonus units for each new affordable unit created. For condominiums or other types of unit ownership projects, bonus density units would be provided at a ratio of 4 bonus units for each new affordable unit created.

Effect of PAU requirements- two examples

address	acres	Existing # Units density	Units at PADD base density 48 du/ac	Bonus units (Rental units)	Total units	Density* with PAU bonus
Humani Courts PADD	3.0637	60 (19.60 du/ac)	147 units	60 x 3 = 180 bonus units	327 units (147 + 180)	107 du/acre
938 Northern C-1District	.7916	28 (35.37 du/ac)	38 units	28 x 3 = 84 bonus units	122 units (38 +84)	96.5 du/acre

\* density may be higher based on additional features deemed consistent with the district intent.

Monitoring requirements would be the same as other workforce housing programs as set out in the Chapter. This would include both rental and unit ownership projects.

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**E. Recommendation on proposed Ordinance – Chapter 65  
For discussion and desired Commission revisions.**

Following the Town Commission discussion and directions for any changes, the ordinance will be revised by staff and reviewed by the Town attorney. We are anticipating an August or September Planning and Zoning Board public hearing and September or October Town Commission public hearings, to insure the ordinance is adopted as close as possible to the September 30 expiration of the Zoning in Progress.

Attachments:

- A ZIP Resolution
- B LLA statute
- C Map of LLA impacted areas
- D Affordable Income levels
- E Map10<sup>th</sup> St area

**ATTACHMENT A – Zoning in Progress Resolution**

**RESOLUTION NO. 84-10-23**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, DECLARING ZONING IN PROGRESS PERTAINING TO THE DEVELOPMENT OF REGULATIONS FOR AFFORDABLE OR WORKFORCE HOUSING TO IMPLEMENT THE LIVE LOCAL ACT, INCLUDING SPECIFICALLY SECTION 166.04151(7), FLORIDA STATUTES; PROVIDING THAT WHILE ZONING IN PROGRESS IS IN EFFECT THE TOWN’S COMMUNITY DEVELOPMENT DEPARTMENT SHALL NOT ACCEPT, REVIEW, PROCESS OR CONSIDER ANY APPLICATIONS FOR THE APPROVAL OF DEVELOPMENT ORDERS OR BUILDING PERMITS, WHETHER THEY ARE REQUESTED TO BE ISSUED ADMINISTRATIVELY OR OTHERWISE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the Florida Constitution and Chapter 166, Florida Statutes, the Town Commission of the Town of Lake Park (Town) has the home rule powers and authority to govern development within the Town; and

**WHEREAS**, with the adoption of this resolution, the Town Commission hereby declares zoning in progress to be in effect and directs 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, including regulations which may govern proposals to develop properties under Fla. Stat. §166.04151(7), known as the Live Local Act (the Act); and

**WHEREAS**, the Town Commission finds that zoning in progress is necessary to provide the Town Attorney and the Department with adequate time to review the Town’s existing zoning and land development regulations and to consider regulations that would implement the Comprehensive Plan and the Act in furtherance of the public’s health, safety and welfare; and

**WHEREAS**, the Act has pre-empted local control regarding affordable and workforce housing in certain aspects, and requires the development of mechanisms for the town to track and monitor the number of units developed under the Act; and

**WHEREAS**, the Act contains many ambiguities and little guidance to local governments regarding its implementation, administration, monitoring, and other matters; and

**WHEREAS**, the Act provides for tax exemptions for developers of affordable or workforce housing units, and the implications of the ad valorem taxes the town may receive are not clear, and thus there is the potential for adverse impacts on the ad valorem taxes the town may collect in any given fiscal year; and

**WHEREAS, the** 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, that maintains or improves existing neighborhoods and commercial areas”: and

**WHEREAS**, the Act authorizes the locations of residential structures without regard to the compatibility of development with surrounding properties as set forth in the Town’s Comprehensive Plan and Land Development Regulations and for the impacts of height, density or intensity on adjacent existing properties, resulting in expected serious land use conflicts, impacts on and the cost of providing public services; and

**WHEREAS**, the Act allows eligible 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 specifically Future Land Use Element **Policy 5.4** that requires that the Town utilize such techniques as distance requirements, buffering, landscaping, lower-intensity development, and scale-down requirements to provide appropriate transitions between high density uses and zoning districts having different intensities, densities, and functions; and

**WHEREAS**, in order to implement the Act, and ensure compliance and consistency with the Comprehensive Plan, and to meet the Town’s existing Land Development Regulations, the Department and Town Attorney need adequate time to consider and prepare new regulations and comprehensive plan policies, and to amend existing regulations as may be necessary to implement the Act; and

**WHEREAS**, court decisions have upheld zoning in progress as a valid and necessary tool available to local governments to further the public’s health, safety, morals, and general welfare; and

**WHEREAS**, during the zoning in progress period, the commission directs that the Department, in consultation with the Town Attorney, study and develop for the commission’s consideration appropriate changes to the Land Development Code and Comprehensive Plan to insure an affordable and workforce housing program is established to implement the Act in a way to address the needs of the Town’s residents and businesses.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AS FOLLOWS:**

**SECTION 1. Legislative Findings and Intent.** The whereas clauses are incorporated herein, are true and correct, and represent the Commission’s legislative findings and intent regarding the necessity of zoning in progress.

**SECTION 2. Issuance of Development Permits Withheld.** During the period of zoning in progress, the Department of Community Development is directed ***not*** to process or issue any applications for development permits or orders, amendments to site plans, or other zoning applications, whether administratively or otherwise, for applications submitted under the “Live Local Act,” codified at Fl. Stat. §166.04151(7).

**SECTION 3. Applicability.** This Resolution shall apply to all properties within the corporate limits of the Town and to any applications which seek to use the Act.

**SECTION 4. Zoning in Progress Declared.** The Town Commission hereby imposes zoning in progress upon the acceptance, processing, consideration or issuance of any applications for development orders, permits, or any application associated with affordable or workforce housing including those proposed under the Live Local Act, Fla. Stat. §166.04151 (7), until the Department of Community Development and the Town Attorney have concluded a study and the Commission has adopted such amendments to the Town’s Comprehensive Plan and its LDRs as it deems necessary and appropriate to further the public’s health, safety, and general welfare.

**SECTION 5.** This zoning in progress is of a temporary nature to allow the Town Attorney and Department of Community Development to study and complete in a careful, but expeditious manner, regulations and procedures to provide for affordable and workforce housing, including under Fla. Stat. §166.04151 (7), and shall expire on September 30, 2024, or whenever the Town Commission establishes such regulations and procedures as it deems necessary to further the health safety and general welfare of the Town’s residents and businesses, whichever comes sooner.

**SECTION 6. Effective Date.** This Resolution shall take effect immediately upon its execution.

## **ATTACHMENT B – SECTION 166.04151 OF THE LIVE LOCAL ACT –**

### **B1 =2023 ACT**

### **B2= SUMMARY OF 2024 AMENDMENTS**

#### **B-1**

166.04151 Affordable housing.—

(1) Notwithstanding any other provision of law, a municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing or linkage fee ordinances.

(2) An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units.

(3) An affordable housing linkage fee ordinance may require the payment of a flat or percentage-based fee, whether calculated on the basis of the number of approved dwelling units, the amount of approved square footage, or otherwise.

(4) In exchange for a developer fulfilling the requirements of subsection (2) or, for residential or mixed-use residential development, the requirements of subsection (3), a municipality must provide incentives to fully offset all costs to the developer of its affordable housing contribution or linkage fee. Such incentives may include, but are not limited to:

- (a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;
- (b) Reducing or waiving fees, such as impact fees or water and sewer charges; or
- (c) Granting other incentives.

1(5) Subsection (4) does not apply in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code.

1(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for commercial or industrial use, so long as at least 10 percent of the units included in the project are for housing that is affordable. The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.

1(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under

this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A municipality may not restrict the density of a proposed development authorized under this subsection below the highest allowed density on any land in the municipality where residential development is allowed.

(c) A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

(d) A proposed development authorized under this subsection must be administratively approved and no further action by the governing body of the municipality is required if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.

(e) A municipality must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the municipality's land development code, and the major transit stop is accessible from the development.

(f) A municipality that designates less than 20 percent of the land area within its jurisdiction for commercial or industrial use must authorize a proposed multifamily development as provided in this subsection in areas zoned for commercial or industrial use only if the proposed multifamily development is mixed-use residential.

(g) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(h) This subsection does not apply to property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(i) This subsection expires October 1, 2033.

## **B-2**

### **SUMMARY OF 2024 AMENDMENTS TO LLA SECTION 166.04151**

#### [SB 328 - Amendments to the Live Local Act's Land Use Preemption](#)

SB 328 makes several amendments to s. 125.01055(7) and s. 166.04151(7) of the Florida Statutes which govern the Live Local Act's land use preemption. This land use preemption was designed to facilitate eligible affordable housing developments on parcels zoned for commercial, industrial, and mixed-use by providing favorable use, density, height, and administrative approval standards.

#### [Eligible Zoningg & Applicability](#)

- Amends the phrase "if at least 40 percent of the residential units in a proposed

multifamily **rental development** are, for a period of at least 30 years, affordable as defined in s. 420.0004” to “if at least 40 percent of the residential units in a proposed multifamily development are **rental units that**, for a period of at least 30 years, affordable as defined in s. 420.0004.” This amended phrase opens the possibility for a split multifamily ownership and rental development as long as at least 40% of the total units are rental *and* affordable.

- Provides that proposed multifamily developments that are located in a transit-oriented development or area, as defined by the local government, must be mixed-use residential to receive approval with the tool and “otherwise complies with requirements of the county’s regulations applicable to the transit-oriented development or area except for use, height, density, and floor area ratio as provided in this section or as otherwise agreed to by the county and the applicant for the development.”

### Height and Density Allowances

- Newly provides that local governments cannot limit the floor area ratio of a proposed development below 150% of the highest currently allowed floor area ratio on any land where residential development is allowed in the jurisdiction under the jurisdiction’s land development regulations.
- Clarifies that the maximum density and height allowances do not include any “bonuses, variances, or other special exceptions” provided in the jurisdiction’s land development regulations as incentives for development.
- Allows local governments to limit the maximum height allowance if the proposed development is adjacent to, on two more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes to 150 percent of the tallest building on property within one-quarter mile of the proposed development or 3 stories, whichever is higher.

### Additional Provisions

- Provides that each local government must maintain a policy on its website containing the expectations for administrative approval under the tool.
- Reduces the buffer for local governments to “consider” reducing parking requirements from ½ mile of a “major transit stop” to ¼ mile of a “transit stop.” This will establish a lower buffer and encourage reducing parking requirements for projects near any transit stop, not just a “major” transit stop.
- Requires local government to reduce parking requirements by 20% for proposed developments within ½ mile of a “major transportation hub” that have available parking within 600 feet of the proposed development and eliminates parking requirements for a proposed mixed-use residential development within an area recognized as a transit-oriented development or area.
- Provides that proposed developments located within ¼ mile of a military installation may not be administratively approved.
- Provides that the land use preemption does not apply to “airport-impact areas as provided in s. 333.03” and removes the exception for recreational and commercial working waterfront.
- Creates clear criteria for when the preemption does not apply in close proximity to an airport.
- Clarifies that developments authorized with the preemption are treated as a conforming



use even after the sunset of the preemption statute (2033) and the development's affordability period unless the development violates the affordability term. If a development violates the affordability term, the development will be treated as a nonconforming use.

- Provides that an applicant who submitted an application, written request, or notice of intent to utilize the mandate before the effective date of the bill may notify the local government by July 1, 2024, of its intent to proceed under the prior provisions of the mandate.

SOURCE: Florida Housing Coalition

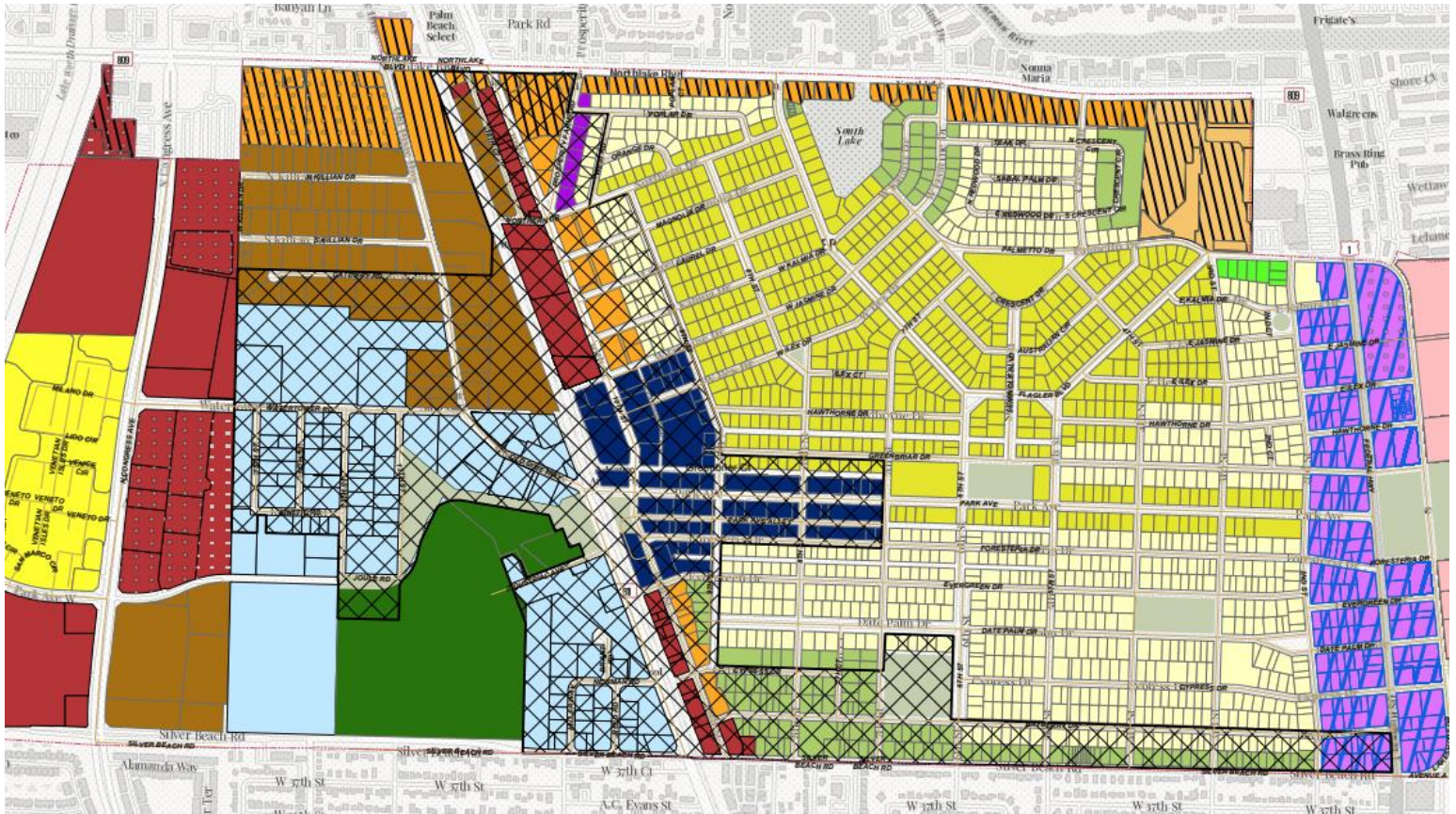
**ATTACHMENT C**

**LLA: MUST ALLOW QUALIFIED PROJECTS IN DISTRICTS THAT PERMIT COMMERCIAL, INDUSTRIAL , OR MIXED USE**

**IN LAKE PARK**

**INDUSTRIAL DISTRICTS: BROWN (C-4) AND BLUE (CLIC)    COMMERCIAL: ORANGE (C-1), RED(C-2), AND PURPLE (C1B)**

**MIXED USE DISTRICTS: DARK BLUE (PADD), LIGHT ORANGE (C-3) AND PURPLE/BLUE STRIPES (FHMUDO)**



## ATTACHMENT D



**Workforce Housing Program (WHP)  
2023 Rents and Incomes  
Effective July 1, 2023**

WHP prices are set annually, based on the provisions of Article 5.G.1.A.3.c.2 of the Unified Land Development Code reflected below, and the following:

**2023 PBC Median Family Income: \$98,300 (per HUD)**

WHP Income Category			Studio	1 BR	2 BR	3BR	4BR
Low	60-80% of MFI	\$58,980 - \$78,640	\$1,023 - 1,364	\$1,096 - 1,462	\$1,315 - 1,754	\$1,519 - 2,026	\$1,695 - 2,260
Moderate 1	>80-100% of MFI	>\$78,640 - \$98,300	\$1,364 - 1,705	\$1,462 - 1,828	\$1,754 - 2,193	\$2,026 - 2,533	\$2,260 - 2,825
Moderate 2	>100-120% of MFI	>\$98,300 - \$117,960	\$1,705 - 2,046	\$1,828 - 2,193	\$2,193 - 2,631	\$2,533 - 3,039	\$2,825 - 3,390
Middle	>120-140% of MFI	>\$117,960 - \$137,620	\$2,046 - 2,387	\$2,193 - 2,558	\$2,631 - 3,069	\$3,039 - 3,545	\$3,390 - 3,955

**Rental Prices for projects approved under the Workforce Housing code adopted August 22, 2019**

WHP Income Category			Studio	1 BR	2 BR	3BR	4BR
Low	60-70% of MFI	\$58,980 - \$68,810	\$ 1,023 - \$1,193	\$1,096 - \$1,279	\$1,315 - \$1,534	\$1,519 - \$1,772	\$1,695 - \$1,977
	>70-80% of MFI	>\$68,810 - \$78,640	\$1,193 - \$1,364	\$1,279 - \$1,462	\$1,534 - \$1,754	\$1,772 - \$2,026	\$1,977 - \$2,260
Moderate 1	>80-90% of MFI	>\$78,640 - \$88,470	\$1,364 - \$1,535	\$1,462 - \$1,645	\$1,754 - \$1,974	\$2,026 - \$2,280	\$2,260 - \$2,543
	>90-100% of MFI	>\$88,470 - \$98,300	\$1,535 - \$1,705	\$1,645 - \$1,828	\$1,974 - \$2,193	\$2,280 - \$2,533	\$2,543 - \$2,825
Moderate 2	>100-110% of MFI	>\$98,300 - \$108,130	\$1,705 - \$1,876	\$1,828 - \$2,011	\$2,193 - \$2,412	\$2,533 - \$2,786	\$2,825 - \$3,108
	>110-120% of MFI	>\$108,130 - \$117,960	\$1,876 - \$2,046	\$2,011 - \$2,193	\$2,412 - \$2,631	\$2,786 - \$3,039	\$3,108 - \$3,390
Middle	>120-130% of MFI	>\$117,960 - \$127,790	\$2,046 - \$2,217	\$2,193 - \$2,376	\$2,631 - \$2,850	\$3,039 - \$3,292	\$3,390 - \$3,673
	>130-140% of MFI	>\$127,790 - \$137,620	\$2,217 - \$2,387	\$2,376 - \$2,558	\$2,850 - \$3,069	\$3,292 - \$3,545	\$3,673 - \$3,955

For information on WHP rents, contact: Michael Howe, Planning Division, at [mhowe@pbcgov.org](mailto:mhowe@pbcgov.org) or 561-233-5361



**ATTACHMENT E**

**REPLACEMENT OF AFFORDABLE UNITS LOST THROUGH REDEVELOPMENT:  
PRESERVED AFFORDABLE UNITS (PAU)**



## 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 or others, via a mobility service such as a bus or train, which is served by public transit 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% 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 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.

“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 sufficient for commuters in terms of number of daily connections and destinations.

“Upper Moderate Income household level” shall mean the annual gross household income is between 100.1% to 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 adjusted 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 Plan (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 Plan (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 Plan 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. Projects proposed under FS 166.04151 for the development of affordable or workforce housing units shall meet all the criteria below to be eligible for processing of an application that relies upon said statute.
- (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. - Administrative Approval Process for Projects developed under FS 166.04151 (7).**

- (a) Projects qualifying for administrative approval shall:
- 1) Pay the fee for the administrative review of site plans in accordance with the fee schedule for site plan review and escrow.
  - 2) Comply with the submittal requirements set out in Sec. 65-4 above.

- 3) 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.
- (b) Plan review shall be subject to all Town, state and federal regulations, with the exception of those explicitly exempted by the Statute.
- (c) Administrative review shall be coordinated by the Community Development Department.
- (d) 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.
- (e) 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. 65-9. - Review and Approval of Projects.**

- (a) 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. 65-10.**  
Reserved.

**Sec. 65-11.**  
Reserved

**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 plan 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-quarter mile of an existing transit stop, as defined herein, and the transit stop is accessible from the development.

### **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 affordable or workforce housing dwelling units, a deed restriction in the form approved by the town attorney shall be recorded by the developer in the public records of the county for those dwelling units which have been designated for affordable or workforce housing.
- (1) The restriction period shall commence upon the issuance of the first affordable workforce unit in the project.
  - (2) The duration of the restriction shall be as specified in the applicable program under which the project is being constructed.

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

(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 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 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.

**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.

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**ORDINANCE \_\_\_\_\_**

**PROPOSED NEW SECTION 65-11 FOR CHAPTER 65 “AFFORDABLE AND WORKFORCE HOUSING”**

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

- (a) Preserved Affordable Units (PAU): Any project which displaces existing affordable units as defined herein shall be required to provide an equivalent amount of units within the project (Preserved Affordable Units- PAU). These units shall at a minimum be provided within the low, moderate, and moderate high workforce income ranges, on a sequential basis. Existing units that fall within the extremely low and very low income ranges may be replaced in accordance with the range and sequence above.
- (b) This section 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.
- (c) The incorporation of PAUs shall be considered a Public Benefit in any district that provides for density increases above the base. Provision of the PAUs shall be considered consistent with the intent of the district and consistent with the Comprehensive Plan, qualifying the project for additional density if available in that district. When proposing to utilize any density increases or public benefits bonuses, PAUs shall be the first benefit to be utilized.
- (d) For Rental projects, bonus density units will be granted at the ratio of 3 bonus units for each workforce or affordable unit created. Workforce units shall fall within the low household, moderate household and upper moderate household levels of affordability.
- (e) For unit ownership projects, the bonus density will be granted at the ratio of 4 bonus units for each workforce unit created. Workforce units may fall within the upper moderate and middle income household levels of affordability.
- (f) 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). The Director shall 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 of affordability

1. 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.

2. Unit ownership projects receiving a bonus density under this section:

a. Owner-occupied units must continue to be owner-occupied, including any re-sale, and maintain their affordability designation as a workforce unit for a minimum of 15 years.

b. The developer shall record a deed restriction to run with the unit. Should the owner sell within the first fifteen years, the unit must be sold within the range of workforce housing at that time and 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.

(i) Monitoring shall follow sections 65-13 therein.

## **Amendments to other sections of Chapter 65**

### **Section 65-12. Incentives**

(c)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.

### **Section 65-13 (b) Monitoring**

(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:

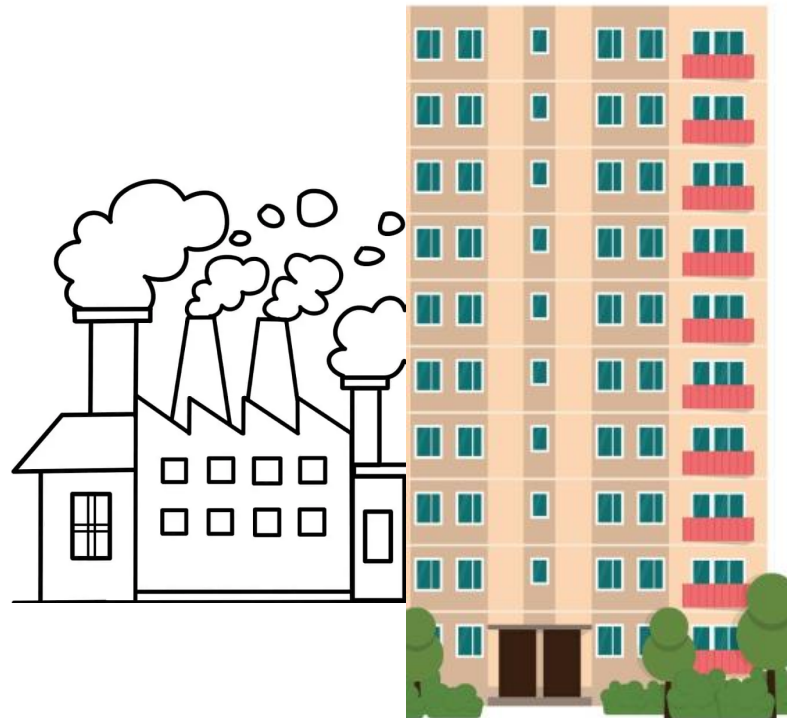
1. Draft sales agreement that sets forth all the information relating to the purchaser's responsibilities, including but not limited to, the sale and re-sale restrictions.

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) and has not previously owned a home.
- 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 fifteen-year expiration of the workforce housing commitment
  2. Annual income disclosure provided to the Town. Increase in income level beyond the workforce categories after year one shall not affect the owner's tenure.
  3. Notification to the Town, should the owner elect to sell the home within the first fifteen years following purchase.



# LIVE LOCAL ACT WORKSHOP

WITH THE LAKE PARK TOWN COMMISSION



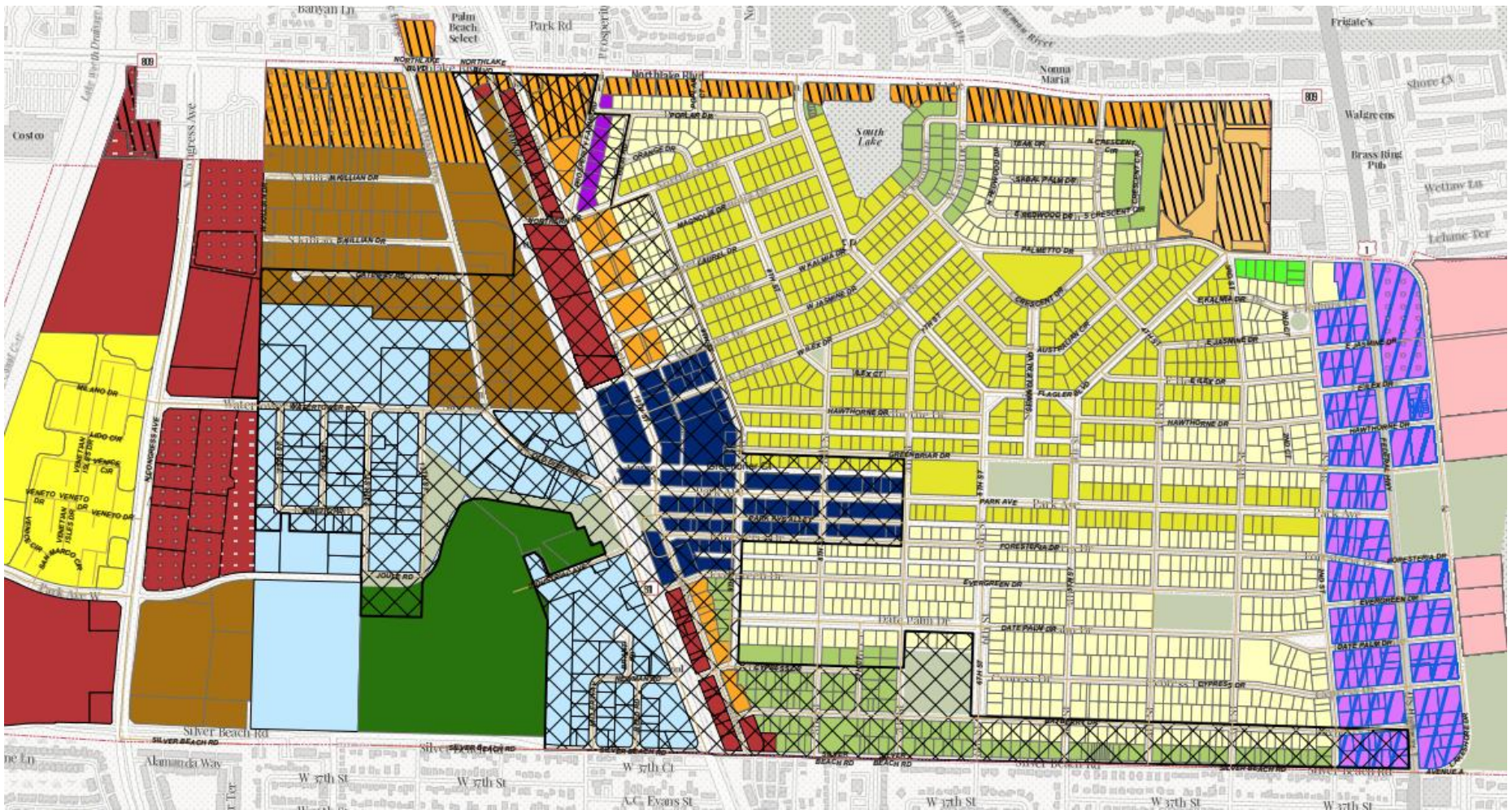
Community Development Dept.



**LLA: MUST ALLOW QUALIFIED PROJECTS IN DISTRICTS THAT PERMIT COMMERCIAL, INDUSTRIAL , OR MIXED USE**

**INDUSTRIAL DISTRICTS:** BROWN (C-4) AND LT BLUE (CLIC)      **COMMERCIAL:** ORANGE (C-1), RED(C-2), AND PURPLE (C1B)

**MIXED USE DISTRICTS:** DARK BLUE (PADD), LIGHT ORANGE (C-3) AND PURPLE/BLUE STRIPES (FHMUDO)







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WHP Income Category			Studio	1 BR	2 BR	3BR	4BR
Low	60-70% of MFI	\$58,980 - \$68,810	\$ 1,023 - \$1,193	\$1,096 - \$1,279	\$1,315 - \$1,534	\$1,519 - \$1,772	\$1,695 - \$1,977
	>70-80% of MFI	>\$68,810 - \$78,640	\$1,193 - \$1,364	\$1,279 - \$1,462	\$1,534 - \$1,754	\$1,772 - \$2,026	\$1,977 - \$2,260
Moderate 1	>80-90% of MFI	>\$78,640 - \$88,470	\$1,364 - \$1,535	\$1,462 - \$1,645	\$1,754 - \$1,974	\$2,026 - \$2,280	\$2,260 - \$2,543
	>90-100% of MFI	>\$88,470 - \$98,300	\$1,535 - \$1,705	\$1,645 - \$1,828	\$1,974 - \$2,193	\$2,280 - \$2,533	\$2,543 - \$2,825
Moderate 2	>100-110% of MFI	>\$98,300 - \$108,130	\$1,705 - \$1,876	\$1,828 - \$2,011	\$2,193 - \$2,412	\$2,533 - \$2,786	\$2,825 - \$3,108
	>110-120% of MFI	>\$108,130 - \$117,960	\$1,876 - \$2,046	\$2,011 - \$2,193	\$2,412 - \$2,631	\$2,786 - \$3,039	\$3,108 - \$3,390
Middle	>120-130% of MFI	>\$117,960 - \$127,790	\$2,046 - \$2,217	\$2,193 - \$2,376	\$2,631 - \$2,850	\$3,039 - \$3,292	\$3,390 - \$3,673
	>130-140% of MFI	>\$127,790 - \$137,620	\$2,217 - \$2,387	\$2,376 - \$2,558	\$2,850 - \$3,069	\$3,292 - \$3,545	\$3,673 - \$3,955

For information on WHP rents, contact: Michael Howe, Planning Division, at [mhowe@pbcgov.org](mailto:mhowe@pbcgov.org) or 561-233-5361

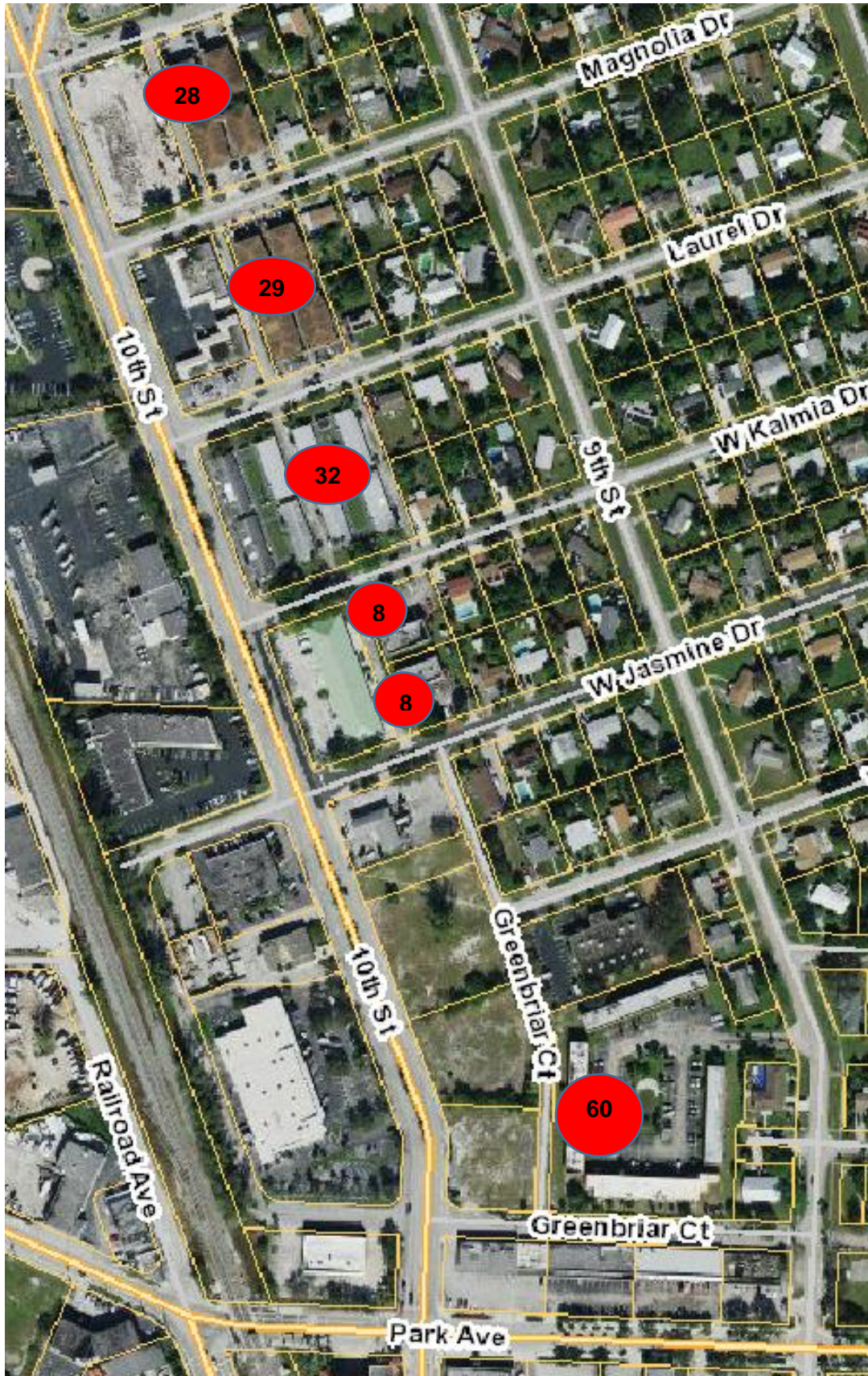
**ADDRESSING AMBIGUITIES WITHIN THE LIVE LOCAL ACT  
PROPOSED TOWN ORDINANCE (new chapter 65)**

TOWN CONCERNS with LLA ACT F.S. Chapter 166.04151 (7)	RESPONSE: PROPOSED ORDINANCE (Chapter 65 of the Town Code)
Creates potential inconsistencies with the Comprehensive Plan	Creation of Chapter 65 to the Town Code - regulations to address LLA issues.
Town must allow in commercial and industrial districts	Specific regulations to address potential incompatibilities
Stipulates allowable height shall be highest allowed in the municipality within 1 mile of proposed site.	Would allow up to 12, 15 stories or 18 stories, depending on max. height within 1 mile. No height waiver proposed.
Unclear if “highest allowed density” refers to by-right densities or whether it includes bonus densities.	Legislature amended act to specify it means highest base density. Ordinance <u>does not</u> provide for bonus density. Therefore maximum density is 48 du /acre.
Requires 40% units be “affordable”. <i>Concern that a developer will only choose only the top affordable income.</i>	Defines workforce housing by four income categories, requires that ALL categories must be used.
Requires that regulations that allow multi-family be used. <i>Not specific.</i>	Uses C-3 District regulations, as they include design requirements and are more detailed than the R-2.
Silent on incompatibly of commercial and industrial uses. This is a particular concern with any industrial locations.	<p>Mitigation Approach:</p> <ul style="list-style-type: none"> <li>• Buffering from adjacent Industrial uses – min. 40 ft. + district requirements</li> <li>• Minimum open space/recreation</li> <li>• Analysis or industrial impacts within 300 ft. of project</li> </ul>

<b>TOWN CONCERNS with LLA ACT F.S. Chapter 166.04151 (7)</b>	<b>RESPONSE: PROPOSED ORDINANCE</b>
Silent on quality of “affordable units”	<ul style="list-style-type: none"> <li>• Affordable units be of similar quality to market units</li> <li>• Be integrated throughout project</li> <li>• Number of bedrooms be proportional to number of bedrooms in market rate</li> </ul>
Mandates administrative approval only. <i>Concern with absence of Public Hearings for community input.</i>	Sets out an administrative review process which includes a mandatory “workshop”, with legal notice and notice to property owners within 300 ft.
No required baseline for project	Requires a HOP be submitted along with Site Plan. HOP documents compliance with the above requirements, requires information such as timeline and financing, etc.
Requires monitoring for duration of project – 30 years, but provides no guidance.	<p>Establishes process:</p> <ul style="list-style-type: none"> <li>• Requires deed restrictions for project duration</li> <li>• Establishes specific monitoring requirements with annual reporting. Establishes review process.</li> <li>• Requires developer to fund the review and monitoring process</li> </ul>

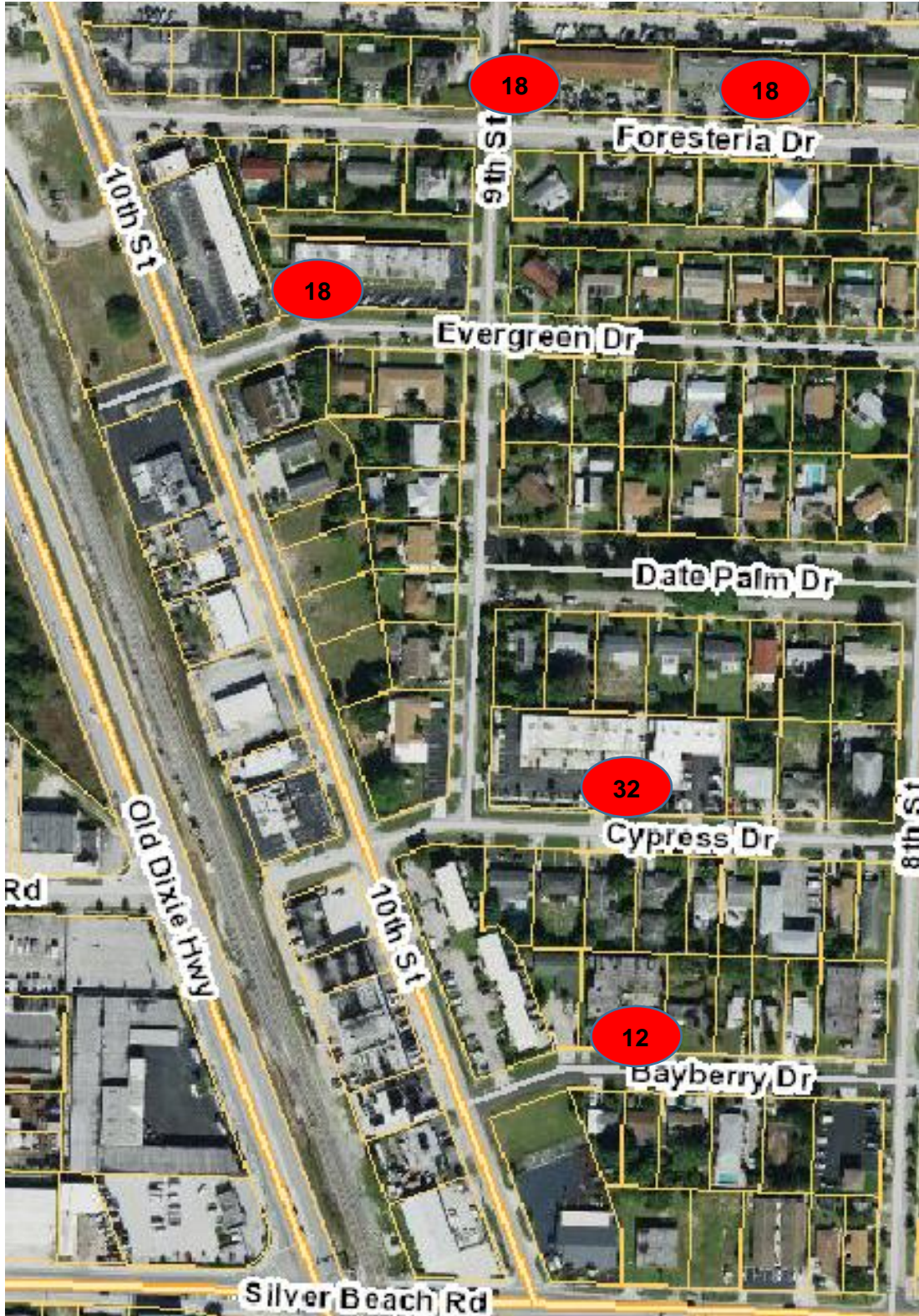


**10th Street area, north of Park Ave.  
Affordable Rental Complexes with 8 or more units = 165 Units**





10th Street area, south of Park Ave.  
Rental Complexes with 8 or more units = 98 Units



- There are a number of duplex and four-plex structures in the area – at least 25 units

**TOTAL 263 AFFORDABLE UNITS IN 11 APT. COMPLEXES  
(WITH 8 OR MORE UNITS)**