

Sample Ordinance Provisions

Exhibit B

Sample ordinance provisions

☐ Density Bonus

Section – Housing Density Bonus for approved

affordable/workforce/essential worker housing developments/units

- A.** Developers proposing residential or mixed-use projects that include a minimum of 20% affordable units to low- and/or moderate-income households shall be eligible for a density bonus above the base zoning density.
- B.** Eligible and approved projects may also receive concessions or incentives, such as reduced parking requirements or increased building heights, to facilitate the inclusion of affordable units.
- C.** Developers must enter into an Agreement with the City, detailing the number and affordability levels of units, duration of affordability, and compliance monitoring provisions. The agreement must include resale controls to ensure permanent affordability preferably through Community Land Trust (CLT) agreement.

☐ Developer Fee Reductions

Section – Development Impact Fee Reductions for EAHIP Housing

- A.** To encourage the construction of affordable housing, the City may reduce, defer, and/or subsidize development impact fees for projects that include a specified percentage of affordable units. Subject to funding availability and application process.
- B.** Eligibility criteria and the extent of fee reductions shall be established by resolution of the City Council and may vary based on project location, affordability levels, and unit types.
- C.** Eligibility for fee reductions requires that the affordable units produced for sale be held in an approved Community Land Trust (CLT), to ensure, maintain, and preserve affordability.
- D.** Developers or property owners must enter into an agreement to repay any reduced fees if the property does not remain affordable.

☐ Developer Contributions

Section – Inclusionary Housing Requirements

- A.** Residential developments of 10 or more units shall designate a minimum of 10% of units for the EAHIP housing for households earning up to 80% of the Area Median Income (AMI) for rental units and 120% AMI for homeownership units. Residential developments of 50 or more units shall designate a minimum of 20% of units
- B.** Developers may opt to pay an in-lieu fee to the City's EAHIP Housing Trust Fund, subject to City Council approval.
- C.** Affordable units must be comparable in size, design, and amenities to market-rate units and dispersed throughout the development.
- D.** Affordability restrictions shall be enforced through a recorded agreement ensuring permanent affordability or program income in return for lesser long-term affordability terms.

Sample ordinance provisions

☐ Use of City-Owned Land

Section – Utilization of City-Owned Land for Affordable Housing

- A.** The City may prioritize the use of publicly owned land for the development of affordable housing projects.
- B.** Such land may be offered through long-term leases, reduced-cost sales, or partnerships with affordable housing developers.
- C.** Projects will be developed under permanent affordability regulations.

☐ Density Bonus for Land Donation

Section – Density Bonus Incentives for Land Donation

- A.** Landowners donating fee simple interest in real property to the City for affordable housing purposes may receive a density bonus applicable to other properties within the City's jurisdiction.
- B.** The donated land must be suitable for residential use and subject to deed restrictions ensuring its use for affordable housing.
- C.** The density bonus shall be formalized through a development agreement and recorded with the county clerk.
- D.** Projects will be developed under permanent affordability regulations. *Florida Statute § 420.615 authorizes local governments to provide density bonuses for land donations intended for affordable housing.*

☐ Commercial Linkage Fees

Section – Commercial Linkage Fee for Affordable Housing

- A.** A commercial linkage fee is imposed on new commercial developments to mitigate the impact on housing demand.
- B.** The fee amount shall be established by the City Council and based on the type and size of the commercial project.
- C.** Fees collected shall be deposited into the EAHIP Housing Trust Fund and used exclusively for the development and preservation of EAHIP housing.
- D.** Developers may be eligible for fee reductions or waivers if the project includes on-site affordable housing units. *Florida Statute § 166.04151 permits municipalities to implement linkage fee ordinances to support affordable housing initiatives.*

☐ Zoning Reform

Section – Zoning Modifications to Support EAHIP

- A.** The City shall implement zoning reforms to facilitate EAHIP housing development, in designated areas:
 - 1. Near transit areas
 - 2. Along commercial or economic corridors
 - 3. Within the Community Redevelopment Areas