

CITY OF ORLANDO
AFFORDABLE HOUSING ADVISORY COMMITTEE
HOUSING INCENTIVES REVIEW AND RECOMMENDATIONS

INTRODUCTION

The William E. Sadowski Affordable Housing Act was signed into law on July 7, 1992 and later incorporated into Chapter 420 of the Florida Statutes. The Sadowski Act created a dedicated revenue source for local governments as an incentive to create partnerships that produce and preserve affordable housing opportunities for very low, low, and moderate income persons. Through the State Housing Initiatives Partnership Program (SHIP), local governments receive an annual allocation to provide and produce housing.

In order to receive state funding for affordable housing through the SHIP Program, the City of Orlando submitted an Affordable Housing Incentive Plan (AHIP) on February 7, 1994. The AHIP outlined the recommendations of the Affordable Housing Advisory Committee (AHAC), an advisory board to City Council, regarding the adoption of incentives to encourage the production of affordable housing. The AHAC reviews the established policies and procedures, ordinances, land development regulations, and adopted local comprehensive plan of the City of Orlando and recommends to the Mayor and City Council specific initiatives to encourage or facilitate affordable housing while protecting the ability of property to appreciate in value.

Recent legislative action by the Florida Legislature in 2007 (HB1375) requires that changes be made to the composition and procedures of the AHAC. Prior to these recent changes, the membership of the AHAC consisted of nine members representing different sectors of the community, i.e., a builder, banker, representative of labor, low income housing advocate, for-profit housing provider, not-for-profit housing provider, realtor, Municipal Planning Board member, and a City resident. HB 1375 increased the AHAC membership from nine to eleven to include members from specific sectors in the community. According to HB 1375, the committee must include:

- (a) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (b) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- (c) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (d) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (e) One citizen who is actively engaged as a for-profit provider of affordable housing.
- (f) One citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (g) One citizen who is actively engaged as a real estate professional in connection with affordable housing.

- (h) One citizen who actively serves on the local planning agency pursuant to s. 163.3174.
- (i) One citizen who resides within the jurisdiction of the local governing body making the appointments.
- (j) One citizen who represents employers within the jurisdiction.
- (k) One citizen who represents essential services personnel, as defined in the local housing assistance plan.

In addition, the Bill mandated that the advisory committee review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. At a minimum, each advisory committee should submit a report to the local governing body that includes recommendations on affordable housing incentives in the following areas:

- (a) The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects.
- (b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- (c) The allowance of flexibility in densities for affordable housing.
- (d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.
- (e) The allowance of affordable accessory residential units in residential zoning districts.
- (f) The reduction of parking and setback requirements for affordable housing.
- (g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h) The modification of street requirements for affordable housing.
- (i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (k) The support of development near transportation hubs and major employment centers and mixed-use developments.

The approval by the advisory committee of its local housing incentive strategies recommendations and its review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public hearing. The Bill requires local governments to review and evaluate the implementation of the incentives and submit a report triennially.

II. PROCESS AND MEETING DATES

On February 11, 2008, City Council approved an Ordinance to address the new changes as required by House Bill 1375. The Committee decided to meet on a monthly basis to discuss the different issues. At each meeting the members heard presentations and talked with representatives from other departments that have some expertise in the particular areas. Below is a summary of the meetings:

March 11, 2008

Topics: Expedited Permitting; Impact Fee Program; Establishment of a process by which a local government considers, before adoption policies, procedures, ordinances, regulations or plan provisions that increase the cost of housing.

Guests: Tim Johnson, Permitting Division Manager
Jim Burnett, Planner and Planning Ombudsman
Doug Gaines, Permitting Ombudsman
Desnee Young, Permitting Assistant Division Manager

April 8, 2008

Topics: Allowance of flexibility in density; Allowance of flexible lot configurations, including zero lot line configurations; Reservation of infrastructure capacity

Guests: Thea Walker, Plans Examiner
Keith Grayson, Chief Plans Examiner
Gus Castro, Transportation Planning Project Manager
Jim Burnett, Planner and Planning Ombudsman
Doug Haines, Permitting Ombudsman

May 13, 2008

Topics: Allowance of accessory residential units; Reduction of parking and setback requirements; Modification of street requirements; Support of development near transportation hubs and major employment centers and mixed use developments

Guests: Jason Burton, Chief Planner
Jim Burnett, Planner and Planning Ombudsman

October 14, 2008

Topics: Allowance of flexibility in density – Commercial developments

Guests: Brook Bonnett, Economic Development Deputy Director

In addition, the AHAC invited developers to hear their input on the proposed recommendations. The following developers were in attendance: Larry White – Westar Development; Greg Allen – Habitat for Humanity; and Owen Beitsch – Real Estate Consultants.

October 20, 2008

Lelia Allen, Director of Housing and Community Development Department, and Judith Kovich, AHAC Chair, gave a presentation to City Council on the findings from the incentive review and recommendations.

November 17, 2008 @ 11:30 AM

Public Hearing. No comments received.

III. INCENTIVES AND RECOMMENDATIONS

Affordable Housing Certification Process

Background

The intent of the certification process is to identify those projects that meet the definition of affordable housing. Projects can also be further categorized as moderate income, low income, or very-low income. In order to participate in the Affordable Housing Certification Process, a minimum of twenty percent (20%) of the units in the project must meet the definition of low, very low, and moderate income housing. The developer is then eligible to receive specific regulatory incentives, incentives that may be available solely due to the commitment of limited resources. The certification process allows the City to more effectively target the incentives to those projects that will result in the provision of decent, safe affordable housing. Further, the certification process provides a benefit to the developer by clearly indicating, at the beginning of the development process, what incentives are available for affordable housing and whether the development as proposed is eligible to receive the incentives. An eminent benefit of the Affordable Housing Certification Process is that projects that have been certified receive expedited services from all City departments at all steps in the development review and permitting process

The Certification Process is intended to provide for a complete review including compliance of the proposed affordable units with the definition of affordable housing as follows:

Affordable Housing - Residential units priced so that monthly rents (utilities included) or monthly mortgage payments (including taxes and insurance) do not exceed 30% of that amount which represents the percentage of the median adjusted gross annual income for the households qualifying as very-low income, low income, or moderate income.

Certified affordable housing shall be further categorized as moderate, low, or very-low income housing as defined below and offered the following incentives:

Program	Very Low 50% or less	Low 51% - 80%	Moderate 81% - 120%
SHIP	X	X	X
HOME	X	X	
Sewer and Transportation Impact Fee Grant	X	X	
Transportation Exemption Program	X	X	
School Impact Fee Grant Program	X	X	
Alternative Development Standards	X	X	
Capacity Reservation Set Aside and Reduced Capacity Reservation Fees	X	X	
Density Bonus	X	X	

A certified affordable project is also eligible for land development and growth management application fee waivers in accordance with the fee waiver policy adopted by City Council.

In addition to the income criteria outlined in the above definitions, the following criteria shall also apply to determine qualification for certification:

- 1) Prior experience – The developer/builder must have at least three (3) years of prior development experience and/or experience using government funds.
- 2) Adequate Public Facilities - The project will not overburden or otherwise adversely impact public facilities. The applicant shall provide a current Concurrency Encumbrance Letter or Concurrency Evaluation in accordance with Chapter 59 of the City Code.
- 3) Financial Viability - The developer shall demonstrate the financial capability to undertake and complete the proposed affordable housing project.
- 4) Economic Diversity - Certified moderate income projects must be economically diverse. It is preferred that certified low and very income units need to be located in areas of moderate and upper income locations. In addition, affordable units within the project must be disbursed throughout the certified development and mixed in with the market rate units.
- 5) Project Location - Certified affordable housing projects may be located citywide.
- 6) Site Design - The site design shall incorporate positive design elements that are cost effective but do not compromise the quality of the development. These design elements consist of the following:
 - *Orientation and transparency requirements:* At least one public entrance shall be oriented towards the front lot line or street side lot line. The front exterior walls shall contain a minimum of 15% transparent or translucent material on each story below the roof line. The side street exterior walls shall contain a minimum of 10% transparent or translucent material on each story below the roof line.
 - *Pedestrian Access:* Pedestrian access from the public sidewalk, street right of way or driveway to the front doorway of the residential principal structure shall be provided via an improved hard surface.
 - *Garages and Carports:* All garages or carports shall be set back from the front line a distance at least equal to that of the principal structure or required front yard setback, whichever is greater.
 - *Porches:* Each front entrance shall be designed to include an open front porch, a screened front porch, or a front stoop.

- *Expansion:* Each unit shall be designed for cost efficient expansion by providing for expansion in the rear, the addition of a second floor, or an additional unfinished room.
- *Storage:* Each unit shall have storage space above the garage with a drop down ladder, an outside storage area, or sufficient storage space within the house, to equal a minimum of 50 sq. ft.

7) Other Matters - Any other matter which staff may deem appropriate and relevant to the specific proposal.

Current Delivery Process

Any applicant requesting SHIP funds, capacity reservation set-asides, reduced reservation fees, impact fee grants, discounts, or exemptions, reduced Land Development or Growth Management application fees, or developing a residential project utilizing the Alternative Housing Development standards, shall require certification as an affordable housing project prior to receiving these incentives. The applicant/developer is encouraged to seek affordable housing certification review early in the development process.

A representative from the Housing and Community Development Department will act in the capacity of a Housing Expediter. All applicants seeking certification shall be required to attend a pre-application conference with the Housing Expediter. As part of this conference, staff describes the certification process and review the application form and submittal requirements with the applicant. After submittal, the expeditor undertakes an administrative review of the application and then coordinates with staff from other City departments to gather comments on the certification request. The length of the review of the certification application will be ten (10) working days. Following the review period, the expeditor issues a certification letter either denying the request or approving the request and citing the specific incentives that apply to the eligible affordable units. Comments are provided to the applicants whose projects are denied.

Additional Information

In recent years, soaring construction costs and housing values have far outpaced growth in household income throughout Central Florida and elsewhere. As a result, housing became less affordable, especially for lower and middle-income households. Flat wages and the escalation of housing prices make it difficult for residents to own their home or pay their rent. To address this concern, Orlando Mayor Buddy Dyer appointed a Housing Task Force to develop recommendations to create new and innovative housing strategies that will assist Orlando in the expansion of housing units for residents to live in desirable, less costly housing developments. It was during this process that the term “attainable housing” was introduced. Attainable Housing was defined by the Task Force as “well designed housing for public employees, public safety employees, teachers, and employees of small and large businesses within the City of Orlando, whose annual income is from 50% to 150% of the area median income.” The definition also states that “attainable housing can be for ownership or rent, a single family house, a two family house, an accessory apartment, townhouse, condominium, or a typical apartment unit.” Within the last year, the City proceeded to adopt a definition in its Growth Management Plan to address the minimum number of units that must be attainable in a rental attainable housing development. The definition states that “*a mixed income development in which no less than 20% of all of the*

residential units within the project must be occupied by Very Low Income Households, an additional 40% of all of the residential units within the project must be occupied by Attainable Income Households, and the remaining 40% of the residential units must be households earning higher than 150% of the area median income”. The Certification Process had not been amended to address the new definitions related to “attainable housing.”

Proposed Recommendation

Amend the Affordable Housing Certification Process to include attainable housing. Change the program name from Affordable Housing Certification Process to Affordable and Attainable Housing Certification Process. Amend the definition of attainable housing to read as follows: “a mixed income development in which no less than 20% of all of the residential units within the project are occupied by Very Low and/or Low Income Households, no less than 20% are occupied by Moderate Income Households, no less than 20% are occupied by Attainable Income Households, and the remaining 40% may be occupied by households earning higher than 150% of the area median income.

Expedited Process

Background

Delays during any stage in the development process add to the costs of new housing. Reducing the costs incurred by developers during the development review process makes affordable housing projects more attractive. While permitting and review processes play an important role in ensuring new development meets safety, environmental, and other standards, a lengthy or complex approvals process also can lead to unnecessary delays and increased expenses that make it difficult to deliver affordable homes. Coordination is needed between city departments involved in the development review process of affordable housing projects.

According to Section 163.3164(7), (8), Florida Statutes, *a permit is a development order, which means any order granting, denying, or granting with conditions an application for a development permit. A development permit includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.* In order to receive State Housing Initiatives Partnership (SHIP) funds from the Florida Housing Finance Corporation, local governments are required to do their part to reduce the cost of housing by expediting permits for affordable housing.

In the City of Orlando, the permitting process is identical for affordable housing and other types of residential development. In some instances the developer may need to secure City Council approval in order to develop the property as proposed. Common applications to permit residential development include annexations, rezoning, variances, and/or platting. For all public hearings, the City of Orlando provides monthly closing dates by which all applications must be submitted, if needed, for the development. For variances, the Board of Zoning Adjustments acts as the advisory board to City Council. The Municipal Planning Board handles all other land development public hearings.

To allow staff adequate time to review the request, the public hearing process typically takes from 40 to 60 days for platting and up to 150 days for processes that involve drafting of legal documents such as rezoning.

Modification of standards is done as an administrative review which is an alternative to the public hearing required by variances which normally could take up to 60 days. This alternative is available if minor adjustments are needed to the adopted development standards (such as front, rear, and side yard setbacks). The processing time for a modification of standards is only 5 to 10 working days.

Another example of an expedited development process is the short form plat application which does not require review by the Municipal Planning Board prior to City Council. A short form plat is one that involves 5 or fewer lots, no specific residential design request, and no dedication of streets or improvements. The accelerated review for a short form plat is approximately 40 days.

Current Delivery Process

When developers are required to submit multiple permit applications and secure approvals from a number of departments it can create confusion and delays. Even though the City of Orlando created the position of Housing Expediter to inform, guide, assist, and monitor on behalf of the applicant, the permitting process for affordable housing was still confusing.

Last year the Housing and Community Development Department, the Planning Division and the Office of Permitting Services got together and discussed the pros and cons of the Expedited Permitting Process as it existed. They restructured the process to emphasize efficiency and predictability. Under the new and improved Expedited Housing Development Approval Process, the Housing Expediter continues to be the lead staff person responsible for coordinating with other departments throughout the City's review of the project to provide consistency. The Housing Expediter is responsible for initially reviewing the project to determine whether it meets the income criteria and contacts staff in the various departments responsible for the development and building and, if required, public hearing process for the project. In addition:

- The Housing Expediter serves as the key contact person between City staff and the applicant for affordable housing certified projects.
- The Housing Expediter assists the developer throughout the development review and permitting process and coordinates with City staff to ensure that any issues are addressed early in the certification process.
- The Housing Expediter is invited to all meetings between the applicant and City staff.

The Planning Division and Permitting Services Division have each assigned a staff person to serve as an Ombudsman for housing certified projects. If a planning or permitting issue should arise, the appropriate Ombudsman is responsible for notifying the Housing Expediter.

Prior to submitting a certification application, the applicant must meet with the Housing Expediter and the Planning Ombudsman to discuss application procedures. A non-refundable fee of \$50 to cover administrative costs will be charged. The Housing Expediter will review the housing incentives and procedures with the applicant. The Planning Ombudsman will review planning and zoning requirements and procedures and make an initial determination regarding the need for conditional use, master plan approval, or the need for a zoning or Growth Management Plan amendment to accommodate the proposed development.

Applications for Housing Certification are submitted by the applicant to the Housing and Community Development Department. The Housing Expediter has seven (7) working days from the date of receipt to review the application. Copies of the application must be distributed to the different departments and offices within the City that may be involved during the development of the project such as, the Planning Division, the Permitting Services Division, the Orlando Police Department, and the Transportation Department. If the application meets the affordability guidelines and other City requirements, the Housing Expediter issues a "Certificate of Affordability." Following the receipt of the Certificate of Affordability, the applicant may submit applications for development review and permit approval to the Housing and Community

Development Department. The Housing Expediter has five (5) working days from the date of receipt to review all applications for sufficiency and distribute the applications to the appropriate Ombudsman.

Upon receipt of the complete application for development review, the Planning Ombudsman will coordinate with other City staff to review the application. Single family homes on platted lots that conform to adopted zoning regulations do not require review by the Planning Division except as follows:

- a) Single family homes located in an Appearance Review District must be reviewed within seven (7) working days of receipt by the Planning Ombudsman.
- b) Single family homes that require a Modification of Standards must be reviewed within seven (7) working days of receipt by the Planning Ombudsman.

Multifamily developments on platted parcels that conform to adopted zoning regulations do not require review by the Planning Division except as follows:

- a) Projects comprising twelve (12) dwelling units or more and not otherwise subject to Master Plan Review shall be reviewed within seven (7) working days of receipt by the Planning Ombudsman in accordance with the requirements provided in Chapter 58, Figure 2, Footnote 35 of the Land Development Code.
- b) Projects comprising twelve (12) dwelling units or more and subject to Master Plan Review shall be reviewed by the Technical Review Committee and Municipal Planning Board in accordance with standard review procedures provided in Chapter 65 of the Land Development Code.
- c) Applications that require review by the Municipal Planning Board (plats, master plans, conditional use, rezoning, growth management plan amendments and annexations), Board of Zoning Adjustment (variances), Historic Preservation Board, or Downtown Development Board – Development Review Committee will be processed in accordance with standard review procedures provided in Chapter 65 of the Land Development Code.

Applications for permit review approval are reviewed by the Permitting Ombudsman. Permits will not be issued until the Permitting Ombudsman has confirmed that the proposed plans conform to all City Codes and any conditions of approval imposed by the Planning Ombudsman, City Advisory Board or City Council. The applications for permit approval may be reviewed concurrently with applications for development review, subject to any changes required by the Planning Ombudsman, City Advisory Board or City Council. In addition, the applicant is required to submit 60% complete building plans to the Planning Ombudsman for a preliminary code compliance review by the Permitting Division Manager. This will help the applicant to ensure the development plans meet City requirements.

Over the past year, the City of Orlando has identified green building as a goal for new construction. Green building integrates materials and methods that promote environmental quality, economic vitality and social benefits through design, construction, and operation of the built environment.

Green building practices can yield cost savings through long term reduction in operating expenses. The benefits include improved energy performance and comfort, a healthier indoor environment, increased durability of building components, and simplified maintenance requirements that can lead to financial efficiencies for property managers and owners. Green building improves the quality of life for residents and when the location of the homes is near community amenities such as public transportation the benefits for residents and communities expand to include fewer environmental impacts.

Many countries have developed their own standards of energy efficiency for buildings. The United States has adopted Leadership in Energy and Environmental Design (LEED). LEED is a progressive part of the United States Green Building Council's ongoing endeavor to make available a national standard for green buildings. The Green Building Rating System is a third party certification program intended to guide green construction of a building based on certain criteria. There are several different sub-categories of LEED, which include LEED for New Construction; for Core and Shell; for Commercial Interiors; for Existing Buildings; for schools, retail, and healthcare facilities; and for Homes. LEED has extensive checklists, processes, and criteria that a building must adhere to for it to become LEED certified.

LEED has different levels of certification for green buildings based on different criteria and total credits and points earned. Credits are given based on: sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation and design process. Different certification levels are based on the amount of points a building receives for successful attempts at the six categories. The certification levels range from "Certified" to "Platinum", which are the highest level of LEED certification and the more environmental and health friendly.

Additional Information

Efforts have been made by the City to design and facilitate a process that enhances the coordination among City departments and provide a more effective and efficient development review and permitting process.

Over the past year, the City of Orlando has identified green building as a goal for new construction. Subsequently, residential green building should be given priority as part of the City's certification process.

Proposed Recommendation

Residential green building shall receive priority as part of the expedited process.

Impact Fee Program

Background

Impact fees are one-time payments from developers to local or school district governments for off-site improvements necessitated by new development. Fees may be based upon square footage, number of bedrooms, number of bathrooms, or other housing characteristics depending upon the use of the funds. Impact fees fund capital expenditures. In the case of a redevelopment project, impact fees generally give credit for the traffic or other impact that was generated by the previous development. Some of the arguments by the proponents of impact fees are as follow:

- a) Impact fees require new development to pay its own way.
- b) Impact fees actually allow development to occur that local governing bodies and voters otherwise would not permit.
- c) Impact fees are an important growth management tool that allows localities, by setting fees at different levels, to steer growth to areas where infrastructure is underutilized and away from areas where infrastructure is inadequate to accommodate growth.
- d) Impact fees allow localities to use a "pay as you go" financing arrangement for new projects that avoids using general obligation debt.
- e) Impact fees add certainty and specificity to the planning process because, unlike exactions negotiated with each individual project, impact fees are known in advance.

However, some of the arguments by opponents are as follow:

- a) Impact fees subsidize existing residents by paying for improvements that benefit all property owners.
- b) Impact fees provide a windfall gain to existing residents because by increasing the price of new homes they also increase the value of existing homes.
- c) Impact fees make housing more expensive and put homeownership out of the reach of lower- and moderate-income households thus reducing the number of households that can afford to become homeowners.

There are two principal ways to mitigate the effect of impact fees on housing affordability. One is to waive impact fees or to have the local government pay the fees for qualified affordable housing projects from another funding source. The other method is to design the fees so that they are lower for smaller, more affordable units (sometimes referred to as "variable-rate" impact fees).

In many cases it is preferable for the local government to pay the fees for affordable housing projects from some other funding source. This approach ensures that the impact fee account has

sufficient funds to construct the improvements for which the fee was enacted. The major challenge with this approach is that in many cases it is difficult for the local government to come up with funding from other sources.

Current Delivery Process

The City of Orlando has two impact fees charged for new construction: the sewer benefit fee and the transportation impact fee. In 1993, the Orange County School Board began to levy a school impact fee for residential development. The current impact fees levied for residential development in the City of Orlando are as follows:

	Single Family	Multi-Family
Sewer Benefit Fee	\$2,537.50	\$1,928.50
Transportation Impact Fee	Traditional City \$2,636	Traditional City \$1,851
	City Other \$3,600	City Other \$2,528
School Impact Fee	\$11,829	\$6,647

Using a its State Housing Initiatives Partnership (SHIP) funds to pay impact fees, the City of Orlando currently offers the following incentives to certified affordable housing projects:

	Single Family	Multi-Family
Sewer Benefit Fee	100% reimbursement	100% reimbursement
Transportation Impact Fee	100% reimbursement	100% reimbursement
School Impact Fee (for owner occupied)	62% discount on a reimbursement basis	62% discount on a reimbursement basis
School Impact Fee (for renter occupied)	N/A	25% discount on a reimbursement basis

Another impact fee related incentive available to certified affordable housing projects is the Transportation Exemption Impact Fee Program. This program was initially adopted in 1987, sunset in 1997 and re-instituted by Ordinance in 2006. Currently, the program offers a 100% exemption for projects that have received Affordable Housing Certification. The developer cannot use both the transportation impact fee grant and the exemption for a given affordable unit.

Additional Information

Reimbursement of sewer impact fees that meet the City’s adopted “green building criteria” should receive priority as certified affordable housing projects.

Certified affordable housing projects seeking reimbursement of transportation impact fees or participation in the Transportation Exemption Impact Fee Program that meet the City’s commuter criteria should have the highest priority for incentives. The City’s commuter criteria should include the following:

- located within a ¼ mile distance to a City-designated Activity Center,
- a light rail or commuter rail station, and

- are accessible to grocery stores, public schools, pharmacy, medical facility, financial institution, post office via a public transit stop located within a ¼ mile distance should be incentivized more than those that do not.

Proposed Recommendations

Sewer Impact Fee:

- Certified affordable housing projects shall be reimbursed 100% of the sewer impact fee for the eligible affordable housing units if they meet the City’s “green building” criteria. Housing staff will develop the “green building” criteria for affordable housing projects at a later time and present it to City Council for approval.
- If the certified affordable housing project does not meet the City’s “green building” criteria, it shall be eligible for 75% reimbursement of the sewer impact fees charged to the eligible affordable housing units.

Transportation Impact Fee Reimbursement Program:

- Certified affordable housing projects that meet the City’s commuter criteria are eligible to receive 100% exemption of the transportation impact fees for the eligible affordable housing units.
- Certified affordable housing projects that are not located within a ¼ mile distance to a City-designated Activity Center, or a light rail or commuter rail station; but are accessible to grocery stores, public schools, pharmacy, medical facility, financial institution, post office via a public transit stop located within a ¼ mile distance are eligible to receive 50% exemption of the transportation impact fees for the eligible affordable housing units.
- Certified attainable housing projects that meet the City’s commuter criteria are eligible to receive 75% exemption of the transportation impact fees for the eligible affordable housing units.
- Certified attainable housing projects that are not located within a ¼ mile distance to a City-designated Activity Center, or a light rail or commuter rail station; but are accessible to grocery stores, public schools, pharmacy, medical facility, financial institution, post office via a public transit stop located within a ¼ mile distance are eligible to receive 25% exemption of the transportation impact fees for the eligible affordable housing units.

Transportation Exemption Impact Fee Program:

- Certified affordable housing projects that meet the City’s commuter criteria are eligible to receive 100% exemption of the transportation impact fees for the eligible affordable housing units.
- Certified affordable housing projects that are not located within a ¼ mile distance to a City-designated Activity Center, or a light rail or commuter rail station; but are accessible

to grocery stores, public schools, pharmacy, medical facility, financial institution, post office via a public transit stop located within a ¼ mile distance are eligible to receive 50% exemption of the transportation impact fees for the eligible affordable housing units.

- Certified attainable housing projects that meet the City’s commuter criteria are eligible to receive 75% exemption of the transportation impact fees for the eligible affordable housing units.
- Certified attainable housing projects that are not located within a ¼ mile distance to a City-designated Activity Center, or a light rail or commuter rail station; but are accessible to grocery stores, public schools, pharmacy, medical facility, financial institution, post office via a public transit stop located within a ¼ mile distance are eligible to receive 25% exemption of the transportation impact fees for the eligible affordable housing units.

School Impact Fee Reimbursement Program

- Single Family certified affordable housing projects shall be reimbursed 25% of the school impact fee for the eligible affordable housing units.
- Multifamily certified affordable housing projects shall be reimbursed 50% of the school impact fee for the eligible affordable housing units.

Establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing

Background

Since the inception of the State Housing Initiatives Partnership (SHIP) Program, the Florida Statutes require local governments to establish a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan revisions in order to be eligible to receive the SHIP funds.

Current Delivery Process

Policies, procedures, and plan provisions are included in the comprehensive plan, or Growth Management Plan (GMP) for the City of Orlando. Ordinances and regulations are included in the Land Development Code (LDC). The review process of the GMP and LDC is both regulatory and informal. The Land Development Code addresses two aspects of the process, the Technical Review Committee and the Municipal Planning Board. Housing costs are informally considered as part of the GMP and LDC amendment process.

According to the Land Development Code, the Municipal Planning Board (MPB) has the authority to review all LDC and GMP amendments. The Municipal Planning Board is an advisory board to City Council which responsibilities include to monitor and oversee the effectiveness and status of the comprehensive plan. They also prepare and recommend ordinances designed to promote orderly development in accordance with the Growth Management Plan. Consequently the Planning Division provides support and recommendations to the MPB for any ordinance or policy amendments that the Board reviews.

The review process for LDC amendments and GMP amendments involves consideration by the Planning Division, the Municipal Planning Board, and final review and approval by City Council. Although a variety of issues are considered during this review process, the LDC does not include a laundry list of review criteria for the amendment process. Instead those responsible for reviewing proposed ordinance and policy amendments consider a variety of issues including the reason(s) why the amendment is being proposed and whether the regulations and policies within the LDC and GMP respectively support the proposed amendment.

Additional Information

Even though this is not a new process, the consideration of impacts on housing costs in the City of Orlando has been taken place more on an informal basis. The City of Orlando maintains the Affordable Housing Advisory Committee to provide citizen's advice to the City government regarding the adoption, modification, or repeal of policies, procedures, regulations, or plan provisions applicable to affordable housing. The AHAC consists of 11 committee members who meet on a monthly basis. The Committee includes: (1) a citizen who is actively engaged in the residential home building industry in connection with affordable housing; (2) one citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing; (3) one citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing; (4) one citizen who is actively engaged as an advocate for low income persons in connection with affordable housing; (5) one citizen who is

actively engaged as a for-profit provider of affordable housing; (6) citizen who is actively engaged as a not-for-profit provider of affordable housing; (7) one citizen who is actively engaged as a real estate professional in connection with affordable housing; (8) one citizen who actively serves on the local planning agency; (9) one citizen who resides within the city limits; (10) one citizen who represents employers within the jurisdiction; (11) one citizen who represents essential services personnel. In the past the AHAC has considered issues such as changes in the downpayment assistance program or any program related to housing issues, increases in impact fees, and new housing initiatives.

Proposed Recommendations

All LDC and GMP amendments that will impact the development of affordable and attainable housing shall be reviewed by the AHAC before submission for City Council for approval. During the staff review of the proposed policy or regulation, staff should consider the impacts of that policy or regulation on housing cost in the TRC Project and Analysis Report. Staff from the initiating department/division shall discuss the policy impacts with the Housing Expediter. The Housing Expediter will then schedule the staff to present the policy amendment with a Housing Impact Statement detailing the economic impact for the development of affordable or attainable housing to the AHAC for comments. Comments by the AHAC regarding the impacts of the proposed regulations or policy on housing costs shall be included in the MPB report for recommendation to City Council which would make the final decision.

Other City departments should also work closely with the Housing and Community Development Department to bring to the attention of the AHAC any policies or ordinances that do not require MPB approval but affect the cost of housing before City Council takes action. Staff from the initiating department/division shall discuss the policy impacts with the Housing Expediter. The Housing Expediter will then schedule the staff to present the policy amendment with a Housing Impact Statement detailing the economic impact for the development of affordable or attainable housing to the AHAC for review and comments. Comments by the AHAC regarding the impacts of the proposed regulations or policy on housing costs shall be forwarded to City Council which would make the final decision.

The allowance of flexibility in density

Background

In 1985, the City of Orlando adopted a voluntary intensity bonus program. The program offers an intensity bonus in several residential, office, and commercial districts in exchange for providing low and very low income housing (targeted at households earning 80% or less of area median income) on site or granting an in-lieu contribution to the “City of Orlando Trust Fund for Low and Very Low Income Housing”. The City of Orlando’s intensity bonus program also provides a variety of other incentives in return for the on-site provision of housing, a remote housing encumbrance agreement, or in-lieu contributions to a trust fund. These bonuses are intended to encourage the production of housing in areas that have a low concentration of housing.

Current Delivery Process

The bonuses available are listed below:

DENSITY BONUSES AVAILABLE IN ORLANDO ZONING DISTRICTS

District	Intensity		Maximum Bonus		Available Intensity with Bonus
R-3A	12 units/ac	+	3 units/ac	=	15 units/ac
R-3B	21 units/ac	+	5 units/ac	=	26 units/ac
R-3C	30 units/ac	+	10 units/ac	=	40 units/ac
R-3B	75 units/ac	+	15 units/ac	=	90 units/ac
O-1	0.4 F.A.R. *	+	0.075 F.A.R. *	=	0.475 F.A.R. *
O-2	0.7 F.A.R. *	+	0.125 F.A.R. *	=	0.825 F.A.R. *
O-3	1.0 F.A.R. *	+	0.15 F.A.R. *	=	1.15 F.A.R. *
AC-1	0.7 F.A.R. *	+	0.1 F.A.R. *	=	0.8 F.A.R. *
AC-2	1.0 F.A.R. *	+	0.15 F.A.R. *	=	1.15 F.A.R. *
AC-3	1.5 F.A.R. *	+	0.3 F.A.R. *	=	1.8 F.A.R. *
AC-3A	3.0 F.A.R. *	+	0.5 F.A. R. *	=	3.5 F.A.R. *

* F.A.R. = Floor Area Ratio = building floor area/land area

The concept behind the bonus is that the increased return from the density increase more than offsets the additional cost of the affordable unit. Developers are not required to place the affordable units on their site; thus any developer within the designated zoning districts can use the program. The amount of the contribution or on-site affordable housing required for the bonus must be carefully set so as not to reduce the developer’s rate of return below what he/she could get without the bonus.

Neighbors sometimes have concerns about the higher density awarded with the bonus. The Land Development Code requires a Neighborhood Compatibility Review for all developments requesting an intensity bonus. The purpose of the review is to ensure that the intensity of a

development utilizing an intensity bonus remains compatible with adjacent neighborhoods. The Planning Official issues a report determining whether the use of the intensity bonus will have a significant negative impact on surrounding neighborhoods that the same development would have without the bonus. If a significant negative impact is present, the Planning Official may, as a condition of approval, require enhanced development standards, such as increased bufferyard widths and plantings or increased setback requirements, to remove the negative impacts. The developer can appeal the determination of a significant negative impact and the enhanced development standards to the Municipal Planning Board. All variances, except variances to height requirements, are prohibited within developments that have received density bonuses. If the neighborhood compatibility review is favorable, the applicant is allowed to increase the density of development in accordance with the approval. In return for the intensity bonus, the developer is required either to provide on-site affordable housing units equal to the number or additional units permitted by the bonus or to contribute a percentage of the total construction costs to the trust fund at the time of permitting. At the time of building permitting, the Building Official determines the amount of the contribution based on 2% of the total construction costs of the development. The on-site alternatives requires that the affordable units be devoted by deed restriction to low/ and or very low income households.

Current density and intensity bonuses, exclusive of the Housing Density Bonus program, are regulated by Section 58.1101 of the Land Development Code. The majority of projects receiving a bonus utilize this section, as rarely does development take advantage of the housing bonuses. These bonuses are casually known as “design bonuses”, as there are several design objectives listed in the Code (mixed use, superior design, pedestrian orientation, etc). Generally, the bonus is the lesser value of either; a) the greatest intensities allowed in the next highest Future Land Use designation, or b) double the intensity allowed in the existing Future Land Use designation. However, residential density bonuses are limited to 200 units to the acre in all districts except the AC-3A (Downtown) zoning district. The following lists the maximum intensities allowed in the various zoning district which allow design bonuses, as well as the amount of bonus available:

<i>Zoning District</i>	<i>---Residential---</i>		<i>---Commercial---</i>	
	<i>Typical Maximum Density</i>	<i>Maximum Density with Bonus</i>	<i>Typical Maximum FAR</i>	<i>Maximum FAR with Bonus</i>
O-1	21	40	0.4	0.7
O-2	40	80	0.7	1.0
O-3	200	200	1.0	2.0
MU-1	30	60	0.5	1.0
MU-2	200	200	1.0	2.0
AC-N	30	40	0.3	0.6
AC-1	40	80	0.7	1.0
AC-2	100	200	1.0	2.0
AC-3	200	200	3.0	4.0
AC-3A	200	400	4.0	8.0

Additional Information

Orlando’s success with the density bonus, since it was adopted in 1985, has been mixed. The R-3A and R-3B districts are the only zoning districts in which the density bonus has been requested. These bonuses were received in exchange for in-lieu contributions to the trust fund. Although the City awarded these projects the density bonuses, none were constructed to utilize the increased density. Instead developers have requested down zoning to permit development of single family units instead of multifamily units.

Although on-site construction of affordable housing units is an available option, most developers tend to choose the in-lieu contribution since the cost is lower and the responsibility of constructing the units does not fall on the developer.

According to City Planning staff, a change to the current density programs would address a demonstrated need for affordable housing, create affordable units in desirable locations, and provide public benefit in exchange for the right to increase density through an expedited approval process.

Proposed Recommendations

Residential Developments:

Chapter 56, Part 6B of the Land Development Code shall be amended to require a scaled amount of affordable housing, which are housing units available to households earning up to 120% of the median income, in exchange for a density bonus. Alternatives to the “affordable housing” requirement shall also be offered as options. The proposed recommendation is as follows:

Desired Density/Intensity Bonus	A La Carte Menu Percentage of the density bonus units required to be income restricted
25%	5% affordable; or, one-third low income and two-thirds attainable; or, one third very low income and the remaining at market rate
50%	10 % affordable; or, one-third low income and two-thirds attainable; or, one third very low income and the remaining at market rate
75%	15% affordable; or, one-third low income and two-thirds attainable; or, one third very low income and the remaining at market rate
100%	20% affordable; or, one-third low income and two-thirds attainable; or, one third very low income and the remaining at market rate

For instance, a Downtown Project on a one acre site seeks a 50% Density Bonus to bring it up to 300 Units/Acre (resulting in a 300 unit project). A 100 unit bonus is up to 50% of the maximum possible bonus allowed in this zoning district. There are three options that the developer can take to meet the requirement of including some amount of affordable and/or attainable housing:

- i) The 50% Bonus requires that 10% of the bonus units be affordable (up to 120% median income). 10% of 100 bonus units equates to 10 units that are required to be affordable.

- ii) Alternatively, the developer could opt for one-third of the 10% be Low Income housing (up to 80% of median income), and two-thirds be attainable housing (up to 150% of median income). This results in the 10 units being split to 3 units Low Income and 7 units Attainable.
- iii) Finally, the developer could opt to create one-third of the 10% requirement to dedicated to Very Low Income Housing (50% of median income), where 3 units would be required.

Commercial Developments

Commercial developments seeking density bonuses shall pay a density payment fee in proportion of the density bonus amount. The amount recommended is the total cost of the City’s impact fees at the time of development for residential development plus the Orange County school impact fee. For example, currently the impact fees for single family residential development are as follow:

Development Fees	Current Rate
Sewer Benefit Fee	\$2,537.50
Transportation Impact Fee	\$3,600
School Impact Fee	\$11,829
Total	\$17,966.50

Thus, the density bonus fee would be \$17,966.50 per 1,000 sq. ft. of additional space.

Up zoning & Future Land Use Changes that Increase Residential Density.

These changes provide an opportunity to capture a certain percentage of the increased density and provide affordable housing. The above suggested formulas may be extrapolated based on the above presumptions to include either a percentage of the increased density for affordable housing or an in-lieu payment. A parallel process could be developed similar to the School Capacity Enhancement Agreement process to capture the additional density granted by the City to provide affordable housing.

The allowance of flexible lot configurations, including zero lot line configurations

Background

Flexible lot configurations provide for housing designs suitable for small lots and higher density. Zero lot line development is the siting approach whereby a single family detached dwelling is sited on one side lot line with no side yard provided, and the dwelling unit on the lot next to the zero lot line is sited on this side lot line either adjacent to or farthest from the zero lot line. Zero lot line developments provide more usable private open space and promote the efficient use of land.

Current Delivery Process

Attached Dwelling, Cluster, Average Lot, and Zero Lot Line Development are permitted by right in residential districts and provide an alternative to conventional development guidelines.

The City of Orlando's Land Development Code (LDC) has permitted zero-lot-line development as a design option for one or two family dwellings. Zero-lot-line development is permitted by right in residential districts and provides an alternative through modifications to standard zoning district requirements. With the zero lot line standards, the LDC allows the unit to be placed along the rear and/or side property lines, reduces the rear and front setbacks below the minimum yard requirements in the applicable zoning districts, and reduces the minimum lot depth required in the district. The development standards established in the LDC for zero-lot-line developments are as follows:

Development Site Standards

Minimum Development Site Size	0ft.
Minimum Perimeter Setback	10 ft.
Maximum Impervious Surface Ratio	.55
Minimum Lot Depth	100 sq. ft.

Principal Building Setbacks

Front yard setback	20 ft.
Side yard setback	0 ft.
Rear yard setback	0 or 20 ft.
Minimum Building Separation	12 ft.

Maximum Residential Density, Maximum Open Space, Minimum Mean Lot Width, Minimum Area of Each Lot, Minimum Average Area of All Lots, Street Side Yard – Same as permitted or required by the zoning district, or by cluster development or average lot development, where used. Average Lot Development and Cluster Development permit a minimum lot size of 3,500 sq. ft. if the above zero-lot-line development standards are used.

These development standards are intended to allow a number of different building site layout alternatives. Among these is an interlocking lot design where the side and rear walls of the garage both have zero yard setbacks. With this design option, no other exterior walls of the dwelling unit have a zero setback. Another alternative is z-lots and angled z-lots where the side yards are modified to create a z-shape.

Zero-lot-line developments are approved through the platting process in connection with Long Form Plats or Short Form Plats wherever such development standards are permitted in accordance with the LDC.

Additional Information

The zero-lot-line development option permits reduced lot sizes, lot depths, and setbacks which typically result in reduced development costs. Before adding different types of zero-lot-line developments, the existing standards should be assessed to determine whether or not they are inclusive of all types of zero-lot-line developments. However, these developments options are not regularly exercised, and could be utilized to a greater extent by affordable housing developers.

Proposed Recommendations

Having the zero-lot-line development option as a choice that is permitted by right in one family and two family zoning districts provides an alternative from the standard development requirements and permits more innovative requirements. Thus, the City shall continue to offer zero-lot-line development as an option in the LDC.

Housing shall work with Urban Design to design a typical zero lot line development to use as an example with approved developers.

The Reservation of Infrastructure Capacity

Background

The concept of “concurrency” was passed by the Florida Legislature in the 1985 Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes). The purpose of concurrency is to ensure the availability of public facilities and services needed to support new growth. It ensures that all users of public facilities will be guaranteed a specific level of service (LOS) and that new development will not degrade those levels of service. For a development to “be concurrent” or “meet concurrency”, the local government must have the capacity to serve the development. A project must be concurrent for roads, stormwater, parks, solid waste, potable water, sewer, and mass transit in order to obtain authorization to develop.

Current Delivery Process

The level of services (LOS) standards are contained in the City of Orlando’s Growth Management Plan. The City’s Land Development Code (LDC) is the implementing mechanism for the GMP. The adopted procedures for the CMS are contained in Chapter 59 of the LDC. The City has anticipated a specific quantity of new development in the future and has ensured that adequate public facilities would be in place when that new development comes on line.

A concurrency evaluation is required prior to building permitting for all new development and redevelopment that has an impact on the LOS of public facilities and services. The City requires a Concurrency Encumbrance Letter before building plans are accepted. This letter is valid for 90 days. During this time the developer will need to pull a building permit or obtain a Capacity Reservation Certificate. The developer must build within the reservation time period in order to utilize the reserved capacity.

The trips allocated or made available to new development through the procedures set forth in Chapter 59 are referred to as “non-committed trips.” The City is divided into traffic zones each with a specific number of non-committed trips based on the capacity of the existing roadway network and the number of reserved, encumbered, or vested trips for proposed new development in the traffic zone. In 1991, City Council established a 3% set aside of trip capacity in each traffic zone as committed capacity for low income housing. In addition, low income housing is exempt from the payment of capacity reservation fees for committed trips, but is subject to an administrative fee of \$1.00 per trip, paid when trips are committed. Because roads are the only facility approaching full capacity, a set aside of trips for low income housing creates a real incentive due to limited trip availability in some traffic zones.

Additional Information

In order to receive the capacity reservation set aside and reduced capacity reservation fees, the proposed development must first be certified as affordable housing. Following certification, the developer can reserve the trips set aside for low income housing if the reservation is available in the traffic zone.

The committed trip allocation program is not available for attainable housing developments.

Proposed Recommendations

Amend the Capacity Reservation Program to allow for a set aside of 3% set aside trips for attainable housing.

The allowance of accessory residential units in residential districts

Background

An accessory cottage dwellings (ACD's) are small, self-contained residential units built on the same lot of an existing single family home, either as a garage apartment or an accessory cottage independent of a garage. Accessory apartments are constructed within or added onto existing single family houses. ACDs are subordinate in size, location, and function to the primary residential unit. ACDs are beneficial because they:

1. Help increase the supply of affordable housing,
2. Create cost-effective affordable housing,
3. Encourage mixed income and stable neighborhoods,
4. Respond to changing community needs,
5. Help communities meet smart growth and affordable housing objectives,
6. Provide owners with a source of income,
7. Provide housing for the elderly,
8. Increase density without increasing neighborhood impacts.

Detached “accessory cottages” are structurally independent from the primary residence. To differentiate Elder Cottage Housing Opportunities (ECHO) units are relatively small, separate temporary manufactured homes that are installed in the side or back yards of single family homes. The unit’s utilities are connected to that of the main property and not independently metered. The unit may be removed when it is no longer needed. ECHO units often house elderly parents being cared for by their adult children living in the primary unit. They provide an alternative to nursing homes so that elderly or disabled relatives may live nearby.

The cost of ECHO housing is often less than a new home or securing long-term care for an elderly parent. A new, basic 500 square foot unit may cost from \$25,000 to \$100,000. In addition to the purchase of the unit, the owner pays for the foundation and for utility connections.

Current Delivery Process

The City of Orlando is unusual, as it allows accessory structures (garages, garage apartments, accessory cottage dwellings) in all residential zoning districts. The Traditional City permits accessory cottages dwellings (including garage apartments) in single family zoning districts where the lot size is double the minimum lot area; a conditional use permit is required outside of the Traditional City for similarly sized lots. However, the size of the accessory cottage/garage apartment is limited to 40% percent of the area of the principal structure, and the footprint cannot exceed 35% of the area between the rear property line and the principal structure. Further, the size of these accessory units are limited to 1,200 square feet, but are allowed to be at least 700 square feet no matter the size of the principal structure.

Similarly, accessory apartments are allowed when the lot area exceeds 1.5 times the minimum requirement, but is limited to 25% of the principal structure. The Code also contains standards to ensure that the principal structure retains the appearance of a single family residence.

Within duplex zoned areas, accessory cottage dwellings are allowed as an alternative to duplexes (duplexes are attached and are limited to 0.50 FAR), when the lot meets the minimum standard area for a duplex. In other words, rather than building an attached duplex product, a typical single family home in the R-2A zoning district can build a detached unit that is limited in size via the Accessory Cottage Dwelling standards.

Additional Information

These housing options are ideal for many families which need to facilitate an extended family. In addition, they offer another way to provide affordable housing while supporting smart growth. However, not all lots qualify due to their limited size.

Proposed Recommendations

The City of Orlando shall explore the development of a “Granny Flat” Program to allow a detached accessory unit or garage apartment up to 400 square feet of living space if no prior existing accessory structure, apartment, cottage, etc. on the lot in single family districts. The Program shall include the following provisions:

- Granny Flat development may occur in all residential zoning districts within the Transportation Concurrency Exception Area that meet the minimum development standards for that zoning district.
- It must be limited to single story structures – permanent structures are to match existing home architecturally with 3 elements as listed in the accessory structure standards (Section 58.901)
- The City shall allow temporary modular housing (Elder Cottage Housing Opportunity - ECHO) – which may not actually match architecturally, but are certified by HUD as ECHO housing.
- No additional parking is required for the granny flat, unlike a full accessory dwelling unit that requires a parking space.
- These accessory units cannot be condominiumized (must remain under the same ownership as the principal residence) and utilities shall be metered with the principal structure/residence.
- A site with an existing (or new) accessory garage structure may add a granny flat to the second floor or adjacent if the structure is setback 15-feet from the rear, the normal side yard setback and either floor of the structure is not over 400-square feet, and the stairway is oriented to the interior of the site, or internal to the structure, etc.
- Must meet all requirements of accessory structures found in the Land Development Code. Variances to accessory structure development standards are discouraged.
- Granny Flats are not allowed on Duplex zoned sites that already have two units (if a site has an attached duplex unit, or has an accessory structure dwelling unit, no additional unit may be added). However, a duplex zoned property that meets dimensional requirements for a Single Family Dwelling unit, but not for duplexes, may add a granny flat provided they meet all other development regulations for setbacks of the granny flat, etc.

- Granny flats are only allowed on lots that have (or are planned to have) an existing single family dwelling. Granny Flat and other accessory structures may not be built independently of a principal structure on any site.
- Certified affordable granny flats and accessory dwelling units are eligible for reimbursement of impact fees (sewer, transportation, and schools), following required documentation by the Housing and Community Development Department.
- Staff shall research the feasibility of establishing a Granny Flat Construction Program, where the Housing and Community Development Department invests in new housing stock for this type of development (ECHO and Granny Flats).

The reduction of parking and setback requirements

Background

The City's Land Development Code (LDC) establishes development standards which include setback and parking requirements. Depending on the specific zoning district, the setbacks in the single family and duplex districts are as follows:

Front yard setback	30, 25, or 20 ft.
Side yard setback	7.5, 6, or 5ft.
Street side yard setback	15 ft.
Rear yard setback	25 ft.

The City's parking standards require a minimum of one on-site parking space located outside of the front yard for each single family or duplex unit in accordance with the LDC. The number of parking spaces for multi-family units is based on the number of bedrooms in the unit.

Current Delivery Process

Attached Dwelling, Cluster, Average Lot, and Zero Lot Line Development are permitted by right in residential districts and provide an alternative to conventional development guidelines. They each has revised development standards, including reduced setback requirements. Front and rear yard setbacks are typically 20 ft. while side yard setbacks are 5ft. The reduced setbacks allow more efficient and effective siting and orientation of homes and private open spaces on the lot. These specific residential uses are approved in connection with Long Form Plats or Short Form Plats wherever such dwellings are permitted in accordance with the LDC.

The Alternative Development Standards for Low and Very Low income Housing projects (alternative standards) relax setback and street design requirements for affordable housing without compromising the quality of the design. For instance, although front yard setbacks and street widths are reduced, adequate parking must be provided. Front yard and rear yard setbacks are reduced to a minimum of 5ft. However, the house must be oriented toward the street with the garage set further back or even with the primary structure. A minimum of one parking space is still required, but for duplex development one space can be located on the street, provided the street is wide enough to accommodate the space.

The Planned Development (PD) is another development type that allows the modification of minimum development standards based on the unique characteristics of the proposed development.

Additional Information

The City of Orlando has established a variety of residential development options to provide flexibility and cost savings for the developer. These development options, such as the alternative design guidelines have focused on new development on large tract s of land with one exception: the Traditional City design guidelines. With this exception, infill development and multifamily development have not been studied.

The City requires only one on-site parking space for each single family or duplex unit. Since this space must be located behind the required front yard, garages and carports cannot be enclosed to provide additional living space unless sufficient area is available on the site to permit the required parking behind the required front yard. This presents a problem for affordable units which tend to be smaller homes on smaller lots. Since parking in the front yard is not permitted in the City of Orlando, front yard parking for single family and duplex development should be assessed considering the need for additional spaces for additional cars and the potential for enclosing the garage.

The City established aisle width and stall design requirements based on the ITE standards for multi-family and commercial development. These standards were modified and reduced to allow more parking spaces to safely fit within a given area.

In many instances, complying with existing development standards particularly parking and stormwater retention requirements in older areas becomes a challenge when carrying out redevelopment opportunities. In 1993, Dover, Kohl, and Associates, an urban design consulting firm drafted the Urban Design Plan for the Parramore Heritage Area (PHA), which is an older neighborhood located adjacent to downtown Orlando. The proposed plan included recommendations for reduced setbacks and parking requirements to encourage the redevelopment of the area. One of the recommendations was to delete any minimum parking requirements to permit redevelopment of these sites.

Proposed Recommendations

After a review of the City's existing set back requirements for residential development including those for specific residential uses and the alternative design guidelines, it has been determined that no changes to the Land Development Code are necessary at this time.

However, the following recommendations should be researched and consider the feasibility of adopting:

1. Design standards for infill housing.
2. The issue of front yard parking, the need for spaces for additional cars, and the potential for enclosing the garage, specifically for single family and duplex development, should be addressed.
3. The parking issues and stormwater retention that challenge older multifamily developments should be addressed.

The modification of street requirements

Background

The City's Land Development Code (LDC) establishes minimum local street design specifications that provide a variety of options to the developer including local streets with and without easements, one-way local streets, and alleys. In 1991, the LDC was amended to add one-way local streets and alleys as additional options. The right-of-way width can be reduced by placing the sidewalks and required landscaping within easements. A developer can further vary the design of the street through a Planned Development approval.

Street design requirements can be further modified with the Alternative Development Standards for Low and Very Low Income Housing (alternative standards) to permit greater flexibility and reduced pavement width for low and very low income housing. The alternative standards also include a modified cul-de-sac design option.

Current Delivery Process

The City of Orlando's minimum local street design specifications are as follows:

Local Streets (sidewalks within the right-of-way):

Minimum Right-of-Way Width	60 ft. (includes 5 ft. sidewalks on both sides of the road)
Minimum Asphalt Pavement Width	24 ft.

Local Streets (sidewalks within an easement outside of the right-of-way):

Minimum Right-of-Way Width	50 ft.
Minimum Sidewalk Easement Width	5 ft. each side
Minimum Asphalt Pavement Width	24 ft.

One-Way Local Streets:

Minimum Right-of-Way Width	40 ft. (includes sidewalks)
Minimum Asphalt Pavement Width	12 ft.

* One-Way local streets are permitted only at the direction of the Public Works Director and Planning Official)

Alley (Residential):

Minimum Right-of-Way Width	16 ft.
Minimum Asphalt Pavement Width	24 ft.
Garages should be set back a minimum of	3ft. from the right-of-way

Cul-de-Sacs:

Minimum Right-of-Way Width	100 ft.
Minimum Pavement Width	80 ft.
No more than 30 dwelling units are permitted on the cul-de-sac	

The modified street design standards contained in the Alternative Development Standards for Low and Very Low Income Housing are a development option for certified affordable housing projects. The alternative street standards are as follows:

AH Local Street #1

Minimum Right-of-Way Width	40 ft. (sidewalks located in easements outside of the right-of-way)
Minimum Asphalt Pavement Width	24 ft. (reduction to 18 ft. permitted with no parking signs on street)
Minimum Sidewalks Easement Width	5 ft. each side
Minimum Parkway Width	6 ft. each side (can be reduced to 3 ft. with approval of City Eng. And City Transportation Engineer)

AH Local Street #2

Minimum Right-of-Way Width	50 ft. (sidewalks located in easements outside of the right-of-way)
Minimum Asphalt Pavement Width	34 ft. (reduction to 18 ft. permitted with no parking signs on street)
Minimum Sidewalks Easement Width	5 ft. each side
Minimum Parkway Width	6 ft. each side (can be reduced to 3 ft. with approval of City Eng. And City Transportation Engineer)

Use of non-standard curb and gutter must be approved by the City Engineer and City Transportation Engineer (or the Public Works Director). The alternative design standards also include reduced cul-de-sac right-of-way widths.

Additional Information

After a review of the City’s standard minimum local street design specifications and the modified street design options contained in the Alternative Development Standards for Low and Very Low Income housing, it has been determined that the reduced street widths and cul-de-sac design requirements provide cost savings without compromising the function of the modified streets and cul-de-sacs.

Proposed Recommendations

After a review of the City’s standard minimum local street design specifications and the modified street design options contained in the Alternative Development Standards for Low and Very Low Income housing, it has been determined that no changes to the Land Development Code are necessary at this time.

The support of development near transportation hubs and major employment centers and mixed use developments

Background

In July 2006, Mayor Buddy Dyer established the City of Orlando's Housing Task Force to research strategies, review existing policies, and procedures, and to recommend new tools to increase the supply of desirable, less costly housing in the City. One of the recommendations of the Housing Task Force was to provide incentives for the development of attainable housing in mixed use and mixed income developments located in catalyst areas that have high redevelopment potential. Catalyst areas can be defined as urbanized places with concentrations of jobs, housing units, commercial uses, public spaces, and/or pedestrian activity. Predominant land uses within catalyst areas can be residential, commercial and public.

Current Delivery Process

The City of Orlando currently does not have in place a consistent process to support residential development near transportation hubs and major employment centers and mixed use developments.

Additional Information

Development of catalyst areas can be challenging due to financial constraints and higher development costs. These areas tend to be high rent districts which can preclude the development of housing, yet tend to have the greatest affordable housing needs. It is desirable to support mixed-income development that can potentially be established in such areas. This renewed effort could lessen the perceived negative impacts of affordable housing by deconcentrating its location and interspersing it with market housing.

Proposed Recommendations

The City of Orlando shall adopt criteria to identify catalyst areas for future investment. Staff shall consider the following performance standards in selecting participating projects:

1. Is the development/redevelopment consistent with the City's goals of plans and policy documents?
2. Does the area connect to the larger community and link to other sub-areas?
3. Does the development/redevelopment respond to market opportunities?
4. Does the development/redevelopment improve the jobs-to-housing balance in the community?
5. Does the project strengthen public realm?
6. Does the project leverage public investment and private financing?
7. Does the project address community needs?
8. Does the project build upon prevailing strengths of downtown and the rest of the community?

The City of Orlando shall utilize the city's incentive package for development projects in mixed use and mixed income developments located in catalyst areas that have high redevelopment potential. The incentive package may include the following:

1. Expedited development and permitting process
2. Provide assistance with impact fees
3. Increase density allowances
4. Grant/Loan incentives to assist with the development of the affordable housing units
5. Design flexibility
6. Capacity reservation set aside and reduced capacity reservation fees
7. Reduced parking and set back requirements
8. Upgrade infrastructure and amenities
9. Waive certain zoning requirements
10. Zone for mixed- use development

The City of Orlando shall use funding available to establish a small percentage of affordable and attainable units within catalyst projects.

The disposition of City owned property for affordable housing

Background

According to Section 125.379, Florida Statutes, each local government must prepare an inventory list of all real property within its jurisdiction to which the local government holds fee simple title that is appropriate for use as affordable housing. The list must be reviewed at a public hearing and a resolution must be adopted. The properties identified as appropriate for use as affordable housing on the inventory list may be offered for the development of affordable housing.

Current Delivery Process

The Housing and Community Development Department in conjunction with the Real Estate Office are responsible for the disposition of City property for affordable housing. The properties identified as appropriate for use as affordable housing are offered to interested parties for the development of affordable housing.

The land is donated to eligible developers who agree to build an affordable housing development on the land. The proposed development must meet the Affordable Housing Certification criteria. The value of the donation of the land shall be determined by the appraised value. The appraised value must be based on the most recent appraisal, not to exceed six months, performed by a licensed State of Florida appraiser.

The land may be transferred to the developer as part of a housing incentive package which includes other housing incentives or as a single incentive. The City will require the developer to execute an agreement along with a mortgage, a promissory note, and a restrictive covenant. If the land is being provided as part of a housing incentive package, the discount will be added to the award to determine the length of the lien and the restrictive covenant. The City will require the developer to execute a promissory note for the amount of the housing incentives. After development of the housing and upon sale of the property to an income eligible household, the City will cancel the promissory note to the developer and tender a release of the lien. If the conditions of the agreement are not met, the City will find the developer in default and immediate repayment will be required. A restrictive covenant will be placed on the property to ensure that it remains an affordable home for a prescribed period of time. The property shall at all times be occupied as the principal residence of the owner and shall not be rented or sold.

Additional Information

The City of Orlando has a process for the disposition of land in place. However, the inventory and the resolution have not been adopted by City Council as required by Florida Statutes.

Proposed Recommendations

The City of Orlando shall prepare an inventory of all real property within its jurisdiction to which the City holds fee simple title and that is appropriate for use for affordable housing. The inventory must include the address and legal description of each such property and specify whether the property is vacant or improved. The City Council must approve the inventory at a public hearing. Following the public hearing, a resolution that includes the inventory must be

adopted by City Council. The properties identified as appropriate for use as affordable housing on the adopted inventory may be offered to interested parties for the development of affordable housing.

The delivery process will remain the same. The land may be transferred to the developer as part of a housing incentive package which includes other housing incentives or as a single incentive. Either way, the City will require the developer to execute an agreement along with a mortgage, a promissory note, and a restrictive covenant. If the land is being provided as part of a housing incentive package, the discount will be added to the award to determine the length of the lien and the restrictive covenant. The City will require the developer to execute a promissory note for the amount of the housing incentives. Upon sale of the property to an income eligible household the City will cancel the promissory note to the developer and tender a release of the lien. If the conditions are not met, the City will find the developer in default of the assistance and immediate repayment of the assistance will be required. A restrictive covenant will be placed on the property to ensure that it remains an affordable home for a prescribed period of time. The property shall at all times be occupied as the principal residence of the owner and shall not be rented or sold.

If the land is provided as a single transaction, the discounted amount will determine the length of the lien and the restrictive covenant. The City will require the developer to execute a promissory note for the amount of the housing incentives. Upon sale of the property to an income eligible household, the City will cancel the promissory note to the developer and tender a release of the lien. If the conditions are not met, the city will find the developer in default of the assistance and immediate repayment of the assistance will be required. A restrictive covenant will be placed on the property to ensure that it remains an affordable home for a prescribed period of time as set forth in the table below. During the duration of the restrictive covenant, the property shall at all times be occupied as the principal residence of the owner and shall not be rented or sold.

LENGTH OF RESTRICTIVE COVENANT UNDER THE DISPOSITION OF PROPERTY FOR AFFORDABLE HOUSING PROGRAM

APPRAISED VALUE OF THE PROPERTY	LENGTH OF RESTRICTIVE COVENANT
Below \$2,500	3 year restrictive covenant is placed on the property
\$2,500 - \$5,000	5 year restrictive covenant
\$5,001 - \$10,000	7 year restrictive covenant
\$10,001 or more	10 year restrictive covenant

The land conveyed by this program may be used for the development of permanent housing by a Community Land Trust organization.

IMPLEMENTATION PLAN

ISSUE	RECOMMENDATION	TIMELINE
Affordable Housing Certification Process	<ul style="list-style-type: none"> • Amend the Affordable Housing Certification Process to include attainable housing. • Change the program name from “Affordable Housing Certification Process” to “Affordable and Attainable Housing Certification Process”. • Define attainable housing as a mixed income development in which no less than 20% of all of the residential units within the project are occupied by Very Low and/or Low Income Households, no less than 20% are occupied by Moderate Income Households, no less than 20% are occupied by Attainable Income Households, and the remaining 40% may be occupied by households earning higher than 150% of the area median income. 	<ul style="list-style-type: none"> • Amend Policy and present to AHAC for approval in January 2009. • Amend Policy and present to AHAC for approval in January 2009. • Amend definition included in the Housing Element in the Spring 2009 GMP cycle.
Expedited Process	<ul style="list-style-type: none"> • No change recommended at this time. 	<ul style="list-style-type: none"> • N/A
	<ul style="list-style-type: none"> • Residential green building shall receive priority as part of the expedited permitting process. 	<ul style="list-style-type: none"> • Discuss residential green building at January 2009 meeting. Amend Policy/Process after residential green standards have been adopted.
Impact Fee Program	<p><u>Sewer Benefit Fee</u></p> <ul style="list-style-type: none"> • 100% reimbursement for eligible affordable units if they meet the City’s adopted “green building” criteria for affordable housing projects. • 75% reimbursement for eligible affordable units if they do not meet the City’s adopted “green building” criteria for affordable housing projects. 	<ul style="list-style-type: none"> • Changes will be included in new LHAP FY 2009-10 through FY 2011-12. Effective July 2009. • Changes will be included in new LHAP

		FY 2009-10 through FY 2011-12. Effective July 2009.
	<p><u>Transportation Impact Fee Program and Transportation Exemption Impact Fee</u></p> <ul style="list-style-type: none"> • 100 % reimbursement/exemption of the transportation impact fees for eligible affordable housing units if certified housing project that meet the City’s commuter criteria are eligible to receive 100% exemption of the transportation impact fees for the eligible affordable housing units. • 50% reimbursement/exemption of the transportation impact fees for the eligible affordable housing units if certified housing project is not located within a ¼ mile distance to a City-designated Activity Center, or a light rail or commuter rail station; but is accessible to grocery stores, public schools, pharmacy, medical facility, financial institution, post office via a public transit stop located within a ¼ mile distance. • 75% exemption of the transportation impact fees for the eligible affordable housing units in certified attainable housing projects that meet the City’s commuter criteria. • 25% exemption of the transportation impact fees for the eligible affordable housing units in certified attainable housing projects that are not located within a ¼ mile distance to a City-designated Activity Center, or a light rail or commuter rail station; but are accessible to grocery stores, public schools, pharmacy, medical facility, financial institution, post office via a public transit stop located within a ¼ mile distance. <p>* “City-designated Activity Center” is a zoning district further described in the City of Orlando’s Land Development Code.</p>	<ul style="list-style-type: none"> • Transportation Planning will start process for amending the Transportation Ordinance in January 2009. The process should take approximately six months.
	<p><u>School Impact Fee</u></p> <ul style="list-style-type: none"> • SF: 25% reimbursement of the school impact fee for eligible affordable housing units. • MF: 50% reimbursement of the school impact fee for the eligible affordable housing units. 	<ul style="list-style-type: none"> • Changes will be included in new LHAP FY 2009-10 through FY 2011-12. Effective July 2009.

		<ul style="list-style-type: none"> Changes will be included in new LHAP FY 2009-10 through FY 2011-12. Effective July 2009.
Establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing	<ul style="list-style-type: none"> Add relevant information reflecting the estimated cost of the impact generated by the proposed policy, procedure, ordinance, or regulation on the cost of housing to the Project and Analysis Section of the TRC Report. 	<ul style="list-style-type: none"> Start using new process with December 2008 applications.
Allowance of flexibility in density	<p><u>Residential Developments:</u></p> <ul style="list-style-type: none"> Chapter 56, Part 6B of the Land Development Code shall be amended to require a scaled amount of affordable housing (up to 120% median) in exchange for a density bonus as follows: 25% density bonus - 5% affordable hsg (up to 120% median inc) 50% density bonus - 10% affordable hsg (up to 120% median income) 75% density bonus - 15% affordable hsg (up to 120% median income) 100% density bonus - 20% affordable hsg (up to 120% of median) OR, <p><i>Alternative to "affordable housing" requirement:</i> One-Third Low Income (80% Median) & Two-Thirds Attainable (150% Median),</p> <p>OR</p> <p>One-Third Very Low Income (50% Median) and the remaining at market rate</p> <p>Commercial developments seeking density bonuses shall pay a density bonus fee in proportion of the density bonus amount. The density bonus fee recommended is the</p>	<ul style="list-style-type: none"> TBD

	<p>total cost of the City’s impact fees at the time of development for residential development plus the Orange County school impact fee. For example, currently the impact fees for single family residential development are as follow:</p> <table border="1" data-bbox="648 337 1295 529"> <thead> <tr> <th>Development Fees</th> <th>Current Rate</th> </tr> </thead> <tbody> <tr> <td>Sewer Benefit Fee</td> <td>\$2,537.50</td> </tr> <tr> <td>Transportation Impact Fee</td> <td>\$3,600</td> </tr> <tr> <td>School Impact Fee</td> <td>\$11,829</td> </tr> <tr> <td>Total</td> <td>\$17,966.50</td> </tr> </tbody> </table> <p>Thus, the density bonus fee would be \$17,966.50 per 1,000 sq. ft. of additional space.</p> <p><u>Future Land Use Changes that Increase Residential Density.</u> A parallel process could be developed similar to the School Capacity Enhancement Agreement process to capture the additional density granted by the City to provide affordable housing.</p>	Development Fees	Current Rate	Sewer Benefit Fee	\$2,537.50	Transportation Impact Fee	\$3,600	School Impact Fee	\$11,829	Total	\$17,966.50	<ul style="list-style-type: none"> TBD TBD
Development Fees	Current Rate											
Sewer Benefit Fee	\$2,537.50											
Transportation Impact Fee	\$3,600											
School Impact Fee	\$11,829											
Total	\$17,966.50											
<p>The allowance of flexible lot configurations, including zero lot line configurations</p>	<ul style="list-style-type: none"> Continue to offer zero-lot-line development as an option in the LDC. Work with Urban Design to design a typical zero lot line development to use as an example with approved developers. 	<ul style="list-style-type: none"> No action required Complete research and present report to AHAC in May 2009. 										
<p>The Reservation of Infrastructure Capacity</p>	<ul style="list-style-type: none"> Amend Capacity Reservation Program to extend set aside trips to attainable housing at the same 3% level that is currently offered for affordable housing. 	<ul style="list-style-type: none"> TBD 										
<p>The allowance of accessory residential units in residential districts</p>	<ul style="list-style-type: none"> Explore the development of a “Granny Flat” Program to allow a detached accessory unit or garage apartment up to 400 square feet of living space if no prior existing accessory structure, apartment, cottage, etc. is on the lot. Research the feasibility of establishing a Granny Flat Construction Program, where the Housing and Community Development Department invests in new housing stock 	<ul style="list-style-type: none"> TBD TBD 										

	for this type of development (ECHO and Granny Flats).	
The reduction of parking and setback requirements	<ul style="list-style-type: none"> No changes to the Land Development Code for parking or setback requirements are necessary at this time. However, the following recommendations should be researched for feasibility of adopting: <ol style="list-style-type: none"> Design standards for infill housing. The issue of front yard parking, the need for spaces for additional cars, and the potential for enclosing the garage, specifically for single family and duplex development, should be addressed. The parking issues and stormwater retention that challenge older multifamily redevelopments should be addressed. 	<ul style="list-style-type: none"> No action required. Complete research and present report to AHAC in July 2009.
The modification of street requirements	<ul style="list-style-type: none"> No changes to the Land Development Code are necessary at this time. 	<ul style="list-style-type: none"> No action required.
The support of development near transportation hubs and major employment centers and mixed use developments	<ul style="list-style-type: none"> Adopt criteria to identify catalyst areas for future investment. Develop an incentive package for development projects in mixed use and mixed income developments located in catalyst areas that have high redevelopment potential. Create a Revolving Loan Fund and/or utilize Housing Trust Funds to establish a small percentage of affordable and attainable units within catalyst projects. <p>* The term "catalyst areas" will be defined at a later time.</p>	<ul style="list-style-type: none"> TBD TBD TBD
The disposition of City owned property for affordable housing	<ul style="list-style-type: none"> Prepare an inventory of all real property within its jurisdiction to which the City holds fee simple title and that is appropriate for use for affordable housing and have City Council adopt the list by Resolution. 	<ul style="list-style-type: none"> Develop Program guidelines and present to AHAC for approval in January 2009. Adopt the list by Resolution in January 2009.

EXHIBITS

Exhibit “A” Ordinance

Exhibit “B”
Affordable Housing Advisory Committee Members

Exhibit “C” Meeting Minutes

**AFFORDABLE HOUSING ADVISORY COMMITTEE
AGENDA CONFERENCE ROOM**

March 11, 2008
10:00 AM

Members Present: Judith Kovisars, Chairperson
Kathy Hazelwood
Pastor Billy Newton
Mi Moshino
Richard Hornsby
Mark Tellam

Members Absent: Kenneth Goodwin, Vice Chairperson
Cynthia Smith

Staff Present: Lelia Allen, Director
Frances DeJesus, Program Manager
Tameka Wilson, Planner II
Diana McCallister, Administrative Specialist
Tim Johnson, Division Manager
Jim Burnett, Planner III
Doug Gaines, Ombudsman
Desnee Young, Assistant Division Manager

Guest: Gary McBride

Judith Kovisars, Chair called the meeting to order with a quorum at 10:20 a.m.

Chairperson Kovisars asked for a Motion to accept the February 12, 2008 Minutes, Pastor Newton made a Motion to accept the Minutes, Richard Hornsby seconded the Motion, Motion passed.

Frances DeJesus stated the purpose of the meeting is to comply with recent requirements from the legislature (Florida Statute 420.9076 wd Rule 67-370010) which requires that local governments receiving SHIP funds to restructure their affordable housing advisory committees and work with them to come up with recommendations for affordable housing incentives in the form of a report. Ms. DeJesus stated that even though the report with the recommendations does not have to be presented to City Council until December 31, 2008, staff proposes to be completed with the discussion of the potential housing incentives to be included in the report by June 2008.

Ms. DeJesus proceeded to initiate the discussion of the three incentives to be scheduled for today.

Expedited Permitting

Ms. DeJesus discussed the Affordable Housing Certification Process and the new process in place to expedite the development of affordable housing developments (attached).

The three staff members responsible for expediting this process were introduced to the AHAC: Tameka Wilson as Housing Expediter, Jim Burnett as Planning Ombudsman and Douglas Gaines as Permitting Ombudsman. After discussion the following recommendations were made by the AHAC.

Recommendations

Projects that are LEED certified or have green components should have a higher priority.

Motions

Mark Tellam made a Motion to expedite the process for affordable housing that meet green building criteria to the highest priority, Pastor Newton seconded the Motion, Motion passed.

Mark Tellam made a Motion to adopt an expedited process for attainable housing developments that meet green building criteria to the highest priority, Pastor Newton seconded the Motion, Motion passed.

Impact Fee Program

The City of Orlando reimburses the developers for the following impact fees:

Sewer Impact Fee	100%
Transportation Impact Fee Exemption	100%
School Impact Fee	62% for owner occupied and 25% for rental units

Sewer Impact Fee

Recommendations

Affordable Housing

75% if affordable and 100% if affordable and meets green building criteria (green building criteria will be discussed at a later meeting).

Attainable Housing

Subject to identifying a funding source, 75% of sewer impact fee if attainable and 100% if the housing is attainable and meets green building criteria (green building criteria will be discussed at a later meeting).

Motions

Pastor Newton made a Motion that a reimbursement of 75% of sewer impact fee should be made available to affordable housing, Richard Hornsby seconded Motion, Motion passed.

Pastor Newton made a Motion that a reimbursement of 75% of sewer impact fee should be made available to attainable housing, subject to identifying revenue source, Richard Hornsby seconded Motion, Motion passed.

Transportation Impact Fees

Recommendations

Affordable Housing

100% of transportation impact fee if affordable and meets pedestrian criteria for owner occupied and rental

50% of transportation impact fee if affordable and does not meet pedestrian criteria (commuter) for owner occupied and rental. This criteria will be developed at a later meeting based upon state housing program requirements.

Attainable Housing

100% of transportation impact fee if attainable and meets pedestrian criteria for owner occupied and rental.

50% of transportation impact fee if attainable and does not meet pedestrian criteria (commuter) for owner occupied and rental. This criteria will be developed at a later meeting based upon state housing program requirements.

Motions

Richard Hornsby made a Motion to change the transportation impact fee exemption incentive for affordable housing as follows:

- 100% exemption if the housing is affordable and meets pedestrian criteria for owner occupied and rental housing.
- 50% exemption if the housing is affordable and does not meet pedestrian criteria (commuter) for owner occupied and rental.

Richard Hornsby made a Motion to change the transportation impact fee exemption incentive for attainable housing as follows:

- 100% exemption if the housing is attainable and meets pedestrian criteria for owner occupied and rental housing.
- 50% if the housing is attainable and does not meet pedestrian criteria (commuter) for owner occupied and rental.

School Impact Fees

Recommendations

Affordable Housing

If owner occupied 25% and if rental 50% discount.

Attainable Housing

Subject to identifying a funding source, if owner occupied 25% and if rental 50% discount.

Motions

Mark Tellam made a Motion to change the school impact fee reimbursement as follows for affordable housing:

- 50% for rental to developers and for Single Family

- 25% reimbursement to developers, Richard Hornsby seconded the Motion, Motion passed.

Mark Tellam made a Motion to change the school impact fee reimbursement as follows for attainable housing subject to identifying a fund source:

- 50% for rental to developers and for Single Family
- 25% reimbursement to developers, Richard Hornsby seconded the Motion, Motion passed.

Establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations or plan provisions that increase the cost of housing.

This process is already in place. Ms. Allen advised that any policies or ordinances by other City departments that affect affordable or attainable housing should be brought to the AHAC before City Council takes action.

Recommendations

To continue the process as is. However, require that a housing impact statement be submitted to City Council before approval and adoption of policies, procedures ordinances, regulations, or plan revisions when this may have an impact on the cost of housing.

Motions

Richard Hornsby made a Motion that City departments must provide a housing impact statement for policies or ordinances to the AHAC for review before adoption of the new policies or ordinances, Pastor Newton seconded the Motion, Motion passed. Lelia Allen distributed the Housing and Community Development Department Housing Initiatives work plan. (attached). It includes additional incentives that will be considered by the AHAC in the upcoming months.

Pastor Newton made a Motion to adjourn the meeting at 1:00 p.m., Richard Hornsby seconded the Motion, Motion passed.

Respectfully Submitted,

Diana McCallister
Administrative Specialist

NEXT MEETING IS SCHEDULED FOR APRIL 8, 2008, 10:00 A.M. IN THE AGENDA CONFERENCE ROOM.

**AFFORDABLE HOUSING ADVISORY COMMITTEE
AGENDA CONFERENCE ROOM**

April 8, 2008
10:00 AM

Members Present: Judith Kovisars, Chairperson
 Kenneth Goodwin, Vice Chairperson
 Kathy Hazelwood
 Pastor Billy Newton
 Mi Moshino
 Richard Hornsby
 Mark Tellam
 Amye Smith

Members Absent: Cynthia Smith

Staff Present: Lelia Allen, Director
 Frances DeJesus, Program Manager
 Tameka Wilson, Planner II
 Diana McCallister, Administrative Specialist
 Thea Walker, Sr. Plans Examiner I
 Keith Grayson, Chief Plans Examiner
 Gus Castro, Project Manager I
 Jim Burnett, Planner III
 Doug Gaines, Ombudsman

Guest: Gary McBride

Judith Kovisars, Chair called the meeting to order with a quorum at 10:10 a.m.

Chairperson Kovisars asked for a Motion to accept the March 11, 2008 Minutes, Kenneth Goodwin made a Motion to accept the Minutes, Kathy Hazelwood seconded the Motion, Motion passed.

Frances DeJesus previously stated the purpose of the next few meetings is to comply with recent requirements from the legislature (Florida Statute 420.9076 wd Rule 67-370010) which requires that local governments receiving SHIP funds to restructure their affordable housing advisory committees and work with them to come up with recommendations for affordable housing incentives in the form of a report. Ms. DeJesus presented a powerpoint presentation that covered 1) The Allowance of flexibility in density, 2) The allowance of flexible lot configurations, including zero lot one configurations, and 3) The reservation of infrastructure capacity (attached).

Ms. Kovisars asked when the recommendations would go to City Council. Ms. Allen informed the committee that all the recommendations would be brought back to the committee for a final review in June or July and would be submitted to City Council in August or September.

The Allowance of Flexibility in Density

Density Bonus Program

This program offers developers who include affordable housing in their developments, and/or pay money into a fund that is used to build affordable housing somewhere else.

Ms. DeJesus advised that the developer is required either to provide on-site affordable units equal to the number of additional units permitted by the bonus or to contribute a percentage of the total construction cost to the trust fund.

Recommendations

The committee asked for clarification re: "The increased return from the density increase more than offsets the additional cost of the affordable unit". Judith advised this sentence may or may not be true as to multi-family units. Judith revised the sentence to, "Generally there is an increased return from the density increase that affordable units may be offset."

Mr. Goodwin said the City should require the project developer to have affordable housing in their developments.

The committee asked about Inclusionary Zoning, Ms. Allen advised that the Housing Task Force thought this would be a deterrent and did not recommend it.

Richard Hornsby arrived at 11:00 a.m.

Mr. Tellam asked if the Density Program could extend to other areas (i.e. tri-plex, etc.), or if the Floor Area Ratio (FAR) (attached) could be changed. Ms. Allen said to change the FAR, the process would need to go through a Public Hearing and could be a challenge. Mr. Burnett said the Growth Management Plan would also have to be changed, which would be a big undertaking.

Motions

Mark Tellam made a Motion to continue offering the density bonus program, Richard Hornsby seconded the Motion, Motion passed.

Mark Tellam made a Motion that the Density Bonus Program be inclusive to Attainable Housing, Pastor Newton seconded the Motion, Motion passed.

Kathy Hazelwood made a Motion that the developers who do not want the Density Bonus will not have a buyout option to put in the Trust Fund, Kenneth Goodwin seconded the Motion, Motion passed 6-1.

The Allowance of Flexible lot configurations, including zero lot line configurations

Zero Lot Line Development allows the unit to be placed along the rear and/or side property lines. Bryn Mawr subdivision is a zero lot line development.

Tandem Single Family Development requires a minimum separation of 10 ft. between buildings, with no less than 5 ft on each side of the property line.

Ms. Allen advised that the city's standard lots are approximately 55 X 110, but we need flexibility for some of the older neighborhoods that may be approximately 40 X 80. Otey Place is an example of smaller lots since some of these include easements.

Kenneth Goodwin made a Motion to continue to offer zero lot line and tandem development within the land use code, Mark Tellam seconded the Motion, Motion passed.

Kathy Hazelwood departed the meeting at 12:00 noon.

The Reservation of Infrastructure Capacity

Capacity - Public facilities must be in place concurrent with the impacts of new growth.

Concurrency Management – ensures that all users of public facilities will be guaranteed a specific level of service.

Mr. Castro explained the city's set-aside a trip capacity of 3% in each traffic zone for affordable housing. A trip is: trips per day per household at an average of 10 trips per household.

Affordable Housing is exempt from the payment of capacity reservation fees for committed trips, but is subject to an administrative fee of \$1.00 per trip, paid when trips are committed.

Recommendations

Ms. Kovich advised that the Housing Task Force suggested the city not have special zoning for affordable housing, but to make it available to all units with lot specifications.

Motions

Richard Hornsby made a Motion to make an exemption of the payment of capacity reservation fees for Attainable Housing, Pastor Newton seconded the Motion, Motion passed.

Pastor Newton made a Motion to adjourn the meeting at 12:30 p.m., Richard Hornsby seconded the Motion, Motion passed.

Respectfully Submitted,

Diana McCallister
Administrative Specialist

NEXT MEETING IS SCHEDULED FOR MAY 13, 2008, 10:00 A.M. IN THE AGENDA CONFERENCE ROOM.

**AFFORDABLE HOUSING ADVISORY COMMITTEE
AGENDA CONFERENCE ROOM**

May 13, 2008
10:00 AM

Members Present: Judith Kovisars, Chairperson
 Kenneth Goodwin, Vice Chairperson
 Kathy Hazelwood
 Pastor Billy Newton
 Richard Hornsby
 Mark Tellam
 Amye Smith
 Cynthia Smith
 Taylor Kessel
 Gary McBride

Members Absent: Mi Moshino

Staff Present: Lelia Allen, Director
 Frances DeJesus, Program Manager
 Tameka Wilson, Planner II
 Diana McCallister, Administrative Specialist
 Jason Burton, Chief Planner
 Jim Burnett, Planner III

Judith Kovisars, Chair called the meeting to order with a quorum at 10:10 a.m.

Introductions were made and the committee welcomed the three new members; Gary McBride, Ayme Smith and Taylor Kessel.

Chairperson Kovisars asked for a Motion to accept the April 8, 2008 Minutes, Gary McBride made a Motion to accept the Minutes with a correction, Kenneth Goodwin seconded the Motion, Motion passed.

Mr. Jason Burton was our speaker to explain some of the planning process.

Mr. Burton gave an overview of how changes are made to the Land Development Code (LDC), he divided the Planning Division into four sections; 1) Long Range Planning, Future Land Use, Demographics; 2) Municipal Planning Board and Board of Zoning Adjustment; 3) Architecture/Urban Design, Historic Preservation, Virtual Orlando; 4) Neighborhood and Community Planning – Special Projects, Technical Assistance.

Mr. Burton requested a Proposed Land Development Code Revision, which he placed into the following three groups:

- A. Parking Code
Floodplains and Wetlands
Plats and Lot Splits
Master Plan and Process

- B. Urban Infill
Sustainability
Downtown
Historic Preservation

- C. Trees and Landscaping
Transportation
Use Issues
Other

Mr. Burton advised that beginning in July or August, the Planning Department will be having meetings once a month over the next 12 months to refine the above subjects in the Land Development Code, they will be breaking out into sub groups and then have a reporting session. Once the codes are drafted they will go before the Municipal Planning Board, Legal Affairs and City Council for approval.

Jason Burton gave a presentation on the following: (attached)

1. The allowance of accessory residential units in residential districts:

Accessory Units – allowed in all residential zoning districts, discussed the parking requirements including shared parking allowance, setback requirements-reductions and street requirements – reductions,

Mr. Hornsby made a Motion that city staff bring a proposal to the next meeting for certifying accessory structures to modify setbacks and parking for affordable and attainable housing, Ms. Amye Smith seconded Motion, Motion passed.

2. Mr. Burton continued presentation re: The reduction of parking and setback requirements.

Mr. Hornsby made a Motion that staff make recommendations for alternate guidelines to the committee regarding setback requirements for accessory structures that are certified as affordable housing, Pastor Newton seconded the Motion, Motion passed. Ms. Amye Smith made an amendment to the Motion to include attainable housing, Ms. Hazelwood seconded the Motion, Motion passed.

3. Mr. Burton continued presentation re: The modification of street requirements:

Mr. Tellam made a Motion that the staff look at requirements and bring suggestions to the next meeting related to parking and setbacks and what flexibility there is for guidelines for developers for affordable and attainable housing, Pastor Newton seconded the Motion, Motion passed.

Mr. Burton continued the presentation re: MyRegion.Org., current trends and alternatives.

4. The support of development near transportation hubs and major employment centers and mixed use developments:

Ms. Amye Smith made a Motion that staff consider crafting an LDC amendment where Upzoning or Expansion of Activity Centers near significant employers (such as a 1-mile radius), and the final project meets master plan thresholds, would require a housing component with a certain percentage of that housing being either Attainable or Affordable, Mr. Tellam seconded the Motion, Motion passed.

Mr. Goodwin departed at 12:00 noon.

Mr. Burton discussed the SODO development. Mr. Hornsby suggested this would be a prime area for affordable and attainable housing for nurses since it is near the Orlando Regional Medical Hospital.

Ms. DeJesus distributed information and invited the committee to the Homebuyers Expo Gala, on June 6, 7:00 p.m. at the Peabody. The Homebuyers Exp will be held at the Orange County Convention Center on June 7 from 9:00-5:00.

Pastor Newton made a Motion to adjourn the meeting at 12:50 p.m., Richard Hornsby seconded the Motion, Motion passed.

Respectfully Submitted,

Diana McCallister
Administrative Specialist

NEXT MEETING IS SCHEDULED FOR June 10, 2008, 10:00 A.M. IN THE AGENDA CONFERENCE ROOM.

**AFFORDABLE HOUSING ADVISORY COMMITTEE
AGENDA CONFERENCE ROOM**

May 13, 2008
10:00 AM

Members Present: Judith Kovisars, Chairperson
 Kenneth Goodwin, Vice Chairperson
 Kathy Hazelwood
 Pastor Billy Newton
 Richard Hornsby
 Mark Tellam
 Amye Smith
 Cynthia Smith
 Taylor Kessel
 Gary McBride

Members Absent: Mi Moshino

Staff Present: Lelia Allen, Director
 Frances DeJesus, Program Manager
 Tameka Wilson, Planner II
 Diana McCallister, Administrative Specialist
 Jason Burton, Chief Planner
 Jim Burnett, Planner III

Judith Kovisars, Chair called the meeting to order with a quorum at 10:10 a.m.

Introductions were made and the committee welcomed the three new members; Gary McBride, Ayme Smith and Taylor Kessel.

Chairperson Kovisars asked for a Motion to accept the April 8, 2008 Minutes, Gary McBride made a Motion to accept the Minutes with a correction, Kenneth Goodwin seconded the Motion, Motion passed.

Mr. Jason Burton was our speaker to explain some of the planning process.

Mr. Burton gave an overview of how changes are made to the Land Development Code (LDC), he divided the Planning Division into four sections; 1) Long Range Planning, Future Land Use, Demographics; 2) Municipal Planning Board and Board of Zoning Adjustment; 3) Architecture/Urban Design, Historic Preservation, Virtual Orlando; 4) Neighborhood and Community Planning – Special Projects, Technical Assistance.

Mr. Burton requested a Proposed Land Development Code Revision, which he placed into the following three groups:

- A. Parking Code
Floodplains and Wetlands
Plats and Lot Splits
Master Plan and Process

- B. Urban Infill
Sustainability
Downtown
Historic Preservation

- C. Trees and Landscaping
Transportation
Use Issues
Other

Mr. Burton advised that beginning in July or August, the Planning Department will be having meetings once a month over the next 12 months to refine the above subjects in the Land Development Code, they will be breaking out into sub groups and then have a reporting session. Once the codes are drafted they will go before the Municipal Planning Board, Legal Affairs and City Council for approval.

Jason Burton gave a presentation on the following: (attached)

1. The allowance of accessory residential units in residential districts:

Accessory Units – allowed in all residential zoning districts, discussed the parking requirements including shared parking allowance, setback requirements-reductions and street requirements – reductions,

Mr. Hornsby made a Motion that city staff bring a proposal to the next meeting for certifying accessory structures to modify setbacks and parking for affordable and attainable housing, Ms. Amye Smith seconded Motion, Motion passed.

2. Mr. Burton continued presentation re: The reduction of parking and setback requirements.

Mr. Hornsby made a Motion that staff make recommendations for alternate guidelines to the committee regarding setback requirements for accessory structures that are certified as affordable housing, Pastor Newton seconded the Motion, Motion passed. Ms. Amye Smith made an amendment to the Motion to include attainable housing, Ms. Hazelwood seconded the Motion, Motion passed.

3. Mr. Burton continued presentation re: The modification of street requirements:

Mr. Tellam made a Motion that the staff look at requirements and bring suggestions to the next meeting related to parking and setbacks and what flexibility there is for guidelines for developers for affordable and attainable housing, Pastor Newton seconded the Motion, Motion passed.

Mr. Burton continued the presentation re: MyRegion.Org., current trends and alternatives.

4. The support of development near transportation hubs and major employment centers and mixed use developments:

Ms. Amye Smith made a Motion that staff consider crafting an LDC amendment where Upzoning or Expansion of Activity Centers near significant employers (such as a 1-mile radius), and the final project meets master plan thresholds, would require a housing component with a certain percentage of that housing being either Attainable or Affordable, Mr. Tellam seconded the Motion, Motion passed.

Mr. Goodwin departed at 12:00 noon.

Mr. Burton discussed the SODO development. Mr. Hornsby suggested this would be a prime area for affordable and attainable housing for nurses since it is near the Orlando Regional Medical Hospital.

Ms. DeJesus distributed information and invited the committee to the Homebuyers Expo Gala, on June 6, 7:00 p.m. at the Peabody. The Homebuyers Exp will be held at the Orange County Convention Center on June 7 from 9:00-5:00.

Pastor Newton made a Motion to adjourn the meeting at 12:50 p.m., Richard Hornsby seconded the Motion, Motion passed.

Respectfully Submitted,

Diana McCallister
Administrative Specialist

NEXT MEETING IS SCHEDULED FOR June 10, 2008, 10:00 A.M. IN THE AGENDA CONFERENCE ROOM.

**AFFORDABLE HOUSING ADVISORY COMMITTEE
AGENDA CONFERENCE ROOM**

November 17, 2008
11:30 AM

Members Present: Judith Kovisars, Chairman
 Kenneth Goodwin, Vice Chairman
 Kathy Hazelwood
 Cynthia Smith
 Taylor Kessel
 Gary McBride
 Pastor Billy Newton
 Richard Hornsby
 Mi Hoshino
 Mark Tellam

Members Absent: Ayme Smith

Staff Present: Lelia Allen, Director
 Frances DeJesus, Program Manager
 Tamaya Huff, Planner II
 Diana McCallister, Administrative Specialist

Guests Present: Elaine Sweeney, Colonial Bank

Judith Kovisars, Chair, called the meeting to order with a quorum at 11:33 a.m.

Kenneth Goodwin made a Motion to accept the October 14, 2008 minutes, Cynthia Smith seconded the Motion; Motion passed.

Cynthia Smith made a Motion to approve The Affordable Housing Advisory Committee Recommendations, Housing Incentives; Gary McBride seconded the Motion, discussion:

Mark Tellam said this is a good and complete table of recommendations, a few suggestions:

Under Commercial Developments – take out “*a lieu payment*”; insert “*a density payment fee in proportion of the density bonus amount. The amount recommended is the total cost of the City’s impact fees at the time of development for residential development plus the Orange County school impact fee.*”

Also, change: Thus, *the in-lieu fee*, to Thus, *the density bonus fee* would be \$17,966.50 per 1,000 sq. ft. of additional space.

Mark Tellam made a Motion to amend the previous Motion to adopt the above language under “Commercial Developments”, Kathy Hazelwood seconded the Motion, Motion passed.

Richard Hornsby made a Motion to change the wording under “RECOMMENDATIONS” from *Change the program name from Affordable Housing Certification Process to Housing Certification Process, to Affordable and Attainable Housing Certification Process*, Kathy Hazelwood seconded the Motion, Motion passed.

Pastor Newton arrived at 11:55 a.m.

Frances DeJesus distributed The Affordable Housing Advisory Committee Recommendations Housing Incentives Implementation Plan. She will provide a calendar/timeline to the committee for the activities on the Housing Incentives Implementation Plan spreadsheet.

Frances DeJesus introduced Tamaya Huff, the City of Orlando’s Housing and Community Development Department’s Planner II. Tamaya will be the expeditor for the Housing projects.

Lelia Allen announced there will be no meeting in December. The next meeting will be Tuesday, January 13, 2009, 11:30 in the Agenda Conference Room.

Pastor Newton made a Motion to adjourn the meeting at 12:15 p.m., Mark Tellam seconded the Motion, Motion passed.

Respectfully Submitted,

Diana McCallister
Administrative Specialist

Exhibit “D”
Public Hearing Advertisement

Published: Thursday, November 13, 2008
Orlando Sentinel

