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**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



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8 **AGENDA ITEM C.15.a.**
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10 **REQUEST FOR PERMISSION TO ADVERTISE: ULDC Amendments - Inclusionary**
11 **Workforce Housing Program**
12

13 **ATTACHMENTS**

- 14 Ordinance
15 Exhibit A Inclusionary Workforce Housing Program
16

17 **MOTION:** Staff recommends a motion to approve on preliminary reading and advertise for First
18 Reading on October 17, 2006 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY
19 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND
20 DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS RELATES TO AN
21 INCLUSIONARY WORKFORCE HOUSING PROGRAM, AS FOLLOWS: **ARTICLE 1** -
22 GENERAL PROVISIONS; CHAPTER I - DEFINITIONS AND ACRONYMS; **ARTICLE 2** -
23 DEVELOPMENT REVIEW PROCESS; CHAPTER D - ADMINISTRATIVE PROCESS;
24 CHAPTER F - CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD); **ARTICLE 3** -
25 OVERLAYS & ZONING DISTRICTS; CHAPTER E - PLANNED DEVELOPMENT DISTRICTS
26 (PDDS); **ARTICLE 5** - SUPPLEMENTARY STANDARDS; CHAPTER G - DENSITY BONUS
27 PROGRAMS; **ARTICLE 7** - LANDSCAPING; CHAPTER A - GENERAL; CHAPTER F -
28 PERIMETER BUFFER LANDSCAPE REQUIREMENTS; **ARTICLE 11** - SUBDIVISION,
29 PLATTING AND REQUIRED IMPROVEMENTS; CHAPTER E - REQUIRED IMPROVEMENTS;
30 **ARTICLE 12** - TRAFFIC PERFORMANCE STANDARDS; CHAPTER H - AFFORDABLE
31 HOUSING; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN
32 CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND
33 DEVELOPMENT CODE; AND AN EFFECTIVE DATE.
34

35 **BACKGROUND:** The proposed Code Amendments were submitted for review to the Land
36 Development Regulation Advisory Board (LDRAB) and Land Development Regulation
37 Commission (LDRC) on September 13, 2006. All proposed ULDC amendments were found to
38 be consistent with the Plan.
39

40 **SUMMARY: INCLUSIONARY WORKFORCE HOUSING PROGRAM WHITE PAPER**
41

42 **Introduction:** Palm Beach County Comprehensive Plan Text Amendment Round 2006-01
43 includes amendments that establish a Mandatory Workforce Housing Program (WHP).
44 The BCC transmittal hearing was held on April 5, 2006, and an adoption hearing was
45 held on August 21 2006. While an Interim Policy is in effect, additional Unified Land
46 Development Code (ULDC) amendments are needed to formally implement the program
47 while incorporating additional design related changes needed to address density bonus
48 incentive provisions. ULDC amendments will enable the implementation of the
49 Mandatory Program to coincide with the effective date for the Plan amendments. Key
50 meeting and public hearing dates for these amendments have been incorporated below
51 under the title Meetings.
52

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

1 The regulatory requirements contained in the proposed ULDC amendments are based
2 on the Plan amendments, as well as the framework of the Interim Policy. In addition, the
3 Department of Housing and Community Development has also commissioned an update
4 to the PBC Affordable Housing Study. This Study is anticipated to be presented to the
5 BCC on October 17, 2006 and will provide updated affordable housing needs projects
6 for PBC.
7

8 **Industry Input:** Given that one of the key incentives of the Mandatory WHP is the provision
9 of a 30-percent density bonus, among other factors, staff recognizes a need to
10 incorporate minor changes to some property development regulations (PDRs), as well
11 as other related requirements such as open space limitations that may conflict with
12 increased densities. Staff is proposing to expand the use of existing Traditional
13 Neighborhood Development PDRs and design standards, which generally allow for
14 greatly reduced lot sizes and improved community development design standards,
15 among other incentives. However, staff readily recognized the need to truth all potential
16 design scenarios and have conducted three meetings, and are scheduling a fourth, to
17 obtain input from key Industry representatives to address potential concerns, and more
18 importantly take into consideration any ideas or solutions
19

20 **Industry Meetings:**

21
22 **Monday, June 12, 2006:** - The meeting was held from 9:00 a.m. to 11:30 a.m., with Zoning
23 staff providing a brief introduction to the WHP; outlining a two phase approach to
24 amending the ULDC (Phase I – incorporating mandatory WHP and minor design related
25 amendments [October 2006], and Phase II – which will involve a comprehensive review
26 of the ULDC to possibly incorporate form based, smart growth and other flexible design
27 regulations [2007]); clarifying intent to solicit industry input on ULDC amendments
28 needed to address design limitations associated with the density bonus incentive; and,
29 outlining Zoning staff concepts to address issue. A total of 62 combined Zoning and
30 industry comments and suggestions were discussed.
31

32 **Tuesday, June 27, 2006:** This meeting was held from 1:00 p.m. to 4:00 pm. and served as
33 a follow up to the June 12, 2006 meeting. Staff reiterated that the purpose and intent
34 was primarily intended to focus on design issues associated with density bonus
35 incentives, as well as the need for written backup or documentation to justify any
36 examples being suggested by industry. A summary table of both staff and industry
37 comments was provided, that included a breakdown, or phasing, of when some
38 amendments or suggestions could be incorporated: Phase I would coincide with the
39 ULDC amendments to implement the Plan requirement for an Inclusionary WHP, while
40 Phase II would be undertaken in conjunction with a Smart Growth Initiative proposed for
41 2007. Additional notations, or use of the term Pending, was included where Planning
42 and Zoning staff did not have authority to address comments and additional Department
43 involvement would be required.
44

45 **Thursday, August 10, 2006:** This meeting was held from 2:00 p.m. to 4:00 p.m. (extended
46 to 5:00 p.m.) as a continued follow up of the June 27, 2006 meeting, with additional
47 Engineering staff in attendance to enable industry and staff to focus on Engineering
48 related issues raised by industry. While there was tentative agreement on some issues,
49 additional supporting documentation or examples are still required from industry, and
50 pending the submittal of such, additional time for staff to review and ascertain the
51 feasibility, and in many cases public welfare and safety issues, related to industry
52 recommendations.
53

54 **Friday, September 1, 2006:** Pursuant to August 23, 2006 BCC direction, staff met with
55 industry to reconcile several remaining items, including agreed upon compromises for
56 PDD performance standards.
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1 **WHEREAS**, the County Commission finds that establishing the Workforce Housing Program
2 is a valid exercise of its police powers and serves a compelling public purpose; and

3 **WHEREAS**, the Workforce Housing Program is the product of participation by the public in
4 general and the regulated community in particular, as well as advice from the Palm Beach
5 County Land Development Regulation Advisory Board; and

6 **WHEREAS**, the Land Development Regulation Commission has found these amendments
7 to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

8 **WHEREAS**, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30
9 a.m.; and

10 **WHEREAS**, the BCC has conducted public hearings to consider these amendments to the
11 ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida
12 Statutes.

13

14 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS**
15 **OF PALM BEACH COUNTY, FLORIDA, as follows:**

16

17 **Section 1. Adoption**

18 The amendments set forth in Exhibit A attached hereto and made a part hereof, are hereby
19 adopted.

20 **Section 2. Interpretation of Captions**

21 All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance
22 are intended for the convenience of usage only and have no effect on interpretation.

23 **Section 3. Providing for Repeal of Laws in Conflict**

24 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
25 repealed to the extent of such conflict.

26 **Section 4. Severability**

27 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other item
28 contained in this Ordinance is for any reason held by the Court to be unconstitutional,
29 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
30 Ordinance.

31 **Section 5 Providing for a Savings Clause**

32 All development orders, permits, enforcement orders, ongoing enforcement actions, and all
33 other actions of the Board of County Commissioners, the Zoning Commission, the Development
34 Review Committee, Enforcement Boards, all other County decision-making and advisory
35 boards, Special Masters, Hearing Officers, and all other County officials, issued pursuant to the

1 regulations and procedures established prior to the effective date of this Ordinance shall remain
2 in full force and effect.

3 **Section 6. Inclusion in the Unified Land Development Code**

4 The provisions of this Ordinance shall be codified in the Unified Land Development Code
5 and may be reorganized, renumbered or re-lettered to effectuate the codification of this
6 Ordinance.

7 **Section 7. Providing for an Effective Date**

8 The provisions of this Ordinance contained in Exhibit A shall become effective upon the
9 effective date of the amendments to the Palm Beach County Comprehensive Plan transmitted
10 as item 2.D.1, Workforce Housing program in amendment round 2006-01, or December 1st,
11 2006, whichever occurs last.

12
13 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
14 County, Florida, on this the _____ day of _____, 20_____.

SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Tony Masilotti, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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Filed with the Department of State on the _____ day of _____, 20_____.

EXHIBIT A

INCLUSIONARY WORKFORCE HOUSING PROGRAM
SUMMARY OF ULDC AMENDMENTS

(Updated 9/21/06)

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:

18. Usable open space for WHP – a common 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-W's, building setback areas, lakes or other water bodies, drainage or retention areas, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation.

[Renumber accordingly.]

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

SIS Florida's Strategic Intermodal System

Part 3. ULDC, Art.), is hereby amended as follows:

Reason for amendment: To respond to industry requests to allow for a 90 day Traffic Concurrency Hall Pass as an incentive for the WHP.

CHAPTER F CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD)

Section 3 Review For Adequate Public Facilities

B. Procedure for Review of Application for a Concurrency Reservation

1. Submission of Application

a. Concurrency Reservation

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT A

INCLUSIONARY WORKFORCE HOUSING PROGRAM
SUMMARY OF ULDC AMENDMENTS

(Updated 9/21/06)

1 An application for a concurrency reservation shall be submitted jointly with an application
2 for a development order (joint review), to the Zoning Director in a form established by the
3 Zoning Director and made available to the public. If the proposed development does not
4 require site plan approval, the application shall be submitted at scheduled intake times
5 (separate review) as specified on the Annual Zoning Division Calendar. The application
6 shall be accompanied by a fee established by the BCC for the filing and processing of
7 each application. The fee shall be non-refundable.

8 **b. WHP Traffic Concurrency Hall Pass**

9 A WHP Traffic Concurrency Hall Pass is a provisional traffic concurrency approval that
10 may be used for Projects subject to Art. 5.G.1, Workforce Housing Program. A WHP
11 Traffic Concurrency Hall Pass Certificate shall be considered a traffic concurrency
12 reservation only for the purposes of Art. 12.C.1.C.4.c, TPS Database, and shall be valid
13 for a period of not more than 90 days.

14 An application for a WHP Traffic Concurrency Hall Pass may be submitted separate from
15 an application for a development order to the Traffic Division Director in a form
16 established by the Traffic Division Director and made available to the public. The
17 application may be submitted at any time and shall be accompanied by a fee established
18 by the BCC for the filing and processing of each application. The fee shall be non-
19 refundable.

20 **2. Determination of Sufficiency**

21 **a. Separate Review**

22 Upon receipt of the application, the Zoning Director (or Traffic Division Director, in the
23 case of a WHP Traffic Concurrency Hall Pass) shall initiate a review and within ten days
24 determine whether the application is sufficient. If it is determined that the application is
25 not sufficient, written notice shall be sent to the applicant specifying the deficiencies. The
26 Zoning Director (or Traffic Division Director, in the case of a WHP Traffic Concurrency
27 Hall Pass) shall take no further action on the application unless the deficiencies are
28 remedied. If the deficiencies are not remedied within 20 days of written notification, the
29 application shall be considered withdrawn.

30
31 **4. Review and Recommendation**

32 **a. Separate Review**

33 Within ten days of submittal or re-submittal, the application shall be forwarded to the PBC
34 Departments and service providers for review. Within 15 working days of its receipt, the
35 appropriate PBC Departments and service providers shall file a statement with the
36 Zoning Director as to whether or not adequate public facilities are available, pursuant to
37 the standards of Art. 2.F.3.C, Standards for Application for Concurrency
38 Reservation. In the case of an application for a WHP Traffic Concurrency Hall Pass, the
39 same review time frames shall apply and the statement as to whether or not adequate
40 public facilities are available pursuant to the standards of Art. 2.F.3.C, Standards for
41 Application for Adequate Public Facilities Determination and Concurrency Reservation,
42 shall be filed with the Traffic Director, with a copy to the Zoning Director.

43
44 **5. 90 Day Negotiation**

45 **a. Separate Review**

46 If the Zoning Director (or Traffic Division Director, in the case of a WHP Traffic
47 Concurrency Hall Pass) determines that an application fails to meet any one of the public
48 facility component standards of Article 2.F.3.C, Standards for Review of Application for
49 Adequate Public Facilities Determination and Concurrency Reservation, the applicant
50 shall be notified of such deficiency(s) in writing. If the applicant does not notify the
51 Zoning Director (or Traffic Division Director, in the case of a WHP Traffic Concurrency
52 Hall Pass) in writing that he/she wishes to withdraw the application, the application shall
53 be entered into 90 day negotiation period with the service provider.

54 1) If during the 90 calendar day negotiation period, the applicant addresses the
55 deficiencies, the application shall be reconsidered by the Zoning Director (or Traffic
56 Division Director, in the case of a WHP Traffic Concurrency Hall Pass) and approved
57 or denied consistent with the standards of this Chapter.

58
59 **6. Approval**

60 **a. Separate Review**

61
62 **b. Joint Review**

63
64 **c. WHP Traffic Concurrency Hall Pass Certificate**

65 If it is determined that adequate public facilities are available in compliance with the Art.
66 2.F.3.C.3, Traffic Facilities, the Traffic Director shall issue a Hall Pass Certificate. An
67 application for a Concurrency Reservation in conjunction with a Development Order

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EXHIBIT A

INCLUSIONARY WORKFORCE HOUSING PROGRAM
SUMMARY OF ULDC AMENDMENTS

(Updated 9/21/06)

application shall be submitted within 90 days of issuance of the Traffic Concurrency Hall Pass Certificate or else it shall expire.

C. Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation

....
3. Traffic Facilities

The roads component shall be approved if the proposed development complies with Article 12, TRAFFIC PERFORMANCE STANDARDS. In determining whether the road component meets the requirements of this subsection, the ~~Six Five~~ Year ~~Capital Road~~ Improvement Schedule in the Capital Improvements Element may be considered only if the development proposed in the application is phased so that the impacts of the proposed development and the capacity provided by the road projects in the ~~Six Five~~ Year Road Improvement Schedule will occur concurrently. The phasing of development and transportation improvements to ensure the LOS for road facilities is met may be addressed through a development or road agreement.

....
D. Rules of General Applicability for a Concurrency Reservation

1. Expiration

Unless revoked by the BCC or the ZC reservation is valid for the life of a specific development order pursuant to Article 2.F, CONCURRENCY, or shall expire one year from the date of issuance of the reservation, whichever is applicable. If the Concurrency Reservation was based upon a converted WHP Traffic Concurrency Hall Pass, then the Reservation shall be valid for one year from the date of issuance of the Traffic Concurrency Hall Pass Certificate or for the life of the specific Development Order pursuant to Art 2.F, whichever is applicable. If the required development order is a building permit, then the application for the building permit must be submitted prior to the expiration date of the reservation. In such cases, the building permit must be issued within six months from the date of intake of the building permit application, or the reservation shall expire. If a reservation either expires or becomes invalid, the public facility capacity reserved by the reservation expires, and becomes additional available public facility capacity. An applicant cannot apply for a new reservation until the previous reservation has expired. The expiration or revocation of a development order shall result in the automatic expiration or revocation of the reservation. A reservation shall not expire if an application for a specific development order is pending. All Concurrency reservations shall be issued for the number of units or square footage shown on the approved site plan or master plan most recently certified by the DRO. For any Master Plan or Site Plan, which was approved for acreage only, the capacity for the approved use shall be calculated by the applicant and affirmed by the Zoning Division and each service provider. Any concurrency reservation shall be adjusted accordingly. Any increase in units or square footage above that shown on the current site plan/master plan shall be subject to concurrency review.

....
Part 4. ULDC, Art. 3.E.2, Planned Unit Development (PUD) (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; 2) to delete interior perimeter buffer requirements; whereas, Art. 7 provides sufficient buffering requirements between compatible and incompatible uses where appropriate; and 3) Result of discussions regarding performance standards with Industry representatives on September 1, 2006.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

A. General

....
4. Exemplary

A rezoning to the PUD district or a Development Order Amendment (DOA) to a previously approved PUD shall only be granted to a project exceeding the goals, policies and objectives in the Plan, the minimum requirements of this Code, and the design objectives and performance standards in this Article which include, but are not limited to, sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses, mix of unit types, safety, and affordable housing. See the PBC Zoning Division Technical Manual for examples. A DOA to a previously approved PUD shall be reviewed pursuant to Article 1.E.1.C, Previous Approvals, of the ULDC.

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EXHIBIT A

INCLUSIONARY WORKFORCE HOUSING PROGRAM
SUMMARY OF ULDC AMENDMENTS

(Updated 9/21/06)

B. Objectives and Standards

1. Design Objectives

....
c. Provide perimeter landscape areas to ~~connect or~~ buffer incompatible land uses, or where residential uses are adjacent to other incompatible design elements such as roadways, usable open space areas, where a more intense housing type is proposed, or where residential setbacks are less than adjacent residential development ~~within and~~ outside the perimeter of the PUD.

2. Required Performance Standards

A PUD shall comply with the following standards. Standards a – d are required and must be met. A minimum of two of the four standards listed in e – h are required:

a. Landscape Buffers

~~A minimum of 50 percent of the required canopy trees in the ROW buffer shall have a height of 14 feet. No overlap or easement encroachment shall be permitted in R-O-W buffer of utility easements.~~

ab. Proximity to Other Uses

All residential pods with five or more units per acre shall be located within 1,320 feet of a neighborhood park, recreation pod, private civic pod, commercial pod, or a public recreational facility.

1) Measurement of Distance

For the purpose of this Section, distance shall be measured by drawing a straight line between the property line of a residential Pod to the property line of the pod where the commercial/personal services are located.

c. Street Lights

~~All streets lights shall include decorative elements. Decorative elements shall not be included in the height limitation in Art.3.E.1.C.2.b, Street Lighting.~~

b d. Focal Points

A focal point shall be provided at the terminus of 15 25 percent of the streets in the project. The focal point may be in the form of a plaza, fountain, landscaping, or similar amenity deemed acceptable to the DRO. The focal point shall not be located on a private residential lot.

ce. Neighborhood Park

Neighborhood parks ~~shall be provided within each Pod and~~ shall have a direct connection to the pedestrian system and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity. Neighborhood parks shall not be used towards the Parks and Recreation Departments minimum recreation requirements and shall not be located within areas designated for drainage, stormwater management or other utility purposes.

df. Drainage

Drainage easements shall not be permitted in the minimum required rear setback for residential structures.

g. Zero Lot Line (ZLL)

~~ZLL units with a ZLL side that abuts the rear property line of two or more lots shall be restricted to one story in height.~~

h. T-Intersection

~~Lots fronting a T-intersection in ZLL pods with three or more units per acre shall be limited to one of the following options:~~

- 1) ~~unit with a side loading garage;~~
- 2) ~~easement or flip tract, a minimum 25 feet in width;~~
- 3) ~~neighborhood park; or~~
- 4) ~~focal point or alternative features acceptable to the DRO.~~

e. Decorative Paving

~~Decorative pavers shall be provided at the development entrances and incorporated into recreational areas.~~

f. Fountains

~~A minimum of one fountain shall be located in the main or largest lake or water body.~~

g. Benches or play structures

~~Benches or play structures shall be provided in usable open space areas and along pedestrian pathways.~~

h. Interspersed Housing

~~WFH units shall be interspersed with market rate units within a pod.~~

Part 5. 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:

Notes:

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EXHIBIT A

INCLUSIONARY WORKFORCE HOUSING PROGRAM
SUMMARY OF ULDC AMENDMENTS

(Updated 9/21/06)

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.

1. Exemptions

- a. Projects that target the development of units primarily limited to households having incomes that are less than or equal to 60 percent AMI, and use federal, state or local funding sources. An exemption may require the submittal of documentation indicating how income restrictions and affordability periods will be guaranteed. These projects may elect to utilize the WHP program, but any density bonus shall be subject to the requirements of Art. 5.G.1.F.1, Sector Analysis.
- b. All congregate living facilities (CLFs); and, nursing or convalescent facilities.

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

Applicability		
Location:	Threshold	Required > or= to 10 residential dwelling units
	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 (2)	0 – 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		
	On-site (5)	Minimum 25% of Required Workforce Units
	Off site	Maximum 75% of any combination of options
	Option 1	Construct units off site
	Option 2	Purchase existing market rate units and deed to the County or sell to eligible households and deed restrict.
	Option 3	Donate buildable land acceptable to the County in an amount = or > than the buyout cost.
	Option 4	In-lieu Payment – 50% of unit maximum
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.	A density bonus of >30% shall be permitted subject to meeting the additional standards of Art. 5.G.1.F, Additional Requirements for >30% Density Bonus.	
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 2 nd Moderate 2 [>100-120%]; and, the 3 rd Moderate 1 [>80-100%]). This does not prohibit allowing higher numbers of lower income units.	
5.	a. The DRO 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 200% 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.	

Notes:

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C. Design Requirements

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.E, WHP Off Site Options;
- b. All affordable units shall be designed to a compatible exterior standard as other units within the development or pod; and
- c. Required WHP units may be clustered or dispersed throughout the project.

D. 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 of 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. To ensure compliance with the compatibility requirement of HE Objective 1.5 of the Plan, projects requesting a density bonus greater than 30 percent shall be subject to the requirements of Table 5.G.1.D-14, Review Process, and Art. 5.G.1.F, Additional Requirements for >30% Density Bonus.

Table 5.G.1.D – 14, Review Process

Density Bonus	DRO Approval	Class A Conditional Use	Requested Use
Standard District >30% - 50%	X		
Standard District >50% - 100%		X	
PDD or TDD >30% - 100%			X

2. Traffic Performance Standards Mitigation

a. WHP Special Methodologies

TPS mitigation shall be permitted for WHP projects in accordance with Art. 12.H.6, Workforce Housing.

b. WHP Traffic Concurrency Hall Pass

TPS mitigation shall also include the option of applying for a WHP Traffic Concurrency Hall Pass separate from a development order application. The WHP Traffic Concurrency Hall Pass serves as a provisional traffic concurrency approval for a period of not more than 90 days, during which it must be merged into an application submitted for a Concurrency Reservation approval. The WHP Traffic Concurrency Hall Pass is described further in Art. 2.F.

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.
- 3) Pursuant to Article 3.E.1.G.1.a, Permits, Building permits may be issued for sales offices, sales models, gate houses, entry features, and utilities may be issued prior to the recording of a final plat.

4. Density Bonus Development Options

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 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 utilize a density bonus incentive and are subject to the requirements of the WHP may utilize the Development Options listed herein.

c. Justification Report

Use of Density Bonus Development Options 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 deviation(s).

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- 3) The areas within the development that the deviation(s) will be applied to.
- 4) Graphic representations such as, but not limited to, site plans, elevations, perspectives, and typical examples, 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 Density Bonus Development Options, 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 Development Options 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) AR FAR Calculations

New SFD lots in the AR district shall be permitted to calculate FAR based on the acreage of the FLU designation.

3) 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.D-,15 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.D-15, RT Deviations for WHP ⁽¹⁾

Zoning District	FLU	Lot Dimensions			Setbacks	
		Size	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-16, 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 use					

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 TDD, 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.
- 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) ZLL 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.

i. Option 4 - 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

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than 30 percent open space, provided the project incorporates common usable open space areas as defined in Article 1, Usable Open Space for WHP.

j. Option 5 - Internal Incompatibility Buffers

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

k. Option 6 – Relocation of Units to Civic Tracts

Residential units may be permitted in a civic pod subject to PREM approval. This may include collocating residential units with civic uses. The DRO shall have the following authority where PREM approval is obtained after BCC approval of the overall project:

- 1) In the case of a civic site cash out, the deletion of the civic pod and increase in residential pod area; and,
- 2) The relocation of residential units to a civic pod, or the relocation of residential units where the civic pod is deleted.

E. WHP Off-site Options

WHP units may be located off-site using the options listed below and in accordance with the provisions of Table 5.G.1.B-13, Workforce Housing Program; however, under no circumstances shall any site be permitted to develop at a density greater than that permitted by the Plan. 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 County Administrator, or designee. Off-site options may be accommodated in municipalities located within Palm Beach County.

a. Option 1 – Off-site Construction

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 or sold to eligible households and deed restricted. The developer may retain the title to off site units subject to recordation of a deed restriction that meets the intent of this provision. A minimum of 50-percent of the units must be purchased and deeded to the County or deed restricted prior to the issuance of the first CO in the subject development. All market rate units shall be purchased and deeded to the County or deed restricted prior to issuance of more than 75-percent of the CO's in the subject development.

c. Option 3 – Donate Buildable 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 1.3 by the established TDR value, as may be amended from time to time.
- 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.
- 4) The payment shall be deposited in a WHP Trust Fund maintained by the PBC Department of HCD.

F. Additional Requirements for >30% Density Bonus

Projects requesting a density bonus greater than 30 percent shall comply with the following:

1. Sector Analysis

WHP projects, including relocated WHP units, shall be equitably distributed so that there is no undue concentration of very-low and low income households housing. Table 5.G.1.C-16, WHP Density Bonus Guide indicates the maximum density bonus permitted. 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 – 16, WHP Density Bonus Guide

% of Affordable Housing in Sector	> 50%	40-50%	20-40%	0-20%
Maximum Density Bonus ⁽¹⁾	40%	60%	80%	100%

Notes for Table 5.G.1.C-16

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1. The Planning Director may recommend a density bonus in excess of the Maximum Density Bonus where the project serves to mitigate existing very low and low income concentrations by including a mix of higher income market rate units or Medium 1, Medium 2 and Middle Income WHP units.

- 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 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

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, proximity to mass transit or employment centers, 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.

G. Affordability Requirements

Where applicable, the required percentage, affordability ranges and provision of units, shall be in accordance with Table 5.G.1.B-13, Workforce Housing Program.

1. Sales and Rental 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 County Administrator, or designee, 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 for units sold to eligible households, and 50 years for rental units, from the date each unit is first purchased or designated as WHP rental unit; and that in the event a unit is resold before the 25 or 50 year periods conclude, a new 25 or 50 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 the County Administrator, or designee, documentation sufficient to demonstrate compliance with the WHP. Such documentation shall include but not be limited

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1 to information regarding the identity and income of all occupants of the WHP unit. The owner
2 or lessee of the WHP unit shall submit to the County Administrator, or designee, on a form
3 provided by the County, an annual report containing information and documentation to
4 demonstrate continued compliance with the WHP. The County may conduct site visits at
5 reasonable times, or perform other independent investigation to verify continued compliance
6 with the WHP.

7 **4. Enforcement**

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

11 **5. Limitation on Restrictions**

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

15 **H. Annual Report**

16 The Executive Director of PZB shall submit an annual report to the BCC indicating the status of
17 the WHP.

18
19
20 **Part 6. ULDC, Art. 7.F.1.B, Compatibility, (page 29 of 48), is hereby amended as follows:**

21
22 Reason for amendment: To limit requirements for perimeter buffers where residential uses are
23 compatible with adjacent development, including other residential housing and compatible design
24 elements such as drainage retention areas, pass

25
26 **CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS**

27 **Section 1 Buffer Types**

28 **B. Compatibility**

29 Compatibility buffers shall be provided between all compatible use types, excluding: single family
30 residential subdivisions or pods adjacent to single family residential subdivisions or pods; ~~and~~
31 internal buffers within TDD's unless specifically stated otherwise; or where residential uses are
32 not adjacent to other incompatible design elements such as roadways, useable open space
33 areas, or where residential setbacks are less than adjacent residential development.

34
35
36 **Part 7. ULDC, Art. 12.H.6, Workforce Housing, (page 26 of 38), is hereby amended as follows:**

37
38 Reason for amendment: Amendments needed to address Plan amendments to Policy TE 1.2-b.

39
40 **CHAPTER H Affordable Housing**

41 **Section 6 Workforce Housing**

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

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

51 To address any adverse impacts on Florida's Strategic Intermodal System (SIS) facilities, any
52 development utilizing this exception and significantly impacting SIS facilities shall be required to address
53 impacts on the SIS facilities.

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63 U:\zoning\CODEREV\2006\BCC Hearings\Workforce Housing Program Ord\9-26-06 RFP To Advertise\Exhibit C - Draft 9-5.doc

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