



Annual Affordable Housing Incentives Review and Recommendations Report

Commission on Affordable Housing

December 2023



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Affordable Housing Advisory Committee
Report to Palm Beach County Board of County Commissioners
SHIP Affordable Housing Incentive Strategies

December 7, 2023

PREPARED BY:
Palm Beach County Commission on Affordable Housing

SUBMITTED TO:
Florida Housing Finance Corporation

I. BACKGROUND

As required by the Florida Statute section 420.9076 as recipient of State Housing Initiative Partnership funds, the County established an affordable housing advisory committee on May 17, 2017 through the Palm Beach County Affordable Housing Ordinance (No. 2017-17). The affordable housing advisory committee, known as the Commission on Affordable Housing (CAH) is responsible for reviewing policies, land development regulations, the Comprehensive Plan Policy, and other aspects of the County's policies and procedures that affect the cost of housing. In addition, the CAH is responsible for making recommendations to encourage affordable housing.

The CAH is required to submit an incentive report annually. The report includes recommendations by the committee as well as comments on the implementation of incentives for at least the following eleven distinct areas:

- (a) The expedited processing of approvals of development orders or permits for affordable housing
- (b) All allowable fee waivers provided for the development or construction of affordable housing.
- (c) The allowance of flexibility in densities for affordable housing.
- (d) The reservation of infrastructure capacity affordable housing.
- (e) Affordable accessory residential units.

- (f) The reduction of parking and setback requirements for affordable housing.
- (g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h) The modification of street requirements for affordable housing.
- (i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (k) The support of development near transportation hubs and major employment centers and mixed-use developments.

II. COMMITTEE COMPOSITION

The County Commission re-appointed members to the CAH on June 15, 2021. Section 420.907 of the Florida Statutes lists the categories from which committee members must be selected. There must be no less than 8 and no more than 11 committee members, with representation from at least 6 of the following categories:

- Citizen actively engaged in the residential home building industry in connection with affordable housing.
- Citizen actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- Citizen representative of those areas of labor actively engaged in home building in connection with affordable housing.
- Citizen actively engaged as an advocate for low-income persons in connection with affordable housing.
- Citizen actively engaged as a for-profit provider of affordable housing.
- Citizen actively engaged as a not-for-profit provider of affordable housing.
- Citizen actively engaged as a real estate professional in connection with affordable housing.
- Citizen actively serving on the local planning agency pursuant to s.163.3174.
- Citizen residing within the jurisdiction of the local governing body making the appointments.
- Citizen who represents employers within the jurisdiction.
- Citizen who represents essential services personnel, as defined in the local housing assistance plan.

The appointed AHAC Committee members are included here, along with their category affiliation.

Name	Category Represented	Appointed	Reappointed
Mack Bernard	Local Elected Official	2/9/21	6/15/21
Len Tylka	Resident of the Jurisdiction	7/1/18	6/15/21
Aquannette Thomas	Mortgage Banking Industry	2/9/21	6/15/21
Adam Campbell	Labor Engaged in Home Building	7/1/18	6/15/21
Ezra Krieg	Advocate for Low Income Persons	7/1/18	6/15/21
Elliott Johnson	For-Profit Provider of Affordable Housing	2/9/21	6/15/21
VACANT	Not-for-Profit Provider of Affordable Housing	N/A	N/A
Lynda Charles	Real Estate Professional	7/10/21	N/A
Corey O’Gorman	Resident of the Jurisdiction	7/1/18	6/15/21
Amy Robbins	Employers Within the Jurisdiction	2/9/21	6/15/21
VACANT	Essential Services Personnel	N/A	N/A

III. AFFORDABLE HOUSING INCENTIVES

The 2023 affordable housing incentives review is built upon the 2022 review process, and work commenced immediately following Board of County Commissioners approval of a LHAP amendment to incorporate certain incentives from the 2022 report. During the course of monthly meetings, the CAH discussed incentive review requirements and process, incentives utilized in other jurisdictions, current affordable housing practices, and County programs, policies, and procedures. Discussions included representatives from the County’s Planning, Zoning, and Building Department, the County Engineer, the Property and Real Estate Management Division (PREM), and County Administration. In addition, the CAH garnered participation from various community stakeholders and housing industry players to share their ideas and experience as it relates to affordable housing incentives. This report reflects the recommendations of the CAH which resulted from this process. Recommendations that are approved by the Board of County Commissioners will be included in an amendment to the Local Housing Assistance Plan (LHAP). Where applicable, the Comprehensive Plan and County land development regulations, policies, and procedures may be revised to implement the approved recommendations.

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

Existing Incentive Strategy: Expedite approvals / permits for projects ≥65% affordable/workforce units. Offer pre-application meeting and guidance in approval processes, and utilize external entities to conduct review.

Summary of AHAC Discussion: The CAH continued discussion on the status of expedited permits with County staff administering the processes. The CAH discussed tracking the percentage of

units that will meet the required 65% AMI threshold and if Planning, Zoning, and Building Department (PZB) would further incentivize construction of more units or make the process more affordable to developers who construct additional units. The CAH discussed the proposed position / liaison to shepherd projects through the development approval process. There would need to be a method to advertise the availability of the expediting services and that of the liaison. The CAH suggested that some type of marketing materials be located at HED to help get the word out. The CAH also discussed self-regulating development orders and having an outside agency assist with the work necessary for permits issued.

County staff from PZB as well as the County Engineer updated the CAH on expedited permitting. PZB are collaborating with Information Systems Services to implement an option within the online permit application to identify and expedite qualifying projects. PZB is establishing policies and procedures to address expedited processes. Priority is given to affordable and workforce housing. Pre-application meetings are currently offered to all developers and the procedures for such will be codified in a Policy and Procedure Memorandum (PPM). PZB is currently considering appointing a "shepherd" position to assist applicants move through the approval process.

CAH also discussed increasing review agency capacity through additional funding for increased staffing to more quickly process the current high volume of development applications. Discussion included identification of a shepherd or expeditor, either a County employee(s) or contracted entity, to liaise with all offices involved in development review in order to coordinate and expedite approvals. It was noted that the County's Building Division has a good reputation among local builders. County staff from the Planning Zoning, and Building Department (PZB) as well as the County Engineer participated in the discussion. There was consensus that an individual(s) designated to coordinate the review/approval process across multiple departments/divisions should at a high level, such as an assistant county administrator or department director, in order that directives/requests would carry weight and spur action. At initial time of submittal, applications would need to be identified for expedited processing by some mechanism that was recognized by all reviewing entities. Additionally, there would need to be a mechanism established to validate that applications met criteria for expedited processing. PZB staff suggested that the role of the facilitator could also include a preliminary review of the application for completeness, and that this could significantly expedite processing by avoiding repetitive application submittals to correct obvious errors and major deficiencies. In recognition that reviewing County agencies are constrained by organizational capacity and currently face a large volume of development applications, the CAH suggested that the County might explore its ability to certify outside agencies (design professionals) to conduct reviews of affordable projects and make approvals in order to increase processing capacity and to expedite approvals. The CAH drafted a resolution for the County to consider adopting that would establish a process for expedited development review and the assignment of an individual to coordinate that process. The resolution was based on the County's existing resolution and process for Business Development Board projects. The discussion included criteria, income targeting requirements, and reporting mechanism. Also considered was the fact that the County resolution would only expedite projects located within the unincorporated area over which the County holds development approval authority, but would not assist those projects located within

municipalities which are home to 55% of the county's total population. The CAH will look to revisit the 65% threshold for expediting after implementation and assessment of its effectiveness.

AHAC Recommendation: The County should continue current efforts towards expediting development approvals and building permits for affordable housing projects. Expedited approval should be offered to all projects with at least 65% of total housing units affordable/workforce. The CAH strongly recommends that the County create a position or designate an individual to be responsible for and to shepherd development applications through the approval process.

F.S. 420.9076(4)(b) – All allowable fee waivers provided for the development or construction of affordable housing.

Existing Incentive Strategy: Provide transparent fee structure and clear directions to the public. Offer reduction in fees for affordable/workforce housing and/or defer collection of fees. Require municipal fee reduction for SHIP projects.

The County waives the customary fee for letters of determination addressing workforce or affordable housing potential density bonuses and program requirements. Further, the Comprehensive Plan Policy 1.5-f describes the elimination of processing fees for residential zoning petitions providing affordable housing units in areas of low very low, and low income households. The County operates an Impact Fee Affordable Housing Assistance Program that is funded with up to \$3M annually in interest earnings from Roads, Parks, and Public Building impact fee collections. The funds are offered to developers and owner-builders to pay impact fees due on new residential construction serving households up to 140% of Area Median Income. Additionally, the County does not charge any impact fees on residential development in the western Glades Region of the county.

Summary of AHAC Discussion: The CAH discussed if the passage of the Live Local Act would affect County staff's opposition to additional fee waivers, reductions, or deferrals. Fees associated with density bonuses should be eliminated or drastically reduced.

The CAH discussed numerous fees and in-lieu payments that contribute to cost of residential development. Thoughts included offering fee variability based on extent of affordability that would result in a reduction or total waiver. Also discussed was fee deferral, whereby the County would not collect certain development fees until the time that the housing unit was completed and put into service. The CAH also recognized the County's need to compensate for revenues forgone in any reduction in the affordable housing fees.

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certain development fees until the time that the housing unit was completed and put into service. The CAH also recognized the County's need to compensate for revenues forgone in any reduction in the affordable housing fees.

AHAC Recommendation: Maintain current incentive strategy.

F.S. 420.9076(4)(c) The allowance of flexibility in densities for affordable housing.

Existing Incentive Strategy: "Flexible Zoning". The County should consider adoption of alternative Property Development Regulations (PDRs) community-wide, including an approval process designed to develop a flexible self-regulating development order.

The County's Workforce Housing Program (WHP) and Affordable Housing Program (AHP) provide opportunities to developers to increase density up to 100 percent in accordance with the ULDC. Per Article 5.G.2.E.1. (AHP), AHP projects requiring a density bonus of greater than 30% are required to conduct a two-step sector analysis. The first step considers the concentration of very low and low income housing within the sector in determining the minimum density bonus permitted. Step two considers the location of the proposed development with regard to neighborhood amenities, including public transit, employment and shopping opportunities, and educational, medical, social service and recreational facilities, in determining whether additional density may be added.

The County's Workforce Housing Program was substantially revised in 2019, to facilitate additional density where appropriate. Under the revised WHP, Density Bonuses up to and including 50% do not require special review and approval processes. Projects seeking a density bonus of greater than 50%, up to 100%, require enhanced staff review, and approval by the Board of County Commissioners. The enhanced review is intended to balance the County's objectives of promoting the production of workforce housing while preserving the quality and character of existing communities. First, a project's proposed approach to WHP is assessed using a Point System, to determine the extent to which the project furthers the County's WHP objectives. WHP units delivered on-site, as for-sale, single-family, units in areas with Workforce-income households below the overall concentration in the County are most desirable and earn the most potential density bonus for the parent project. Second, the suitability of the site to accommodate the density bonus, and the compatibility with the surrounding area, is assessed. An overall density bonus is then recommended to the Board of County Commissioners considering the outcome of both the point system application and the suitability assessment.

The County's Transfer of Development Rights Program (TDR) is a voluntary program administered by the Zoning Division that allows a property owner to achieve a density bonus for new residential development within the Urban/Suburban Tier in unincorporated Palm Beach County. The owner purchases the increase in density from the Palm Beach County TDR Bank, or from a property owner with land in a designated area, without going through the land use amendment process.

TDR provides for increased density of up to five (5) units per acre based on geographic location, and requires that thirty-five percent (35%) of all TDR units be WHP Units.

Summary of AHAC Discussion: See “Flexible Zoning” page 13.

AHAC Recommendation: See “Flexible Zoning” page 13.

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

Existing Incentive Strategy: WHP/AHP developments can exceed roadway Level of Service (LOS) standards by 30%, increasing the available concurrency for traffic.

The County requires all developments to have the appropriate concurrency for public facilities and infrastructure, but does not require developments to ensure there is infrastructure capacity in place for any other developments, including affordable and workforce housing. However, the Comprehensive Plan allows for a 30% concession in Traffic Performance Standards for affordable and workforce housing. This increases the available concurrency for traffic and reserves that traffic for those affordable and workforce developments that need it.

Summary of AHAC Discussion: The CAH acknowledged the need to maintain traffic and other concurrency, and concluded that the current incentive offered by the County is helpful.

AHAC Recommendation: Maintain current incentive strategy.

F.S. 420.9076(4)(e) – Affordable accessory residential units.

Existing Incentive Strategy: Address restrictions to allow for greater opportunity, including requirements for electrical feed from main home and covenant to remove ADU kitchen. Do not count ADUs as separate housing unit in density calculations.

County land development regulations allow Accessory Dwelling Units in certain residential zoning designations. Per earlier CAH recommendation, the County recently removed the prior requirement that the kitchen of the ADU be removed when the owner vacates the main home. The County is currently reviewing the ADU requirement that the unit electrical feed come through the meter of the main house, and the issue of whether ADUs be counted for density.

Summary of AHAC Discussion: The CAH discussed strengthening the language for ADUs. Separate electrical metering for ADUs would facilitate the creation of additional housing units. PZB staff recently amended code to eliminate a requirement that an ADU kitchen be removed when the owner vacate the primary housing unit and are considering the question of separate electric services for ADUs.

ADUs are an important tool to help meet local affordable housing needs, and by their very nature serve affordable housing needs. Greater flexibility in the allowance of ADUs will increase the development potential of the County's limited remaining supply of vacant land, and also increase the potential for additional development on existing properties. Greater proliferation of ADUs will increase the overall housing stock and exert mitigating pressure on prices, thereby contributing to affordability. The County's current land development regulations governing ADUs excessively restrict development and impose unnecessary requirements on the property owner. The market tends to price ADUs affordably compared to comparable units, and without the need for government price intervention. There could be a tax incentive to keep the ADU affordable. This will create requirements for monitoring that will require new processes and staffing. The County's current requirement for a single electric meter poses a disincentive to develop ADUs and a disincentive to rent out an existing ADU. ADUs should not be counted as a separate unit in density calculations for zoning compliance. The proliferation of ADUs will have real impacts on infrastructure and demand for public services. Also, proliferation of ADUs could negatively impact neighborhoods by shifting character from homeownership with increased tenancy, and regulations should be crafted with this in mind. For example, the widespread use of ADUs for short-term rentals would negatively impact neighborhoods and fail their potential to serve affordable housing needs. The County is currently drafting revisions to PDRs to remove the requirement for kitchen removal in the ADU after the owner vacates the main structure.

AHAC Recommendation: The County should address restrictions on ADUs in order to allow for greater opportunity, including requirements for an electrical feed from the main home. ADUs should not be counted as a separate housing unit for purposes of density calculations.

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

Existing Incentive Strategy: "Flexible Zoning". The County should consider adoption of alternative Property Development Regulations (PDRs) community-wide, including an approval process designed to develop a flexible self-regulating development order.

The County's Workforce Housing Program (WHP) and Affordable Housing Program (AHP) provide identical "setback reduction" opportunities to developers in accordance with the Unified Land Development Code (ULDC) Article 5.G.1.B.2.f.3.h. (WHP) and Article 5.G.2.D.4.h. (AHP).

Flexible regulations are described in ULDC Articles 5.G.1.B.2.f.3) and 5.G.2.D.4., and are applicable to projects with Medium Residential, 5 units per acre (MR-5), High Residential 8 units per acre (HR-8), High Residential 12 units per acre (HR-12), or High Residential 18 units per acre (HR-18) Future Land Use designations, or if approved as a Planned Development District or Traditional Development District. Projects with these designations may deviate from the residential requirements of Table 3.D.1.A, Property Development Regulations, or Table 3.D.2.B, ZLL Property Development Regulations (PDRs), as follow:

- Single Family Dwelling (SFD) units may be permitted up to a maximum ten percent deviation for the following PDRs: lot size; width and frontage; building coverage; and, side, and rear setbacks.
- SFD units limited to one floor with no loft or other similar feature, may be permitted up to a maximum 20 percent deviation for the following PDRs: building coverage; and front and side street setbacks.
- Zero Lot Line lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size, building coverage, and front setback for units with front loading garages.

Summary of AHAC Discussion: See “Flexible Zoning” page 13.

AHAC Recommendation: See “Flexible Zoning” page 13.

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

Existing Incentive Strategy: “Flexible Zoning”. The County should consider adoption of alternative Property Development Regulations (PDRs) community-wide, including an approval process designed to develop a flexible self-regulating development order.

The ULDC Article 5.G.1.B.2.f.3.h. (WHP) and Article 5.G.2.D.4.h. (AHP) provide for flexible lot configurations, including zero-lot-line configurations, as described above.

Summary of AHAC Discussion: See “Flexible Zoning” page 13.

AHAC Recommendation: See “Flexible Zoning” page 13.

F.S. 420.9076(4)(h) The modification of street requirements for affordable housing.

Existing Incentive Strategy: The County should continue to base street and related requirements for affordable housing on sound engineering practices.

The County’s Comprehensive Plan Transportation Element Policy 1.2-d.4 permits Workforce and Affordable Housing developments to generate vehicular traffic on streets beyond the level otherwise allowable. Opportunities for Traffic Performance Standards mitigation are codified in ULDC Article 5.G.1. B.2.f.1. (WHP) and Article 5.G.2.D.2. (AHP).

Summary of AHAC Discussion: This incentive is intended to address reduction of development cost of affordable housing through the reduction of street width, numbers of parking spaces, and similar design modifications. However, the County has addressed the incentive in terms of traffic volume or Level of Service standards, but this is not intent. The CAH also discussed that street

and related requirements (storm water runoff, etc.) cannot be reduced to the extent that it is detrimental to adequate functionality. Current incentive strategies are misaligned with intent of incentive strategy.

AHAC Recommendation: Maintain current incentive strategy.

F.S. 420.9076(4)(i) — The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

Existing Incentive Strategy: County should consider adoption of a comprehensive countywide housing plan for workforce and affordable housing.

The State requires that all proposed changes to the Unified Land Development Code, Comprehensive Plan, Zoning Code, and Zoning Map are reviewed and approved through a public hearing process. In Palm Beach County, the bodies that perform the review and approval functions are the Land Development Regulation Advisory Board (LDRAB) and the Board of County Commissioners (BCC). The ULDC provides that the composition of the LDRAB include seats specifically for a residential builder (Gold Coast Builder’s Association), an architect (American Institute of Architects), and a realtor (Broward, Palm Beaches and St. Lucie Realtors) in addition to other professions. These experts provide input and insight to staff on how proposed changes may impact the cost of housing, and help inform BCC decision making. In addition, when any significant changes are proposed to the Workforce Housing Program, the County’s process is to hire a consultant to calculate the potential impacts on the cost of developing housing and the effect on project profitability.

Summary of AHAC Discussion: The County should develop a plan of action for taking advantage of opportunities presented by the Live Local Act, and those actions should be reflected in a countywide housing plan. The CAH discussed if County staff conducted an analysis of how Live Local Act provisions could be incorporated into current housing policy and whether the Housing Leadership Council’s “Housing for All” plan will be adopted by the BCC. The CAH suggested that individual members review the Palm Beach County Comprehensive Plan Housing Element to get familiar with policies regarding Workforce and Affordable Housing.

AHAC Recommendation: The County should develop a plan of action to take advantage of opportunities presented by the Live Local Act.

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

Existing Incentive Strategy: Make available online a regularly-updated inventory of surplus lands and offer clear process for disposition so private industry and not-for-profits can utilize for affordable/workforce housing.

The Comprehensive Plan (Housing Element Policy 1.1-i) requires an inventory of all surplus County owned land and foreclosed properties that may be suitable for affordable housing. The County's Property and Real Estate Management Division (PREM) is responsible for identification of such properties, and for coordinating with the Palm Beach County School Board, the South Florida Water Management District, and other public landowners to produce a list of viable sites for affordable housing developments and special needs housing, including rural and farmworker households. The Department of Housing and Economic Development is responsible for review of the inventory in order to advise on suitability of properties for affordable housing purposes. Countywide Policy and Procedure Memorandum (PPM) *CW-L-023 Requirements for the Acquisition, Disposition, Lease, and Exchange of Real Property* establishes procedures for disposition of County-owned real estate. Surplus property may be donated to a not-for-profit entity, but must be sold to for-profit entity. Recipients for disposition of County owned property must be selected through a competitive process, except for not-for-profits whom may be selected on a non-competitive basis. All dispositions must be approved by the Board of County Commissioners.

The majority of surplus County-owned lands are undevelopable or face significant development constraints due to property size, shape, access limitations, easements, adjacent uses, and/or remote location. A smaller subset of these surplus lands has the potential for affordable housing development. Mainly, these are small vacant lots within established neighborhoods that have the potential to be developed with a single-family home or a small multi-family structure (duplex, triplex, etc.). Additionally, existing homes occasionally come into County ownership through foreclosure, and may be suitable for affordable housing purposes. PREM posts online a listing of all County-owned surplus property; surplus being that for which the County has no existing or projected future need.

Summary of AHAC Discussion: PREM provided information on determining surplus property. The Live Local Act requires the County to publish a list of surplus properties every three years and requires municipalities to publish their own list. PREM reviewed surplus properties earlier in the year and 179 vacant parcels remained after eliminating Parks, environmentally-managed lands, and properties controlled by the Airports Department. Of the 179 parcels, 121 parcels were less than one acre in size and could not be used for major development or multifamily development. After elimination of those parcels, only one 6-acre parcel was determined as suitable for affordable housing declared by the Board of County Commissioners to be surplus. This property will be offered via a competitive process to developers of affordable and workforce housing.

The CAH discussed the inventory of public lands and the process the County goes through to determine whether county owned land is surplus or not. Discussion continued as to if there were any surplus in the park space to convert to affordable housing. Most Park parcels come with

restrictions at state or federal level. The CAH would like to see the one acre or less on the list of properties. The parcels could be adjacent to each other and could be useful. Provide the list and let developers do their own due diligence as well as request the list from the municipalities.

The limited supply and high cost of land pose a huge challenge to affordable development in Palm Beach County. The provision of surplus County lands for affordable housing has the potential for a significant positive impact on affordable housing supply. The list of surplus County land should be made accessible to developers so that private industry can determine if properties are viable for development. First preference should be given to not-for-profits that will maintain property affordable in perpetuity. It is not clear how to access the inventory or request land from the County. The CAH was provided with the County PPM that outlines the requirements and process for disposition of County owned real estate, and PREM participated in CAH meetings to answer questions regarding County policies for property disposition. The CAH requested an inventory and mapping of all county owned land, not just those properties deemed surplus. PREM provided a listing of all 2,564 County-owned parcels and access to the GeoNav GIS application where detailed property information is contained. The CAH would like to know what plans the County is making to utilize these properties for housing and would like to make recommendations on the potential alternatives. The CAH urges the County to consider actively marketing available properties to the development community through a competitive selection process. Likewise, the School District of PBC should make available a similar inventory.

AHAC Recommendation: The County should make available online a regularly-updated inventory of all County-owned properties, and offer a clear process for disposition so that private industry and not-for-profit organizations can utilize available lands for the development of affordable and workforce housing.

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

Existing Incentive Strategy: County should review with local governments and transportation providers a comprehensive solution for affordable housing near transportation hubs.

Transit Oriented Development (TOD) is a type of development that includes a mixture of housing, office, retail, and other amenities integrated into a walkable neighborhood and located within a half-mile of quality public transportation. It should be noted that there are limited opportunities for TOD in the unincorporated area over which Palm Beach County has jurisdiction, and that opportunities for TOD along passenger rail lines are present exclusively within local municipalities. More generally, when determining the available density bonus in the County's Affordable Housing Program, proximity of the proposed site to mass transit and employment opportunities are among the items considered, thereby providing an incentive for affordable development in closer proximity to the same. Likewise, proposed project proximity to transportation and employment is taken into consideration competitive funding processes administered by HED. The countywide housing plan should address TOD.

Summary of AHAC Discussion: Transportation costs are a major factor in affordability. Distance between place of residence and place of employment increases cost of living. Locally, transportation hubs are more often located in municipalities. County could purchase land at transportation hubs within municipalities in order to develop affordable housing. County should play a more active role facilitating development of transportation hubs.

AHAC Recommendation: Maintain current incentive strategy.

Additional Incentive – Flexible Zoning

Summary of AHAC Discussion: PZB explained the County is working through changes to the ULDC that are necessary to implement the flexible development order. The necessary changes may be effected early 2024. The CAH recommended that the County consider producing an implementation plan in order to keep the process moving forward.

Transfer of development rights (TDR) bonuses should be provided as a matter of course when applicable. Vary cost of density bonuses in relation to the targeted area median income level of a proposed development. Utilization of revenue generated by density fees. County's expansion model should address the need for increased density and mixed-use developments. Importance of neighborhood revitalization and community redevelopment. The CAH discussed if the County track percentage of units that met workforce/affordable housing threshold in projects where expedited permitting was offered. Consider if the goal was to incentivize construction of additional units or to increase affordability for developers. The CAH discussed providing County staff with draft language for the self-regulating development order and whether steps would be taken to ensure smaller developers and nonprofit entities were aware of available incentives. Flexible zoning should remain a priority as the County updates the ULDC. PZB staff are working on revisions to ULDC. Considering changes that would allow self-regulating development orders. PZB maintains statistics for all projects. More than 25% of units designated as workforce or affordable housing. Would review examples of draft language. Beneficial for PUDs and larger developments and will be prioritized. Possibility of a liaison who could work with PZB and HED.

The County's zoning code is a prescriptive code; it defines exactly what is allowable, and conversely, what is not allowed. Further, the code focuses on suburban style development. Although the code works well for suburban development, it is not conducive to housing affordability. Economic conditions and the development landscape have changed, and it is time for the County's Property Development Regulations (PDRs) to catch up. Other jurisdictions within Florida, such as Collier County, Port St. Lucie, and to a lesser extent Palm Beach Gardens, have adopted a self-regulating approach to PDRs. With this approach, each development proposes its own PDRs which are then subject to staff review and approval by elected officials. This approach contributes to housing affordability by allowing greater utilization of smaller sites and infill sites, as well as by offering the flexibility necessary to bring alternative housing product types to market. Further, this approach facilitates the development approval process by avoiding the time

and expense associated with obtaining the numerous variances necessary to utilize density bonuses offered by the County. The County could employ the option of a self-regulating development order for affordable and workforce housing through amendments to the ULDC. Smaller builders do not build to a scale at which a self-regulating development order could be utilized, however, larger developments and PUDs could certainly do so. When combining two or more separate single-family lots/parcels through unity of title, the County should allow two or more housing units to be constructed on the single lot. This would facilitate greater development of smaller multifamily housing such as duplexes and triplexes.

AHAC Recommendation: The County should consider adoption of alternative PDRs community-wide, including an approval process designed to develop a flexible self-regulating development order.

IV. IMPLEMENTATION

Following adoption of this Report, the Department of Housing and Economic Development will further discussions with other departments and County leadership regarding implementation of the incentive recommendations. Within 90 days following adoption, an amendment to the Local Housing Assistance Plan will be brought to the Board of County Commissioners for consideration. The amendment will identify the incentive recommendations which the County will implement and will outline a general plan.