



Cover Memorandum/Staff Report

File #: 22-521

Agenda Date: 5/17/2022

Item #: 8.B.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Department
THROUGH: Terrence R. Moore, ICMA-CM
DATE: May 17, 2022

ORDINANCE NO. 10-22: 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, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING," AMENDING SECTION 4.7.5, "DENSITY BONUS PROGRAMS," TO UPDATE CROSS-REFERENCES; AMENDING SECTION 4.7.6, "RENTAL HOUSING UNITS," MODIFYING THE PERMISSIBLE MAXIMUM RENT FOR EACH INCOME CATEGORY; AMENDING SECTION 4.7.7, "FOR SALE HOUSING UNITS," TO ALIGN THE MAXIMUM SALES PRICE REQUIREMENTS WITH STATE STANDARDS; AMENDING SECTION 4.7.8, "RESALE AND SUBSEQUENT RENTALS OF AFFORDABLE UNITS," MODIFYING THE PERMISSIBLE CONVEYANCE OF PROPERTIES WITH RESTRICTIVE COVENANTS; AMENDING SECTION 4.7.11, "DENSITY BONUS TABLES," DELETING THE SECTION IN ITS ENTIRETY, AND RENUMBERING SECTION 4.7.12, "OTHER INCENTIVES," TO REFLECT THE DELETION OF SECTION 4.7.11; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Recommended Action:

Review and consider Ordinance No. 10-22, a City-initiated amendment to Article 4.7, "Family/Workforce Housing" of the Land Development Regulations (LDR), amending Section 4.7.1, "Definitions," Section 4.7.6, "Rental housing units," Section 4.7.7, "For sale housing units," and Section 4.7.8, "Resale and subsequent rentals of affordable units"; deleting Section 4.7.11, "Density Bonus Tables"; and renumbering Section 4.7.12, "Other incentives," to reflect the deletion of Section 4.7.11.

Background:

Article 4.7, Family / Workforce Housing was established on December 6, 2004, through Ordinance No. 66-04. The ordinance created three distinct overlay districts providing density bonuses for the inclusion of workforce housing in new development. This section has been periodically updated as additional workforce housing incentives and other overlay districts have been adopted throughout the city. Article 4.7 provides rules and regulations that govern the implementation of these incentive programs.

Following direction from the City Commission workshop on February 9, 2021, the ordinance will update Article 4.7 and remove the income "step" that currently allows developers receiving density bonuses in exchange for income-restricted units to charge a rental rate higher than the qualifying tenants' income level for those units. The proposed update also makes corrective updates to bring the LDR into compliance with the City's adopted Local Housing Assistance Plan (LHAP), particularly

related to the maximum purchase price for affordable for-sale housing units, and the resale and subsequent rental of these affordable units.

A more thorough update to Article 4.7 is planned to update the existing language to address other issues identified with the article. Development Services and Neighborhood and Community Services Staff will work with stakeholders to gather additional input related to the larger effort. A full discussion of the scope of the anticipated update is provided in the attached PZB staff report.

The Planning and Zoning Board voted 6-0 to recommend approval of the proposed ordinance at its meeting on February 28, 2022. The Board expressed a desire to provide input on the proposed larger update, and to involve the Affordable Housing Advisory Committee (AHAC) in the stakeholder input process.

City Attorney Review:

Ordinance No. 10-22 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 10-22 will be effective upon adoption at second reading on May 17, 2022.