

1 **ADDITION TO THE EXISTING ZONING CODE**

2 **Article 32. Affordable Housing.**

3 **Section 32-1. Affordable housing programs.**

4 **A. Purpose and applicability.**

5 **B. Program eligibility and priority.**

6 **C. Affordable housing programs.**

7 **D. Performance standards.**

8 **E. Affordable housing trust fund.**

9 **F. Administration and management.**

10 **G. Enforcement.**

11
12
13
14
15
16
17
18
19
20
21
22

DRAFT

ARTICLE 32 – AFFORDABLE HOUSING

Section 32-1. Affordable Housing Programs

Section 32-1. Affordable housing programs.

A. Purpose and applicability.

1. Provides affordable housing programs that address the City's fair share of regional affordable housing needs through partnerships between the City and other local governments.
2. Provides for a multi-pronged approach to address the City's fair share of affordable housing throughout higher density areas for larger developments including provisions for set-aside requirements, inclusionary zoning incentives, linkage fees, and the utilization of federal, state, regional and county programs.
3. Ensures the availability of adequate affordable housing opportunities with priority to the City's senior citizens, residents, and workforce.

B. Program eligibility and priority.

1. Affordable units for ownership or rent must be sold, transferred, or rented to eligible households whose income does not exceed 120% of median income of the City, as established by the U.S. Department of Housing and Urban Development (HUD). Prior to the sale or rental of the unit, the prospective buyer or renter must be certified by the appropriate local government housing agency to meet the income eligibility criteria.
2. Priority consideration for affordable housing programs shall be given to the City's senior citizens, residents, and workforce (in that order), who have resided or worked in the City for at least 1 year at the time of application.

C. Affordable housing programs. The following section outlines programs to promote the construction and attainment of affordable housing.

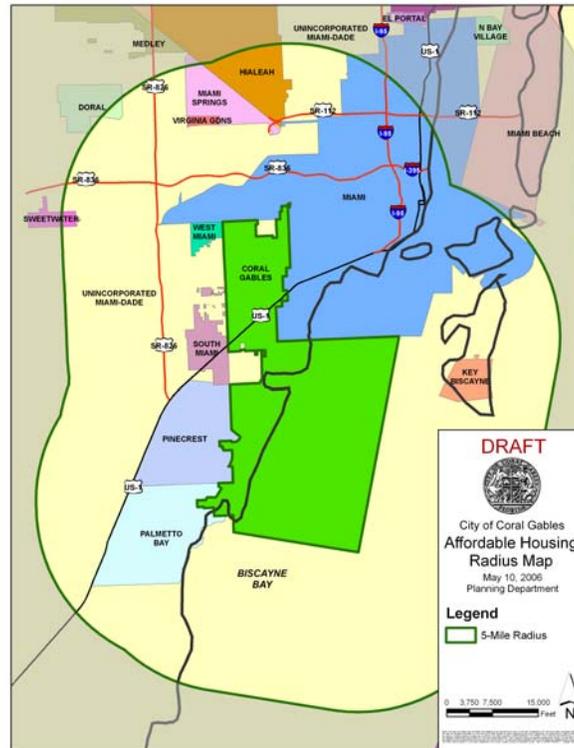
1. Affordable Housing Linkage Fee program. Commercial, industrial, university, and hospital use districts. All new developments containing more than 50,000 square feet of employment generating nonresidential (i.e., commercial, industrial, university, and hospital) use(s) shall be required to make a payment to the Affordable Housing Trust Fund, pursuant to the provisions in Section 32-1(E).
2. Affordable Housing Set-Aside Program
 - a. Multifamily and Mixed-Use districts. All new developments containing more than 50 residential dwelling units or 50,000 square feet of non-residential square footage shall be required to set aside 10% of all residential units and one (1) unit for every 15,000 square feet of non-residential square footage for affordable housing, pursuant to the provisions in Section 32-1(F).
 - b. Voluntary mixed use districts (MXD3) north and south. All new developments containing more than 50 residential dwelling units or 50,000 square feet of non-residential square footage shall be required to set aside 15% of all residential units and one (1) unit for every 10,000 square feet of non-residential square footage for affordable housing, pursuant to the provisions in Section 32-1(F), and may secure the following development bonuses if on-site affordable housing units are constructed (the review of the incentives below is a discretionary review and thereby may or may not be granted.):
 - i. Floor area ratio (FAR) bonus of up to ~~0.5-1.0~~ with a maximum project FAR of up to ~~4.0-4.5~~.
 - ii. Habitable height bonus of up to ~~15-25~~ feet, that allows for a maximum habitable height of up to ~~115-125~~ feet and maximum total height with architectural elements of up to ~~125-150~~ feet.
 - iii. No density limitations, beyond those controlled by FAR, height, parking, and other relevant standards of this Code.

- 1 iv. No floor limitations, beyond those controlled by FAR, height, parking, and other relevant
2 standards of this Code.
- 3 v. Affordable units are not to be counted towards the maximum 85% of residential permitted
4 in a mixed-use project.
- 5 vi. Affordable units shall be subject to a parking ratio of one (1) parking space per dwelling
6 unit.
- 7
- 8 3. Federal, state, regional, and county programs. The City shall pursue additional affordable housing
9 opportunities as they become available. Potential programs and funding opportunities include
10 Florida's State Housing Initiatives Partnership (SHIP), federal Community Development Block
11 Grants (CDBG), and federal affordable housing tax credits. Any funding collected from these
12 program shall be deposited into the City's Affordable Housing Trust Fund, pursuant to the
13 provisions in Section 32-1(E).
- 14
- 15 D. Performance standards. The following performance standards apply:
16 1. Unit design, mix, and size.
17 a. Provide a mix of bedrooms and unit distribution for affordable units comparable to that of
18 market rate units, provided that units contain at least 1 bedroom (no studios) with a minimum
19 700 square feet of total living area.
20 b. The exterior architectural design of the structure for affordable units shall be identical to
21 market rate units.
22 c. Interior decorative features and amenities for affordable units shall be subject to greater
23 flexibility.
24 2. Unit delivery.
25 a. On-site and off-site affordable units shall be constructed and ready for occupancy at the
26 same time as market-rate units.
27
- 28 E. Affordable housing trust fund. The Affordable Housing Trust Fund is created to collect and distribute
29 all fees and funding related to the City's affordable housing programs. The organizational structure
30 and operation of the Trust Fund shall be established by ordinance within 3 months of the effective
31 date of these regulations.
32 1. Payments. Payments "in lieu-of" providing affordable units, and payments of the Affordable
33 Housing Linkage Fee, shall be collected in full at time of issuance of a building permit.
34 Methodologies for establishing the amounts of these payments shall be established by ordinance
35 within 3 months of the effective date of these regulations.
36 2. Allocation of Trust Fund monies. Monies shall be allocated and distributed towards affordable
37 housing programs that meet the City's affordable housing goals, as provided below:
38 a. New construction of affordable housing to meet the City's "future cost-burdened" goal;
39 b. Rehabilitation of substandard affordable housing to meet the City's "rehabilitation" goal;
40 c. Preservation of existing affordable housing to meet the City's "preservation" goal; and
41 d. An assortment of assistance programs to meet the City's "backlog cost-burdened" goal.
42 3. Intergovernmental Coordination. The City will partner with adjacent local governments in the
43 allocation, distribution, and administration of Trust Fund monies, pursuant to interlocal
44 agreements that, at a minimum, establish the roles of the City and local government(s) in
45 administering the programs, and processes and procedures for all applicants participating in the
46 programs (i.e., developers, buyers, sellers, property managers, landlords, and renters).
47 4. Boundaries. Trust Fund monies shall be allocated and distributed to projects and programs
48 within a commute-shed of 5 miles (straight-line measurement) of the City's boundaries, as
49 indicated in Map 1 below.
50 5. Leveraging of funds. Trust Fund monies may be used to leverage additional affordable housing
51 funds from federal, state, regional, and county programs, as indicated in Section 32-1(C)(3).
52 6. Administrative costs. Up to 10% of Trust Fund monies may be used towards the administration
53 and management of the City's affordable housing programs.
- 54



1
2

Map 1
Affordable Housing Radius



3
4

F. Administration and management. Rules governing the administration of affordable housing units are as follows:

5
6

1. Unit affordability. The maximum sales price for ownership units, or rental rates for rental units, shall not exceed the maximum affordable sales price and rental rate for affordable housing established by HUD and administered by the appropriate local government housing agency. The sales price and rent limits are based on the City's median income and are subject to change annually.

7
8

2. Restrictive covenant. Affordability of units shall be controlled via restrictive covenants that run with the affordable housing units for 15-30 years from the date of the Certificate of Occupancy (CO) for ownership units, and 99-years from the date of the CO for rental units. The 15-30 -year affordability control period for affordable ownership units shall be reset (to the new date of ownership) if the property is sold during the control period, but shall expire once the property has remained in continuous, uninterrupted ownership for 15-30 years. Anyone who develops or purchases an affordable unit must comply with the provisions of the restrictive covenant. Standard covenants for ownership and rental units shall be prepared by the Planning Department and provided to applicants along with other relevant forms.

9
10

3. Additional housing assessments. Additional housing assessments for affordable units, such as maintenance fees, homeowner association fees, special care fees, and security deposits, shall not be counted towards the calculation of a unit's affordability, and shall be fair and comparable to fees assessed to market rate units.

11
12

4. Options for meeting the requirements of Section 32-1(C)(2) include the following:

13
14

a. Construction of on-site affordable housing units, subject to the provisions in Sections 32-1(D) and (F).

15
16

b. Construction of off-site affordable housing units, subject to the provisions in Sections 32-1(D) and (F), to be located within a commute-shed of 5 miles (straight-line measurement) of the City's boundaries, as indicated in Map 1 above.

17
18
19
20
21
22
23
24
25
26
27
28
29
30

- 1 c. A land dedication to the City or other appropriate local governments “in lieu-of” the
2 construction of affordable units, which shall be of appropriate size, type, use, and
3 “buildability” to accommodate the required number of units, and be located within a commute-
4 shed of 5 miles (straight-line measurement) of the City’s boundaries, as indicated in Map 1
5 above.
6 d. A payment “in lieu-of” construction of units, to be paid into the City’s Affordable Housing Trust
7 Fund pursuant to the provisions in Section 32-1(E).
8 5. Affordable housing credits. In the event a project exceeds the total number of affordable units
9 required in these provisions, the project owner may request affordable housing credits for the
10 additional units which may be used to meet the affordable housing requirements for another
11 project. Credits are issued to and become the possession of the property owner, may not be
12 transferred to another project owner without approval by the City Commission, and shall expire
13 after 10 years from the date of issue.
14 6. All affordable housing programs and projects shall be administered via interlocal agreements with
15 adjacent local governments, property owners associations, and/or private administrative entities,
16 and enforced via restrictive covenant.
17
18 G. Enforcement. In addition to the Zoning Code provisions for enforcement, the City may enforce
19 compliance with the requirements of this Division by execution of any of the following measures, as is
20 deemed most effective and appropriate considering the nature of the noncompliance:
21 1. Withholding of the recording of plats or plans;
22 2. Withholding of building permits;
23 3. Issuance of stop work orders;
24 4. Revoking of building permits; or
25 5. Withholding or revocation of Certificate of Occupancy.

DRAFT