

Planning & Zoning Topics for Affordable Housing

January 25, 2022





AFFORDABLE HOUSING CATALYST PROGRAM

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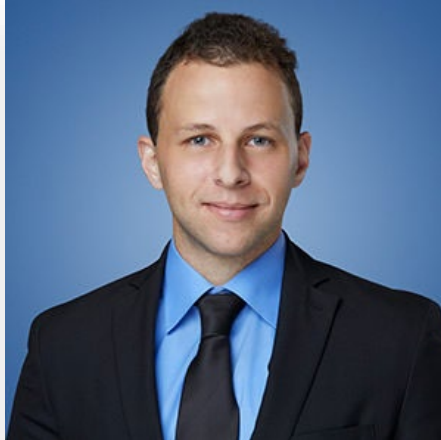
we make housing affordable™



Florida Housing Coalition Presenters



Jaimie Ross,
President/CEO
Ross@flhousing.org



Kody Glazer,
Legal Director
Glazer@flhousing.org



Guest Speakers



Steve Moore,
President
The Vestcor Companies



Oscar Sol,
Founder & Principal
Green Mills Group



Alberto Vargas,
Planning Manager
Orange County, FL



Webinar Logistics

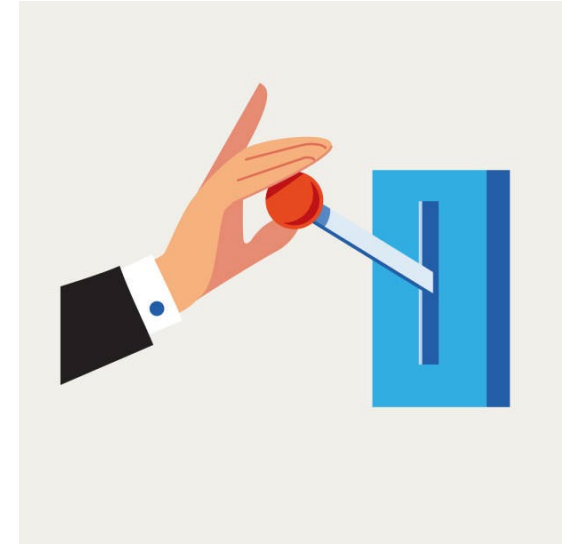
- All participants are on mute
- Please type in your questions and comments into the question box on the side panel
- We will not identify who has asked a question
- Webinar is recorded
- PPT is provided as a handout
- For follow-up information or problems downloading handouts, please contact glazer@flhousing.org



POLL #1

Q: What title best describes your role?

- ☐ Local government planner
- ☐ Private sector planner
- ☐ Housing administrator
- ☐ Housing developer
- ☐ Elected official or other govt staff
- ☐ General public/housing advocate



Topics Covered

- I. Local government role in making housing affordable
- II. Facilitating affordable housing development
- III. Housing for All: Research-based approach to long-term planning
- IV. Local government tools for affordable housing
 - How to approach regulatory reform
 - House Bill 1339
 - Missing middle housing
- V. Avoiding and overcoming NIMBY
- VI. Additional training materials





I. Local government role in making housing affordable

How is affordable housing produced?

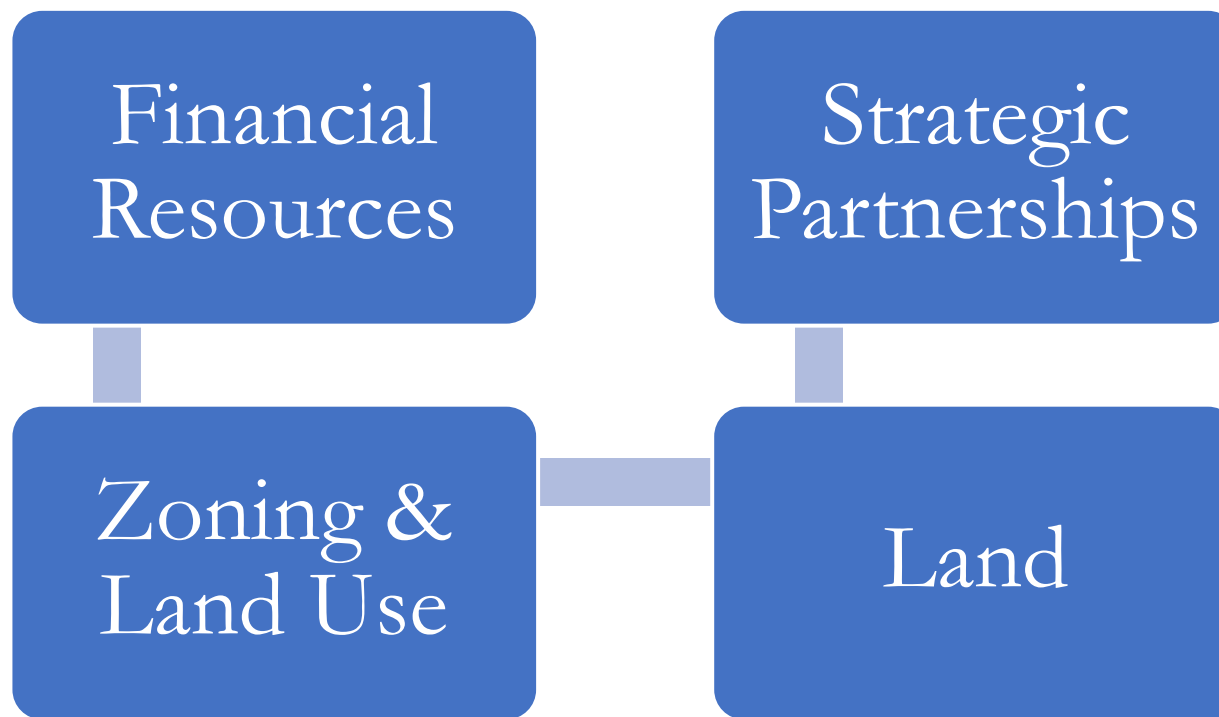
- The public sector is legally required to provide that housing is available for current and anticipated population- Housing Element requirement- section 163.3177, F.S.
- But public sector does not build affordable housing - it uses its land use and financing tools to create an environment conducive for the private sector to produce affordable housing.
- Primary tools are **planning laws** and **financial subsidy**, using **incentives** and **requirements**.



Local government role in affordable housing



Local government role in affordable housing



Zoning & Land Use

- Newton's Third Law of Motion: For every action, there is an equal and opposite reaction
- Every zoning & land use requirement has a cost
- Investigate your zoning code to see which standards support the public interest and which standards are arbitrary

Zoning balancing act

Justification to
support public
health & welfare



Costs imposed
by regulation

Required Housing Impact Statement

- Every SHIP jurisdiction is required to have “an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption.” F.S. 420.9071(18).
- Purpose: to require local governments to consider how proposed governmental actions may affect the cost of housing development
- Requires staff to determine if various decisions have a financial impact on affordable housing and the actual dollar impact (to be reported in the SHIP Annual Report and Local Housing Incentives Certification)



Humanizing the zoning code

- Improving a comprehensive plan or zoning code won't automatically produce all the affordable housing needed overnight, but land use regulations can be the first barrier to overcome
- Picture a vacant, infill lot in your community. Ask:
 - If an affordable housing nonprofit wanted to develop a duplex, triplex, or townhome on this land, could they?
 - What could they build under the existing zoning? How do the minimum lot size, setback, parking, and maximum lot coverage requirements affect what can be built?
 - How much time & money would need to be spent to rezone the parcel to its best use?
- Zoning must be forward-looking to support the housing needs of current and future residents





II. Facilitating affordable development



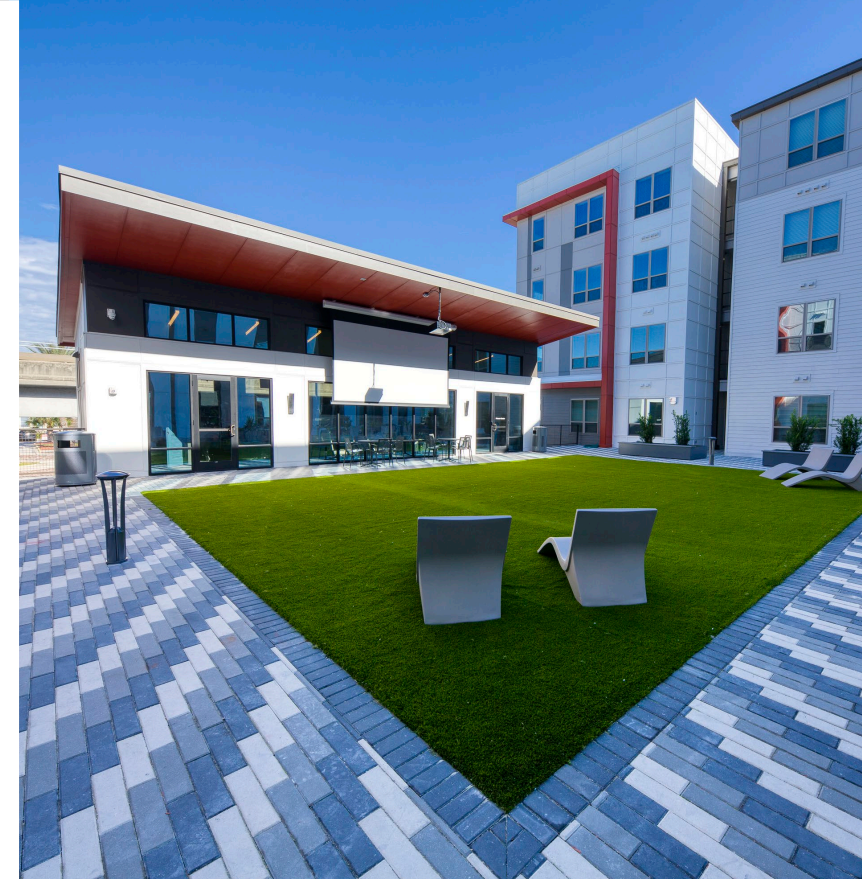
Steve Moore,
President
The Vestcor Companies





Lofts at Brooklyn





Jefferson Station





The Quarry





Oscar Sol,
Founder & Principal
Green Mills Group





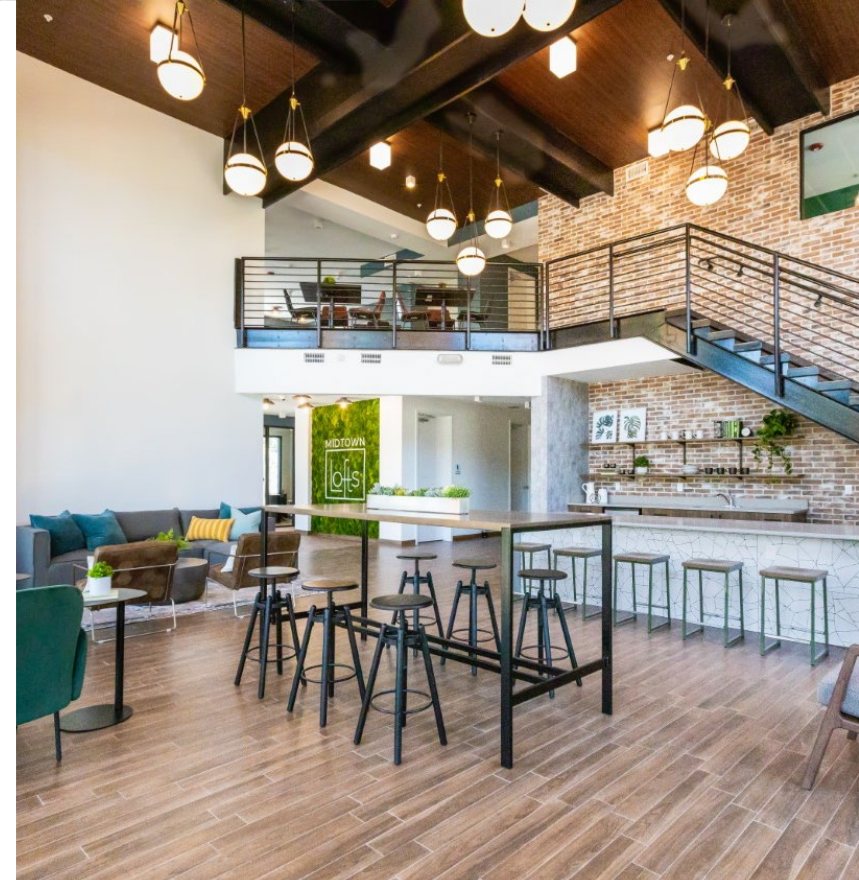
Silver Creek, Miami-Dade County, FL





Burlington Post, St. Petersburg, FL





Midtown Lofts, Lakeland, FL





III. Housing for All: Research-based approach to long-term planning



Alberto Vargas,
Planning Manager
Orange County, FL





HOUSING FOR ALL

Planning & Zoning Topics for Affordable Housing

ACTION PLAN

Florida Housing Coalition

January 25, 2022



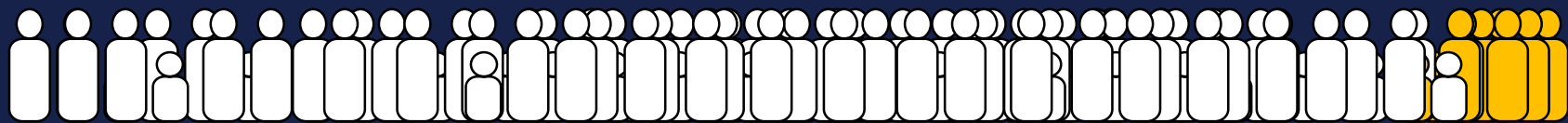
HOUSING FOR ALL

Presentation Outline

- **BACKGROUND INFORMATION**
- **VISION 2050 & ORANGE CODE**
- **IMPLEMENTATION STRATEGIES**
- **CONCLUSIONS**

ORANGE COUNTY TODAY (2022)

1.41M People (↑ 101k / 7.7%)



379.7k Households (↑ 27.1k)

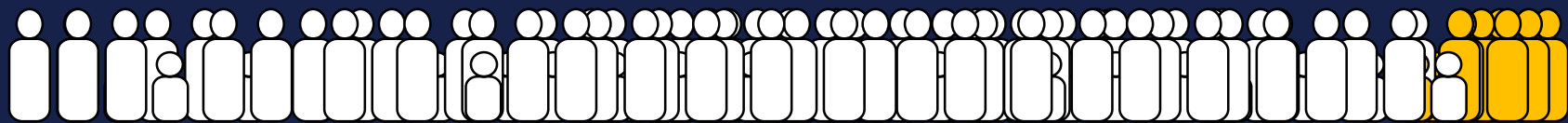


85% Residential
Occupancy

54% Owners | 46% Renters

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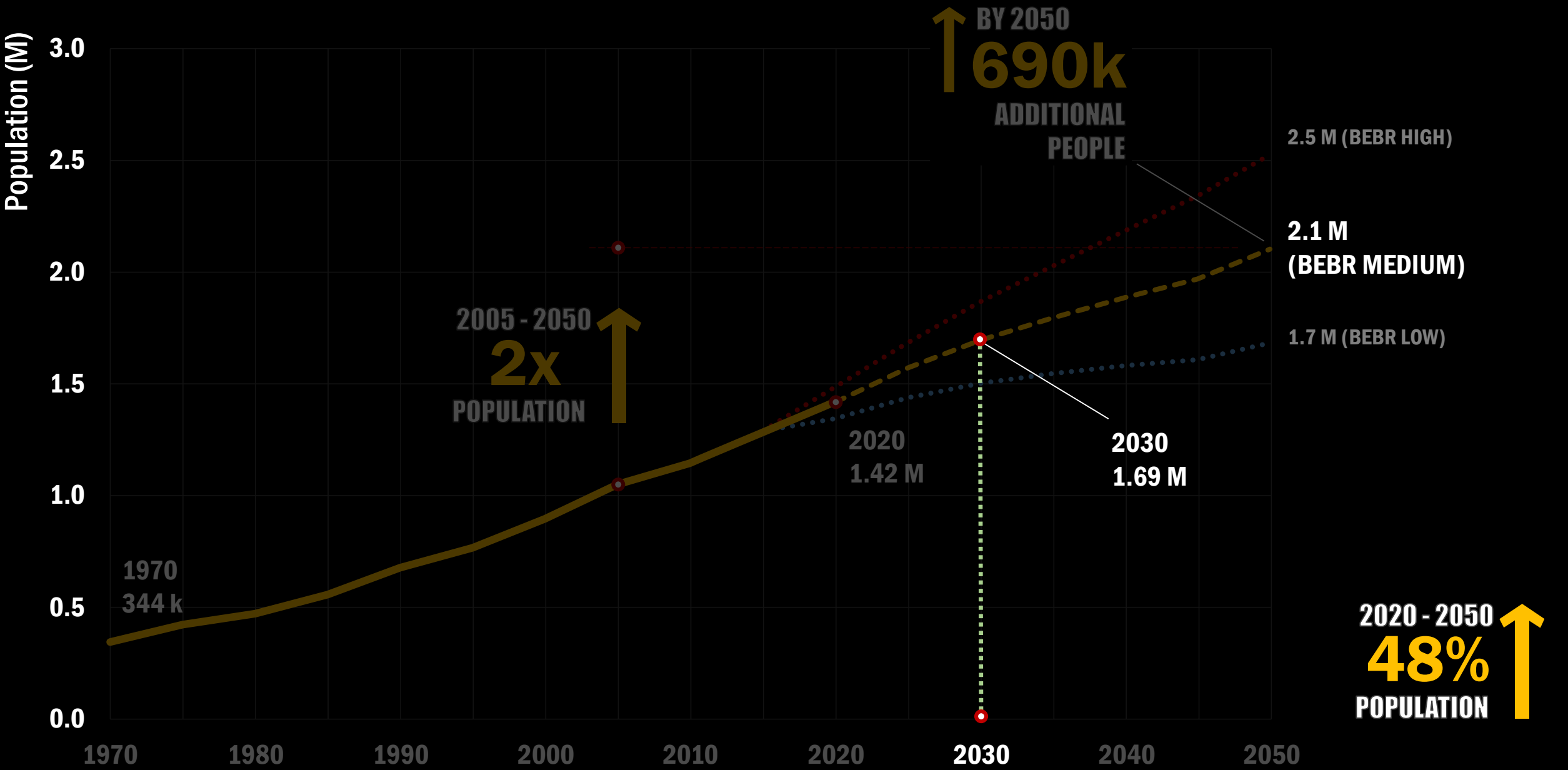


379.7k Households (↑ 27.1k)



118.6K Cost Burdened (↑ 8.5k)

POPULATION GROWTH



Data: U.S. Census Bureau (1970-2015) / BEBR 2020-2045 / Orange County (2045-2050)

TEN-YEAR PROJECTIONS (2022-2030)

1.69M People (↑ 278.5k / 19.7%)



454.4k Households (↑ 74.7k)



152.9K Cost Burdened (↑ 34.3k)

MOVING THE NEEDLE

Action Plan Impact
35%

of Total 2030 Units

HOUSING FOR ALL ACTION PLAN

BACKGROUND INFORMATION

The 10-year Action Plan proposes to preserve and create 30,300 housing units.

Housing Type	Household Income*	Total
Affordable	30% – 120% - AMI	11,000 Units
Attainable	120% – 140% - AMI	19,300 Units

**Based on a household of four in Orange County*

HOUSING FOR ALL ACTION PLAN

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Create
Missing Middle Housing
6,600 Units

Eliminate
Regulatory Barriers
10,500 Units

Integrate
Affordable, Attainable
& Market Rate Housing
13,200 Units

**Based on a household of four in Orange County*

HOUSING FOR ALL ACTION PLAN

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Housing Type	Household Income*	Total
Affordable	30% – 120% - AMI	11,000 Units
Attainable	120% – 140% - AMI	19,300 Units
Market Rate	140%+	55,800 Units
2030 Total:		86,100 Units



Create
Missing Middle Housing
6,600 Units

Eliminate
Regulatory Barriers
10,500 Units

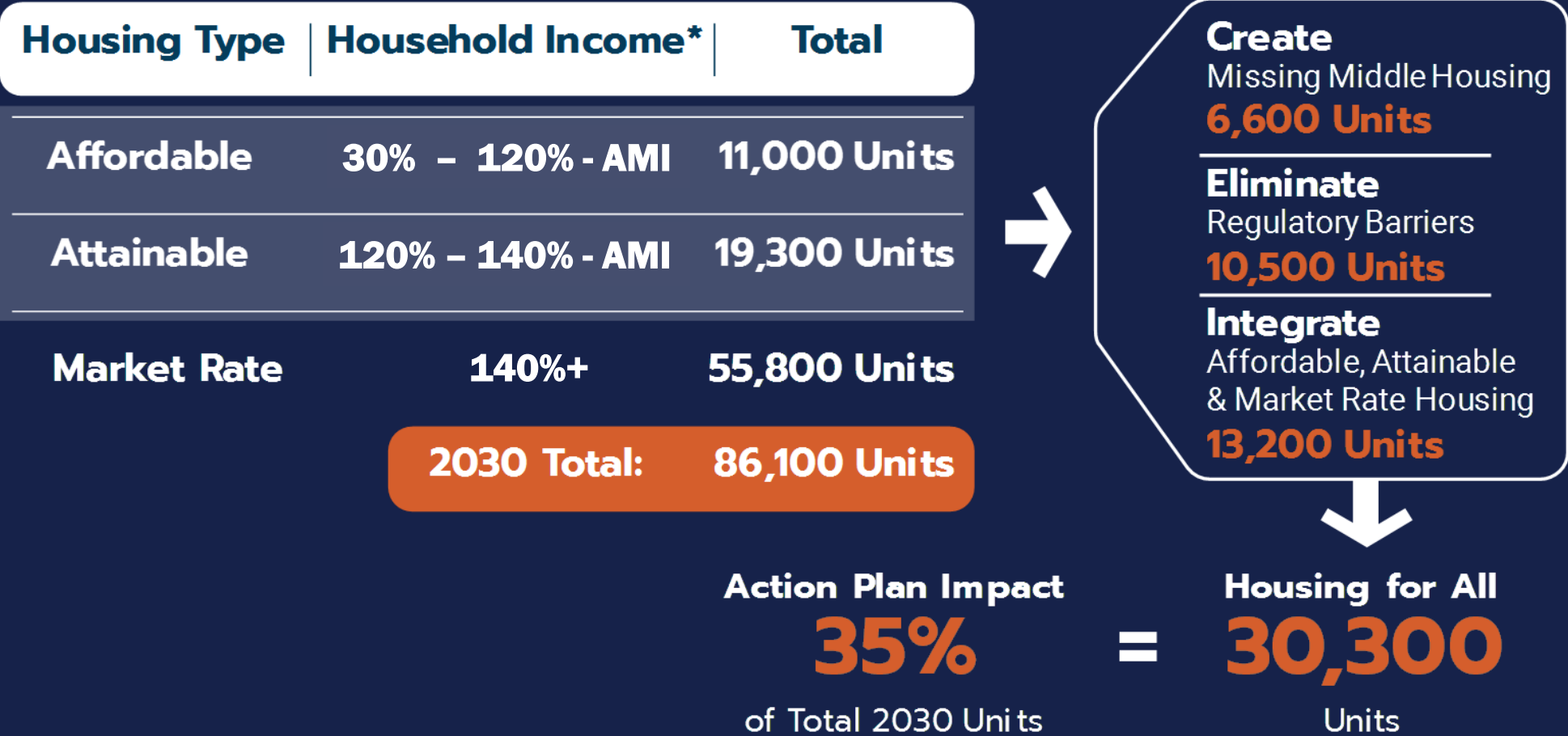
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HOUSING FOR ALL ACTION PLAN

BACKGROUND INFORMATION

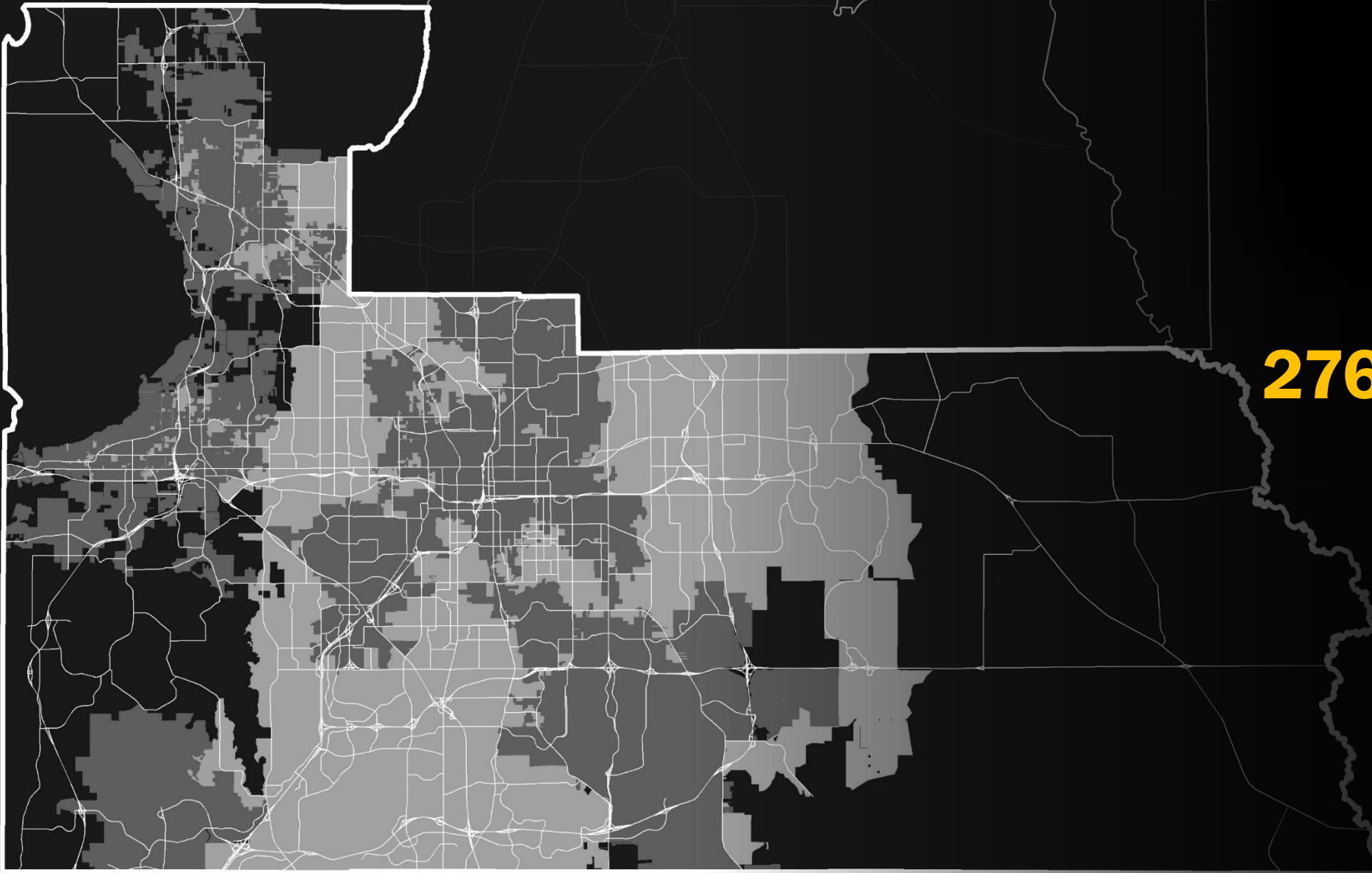
The 10-year Action Plan proposes to preserve and create 30,300 housing units.



*Based on a household of four in Orange County

POPULATION GROWTH

COUNTYWIDE



↑ BY 2050
690k
ADDITIONAL
PEOPLE

276,000 units
County Wide

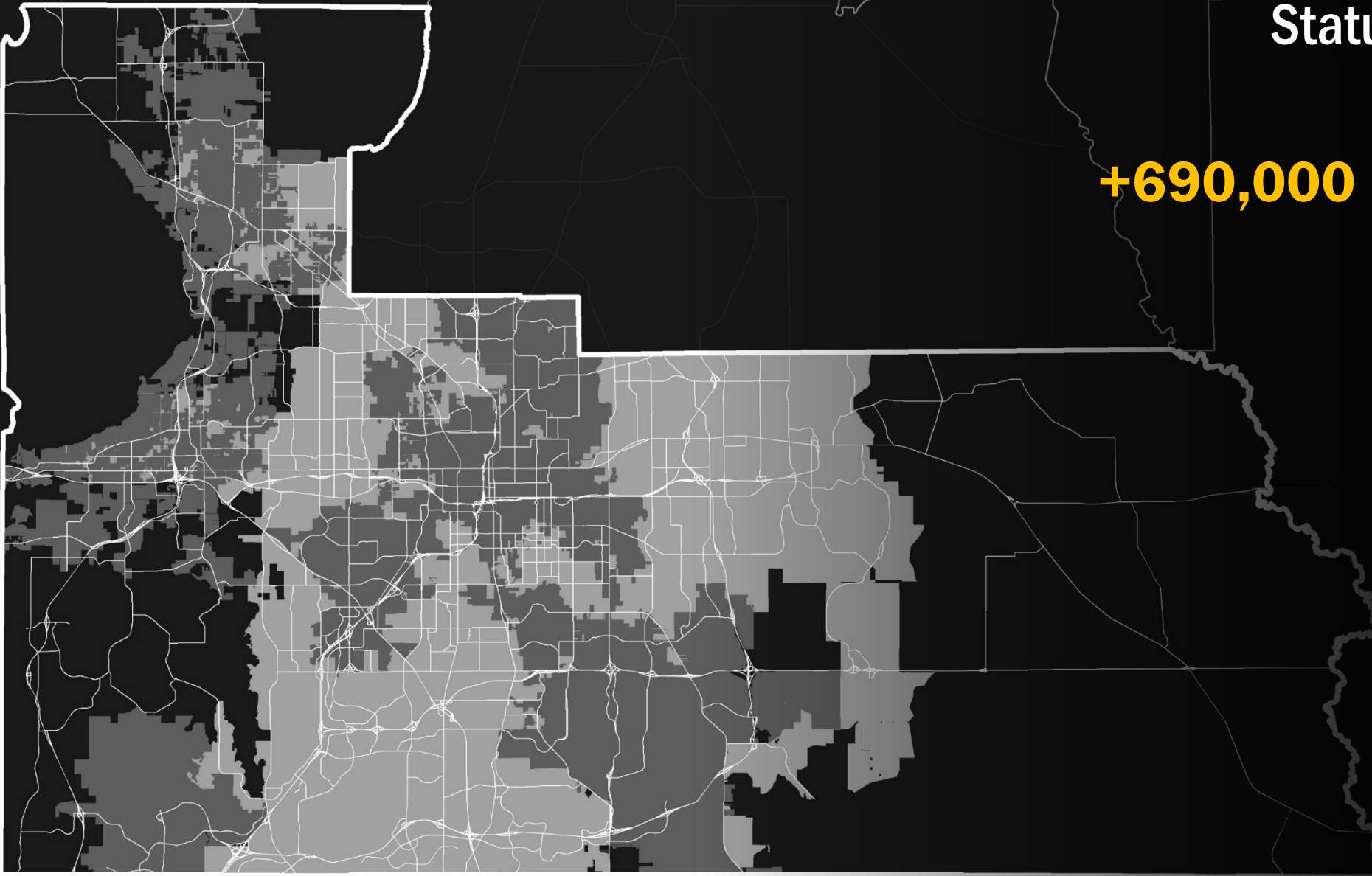
POPULATION GROWTH

COUNTYWIDE

Orange County in **2050**

Status Quo Scenario

+690,000 People by 2050



POPULATION GROWTH

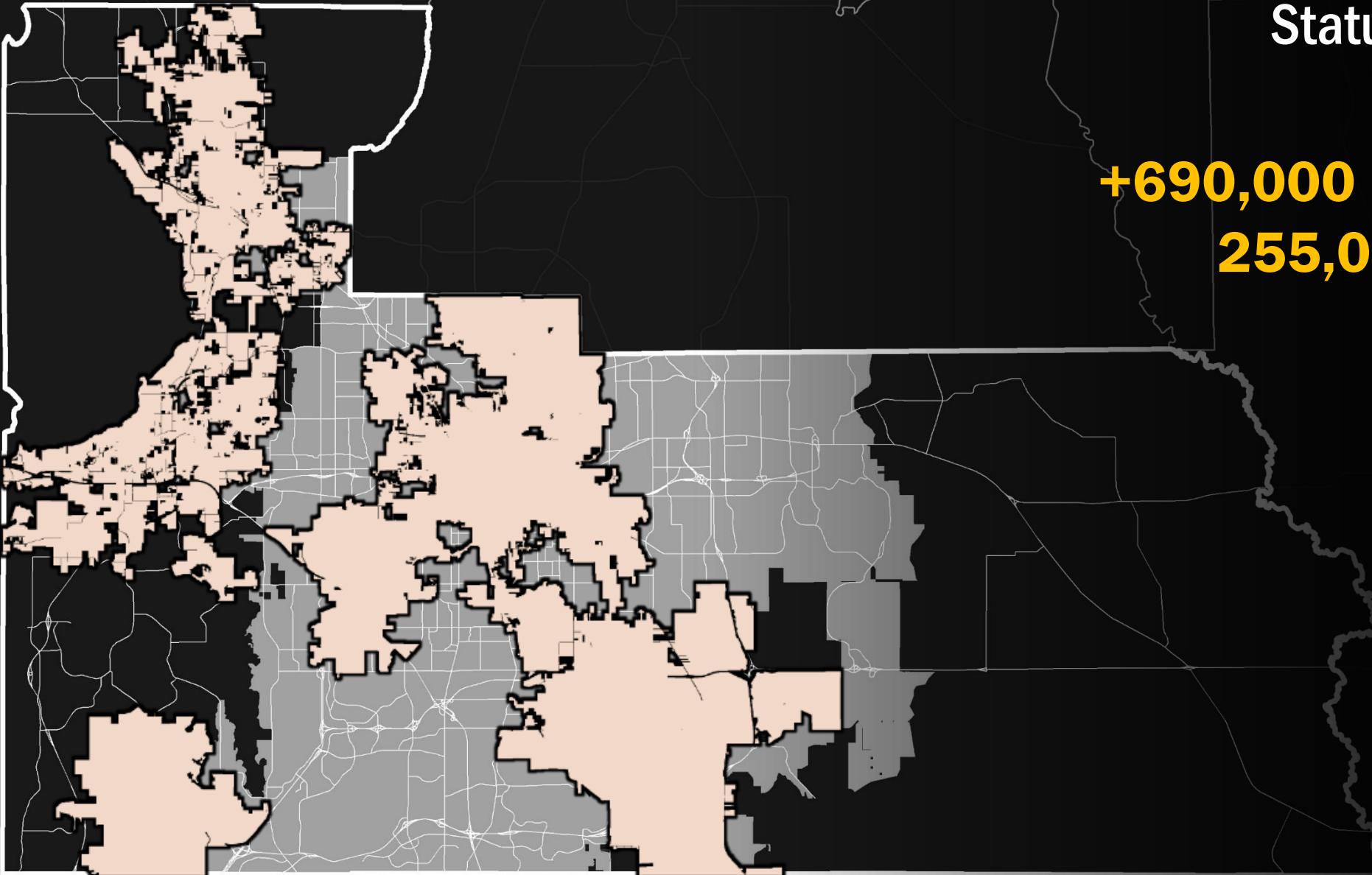
COUNTYWIDE

Orange County in **2050**

Status Quo Scenario

+690,000 People by 2050

255,000 within cities



POPULATION GROWTH

COUNTYWIDE

Orange County in 2050

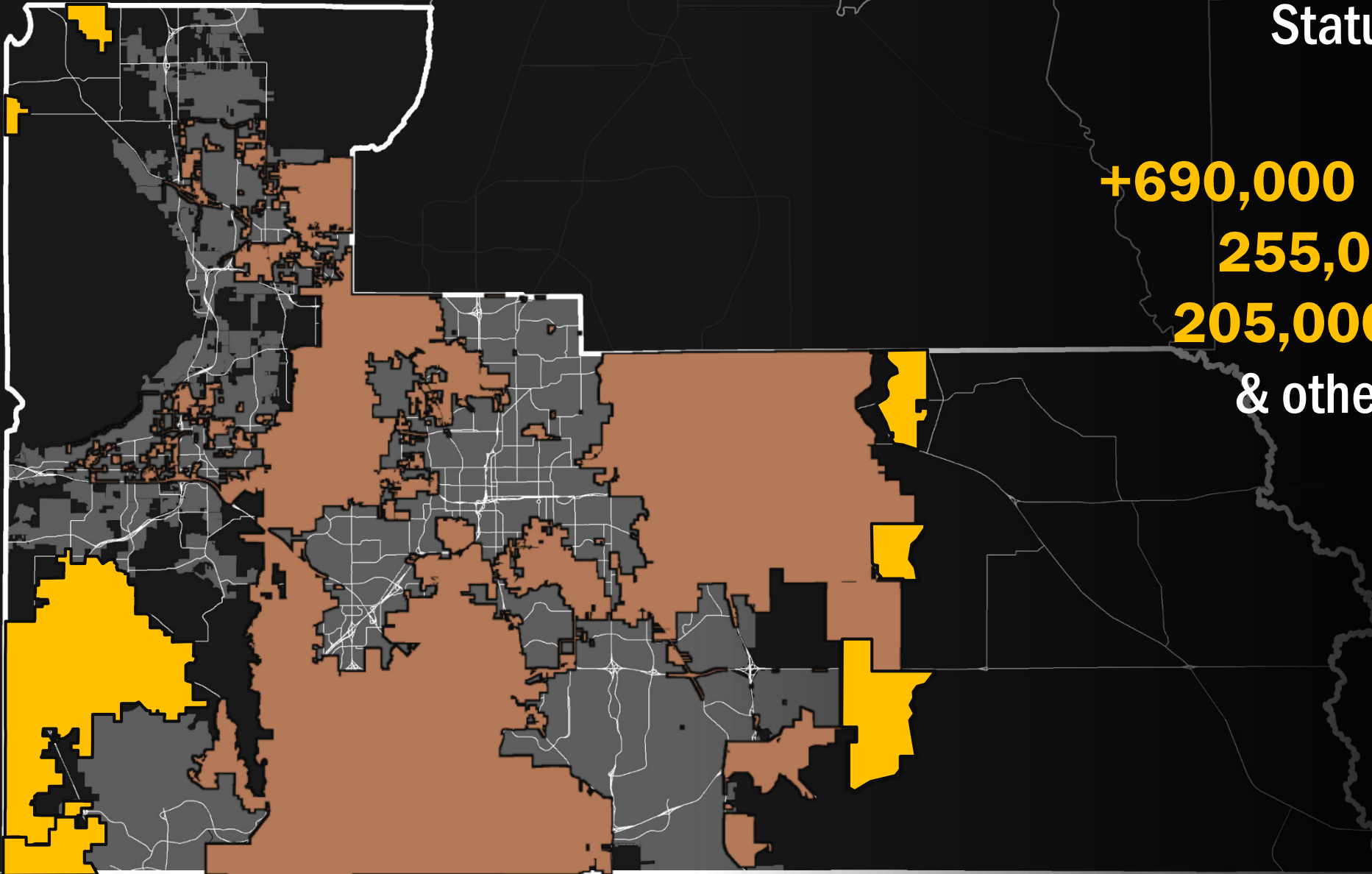
Status Quo Scenario

+690,000 People by 2050

255,000 within cities

205,000 Urban Service

& other planned areas



POPULATION GROWTH

COUNTYWIDE

Orange County in 2050

Status Quo Scenario

+690,000 People by 2050

255,000 within cities

205,000 Urban Service

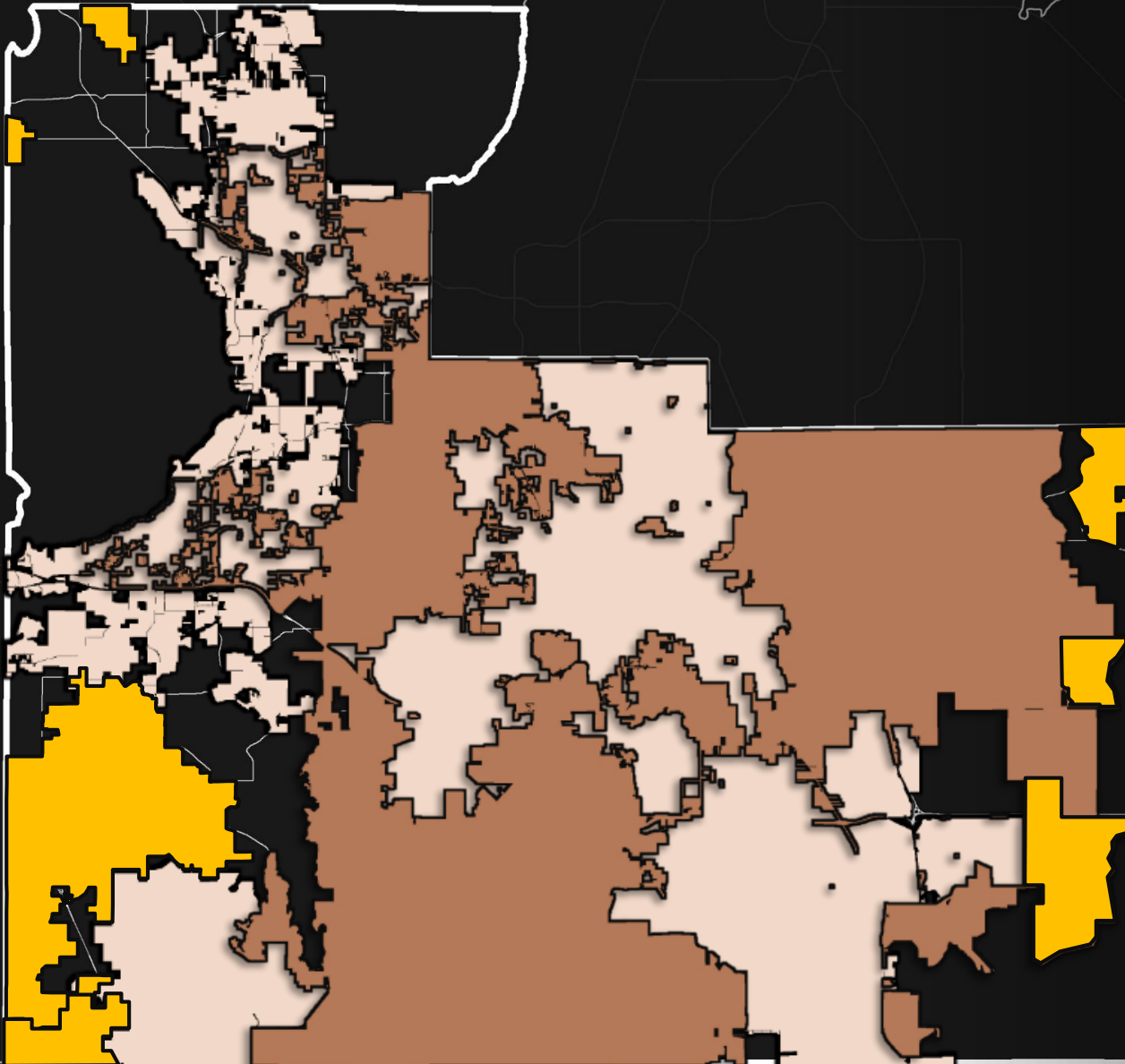
& other planned areas

Remaining Gap:

230,000 People

92,000 Units

What is the Strategy?



VISION

2050

Healthy, Smart, Responsible

+



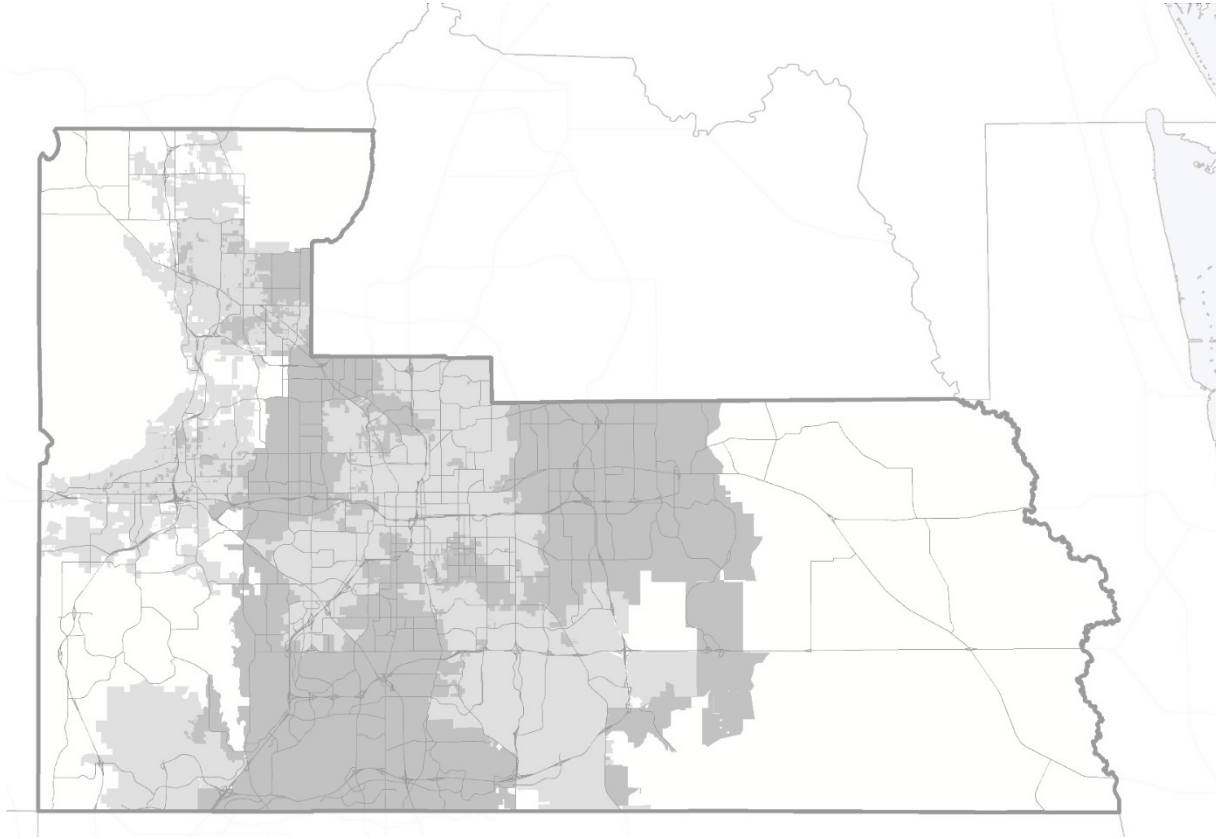
ORANGE CODE

Streamlined, Context-Sensitive,
Form Based

VISION & VALUES

PLACE BASED APPROACH

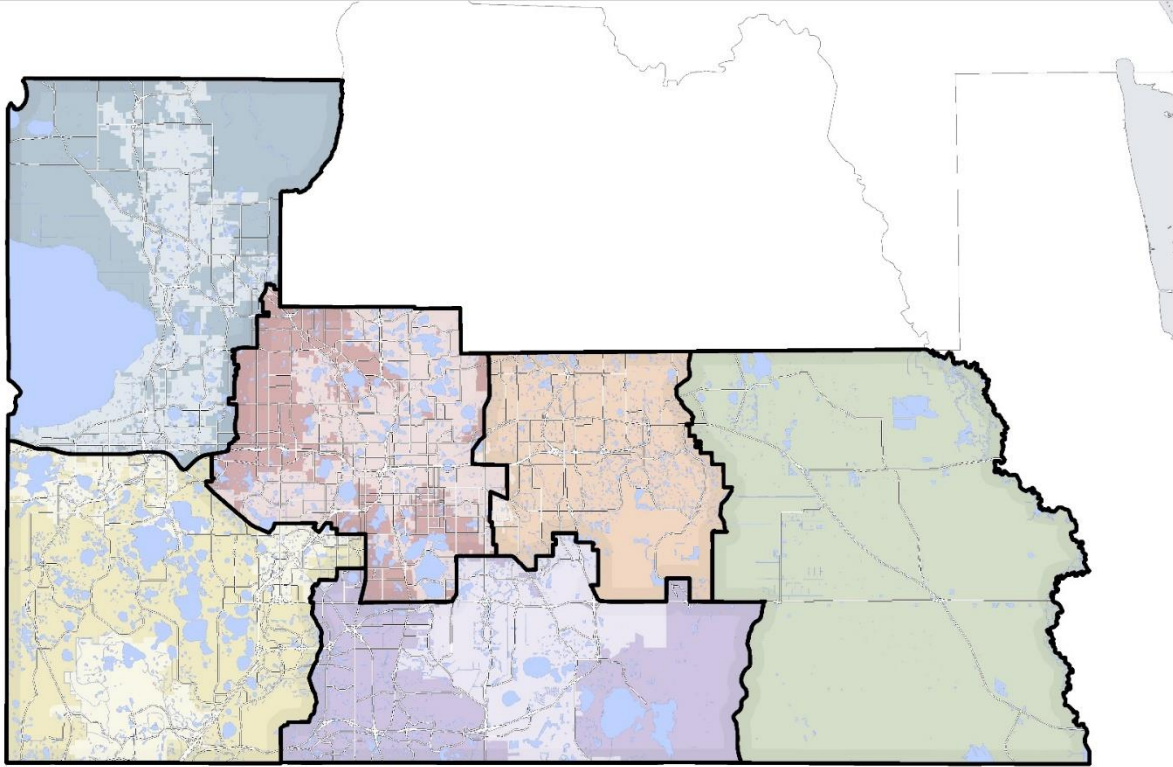
Market Areas
context-sensitivity
integration
Place Types
Communities
neighborhoods



1.MARKET AREAS

VISION 2050

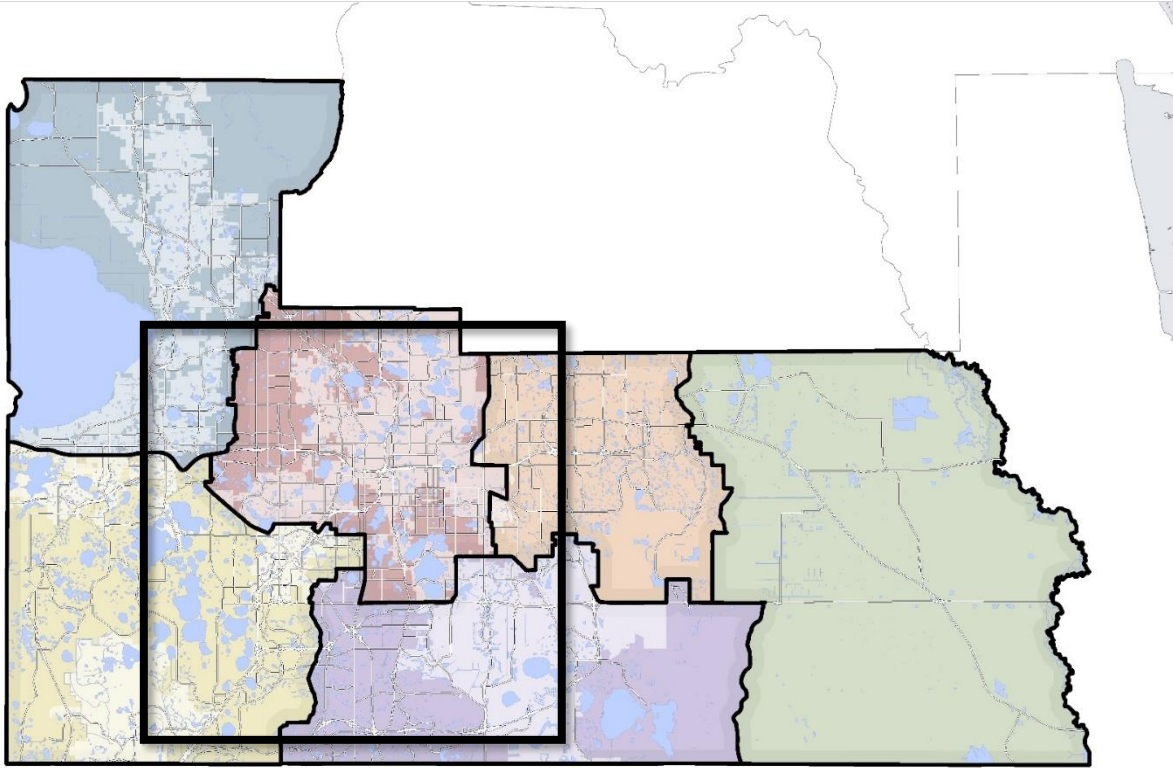
ORANGE CODE

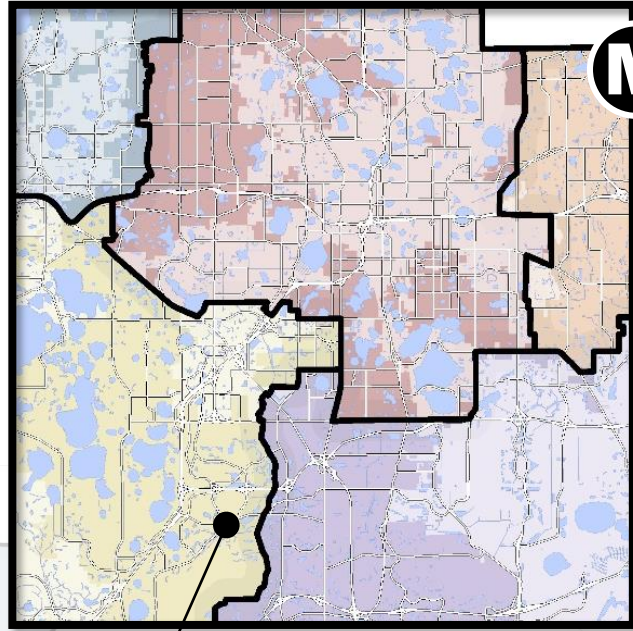


1.MARKET AREAS

VISION 2050

ORANGE CODE





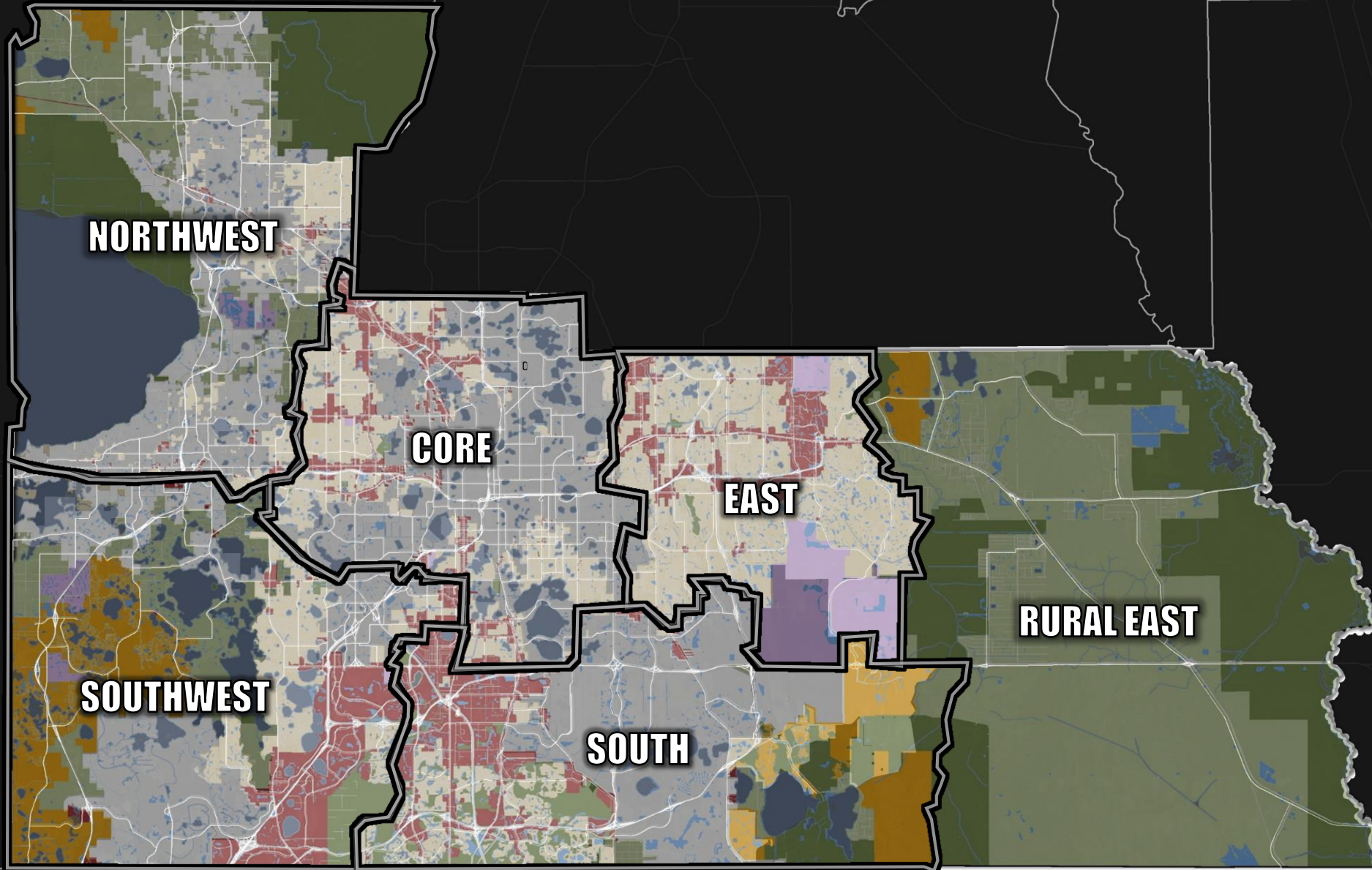
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MARKET AREAS

Northwest
Southwest
Core
East
South
Rural East

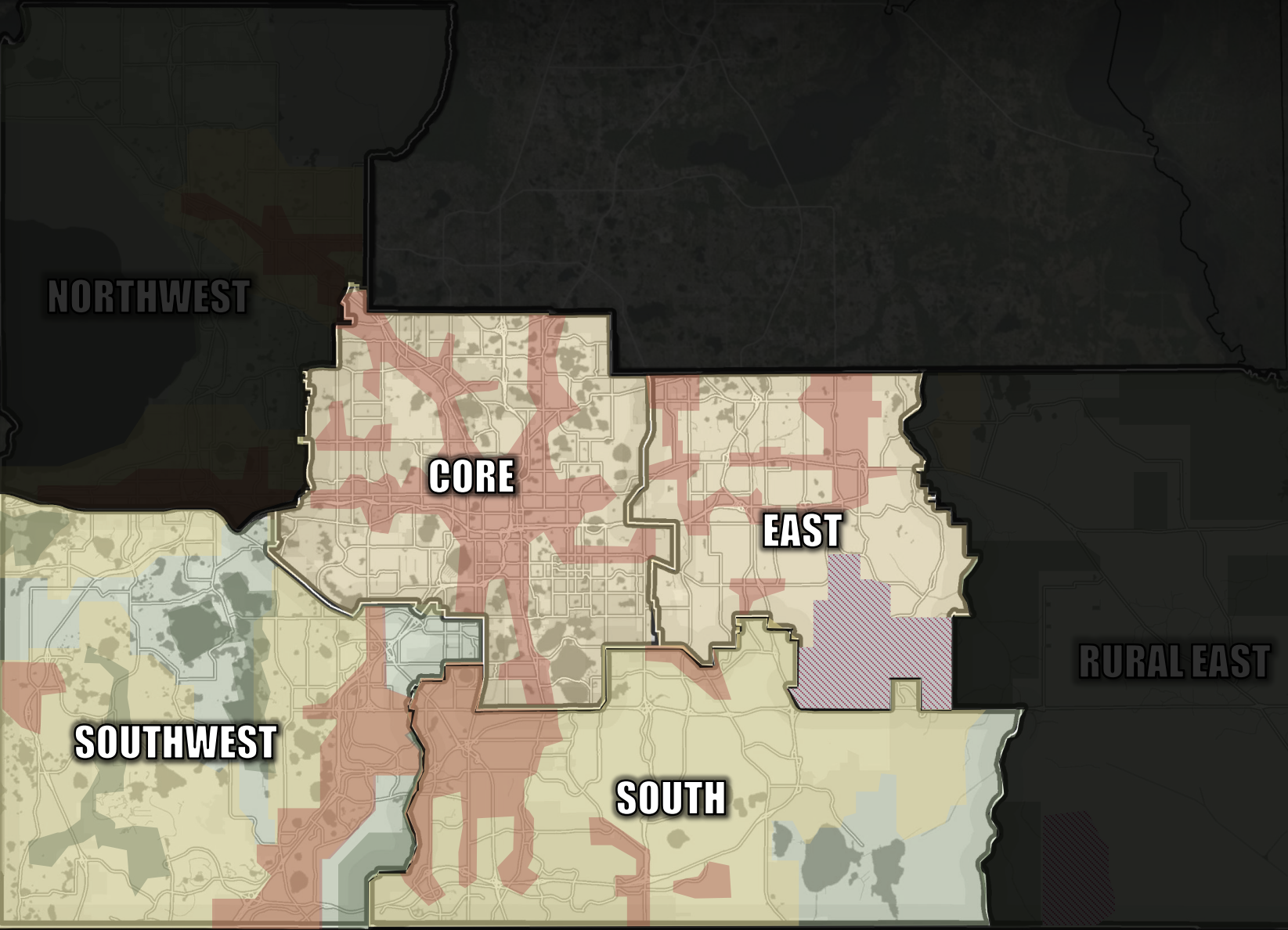
MARKET AREAS

PROVIDES CONTEXT ORDER & GENERAL CHARACTER

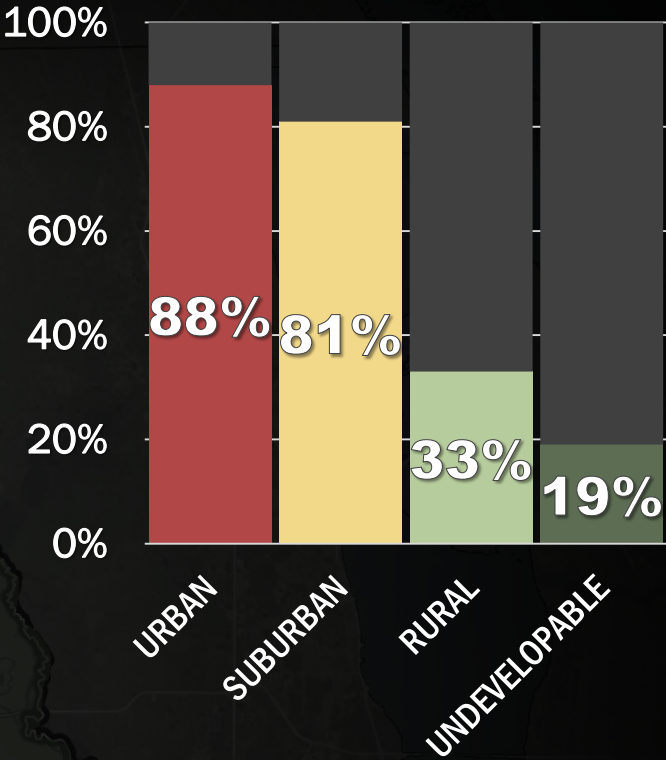


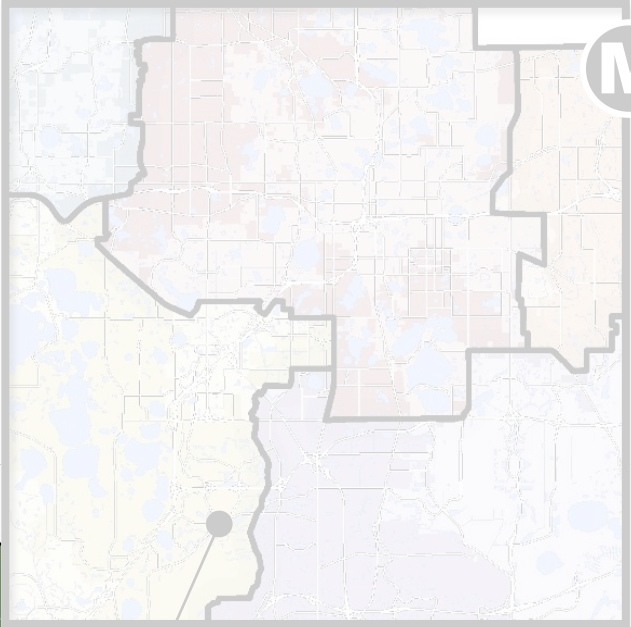
MARKET AREAS

VISION 2050 – URBAN + SUBURBAN + RURAL



2050 AREA CHARACTER

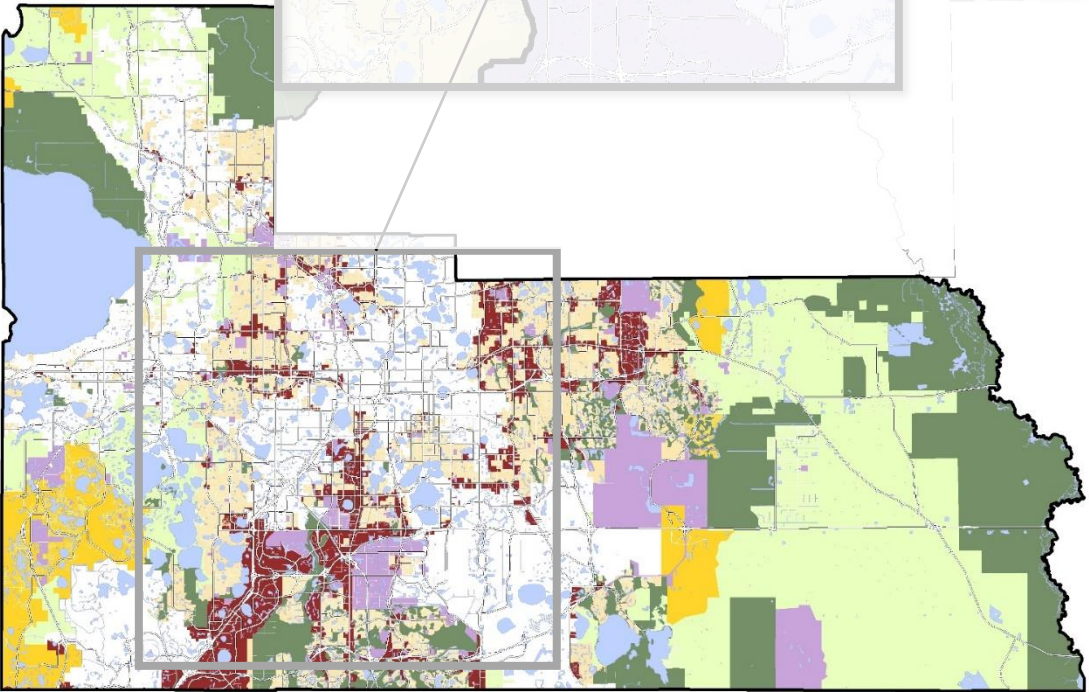


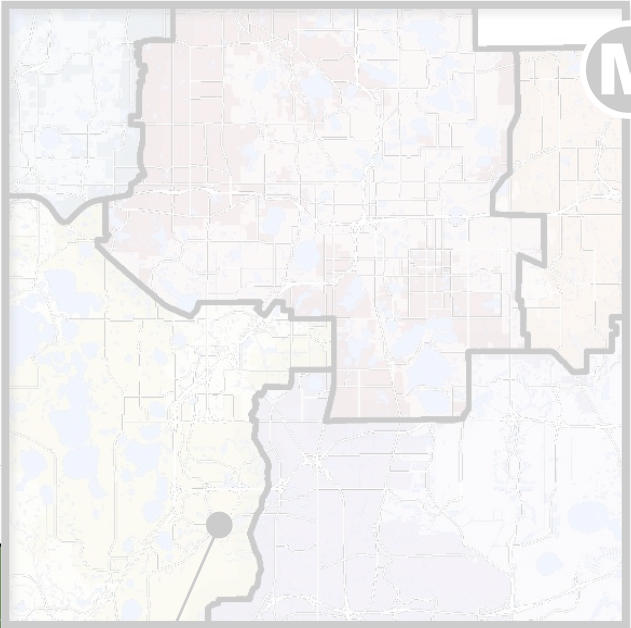


M

MARKET AREAS

- Northwest
- Southwest
- Core
- East
- South
- Rural East





M

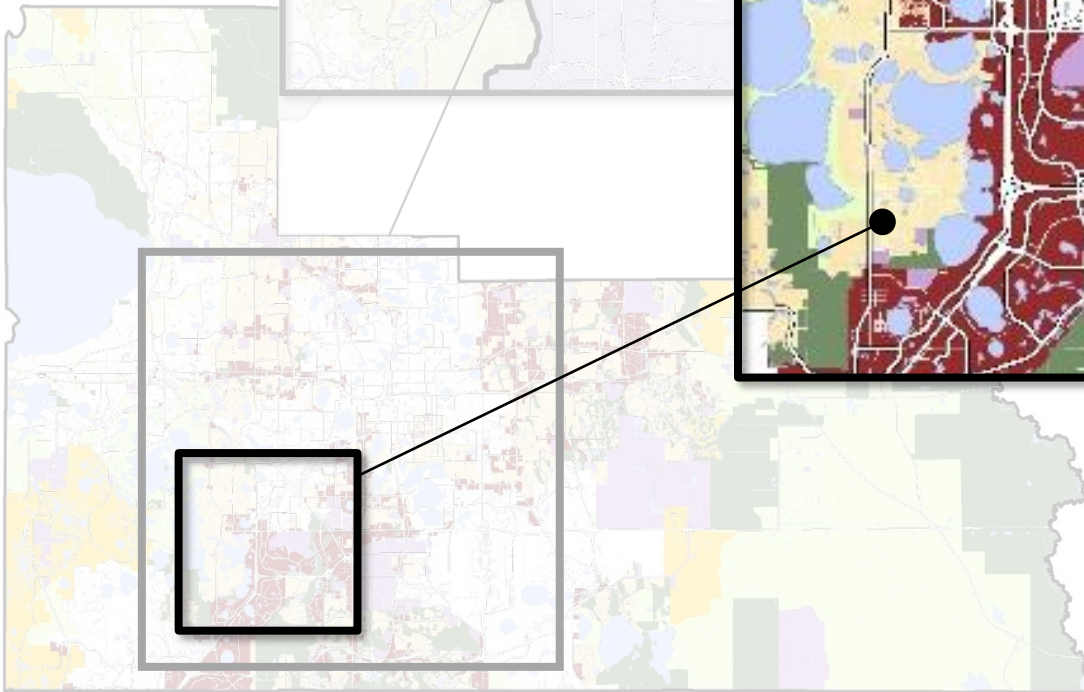
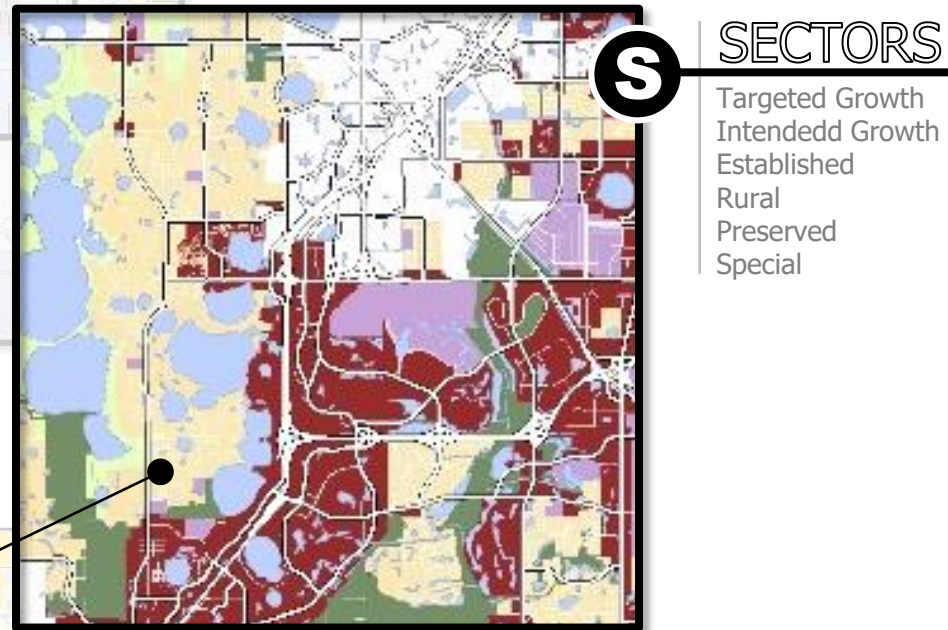
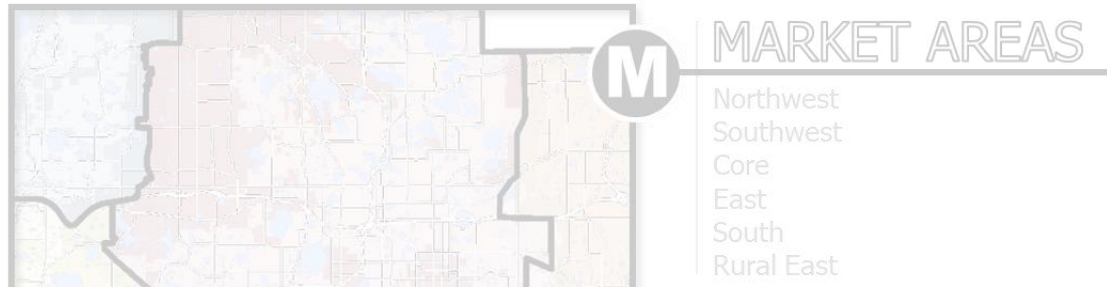
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2.GROWTH SECTORS

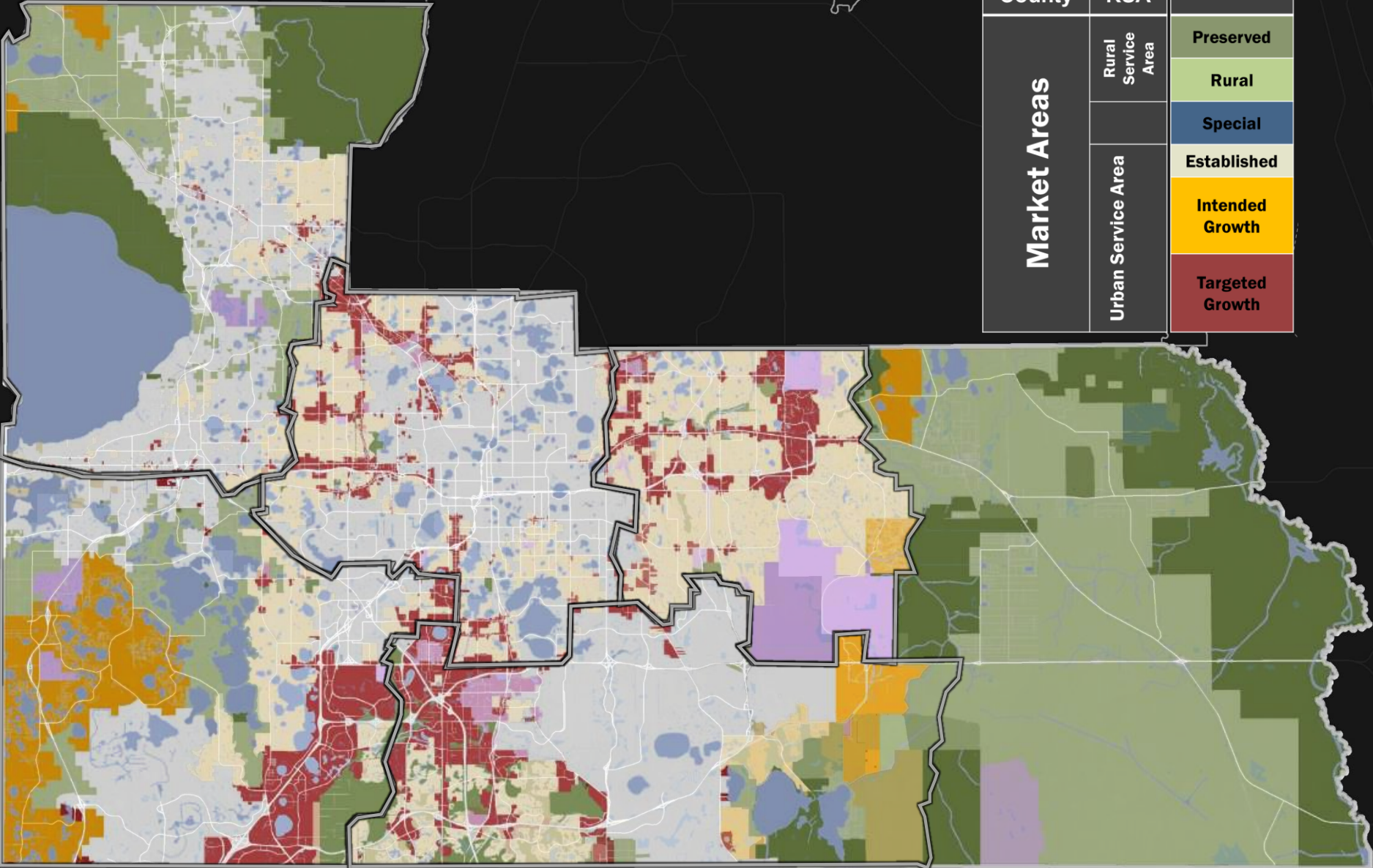
VISION 2050

ORANGE CODE



PLANNING SECTORS

VISION MAP - GROWTH SECTORS

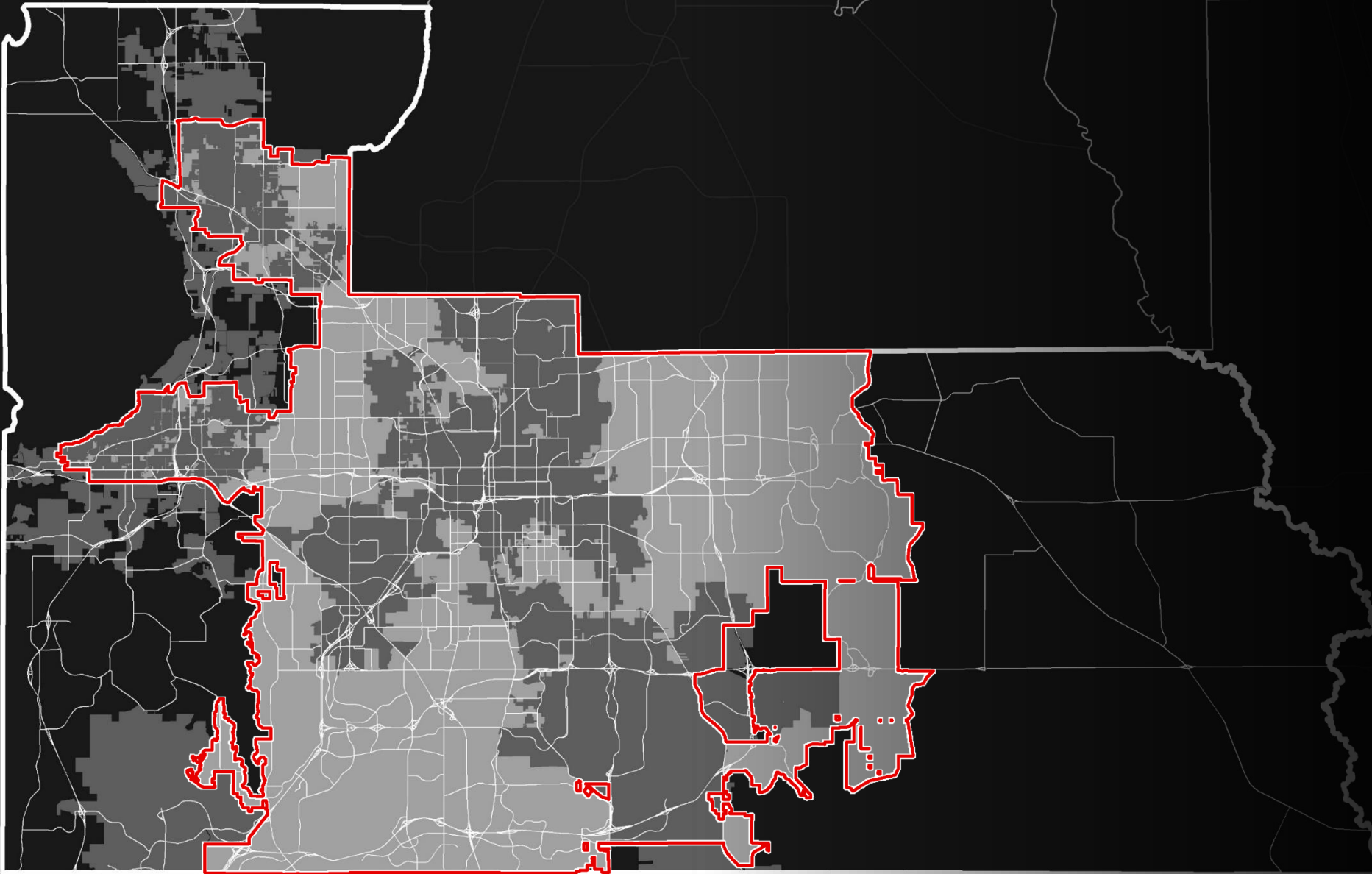


Orange County	USA/ RSA	Sector
Market Areas	Rural Service Area	Preserved
		Rural
	Urban Service Area	Special
		Established
		Intended Growth
		Targeted Growth



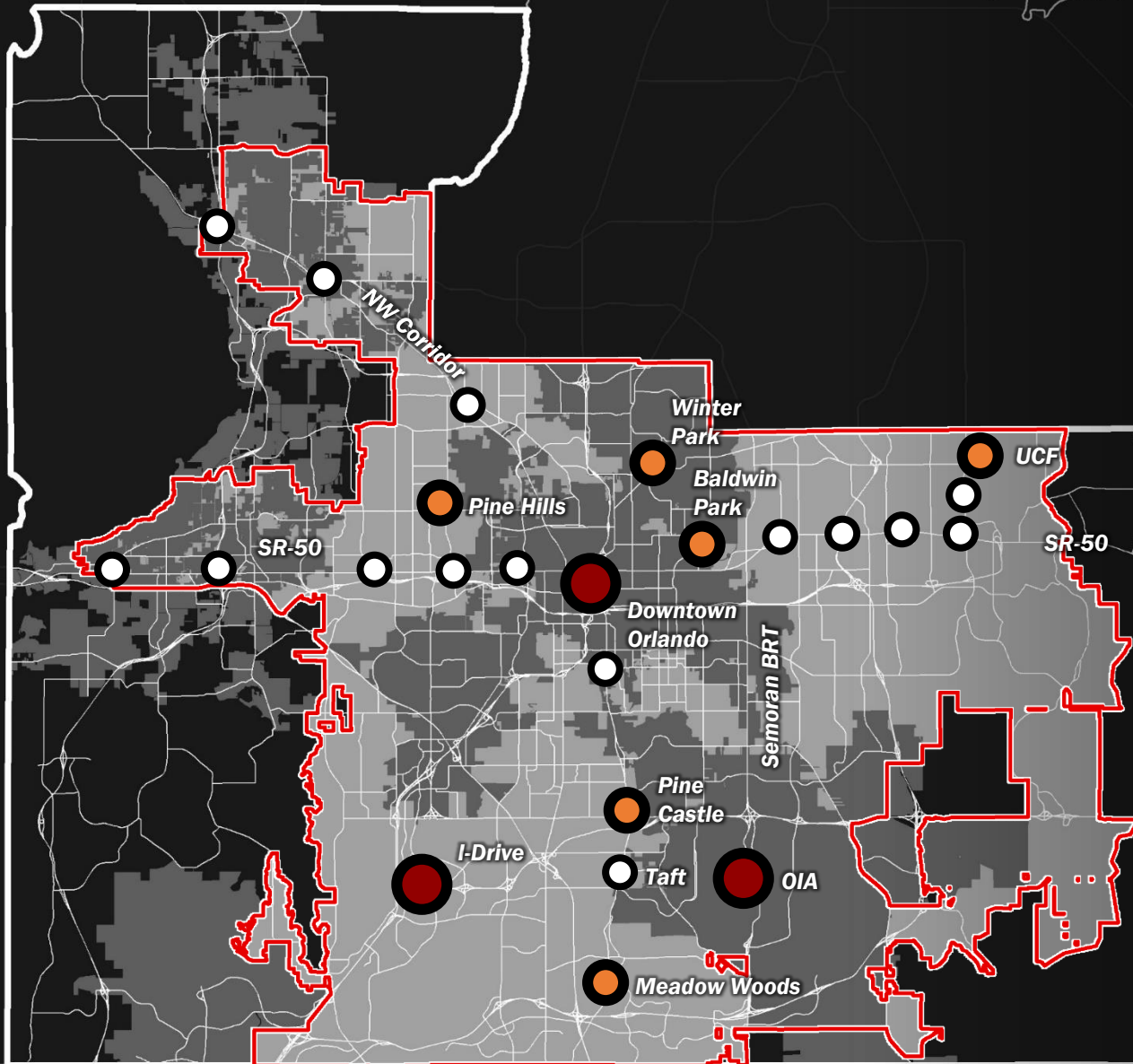
PLANNING SECTORS

VISION MAP - **TARGETED** GROWTH SECTORS



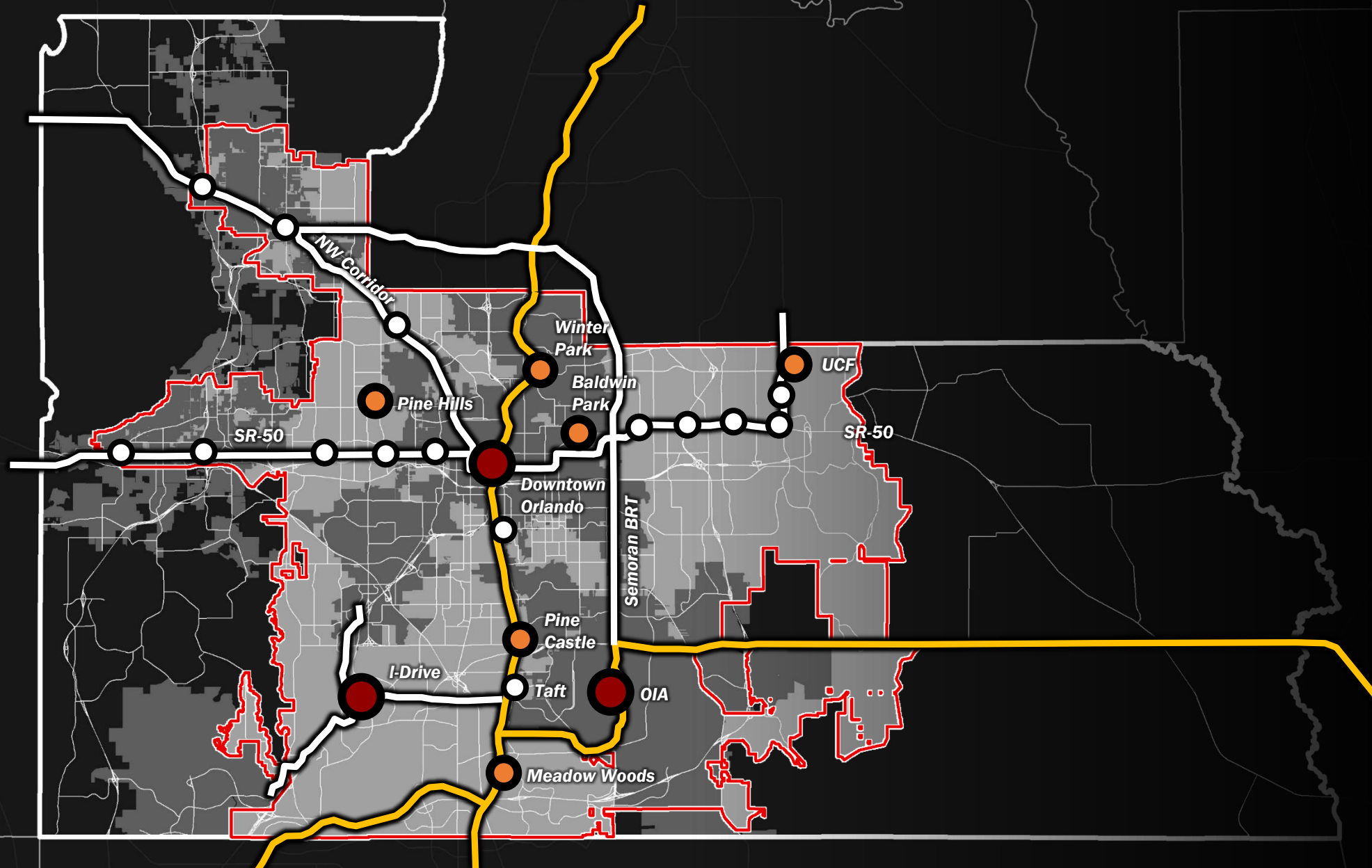
PLANNING SECTORS

VISION MAP - **TARGETED** GROWTH SECTORS



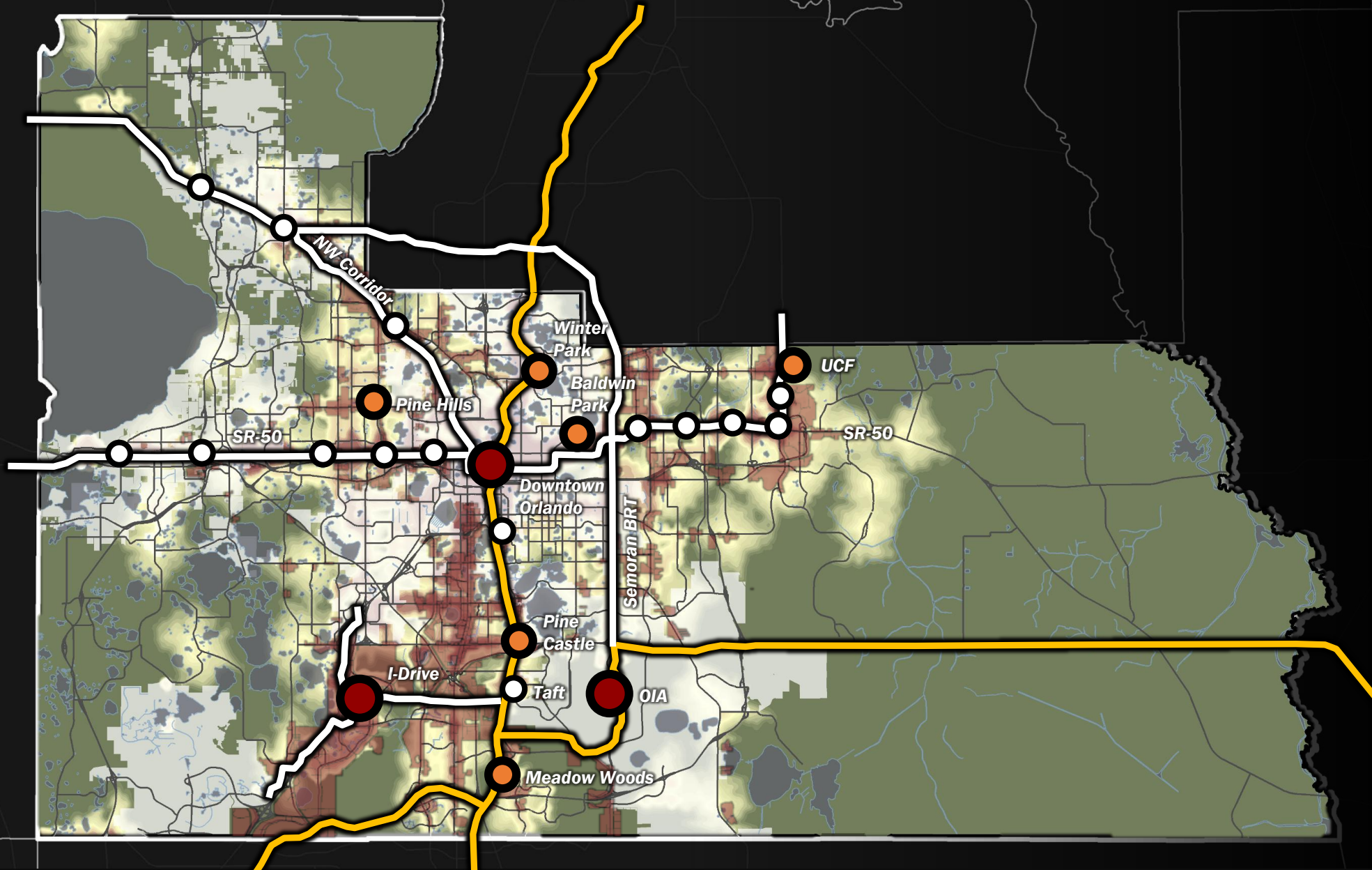
PLANNING SECTORS

VISION MAP - **TARGETED** GROWTH SECTORS



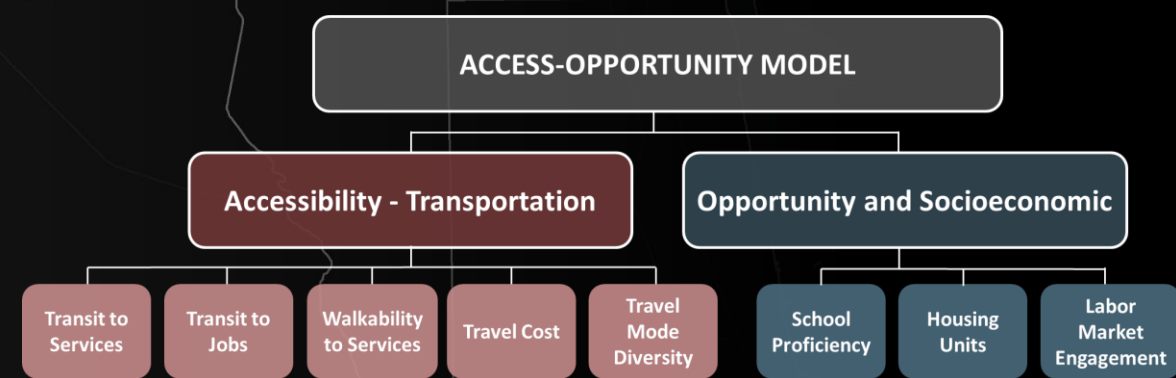
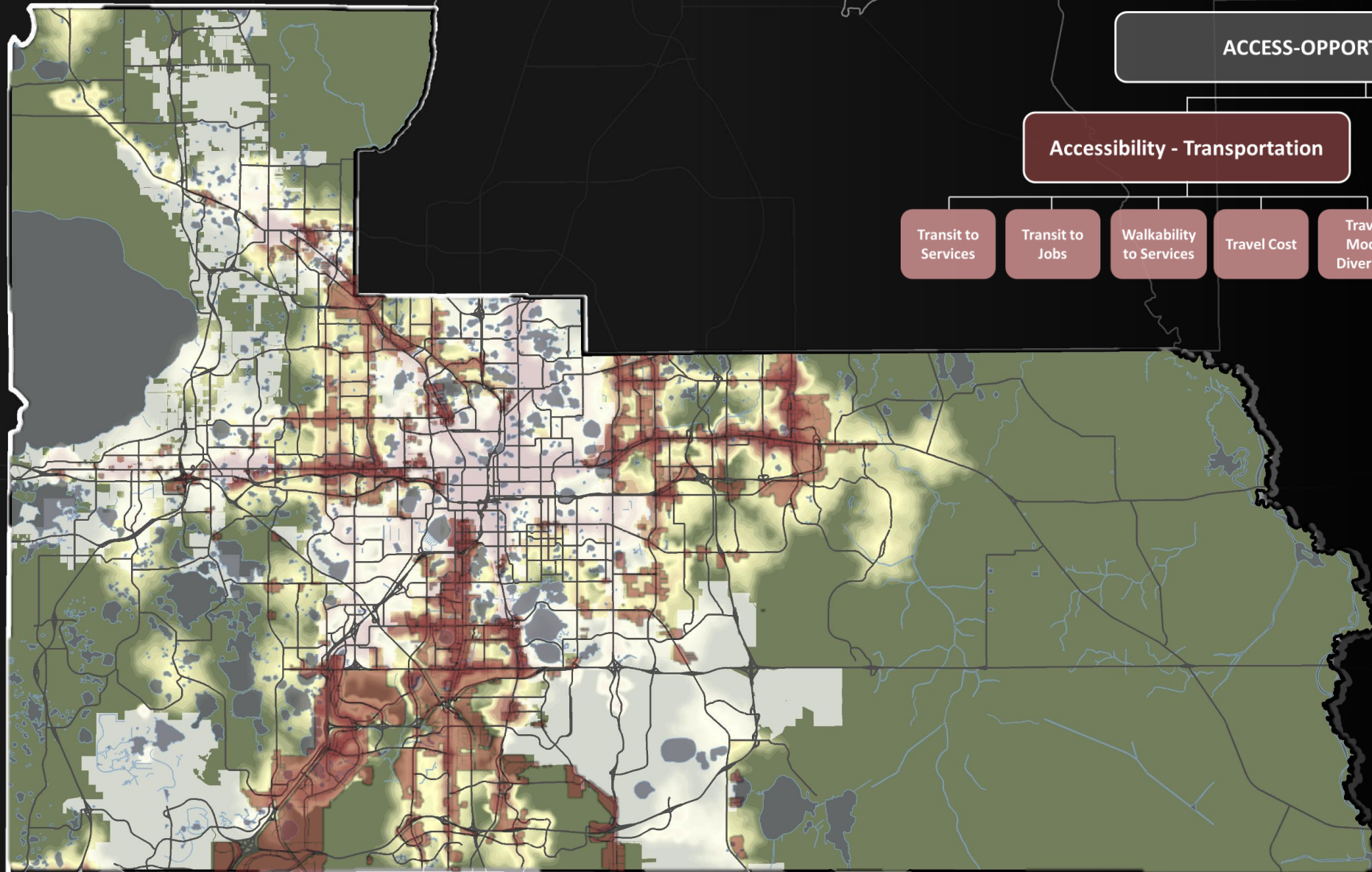
PLANNING SECTORS

VISION MAP - **TARGETED** GROWTH SECTORS

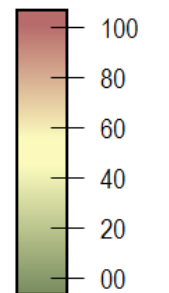


PLANNING SECTORS

VISION MAP - **TARGETED** GROWTH SECTORS

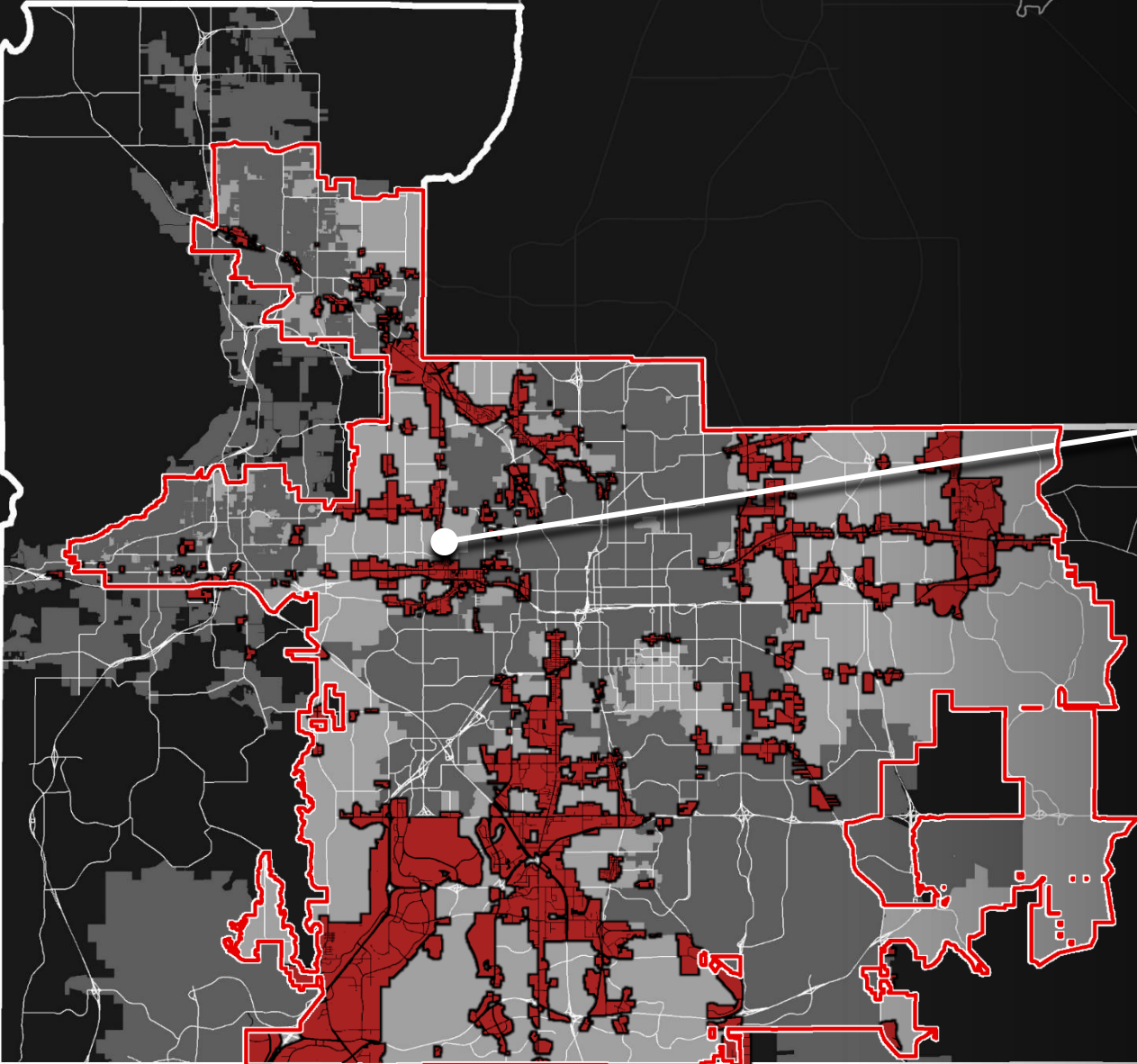


A&O SCORE



PLANNING SECTORS

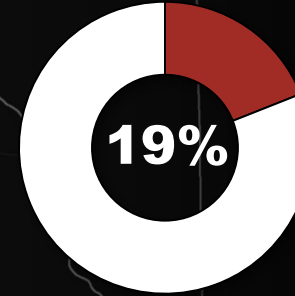
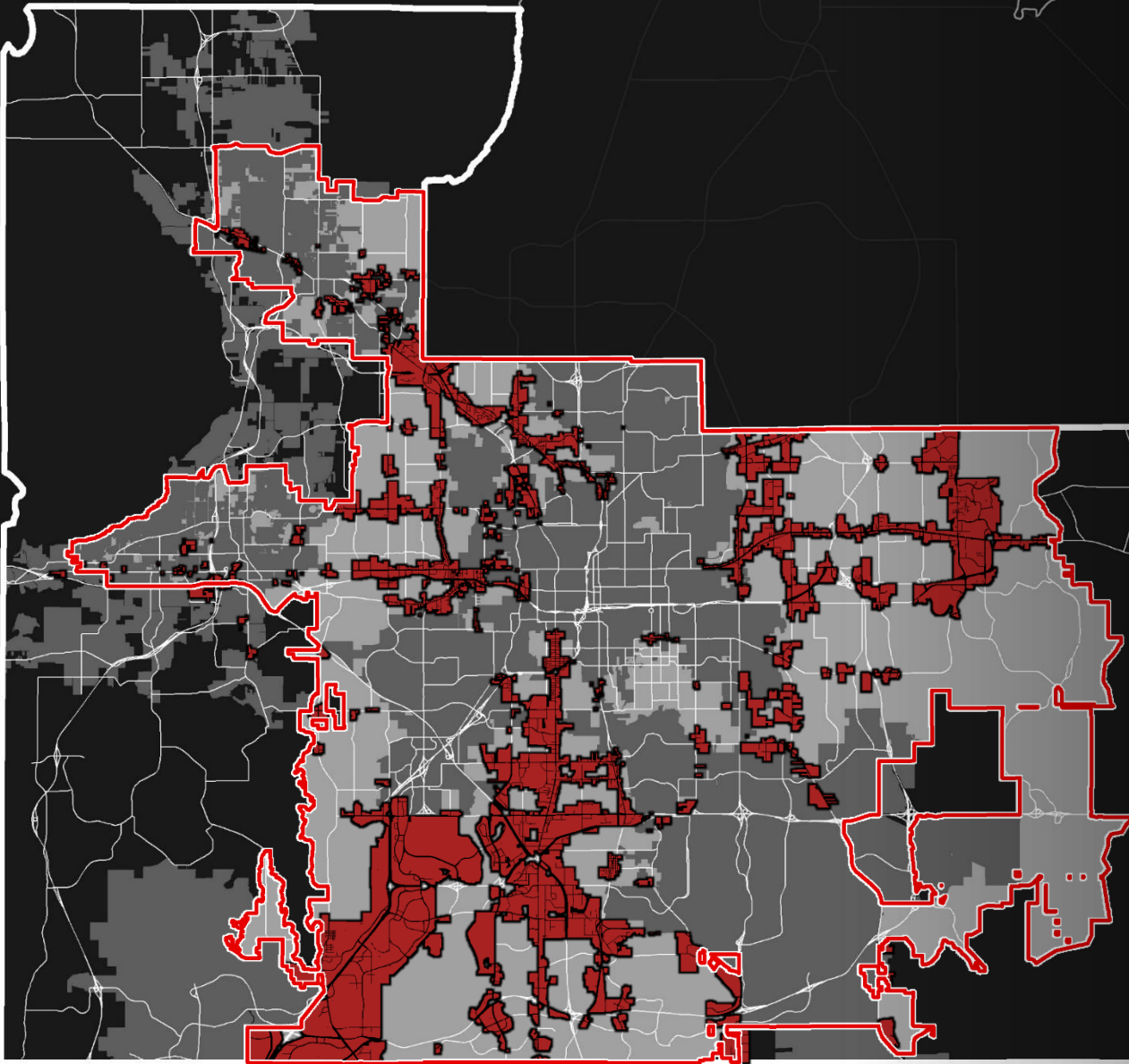
VISION MAP - **TARGETED** GROWTH SECTORS



Orange County	USA/ RSA	Sector
Market Areas	Rural Service Area	Preserved
		Rural
		Special
	Urban Service Area	Established
		Intended Growth
		Targeted Growth

PLANNING SECTORS

VISION MAP - **TARGETED** GROWTH SECTORS



~31,000 Acres

(19% of the USA Area)

Est. 2021 Pop. = 176,152 People

Net Dev. Capacity = **8,006 Ac**

Avg. Sector Density = 2.8 du/ac

PLANNING SECTORS

VISION MAP - **TARGETED** GROWTH SECTORS

Orange County	USA/ RSA	Sector
Market Areas	Rural Service Area	Preserved
		Rural
	Urban Service Area	Special
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Avg. Sector Density = 15.2 du/ac

304,000 People

122,000 Units

14.5% of the Total 2050 Pop.




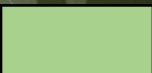


or 44% Pop. Growth

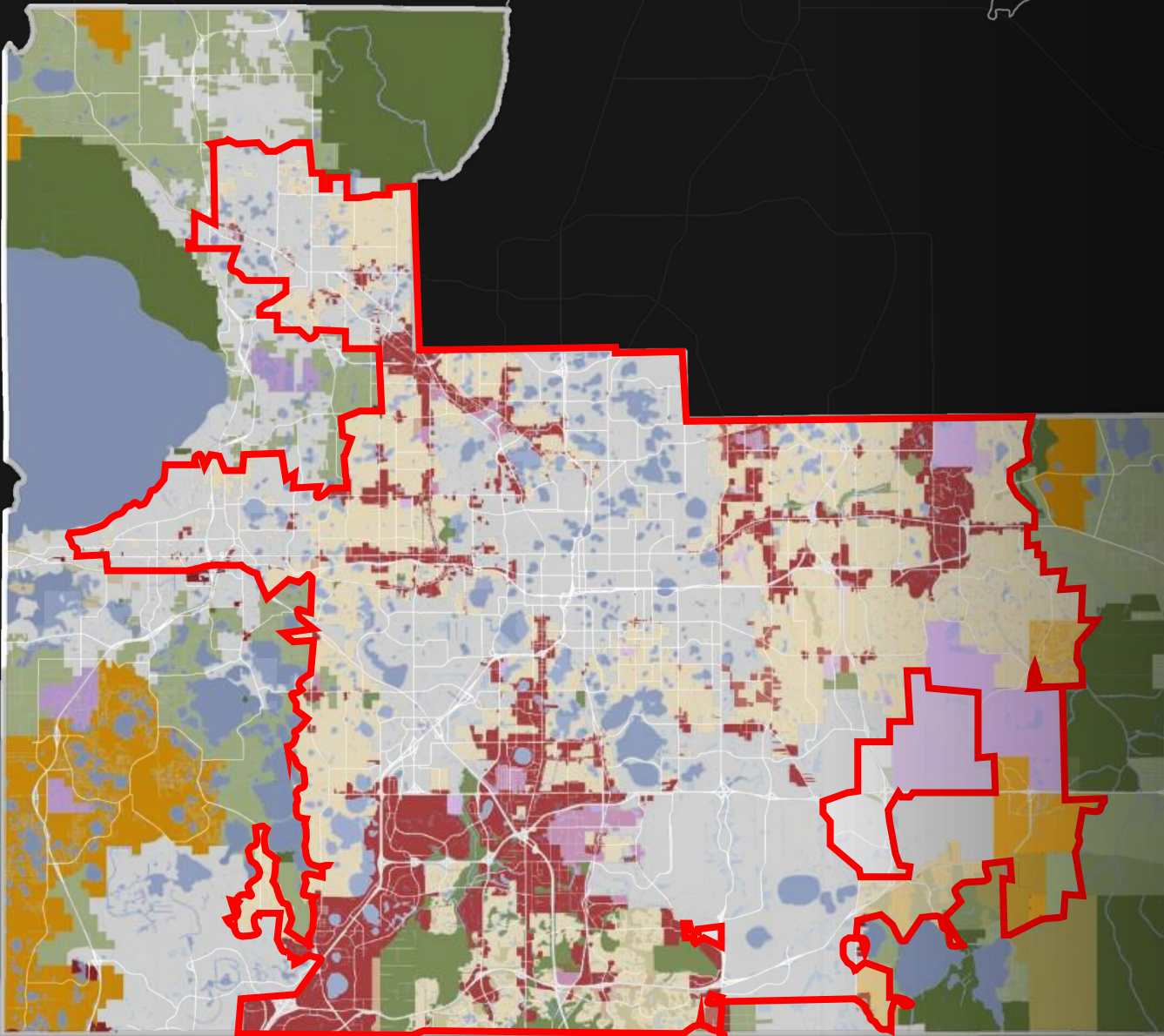
PLANNING SECTORS

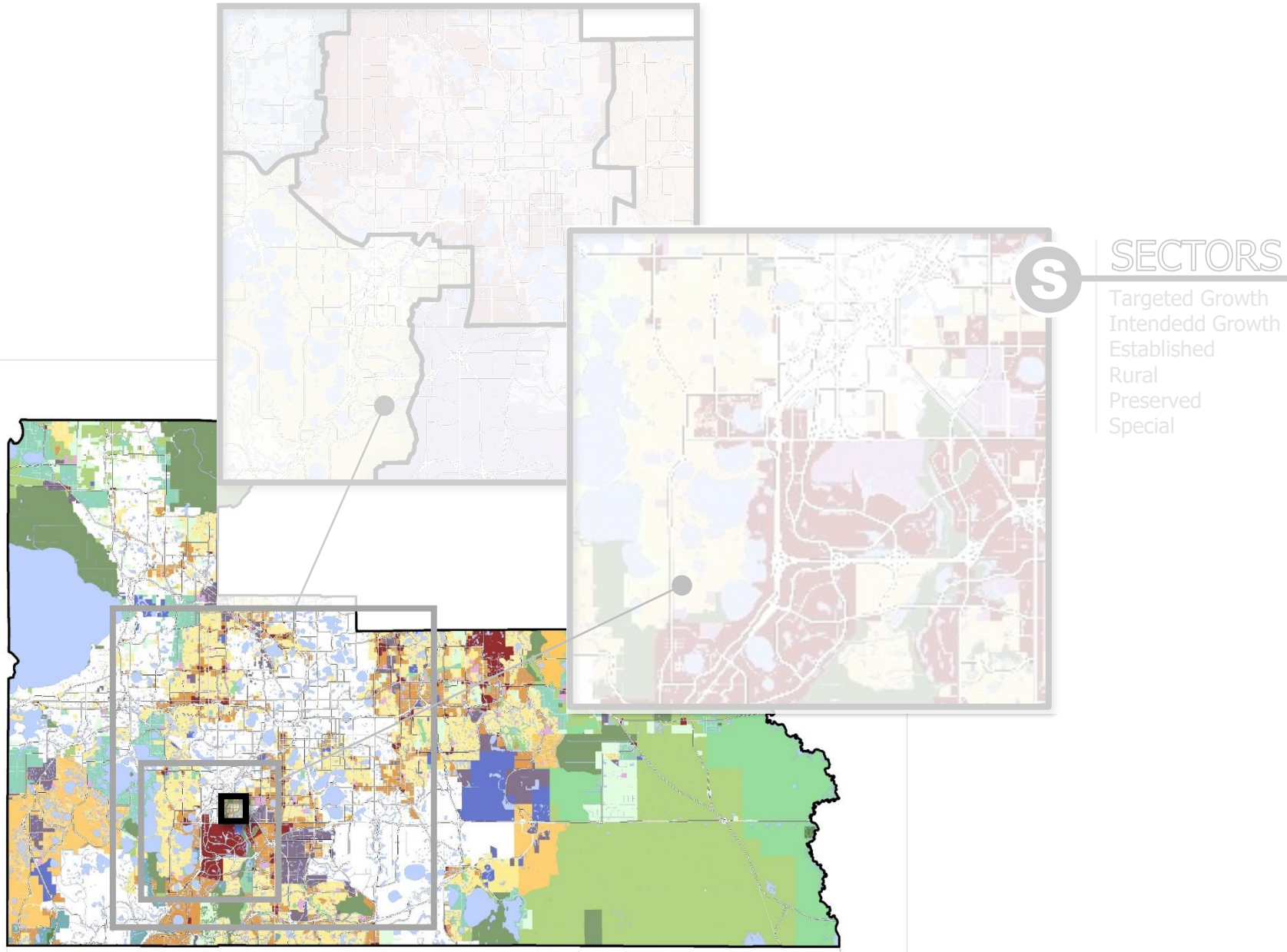
VISION MAP - **TARGETED** GROWTH SECTORS

VISION 2050

Framework – Sectors & Place Types

	Established Sector	44,000
	Intended Growth Sector	65,000
	Targeted Growth Sector	304,000
	Rural Sector	22,000
		Δ 0
Total		690,000
	Preserved Sector	0
	Special Sector	0





M

MARKET AREAS

Northwest
Southwest
Core
East
South
Rural East

S

SECTORS

Targeted Growth
Intendedd Growth
Established
Rural
Preserved
Special

P

PLACE TYPES



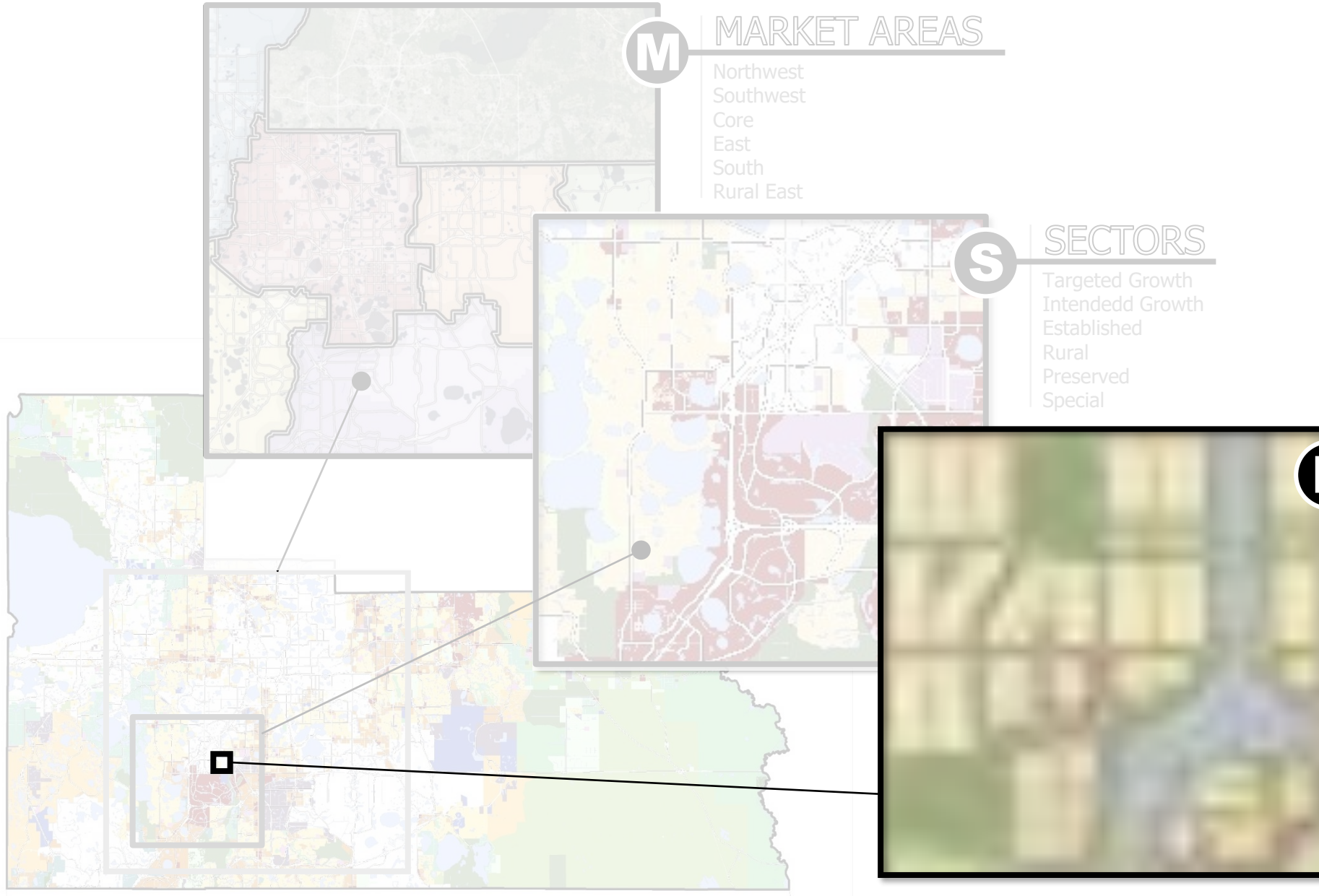
Centers

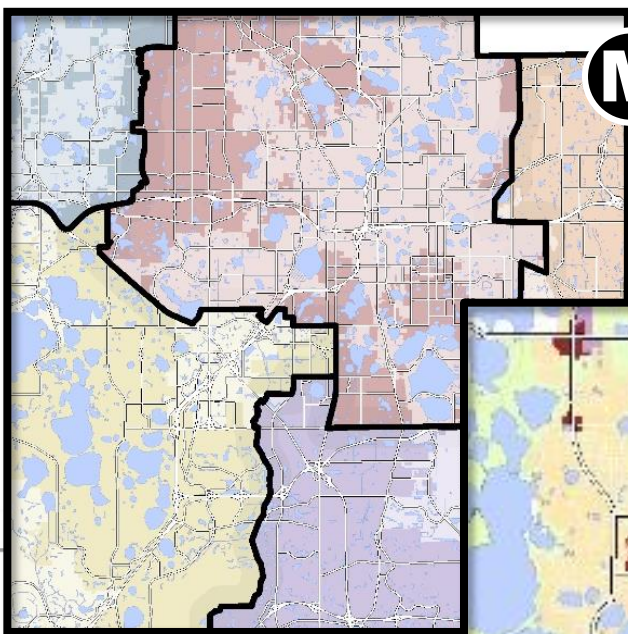


Neighborhoods



Corridors

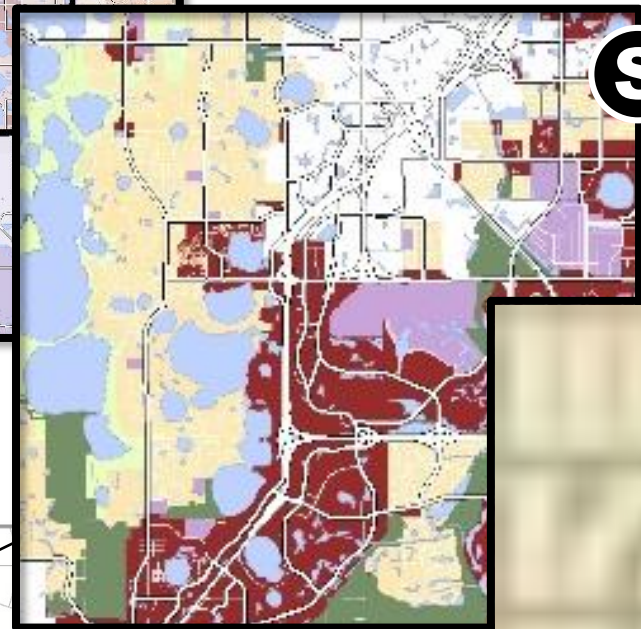




M

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S

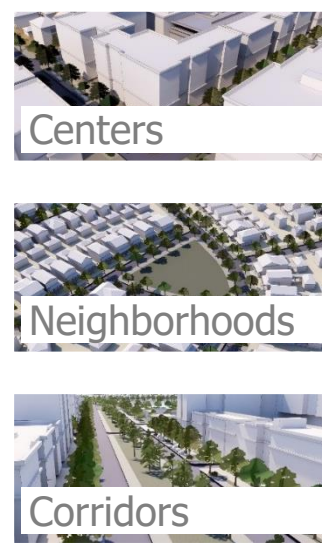
SECTORS

- Targeted Growth
- Intended Growth
- Established
- Rural
- Preserved
- Special



P

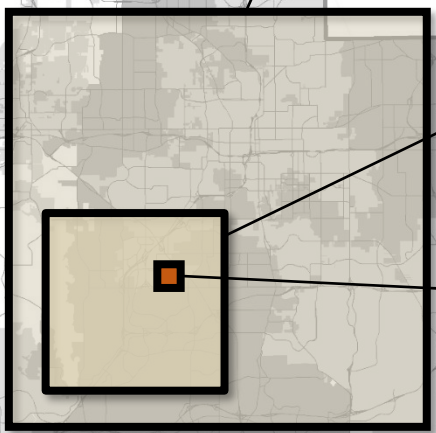
PLACE TYPES



Centers

Neighborhoods

Corridors



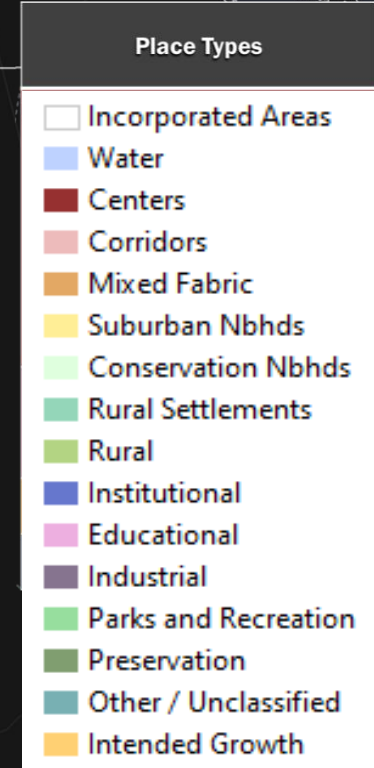
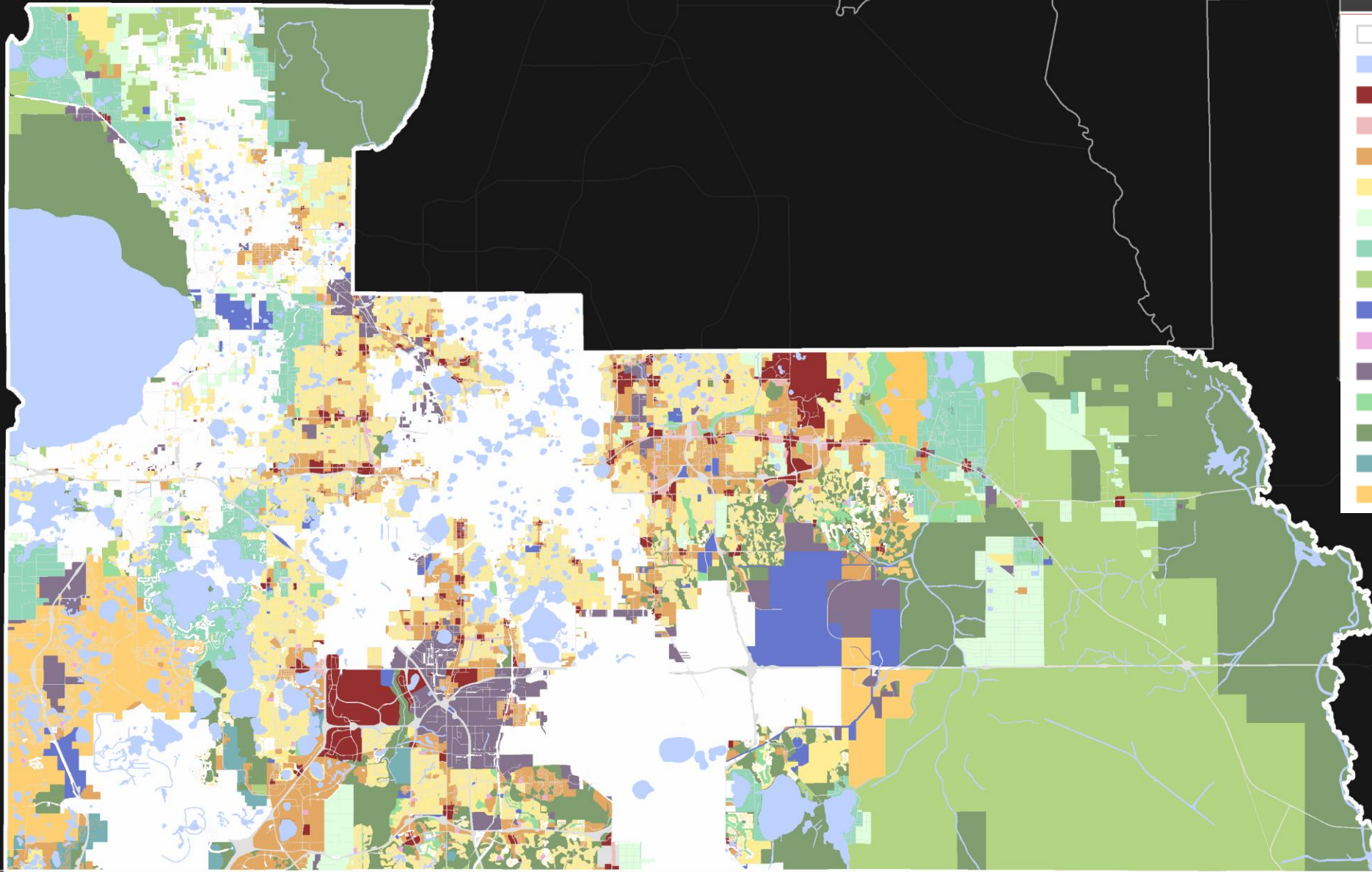
THE PLAN RE-ORG

A VISION PLAN EXTENDING TO 2050



PLACE-TYPES

EXTRACTING INCORPORATED AREAS



PLACE-TYPES

DEFINITION

Place Types have a desired mix of zones and uses, a network of connected streets, and public open spaces to encourage multi-modal transportation choices that include transit, walking, and cycling.

Orange County's **VISION 2050** establishes three main categories of place types:

PLACE-TYPES

CATEGORIES & TYPOLOGIES



CENTERS

- Regional Center
- Urban Center
- Neighborhood Center
- Rural Center (Village)



CORRIDORS

- Urban Corridor
- Main Street Corridor
- Suburban Corridor
- Rural Corridor

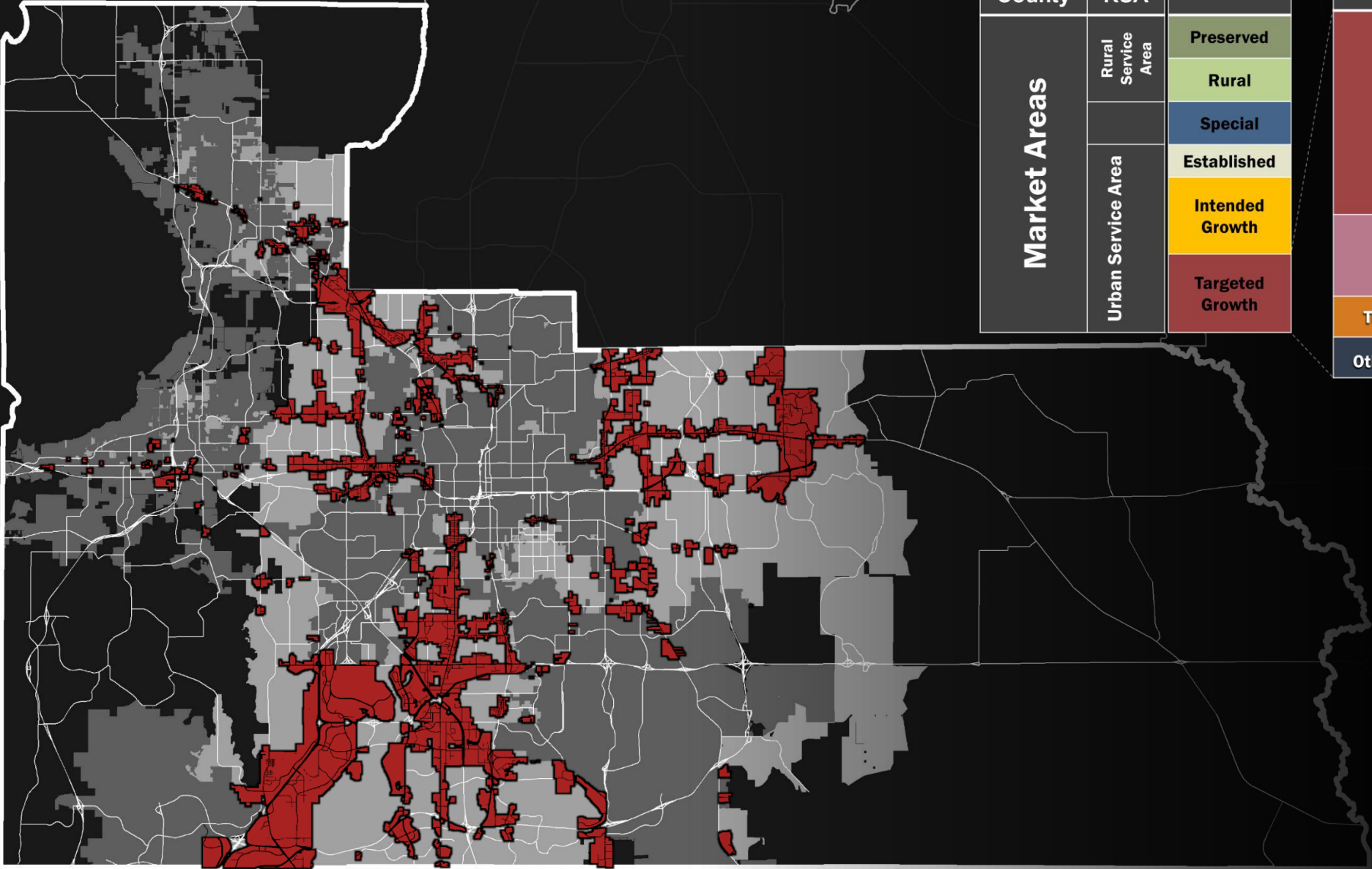


NEIGHBORHOODS

- Traditional Neighborhood
- Suburban Neighborhood
- Suburban Mixed Neighborhood
- Conservation Neighborhood

PLACE-TYPES

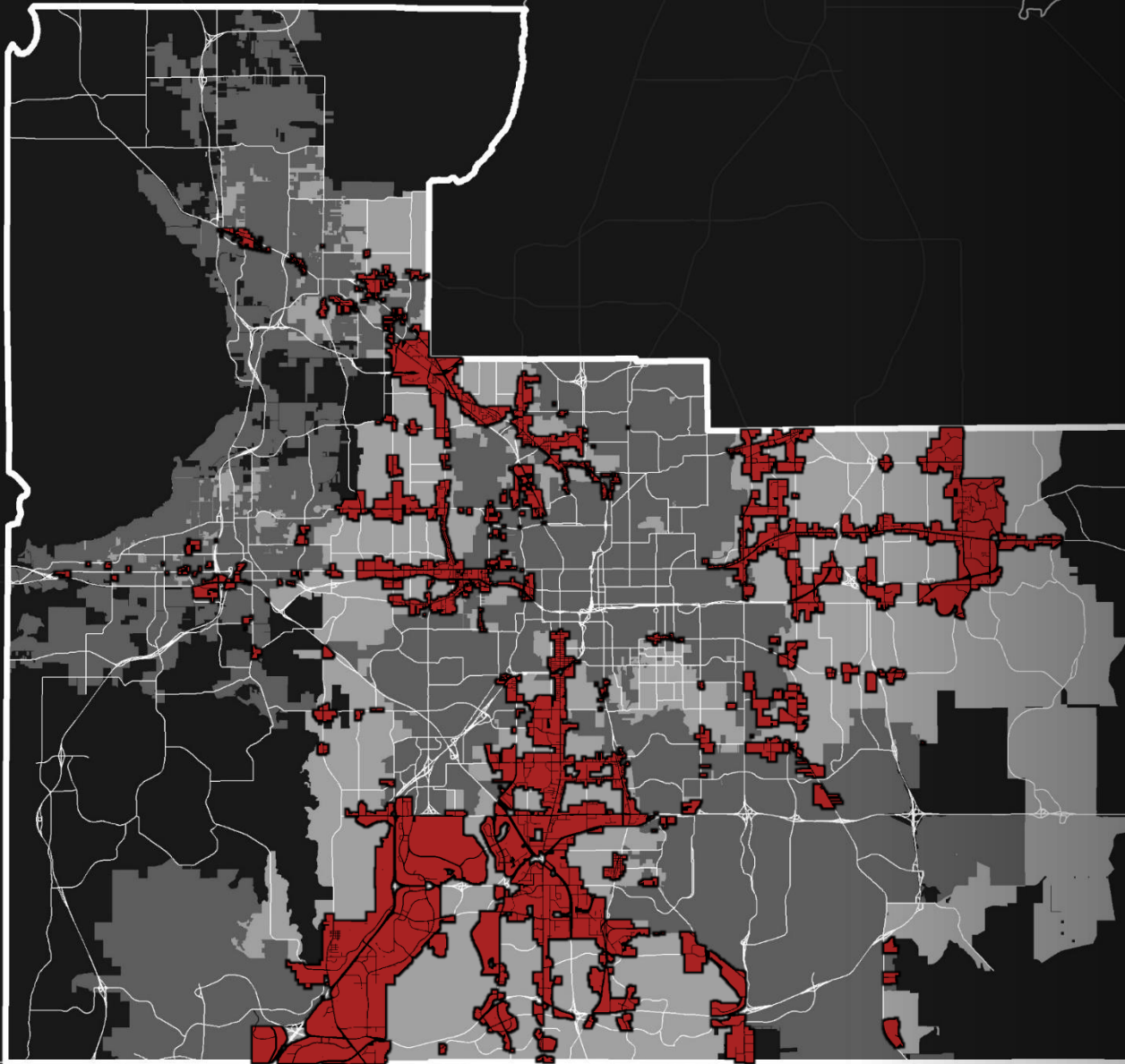
GROWTH SECTORS/TYOLOGY CORRELATION



Orange County	USA/ RSA	Sector	Place Types
Market Areas	Rural Service Area	Preserved	Regional Center
		Rural	Urban Core
	Urban Service Area	Special	UCF/Research Center
		Established	Urban Center
		Intended Growth	Neighborhood Center
		Targeted Growth	Urban Corridor
			Main Street Corridor
			Traditional Neighborhood
			Other/Special Place Types*

PLACE-TYPES

GROWTH SECTORS/TYPOLOGY CORRELATION



Orange County	USA/ RSA	Sector	Place Types	Density (DU/Acre)
Market Areas	Rural Service Area	Preserved	Regional Center	65
		Rural	Urban Core	65
	Urban Service Area	Special	UCF/Research Center	50
		Established	Urban Center	35
		Intended Growth	Neighborhood Center	12
		Targeted Growth	Urban Corridor	35
			Main Street Corridor	25
			Traditional Neighborhood	20
			Other/Special Place Types*	n/a

Avg. Sector Density = 15.2 du/ac

304,000 People

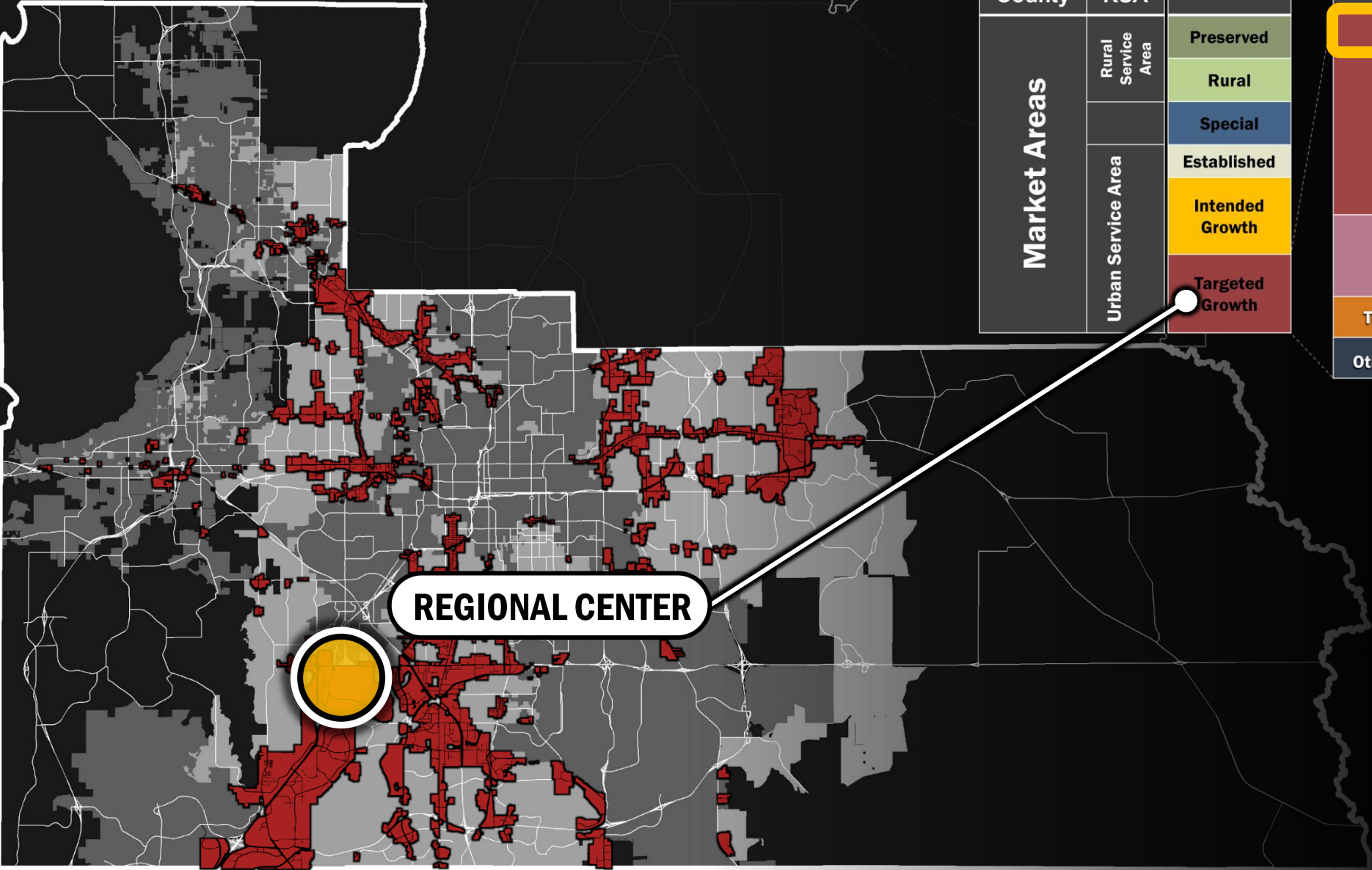
122,000 Units

14.5% of the Total 2050 Pop.

or 44% Pop. Growth

PLACE-TYPES

GROWTH SECTORS/TYPOLOGY CORRELATION



Orange County	USA/ RSA	Sector
Market Areas	Rural Service Area	Preserved
		Rural
		Special
	Urban Service Area	Established
		Intended Growth
		Targeted Growth

Place Types
Regional Center
Urban Core
UCF/Research Center
Urban Center
Neighborhood Center
Urban Corridor
Main Street Corridor
Traditional Neighborhood
Other/Special Place Types*

Sec. xx.02.xx – I-Drive District Regional Center

Description and Purpose

The I-Drive District Regional Center is the primary tourist destination of Orange County with venues and amenities for visitors, conventioners, local residents, and businesses.

The Regional Center promotes mixed-use and the highest density residential development in Orange County, characterized by complete streets, urban amenities, and a safe and walkable pedestrian environment that reinforces the I-Drive District's stature as a world destination.

The Regional Center accommodates multi-story and large-footprint buildings oriented to the widest regional tourism markets with a high concentration of people and jobs within a mixed-use environment and contains amenities that support residents, workers and employers within the center, and throughout the region.

The I-Drive District Regional Center has a high level of limited access highway facilities and transit access, and it is intended as a regional destination where people shop, work, live and recreate.



Desired Land Use Mix & Transects

Residential	35% (T5,T4)
Vertical Residential w/ Non-Residential, and Mixed-Use	50% (T5)
Civic	5% (SZ-Civic)
Public Open Space/ Recreation	10% (SZ-Open)

Mobility

FDOT Context	C5, C6
Street Types	Boulevard, Avenue, Main Street
Non-Vehicular Mobility	Pedestrian facilities on both sides of the street, bike lanes and bike racks or bikeways, and trails.
Transit	Regional Centers are Transit Destinations with access to premium transit; Commuter or Light Rail, Bus Rapid Transit, Premium Bus Service or Streetcar service.

Land Development Policies

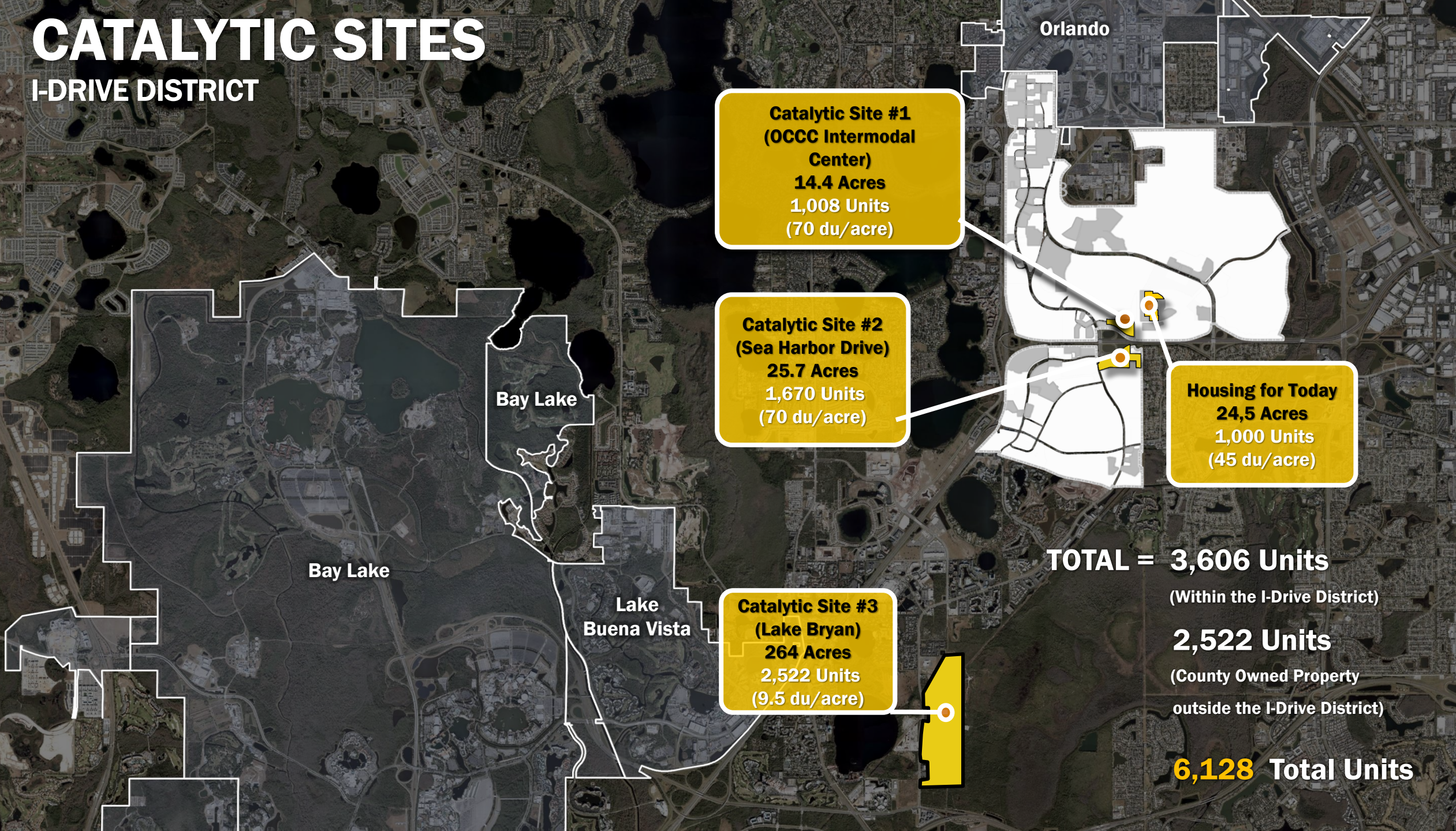
Land Uses	Tourist related, retail, services, higher density residential, mixed uses, alternative transportation..
Development Density/Intensity	Maximum of 70 du/ac with high intensity development.
Pedestrian Shed	Long (1/2 mile).
Open Space and Tree Canopy	See I-Drive District Overlay Zone.
Main Civic Space	See I-Drive District Overlay Zone.
Sewage Treatment	Centralized sewage treatment available; connection to central water and sewer is required.
Stormwater Treatment	See Table XX: LID techniques by Transect.

Design Characteristics

Building Placement	Building facades of mixed use and/or commercial uses are built close to sidewalk.
Building Frontage	Mixed use and commercial buildings have shop fronts at street level; Street facing facade have at least one entrance that faces the street; Residential units often include balconies.
Building Height	7 Stories and above.
Impervious Coverage	n/a.
Access	Direct street access; alleys and shared access
Parking	Parking behind the building; Parking areas have perimeter landscaped buffers; Garages located behind the front façade, under the buildings or to the rear of the buildings; May include public parking lots and parking garages.

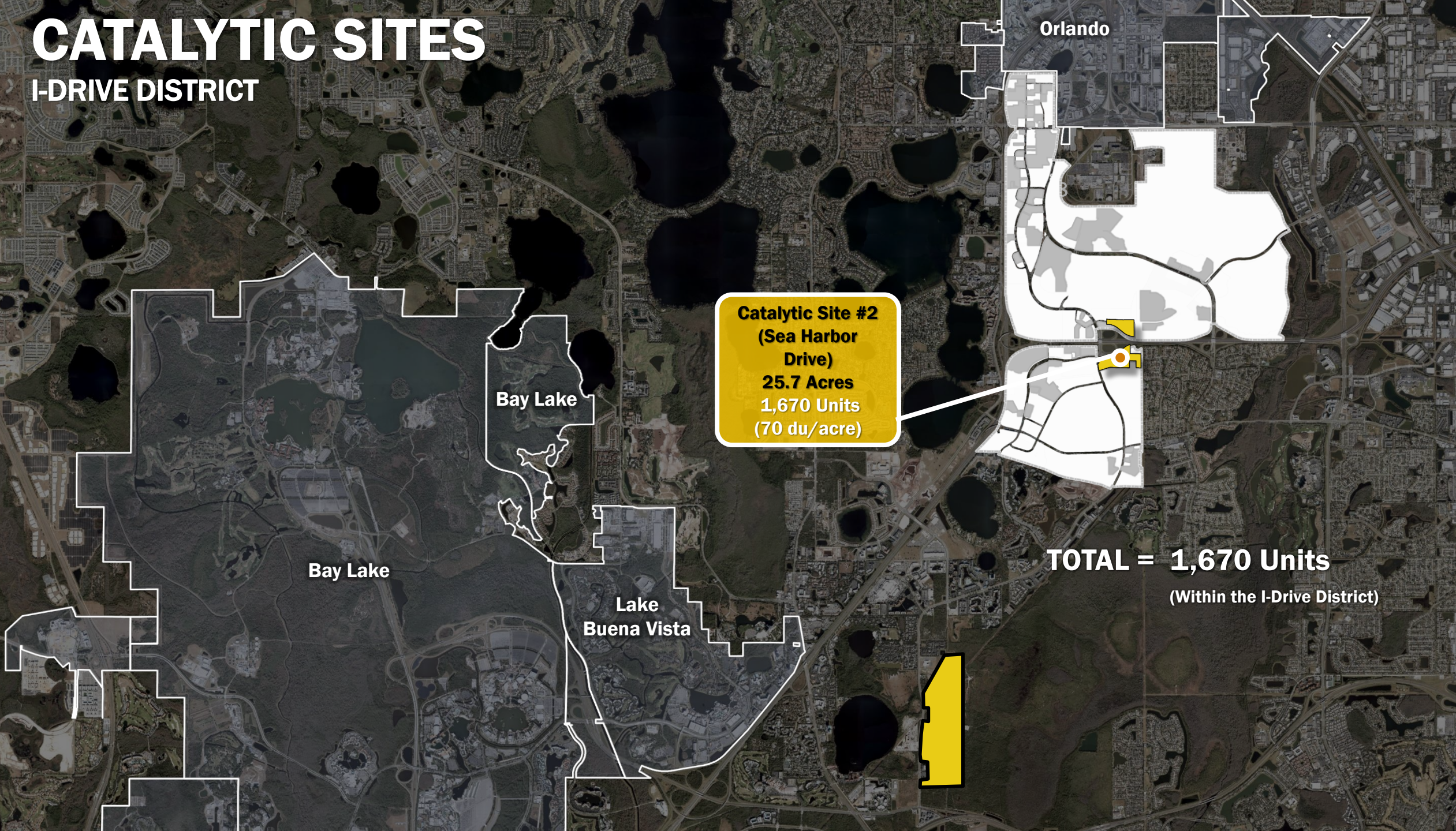
CATALYTIC SITES

I-DRIVE DISTRICT



CATALYTIC SITES

I-DRIVE DISTRICT



Orlando

Bay Lake

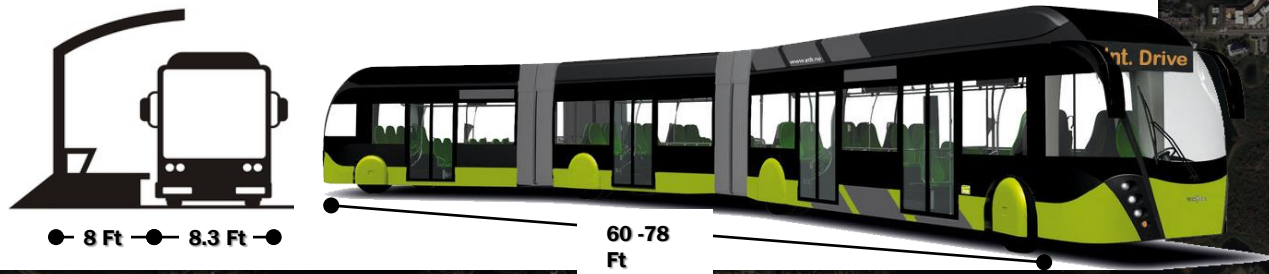
Bay Lake

Lake
Buena Vista

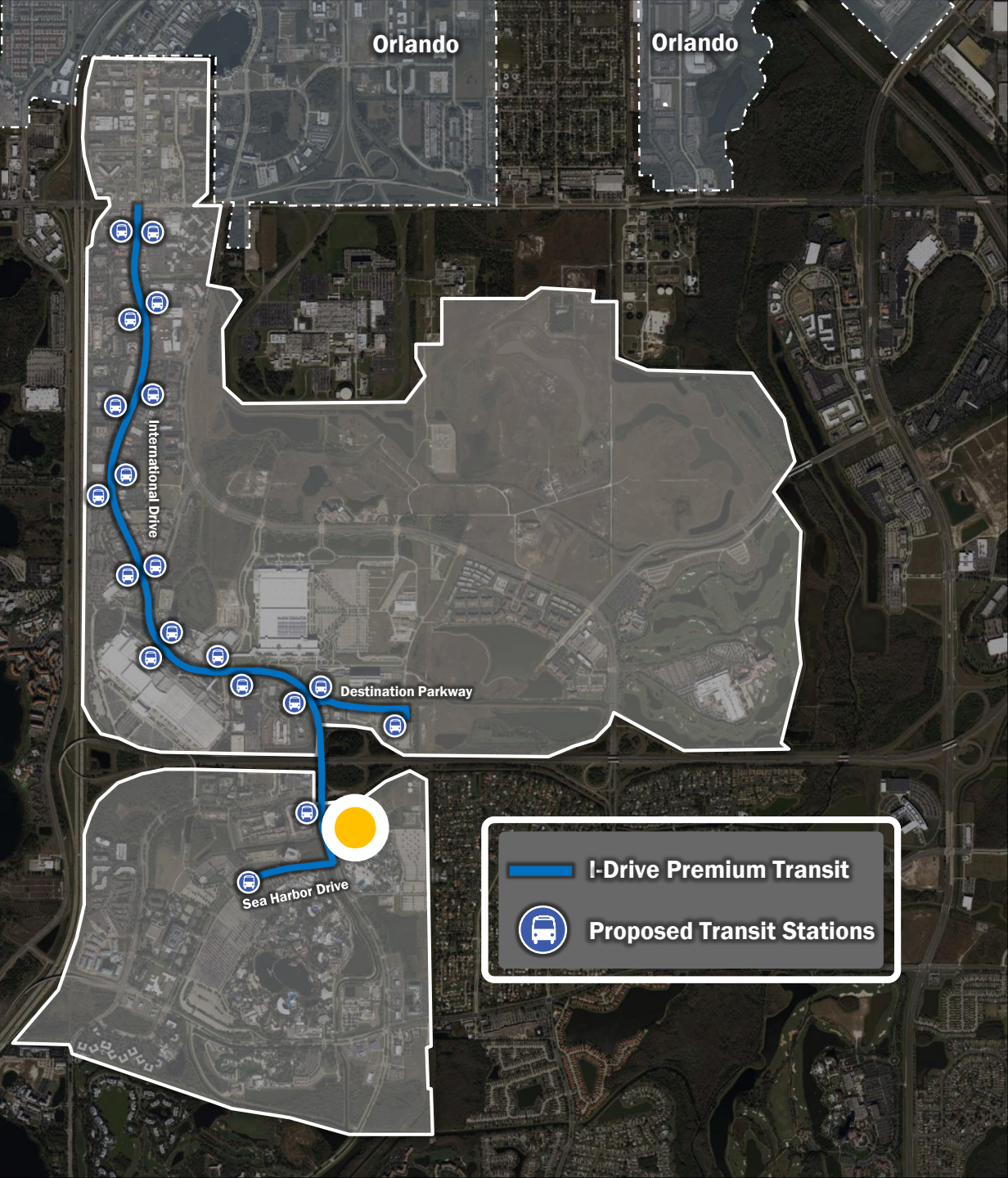
Catalytic Site #2
(Sea Harbor Drive)
25.7 Acres
1,670 Units
(70 du/acre)

TOTAL = 1,670 Units
(Within the I-Drive District)

I-DRIVE PREMIUM BUS



VAN HOOL FUEL CELL HYDROGEN BRT



SEA HARBOR DRIVE

SITE BOUNDARY



SEA HARBOR DRIVE

CONCEPTUAL PLAN



I-DRIVE REGIONAL CENTER

DENSITY/INTENSITY: 70 du/ac

BUILDING HEIGHT : 7 STORIES

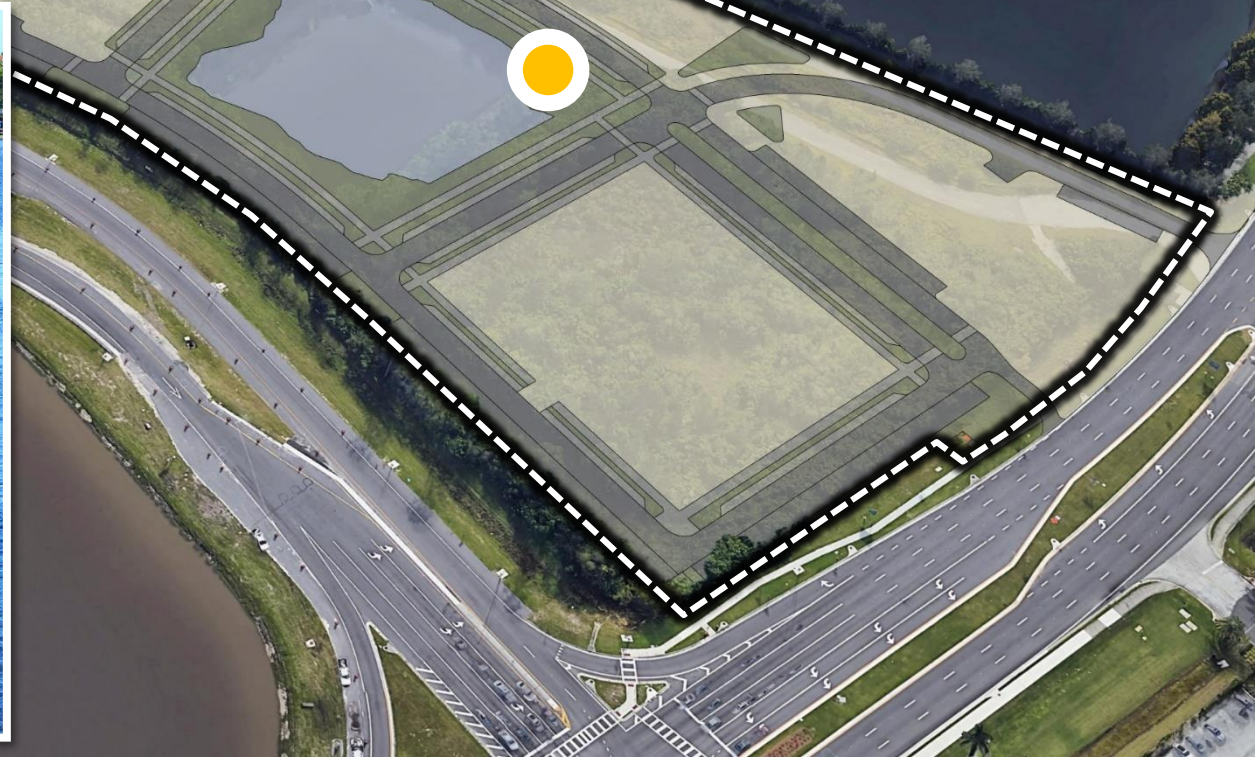
OPEN SPACE = 10%

MIXED - USE & MIXED INCOME

SEA HARBOR DRIVE

CONCEPTUAL PLAN

CREATE DISCERNIBLE NEIGHBORHOOD CENTERS



SEA HARBOR DRIVE

CONCEPTUAL PLAN

DEVELOP A WALKABLE STREET NETWORK



SEA HARBOR DRIVE

ILLUSTRATIVE 3D MODEL



SEA HARBOR DRIVE

ILLUSTRATIVE 3D MODEL

BUILD-OUT SCENARIO

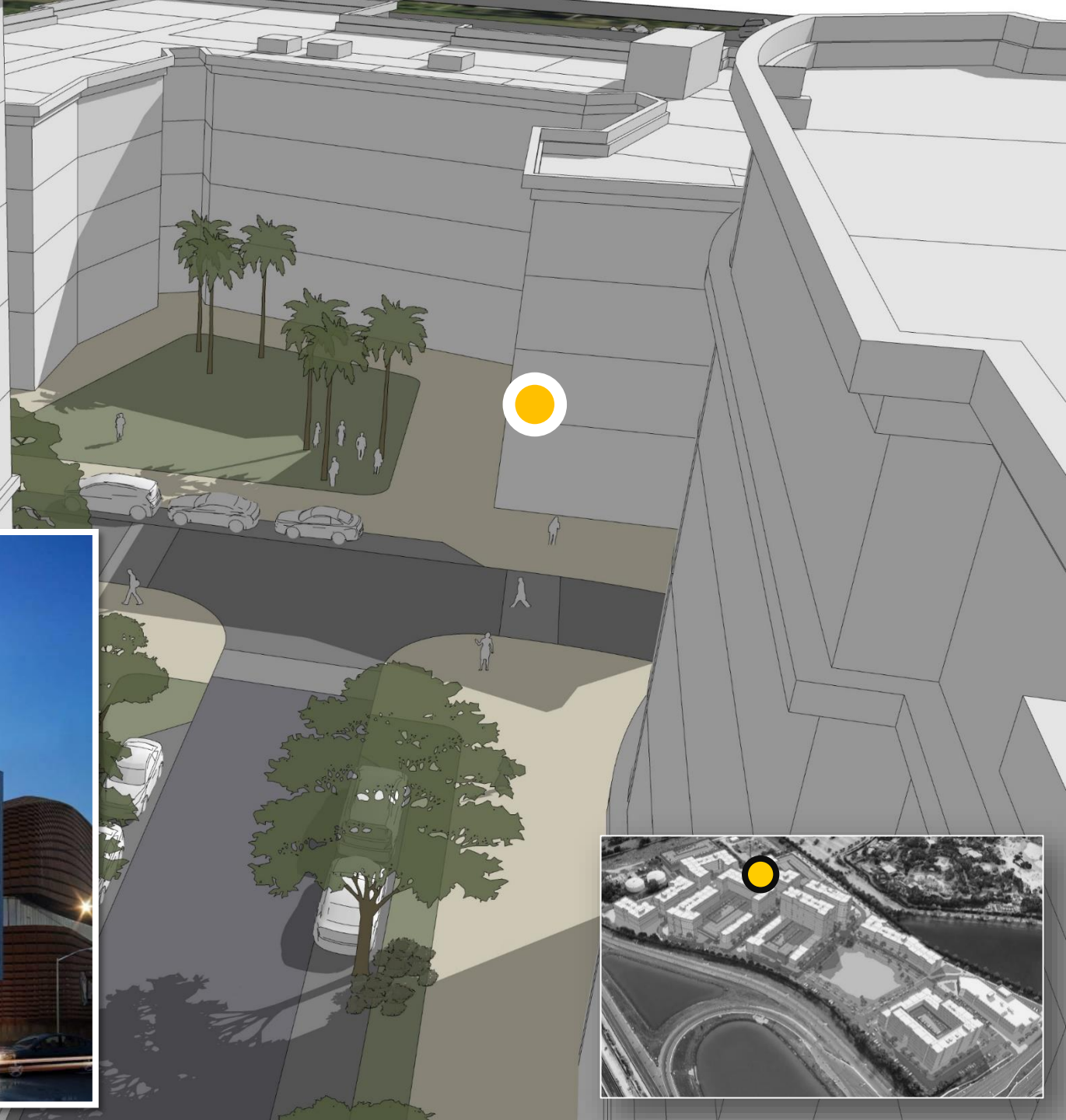
Net Developable Area	25.7 ACRES
Density	70 (DU/ACRE)
Additional Residential	+540 Units
Total Residential	1,930 Units
Total Parking	~2,800 spaces



SEA HARBOR DRIVE

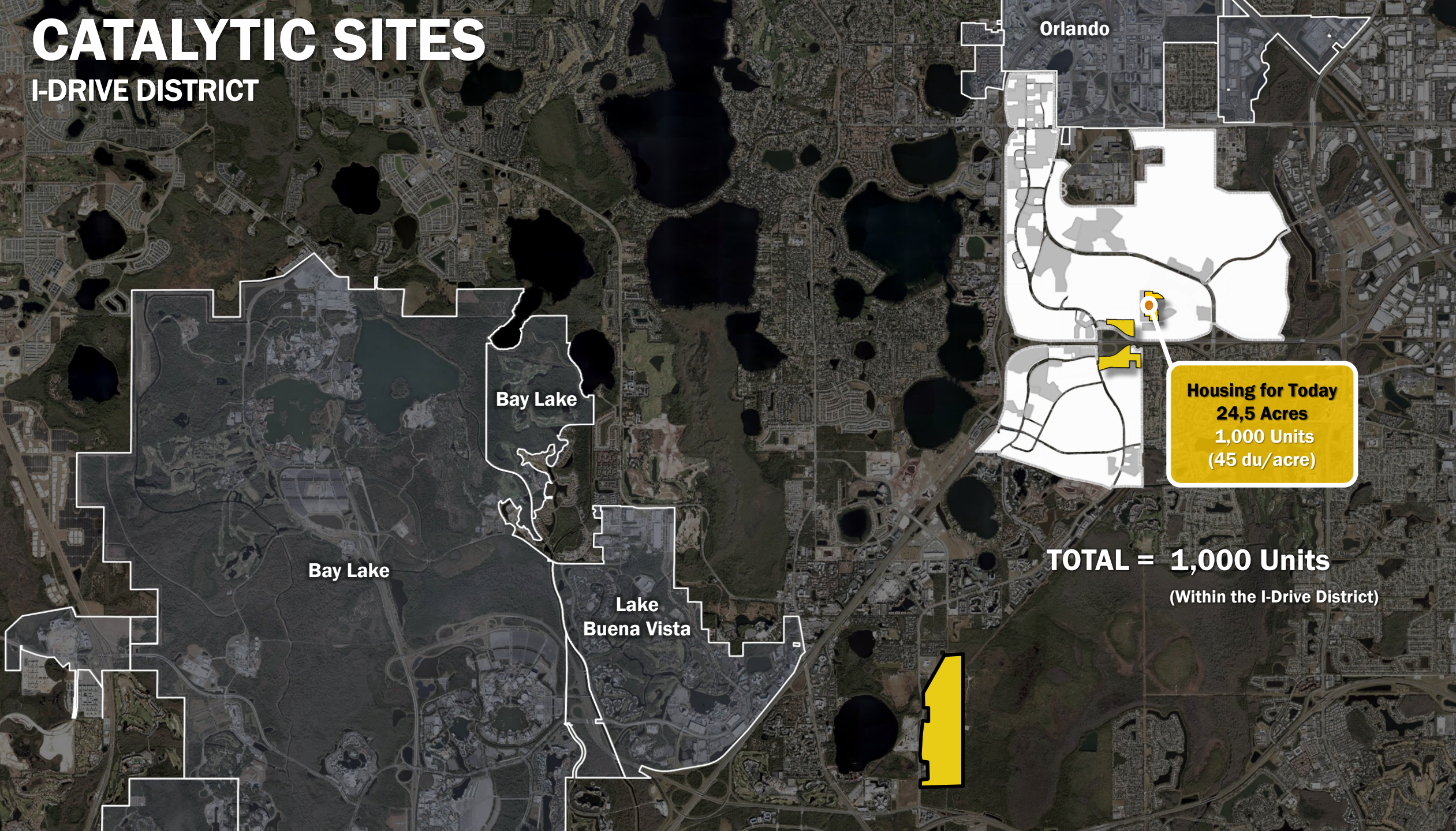
ILLUSTRATIVE 3D MODEL

MIXED INCOME – MIXED USE DEVELOPMENT



CATALYTIC SITES

I-DRIVE DISTRICT



Orlando

Bay Lake

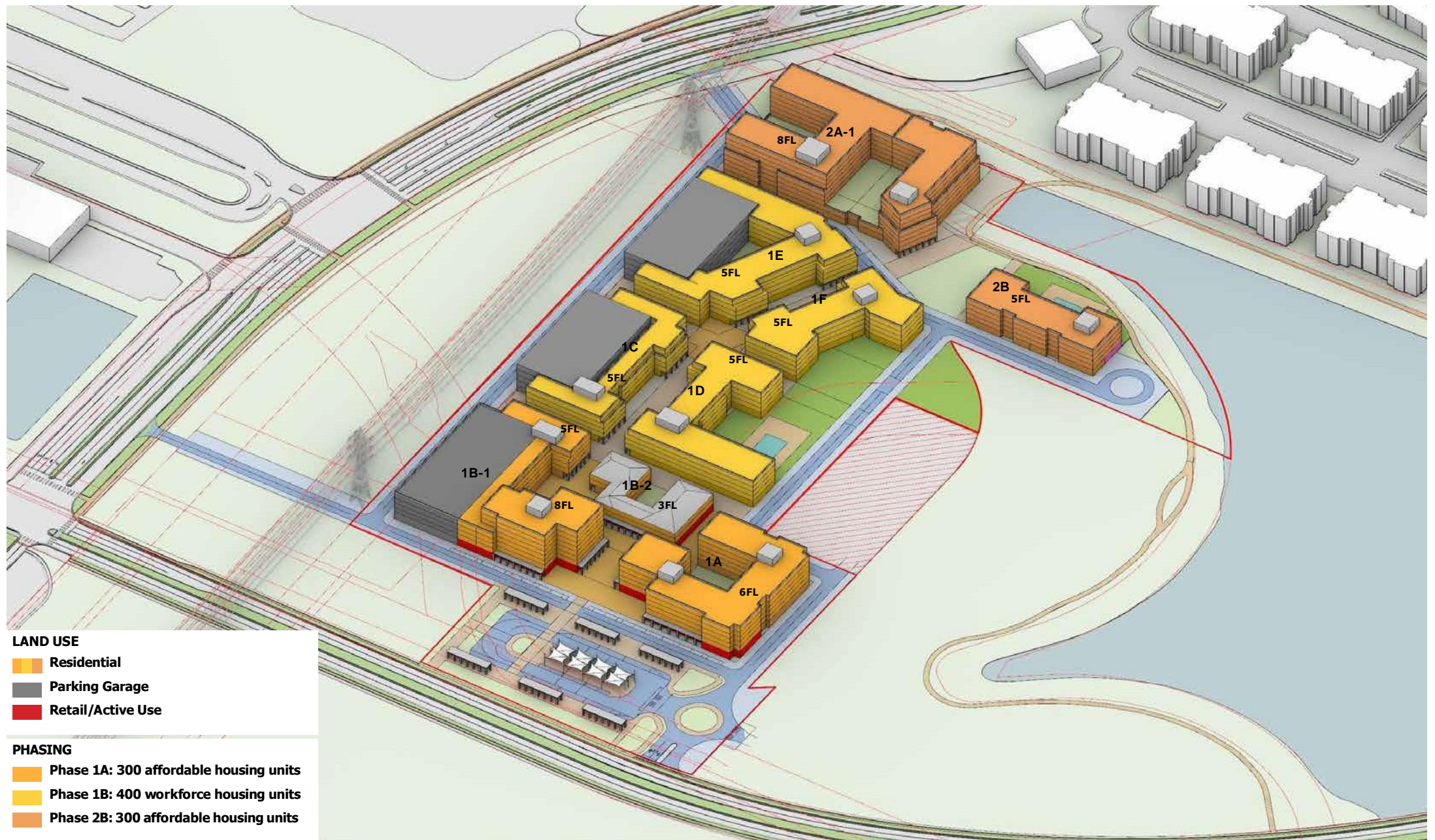
Bay Lake

Lake
Buena Vista

Housing for Today
24,5 Acres
1,000 Units
(45 du/acre)

TOTAL = 1,000 Units
(Within the I-Drive District)







HOUSING FOR ALL ACTION PLAN

GOALS

REMOVE REGULATORY BARRIERS AND INTRODUCE NEW POLICIES

INTEGRATE Affordable, Attainable and Market-Rate Residential Units

- Further Research on Incentive Areas and Policies
- Expansion of Mixed Use / Mixed Income Districts
- Density and Intensity Incentives

Zoning Incentive Areas & Policies
Mixed Use Districts
Density Bonuses



13,200

affordable or attainable units
by 2030

HOUSING FOR ALL ACTION PLAN

GOALS

REMOVE REGULATORY BARRIERS AND INTRODUCE NEW POLICIES

ELIMINATE Existing Barriers to Housing Development

Code changes associated with:

1. Review ADU Requirements
2. Missing Middle Options/Flexible Lot Sizes
3. Minimum Household Occupancy
4. Expand Mixed Use/Mixed Income Districts
5. Minimum Living Area Requirements
6. Reduced Parking Requirements



HOUSING FOR ALL ACTION PLAN

GOALS

REMOVE REGULATORY BARRIERS AND INTRODUCE NEW POLICIES

ELIMINATE Existing Barriers to Housing Development

Code changes associated with:

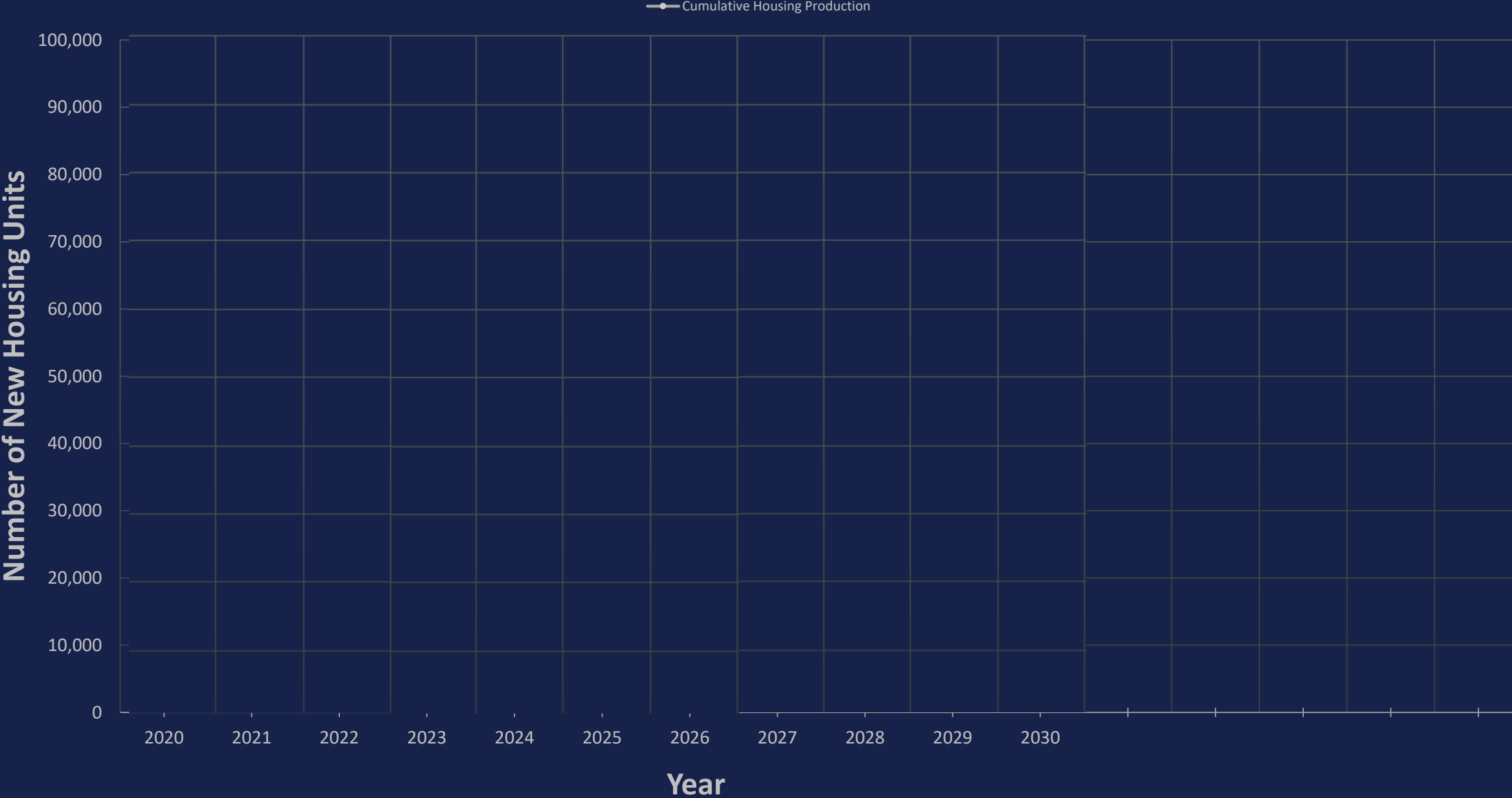
1. Review ADU Requirements
2. Missing Middle Options/Flexible Lot Sizes
3. Minimum Household Occupancy Requirements
4. Expand Mixed Use/Mixed Income Districts
5. Minimum Living Area Requirements
6. Reduced Parking Requirements



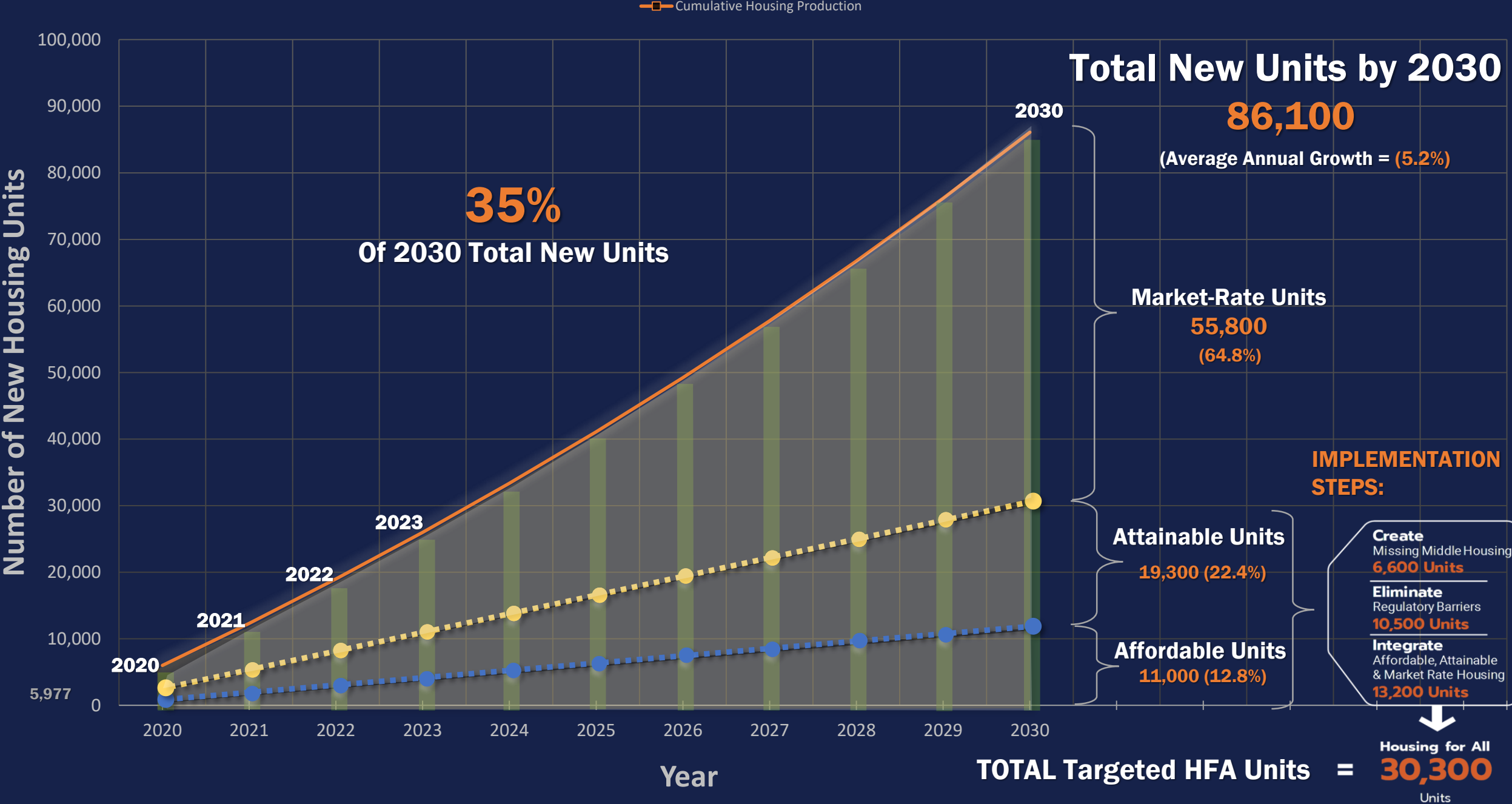
ORANGE CODE

Streamlined, Context-Sensitive,
Form Based

Housing for All 10-Year Action Plan Targets



Housing for All 10-Year Action Plan Targets





HOUSING FOR ALL ACTION PLAN

RECOMMENDATIONS

CONCLUSION

HOUSING FOR ALL ACTION PLAN

CONCLUSION

THE 10-YEAR ACTION PLAN:

Provides specific and actionable solutions tailored to Orange County's housing needs

Identifies significant opportunities for public-private partnerships

Sets a pivotal path forward for Orange County's social and economic future



VISION 250

NEXT STEPS & APPROVAL PROCESS TIMELINE



NEXT STEPS

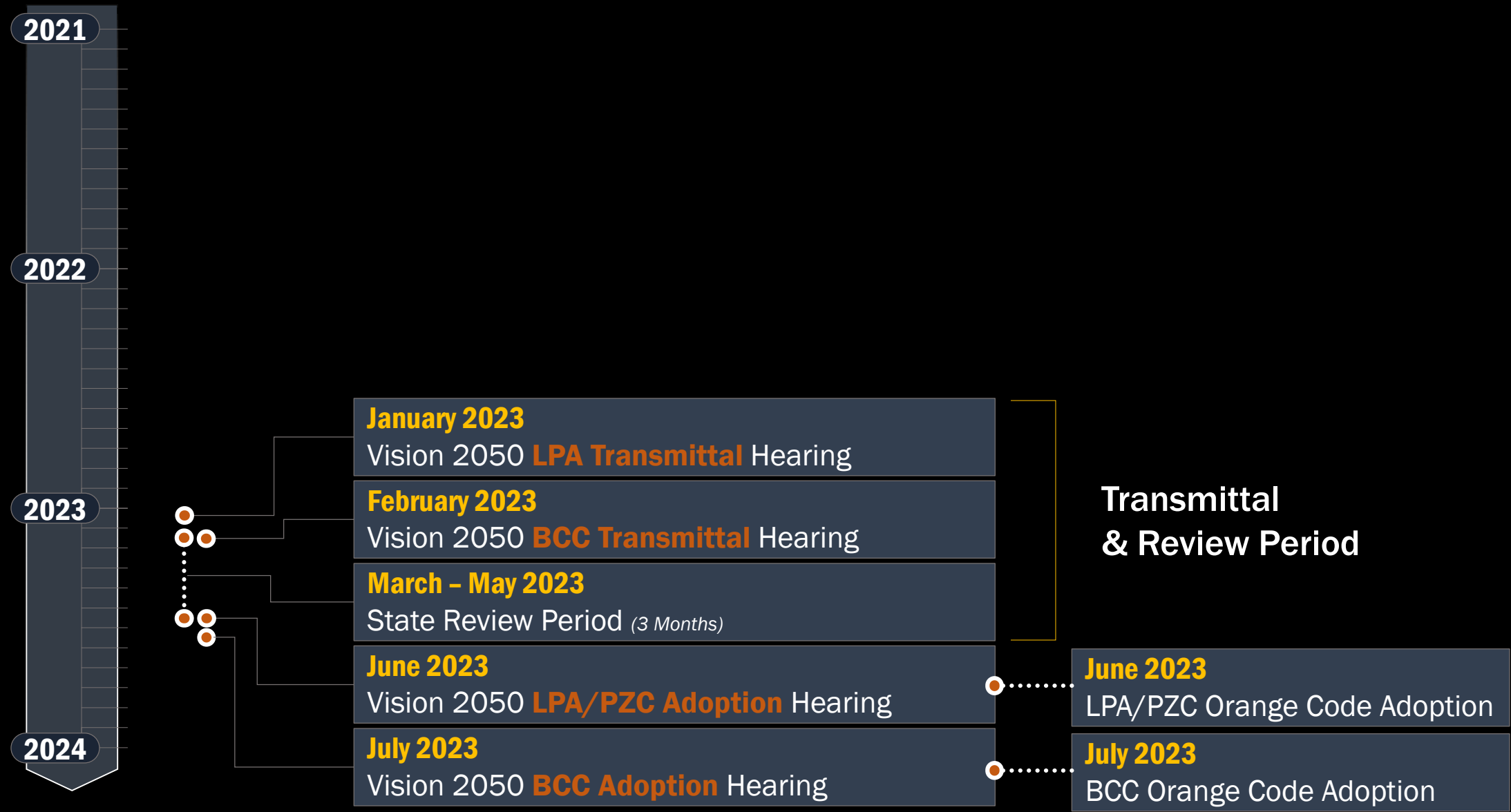
APPROVAL PROCESS & TIMELINE

June 2022
Orange Code Final Draft Completed

July 2022 – January 2023
Orange Code Public Review Period

VISION 250

NEXT STEPS & APPROVAL PROCESS TIMELINE



VISION 250

PUBLIC ENGAGEMENT PLAN – TIMELINE

PUBLIC ENGAGEMENT

Ongoing

Launch participation in the effort and shared prioritized initiatives including:

- **Smart Growth**
- **Housing**
- **Transportation**
- **Technology**
- **Sustainability**

Visit:

www.ocfl.net/Vision2050

The screenshot shows the 'VISION 2050 Planning Principles' page. The header includes the Orange County Government logo, navigation links (Site Map, A To Z Index, Español, Payment Center, Follow Us On), a search bar, and a 'Browse Services' button. A secondary navigation bar lists 'RESIDENTS', 'VISITORS', 'BUSINESSES', 'EMPLOYEES', and 'ABOUT US'. A breadcrumb trail indicates 'You are here: Vision 2050 | Planning Principles'. The main content area features a large blue banner with the title 'VISION 2050 Planning Principles' and the 'VISION 2050' logo. A left sidebar contains a vertical menu with links: Overview, Vision, Planning Principles (highlighted), Place Types, Get Involved, Media Coverage, Orange Code, and Mayor Initiatives. The main content area is titled 'Planning Scales' and explains that the use of appropriate planning scales is at the core of context-sensitive planning. It lists three scales: Market Areas, Planning Sectors, and Place Types. A callout box titled 'What is your Vision for 2050?' lists three surveys: Survey 1 (Your Vision and Evaluation of the Current Plan), Survey 2 (Your Policy Priorities), and Survey 3 (Your Neighborhood and Planning Priorities). At the bottom, three maps illustrate the scales: Market Areas, Planning Sectors, and Place Types, each with a brief description.

Site Map | A To Z Index | Español | Payment Center | Follow Us On    

Search our site  [Browse Services](#)

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You are here: [Vision 2050](#) | [Planning Principles](#)

VISION 2050

Planning Principles



Overview

Vision

Planning Principles

Place Types

Get Involved

Media Coverage

Orange Code

Mayor Initiatives

Planning Scales

The use of appropriate planning scales is at the core of context-sensitive planning. These distinct scales provide planners, public officials and the public a better set of tools to understand and craft long-range policies, sector-wide strategies and place-specific standards.

The Vision 2050 plan is organized around three scales: **Market Areas**, **Planning Sectors**, and **Place Types**.

What is your Vision for 2050?

[Survey 1](#) – Your Vision and Evaluation of the Current Plan


[Survey 2](#) – Your Policy Priorities

[Survey 3](#) – Your Neighborhood and Planning Priorities



Market Areas

Market Areas describe the general character of geographical areas within the County. They inform and influence the structure of subsequent



Planning Sectors

Planning Sectors are associated with specific long-range planning strategies that indicate whether an area should develop, redevelop or



Place Types

Place Types define existing and future planning areas, including appropriate development densities and intensities. These typologies are



Questions/Discussion



IV. Local government tools for affordable housing

Investigating your local land use laws

- Zoning and land use policies impact the cost of development and the amount of housing units that can be produced in a jurisdiction, both of which can negatively affect housing affordability
- Regulations/policies to look at:
 - Zoning map – how much of buildable land is low-density, single-family only?
 - Allowable uses & densities – what housing types are supported and which are discouraged?
 - Parking, setback, and minimum lot size requirements
 - Permitting, inspection, & other fees
 - Design standards
 - Permitting process – is it easy to navigate?
- Goal: structure codes to facilitate and encourage the production of affordable housing & make the best use of limited land resources



F.S. 125.01055(6)/166.04151(6) – Land Use Flexibility for Affordable Housing

- House Bill 1339 (2020) provided tremendous flexibility to local governments to approve affordable housing developments without needing a rezoning or comprehensive plan amendment.
- S. 125.01055(6) for counties and S. 166.04151(6) for cities:

“Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a [city or county] may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use.”



What does this new statutory provision mean?

- It grants permission for a local government to override their own comprehensive plan and/or zoning code to approve an affordable housing development
- Ex) An affordable housing developer could be permitted to build a multifamily project in a commercial land use designation without needing a zoning change
- This language can act as a “super-waiver” of all land development regulations for affordable housing developments



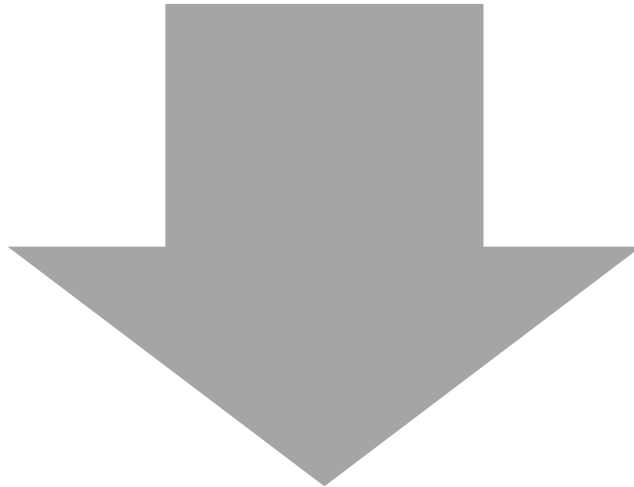
Benefits & Burdens



Good



- Could reduce costly land use barriers for affordable housing development
- Expands government owned-lands that can be used for housing
- Expedite affordable development
- Can be helpful for missing middle housing, gentle density, & adaptive reuse
- Helpful in combating NIMBY



Not so good



- Would be harmful if misused to permit affordable housing where people should not live – e.g. near toxic uses, in food deserts, areas without adequate transit or infrastructure
- If used in commercial and industrial areas, may reduce available land for new employment/job growth

How to implement F.S. §§ 125.01055(6)/166.04151(6)

- State law does not provide a method for how to implement this land use flexibility
- Can be done through an implementing ordinance (St. Petersburg) or on a case-by-case basis at the staff level (Jacksonville)
- Although these statutes allow the waiver of all development standards, there will be development standards the local government will still need to regulate:
 - Density
 - Parking
 - Setbacks
 - Compatibility with surrounding structures
 - Environmental considerations



Sample Policy – included as a handout

COUNTIES

Policy Implementing § 125.01055(6)

The County Commission may approve the development of affordable housing on any parcel zoned for residential, commercial, or industrial use if the development receives funding from the Florida Housing Finance Corporation, the _____¹ Housing Finance Authority, the State Housing Initiatives Partnership (SHIP) program, other federal, state, or local affordable housing funding source, or if the development agrees to a Land Use Restriction Agreement that reserves _____² percent or more of the dwelling units for affordable housing for households with gross incomes at or below _____³ percent of the median income adjusted for family size, as defined in _____⁴, for a period of 50 years or more⁵. Development standards for projects subject to this policy, such as density, height, design, and other characteristics, shall be determined by the _____⁶ in coordination with the applicant and brought to the Commission for final approval or as provided in an implementing ordinance.

- 1 Insert name of applicable Housing Finance Authority, if any.
- 2 Establish the percentage of units that need to be affordable to receive the zoning benefits.
- 3 Establish the household incomes served by the affordable units approved under this policy.
- 4 Cite to a local definition of affordable housing or the state definition at 420.0004.
- 5 Define the affordability period. This period should be at least 50 years or more.
- 6 Title of department head responsible for making final decisions on zoning orders.



It's all a matter of priority . . .

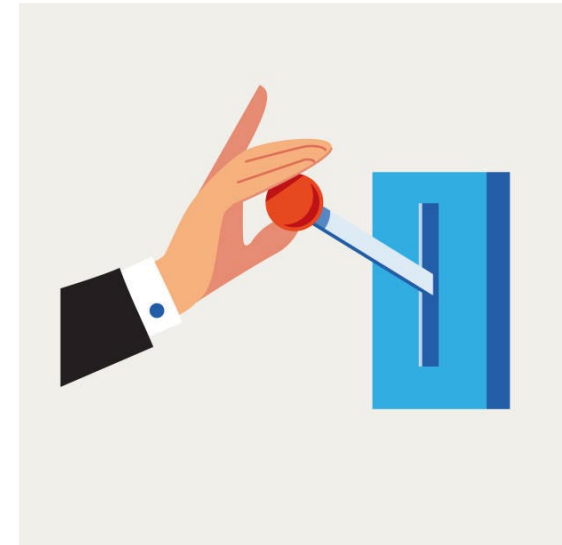
- If a local government has the **motivation** to approve a particular affordable housing development in a residential, commercial, or industrial zone, it can use § 125.01055(6) or § 166.04151(6) to do so regardless of the underlying zoning
- Use this land use flexibility to condition fast-tracked development approval on the provision of long-term affordable units
- Ex) if a residential zone only allows 60 units to be built, this provision can be used to allow a developer to build 100 units if long-term affordable housing is provided
- Ex) a local government could use this provision to allow an affordable triplex to be built in a single-family zone
- The possibilities are endless!



POLL #2

Q: Is your local government having discussions about implementing the affordable housing land use flexibility in House Bill 1339 (2020)?

- ☐ Yes, and we are moving towards implementation.
- ☐ Yes, but no plans to implement are in the works.
- ☐ No.
- ☐ My local government has already implemented this tool.



Allowing missing middle housing

- More communities are adopting ordinances to allow more accessory dwelling units, duplexes, triplexes, townhomes by-right.
- Keep in mind: just because a unit is smaller, that does not mean that it will be affordable to households at or under 80% AMI
- **Consider:** Allow more housing types by-right and pair additional land use tools to facilitate affordable missing middle units
 - Expedited permitting & extra density for affordable duplexes
 - Fee waivers & reductions





V. Avoiding and overcoming NIMBY



The Consequences of NIMBYism

- Undermines the Local Govt's ability to meet the comprehensive plan obligation to ensure adequate supply of affordable housing
- Violates the property rights of the affordable housing developer
- Exacerbates the affordable housing crisis
- Exacerbates racial segregation caused by intentional policies of government financial agencies and planning departments from redlining and exclusionary zoning – e.g. single family only zoning, and decisions made on “compatibility”



Local Government Planners

- The only difference in treatment you should be giving to affordable housing is preferential treatment- expedited permitting means everything it takes to get a permit
- For ex. Affordable Housing goes to the front of the line- not delayed because of neighborhood opposition
- Ask yourselves “Would we be asking the developer of a luxury apartment to make these changes to the site plan?”



Local Government Planners

- Avoid a public hearing whenever possible
- When the development is up for consideration at public hearing- adhere to quasi-judicial rules for substantial competent evidence taken under oath
- Assist the developer with local government evidence—e.g. traffic studies that support the development when “neighbors” bring up traffic concerns



Developers:

Address All Legitimate Concerns

- Avoid NIMBY battles by listening to the opposition and reaching compromises when possible.
- Good architecture, lighting, and landscaping buffers can be a win-win- not just for you and the neighbors, but for your future residents too.
- Most importantly, by addressing all *legitimate concerns* the elected body will have only *illegitimate concerns* upon which to base its denial.



The Florida Remedy for NIMBYism

- The story of Pueblo Bonito – Violation of Federal Fair Housing Act- used Bert Harris Property Rights Act provision for Special Master proceeding for speedy resolution permitting the affordable development
- AHSC recommended an amendment to Florida Fair Housing Act to mimic this success when you don't know if you have a protected class
- Fla. Stat. Section 760.26: It is **unlawful to discriminate in land use decisions or in the permitting of development** based on race, color, national origin, sex, disability, familial status, religion, or, except as otherwise provided by law, **the source of financing of a development or proposed development.**



Using Fla. Stat. Section 70.51

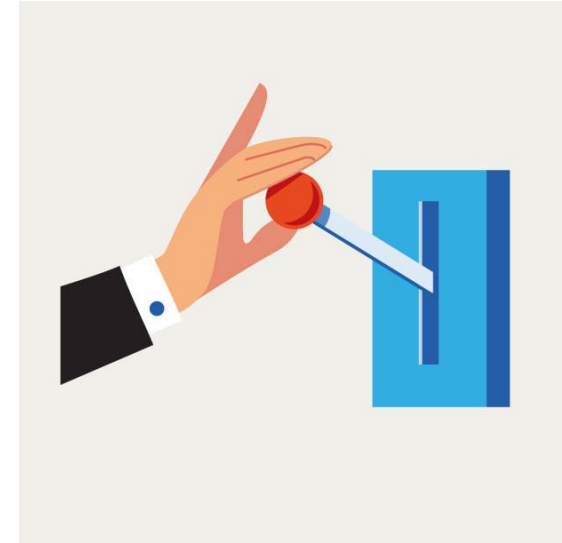
- The Florida Land Use and Environmental Dispute Resolution Act
- File a petition within 30 days of land use/permitting denial
- Special Magistrate is appointed who will review the denial in the context of the private property rights and fair housing rights of the affordable housing developer.
- It's Quick!
- Provides cover for elected officials and permits the much- needed affordable housing development to move forward.



POLL #3

Q: Is your local government currently having trouble with NIMBYism?

- ☐ Yes.
- ☐ No.
- ☐ Not currently – but have had problems in the past.



FLORIDA HOUSING COALITION PUBLICATIONS

Housing News Network Journal

Florida Home Matters Report

Accessory Dwelling Unit (ADU) Guidebook

Affordable Housing in Florida

Affordable Housing Resource Guide

Affordable Housing Incentive Strategies

Case Management Guidebook

CLT Primer

CLT Homebuyer Education – Buyer's Guide

CLT Homebuyer Education – Teacher's Guide

Community-Based Planning Guide

Creating Inclusive Communities in Florida

Creating a Local Housing Disaster
Recovery Strategy

Credit Underwriting Guide for Multi-Family
Affordable Housing in Florida

Disaster Management Guide for Housing

Effectively Engaging Individuals with Disabilities in
Consolidated Planning

Eyesore to Asset – Adaptive Reuse Guide

Florida Community Land Trust Best Practices

Guide to Developing and Operating Small Scale
Rental Properties

Guide to Using SHIP for Rental Housing

Guidebook for SHIP Administrators

PSH Property Management Guidebook

Residential Rehabilitation Guide

Surplus Lands Guidebook

The Community Allies Guide to Opportunity Zones



2022 ANNUAL STATEWIDE AFFORDABLE HOUSING CONFERENCE

HOME MATTERS



IN FLORIDA



Hosted by the FLORIDA HOUSING COALITION

August 29th – August 31st

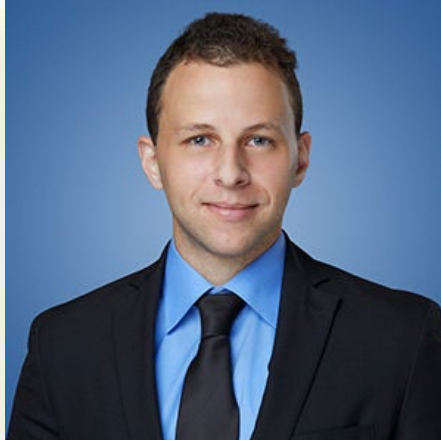
IN-PERSON AT THE ROSEN CENTRE, ORLANDO FL



Contact Us



Jaimie Ross,
President/CEO
Ross@flhousing.org



Kody Glazer,
Legal Director
Glazer@flhousing.org





VI. Additional training material



Land use policies to start with for regulatory reform

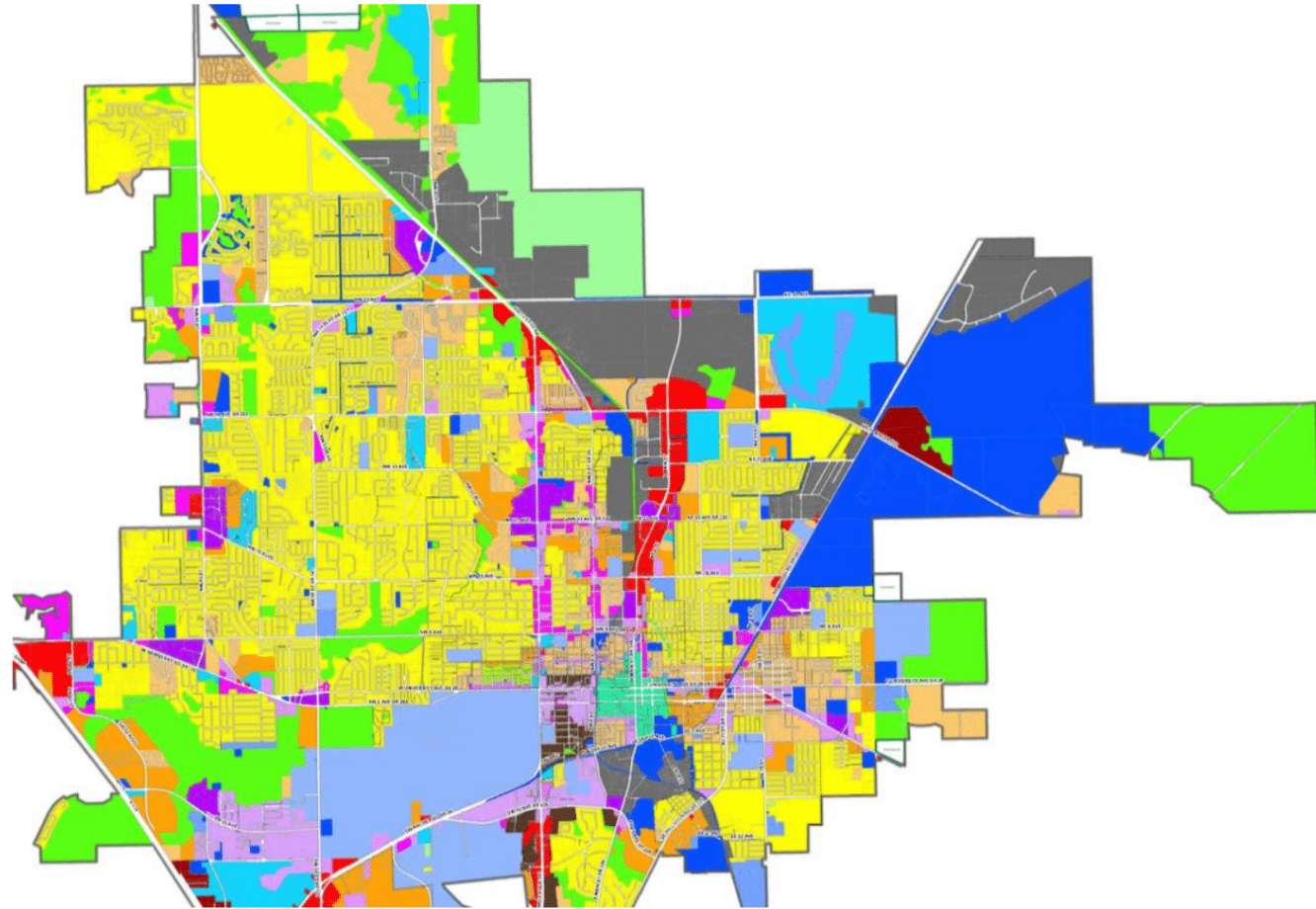
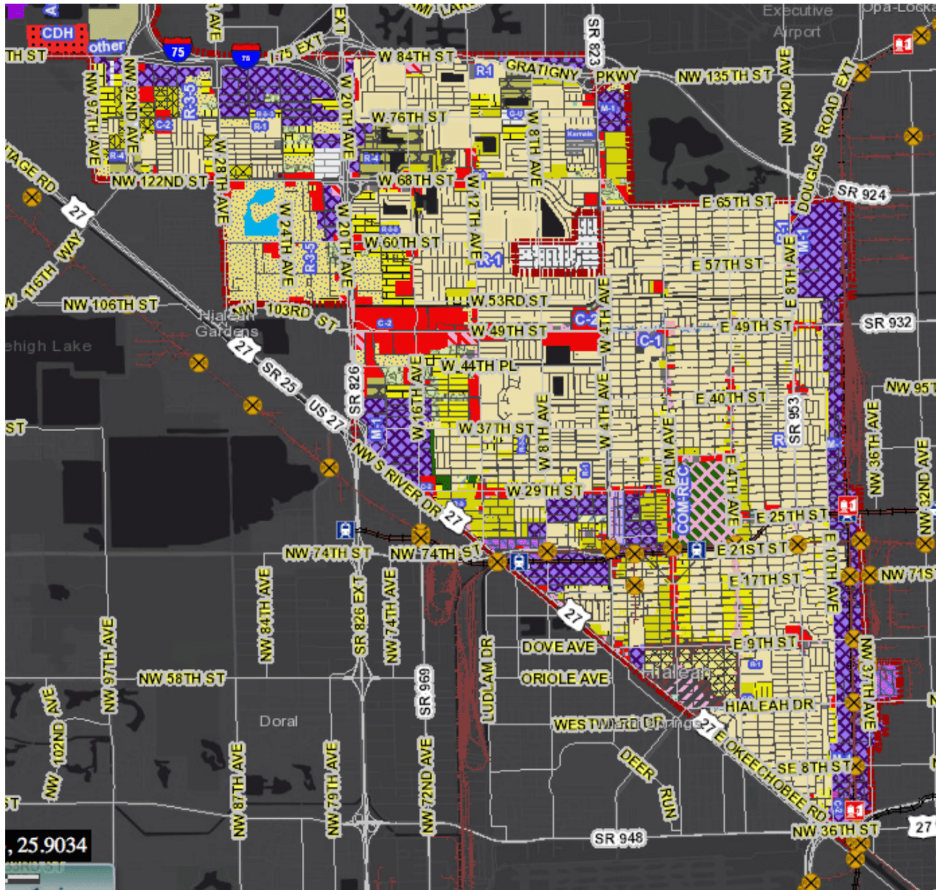
1. Zoning & future land use maps
2. Allowable uses & densities
3. Parking, setback, & lot arrangement requirements
4. Permitting, inspection, & other fees
5. Permitting process
6. Financial incentives & land resources



1. Zoning & future land use maps

- Study zoning and future land use maps to understand community design
- Land use planning documents set a legal cap on the number of housing units that can be developed and the location for different types of housing
- Ask things like:
 - How much/what percentage of buildable land is zoned for low-density, single-family only housing?
 - What is the zoning around transportation corridors, employment centers, and other areas of opportunity?
 - Does our zoning code match community needs for housing?





Yellow is single-family only zoning



Idea: Direct staff to provide yearly analysis of “zone stats”

- Understanding the scope of buildable land dedicated to different uses can help shape affordable housing policy.
- Sample table to use. Include all zone districts and local stats.

Zone	Zone Description	# of Parcels	% of Parcels	Land Area	% of Land Area
R-1	Single-family residential				
R-2	Multi-family residential				
C-1	Low-intensity Commercial				
A-1	Agricultural				

2. Allowable uses & densities

- Understand the allowable housing types and densities in your community's zoning code and where certain housing types are allowed
- This analysis could lead your community to increase densities and allow more flexible housing types to match housing needs
- **Best practices:**
 - Allow ADUs and missing middle housing types (duplexes, triplexes, townhomes, etc.) by right in more areas of the community
 - Allow increased densities around transit and employment for affordable housing developments
 - Promote mixed-use opportunities



3. Parking, setback, and lot arrangement requirements

- Flexibility in these requirements can help lower development costs and ensure that more buildable land is available for housing development.
- **Parking:** Study existing parking requirements and identify areas where standards can be waived or amended for affordable housing units. For example, if on-street parking is available, requiring multiple off-street parking spaces can be burdensome.
- **Setbacks/lot arrangements:** Flexibility in setback and lot arrangement requirements can allow more smaller units to be developed on a single parcel or allow smaller lots to contain homes. Beneficial for “missing middle” and accessory dwelling units (ADUs). Includes standards such as:
 - Setbacks
 - Maximum lot coverage
 - Minimum lot size
 - Open space requirements
 - Zero-lot-line development



4. Permitting, inspection, & other fees

- Study local government fees and identify fees that can be waived or modified for projects certified as affordable
- Impact fees are the main type of fee that may be modified for affordable housing units.
- **Consider:** Charge by square footage rather than by unit type.
- Fla. Stat. § 163.31801(9): local governments may “provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a [local government] provides such an exception or waiver, it is not required to use any revenues to offset the impact.”



5. Permitting process

- Time is money! Assess how long it takes for an affordable development to be approved.
- Tools for facilitating and encouraging affordable housing :
 - Expedited permitting
 - Clearly defining the steps of the process (see House Bill 1059 from 2021 Session)
 - Designate a staff person(s) responsible for shepherding individual projects through the process
 - Whenever feasible, delegate approval authority from public hearing to administrative staff review



6. Financial incentives & land resources

- Study how your local government uses its federal, state, and local funds for affordable housing, including:
 - State Housing Initiatives Partnership (SHIP)
 - General Revenue
 - Community Development Block Grant (CDBG)
 - Community Redevelopment Agency (CRA)
 - Infrastructure Surtax
 - Bonds
 - Philanthropy



6. Financial incentives & land resources

- Leveraging government-owned land can be a great boon for affordable housing.
- Look at your surplus land policies
 - Fla. Stat. §§ 125.379 and 166.0451 require an inventory of government owned lands “appropriate for use as affordable housing”
 - If it is appropriate for market-rate housing, it is appropriate for affordable housing
- School board land (Fla. Stat. § 1001.43)
- Explore using available funds to purchase land for affordable housing
- Create an RFP for developers to build housing on government-owned land – local government can control outcomes on the land it owns through deed restrictions

