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**INTEROFFICE COMMUNICATION
Palm Beach County
Planning, Zoning and Building**

TO: Honorable Tony Masillotti, Chair
and Members of the Board of County Commissioners

FROM: Jon MacGillis, ASLA, Zoning Director

THRU: Barbara Alterman, Executive Director, PZ&B

DATE: August 21, 2006

RE: **INCLUSIONARY WORKFORCE HOUSING PROGRAM
REQUEST FOR BCC INPUT AND DIRECTION**

**Palm Beach County
Board of County
Commissioners**

Tony Masillotti, Chairman

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At the August 23, 2006 BCC Zoning Hearing, staff will be presenting a summary list of issues related to upcoming Unified Land Development Code (ULDC) amendments needed to implement the Inclusionary Workforce Housing Program (WHP). County staff has conducted several meetings with building industry representatives to discuss issues related to the WHP Plan text amendments, the Interim Policy as well as ULDC amendments. The White Paper attached herein as Exhibit A provides additional detailed information on the history of the WHP, recent industry meetings, and the proposed ULDC amendment schedule.

Issues: The various meetings with industry and staff have produced a list of issues that industry and staff have been working diligently to resolve, and in the spirit of compromise, both industry and staff have made progress in resolving many issues. Many of these compromises and concessions result in additional build-able land area to allow developers to take advantage of the WHP density bonus incentive, among others. Staff is recommending a two-Phased approach to ULDC amendments, with Phase I consisting of minor changes needed to allow for the timely implementation of the WHP, and Phase II anticipated in 2007-08 as part of the Zoning Form Based Code (FBC) initiative, or other process as may be appropriate.

Direction from the Board: As part of Phase I, staff is seeking additional BCC input or direction on several issues either proposed by staff or requested by industry, or others as may be discussed. A summary list of these issues has



been attached as Exhibit B. A draft copy of the ULDC amendments has also been attached as Exhibit C.

Staff is also seeking BCC approval to continue ongoing discussions with industry on how to draft and implement the WHP.

If you should have any questions, or require additional information, please do not hesitate to contact me directly at (561) 233-5223.

JM/WC

- c. Maryann Kwok, Chief Planner, Zoning
Barbara Pinkston-Nau, Principal Planner, Zoning
William Cross, Senior Planner, Zoning
Lenny Berger, Assistant County Attorney
Industry Distribution List

Attachments: Exhibit A, ULDC Amendments White Paper
Exhibit B, Issues for BCC Input or Direction
Exhibit C, Draft – Summary of ULDC Amendments

Ref: U:\zoning\CODEREV\2006\Ordinances\Workforce Housing\8-23 BCC Hearing\Cover Letter.doc

EXHIBIT A

INCLUSIONARY WORKFORCE HOUSING PROGRAM ULDC AMENDMENTS – WHITE PAPER

(Updated 8/16/06)

INTRODUCTION: Palm Beach County Comprehensive Plan Text Amendment Round 2006-01 includes amendments that will establish a Mandatory Workforce Housing Program (WHP). The BCC transmittal hearing was held on April 5, 2006, and an adoption hearing is scheduled for August 21 2006. While an Interim Policy is in effect, additional Unified Land Development Code (ULDC) amendments are needed to formally implement the program while incorporating additional design related changes needed to address density bonus incentive provisions. ULDC amendments will enable the implementation of the Mandatory Program to coincide with the effective date for the Plan amendments. Key meeting and public hearing dates for these amendments have been incorporated below under the title Meetings.

BACKGROUND AND SUMMARY: In response to the increasing lack of affordable housing opportunities for working class households in Palm Beach County, a Voluntary WHP was adopted in 2004 to encourage private development of work force housing units. At the time of adoption, the BCC also directed Planning staff to evaluate other methods to increase the stock of affordable/attainable housing, including the feasibility of a mandatory WHP. To obtain input on this direction, an informal committee was created, comprised of County staff, representatives of housing related non-profits, the home building industry, real estate interests, the business community and several municipalities, among others. Additionally, meetings were held with the Gold Coast Builders Association, Community and Economic Council, several home-builders as well as private planning agencies servicing the home building industry. Pursuant to these meetings and due to a perceived increase for a need to mitigate an ever worsening affordable housing crisis, the BCC directed PZ&B staff to begin the process to implement a Mandatory WHP Program. Necessary Plan amendments were presented to the BCC on April 5, 2006, at which time staff was also directed to immediately put into effect an Interim Mandatory WHP policy. The regulatory requirements contained in the proposed ULDC amendments are based on the Plan amendments, as well as the framework of the Interim Policy.

Industry Input: Given that one of the key incentives of the Mandatory WHP is the provision of a 30-percent density bonus, among other factors, staff recognizes a need to incorporate minor changes to some property development regulations (PDRs), as well as other related requirements such as open space limitations that may conflict with increased densities. Staff is proposing to expand the use of existing Traditional Neighborhood Development PDRs and design standards, which generally allow for greatly reduced lot sizes and improved community development design standards, among other incentives. However, staff readily recognized the need to truth all potential design scenarios and have conducted three meetings, and are scheduling a fourth, to obtain input from key Industry representatives to address potential concerns, and more importantly take into consideration any ideas or solutions (see below for additional industry meeting information).

MEETINGS:

LDRAB General Subcommittee:

Monday, May 1, 2006 – Members of the subcommittee concurred with several staff recommendations for design related issues, providing general comments and feedback; requested that provisions for flexible regulations allowing for 10% deviations to residential property development regulations be permitted for lot size, front and rear setbacks, building coverage and FAR; and, offered to provide site plans from other jurisdictions that demonstrated different approaches to incorporating increased density.

Industry Meetings:

Monday, June 12, 2006: - The meeting was held from 9:00 a.m. to 11:30 a.m., with Zoning staff providing a brief introduction to the WHP; outlining a two phase approach to amending the ULDC (Phase I – incorporating mandatory WHP and minor design related amendments [October 2006], and Phase II – which will involve a comprehensive review of the ULDC to possibly incorporate form based, smart growth and other flexible design regulations [2007]); clarifying intent to solicit industry input on ULDC amendments needed to address design limitations associated with the density bonus incentive; and, outlining Zoning staff concepts to address issue. A total of 62 combined Zoning and industry comments and suggestions were discussed.

Tuesday, June 27, 2006: This meeting was held from 1:00 p.m. to 4:00 pm. and served as a follow up to the June 12, 2006 meeting. Staff reiterated that the purpose and intent was primarily intended to focus on design issues associated with density bonus incentives, as well as the need for written backup or documentation to justify any examples being suggested by industry. A summary table of both staff and industry comments was provided, that included a breakdown, or phasing, of when some amendments or suggestions could be incorporated: Phase I would coincide with the ULDC amendments to implement the Plan requirement for an Inclusionary WHP, while Phase II would be undertaken in conjunction with a Smart Growth Initiative proposed for 2007. Additional notations, or use of the term Pending, was included where Planning and Zoning staff did not have authority to address comments and additional Department involvement would be required.

Thursday, August 10, 2006: This meeting was held from 2:00 p.m. to 4:00 p.m. (extended to 5:00 p.m.) as a continued follow up of the June 27, 2006 meeting, with additional Engineering

EXHIBIT A

**INCLUSIONARY WORKFORCE HOUSING PROGRAM
ULDC AMENDMENTS – WHITE PAPER**

(Updated 8/16/06)

staff in attendance to enable industry and staff to focus on Engineering related issues raised by industry. While there was tentative agreement on some issues, additional supporting documentation or examples are still required from industry, and pending the submittal of such, additional time for staff to review and ascertain the feasibility, and in many cases public welfare and safety issues, related to industry recommendations.

BCC Public Hearing - August 21, 2006: Scheduled date to present Plan Text Amendments for the Workforce Housing Program.

BCC Zoning Hearing – Wednesday, August 23, 2006: Staff is proposing to seek input or direction from the BCC on several key issues related to the 1st Phase of ULDC amendments needed to implement an Inclusionary Workforce Housing Program to be consistent with the Plan. Pending a review of any BCC comments or direction, staff is then proposing to have final discussions with industry (see below) prior to presenting to LDRAB/LDRC.

Additional Industry Meeting:

TBD – 1st Week of September: Staff is proposing to hold a 4th Industry meeting pursuant to receiving BCC input or direction, and prior to LDRAB/LDRC. This will ensure that Industry is able to participate in the process prior to presenting amendments to LDRAB/LDRC.

LDRAB/LDRC: Wednesday, September 13, 2006 – Pending.

BCC – Request for Permission to Advertise: September 28, 2006 – Pending.

BCC – 1st Reading: October 17, 2006 – Pending.

BCC – 2nd Reading:/Adoption: TBD (November) – Pending.

EXHIBIT B

**INCLUSIONARY WORKFORCE HOUSING PROGRAM (WHP)
ISSUES FOR BCC INPUT OR DIRECTION AS RELATES TO PENDING ULDC AMENDMENTS**

(Updated August 16, 2006)

#	Zoning Issues	Industry Request or Staff Recommendations	Staff Recommendation (SUPPORT or DO NOT SUPPORT)
1.	Civic Parcels	1.a Industry – Requesting that civic parcels (public or private) be given to applicants to be used to construct WHP units on site.	DO NOT SUPPORT: PREM and Zoning staff does not support the request, citing a need for both public and private civic uses. Staff rationale is related to current and future demand for civic parcels for both public and private uses.
		1.b Zoning – Staff is recommending that residential units be permitted in civic parcels subject to PREM approval, whether at time of BCC approval or at a later date subject to DRO approval.	SUPPORT: Granting this option will provide greater flexibility in the event that PREM ascertains that residential units can be incorporated into needed civic sites, or if circumstances change where PREM does not require the civic site.
2.	Exemplary Standards	2. Industry – Delete the requirements for exemplary standards required to obtain PDD density bonus.	PARTIALLY SUPPORT: Staff generally supports this request, and is proposing to continue to work with industry to seek out a compromise to partially revise the requirements prior to presentation to LDRAB/LDRC on September 13, 2006.
3.	Integration or clustering of WHP units	3. Industry – Request that clustering of WHP units be permitted, and that no additional standards be imposed where clustering is used.	SUPPORT: Staff rationale for support includes fact that WHP units are required to be architecturally consistent with market rate units. Industry has also indicated that many projects will integrate affordable units. Staff plans to track this issue during the first year of the program, and if necessary suggest changes at a later date.
4.	Landscape Buffer Requirements	4.a Zoning – Delete some requirements for external PDD and subdivision buffers where uses are similar or compatible.	SUPPORT: Staff is recommending that PDD and subdivision perimeter buffers be waived for some uses and where housing types are of the same type or less intense. (note: single family subdivisions or pods are already exempt).
		4.b Zoning - Internal Planned Development District (PDD) buffers – delete incompatibility buffer requirement between multi-family and single-family units. –	SUPPORT: Staff is recommending the deletion of required internal incompatibility buffer requirements for MF units. The rationale is that many small or large scale projects exist where these uses are designed to be compatible.
5.	Open Space	5.a Zoning - 40% PDD Open Space Requirement – Allow for reductions in required open space requirements.	SUPPORT: Staff is recommending an option that would allow this requirement to be dropped to 30% in exchange for providing some additional usable open space.
		5.b Industry – Request to reduce open space requirements with no additional provisions.	DO NOT SUPPORT: Staff does not support, citing the current expansive definition of open space, which includes drainage tracts, landscape buffers, etc.
		5.c Industry – Request to allow front yards of residential lots to be counted as open space.	DO NOT SUPPORT: Staff does not support due to inability to regulate or track that said areas would remain as open space [e.g. do not want to place burden on individual homeowners to document open space requirements in order to obtain building permits for driveways and other impervious front yard improvements.].

EXHIBIT B

**INCLUSIONARY WORKFORCE HOUSING PROGRAM (WHP)
ISSUES FOR BCC INPUT OR DIRECTION AS RELATES TO PENDING ULDC AMENDMENTS**

(Updated August 16, 2006)

#	Engineering Issues	Industry Request or Staff Recommendations	Staff Recommendation (SUPPORT or DO NOT SUPPORT)
6.	Reduced R-O-W Cross Sections	6. Industry/Engineering – Allow for reduced right of way cross sections with sidewalks on one side of street, reduced street tree planting areas, or flexibility with utility easement requirements.	PARTIALLY SUPPORT: If feasible, staff is recommending that this request be considered during Phase II amendments. Additional documentation and specifics are required from industry, and pending submittal of such, Planning, Zoning and Engineering staff will need to ascertain the feasibility (including public safety and welfare) of any reductions.
7.	Platting – Streamline Process	7. Industry – Request to streamline platting process.	SUPPORT: Engineering staff has performed an analysis of the Platting process identifying both internal areas able to be improved upon, as well as areas industry can improve in, and is continuing to seek out ways to streamline the process; however, most improvements are procedural. If applicable, ULDC changes would be recommended in Phase II.
8.	Traffic Concurrency -	8. Industry – Request that the BCC reinstate procedures to allow for the pre-review of traffic studies prior to submittal of applications for Development Orders.	PARTIALLY SUPPORT: Engineering staff suggested to industry that a workshop with the BCC would be appropriate to explain the pre-review process that was eliminated in 2004.

EXHIBIT C

INCLUSIONARY WORKFORCE HOUSING PROGRAM
DRAFT - SUMMARY OF ULDC AMENDMENTS
(Updated 8/16/06)

Part 1. ULDC, Art. 1.1.2, Definitions (page 53 of 96), is hereby amended as follows:

Reason for amendment: Addition or amendment of definitions related to new mandatory and amended workforce housing programs.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

....
I. Terms defined herein or referenced Article shall have the following meanings:

6. Income, WHP – The following household income ranges shall apply to the WHP. These income ranges are based on the Area Median Income (AMI) for Palm Beach County, as published annually by the U.S. Department of Housing and Urban Development.

- a. Income, Low - A family of four that earns between 60 and 80 percent of the County's median income.
- b. Income 1, Moderate - A family of four that earns between 80 and 100 percent of the County's median income.
- c. Income 2, Moderate - A family of four that earns between 100 and 120 percent of the County's median income.
- d. Income, Middle – A family of four that earns between 120 and 150 percent of the County's median income.

[ReNUMBER Accordingly.]

....
U. Terms defined herein or referenced Article shall have the following meanings:

17. Usable open space - an area such as a park, square, plaza or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-Ws, building setback areas, lakes and other water bodies, drainage or retention areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, sidewalks, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation or gatherings. For the purposes of Article 5.G.2, usable open space may include impervious surface courts, swimming pools, and sidewalks.

Part 2. ULDC, Art. 1.1.3, Abbreviations and Acronyms (page 93 of 96), is hereby amended as follows:

Reason for amendment: Addition or amendment of abbreviation/acronyms related to new mandatory and amended workforce housing programs.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 3 Abbreviations and Acronyms

....
AMI Area Median Income
....

Part 3. ULDC, Art. 3.E.2.B.1.c [Related to Design Objectives] (page 70 of 134), is hereby amended as follows:

Reason for amendment: 1) To allow for reduction or deletion of portions of exterior perimeter buffer requirements where compatible uses abut one another, and 2) to delete interior perimeter buffer requirements; whereas, Art. 7 provides sufficient buffering requirements between compatible and incompatible uses where appropriate.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

B. Objectives and Standards
1. Design Objectives

Notes:

Underlined language indicates proposed new language.
~~Language crossed-out~~ indicates language proposed to be deleted.
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....
c. Provide perimeter landscape areas to connect or buffer incompatible land uses or for residential uses that are adjacent to other incompatible design elements such as roadways, usable open space areas, or where residential setbacks are not consistent with adjacent development ~~within~~ and outside the perimeter of the PUD.
....

Part 4. Repealing ULDC, Art. 5.G.1, Workforce Housing Program (page 43 of 56), and adopting in it's place a new Art. 5.G.1, Workforce Housing Program, as follows:

Reason for amendment: See summary white paper above. Pursuant to BCC direction and recent Plan amendments adopting a Inclusionary Workforce Housing Program and making concurrent change to the existing voluntary program, repealing and adopting new language improves staff ability to present the multitude of text amendments needed in a concise, easy to read format.

CHAPTER G DENSITY BONUS PROGRAMS

Section 1 Workforce Housing Program (WHP)

A. Purpose and Intent

The WHP implements HE Policies 1.1-o and 1.5-g of the Plan, among others, by establishing an Inclusionary WHP. The program mandates or encourages the development and equitable geographic distribution of workforce housing units for low, moderate 1 and Moderate 2, and middle-income households, ensures a minimum affordability period, and provides for a density bonus and other incentives. The program is intended to increase the supply of housing opportunities for persons employed in PBC in jobs that residents rely upon to make the community viable.

B. Applicability

In cases of conflict between this Chapter and other Articles of this Code, the provisions of this Chapter shall apply. The WHP shall apply to all new developments with a residential component of 10 or more dwelling units. This shall include the expansion of existing projects that add 10 or more dwelling units, where the program shall apply to those units being added. Requirements and limitations are further defined in Table 5.G.1 B-13, Workforce Housing Program.

10 units
New
+ existing
DDA
to
add 107
units

DRAFT

DRAFT

AUGUST 23, 2006 BCC ZONING HEARING

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Table 5.G.1.B-13, Workforce Housing Program

Applicability		Threshold	Required > or= to 10 residential dwelling units
Location:	Tier or Overlay	U/S (including SCO), Exurban and Rural Tiers	
	FLU (1)	RR-20, RR-10, RR-5, RR-2.5, LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18	
Density Bonus Incentive			
RR-20 thru LR-3		0 - 30%	
MR-5 thru HR-18		30 - 100%	
MR-5 thru HR-18 (2)		> 30 - 100%	
Required % of Affordable Units (3)			
Standard Density		7%	
Maximum Density		25%	
WHP Density Bonus		50%	
Required Affordability Ranges (4)			
Low (60-80%)		25%	
Moderate 1 (> 80-100%)		25%	
Moderate 2 (>100-120%)		25%	
Middle (>120-150%)		25%	
Provision of Units			
		0 - 30%	> 30% - 100%
On-site (5)		Minimum 25% of Required Workforce Units	100%
Off-site		Maximum 75% of any combination of options	N/A
Option 1		Construct units off site	N/A
Option 2		Purchase existing market rate units and deed to the County	N/A
Option 3		Donate buildable land acceptable to the County in an amount = or > than the buyout cost	N/A
Option 4		Initial Payment 50% of unit maximum	N/A

Notes for Table 5.G.1.B-13, Workforce Housing Program Provisions:

1. Shall also apply to mixed use projects with applicable underlying FLU designations for Commercial and Industrial Mixed Use Development.
2. An additional density bonus of between 30% to 100% shall be permitted subject to meeting the additional standards of Art. 5.G.1.F, Additional WHP Requirements and Standards.
3. Percentages shall be rounded up to the nearest whole number.
4. Based on County Median Income. Where assigning units to a category, priority may be given to middle income first, proceeding downward to low income (i.e. where 3 units are required, the first shall be middle (>120-150%); the 2nd Moderate 2 (>100-120%); and the 3rd Moderate 1 (>80-100%). This does not prohibit allowing higher numbers of lower income units.
5. a. The DRQ may waive the minimum 25% on-site requirement where mandatory workforce units total ten units or less; or b. if the homes in a development are valued at 100% or more of the median County home value (as updated by HCD). Note: This provision does not reduce the requirement to provide WHP units, and all units not located on site shall comply with options 1 through 4 for 100% of all mandatory Workforce Housing units.

C. WHP Incentives

All projects with 10 or more residential units shall be eligible for WHP Incentives.

1. Density Bonus

Table 5.G.1.B-13, Workforce Housing Program, delineates the ranges of density bonus allowed for the WHP. For the purposes of this Section, permitted density shall be the number of units allowed by the standard density allowed by the Plan; or, the maximum density allowed by the Plan, where developed as a PDD, TDD or other density provision allowed by the Plan. TDR units or any other density bonus shall not be included as part of the permitted density for purposes of calculating the WHP density bonus.

2. Traffic Performance Standards Mitigation

TE Policy 1.2-b of the Plan allows special methodologies to be applied for WHP projects. The projects net trips associated with the non-WHP units attributable to the standard density and all non-residential land uses shall be subject to the 1% of adopted level-of-service. The project's net trips associated with the all remaining residential units of the project (including WHP units) shall be subject to a 5% of adopted level-of-service significance level in determining compliance with TPS.

3. Expedited Review

The following expedited review processes may apply to a proposed WHP development:

a. Design Review

Review of multifamily or townhouse structures by the Building Division and Fire Rescue shall be allowed concurrent with final DRO review, prior to permit application.

b. Platting

- 1) If only a boundary plat is required for an existing single lot, building permits may be issued after submittal of the final plat for recordation
- 2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat.

4. Optional Development Standards

a. Purpose and Intent

To provide flexibility from property development and other related regulations in order to provide greater opportunity for cost effective development of WHP units. These provisions are not intended to supersede deviations that are normally addressed through

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the variance process. These options shall only be granted at the time of approval for the entire project, and shall not be granted on a lot-by-lot basis.

b. Applicability

Projects with ten or more units that are subject to the requirements of the WHP may utilize the Optional Development Standards listed herein.

c. Justification Report

Use of Optional Development Standards shall not be granted by right, and shall require submittal of a justification report that demonstrates that deviations are the minimum needed to allow for the use of density bonus incentives. The report shall include the following:

- 1) The regulations that are proposed to be modified.
- 2) The amounts and specifics of the requested deviations(s).
- 3) The areas within the development that the deviations will be applied to.
- 4) Graphic representations (site plans, elevations, perspectives, typical examples, etc.) showing how the deviations will meet the intent of the district and WHP with emphasis on open space, privacy, maintenance, and public health, safety and welfare.

d. Site Plan Approval

All projects requesting Optional Development Standards, shall submit an application and site plan to the DRO for certification where applicable, and for final site plan approval for all others. The site plan shall indicate in the tabular data all Optional Development Standards requested, and where feasible, a regulating plan shall be included to provide typical examples. Approval shall be granted only for the minimum deviations needed to allow for the use of density bonus incentives and where the requirements of all applicable reviewing agencies have been met.

e. Drainage

Any reduction in lot size or open space area, or increase in building coverage shall be subject to approval of a drainage study demonstrating that reduced pervious surface area will not create adverse drainage issues.

f. Option 1, AR, RE and RT Districts

This option is limited to residential projects using up to but not exceeding a 30 percent density bonus, in accordance with Table 5.G.1.B-13, Workforce Housing Program.

1) AR and RE Minimum Lot Size in RR FLU Designation

Minimum required lot size may be reduced by dividing gross acreage by the total number of permitted units to include the highest standard density permitted and any bonus units.

2) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with a LR 2 or LR 3 FLU designation may be in accordance with Table 5.G.1.C-, RT Deviations for WHP, only for those projects that qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and utilize a minimum density bonus of 20 percent.

Table 5.G.1.C-14, RT Deviations for WHP ⁽¹⁾

zoning District	FLU	Lot Dimensions			Setbacks	
		Bay	Width and Frontage	Depth	Side	Rear
RT	LR 2	12,000 sf	85'	100'	ND	ND
RT	LR 3	9,000 sf	65'	80'	1 st Floor 10'	1 st floor - 15'

Notes for Table 5.G.1.C-14, RT Deviations for Mandatory WHP

ND	No deviation.
1.	Eligible projects must qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and utilize a minimum density bonus of 20 percent.

g. Option 2, TND Regulations

Projects eligible for this option shall be permitted to utilize the PDRs of Table 3.F.3.E-39, TND Residential Lot Size and Setback Regulations, subject to meeting the requirements of Art. 3.F.3.E.5, Residential Uses and the following limitations:

- 1) U/S Tier Only;
- 2) Project does not qualify to be a TND or use Option 1 or 3;
- 3) If the subject site has a LR-1, LR-2, LR-3 or MR-5 FLU designation, the project shall meet all requirements for and be approved as a PDD;

h. Option 3, Flexible Regulations

Projects with MR-5, HR-8, HR-12, HR-18 FLU designations, or if approved as a PDD or TOD, may deviate from the residential requirements of Table 3.D.1.A-5, Property Development Regulations, or Table 3.D.2.B-7, ZLL Property Development Regulations, as follows:

- 1) 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.

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- 2) 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 PDR's: building coverage; and front and side street setbacks.
- 3) New SFD lots in the AR district shall be permitted to calculate FAR based on the acreage of the FLU designation.
- 4) ZLL lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size and building coverage.

L. PDD Open Space Reduction

Projects which elect to utilize a density bonus of not less than 15 percent, may reduce the 40 percent open space requirement of Table 3.E.2.C-15, PUD Land Use Mix, to not less than 30 percent open space, provided the project incorporates additional usable open space areas on a one to four ratio for the open space reduction proposed.

L. Internal Incompatibility Buffers

Required incompatibility buffers between SFD and MF units within a WHP development shall not be required.

D. Affordability Requirements

Where applicable, the required percentage, affordability ranges and provision of units, shall be in accordance with Table 5.G.4.B-13, Workforce Housing Program,

1. Sales Prices of WHP Units

All required WHP units shall be offered for sale or rent at an attainable housing cost for each of the targeted income ranges. The sale and rent prices may be updated annually by the Director of HCD based on the Area Median Income (AMI), and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) as published annually by HUD.

2. Master Covenant

Prior to final DRO approval, the applicant shall record in the public records of Palm Beach County a Covenant binding the entire project, in a form provided for by the County, which identifies each required WHP unit. [In the event the project is not subject to final DRO approval, the applicant must submit a recorded copy of the Covenant to Building Division prior to issuance of the first building permit.] The Covenant shall include but not be limited to restrictions requiring: that all identified WHP units shall be sold, resold, or rented only to low, moderate 1, moderate 2, or middle-income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for 25 years from the date each unit is first purchased; and that in the event a unit is resold before the 25-year period concludes, a new 25-year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited those set forth below to ensure compliance with the WHP. Every deed for sale of a WHP housing unit shall incorporate by reference the controlling Covenant.

3. Monitoring and compliance

Prior to the sale, resale, or rent of any WHP unit established pursuant to this program, the seller shall provide PBC PZB Monitoring documentation sufficient to demonstrate compliance with the WHP. Such documentation shall include but not be limited to information regarding the identity and income of all occupants of the WHP unit. The owner or lessee of the WHP unit shall submit to PBC PZB Monitoring, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP. The County may conduct site visits at reasonable times, or perform other independent investigation to verify continued compliance with the WHP.

4. Enforcement

The County may enforce the requirements of the WHP through any cause of action available at law or equity, including but not limited to seeking specific performance, injunctive relief, rescission of any unauthorized sale or lease, and tolling of the 25-year term of the WHP.

E. Standards

1. Design

WHP units shall be designed to be compatible with the overall project, as follows:

- a. All WHP units shall be constructed on site, unless approved otherwise in accordance with Art. 5.G.1.G.2, Mandatory WHP Off Site Options;
- b. All affordable units shall be designed to the same exterior standard as other units in the development; and
- c. Required WHP units may be clustered or dispersed throughout the project.

2. WHP Off-site Options

Inclusionary WHP units or those units attributed to the 30 percent density bonus incentive shall be permitted to utilize the WHP Off-site Options; however, under no circumstances shall any site be permitted to develop at a density greater than that permitted by the Plan. WHP units attributed to a density bonus greater than 30 percent shall not be eligible for these options. Prior to issuance of a building permit, or final DRO approval if applicable, all contracts or related agreements for any off-site option shall be approved by the Director of HCD.

a. Option 1 – Off-site Construction

Notes:

Underlined language indicates proposed new language.

~~Language crossed-out indicates language proposed to be deleted.~~

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EXHIBIT C

INCLUSIONARY WORKFORCE HOUSING PROGRAM
DRAFT - SUMMARY OF ULDC AMENDMENTS

(Updated 8/16/06)

Building permits shall be issued for a minimum of 50-percent of the required WHP units to be constructed off-site prior to the issuance of the first CO in the subject development. All off-site WHP units must receive CO prior to issuance of more than 75-percent of the CO's in the subject development.

b. Option 2 – Purchase Market Rate Units

Purchase of an equivalent number of existing market rate units to be deeded to the County. A minimum of 50-percent of the units must be purchased and deeded to the County prior to the issuance of the first CO in the subject development. All market rate units shall be purchased and deeded to the County prior to issuance of more than 75-percent of the CO's in the subject development.

c. Option 3 – Donate Build-able Land

Donation of developable land acceptable to the County in an amount equal to the buyout costs of the affected units. Donated land must be deeded to the County prior to issuance of the first building permit in the subject development.

d. Option 4 – In-lieu Payment

If the applicant elects to make the in-lieu payment, that figure is calculated by adding the estimated construction cost of the smallest unit within the proposed development with the cost of the land multiplied by the number of workforce units employing this option, as delineated below:

- 1) The construction cost of a unit is determined by utilizing building evaluation data established by the International Code Council (ICC), as may be updated from time to time, multiplied by the square footage of the smallest unit planned in the subject. The maximum square footage used to calculate this value shall be 1,999 square feet.
- 2) The value of the land is determined by multiplying the established TDR value, as may be amended from time to time, by 1.3.
- 3) The total value established for both the structure and the land shall be added and multiplied by .5 to establish the in-lieu payment amount. In no case shall the in-lieu payment be less than \$90,000.

3. Limitation on Restrictions

WHP units shall not be subject to restrictions beyond income qualifications. The limitation on restrictions may be waived by the ZC, BCC, or Planning Director, only to ensure housing for a specific target group (e.g. disabled populations) where there is a demonstrated need.

F. Additional WHP Requirements and Standards

The following requirements and standards shall apply to the WHP to ensure compliance with HE Policy 1.5-g of the Plan.

1. Sector Analysis

WHP projects shall be equitably distributed so that there is no undue concentration of very-low and low income households housing. Prior to submittal of a WHP pre-application, the applicant shall meet with the Planning Director to establish the sector within which the distribution analysis shall be conducted. The boundaries of the sector shall be approved by the Planning Director.

Table 5.G.1.C – 15, WHP Density Bonus Guide

% of Affordable Housing in Sector	0-20%	20-30%	30-40%	40-50%
Maximum Density Bonus	40%	50%	60%	100%

- a. The sector shall be proportional to the size and character of the proposed development. At a minimum, the sector shall consist of one or more neighborhoods that include features such as schools, shopping areas, an integrated network of residential and collector streets bounded by arterial roads, civic uses, localized shopping, and employment opportunities. For data and analysis purposes, the sector shall be adjusted to accommodate census tracts or census block groups but shall not extend beyond important physical boundaries that may include a major arterial roadway or a wildlife refuge.
- b. Household income characteristics for the sector shall be derived from the most current available census data. The income level of a "family of four" shall be used for the determination of households within the low, moderate and middle income household categories. The analysis of housing and demographic data within the sector shall be in a manner and form approved by the Planning Director.

2. Pre-Application

An application for density bonus under greater than 30 percent shall require the submittal of a pre-application prior to submittal of a Zoning or Building permit application for purposes of establishing a density bonus determination.

a. Contents

The pre-application shall be in a form established by the Planning Director, and made available to the public.

b. Sufficiency Review

Notes:

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EXHIBIT C

INCLUSIONARY WORKFORCE HOUSING PROGRAM
DRAFT - SUMMARY OF ULDC AMENDMENTS

(Updated 8/16/06)

The pre-application shall be subject to the provisions of Art. 2.A.1.G.3, Sufficiency Review.

c. Compliance

The density bonus shall not be granted until the project is found in compliance with HE 1.5.h. in the Plan.

d. Density Determination

The Planning Director shall provide a written density determination letter within ten days of determining the pre-application is sufficient. The determination shall be based on the sector analysis, size, location and development characteristics of the project with consideration given towards affordability, accessibility, compatibility, quality of design, pedestrian and vehicular circulation, open space, and resource protection. The Planning Director shall prepare a report for the applicant, DRO, ZC, or BCC, whichever is appropriate, making a determination of compliance with this chapter, consistency with the Plan and recommend approval, approval with conditions, or denial of the request.

3. Review Process

Applications seeking a density bonus greater than 30 percent under the voluntary program may be subject to additional or more restrictive review processes, as follows:

a) Building Permit Approval

The transfer of two units per acre or less, not exceeding a total of five WHP density bonus units, may be approved through the building permit application process, subject to Planning Division approval;

b) DRO Approval

The transfer of two units per acre or less for projects in standard zoning districts shall be reviewed and approved by the DRO;

c) Class A Conditional Use Approval

The transfer of more than two units per acre for projects in standard zoning districts shall be reviewed and approved as a Class A conditional use.

d) Requested Use Approval

The transfer of any density to a PDD or TDD shall be reviewed and approved as a requested use.

4. Mass Transit/Employment

WHP units shall have access within one-half mile to a mass transit stop, business center or if on a thoroughfare road, access to a bus stop feeder via a pedestrian accessible route.

Part 5. ULDC, Art. 12.H.6, Workforce Housing, (page 26 of 38), is hereby amended as follows:

Reason for amendment: Amendments needed to address Plan amendments to Policy TE 1.2-b.

CHAPTER H Affordable Housing

Section 6 Workforce Housing

A WHP development that meets the requirements of Art. 5.G.1, Workforce Housing Program will not be required to meet the traffic performance standards set forth in Art. 12, if traffic generated by the development is less than or equal to five percent of the service volume for all affected intersections and Links.

TE Policy 1.2-b of the Plan allows special methodologies to be applied for WHP projects. The projects net trips associated with the non-WHP units attributable to the standard density and all non-residential land uses shall be subject to the 1% of adopted level-of-service. The project's net trips associated with the all remaining residential units of the project (including WHP units) shall be subject to a 5% of adopted level-of-service significance level in determining compliance with TPS.

AUGUST 23, 2006 BCC ZONING HEARING

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