



CITY OF CLERMONT
PLANNING AND ZONING COMMISSION AGENDA
6:30 PM, Tuesday, August 7, 2018
City Hall – 685 W. Montrose Street, Clermont, FL

Meeting Date							
Tuesday, August 7, 2018							
Agenda Item Name							
Ordinance No. 2018-30 <i>Land Development Code Amendment- Density</i>							
Requested Action							
Recommend approval							
Staff Report							
<p>Description of the Request:</p> <p>Amend the Land Development Code to review development standards for obtaining a density bonus to encourage affordable and mixed income housing opportunities where they may not otherwise be provided by the private marketplace.</p> <p>Background and Discussion:</p> <p>According to the National Low Income Housing Coalitions annual report, the Orlando MSA, of which Clermont is in part, currently ties for second worst in the country for available affordable housing, offering only 17 available and affordable units per 100 renters.</p> <p>This year, Florida’s minimum wage increased 15 cents to \$8.25 an hour, which based on a 40-hour week, the annual income would be \$17,160 before taxes, which is well below the federal poverty level of \$24,250 for a multi-family household. The predominant employment characteristic of Clermont, is hospitality and retail, whose average wage is minimum wage. To this end, many of the large employers in Clermont are sizable in nature, though offering part-time employment as the bevy of positions offered.</p> <p>A 2016 study from the Harvard Joint Center for Housing found that 45 percent of renters in the Orlando MSA are renters with a median income of \$35,000. The average rent in Clermont is:</p> <table border="1" style="width: 100%;"> <tr> <td>1-bedroom</td> <td>\$1,100</td> </tr> <tr> <td>2 bedroom</td> <td>\$1,600</td> </tr> <tr> <td>3 bedroom</td> <td>\$1,800</td> </tr> </table> <p>The rent affordable to a minimum wage earner is only \$421.00 per month. According to the National Low Income Housing Coalitions report, a worker earning minimum wage of \$8.25 per hour must work 86 hours per week to afford a one-bedroom in the Orlando MSA area. Further reported is 44% of area residents are “cost-burdened” which means they pay more than 30% of income toward housing costs. Federal and state housing subsidies alone do not provide the flexibility to increase the inventory of affordable housing in Clermont.</p> <p>Across the United States, many local jurisdictions have passed ordinances requiring inclusionary housing. Inclusionary housing means that each residential development must include a set-aside, or portion of housing units that are designated as affordable. In the case of the City of Winter Park, the jurisdiction also charges a linkage fee to non-residential developments to address the demand for affordable housing created by jobs expected to be located in the city. In Florida, the cities of</p>		1-bedroom	\$1,100	2 bedroom	\$1,600	3 bedroom	\$1,800
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Tallahassee, Key West, Jupiter, Orlando, and St. Petersburg have inclusionary housing ordinances. The City of Winter Park has a linkage fee.

Florida statutes provide justification for inclusionary zoning in Section 166.04151, which states:

Affordable Housing. - Notwithstanding any other provision of law, a municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

Intent

The proposed amendment will provide an opportunity for greater availability of affordable housing inventory through a density bonus and set-aside of floating units.

Specifically, this amendment proposes to:

- Allow for an increase in density along the Hooks Street Corridor, most proximate to major employment hubs and transit access. The increase in density would amend the current 12 du-acre and allow for a density bonus up to 20 du-acre with set aside of floating units for affordable housing.
- Allows for an increase in density along future annexed parcels within the Wellness Way area, excluding those properties fronting Hartwood Marsh. These properties are most proximate to future employment hubs and area of transit with access into the Orange County and Four Corners area. The increase in density would amend the current 12 du-acre and allow for a density bonus up to 25 du-acre with set asides of floating units for affordable housing.

Consistency with State Statutes

- Florida statutes provide justification for inclusionary zoning in Section 166.04151, which states:
 - o ***Affordable Housing.*** - Notwithstanding any other provision of law, a municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances

Consistency with Comprehensive Plan

Objective 1.2: Affordable Housing. The City shall encourage and assist the private sector in the provision of safe, clean, and affordable housing for special needs populations of the City, including the workforce and low and moderate-income households.

Policy 1.2.1: The City shall coordinate with private investors, developers and landlords to ensure that all means of meeting the housing needs of very-low, low and moderate-income CITY OF CLERMONT COMPREHENSIVE PLAN HOUSING Ordinance #621-M Adopted June 23, 2009 III-2 households are explored and implemented through involvement in federal, state and local housing programs.

Policy 1.2.2: The City shall create local government partnerships with the private sector to improve the efficiency, affordability, availability, and supply of safe and sanitary housing within the City, placing emphasis on the needs of the elderly and very-low, low and moderate-income families.

Policy 1.2.4: The City shall add regulations in the Land Development Code to provide incentives for developments that provide affordable housing units. These incentives could include, but are not

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limited to, increased densities, flexibility in certain development regulations such as lot sizes, street frontage and setbacks and an expedited permitting process.

Policy 1.2.8: The City's Land Development Code shall require that sites for affordable housing are located in close proximity to a collector roadway or higher and provide access to the following facilities, services and/or activity centers through an interconnected system of sidewalks, bicycle paths/lanes and transit stops and amenities: Employment centers; Shopping centers that include stores offering household goods and services needed on a frequent and recurring basis; and Public parks, recreation areas, and/or open space

Implementation

The table below identifies the typical elements of an inclusionary housing ordinance and the proposed amendments to the City of Clermont Land Development Code. The complete proposed code amendment is attached.

Criteria	City of Clermont
Threshold for project size	A residential project in the Wellness Way Area annexed into the City (excluding properties fronting Hartwood Marsh Road) or Hooks Street Corridor seeking a residential bonus of greater than 12 du/units per acre.
Density Bonus	<p>Current city code allows for up to 12 du/acre the density bonus for affordable housing would be any density greater than 12 du/acre:</p> <p>Hooks Street Corridor Up to 20 du/Acre provided the developer shall set aside one (1) of the following:</p> <ol style="list-style-type: none"> 1) Five (5 %) of the bonus units for extremely low income households. 2) 10 (10%) of the bonus units for low income. 3) 15 (15%) of the bonus units for moderate income households 4) Another set-aside mixed deemed acceptable by the City Council <p>Wellness Way Area (excluding properties on Hartwood Marsh Rd) Up to 25 du/acre provided the developers shall set aside one (1) of the following:</p> <ol style="list-style-type: none"> 1) Option to set aside, Five (5 %) of the bonus units for extremely low income households. 2) Option to set aside, 10 (10%) of the bonus units for low income. 3) Option to set aside, 15 (15%) of the bonus units for moderate income households 4) Option to set aside, another set-

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Definition of Affordable Units	Affordable is defined that the monthly housing costs must not exceed 30% of the household income. Unit affordability must be certified by the Economic Development and Development Services Department.
Target Household Income Levels	Moderate income (up to 100% of area median income AMI) AMI- Area Median Income Low income up to 80% AMI Extremely Low income up to 50% AMI Area Median Income: \$56,037 source 2016 U.S. Census Data
Length of Affordability	Perpetuity
Quality of Units	Floating units, designated units are prohibited, units must be of the same quality and design and should not appear different. Residents must have the access to the same amenities as market rate residents.
Management of Units	A management agreement is required between the applicant and the City, a community land trust or mutually agreeable instrument to the applicant and City.
Quality of Construction Materials for the Density Bonus	Affordable housing units must provide for high quality and durable construction materials. Incorporation of energy efficient and sustainable components to include appliances, building materials and outdoor landscape components. Elevators are required. Block construction of the first floor is required.

An administrative review is required to ensure that the proposed project and its intended occupants meet the standards and income requirements for affordable housing. All developers are required to schedule a pre-application meeting and complete an application for density bonus with the Economic Development Department. Annual verification of leased units as part of the density bonus is required from the date originally certified.

The applicant must enter into a management agreement with the City, a community land trust, or other instrument mutually agreeable to the City and the applicant, to administer the affordable set-aside units. This agreement must address marketing, applicant screening, the process for establishing rental rates, monitoring, Fair Housing requirements, and other elements as determined by the Economic Development and Development Services Department.

Projects may not pay a contribution in lieu of to attain a density bonus.

Additional Analysis

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Fiscal Impact Summary		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1.	Density Bonus Map	Density Bonus Map.docx
2.	2018-30 Affordable Housing Bonus Density Ord	2018-30 Affordable Housing Bonus Density Ord.doc
3.	ORDINANCE NO. 2018-30 July Legal Ad	ORDINANCE NO. 2018-30 July Legal Ad.pdf
4.	ORDINANCE NO. 2018-30 Sept Legal Ad	ORDINANCE NO. 2018-30 Sept Legal Ad.pdf

Any person wishing to appeal any decision made by the Planning and Zoning Commission at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Development Services at 352-241-7302.

Please be advised that if you intend to show any document, picture, video or items to the Council or Board in support or opposition to any item on the agenda; a copy of the document, picture, video or item must be provided to the Recording Clerk for the City's records.