



Cover Memorandum/Staff Report

File #: 22-927

Agenda Date: 8/9/2022

Item #: 8.B.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Department
THROUGH: Terrence R. Moore, ICMA-CM
DATE: August 9, 2022

ORDINANCE NO. 20-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.29, "MIXED RESIDENTIAL, OFFICE, AND COMMERCIAL (MROC) DISTRICT," AMENDING THE PURPOSE AND INTENT, ESTABLISHING A STANDARD DENSITY FOR MULTI-FAMILY DEVELOPMENT, TO ENSURE COMPLIANCE WITH SECTION 166.04151, FLORIDA STATUTES, MAKE CORRECTIVE UPDATES, AND REVISE LANGUAGE TO IMPROVE READABILITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Recommended Action:

Consider Ordinance No. 20-22, a City-initiated amendment to the Land Development Regulations (LDR), amending Section 4.4.29, "Mixed Office, Residential, and Commercial (MROC) District, to bring the regulations into compliance with HB 7103, to make corrective updates, and to revise the language to improve readability.

Background:

The MROC district, which dominates the South Congress Avenue corridor from West Atlantic Avenue to the southern City boundary, is intended to create a more urban, multi-modal, pedestrian-friendly, mixed-use corridor in contrast to the autocentric suburban development type that currently dominates the corridor. The regulations incentivize greater densities closest to the Tri-Rail Station.

In 2019, the Florida Legislature adopted HB 7103, amending s. 125.01055, F.S. to require municipal governments to provide incentives to fully offset all costs to a developer associated with the required affordable housing contribution. The legislative change has been interpreted such that affordability requirements are permissible, provided they are paired with density incentives. The MROC regulations generally comply. The requirement for developments greater than 2,500 feet from the Tri-Rail station, however, must be amended to establish a standard density less than the incentive density; the maximum standard density (established by the comprehensive plan) and the maximum revitalization incentive (established by the LDR) are both 40 dwelling units per acre maximum. Therefore, Ordinance No. 20-22 is proposed to amend LDR Section 4.4.29 to establish a maximum standard density for properties greater than 2,500 linear feet from the Tri-Rail station, in order to bring the district into compliance with the regulatory change.

At its meeting on May 12, 2022, the Affordable Housing Advisory Committee (AHAC) recommended

that the amendment expand the income categories to require very low, low, and moderate income, instead of moderate only, and that the required affordability percentage for developments utilizing the incentive density bonus be increased to from 20 percent to 30 percent.

The Planning and Zoning Board heard the request at its meeting on May 16, 2022, and voted 5-2 to recommend approval, with the recommendation that the Commission consider requiring developments with workforce housing to provide it for very low, low, and moderate income renters (instead of the moderate income requirement currently adopted), with Mr. Weinberg and Ms. Morrison dissenting. The Board asked staff to research the request by AHAC to increase the percentage of workforce housing required to receive an incentive density bonus. Although the Board recognizes the need for affordable housing within the City, certain members expressed concern that a 30 percent requirement would discourage redevelopment of MROC zoned properties.

Staff researched standard affordability requirements throughout the state and consulted with the Florida Housing Coalition, the primary training, technical assistance, and policy advocacy organization in the state. In Florida, most governments have a 10-20 percent affordability requirement, but occasionally require as much as 25 percent affordability. A comparison of the existing 20 percent affordability requirement with a 30 percent affordability requirement is provided as an attachment.

On July 19, 2022, the City Commission voted 5 to 0 to approve Ordinance No. 20-22.

City Attorney Review:

Ordinance No. 20-22 has been reviewed as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 20-22 will become effective immediately at second reading on August 9, 2022.