



TOWN OF JUPITER

May 29, 2015

Mr. Ray Eubanks
State Land Planning Agency
Florida Department of Economic Opportunity
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399

RE: Adopted Amendment to the Town of Jupiter's Comprehensive Plan - Round 2015-04

Dear Mr. Eubanks:

Attached please find:

- One (1) paper copy;
- Two (2) copies on a CD-ROM in a Portable Document Format (PDF) of one (1) Housing Element Text amendment.

Pursuant to Section 163.3184(3)(a), Florida Statutes, the Town of Jupiter is transmitting copies of the adopted amendment to the Treasure Coast Regional Planning Council (TCRPC), the South Florida Water Management District (SFWMD), the Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT), Palm Beach County Division of Planning and the Florida Department of State (FDOS). The Town's 2015-04 round of Comprehensive Plan amendments is subject to the expedited state review process, pursuant to Section 163.3184(3), Florida Statutes.

The Jupiter Town Council held a public hearing on the Housing Element Comprehensive Plan text amendment on May 19, 2015, at which time the proposed text amendment was adopted with the following changes that had not previously been reviewed:

- Policy 1.2.10 – Changed to state that the in lieu fee amount for workforce housing is established in the Workforce Housing Program (WHP) land development regulations;
- Policy 1.2.11 -
 - Included that criteria for up to an additional 65% density for the provision of additional workforce housing for low income households is included in the WHP land development regulations [part b)];
 - Included guidelines pertaining to granting of density bonuses for redevelopment [part c)];
 - Reduced the amount of possible traffic concurrency exception above the adopted level of service standard for workforce housing units from 30 to 15 percent [part d)].
- Policy 1.5.1 – Clarify that it the responsibility of the developer to provide alternate housing opportunities in proximity to employment and necessary public services for occupants of affordable and workforce housing units, which are part of a federal, state or Town approved housing assistance program;
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Mr. Ray Eubanks
May 29, 2015
Page 2

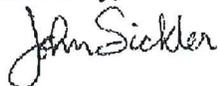
Comprehensive Plan Amendment – Housing Element Text (Ordinance #6-15) – To modify policies associated with the Workforce Housing Program and to update the affordable and workforce housing needs assessment.

The local contact person for information on the amendment is as follows:

David M. Kemp, AICP
Principal Planner
Department of Planning and Zoning
Town of Jupiter
210 Military Trail
Jupiter, Florida 33458
(561) 741- 2452 (phone)
(561) 744-3116 (Fax)
davidk@jupiter.fl.us

If you have any further comments or questions, please feel free to contact David Kemp at your earliest convenience.

Sincerely,



John R. Sickler, AICP
Director of Planning and Zoning
Town of Jupiter

Cc: Stephanie A. Thoburn, Assistant Director of Planning and Zoning (via e-mail)
(w/o Attachments)

Attachments:

Transmittal Letter to Michael J. Busha, TCRPC
Transmittal Letter to Gerry O'Reilly, FDOT
Transmittal Letter to Terry Manning, SFWMD
Transmittal Letter to Lorenzo Aghemo, Palm Beach County
Transmittal Letter to Chris Stahl, FDEP
Transmittal Letter to Deena Woodward, FDOS
2015-04 Town Comprehensive Plan Amendment

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TOWN OF JUPITER

May 29, 2015

Mr. Michael J. Busha, AICP
Executive Director
Treasure Coast Regional Planning Council
421 S.W. Camden Avenue
Stuart, FL 34994

RE: Adopted Amendment to the Town of Jupiter's Comprehensive Plan - Round 2015-04

Dear Mr. Busha:

Attached please find:

- One (1) copy on a CD-ROM in a Portable Document Format (PDF) of one (1) Housing Element Text (CPTX) amendment

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Mr. Michael J. Busha

May 29, 2015

Page 2

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davidk@jupiter.fl.us

If you have any further comments or questions, please feel free to contact David Kemp at your earliest convenience.

Sincerely,



John R. Sickler, AICP
Director of Planning and Zoning
Town of Jupiter

Cc: Stephanie A. Thoburn, Assistant Director of Planning and Zoning (via e-mail)
(w/o Attachments)

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Ltrs\05-29-15_TCRPCLt.doc



TOWN OF JUPITER

May 29, 2015

Mr. Gerry O'Reilly, Director of Production and Planning
Florida Department of Transportation, District Four
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309

RE: Adopted Amendment to the Town of Jupiter's Comprehensive Plan - Round 2015-04

Dear Mr. O'Reilly:

Attached please find:

- One (1) copy on a CD-ROM in a Portable Document Format (PDF) of one (1) Housing Element Text (CPTX) amendment

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Mr. Gerry O'Reilly
May 29, 2015
Page 2

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Principal Planner
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Director of Planning and Zoning
Town of Jupiter

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Ltrs\05-29-15_FDOTLt.doc



TOWN OF JUPITER

May 29, 2015

Terry Manning, AICP
Senior Planner
Intergovernmental Coordination Section
South Florida Water Management District
3301 Gun Club Road, MSG 2640
West Palm Beach, Florida 33406

RE: Adopted Amendment to the Town of Jupiter's Comprehensive Plan - Round 2015-04

Dear Ms. Manning:

Attached please find:

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Ms. Terry Manning
May 29, 2015
Page 2

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TOWN OF JUPITER

May 29, 2015

Mr. Lorenzo Aghemo
Division of Planning
Palm Beach County
2300 N. Jog Road
West Palm Beach, Florida 33411

RE: Adopted Amendment to the Town of Jupiter's Comprehensive Plan - Round 2015-04

Dear Mr. Aghemo:

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Mr. Lorenzo Aghemo

May 29, 2015

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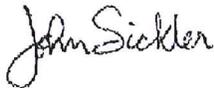
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TOWN OF JUPITER

May 29, 2015

Florida Department of Environmental Protection
Office of Intergovernmental Programs
Att: Mr. Chris Stahl
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, Florida 32399-3000

RE: Adopted Amendment to the Town of Jupiter's Comprehensive Plan - Round 2015-04

Dear Mr. Stahl:

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Mr. Chris Stahl
May 29, 2015
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Town of Jupiter

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TOWN OF JUPITER

May 29, 2015

Ms. Deena Woodward
Historic Preservation Planner
Bureau of Historic Preservation
Department of State
500 South Bronough Street
Tallahassee, Florida 32399-0250

RE: Adopted Amendment to the Town of Jupiter's Comprehensive Plan - Round 2015-04

Dear Ms. Woodward:

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Ms. Deena Woodward
May 29, 2015
Page 2

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Director of Planning and Zoning
Town of Jupiter

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ORDINANCE NO. 6-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AMENDING ORDINANCE NO. 57-89, THE COMPREHENSIVE PLAN OF THE TOWN OF JUPITER; PROVIDING FOR AMENDMENTS TO THE HOUSING ELEMENT PERTAINING TO POLICIES REGARDING WORKFORCE HOUSING AND OBJECTIVE 1.1 REGARDING AFFORDABLE AND WORKFORCE HOUSING NEEDS ASSESSMENT; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Jupiter, Florida (Town), has adopted a Comprehensive Plan for the Town of Jupiter pursuant to Chapter 163, Part II, Florida Statutes, formerly known as the Local Government Comprehensive Planning Act" and now known as the Growth Policy Act (the Act); and,

WHEREAS, the Florida Department of Community Affairs, now known as the Department of Economic Opportunity, has previously determined that the Town's Comprehensive Plan was "in compliance" with the Act; and,

WHEREAS, pursuant to Section 163.3174(4)(a) of the Act, the Town's Local Planning Agency (the LPA) has conducted a public hearing to consider the amendments proposed herein (the Amendments) and;

WHEREAS, the Amendments are set forth in Exhibit "A" which is attached hereto and incorporated herein; and,

1 **WHEREAS**, The Town Council has determined that the Amendments would be in
2 compliance with the Act; and,

3 **WHEREAS**, pursuant to Section 163.3184(11), Florida Statutes, the Town Council has
4 conducted a public hearing to consider the transmittal of the Amendments, and after considering
5 public comments, and the recommendation of the Town’s Local Planning Agency, and the
6 Planning and Zoning Department staff has authorized the transmittal of the Amendments to the
7 Florida Department of Economic Opportunity, appropriate reviewing agencies and any other
8 local government or governmental agency that has previously filed a written request and
9 requested that their comments be considered in the review of the Amednments;

10 **WHEREAS**, the Florida Department of Economic Opportunity and appropriate reviewing
11 agencies have reviewed the proposed Amendments for consistency with the Act and sent any
12 comments to the Town pursuant to Section 163.3184(3)(b)2. through 4., Florida Statues.

13 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF**
14 **JUPITER, FLORIDA:**

15 **Section 1.** The whereas clauses are incorporated herein as the legislative findings of
16 the Town Council.

17 **Section 2.** Ordinance No. 57-89 of the Town of Jupiter, entitled "Comprehensive
18 Plan of the Town of Jupiter," is hereby amended to reflect the changes to objectives and
19 policies of the Housing Element related to the Town’s Workforce Housing Program and its
20 affordable and workforce housing needs assessment, as shown in the attached Exhibit "A",
21 which is incorporated herein.

22 **Section 3.** The Town Clerk is hereby directed to transmit the required copies of the
23 proposed Amendments to the Comprehensive Plan to the Department of Economic Opportunity
24 and all other parties pursuant to Section 163.3184(3)(c)2., Florida Statutes.

Ordinance No. 6-15

Page C

1 **Section 4.** Severability. If any section, paragraph, sentence, clause, phrase or
2 word of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or
3 void, such holding shall not affect the remainder of this Ordinance.

4 **Section 5.** Repeal of Laws in Conflict. All ordinances or part of ordinances in
5 conflict herewith are hereby repealed to the extent of such conflict.

6 **Section 6.** Effective Date. The provisions of this Ordinance shall become effective
7 pursuant to Section 163.3184(3)(c)4., Florida Statutes.

8
9 Attachment: Exhibit "A" - Text amendments to the Comprehensive Plan

10
11 V:\PlanningZoning\Staff\WP51\COMPPLAN\Amendments\2015-04 TOJ Housing Element Text (PZ 14-239)\05-19-15
12 Adoption TC Meeting\Ord_6-15_Adoption.doc May 8, 2015

EXHIBIT A of Ordinance #6-15

Town of Jupiter Comprehensive Plan

2015-04 Amendment (Text)

May 19, 2015

Location: Housing Element

Goal 1: Provide affordable, structurally-sound Workforce Housing opportunities in sufficient quantity to accommodate the housing needs of present and future residents of Jupiter.

Managed Growth

Objective 1.1 To provide adequate Workforce Housing to meet the future needs assessments identified in Tables 1 through 3 4 for very-low, low, and moderate low and moderate high income households in the Town.

Table 1 - Very Low Income Household Need Analysis 2005 to 2025

Tenure	Up to 2005	2005 to 2010	2010 to 2015	2015 to 2020	2020 to 2025
Owner	1,620	274	297	347	138
Renter	947	119	115	115	32
Total	2,567	390	412	462	170

Table 2 - Low Income Household Need Analysis 2005 to 2025

Tenure	Up to 2005	2005 to 2010	2010 to 2015	2015 to 2020	2020 to 2025
Owner	1,007	133	96	100	0
Renter	479	48	37	35	0
Total	1,486	181	133	135	0

Table 3 - Moderate Income Household Need Analysis 2005 to 2025

Tenure	Up to 2005	2005 to 2010	2010 to 2015	2015 to 2020	2020 to 2025
Owner	873	98	66	53	0
Renter	172	18	16	17	0
Total	1,045	116	82	70	0

(Data Source: 2002 Florida Housing Data Clearinghouse at the Shimberg Center)

Table 1 – Very Low Income (50% AMI & Below)
Household Need Analysis 2010 – 2035

<u>Tenure</u>	<u>Up to 2015</u>	<u>2015 – 2020</u>	<u>2020 – 2025</u>	<u>2025 – 2030</u>	<u>2030 - 2035</u>
<u>Owner</u>	<u>2,605</u>	<u>129</u>	<u>57</u>	<u>102</u>	<u>91</u>
<u>Renter</u>	<u>2,012</u>	<u>112</u>	<u>53</u>	<u>71</u>	<u>65</u>
<u>Total</u>	<u>4,617</u>	<u>241</u>	<u>110</u>	<u>173</u>	<u>156</u>

Table 2 – Low Income (51% - 80% AMI)
Household Need Analysis 2010 – 2035

<u>Tenure</u>	<u>Up to 2015</u>	<u>2015 – 2020</u>	<u>2020 – 2025</u>	<u>2025 – 2030</u>	<u>2030 - 2035</u>
<u>Owner</u>	<u>1,765</u>	<u>79</u>	<u>30</u>	<u>54</u>	<u>59</u>
<u>Renter</u>	<u>922</u>	<u>48</u>	<u>21</u>	<u>27</u>	<u>32</u>
<u>Total</u>	<u>2,687</u>	<u>127</u>	<u>51</u>	<u>81</u>	<u>91</u>

Table 3 – Moderate Income (81% - 120% AMI)
Household Need Analysis 2010 – 2035

<u>Tenure</u>	<u>Up to 2015</u>	<u>2015 – 2020</u>	<u>2020 – 2025</u>	<u>2025 – 2030</u>	<u>2030 - 2035</u>
<u>Owner</u>	<u>1,375</u>	<u>53</u>	<u>10</u>	<u>26</u>	<u>45</u>
<u>Renter</u>	<u>247</u>	<u>14</u>	<u>6</u>	<u>9</u>	<u>8</u>
<u>Total</u>	<u>1,622</u>	<u>67</u>	<u>16</u>	<u>35</u>	<u>53</u>

Table 4 – Middle Income (121% - 140% AMI)
Household Need Analysis 2010 – 2035

<u>Tenure</u>	<u>Up to 2015</u>	<u>2015 – 2020</u>	<u>2020 – 2025</u>	<u>2025 – 2030</u>	<u>2030 - 2035</u>
<u>Owner</u>	<u>2,052</u>	<u>61</u>	<u>-1</u>	<u>14</u>	<u>66</u>
<u>Renter</u>	<u>80</u>	<u>5</u>	<u>2</u>	<u>4</u>	<u>3</u>
<u>Total</u>	<u>2,132</u>	<u>66</u>	<u>1</u>	<u>18</u>	<u>69</u>

Data Source: 2014 Florida Housing Data Clearinghouse at the Shimberg Center
 The Florida Housing Data Clearinghouse (FHDC) was founded in 2000 to provide public access to data on Florida's housing needs and supply, subsidized rental housing, and household demographics.

The most recent and accurate population projections categorize income levels slightly differently from the Town's Workforce Housing Program (WHP) and therefore differs slightly from the WHP areas of need. The lowest income category reflects all need up to 50% of AMI.

Policy 1.1.1 The location of future housing shall be guided through the Town's adopted Future Land Use Map and extension of public services.

Policy 1.1.2 Participate with Palm Beach County and other county municipalities to form a Housing Finance Authority which will utilize State "affordable housing" assistance loans and grants.

Policy 1.1.3 The Town strongly supports and encourages the infill, redevelopment and/or rehabilitation of existing residential homes and areas as a means to maintain and increase the Workforce Housing stock, including providing housing for essential workers. Further, the Town supports the concept of encouraging Workforce Housing through the use of auxiliary dwelling unit, patio, zero Z-lot line homes and the development of mixed use projects.

Policy 1.1.4 Review ordinances, codes, regulations and the permitting process for the purpose of eliminating excessive requirements, and amending or adding other requirements in order to increase private sector participation in meeting housing needs, while continuing to insure the health, welfare and safety of the residents.

Policy 1.1.5 The Town shall coordinate with public-private partnerships, private non-profit housing agencies, for-profit developers, lenders, Community Land Trusts (CLTs) and other housing agencies to assist in providing Workforce Housing located east of the Beeline Highway and north of PGA Boulevard.

Policy 1.1.6 The Town shall encourage the development of auxiliary dwelling units (ADU's) associated with a principal dwelling unit in order to reduce the Workforce Housing unit deficit.

Policy 1.1.7 Provide opportunities for increased density for the development of affordable/Workforce Housing in proximity to transit.

Affordable Housing Implementation Programs

Objective 1.2 To develop new funding sources and development strategies to aid in expanding the Town's Workforce Housing stock through design of creative impact fees and density criteria.

Policy 1.2.1 The following definitions and standards for Workforce Housing and income categories shall be used by the Town in its Workforce Housing programs:

"WORKFORCE FOR-SALE HOUSING" means housing for which ~~monthly rents or~~ monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of the West Palm Beach-Boca Raton MSA median income as measured by the U.S. Bureau of the Census and updated annually by the U.S. Department of Housing and Urban Development. Other affordable/workforce housing definitions that are prescribed by affordable housing programs administered by Federal or State agencies may be used if such programs are implemented by the Town to provide workforce housing.

- a) ~~"VERY LOW INCOME" means an income falling below 60 percent of the median income.~~
- ab) "LOW INCOME" means an income falling between 60₁ and 80 percent of the median income.
- b) "MODERATE LOW INCOME" means an income falling between 81 and 100 percent of the median income.
- c) "MODERATE HIGH INCOME" means an income falling between 80₁ and 120 percent of the median income.
- d) "MIDDLE INCOME" means an income falling between 120₁ and 140 percent of the median income.

“WORKFORCE RENTAL HOUSING” means housing for which monthly rents, and payments for utility services do not exceed 30 percent of the West Palm Beach-Boca Raton MSA median income “LOW INCOME” and “MODERATE LOW INCOME” listed in this policy.

“AFFORDABLE HOUSING” means housing for which monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, that does not exceed 30 percent of the West Palm Beach-Boca Raton MSA very low income level (falling below 61 percent of the median income) as measured by the U.S. Bureau of the Census and updated annually by the U.S. Department of Housing and Urban Development.

Policy 1.2.2 The Town will assist in the coordination, outreach, education and information dissemination to residents, eligible households, and developers about Federal, State, County or local housing programs, subsidies, grants, or funds.

~~Policy 1.2.3 Recommend and sSupport that the Palm Beach Countywide Planning Council efforts to establish a "Workforce Housing Task Force" to assess the needs of the very low, low and moderate income housing needs which results in the development of a "fair share" distribution formula countywide. At a minimum, the Task Force should be represented by elected officials, builders, and housing authorities.~~

Policy 1.2.4 Recommend and support that all Palm Beach County housing authorities join together and fund a position of housing assistance officer. This person would maintain a central locator file of available housing. Access to the information is available to all housing authorities.

Policy 1.2.5 The Town, as a U.S. Department of Housing and Urban Development Entitlement Community, shall continue to participate jointly in the ~~Palm Beach County~~ Community Development Block Grant (CDBG) program to secure funding for projects in the Town.

Policy 1.2.6 (Reserved. Portions of this policy have been incorporated into Policy 1.2.11) ~~The Town Council may grant a density bonus as part of the Workforce Housing Program to encourage the development of additional “Low-Income Housing”, subject to the following provisions:~~

- ~~a) The density bonus for such housing may be up to 65 percent of the maximum, allowable density, together with additional density from the transfer of development rights, up to a maximum gross density of 15 dwelling units per acre.~~
- ~~b) At least 25 percent of the total density bonus units in the development must be set aside for households meeting the income guidelines of Policy 1.2.1, in each phase of development, for a minimum of 30 years;~~
- ~~c) To implement the density bonus for affordable workforce housing, the Town's land development regulations shall be amended to address such items as:
 - ~~1. A required Development Agreement between the Town and the land owner.~~
 - ~~2. A deed restriction for the entire property that is approved by the Town Council.~~
 - ~~3. The appreciation from the sale of such property designated shall be limited to a certain percentage per year for a certain period of time (shared equity).~~
 - ~~4. Rent increases shall be based on the adjusted gross annual income of the West Palm Beach-Boca Raton MSA median income.~~
 - ~~5. Other incentives, such as waivers of certain zoning regulations and fees, may also be granted by the Town Council.~~
 - ~~6. Any proposed development that is to contain Low-Income Housing shall be compatible with adjacent uses.~~~~

~~7. The dwelling units shall be of the same design theme as the remainder of the proposed development.~~

~~Policy 1.2.7 (Reserved) The Town should assess the financial and legal impact of waiving or reducing impact fee charges in order to stimulate construction of workforce housing for very low and low income households.~~

~~Policy 1.2.8 By December 2013⁵, the Town shall consider establishing a linkage fee to apply to the net gross floor area increase of non-residential development, as part of the Workforce Housing Program. If adopted, the Town will reevaluate the linkage fee as part of the Evaluation and Appraisal Report process. investigate the feasibility of establishing a linkage and/or luxury home fees.~~

~~Policy 1.2.9 By December 2013, tThe Town's shall establish a Workforce Housing Program requiring that residential dwelling units designated as "Workforce Housing" shall meet the following criteria:~~

- ~~a) Workforce units shall be provided in perpetuity for low and moderate income households for a minimum period of 30 years for for-sale units and 30 years for rental units;~~
- ~~b) Workforce units shall be designed to be compatible with the overall development and adjacent properties;~~
- ~~c) Workforce units are encouraged to be integrated within the development, and shall be designed in a way that promotes a mixture of dwelling unit types and income level;~~
- ~~d) Workforce units may be allowed in any land use category which permits residential uses;~~
- ~~e) The sale of for-sale Workforce units may be in accordance with the community land trust land lease, assuring an ongoing supply of workforce housing appreciation from the sale of such property designated as workforce housing shall be limited to a certain percentage per year for a certain period of time (shared equity).~~

~~Policy 1.2.10 By December 2013, tThe Town's shall establish a mandatory Workforce Housing Program requiring new residential developments and redevelopment of existing developments, that will have a minimum of ten permitted residential dwelling units, to provide a minimum of six percent (6%) of the total units for low, moderate low, moderate high and middle income households for developments that require no rezoning or land use change. For those developments that the Town rezones or changes the land use to increase development rights, the percentage of Workforce Housing units required associated with the increased development rights will be 20%. The 6% and 20% requirements shall not apply to any additional density which is subject to a greater percentage per 4.2.119 or Policy 1.2.4²¹. In lieu of developing The 6% requirement can be met through the following, in lieu of developing the mandatory units on-site: the total number of units to be developed as Workforce Housing units, a developer may donate land which is restricted to the development of Workforce Housing, or make a payment to the Town's affordable and Workforce Housing Trust Fund in an amount established in the Workforce Housing Program land development regulations.~~

- ~~a) Donation of land for the development of workforce housing;~~
- ~~b) In lieu payment to fund workforce housing.~~

~~Policy 1.2.11 By December 2013, The Town hereby establishes shall establish incentives as part of the Workforce Housing Program to encourage the development of Workforce Housing by including the following:~~

- ~~a) Density bonus incentives:
 - ~~1) A density bonus of 30 percent of the base density in all residential land use categories provided 40 percent of the density bonus units are developed meet the affordability requirements of Policy 1.2.4 as Workforce Housing units.~~
 - ~~2) A density bonus greater than 30 percent and up to 100 percent of the base density may be granted to development, and redevelopment with a residential component, which~~~~

includes one or more of the following additional criteria, as further detailed in the Workforce Housing Program land development regulations:

- a. At least 50 percent of bonus units are Workforce Housing units;
 - b. Located on land use designations with a maximum density of at least 6 units per acre;
 - c. Located within ½ mile of a funded (contained in a 5-year capital improvement plan) or developed Tri-Rail station;
 - d. Located in an appropriate Redevelopment Overlay Area.
- 2) ~~A density bonus greater than 30 percent and up to 100 percent of the base density may be permitted in the High Density Residential, Inlet Village Residential, Mixed Use, Riverwalk Flex and Inlet Village Flex land use categories when one or more of the following occurs:~~
- a. ~~more than the minimum 40 percent of bonus units meet the affordability requirements of Policy 1.2.1;~~
 - b. ~~located within an identified infill and redevelopment area, the Inlet Village, or Waterway Commercial and Entertainment Sectors of the US 1 Intracoastal Waterway Corridor;~~
 - c. ~~located within one mile or less from a designated Tri-Rail station;~~
 - d. ~~the timeframes for affordability are extended beyond the minimum period of 30 years for for-sale and rental units;~~
- b) Density bonus incentives for development of additional Workforce Housing units for low-income households - The density bonus for low income household housing units may be up to 65 percent of the maximum allowable density based on criteria further detailed in the Workforce Housing Program land development regulations, together with additional density from the transfer of development rights, up to a maximum gross-density of 15 dwelling units per acre.
- c) Prior to the granting of a density bonus associated with the redevelopment of existing residential units, the benefit of the number and affordability of the proposed workforce housing units shall be compared to the number, housing condition and affordability of the existing units, the Town Council shall determine that there is a net benefit to the Town and surrounding development.
- bd) Traffic concurrency ~~Other incentives:~~
- 4) When determining Town Traffic Performance Standards on Town-maintained roads, the level of service standard permitted for all project's net trips associated with Workforce Housing units on affected roadway segments and intersections shall be up to 15% above the adopted LOS volumes on those segments and intersections. Any project seeking to utilize this Workforce Housing traffic concurrency exception, which significantly impacts any State Strategic Intermodal System (SIS), shall be required to address its impacts on the SIS facilities as may be required by applicable State law in effect at the time of the development order application. subject to the 5% adopted level-of-service significance. The project's net trips associated with the non-workforce units and all non-residential land uses shall be subject to the 1% of adopted level-of-service significance.
- 2e) Expedited permitting: Any developer expedited permitting process for developments proposing greater than 6% of the proposed residential units as Workforce Housing shall be entitled to expedited permitting.

Policy 1.2.12 (Reserved) ~~When a future land use designation is changed, which results in an increase in residential density, a minimum of 20 percent of the additional units shall be provided as workforce housing units, meeting the requirements of Policy 1.2.9.~~

Policy 1.2.13 ~~Developments may utilize the density bonuses in Policy 1.2.6 together with those incentives listed in Policy 1.2.11 to obtain a gross residential density for a development up to a maximum of 15 dwelling units per acre. Master planned transit oriented developments, which~~

include workforce housing and are within a radius of one-half mile from a ~~designated~~ funded Tri-Rail station, may be granted density bonuses which increases the total density up to a maximum of 15 dwelling units per acre.

Policy 1.2.14 ~~By December 2013, the~~ The Town shall maintain, and amend as necessary, establish land development regulations to preserve the affordability of dwelling units developed through the Workforce Housing Program. The workforce housing units shall be made available only to income-eligible households. The household income levels to be targeted will include a combination of low, moderate low, moderate high and middle income households as defined in Policy 1.2.1.

Policy 1.2.15 The Town shall provide education awareness programs, ~~so that to inform the public can gain a better understanding of about~~ to inform the public ~~in the Town. These programs should also address residents' aversion to the proximity of workforce housing and the general negative public perception regarding workforce housing.~~ the need for affordable and workforce housing

Special Housing Needs

Objective 1.3 To provide adequate sites and public services and facilities within identified infill and redevelopment areas to accommodate the need for low, moderate low, moderate high and middle income households, manufactured homes, group homes, and adult congregate living facilities within the Town, as specified by criteria in the adopted Land Development Regulations and relevant state statutes.

Policy 1.3.1 The Town shall ~~continue to~~ maintain non-discriminatory standards and criteria addressing the location of group homes and foster care facilities. For the purposes of the Comprehensive Plan, group homes and foster care home facilities are defined in Section 393.063, Florida Statutes ~~9J-5.003, Florida Administrative Code, Definitions.~~

Policy 1.3.2 The Town shall ~~continue to~~ provide for the integration of care facilities, group and & foster homes, retirement communities which house the physically handicapped, or elderly citizens into residential areas so long as the residential character and intensity is not changed or heightened.

Policy 1.3.3 The Town shall continue to permit adult congregate living facilities in residential areas so long as the facility is compatible to the surrounding residential neighborhood in terms of character and intensity of use.

Policy 1.3.4 Workforce Housing for ~~very low,~~ low, moderate low, moderate high and middle income households should be made available in redevelopment projects and/or, in proximity to employment opportunities, and necessary public services to the maximum extent consistent with other Town policies.

Policy 1.3.5 The Town should, where appropriate, amend the zoning code to enable the development of group homes, congregate housing and foster care facilities in locations near community, medical and social services.

Policy 1.3.6 The development of residential communities for the elderly not in proximity to necessary services shall include as part of the development a range of elderly care services deemed acceptable by the Town Council.

Policy 1.3.7 The Town building code should allow for and ensure that all housing design and construction for handicapped and elderly persons provide barrier free access and mobility.

Policy 1.3.8 The Town shall continue to include criteria for the location of housing for low income households ~~families~~, mobile home placement, and households with special needs. These criteria shall consider existing Town ordinances and appropriate state statutes.

Policy 1.3.9 The Town shall identify adequate infill and redevelopment sites to provide opportunities for ~~W~~workforce ~~H~~housing units within one-half mile or less of ~~designated~~ funded (contained in a 5-year capital improvement plan) or developed Tri-Rail stations within the Town's municipal boundaries.

Structural Condition

Objective 1.4 The structural condition of the Town's housing stock will be maintained and where necessary improved to provide safe, sanitary housing opportunities for all residents.

Policy 1.4.1 Increase code enforcement activities, through regular annual inspections of the housing stock in neighborhoods where code violations are more prevalent, and institute special concentrated code enforcement activities where warranted.

Policy 1.4.2 The Town shall continue to upgrade or replace deteriorated or insufficient infrastructure and housing through an active capital improvements, demolition and rehabilitation programs. Utilizing redevelopment districts in order to achieve improvements needed will be considered in the Town's financial assessment of how the improvements will be paid for.

Policy 1.4.3 The Town should sponsor and encourage neighborhood improvement and beautification programs to improve the condition of houses and quality of neighborhood life.

Policy 1.4.4 Permit on a demonstration basis, mixed-use and other innovative reuses of the existing housing stock which will result in the removal of substandard housing units.

Demolition, Relocation, and Replacement

Objective 1.5 To provide for the relocation of residents or replacement of affordable and Workforce ~~H~~Housing units, which are part of a federal, state or Town approved housing assistance program, lost to demolition or redevelopment activities, the Town shall adhere to the following in addition to appropriate federal and state requirements and guidelines.

Policy 1.5.1 For redevelopment projects, pPrior to the demolition or replacement of existing approved affordable and Workforce ~~H~~Housing units pursuant to Objective 1.5, as a result of redevelopment, which meets minimum housing standards in the Town Ceode and currently serves affordable and workforce housing ~~very low and low-income~~ occupants, provisions shall be made by the developer for alternative housing opportunities in proximity to employment and necessary public services.

~~Policy 1.5.2 The Town shall require that a greater minimum percentage of existing workforce housing be retained on-site, upon redevelopment of a property.~~

Policy 1.5.2 Properties containing Town-required Workforce Housing units, which are proposed to be redeveloped, shall meet Workforce Housing requirements pertaining to their existing development order and any Workforce Housing regulations in effect at the time of application submittal.

Preservation of Neighborhoods

Objective 1.6 To provide for the protection of the neighborhood character in the community and preserve historically significant structures.

Policy 1.6.1 Residential neighborhoods adjacent to areas zoned for commercial activities should be protected by a vegetated, open space buffer to prevent encroachment of the activity and its by-products, (e.g., noise, fumes, etc.) into the neighborhood.

Policy 1.6.2 The Town shall assist and cooperate with efforts to inventory, designate, and preserve buildings, sites, districts and other resources of historic significance in Jupiter. To this end, the Town shall assist in the efforts of the Loxahatchee River Historical Society or other historic societies. The Town shall maintain its Historic and Archaeological Preservation Ordinance.

Policy 1.6.3 The Town shall cooperate with the Loxahatchee River Historical Society or other local historic preservation societies to assist property owners in applying for and utilizing state and federal assistance programs.

Policy 1.6.4 Through the implementation of the historic resources ordinance the Town will safeguard the Town's unique history and heritage, foster civic pride and respect for the accomplishments of the past, and protect and enhance the Town's attraction to visitors.

Policy 1.6.5 The Town shall recognize the value of strong and stable neighborhoods by encouraging neighborhood identity and promoting neighborhood enhancement projects.

Policy 1.6.6 The Town shall promote public/private programs and activities that strengthen, stabilize, improve and enhance neighborhoods.

Policy 1.6.7 The location of locally designated historic resources shall be included on the Future Land Use Map (FLUM).

Policy 1.6.8 Maintain the overcrowding provisions of the Town's Housing Standards Ordinance to provide density control, to reasonably regulate the safety and occupancy of dwelling units, and to preserve and enhance residential neighborhoods.

Upon First Reading this 17th day of March, 2015, the foregoing Ordinance was offered by Councilor Wendy Harrison, who moved its adoption. The motion was seconded by Vice-Mayor Ilan Kaufer, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR ILAN KAUFER	X	
COUNCILOR WENDY HARRISON	X	
COUNCILOR JIM KURETSKI		X
COUNCILOR TODD R. WODRASKA	Absent	

Upon Second Reading this 19th day of May, 2015, the foregoing Ordinance was offered by Councilor Todd Wodraska, who moved its adoption. The motion was seconded by Councilor Wendy Harrison, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR JIM KURETSKI		X
COUNCILOR WENDY HARRISON	X	
COUNCILOR ILAN KAUFER		X
COUNCILOR TODD R. WODRASKA	X	

The Mayor thereupon declared Ordinance 6-15 duly passed and adopted this 19th day of May, 2015.

ATTEST:


 SALLY M. BOYLAN, MMC
 TOWN CLERK

(TOWN SEAL)



TOWN OF JUPITER, FLORIDA


 KAREN J. GOLONKA
 MAYOR


 THOMAS J. BAIRD, ESQ.
 Approved as to form and
 legal sufficiency

Data and Analysis for Town of Jupiter Comprehensive Plan Amendment (2015-4) to the Housing Element

A. Supporting Data and Analysis

The supporting data and analysis for the proposed Housing Element text amendments is provided below and in the IHI report (see Attachment D of the staff report). The proposed text amendments were prepared based on the workforce housing expertise of IHI and comments from the WHP land development regulations steering committee, individuals in attendance at the public workshops (June 24, 2014 and January 15, 2015) and workforce housing stakeholders.

- 1. Updated Future Needs Assessment (Objective 1.1)** – The Town’s needs analysis for affordable (less than 60% of the Area Median Income [AMI]) and workforce (61% to 140% of the AMI) households has been updated to cover the 25-year period from 2010 to 2035.

Staff comment: The data utilized in the updated needs analysis is from the 2014 Florida Housing Data Clearinghouse at the Shimberg Center for Housing Studies, University of Florida. The needs analysis is specifically tailored to the Town based on current population projections through 2035.

At the February 10, 2015 Planning and Zoning Commission meeting, it was questioned why the columns “up to 2010” and “2010-2015” were needed. Staff agreed they could be revised. The revised first column now indicates the “up to 2015” projected need. Staff also requested that the Shimberg Center recalculate the need numbers based on Palm Beach County’s most recent (2013) Population Allocation Model. The County’s model disaggregates population projections in five-year increments through 2035 for each municipality. The original Shimberg Center need numbers were based on a straight-line population growth projection for the Town, which resulted in a 2035 population which projects 16,000 more residents than the projection contained in the County’s Allocation Model. Staff further notes that the County’s Allocation Model projections for the Town are consistent with the Town’s population projections utilized in the Comprehensive Plan. The updated tables indicating need from 2015 through 2035 have been updated in Exhibit “A” of the ordinance. The cumulative reduction in need projections for all four tables with the revised population projections is almost 21,000.

The estimates of housing needs associated with different levels of income contained in the Shimberg Center data are used by the Town to adequately plan and prepare for the provision of housing for all current and anticipated future residents. This is a major challenge for the Town, as these estimates reflect substantial levels of need. The affordable and workforce housing components of the Housing Element takes these needs into consideration, and the Workforce Housing Program objective and implementing policies include positive steps towards addressing these needs.

- 2. Workforce Housing Program Text Amendments (Policies 1.2.1 and Policies 1.2.9-1.2.11)** – These WHP policies are being updated based on the current WHP development process previously noted in the staff report. Additional supporting analyses for these changes are contained in the IHI Report (see Attachment D of the staff report), as noted.

Staff comment: Changes are proposed to the following WHP components:

- a. *Definitions (Policy 1.2.1)* – The moderate income range (81%-120%) is proposed to be broken into the moderate low income (81%-100%) and moderate high income (101%-120%) ranges to provide consistency with Palm Beach County's WHP income ranges. Definitions for workforce (for-sale and rental) housing and affordable housing are also included in Policy 1.2.1 in order to clarify the applicable median household income ranges included in the affordable and workforce Housing programs.
- b. *Non-residential Linkage Fee (Policy 1.2.8)* – The proposed changes to the policy update the proposed adoption date of the linkage fee and provide for reevaluation as part of the Evaluation and Appraisal Report process, which occurs every seven years (see pages 5-6 of the IHI Report).
- c. *WHP Criteria and Mandatory Requirements (Policies 1.2.9-1.2.10)* – The changes to the WHP criteria pertain to the time periods for for-sale units (in perpetuity) and 30 years for rental units (see pages 10-12 of the IHI WHP Report). The changes to the mandatory requirements in revised Policy 1.2.8 include a mandatory 20% of Workforce Housing units for residential developments and redevelopment that require a land use change or rezoning (see pages 6-7 of the IHI Report). In lieu payments and donation of land options are also included in the policy (see pages 8-10 of the IHI Report).
- d. *Density bonus, traffic concurrency and expedited permitting WHP incentives (Policy 1.2.11)* – The changes to the density bonus program pertain to the requirements to receive 31% up to 100% of the base density of the applicable land use designations (see pages 7-8 of the IHI Report). In addition, the density bonus incentives for up to 65% of the maximum density of a land use designation for the provision of additional Workforce Housing units for low-income households has been relocated from old Policy 1.2.6, which is proposed to be eliminated. The traffic concurrency incentive is proposed to be amended from allowing workforce housing units to be subject to a 5% significance level (all other uses in the development are subject to a 1% significance level) to allowing the level of service (LOS) standard permitted for all Workforce Housing units on affected roadway segments and intersections to be up to 15% above the applicable adopted LOS standards. The proposed change will provide consistency with the WHP traffic concurrency exception contained in Palm Beach County's Comprehensive Plan. The change will provide developers with a common traffic concurrency approach to review as workforce housing units are developed in the Town. Finally, the expedited permitting incentive is proposed to now apply to all residential developments that provide Workforce Housing (see page 6 of the IHI Report).

3. **Provisions for alternative housing opportunities upon demolition or replacement of affordable and workforce housing (Policy 1.5.1)** – Prior to the demolition or replacement of affordable and workforce housing units that currently serve very low and low-income occupants, provisions shall be made for alternative housing opportunities in proximity to employment and necessary public services.

Staff Comment: Staff is recommending a change to Policy 1.5.1 to clarify that it is the responsibility of the developer proposing to demolish or redevelop existing affordable and workforce housing units, which are part of a federal, state or Town approved housing assistance program, to provide for the alternate housing opportunities for very low and low-income occupants.

4. **Replacement of existing Workforce Housing units upon redevelopment (Policy 1.5.2)** – Properties which contain Town-required Workforce Housing units, which propose to redevelop, will be required to meet applicable requirements of their existing development order.

Staff comment: The intent of revised Policy 1.5.2 is to ensure the supply of existing Workforce Housing units, any approved through the existing WHP plan in the Housing Element and any created through the proposed WHP LDRs, is not eroded when a property redevelops. Since the proposed WHP LDRs require for-sale units to be maintained in perpetuity and rental units for a period of 30 years, the requirements of the policy are intended to safeguard the long-term existence of these units.

- B. Internal Consistency with the Comprehensive Plan** – The proposed modifications to Housing Element policies related to the are supported by the following objective and policies of the Comprehensive Plan:

FUTURE LAND USE ELEMENT

Policy 1.1.16 The Town shall encourage the development of workforce housing on appropriate or suitable properties of sufficient size in identified infill and redevelopment areas, consistent with the guidelines contained in Housing Element Policies 1.2.9 and 1.2.11.

Staff Comment: The text amendment to policies to provide linkage fees for new non-residential developments and requirements to provide greater percentages of workforce housing units associated with Future Land Use Map and rezonings, will encourage the development of workforce housing units in infill and redevelopment areas. The proposed text amendment is consistent with Policy 1.1.16.

HOUSING ELEMENT

Objective 1.2 To develop new funding sources and development strategies to aid in expanding the Town's workforce housing stock through design of creative impact fees and density criteria.

Staff Comment: The proposed establishment of a linkage fee for new non-residential developments will generate new funding sources to expand the Town's workforce housing supply. The text amendment is consistent with Objective 1.2.

- C. Intergovernmental Coordination** – Staff has submitted an executive summary of the proposed Housing Element text amendment to the Palm Beach County Interlocal Plan Amendment Review Committee (IPARC). As of the date of this report, staff has not received any comments related to the text amendment.

**TOWN OF JUPITER
TOWN MANAGER'S OFFICE**



DATE: May 20, 2015
TO: Honorable Mayor and Members of Town Council
THRU: Andrew D. Lukasik, Town Manager
FROM: John Sickler, Planning and Zoning Director
SUBJECT: **HOUSING ELEMENT COMPREHENSIVE PLAN TEXT AMENDMENT** – To modify policies associated with the Workforce Housing Program and the updated affordable and workforce housing needs assessment.

Ordinance #6-15	Meeting dates:	PZ	02/10/15
PZ #14-239		TC	03/17/15 – 1st Reading
DMK		TC	05/19/15 – 2nd Reading

Applicant: Town-initiated
Request: Amendment to the Housing Element to:
1. Multiple implementing policies of Objective 1.2 related to the following:
a. Inclusionary Workforce Housing Program (WHP);
b. Non-residential construction WHP Linkage fee;
c. WHP incentives (Bonus densities, expedited permitting and traffic concurrency exceptions).
2. Objective 1.1 to update the Town's affordable and workforce housing needs assessment.

Town Council Final Action (05-19-15).

At their May 19, 2015 meeting, the Town Council **adopted** (by a 3-2 vote) the Housing Element Text amendment with the following changes:

- Granting Density Bonuses to Redevelopment (Policy 1.2.11 c)) – The following was included at the end of c) to provide certainty to the process:

Based on the findings, the Town Council shall determine if it is appropriate to grant the density bonus.

- The amount of possible traffic concurrency exception above the adopted level of service standard for workforce housing units (Policy 1.2.11 d)) was decreased from 30 to 15 percent.
- Policy 1.2.10 was amended to state the in lieu fee amount for workforce housing is established in the Workforce Housing Program land development regulations.
- Policy 1.5.2 was changed to state that redevelopment will have to meet any workforce housing regulations that are “in effect” at the time of application submittal.

Department of Economic Opportunity and Other Agency Reviews.

The Town received no objections, recommendations or comments (“No-ORC” letters) from the Department of Economic Opportunity (DEO), the Treasure Coast Regional Planning Council, the South Florida Water Management District and the Florida Department of Environmental Protection (Attachment E) collectively stating these agencies did not have any objections, recommendations or comments to the proposed text amendments. In addition, the Town received correspondence (Attachment F) from the Florida Department of Transportation (FDOT) related to including additional coordination language in revised Housing Element Policy 1.2.11 associated with potential significant impacts of workforce housing units utilizing the traffic concurrency exception on the State Strategic Intermodal System (SIS) facility (I-95). Specifically, FDOT is requesting additional language be added to revised Policy 1.2.11 requiring coordination with FDOT, which may include discussions regarding the implementation of policies and requirements for workforce housing units impacting the SIS facility.

Staff Comment: Staff does not recommend providing the additional FDOT coordination language pertaining to potential significant impacts on the SIS I-95 facility. Staff finds that the proposed SIS facility coordination language in Policy 1.2.11, which is identical to language contained in Palm Beach County Transportation Element 1.2-d(4), is sufficient given the proximity and likelihood of new workforce housing to I-95.

Staff Update (05-13-15).

Staff is recommending the following additional changes since first reading of the proposed Housing Element text amendments:

- Policy 1.2.11 – During an informal phone conversation with staff, DEO staff suggested including language that stated criteria for achieving an additional 65% of the maximum allowable density for the provision of additional workforce housing units for low income households, would be further detailed in the workforce housing program land development regulations.

Staff Comment: Staff recommends a revision to Policy 1.2.11 b) to state that the criteria for achieving up to 65% of the maximum allowable density for the additional low income households will be further detailed in the concurrent workforce housing program land development regulations.

- Policy 1.5.1 – At the transmittal hearing for the proposed text amendments, a Town Councilor suggested staff clarify who is responsible for providing alternate housing opportunities for occupants of affordable or workforce housing that is part of a federal, state or Town approved housing assistance program.

Staff Comment: Staff recommends a modification to Policy 1.5.1 this policy to state it is the responsibility of the developer to provide for alternate housing opportunities in proximity to employment and necessary public services for occupants of the applicable affordable and workforce housing units, which are part of a federal, state or Town approved housing assistance program.

- Revised Policy 1.2.11 – Staff recommends the inclusion of the following pertaining to granting the density bonuses for redevelopment:

Prior to the granting of a density bonus associated with the redevelopment of existing residential units, the benefit of the number and affordability of the proposed workforce housing units shall be compared to the number, housing condition and affordability of the existing units to determine if there is a net benefit to the Town and surrounding development.

Staff Comment: Staff is adding the above language to address the redevelopment of existing housing stock that is functioning as workforce housing, since there are a variety of consideration to take in to account on a case by case basis. The intent is to evaluate the benefit of granting a density bonus by comparing the existing housing to the proposed housing. Staff provided additional data and analysis of several existing developments in the concurrent workforce housing program land development regulations staff report.

All of the above changes have been included in Ordinance #6-15.

Town Council Action.

At their March 17, 2015 meeting, the Town Council **approved** (by a 3-1 vote) on first reading the Housing Element text amendment as recommended by staff, with one change to Policy 1.2.6. Specifically, revised Policy 1.2.6 has been modified to state that by December 2015, the Town will consider creating a linkage fee for non-residential development. The proposed changes to Policy 1.2.6 have been included in Exhibit A of Ordinance #6-15.

Local Planning Agency Recommendation.

At their February 10, 2015 meeting, the Planning and Zoning Commission, acting as the Local Planning Agency, recommended approval (by a 4-2 vote) of the text amendment application.

At the meeting, a Planning and Zoning Commissioner questioned why the amendment to update the needs assessment tables in Housing Element Objective 1.1 needed to include the two columns entitled “Up to 2010” and “2010-2015.”

Staff Comment: Staff has updated Tables 1-4 to reflect the need from 2015 to 2035 in five year increments (see analysis on page 3 of the staff report).

Staff Recommendation.

Based upon the facts and findings contained herein, staff recommends that the Planning and Zoning Commission, acting as the Town’s Local Planning Agency (LPA), recommend that the Town Council **Adopt** the proposed Comprehensive Plan text amendment to the Housing Element as shown in Exhibit A of Ordinance #6-15 (in a ~~strike-through~~ and underline format).

Background.

The Housing Element objectives and policies related to establishment of an inclusionary Workforce Housing Program (WHP) were adopted in July 2008 as part of the Evaluation and Appraisal Report (EAR) Comprehensive Plan amendments. These Housing Element text amendments also identified the Town’s deficit of affordable housing units as shown in Objective 1.1, based on the 2006 EAR Report needs analysis. The following actions have occurred since July 2008:

- September 2010 – The Town Council adopts a Housing Element text amendment to extend the WHP land development regulation completion dates to December 2013.

- November 2012 – A WHP steering committee is established. The steering committee consists of representatives from local employers (Jupiter Medical Center, the School District of Palm Beach County and Power Systems), a representative from the local banking community, local land developers, a representative from the Palm Beach Housing Leadership Council and a potential WHP purchaser (Town employee). The goals of the steering committee are as follows:
 - Review and discuss the major elements of the existing WHP policies contained in the Town’s Comprehensive Plan;
 - Clarify the positive attributes of the WHP;
 - Make policy recommendations to the Planning and Zoning Commission and Town Council as part of the draft WHP land development regulations and any appropriate corresponding Housing Element text amendments.
- January-April 2013 – The WHP steering committee met four times and recommended components of the proposed WHP land development regulations and Housing Element text amendments (Attachment A).
- November 2013 – Staff begins the selection process to contract with a consultant to complete the WHP land development regulations and update the corresponding Housing Element. The consultant scope of services states the land development regulations and corresponding Housing Element text amendments should be based on the steering committee recommended components, evaluation of Palm Beach County and other Florida municipalities’ regulations and best practices.
- *May 2014* – Carras Community Investment, Inc. is awarded the consulting contract. *June 24, 2014* – The 1st public workshop is held in the Town’s Community Center. In attendance at the meeting were members of the Town’s steering committee, stakeholders from the development community and interested residents. The general comments from the participants at the meeting are included as Attachment B.
- *September 2014* – The consultant contract with Carras Community Investment, Inc. is terminated due to failure to perform.
- *October 2014* – Requests for proposals were sent out for a new consultant.
- *November 2014* – Innovative Housing Institute (IHI), Baltimore, Maryland (see Attachment C for more information on IHI), is awarded the consultant contract to complete the WHP land development regulations and corresponding Housing Element text amendments.
- *January 15, 2015* – The 2nd public workshop is held. Revised components of the WHP land regulations, incorporating comments received from the 1st public workshop are presented to those in attendance at the workshop.

Analysis.

A. Supporting Data and Analysis

The supporting data and analysis for the proposed Housing Element text amendments is provided below and in the IHI report (Attachment D). The proposed text amendments were prepared based on the workforce housing expertise of IHI and comments from the WHP land development regulations steering committee, individuals in attendance at the public workshops (June 24, 2014 and January 15, 2015) and workforce housing stakeholders.

1. ***Updated Future Needs Assessment (Objective 1.1)*** – The Town’s needs analysis for affordable (less than 60% of the Area Median Income [AMI]) and workforce (61% to 140% of the AMI) households has been updated to cover the 25-year period from 2010 to 2035.

Staff comment: The data utilized in the updated needs analysis is from the 2014 Florida Housing Data Clearinghouse at the Shimberg Center for Housing Studies, University of Florida. The needs analysis is specifically tailored to the Town based on current population projections through 2035.

At the February 10, 2015 Planning and Zoning Commission meeting, it was questioned why the columns “up to 2010” and “2010-2015” were needed. Staff agreed they could be revised. The revised first column now indicates the “up to 2015” projected need. Staff also requested that the Shimberg Center recalculate the need numbers based on Palm Beach County’s most recent (2013) Population Allocation Model. The County’s model disaggregates population projections in five-year increments through 2035 for each municipality. The original Shimberg Center need numbers were based on a straight-line population growth projection for the Town, which resulted in a 2035 population which projects 16,000 more residents than the projection contained in the County’s Allocation Model. Staff further notes that the County’s Allocation Model projections for the Town are consistent with the Town’s population projections utilized in the Comprehensive Plan. The updated tables indicating need from 2015 through 2035 have been updated in Exhibit “A” of the ordinance. The cumulative reduction in need projections for all four tables with the revised population projections is almost 21,000.

The estimates of housing needs associated with different levels of income contained in the Shimberg Center data are used by the Town to adequately plan and prepare for the provision of housing for all current and anticipated future residents. This is a major challenge for the Town, as these estimates reflect substantial levels of need. The affordable and workforce housing components of the Housing Element takes these needs into consideration, and the Workforce Housing Program objective and implementing policies include positive steps towards addressing these needs.

- 2. Workforce Housing Program Text Amendments (Policies 1.2.1 and Policies 1.2.9-1.2.11)** – These WHP policies are being updated based on the current WHP development process previously noted in the staff report. Additional supporting analyses for these changes are contained in the IHI Report (Attachment D), as noted.

Staff comment: Changes are proposed to the following WHP components:

- a. *Definitions (Policy 1.2.1)* – The moderate income range (81%-120%) is proposed to be broken into the moderate low income (81%-100%) and moderate high income (101%-120%) ranges to provide consistency with Palm Beach County’s WHP income ranges. Definitions for workforce (for-sale and rental) housing and affordable housing are also included in Policy 1.2.1 in order to clarify the applicable median household income ranges included in the affordable and workforce Housing programs.
- b. *Non-residential Linkage Fee (Policy 1.2.8)* – The proposed changes to the policy update the proposed evaluation date for a proposed linkage fee and provide for reevaluation, if adopted, as part of the Evaluation and Appraisal Report process, which occurs every seven years (see pages 5-6 of the IHI Report).
- c. *WHP Criteria and Mandatory Requirements (Policies 1.2.9-1.2.10)* – The changes to the WHP criteria pertain to the time periods for for-sale units (in perpetuity) and 30 years for rental units (see pages 10-12 of the IHI WHP Report). The changes to the mandatory requirements in revised Policy 1.2.8 include a mandatory 20% of Workforce Housing units for residential developments and redevelopment that require a land use change or rezoning (see pages 6-7 of the IHI Report). In lieu payments and donation of land options are also included in the policy (see pages 8-10 of the IHI Report).

d. *Density bonus, traffic concurrency and expedited permitting WHP incentives (Policy 1.2.11)* – The changes to the density bonus program pertain to the requirements to receive 31% up to 100% of the base density of the applicable land use designations (see pages 7-8 of the IHI Report). In addition, the density bonus incentives for up to 65% of the maximum density of a land use designation for the provision of additional Workforce Housing units for low-income households has been relocated from old Policy 1.2.6, which is proposed to be eliminated. Criteria to achieve the additional bonus density for the provision of additional workforce housing units for low income households will be included in the concurrent workforce housing program land development regulations proposed text amendments. The traffic concurrency incentive is proposed to be amended from allowing workforce housing units to be subject to a 5% significance level (all other uses in the development are subject to a 1% significance level) to allowing the level of service (LOS) standard permitted for all Workforce Housing units on affected roadway segments and intersections to be up to 30% above the applicable adopted LOS standards. The proposed change will provide consistency with the WHP traffic concurrency exception contained in Palm Beach County's Comprehensive Plan. The change will provide developers with a common traffic concurrency approach to review as workforce housing units are developed in the Town. Pertaining to workforce housing units utilizing the traffic concurrency exception that have significant impacts to the State Strategic Intermodal System (SIS) facility (I-95), the Town will coordinate with the Florida Department of Transportation to ensure there are no negative impacts to the SIS facility. Finally, the expedited permitting incentive is proposed to now apply to all residential developments that provide Workforce Housing (see page 6 of the IHI Report).

3. Provisions for alternative housing opportunities upon demolition or replacement of affordable and workforce housing (Policy 1.5.1) – Prior to the demolition or replacement of affordable and workforce housing units that currently serve very low and low-income occupants, provisions shall be made for alternative housing opportunities in proximity to employment and necessary public services.

Staff Comment: Staff is recommending a change to Policy 1.5.1 to clarify that it is the responsibility of the developer proposing to demolish or redevelop existing affordable and workforce housing units, which are part of a federal, state or Town approved housing assistance program, to provide for the alternate housing opportunities for very low and low-income occupants.

4. Replacement of existing Workforce Housing units upon redevelopment (Policy 1.5.2) – Properties which contain Town-required Workforce Housing units, which propose to redevelop, will be required to meet applicable requirements of their existing development order.

Staff comment: The intent of revised Policy 1.5.2 is to ensure the supply of existing Workforce Housing units, any approved through the existing WHP plan in the Housing Element and any created through the proposed WHP LDRs, is not eroded when a property redevelops. Since the proposed WHP LDRs require for-sale units to be maintained in perpetuity and rental units for a period of 30 years, the requirements of the policy are intended to safeguard the long-term existence of these units.

If the Town Council votes to transmit the text amendment to the Florida Department of Environmental Protection (DEO), the Innovative Housing Institute, Inc. report will be included as supporting data and analysis.

- B. Internal Consistency with the Comprehensive Plan** – The proposed modifications to Housing Element policies related to the are supported by the following objective and policies of the Comprehensive Plan:

FUTURE LAND USE ELEMENT

Policy 1.1.16 The Town shall encourage the development of workforce housing on appropriate or suitable properties of sufficient size in identified infill and redevelopment areas, consistent with the guidelines contained in Housing Element Policies 1.2.9 and 1.2.11.

Staff Comment: The text amendment to policies to provide linkage fees for new non-residential developments and requirements to provide greater percentages of workforce housing units associated with Future Land Use Map and rezonings, will encourage the development of workforce housing units in infill and redevelopment areas. The proposed text amendment is consistent with Policy 1.1.16.

HOUSING ELEMENT

Objective 1.2 To develop new funding sources and development strategies to aid in expanding the Town's workforce housing stock through design of creative impact fees and density criteria.

Staff Comment: The proposed establishment of a linkage fee for new non-residential developments will generate new funding sources to expand the Town's workforce housing supply. The text amendment is consistent with Objective 1.2.

- C. Intergovernmental Coordination** – Staff has submitted an executive summary of the proposed Housing Element text amendment to the Palm Beach County Interlocal Plan Amendment Review Committee (IPARC). As of the date of this report, staff has not received any comments related to the text amendment.

Conclusion.

Staff finds the proposed comprehensive plan text amendment is necessary, consistent with the comprehensive plan, and supported by data and analysis; therefore, staff recommends **approval** of the proposed amendment.

Attachments:

- Attachment A – Workforce Housing Program Steering Committee Recommendations
- Attachment B – Comments from June 24, 2014 Public Workshop
- Attachment C – Innovative Housing Institute background information
- Attachment D – Innovative Housing Institute Report
- Attachment E – DEO, TCRPC, SFWMD and DEP No-comment Letters
- Attachment F – FDOT Comment Correspondence



TOWN OF JUPITER

Workforce Housing Program (WHP) LDRs Steering Committee Summary of Proposed WHP Components with Committee Changes

1. Applicable Income Ranges (percentage of West Palm Beach/Boca Raton MSA Median Household Income: (Inclusion in LDRs could require changes to Housing Element Policies 1.2.1, 1.2.9 & 1.2.10)
 - a. Four Ranges
 - 60-80 Percent (Low);
 - 81-100 Percent (Moderate Low);
 - 101-120 Percent (Moderate High);
 - 121-140 Percent (Middle).
 - b. Consistent with Palm Beach County's (PBC's) WHP, a developer would be required to provide a workforce housing unit in each range in a cyclic format starting with low. Example: If a developer is required to provide a total of 10 workforce housing units, then this total would be comprised of three Low units, three Moderate Low units, two Moderate High units and two Middle units.
2. Consistent with Housing Element Policy 1.2.10, require six percent on-site workforce housing units or option to donate land or payment in lieu:
 - a. WHP values for determining optional in lieu payments should be based on geographical factors. Create zones, based on geographical areas or zoning districts, throughout the Town to where WHP values would be different based on the availability of services (transit, shopping, etc.) and areas where there will likely be a high market rate sales price for new housing (Inlet Village area, east of the Intracoastal Waterway, etc.)
 - b. Have different payment in lieu options (listed from highest to lowest dollar amount) for each of the following type of housing units:
 - 1) Single-family for-sale;
 - 2) Multi-family for-sale;
 - 3) Rental apartments.
 - c. Tiered Approach for in lieu payment option – Create different tiers of in lieu payments based on the area of Town where the housing units are proposed. Developments in expensive areas (i.e. east of the Intracoastal Waterway) should have higher in lieu payments. In lieu buyout (release of obligation) option for unsold WHP units.
 - Develop a process similar to PBC's WHP which allows a developer to be released from the obligation for a required WHP unit that have been available for purchase for a timeframe no less than 180 days and no contract to purchase the unit has been executed.
 - The amount of the in lieu buyout payment will be tiered, based on the difference the unit is sold for and the established WHP maximum sales price. The greater the difference, then the higher amount required for the in lieu buyout payment.
 - The developer shall provide their proposed WHP sales program to the Town for review and comments.
3. 30-year Affordability Requirement: (Inclusion in LDRs could require changes to Housing Element Policy 1.2.9)
 - a. Flexibility of 30-year requirement. Specifically, developers have concerns that the 30-year requirement is too long and can create development financing issues.
 - b. Development of implementation and monitoring program.
 - Restrictive covenants;

- Shared equity for resale of for-sale units between the homeowner and the applicable housing trust;
 - Monitor applicable public records (i.e. refinancing, etc.) Title companies will be triggers for identifying these mortgage changes.
 - 3rd Party organization to administer program.
4. Density Bonus Program (Inclusion in LDRs could require changes to Housing Element Policy 1.2.11)
- a. Limitation of existing bonus structure because of certain future land use categories in the Town (i.e. Inlet Village Flex, Riverwalk Flex, etc.) May need to eliminate WHP density bonuses from properties assigned with Inlet Village land use designations.
 - b. Remain flexible when determining when a development qualifies for additional density bonus from more than 30 percent up to 100 percent (section a) 2) a.-d. of Policy 1.2.11).
 - c. Eliminate duplicative locations (land use designations) referenced in section (a)(2) and (a)(2)b. of Policy 1.2.11.
 - d. Other proposed density bonus incentives. (Staff Note: Impact fee waivers are not feasible because there is no funding source)
 - Parking requirement waiver/reductions (especially near designated Tri-Rail stations);
 - Building height increase (especially near designated Tri-Rail stations);
 - Promote WHP units near schools;
 - Expedited permitting standards (similar to those in place for bioscience related developments) for the provision of WHP units in excess of 50 percent of required amount;
5. Clarify existing Housing Element Policy 1.5.2 (requires the replacement of greater amount of workforce housing units be retained on-site upon redevelopment) to:
- a. Designate specific Census Tracts applicable to policy requirements;
 - b. Provide option for additional density bonus if existing nonconforming WHP units are replaced with new units in a quality development design (i.e. Whitehaven);
 - c. Need to include provisions in situations where existing rental WHP units are being replaced with for-sale units.

Workforce Housing Program (WHP) Regulations Public Workshop
Tuesday, June 24, 2014
Workshop Participant General Comments

- Would homeowner be able to sell after 7 years and take appreciation in WHP price?
- Have more land trust dollars available to provide for WHP.
- What is the greater percent of the WHP units that have to be retained onsite?
- Concern with density trade off and locations where it could increase.
- Concern with environmental impact especially Inlet Village and beach areas.
- Need to work with banks. They need to write low to moderate income loans.
- Concern with displacement of residents – especially if low income.
- How will trust dollars be spent?
- Provide help with down payments.
- Provide for subsidized rents.
- Provide for subsidies for home maintenance and upkeep.
- Proposed required 6 percent inclusionary housing seems like a very low amount.
- Dollar amounts for proposed workforce houses shown do not appear to be affordable.
- First time home buyers, even 3 year limit, may not be necessary.

Attachment C - Innovative Housing Institute (IHI) Background

IHI, a nonprofit organization, was created in 1996 by housing professionals with extensive, successful experience in developing, financing and managing affordable housing in a mixed income setting, to foster workforce housing and to promote good affordable housing practices nationally.

The IHI Board of Directors, Associates and staff have deep experience in inclusionary housing, workforce housing and affordable housing policy and programs. The organization's roots as a "working" Board has matured into a flexible organizational model that takes advantage of the best available strengths among the Board, staff and Associates.

As a national organization, our Board is made up of housing leaders with extensive experience in affordable housing and community development. We are familiar with the best practices of successful affordable housing strategies as well as the pitfalls of poorly planned policies. As a non-profit we are committed to promoting the development and preservation of affordable and workforce housing in areas rich in opportunity. We consult with our Board as we provide recommendations to our clients. This practice strengthens our recommendations and provides the advantage of diverse, national experience.

In that context it is worth noting that Jaimie Ross, who is currently the President of the Florida Housing Coalition, is a long-standing member of IHI's Board. She is also an experienced land use and development attorney, and has assisted with this engagement through her knowledge of Florida law and development practice.

A key advantage that IHI offers is the "on the ground" experience of community engagement and advocacy necessary to build support for productive housing policies. Changing the arc of residential growth to encourage affordable inclusion and preservation is about community self-identification, aspirations, and resource mobilization. Supporting the engagement and dialogue that can make that happen is intrinsic to the IHI experience.

IHI's staff and associates played principal roles in the development and implementation of the Moderately Priced Dwelling Unit (MPDU) Programs in Montgomery County, Maryland and Fairfax County, Virginia. These programs are considered the "benchmark" inclusionary housing programs nationally.

**EVALUATION AND RECOMMENDATIONS FOR:
MODIFICATIONS TO COMPREHENSIVE PLAN
HOUSING ELEMENT
AND
NEW WORKFORCE HOUSING PROGRAM
LAND DEVELOPMENT REGULATIONS
FOR
THE TOWN OF JUPITER, FLORIDA**

Presented to:

The Town of Jupiter, Florida, Department of Planning and Zoning

Prepared by:

Innovative Housing Institute

Patrick Maier, Executive Director

Jaimie Ross, Board Member

JANUARY 2015

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Introduction

The Town of Jupiter, Florida is updating its current Workforce Housing Program (WHP) in the Comprehensive Plan and is initiating new Land Development Regulations to better fit the needs of its growing real estate market and to ensure it promotes housing opportunities for its diverse population. The WHP is a program that relies on the development of market rate housing to also generate housing affordable to the workforce of Jupiter. This type of program, which usually includes inducements and benefits for the market rate developers, is often described as “Inclusionary housing.”

There are currently over five hundred localities throughout the United States that have some form of inclusionary housing policy. These jurisdictions tend to be ones with expensive housing markets, high barriers to entry, and limited land supplies in which to construct new housing. Often there are over-arching State statutes that compel the jurisdictions to take steps to include affordable housing within their boundaries. This is the case in California, Illinois, Massachusetts and New Jersey.

Nationally, the housing recovery has been uneven. There has been strong growth in the high-end housing market and anemic growth in the construction of housing affordable to first time homebuyers. A recent article in the Wall Street Journal noted this phenomenon stating, “The emergence of a two-tiered U.S. economy with wealthy households advancing while middle- and lower income Americans struggle, is reshaping markets for everything from housing to clothing to groceries to beer.¹”

This trend, coupled with the importance of having a strong workforce to support the local economy, is resulting in more jurisdictions considering the implementation of workforce housing programs.

JUPITER TRENDS

The Town of Jupiter is currently experiencing healthy population growth and enjoys better than average economic indicators for the state. In 2013, the population of Jupiter was estimated to be 56,576. If projections hold, that number will be 65,267 by the year 2035, based on the Bureau of Economic and Business Research (BEBR) of the University of Florida.

The homeownership rate for Jupiter is currently 75%; significantly better than the state average of 67.6%. The average value of a single family home in Jupiter is \$314,431, while the average sales price is \$605,670. The median sales price data paints a clearer picture of the market both in

¹ Two-Tier Economy Reshapes U.S. Marketplace, Wall Street Journal, Thursday January 29, 2015

the Town of Jupiter as well as the state of Florida. The median sales price of a single family Jupiter home is \$385,500, while the median sales price of a single family home statewide is \$170,000.

The data pertaining to the rental market shows a significant cost burden to the Town's workforce population. 44% of Jupiter's residents, or 10,796 households, pay more than 30% of their monthly income for rent. 5,545 households or 23% of the population, pays more than half of their monthly income for rental housing, making them severely cost burdened. The median gross rent in Jupiter is \$1,371 per month, while the statewide median is \$987.

This information indicates the need for improvement in the Town's Workforce Housing Policies so Jupiter can continue to grow in a way that strengthens its economy and offers good housing choices to all of its residents. The Department of Planning and Zoning for the Town of Jupiter sought outside assistance in preparing an assessment of the current WHP Land Development Regulations, market conditions, and recommendations for improving the Regulations. The Innovative Housing Institute, a long-standing and well respected nonprofit organization is providing a comprehensive study of the situation and making recommendations for improving the Workforce Housing Program. This report outlines the basis for recommendations to be addressed through amendment to the Town's Housing Element and Workforce Housing Program Land Development Regulations. These actions will assist the Town in its effort to produce moderately priced housing, at the same time incentivizing the development community to incorporate quality affordable housing in new developments and otherwise contribute to workforce housing needs in Jupiter.

Recommendations for Improving the Workforce Housing Program

LINKAGE FEE FOR NEW NON-RESIDENTIAL CONSTRUCTION SECTION 27-1675.38, AND HOUSING ELEMENT POLICY 1.2.6

We recommend a \$1.00 per square foot linkage fee on all new non-residential construction in excess of 2,000 square feet of gross floor area and on the portion of expansion of existing non-residential construction exceeding 2,000 square feet of new gross floor area. The linkage fee should be collected when a building permit is issued and the funds should be deposited into the Town's Housing Trust Fund. This linkage fee is a modest one, in the context of linkage fees nationally, which often range up to \$7 or more per square foot of new construction.

Some examples of linkage fees with inclusionary zoning from around the country include:

Walnut Creek CA –	\$5 per square foot
Boston, MA -	\$7.82
Cambridge, MA-	\$4.58
Somerville, MA-	\$4.15
San Francisco-	\$16-\$22

Winter Park, Florida requires a linkage of \$.50 per square foot. This has been in place since 1990 with \$3.65 million raised to date for workforce housing. Winter Park does not have an inclusionary zoning requirement. Coconut Creek, Florida also has a linkage fee that varies depending on the non-residential use from \$.37 to \$2.42 per square foot. Coconut Creek does not have an inclusionary zoning requirement. It is recommended that Jupiter adopt \$1 per square foot of new or redeveloped commercial space after the first 2000 square feet.

The rationale for imposing a linkage fee is to “link” the development of non-residential construction to the housing demand that is generated by the employees who will work there. Most non-residential buildings, once completed, become places of work for individuals with incomes across the spectrum from janitorial employee to executive. Because many of the workers are in the low to moderate income range, they need affordable housing.

The American Community Survey of the U.S. Census estimates that 19.8% of employees in Jupiter are in educational services, health care and social assistance fields and 12.6% are in arts, entertainment, recreation, accommodation and food service. An additional 10.8% work in retail trade². These employment fields contain positions predominantly occupied by service workers.

² American Community Survey (ACS) 2014, U.S. Bureau of the Census

Typical compensation for these employees falls well below the median income of \$68,462 in Jupiter, and they face difficulty affording housing in Jupiter. Adoption of the linkage fee acknowledges this connection and provides resources to a Housing Trust fund that can be used in a variety of ways to help make housing in Jupiter more affordable.

Certain types of non-residential construction should be exempted from paying the linkage fee. These should include public and private not-for-profit educational institutions, government agencies, and places of worship.

**BASIC WORKFORCE REQUIREMENT FOR ALL RESIDENTIAL DEVELOPMENT
SEC. 27-1675.39(1) WORKFORCE HOUSING REQUIREMENTS**

Our recommendation is that all new residential developments of ten units or more will be required to provide 6% of the total dwelling units as Workforce Housing units or to pay a fee-in-lieu, if they are not provided on site. Ten units or more is the most common threshold used nationally to trigger an inclusionary requirement. This would mean that a development of ten units would include one unit affordable to an eligible household within the workforce income eligible categories (rounding .6 up to one) or pay a fee-in lieu. For a development of 100 homes, six homes or the payment of six fees-in-lieu would be required for workforce eligible households. Developers who fulfill this requirement will be entitled to have expedited permitting of their development applications which will enable savings in the development process.

Establishing a threshold of ten units and is consistent with Palm Beach County and also contributes to fulfilling the housing element policy 1.2.7 c) *Workforce units are encouraged to be integrated within the development, and shall be designed in a way that promotes a mixture of dwelling unit types and income level.* This will help ensure that smaller developments which represent the bulk of development activity may also include workforce housing units and contribute to the dispersal of workforce housing throughout the Town.

WORKFORCE HOUSING REQUIREMENTS: SEC. 27-1675.39(2)

When a development requires a land use change or rezoning that increases the permitted number of units to be built, 20% of the additional units must be provided as workforce housing units on site. The fee in lieu can be paid for the workforce housing obligation associated with the original base density or the fee in lieu would be paid for each unit not built.

As a simple example, if the land use amendment is approved on a ten acre development site that increases the allowable density from 3 units per acre to 6 units per acre, the new permitted density is 60 units, and the workforce housing requirement would be three workforce housing

units ($.06 \times$ the base density of 30 = 1.8 + $.20 \times$ the additional 30 homes permitted by the rezoning = 6) $6 + 1.8 = 8$ workforce housing units of the 60 total that would serve workforce eligible households. Fees could be paid for the 2 units associated with the base density, but the six units associated with the increased density provided by the rezoning would be required to be built as part of the development.

DENSITY BONUS FOR PROVISION OF WORKFORCE HOUSING UNITS
SEC. 27-1675.40. DENSITY BONUSES AND OTHER INCENTIVES

Without going through the time and expense required to rezone property, density bonuses are the most common method used nationally to provide an inducement or offset to a workforce or inclusionary housing requirement. They provide the developer or homebuilder with the ability to build additional units above and beyond the base density of the site. In some cases the allowance to build additional units is confined to the required number of workforce housing units. In others the density bonus confers the right to build additional market units as well.

In Jupiter, our recommendation is to consider the provision of density bonuses as an opportunity for developers that build workforce housing units on site. Site plans would be considered on a case by case basis for the potential award of a density bonus, taking into consideration any site constraints and environmentally sensitive areas. If there is the potential to accommodate the bonus density requested, we are recommending two categories of potential bonus: a bonus of up to 30% available to all residential or mixed use developments anywhere in the Town; and a bonus of up to 100% available in certain areas that have been designated for higher density development or redevelopment. This is consistent with the existing Workforce Housing policies in the Comprehensive Plan that were adopted in 2008.

Any residential or mixed use development proposed throughout the Town would be able to request a bonus for up to a 30% increase over the base density. If, after site plan consideration, a density bonus is awarded, 40% of the additional units would be required as Workforce housing units. As an example: If a development that is planned for a base density of 100 homes requests a 30% density bonus, and is approved for that bonus, its new permitted density would be 130 homes. The workforce housing requirement for this development would be $.06 \times$ base density plus $.4 \times$ the additional 30 homes ($.06 \times 100 = 6 + .4 \times 30 = 12$, $12 + 6 = 18$). So the requirement would be a total obligation of 18 workforce housing units.

The developer in this case could either provide all 18 workforce homes on site, which would be the preferred outcome, or build the 12 associated with the density bonus and pay the in-lieu fee for each of the balance of 6 workforce housing units. If the developer opts to only build the twelve workforce housing units associated with the bonus on site he has 18 additional market rate homes to offset the cost of the workforce housing requirement.

In certain areas of the Town that have been identified as appropriate for substantial development or redevelopment a density bonus of up to 100% of the base density may be permitted. These areas would include the High Density Residential, Inlet Village Residential, Mixed Use, Riverwalk Flex, and Inlet Village Flex land use categories. Areas located within one-half mile or less from a Jupiter Tri Rail Station would also be included, as funding for initial planning is included in the SFRTA budget³. In these cases, the developer must be willing to provide 50% or more of the bonus units as Workforce Housing Units on-site. The calculation would follow the same model as in the previous paragraph.

PAYMENT OF FEE IN LIEU WORKFORCE HOUSING UNITS SEC. 27-1675.43 (1)

Inclusionary programs frequently incorporate the ability to pay a “fee-in-lieu” or make a donation of land or buildings rather than building the required workforce housing units on site. This provides an alternative to on-site provision of workforce housing units. In some places the in-lieu fee or land donation is only permitted after special review, as the preferred outcome is to have the builder provide the workforce homes on site. On site provision is preferred because the municipality’s ability to translate a financial or land donation into needed housing units is uncertain and may require additional resources or partners that might not materialize. The cost of providing an affordable workforce home may be well above the in-lieu fee amount, or the land donated may have environmental or neighborhood challenges that prevents its eventual development.

The rationale for permitting an in lieu fee payment or a land donation lies in the recognition that there may be valid obstacles to providing the workforce homes on site and that it is important to provide flexibility in program administration and to be responsive to development problems and challenges. This is particularly true in cases of small scale development where it may be difficult to incorporate one or two workforce housing units in an otherwise luxury oriented community, or when lot sizes are so large that it makes the provision of a modest priced home impractical.

The recommended approach in Jupiter is to allow for an option to pay a fee-in-lieu from developments that conform to existing zoning. Developments that receive a rezoning, zoning amendment or are awarded bonus density must provide the additional workforce housing units associated with the increase in development size as workforce housing units built on-site. The

³ From the SFRTA capital budget: 2.10.2 Goal 2: *Expand System Facilities and Operations: The SFRTA has made positive steps towards this goal. The shuttle bus system has been expanded to include more service and increased hours of operation. The SFRTA Adopted Budget for FY 2012-2013 includes funding to increase Tri-Rail weekend headways to hourly service. This increase will be beneficial to our weekend riders, who currently experience two hour headways. The Tri- Rail system may also be expanding within the region. The Fast Start Plan for Tri-Rail Coastal Service not only brings commuter rail to the FEC line, and the traditional downtowns of the region, but also an expansion to the North and South. This new service would go as far north as Jupiter, and will go south into Downtown Miami.*

6% workforce housing unit requirement associated with the base density of the site may be fulfilled with payment of a fee-in-lieu.

The amount to be paid as a fee-in-lieu is an important consideration for the Workforce housing program. There are various approaches to this in programs around the country: some look at the total development cost of building a modest housing unit in the particular community; some look at that same cost minus what a household of moderate income would be expected to pay; others look at the gap between a modest home's cost and the market home in that same development. These different approaches result in different calculations based on the housing market and program parameters in a particular place.

What we have learned is that setting the fee-in-lieu too low always has adverse impacts on workforce programs. This is because a low fee-in-lieu makes it more likely that the program will be a fee-generator than an actual production mechanism for workforce housing. It also makes the locality's job harder if the fee is insufficient to produce workforce housing elsewhere. And lastly, it detracts from the inclusive benefits of having moderate cost housing integrated into communities with positive amenities. In Palm Beach County the staff determined that the construction cost gap was approximately \$150,000, but that was reduced to \$81,500 in compromise with the development community.

We looked at in-lieu fees around the country and at the difference in price between affordable workforce housing units and the market in Jupiter. We also consulted with a local Community Land Trust as to a reasonable fee. Our recommendation for an-in-lieu fee for rental workforce housing is \$150,000 and for for-sale housing it is \$200,000. This is a conservative estimate of the actual cost of constructing modest homes in Jupiter since the construction costs are typically higher in the Town.

CONSTRUCTION STANDARDS

SEC. 27-1675.42. CONSTRUCTION STANDARDS FOR WORKFORCE HOUSING

It is important that the workforce housing units provided, whether constructed on-site by the developer, off-site with assistance from the Town's Housing Trust Fund, or on a donated site in partnership with another developer, meet high standards of design and construction quality. Meeting such standards helps ensure that the workforce housing units will be attractive, fit in with other Jupiter communities, and will not stigmatize the residents who call the workforce housing units their home.

Ideally, workforce housing dwelling units will be dispersed throughout a residential development and comparable in construction quality and exterior design to the market rate dwelling units constructed as part of the residential development. Workforce Housing dwelling units may have

different interior finishes and features than market rate dwelling units, so long as the interior features are of good quality and consistent with energy efficient standards for new housing contained in the Florida Building Code.

We recommend requiring a proportional mixture of unit sizes in a development participating in the Workforce Housing Program. For instance, the number of bedrooms in the Workforce Housing Units should be proportional to the bedroom mix in the market rate units in the development. Minimum unit sizes for Workforce Housing Units must be at least 80% of the proportionate bedroom market rate units.

Construction of Workforce Housing dwelling units should occur along with the market rate dwelling units of the residential development. This is so that the sales or leasing program for the community results in move-ins that include the workforce residents in the same time frame as market residents. We have seen issues develop elsewhere when the workforce units lag in development schedules, or are not built at all.

ALTERNATIVES TO PROVIDING WORKFORCE HOUSING UNITS SEC. 27-1675.43(2) DONATION OF LAND IN LIEU OF WORKFORCE DWELLING UNITS

Some inclusionary programs have found it beneficial to permit the fulfillment of workforce housing requirements through alternative means, such as donation of land or existing housing. This can enable the Town or developers of affordable housing to serve public purposes that may not be served through typical provision of workforce housing units. This could include the rehabilitation and upgrading of aged or outmoded workforce housing stock in the Town's older established neighborhoods; partnership with developers of affordable housing that serve a broader range of household incomes; or the donation of a parcel that has strategic land assemblage value for a larger development that serves both the market and workforce housing needs.

In the event that such an alternative means is proposed, it must be equivalent in value and of sufficient size to provide the required number of workforce housing units; the use of the off-site parcel as an alternative means of providing the required Workforce Housing units is subject to the approval of the Town Council; and the donation occurs prior to the initiation of development requesting off-site Workforce housing dwelling units.

MONITORING COMPLIANCE WITH WORKFORCE HOUSING REQUIREMENTS SEC. 27-1675.44 THROUGH 27-1675.47

In order to truly benefit the workforce of Jupiter and to meet the long term goals of the Town, we recommend adjusting the compliance period for both for-sale and rental Workforce Housing Units. During a recent public comment period, stakeholders indicated the current compliance period of 15 years is not long enough and we agree. We recommend that for-sale Workforce Housing Units remain affordable in perpetuity and that rental Workforce Housing Units remain affordable for 30 years.

These terms of required affordability duration are rapidly becoming the standard nationally, especially in high cost residential areas where it is difficult to create new affordable housing and where there is considerable market pressure. Local developers have commented that they have issues with not requiring units to be maintained in perpetuity because then the Town would be having to continually replace homes that go to the market, and provide a windfall to the lucky resident.

This recommendation comes with the caution that program management is complex and must be sustained over time. It will be critical to develop the staff capacity to manage and oversee this program and to develop a set of administrative regulations that provide flexibility and guidance to the staff or organization that will implement the workforce housing program. These administrative regulations are identified in the draft Land Development Regulations as Workforce Housing Policies and Procedures. They address such issues as what is considered in qualifying households for the program; how income is calculated; what constitutes a qualified household at the time a workforce housing unit is ready to be purchased or rented; how priority to purchase is determined; how proceeds from the subsequent sale of a workforce housing unit are shared; how improvements to a workforce housing unit can be made and their value captured at sale; and how workforce housing pricing results in affordability as construction and finance cost inputs change. They also detail which department or agency of Town government is responsible for what aspect of program management. Developing the Workforce Housing Policies and Procedures is an important adjunct to the Program. Professional assistance in putting these in place is recommended.

Maintaining long term affordability requires annual monitoring with oversight at lease renewals and re-sales. Due to the size of the Town's staff and budget constraints, we recommend placing the responsibility for monitoring compliance and administration of the Workforce Housing Program on a neutral third party.

In this case, we recommend using a Community Land Trust (CLT). CLTs are community based non-profits that manage and administer things in the public trust- sometimes open space and

farmland, in urban settings, often workforce housing. In conjunction with inclusionary housing programs they help ensure that the program is properly administered, that the residents understand the program rules and their obligations, and that the homes remain affordable for the long term. **They prepare program applicants for purchase or rent, and ensure that those applicants can qualify when workforce homes become available.**

Qualified rental resident incomes may increase over time; however once they reach an income level that would permit them to purchase or rent market rate housing, they would no longer be eligible for the rental workforce housing units.

Qualified purchasers of workforce housing units would never be compelled to sell them, but their ability to profit from a sale is limited in order to keep the home affordable for the next qualified resident.

We recommend using a Community Land Trust for this function because long term affordability (in perpetuity) can be complicated to monitor. CLTs, by design, maintain affordable requirements specifically tied to land use restrictions for extended periods of time. These organizations are familiar with income qualification requirements as well as the calculations for re-sale requirements.

We suggest identifying CLTs that are authorized to work in Palm Beach County and selecting at least one to be the approved Workforce Housing Program Compliance Monitor. The selected CLT can also assist the Town with alternative developments of affordable housing that may arise out of the operation of the Workforce Housing Program.

HOUSING TRUST FUND SECTION 27-1676.48

Proceeds from the payment of fees-in lieu and other funds related to the Workforce Housing Program should be placed in a Housing Trust Fund for the Town of Jupiter. Housing Trust Funds are an important local and state tool that enables contribution to the provision of workforce and affordable housing. Florida has the distinction of having the nation's largest State housing trust fund, the Sadowski Housing Trust Fund. The local Housing Trust Fund can be used for a variety of purposes to support the program including down payment assistance, rehabilitation of workforce housing units as they age, and administrative functions necessary for the program. Having a fund dedicated to the provision and maintenance of workforce housing provides the Town important leverage in ensuring that workforce homes are attractive and maintain that appearance over time, and that other desirable affordable developments are economically feasible.

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

April 23, 2015

RECEIVED

APR 27 2015

PLANNING & ZONING

The Honorable Karen J. Golonka
Mayor, Town of Jupiter
210 Military Trail
Jupiter, Florida 33458

Dear Mayor Golonka:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Town of Jupiter (Amendment No. 15-4ESR), which was received on March 24, 2015. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

The Town is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the Town. If other reviewing agencies provide comments, we recommend the Town consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

We appreciate the opportunity to work with the Town of Jupiter on planning and community development issues. If you have any questions concerning this review, please contact Adam Antony Biblo, at (850) 717-8503, or by email at Adam.Biblo@deo.myFlorida.com.

Sincerely,

Ana Richmond, Chief
Bureau of Community Planning

AR/aab

Enclosure: Procedures for adoption of comprehensive plan amendments

cc: John R. Sickler, AICP, Director, Department of Planning & Zoning Division, Town of Jupiter
David M. Kemp, AICP, Principal Planner, Department of Planning & Zoning Division, Town of Jupiter
Michael J. Busha, AICP, Executive Director, Treasure Coast Regional Planning Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW**

**RECEIVED
APR 27 2015
PLANNING & ZONING**

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.

RECEIVED

APR 27 2015

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 8G
From: Staff
Date: April 17, 2015 Council Meeting
Subject: Local Government Comprehensive Plan Review
Draft Amendment to the Town of Jupiter Comprehensive Plan
Amendment No. 15-4ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, requires that the regional planning council review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the Town of Jupiter includes text changes to the Housing Element of the comprehensive plan. This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

The proposed amendment is to revise the Housing Element to modify policies associated with the Workforce Housing Program (WHP) and the updated affordable and workforce housing needs assessment. The Housing Element objectives and policies related to the establishment of a WHP were adopted in 2008. Since that time the town established a WHP steering committee and gathered significant information from workforce housing stakeholders. Major changes to the Housing Element include the following:

1. **Revised Objective 1.1** – This objective is revised to include an updated Future Needs Assessment. The Town’s needs analysis for affordable (less than 60% of the Area Median Income) and workforce (61% to 140% of the Area Median Income) households has been updated to cover the 25-year period from 2010 to 2035.

2. **Revised Policy 1.2.1** - The moderate income range (81%-120%) is proposed to be broken into the moderate low income (81%-100%) and moderate high income (101%-120%) ranges to provide consistency with Palm Beach County's WHP income ranges. Definitions for workforce (for-sale and rental) housing and affordable housing are also included in Policy 1.2.1 in order to clarify the applicable median household income ranges included in the affordable and WHPs.
3. **Revised Policy 1.2.6** – The proposed changes indicate the town shall consider establishing a linkage fee to apply to the net gross floor area increase of non-residential development, as part of the WHP. The town will reevaluate the linkage as part of the Evaluation and Appraisal Report process, which occurs every seven years.
4. **Revised Policy 1.2.7** – This policy includes revised criteria for residential dwelling units designated as workforce housing. The policy is revised to specify the sale of for-sale workforce units may be in accordance with the community land trust land lease, assuring an ongoing supply of workforce housing.
5. **Revised Policy 1.2.8** – The changes to the requirements in this policy include a mandatory 20% of workforce housing units for residential developments and redevelopment that require a land use change or rezoning. In lieu of developing, payments and donation of land are also included as options.
6. **Revised Policy 1.2.9** – The proposed change revises the WHP density bonus incentives, traffic concurrency incentives, and provides for expedited permitting.
7. **Revised Policy 1.5.2** – The proposed change indicates properties that contain town-required workforce housing units, which propose to redevelop, shall meet workforce housing requirements pertaining to their existing development order and any workforce housing requirements at the time of application submittal.

Regional Impacts

No adverse effects on regional resources or facilities have been identified.

Extrajurisdictional Impacts

The proposed amendment was circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on August 22, 2014. No extrajurisdictional impacts have been identified.

Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

Recommendation

Council should approve this report and authorize its transmittal to the Town of Jupiter and the Florida Department of Economic Opportunity.

Attachments

List of Exhibits

Exhibit

- | | |
|---|----------------------|
| 1 | General Location Map |
| 2 | Ordinance No. 6-15 |

Exhibit 1 General Location Map

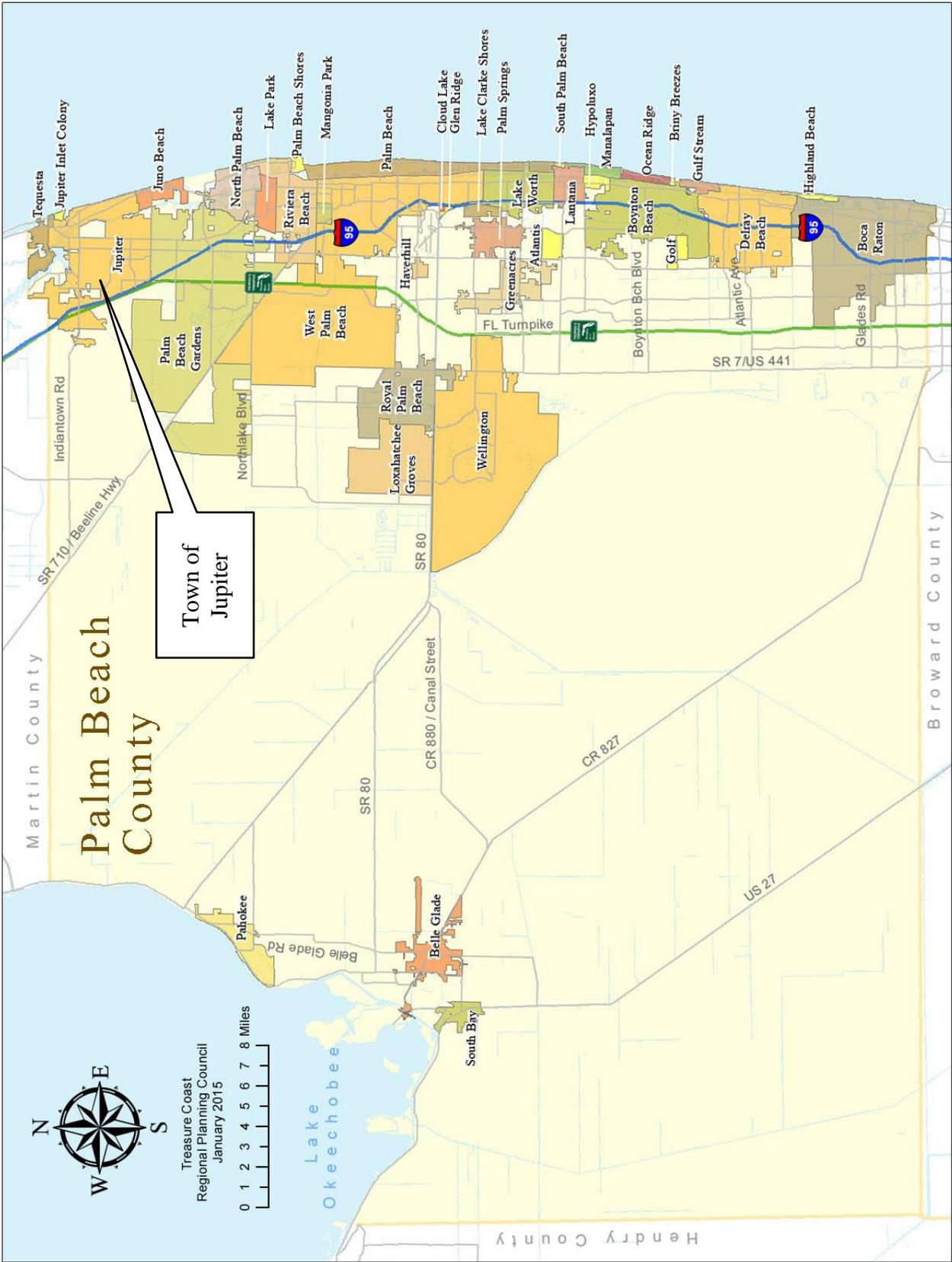


Exhibit 2 Ordinance No. 6-15

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ORDINANCE NO. 6-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AMENDING ORDINANCE NO. 57-89, THE COMPREHENSIVE PLAN OF THE TOWN OF JUPITER; PROVIDING FOR AMENDMENTS TO THE HOUSING ELEMENT PERTAINING TO POLICIES REGARDING WORKFORCE HOUSING AND OBJECTIVE 1.1 REGARDING AFFORDABLE AND WORKFORCE HOUSING NEEDS ASSESSMENT; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Jupiter, Florida (Town), has adopted a Comprehensive Plan for the Town of Jupiter pursuant to Chapter 163, Part II, Florida Statutes, formerly known as the Local Government Comprehensive Planning Act" and now known as the Growth Policy Act (the Act); and,

WHEREAS, the Florida Department of Community Affairs, now known as the Department of Economic Opportunity, has previously determined that the Town's Comprehensive Plan was "in compliance" with the Act; and,

WHEREAS, pursuant to Section 163.3174(4)(a) of the Act, the Town's Local Planning Agency (the LPA) has conducted a public hearing to consider the amendments proposed herein (the Amendments) and;

WHEREAS, the Amendments are set forth in Exhibit "A" which is attached hereto and incorporated herein; and,

Ordinance No. 6-15

Page B

1 **WHEREAS**, The Town Council has determined that the Amendments would be in
2 compliance with the Act; and,

3 **WHEREAS**, pursuant to Section 163.3184(11), Florida Statutes, the Town Council has
4 conducted a public hearing to consider the transmittal of the Amendments, and after considering
5 public comments, and the recommendation of the Town's Local Planning Agency, and the
6 Planning and Zoning Department staff has authorized the transmittal of the Amendments to the
7 Florida Department of Economic Opportunity, appropriate reviewing agencies and any other
8 local government or governmental agency that has previously filed a written request and
9 requested that their comments be considered in the review of the Amednments.

10 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF**
11 **JUPITER, FLORIDA:**

12 **Section 1.** The whereas clauses are incorporated herein as the legislative findings of
13 the Town Council.

14 **Section 2.** Ordinance No. 57-89 of the Town of Jupiter, entitled "Comprehensive
15 Plan of the Town of Jupiter," is hereby amended to reflect the changes to objectives and
16 policies of the Housing Element related to the Town's Workforce Housing Program and its
17 affordable and workforce housing needs assessment, as shown in the attached Exhibit "A",
18 which is incorporated herein.

19 **Section 3.** The Town Clerk is hereby directed to transmit the required copies of the
20 proposed Amendments to the Comprehensive Plan to the Department of Economic Opportunity
21 and all other parties pursuant to Section 163.3184(3)(c)2., Florida Statutes.

22 **Section 4.** Severability. If any section, paragraph, sentence, clause, phrase or
23 word of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or
24 void, such holding shall not affect the remainder of this Ordinance.

25 **Section 5.** Repeal of Laws in Conflict. All ordinances or part of ordinances in
26 conflict herewith are hereby repealed to the extent of such conflict.

Ordinance No. 6-15

Page C

1 **Section 6.** Effective Date. The provisions of this Ordinance shall become effective
2 pursuant to Section 163.3184(3)(c)4., Florida Statutes.

3
4 Attachment: Exhibit "A" - Text amendments to the Comprehensive Plan

5
6 V:\Staff\WP51\COMPPLAN\Amendments\2015-04 Administrative\2015-04_DEO Transmittal_Proposed\Ord_6-
7 15_Transmittal.doc March 19, 2015

EXHIBIT A of Ordinance #6-15

Town of Jupiter Comprehensive Plan

2015-04 Amendment (Text)

March 17, 2015

Location: Housing Element

Goal 1: Provide affordable, structurally-sound Workforce Housing opportunities in sufficient quantity to accommodate the housing needs of present and future residents of Jupiter.

Managed Growth

Objective 1.1 To provide adequate Workforce Housing to meet the future needs assessments identified in Tables 1 through 3 4 for very-low, low, and moderate low and moderate high income households in the Town.

**Table 1 – Very Low Income
Household Need Analysis 2005 to 2025**

Tenure	Up to 2005	2005 to 2010	2010 to 2015	2015 to 2020	2020 to 2025
Owner	1,620	271	297	347	138
Renter	947	119	115	115	32
Total	2,567	390	412	462	170

**Table 2 – Low Income
Household Need Analysis 2005 to 2025**

Tenure	Up to 2005	2005 to 2010	2010 to 2015	2015 to 2020	2020 to 2025
Owner	1,007	133	96	100	0
Renter	479	48	37	35	0
Total	1,486	181	133	135	0

**Table 3 – Moderate Income
Household Need Analysis 2005 to 2025**

Tenure	Up to 2005	2005 to 2010	2010 to 2015	2015 to 2020	2020 to 2025
Owner	873	98	66	53	0
Renter	172	18	16	17	0
Total	1,045	116	82	70	0

(Data Source: 2002 Florida Housing Data Clearinghouse at the Shimberg Center)

Table 1 – Very Low Income (50% AMI & Below)
Household Need Analysis 2010 – 2035

<u>Tenure</u>	<u>Up to 2015</u>	<u>2015 – 2020</u>	<u>2020 – 2025</u>	<u>2025 – 2030</u>	<u>2030 - 2035</u>
<u>Owner</u>	2,605	129	57	102	91
<u>Renter</u>	2,012	112	53	71	65
<u>Total</u>	4,617	241	110	173	156

Table 2 – Low Income (51% - 80% AMI)
Household Need Analysis 2010 – 2035

<u>Tenure</u>	<u>Up to 2015</u>	<u>2015 – 2020</u>	<u>2020 – 2025</u>	<u>2025 – 2030</u>	<u>2030 - 2035</u>
<u>Owner</u>	1,765	79	30	54	59
<u>Renter</u>	922	48	21	27	32
<u>Total</u>	2,687	127	51	81	91

Table 3 – Moderate Income (81% - 120% AMI)
Household Need Analysis 2010 – 2035

<u>Tenure</u>	<u>Up to 2015</u>	<u>2015 – 2020</u>	<u>2020 – 2025</u>	<u>2025 – 2030</u>	<u>2030 - 2035</u>
<u>Owner</u>	1,375	53	10	26	45
<u>Renter</u>	247	14	6	9	8
<u>Total</u>	1,622	67	16	35	53

Table 4 – Middle Income (121% AMI & Above)
Household Need Analysis 2010 – 2035

<u>Tenure</u>	<u>Up to 2015</u>	<u>2015 – 2020</u>	<u>2020 – 2025</u>	<u>2025 – 2030</u>	<u>2030 - 2035</u>
<u>Owner</u>	2,052	61	-1	14	66
<u>Renter</u>	80	5	2	4	3
<u>Total</u>	2,132	66	1	18	69

Data Source: 2014 Florida Housing Data Clearinghouse at the Shimberg Center
 The Florida Housing Data Clearinghouse (FHDC) was founded in 2000 to provide public access to data on Florida's housing needs and supply, subsidized rental housing, and household demographics.

The most recent and accurate population projections categorize income levels slightly differently from the Town's Workforce Housing Program (WHP) and therefore differs slightly from the WHP areas of need. The lowest income category reflects all need up to 50% of AMI.

Policy 1.1.1 The location of future housing shall be guided through the Town's adopted Future Land Use Map and extension of public services.

Policy 1.1.2 Participate with Palm Beach County and other county municipalities to form a Housing Finance Authority which will utilize State "affordable housing" assistance loans and grants.

Policy 1.1.3 The Town strongly supports and encourages the infill, redevelopment and/or rehabilitation of existing residential homes and areas as a means to maintain and increase the Workforce Housing stock, including providing housing for essential workers. Further, the Town supports the concept of encouraging Workforce Housing through the use of auxiliary dwelling unit, patio, zero Z-lot line homes and the development of mixed use projects.

Policy 1.1.4 Review ordinances, codes, regulations and the permitting process for the purpose of eliminating excessive requirements, and amending or adding other requirements in order to increase private sector participation in meeting housing needs, while continuing to insure the health, welfare and safety of the residents.

Policy 1.1.5 The Town shall coordinate with public-private partnerships, private non-profit housing agencies, for-profit developers, lenders, Community Land Trusts (CLTs) and other housing agencies to assist in providing Workforce Housing located east of the Beeline Highway and north of PGA Boulevard.

Policy 1.1.6 The Town shall encourage the development of auxiliary dwelling units (ADU's) associated with a principal dwelling unit in order to reduce the Workforce Housing unit deficit.

Policy 1.1.7 Provide opportunities for increased density for the development of affordable Workforce Housing in proximity to transit.

Affordable Housing Implementation Programs

Objective 1.2 To develop new funding sources and development strategies to aid in expanding the Town's Workforce Housing stock through design of creative impact fees and density criteria.

Policy 1.2.1 The following definitions and standards for Workforce Housing and income categories shall be used by the Town in its Workforce Housing programs:

"WORKFORCE FOR-SALE HOUSING" means housing for which ~~monthly rents or~~ monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of the West Palm Beach-Boca Raton MSA median income as measured by the U.S. Bureau of the Census and updated annually by the U.S. Department of Housing and Urban Development. Other affordable/workforce housing definitions that are prescribed by affordable housing programs administered by Federal or State agencies may be used if such programs are implemented by the Town to provide workforce housing.

- a) ~~"VERY LOW INCOME" means an income falling below 60 percent of the median income.~~
- a) "LOW INCOME" means an income falling between 60 and 80 percent of the median income.
- b) "MODERATE LOW INCOME" means an income falling between 81 and 100 percent of the median income.
- c) "MODERATE HIGH INCOME" means an income falling between 101 and 120 percent of the median income.
- d) "MIDDLE INCOME" means an income falling between 120 and 140 percent of the median income.

"WORKFORCE RENTAL HOUSING" means housing for which monthly rents, and payments for utility services do not exceed 30 percent of the West Palm Beach-Boca Raton MSA median income "LOW INCOME" and "MODERATE LOW INCOME" listed in this policy.

"AFFORDABLE HOUSING" means housing for which monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, that does not exceed 30 percent of the West Palm Beach-Boca Raton MSA very low income level (falling below 61 percent of the median income) as measured by the U.S. Bureau of the Census and updated annually by the U.S. Department of Housing and Urban Development.

Policy 1.2.2 The Town will assist in the coordination, outreach, education and information dissemination to residents, eligible households, and developers about Federal, State, County or local housing programs, subsidies, grants, or funds.

Policy 1.2.3 ~~Recommend and s~~Support that the Palm Beach Countywide Planning Council efforts to establish a "Workforce Housing Task Force" to assess the needs of the very low, low and moderate income housing needs which results in the development of a "fair share" distribution formula countywide. At a minimum, the Task Force should be represented by elected officials, builders, and housing authorities.

Policy 1.2.4 Recommend and support that all Palm Beach County housing authorities join together and fund a position of housing assistance officer. This person would maintain a central locator file of available housing. Access to the information is available to all housing authorities.

Policy 1.2.5 The Town, as a U.S. Department of Housing and Urban Development Entitlement Community, shall continue to participate ~~jointly~~ in the ~~Palm Beach County~~ Community Development Block Grant (CDBG) program to secure funding for projects in the Town.

Policy 1.2.6 ~~The Town Council may grant a density bonus as part of the Workforce Housing Program to encourage the development of additional "Low Income Housing", subject to the following provisions:~~

- ~~a) The density bonus for such housing may be up to 65 percent of the maximum, allowable density, together with additional density from the transfer of development rights, up to a maximum gross density of 15 dwelling units per acre.~~
- ~~b) At least 25 percent of the total density bonus units in the development must be set aside for households meeting the income guidelines of Policy 1.2.1, in each phase of development, for a minimum of 30 years;~~
- ~~c) To implement the density bonus for affordable workforce housing, the Town's land development regulations shall be amended to address such items as:
 - ~~1. A required Development Agreement between the Town and the land owner.~~
 - ~~2. A deed restriction for the entire property that is approved by the Town Council.~~
 - ~~3. The appreciation from the sale of such property designated shall be limited to a certain percentage per year for a certain period of time (shared equity).~~
 - ~~4. Rent increases shall be based on the adjusted gross annual income of the West Palm Beach-Boca Raton MSA median income.~~
 - ~~5. Other incentives, such as waivers of certain zoning regulations and fees, may also be granted by the Town Council.~~
 - ~~6. Any proposed development that is to contain Low Income Housing shall be compatible with adjacent uses.~~
 - ~~7. The dwelling units shall be of the same design theme as the remainder of the proposed development. (This Policy has been deleted)~~~~

~~Policy 1.2.7 The Town should assess the financial and legal impact of waiving or reducing impact fee charges in order to stimulate construction of workforce housing for very low and low income households. (This Policy has been deleted)~~

~~Policy 1.2.86 By December 2013⁵, the Town shall consider establishing a linkage fee to apply to the net gross floor area increase of non-residential development, as part of the Workforce Housing Program. The Town will reevaluate the linkage fee as part of the Evaluation and Appraisal Report process.investigate the feasibility of establishing a linkage and/or luxury home fees.~~

~~Policy 1.2.97 By December 2013, ~~t~~The Town's shall establish a Workforce Housing Program requiring that residential dwelling units designated as "Workforce Housing" shall meet the following criteria:~~

- ~~a) Workforce units shall be provided in perpetuity for low and moderate income households for a minimum period of 30 years for for-sale units and 30 years for rental units;~~
- ~~b) Workforce units shall be designed to be compatible with the overall development and adjacent properties;~~
- ~~c) Workforce units are encouraged to be integrated within the development, and shall be designed in a way that promotes a mixture of dwelling unit types and income level;~~
- ~~d) Workforce units may be allowed in any land use category which permits residential uses;~~
- ~~e) The sale of for-sale Workforce units may be in accordance with the community land trust land lease, assuring an ongoing supply of workforce housing appreciation from the sale of such property designated as workforce housing shall be limited to a certain percentage per year for a certain period of time (shared equity).~~

~~Policy 1.2.408 By December 2013, ~~t~~The Town's shall establish a mandatory Workforce Housing Program requiring new residential developments and redevelopment of existing developments, that will have a minimum of ten permitted residential dwelling units, to provide a minimum of six percent (6%) of the total units for low, moderate low, moderate high and middle income households for developments that require no rezoning or land use change. For those developments that the Town rezones or changes the land use to increase development rights, the percentage of Workforce Housing units required associated with the increased development rights will be 20%. The 6% and 20% requirements shall not apply to any additional density which is subject to a greater percentage per 1.2.419 or Policy 1.2.429. In lieu of developing The 6% requirement can be met through the following, in lieu of developing the mandatory units on site: the total number of units to be developed as Workforce Housing units, a developer may donate land which is restricted to the development of Workforce Housing, or make a payment to the Town's affordable and Workforce Housing Trust Fund in an amount equal to the fair market value of 6% of the value of the Workforce Housing units which are required pursuant to this Policy.~~

- ~~a) Donation of land for the development of workforce housing;~~
- ~~b) In lieu payment to fund workforce housing.~~

~~Policy 1.2.419 By December 2013, ~~T~~The Town hereby establishes ~~shall establish~~ incentives as part of the Workforce Housing Program to encourage the development of Workforce Housing by including the following:~~

- ~~a) Density bonus incentives:
 - ~~1) A density bonus of 30 percent of the base density in all residential land use categories provided 40 percent of the density bonus units are developed meet the affordability requirements of Policy 1.2.1 as Workforce Housing units.~~
 - ~~2) A density bonus greater than 30 percent and up to 100 percent of the base density may be granted to development, and redevelopment with a residential component, which~~~~

includes one or more of the following additional criteria, as further detailed in the Workforce Housing Program land development regulations:

- a. At least 50 percent of bonus units are Workforce Housing units;
 - b. Located on land use designations with a maximum density of at least 6 units per acre;
 - c. Located within ½ mile of a funded (contained in a 5-year capital improvement plan) or developed Tri-Rail station;
 - d. Located in an appropriate Redevelopment Overlay Area;
- 2) ~~A density bonus greater than 30 percent and up to 100 percent of the base density may be permitted in the High Density Residential, Inlet Village Residential, Mixed Use, Riverwalk Flex and Inlet Village Flex land use categories when one or more of the following occurs:~~
- a. ~~more than the minimum 40 percent of bonus units meet the affordability requirements of Policy 1.2.1;~~
 - b. ~~located within an identified infill and redevelopment area, the Inlet Village, or Waterway Commercial and Entertainment Sectors of the US 1 Intracoastal Waterway Corridor;~~
 - c. ~~located within one mile or less from a designated Tri-Rail station;~~
 - d. ~~the timeframes for affordability are extended beyond the minimum period of 30 years for for-sale and rental units;~~
- b) Density bonus incentives for development of additional Workforce Housing units for low-income households:
- 1) The density bonus for low income housing units may be up to 65 percent of the maximum, allowable density, together with additional density from the transfer of development rights, up to a maximum gross density of 15 dwelling units per acre.
 - 2) At least 25 percent of the total density bonus units in the development or redevelopment shall be restricted in perpetuity for housing units meeting the income guidelines of Policy 1.2.1, in each phase of development.
- bc) Traffic concurrency ~~Other incentives:~~
- 4) When determining Town Traffic Performance Standards on Town-maintained roads, the level of service standard permitted for all project's net trips associated with Workforce Housing units on affected roadway segments and intersections shall be up to 30% above the adopted LOS volumes on those segments and intersections. Any project seeking to utilize this Workforce Housing traffic concurrency exception, which significant impacts any State Strategic Intermodal System (SIS), shall be required to address its impacts on the SIS facilities as may be required by applicable State law in effect at the time of the development order application, subject to the 5% adopted level of service significance. The project's net trips associated with the non-workforce units and all non-residential land uses shall be subject to the 1% of adopted level of service significance.
- 2d) Expedited permitting: ~~Any developer expedited permitting process for developments proposing greater than 6% of the proposed residential units as Workforce Housing shall be entitled to expedited permitting.~~

~~Policy 1.2.12 When a future land use designation is changed, which results in an increase in residential density, a minimum of 20 percent of the additional units shall be provided as workforce housing units, meeting the requirements of Policy 1.2.9.~~

~~Policy 1.2.130~~ Developments may utilize the density bonuses in Policy 1.2.69 together with these incentives listed in Policy 1.2.14 to obtain a gross residential density for a development up to a maximum of 15 dwelling units per acre. Master planned transit oriented developments, which include workforce housing and are within a radius of one-half mile from a designated funded Tri-Rail station, may be granted density bonuses which increases the total density up to a maximum of 15 dwelling units per acre.

Policy 1.2.141 ~~By December 2013, t~~The Town shall maintain, and amend as necessary, establish land development regulations to preserve the affordability of dwelling units developed through the Workforce Housing Program. The workforce housing units shall be made available only to income-eligible households. The household income levels to be targeted will include a combination of low, moderate low, moderate high and middle income households as defined in Policy 1.2.1.

Policy 1.2.152 The Town shall provide education awareness programs, ~~so that to inform the public can gain a better understanding of about~~ the need for affordable and workforce housing in the Town. ~~These programs should also address residents' aversion to the proximity of workforce housing and the general negative public perception regarding workforce housing.~~

Special Housing Needs

Objective 1.3 To provide adequate sites and public services and facilities within identified infill and redevelopment areas to accommodate the need for low, moderate low, moderate high and middle income households, manufactured homes, group homes, and adult congregate living facilities within the Town, as specified by criteria in the adopted Land Development Regulations and relevant state statutes.

Policy 1.3.1 The Town shall ~~continue to~~ maintain non-discriminatory standards and criteria addressing the location of group homes and foster care facilities. For the purposes of the Comprehensive Plan, group homes and foster care home facilities are defined in Section 393.063, Florida Statutes ~~9J-5.003, Florida Administrative Code~~, Definitions.

Policy 1.3.2 The Town shall ~~continue to~~ provide for the integration of care facilities, group and & foster homes, retirement communities which house the physically handicapped, or elderly citizens into residential areas so long as the residential character and intensity is not changed or heightened.

Policy 1.3.3 The Town shall continue to permit adult congregate living facilities in residential areas so long as the facility is compatible to the surrounding residential neighborhood in terms of character and intensity of use.

Policy 1.3.4 Workforce Housing for ~~very low,~~ low, moderate low, moderate high and middle income households should be made available in redevelopment projects and/or, in proximity to employment opportunities, and necessary public services to the maximum extent consistent with other Town policies.

Policy 1.3.5 The Town should, where appropriate, amend the zoning code to enable the development of group homes, congregate housing and foster care facilities in locations near community, medical and social services.

Policy 1.3.6 The development of residential communities for the elderly not in proximity to necessary services shall include as part of the development a range of elderly care services deemed acceptable by the Town Council.

Policy 1.3.7 The Town building code should allow for and ensure that all housing design and construction for handicapped and elderly persons provide barrier free access and mobility.

Policy 1.3.8 The Town shall continue to include criteria for the location of housing for low income families, mobile home placement, and households with special needs. These criteria shall consider existing Town ordinances and appropriate state statutes.

Policy 1.3.9 The Town shall identify adequate infill and redevelopment sites to provide opportunities for Workforce Housing units within one-half mile or less of designated funded (contained in a 5-year capital improvement plan) or developed Tri-Rail stations within the Town's municipal boundaries.

Structural Condition

Objective 1.4 The structural condition of the Town's housing stock will be maintained and where necessary improved to provide safe, sanitary housing opportunities for all residents.

Policy 1.4.1 Increase code enforcement activities, through regular annual inspections of the housing stock in neighborhoods where code violations are more prevalent, and institute special concentrated code enforcement activities where warranted.

Policy 1.4.2 The Town shall continue to upgrade or replace deteriorated or insufficient infrastructure and housing through an active capital improvements, demolition and rehabilitation programs. Utilizing redevelopment districts in order to achieve improvements needed will be considered in the Town's financial assessment of how the improvements will be paid for.

Policy 1.4.3 The Town should sponsor and encourage neighborhood improvement and beautification programs to improve the condition of houses and quality of neighborhood life.

Policy 1.4.4 Permit on a demonstration basis, mixed-use and other innovative reuses of the existing housing stock which will result in the removal of substandard housing units.

Demolition, Relocation, and Replacement

Objective 1.5 To provide for the relocation of residents or replacement of affordable and Workforce Housing units, which are part of a federal, state or Town approved housing assistance program, lost to demolition or redevelopment activities, the Town shall adhere to the following in addition to appropriate federal and state requirements and guidelines.

Policy 1.5.1 Prior to the demolition or replacement of existing approved affordable and Workforce Housing units pursuant to Objective 1.5, as a result of redevelopment, which meets minimum code and currently serves very low and low-income occupants, provisions shall be made for alternative housing opportunities in proximity to employment and necessary public services.

~~Policy 1.5.2 The Town shall require that a greater minimum percentage of existing workforce housing be retained on site, upon redevelopment of a property.~~

Policy 1.5.2 Properties which contain Town-required Workforce Housing units, which propose to redevelop, shall meet Workforce Housing requirements pertaining to their existing development order and any Workforce Housing regulations at the time of application submittal.

Preservation of Neighborhoods

Objective 1.6 To provide for the protection of the neighborhood character in the community and preserve historically significant structures.

Policy 1.6.1 Residential neighborhoods adjacent to areas zoned for commercial activities should be protected by a vegetated, open space buffer to prevent encroachment of the activity and its by-products, (e.g., noise, fumes, etc.) into the neighborhood.

Policy 1.6.2 The Town shall assist and cooperate with efforts to inventory, designate, and preserve buildings, sites, districts and other resources of historic significance in Jupiter. To this end, the Town shall assist in the efforts of the Loxahatchee River Historical Society or other historic societies. The Town shall maintain its Historic and Archaeological Preservation Ordinance.

Policy 1.6.3 The Town shall cooperate with the Loxahatchee River Historical Society or other local historic preservation societies to assist property owners in applying for and utilizing state and federal assistance programs.

Policy 1.6.4 Through the implementation of the historic resources ordinance the Town will safeguard the Town's unique history and heritage, foster civic pride and respect for the accomplishments of the past, and protect and enhance the Town's attraction to visitors.

Policy 1.6.5 The Town shall recognize the value of strong and stable neighborhoods by encouraging neighborhood identity and promoting neighborhood enhancement projects.

Policy 1.6.6 The Town shall promote public/private programs and activities that strengthen, stabilize, improve and enhance neighborhoods.

Policy 1.6.7 The location of locally designated historic resources shall be included on the Future Land Use Map (FLUM).

Policy 1.6.8 Maintain the overcrowding provisions of the Town's Housing Standards Ordinance to provide density control, to reasonably regulate the safety and occupancy of dwelling units, and to preserve and enhance residential neighborhoods.

V:\Staff\WP51\COMPPLAN\Amendments\2015-04 Administrative\2015-04_DEO Transmittal_Proposed\EXHIBIT A of Ordinance 6-15.docx March 18, 2015



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

April 7, 2015

John Sickler, Director of Planning and Zoning
Town of Jupiter, Dept. of Planning and Zoning
210 Military Trail
Jupiter, FL 33458

**Subject: Town of Jupiter, DEO #15-4ESR
Comments on Proposed Comprehensive Plan Amendment Package**

Dear Mr. Sickler:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from the Town of Jupiter (Town). The proposed amendment updates Housing Element policies regarding Workforce Housing and Housing Needs Assessment. There appear to be no regionally significant water resource issues; therefore, the District forwards no comments on the proposed amendment package.

The District offers its technical assistance to the Town and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the Town's future water supply needs and to protect the region's water resources. Please forward a copy of adopted amendments to the District. For assistance or additional information, please contact Deborah Oblaczynski, Policy and Planning Analyst, at (561) 682-2544 or doblaczy@sfwmd.gov.

Sincerely,

A handwritten signature in black ink that reads "De Powell".

Dean Powell
Water Supply Bureau Chief

DP/do

c: Michael J. Busha, TCRPC
Ray Eubanks, DEO
David M. Kemp, AICP, Town of Jupiter
Deborah Oblaczynski, SFWMD
James Stansbury, DEO

David Kemp

From: Hymowitz, Larry <Larry.Hymowitz@dot.state.fl.us>
Sent: Tuesday, April 21, 2015 4:59 PM
To: DCPexternalagencycomments; David Kemp
Cc: John Sickler; Bush, Lois; Dykstra, Lisa; Schaefer, Erin
Subject: Town of Jupiter 15-4ESR - FDOT District Four Review

I am writing to advise you that the Department will not be issuing formal comments for the proposed Town of Jupiter comprehensive plan amendment with DEO reference number 15-4ESR.

The Department recommends the following revision to Policy 1.2.9 of the Town's Comprehensive Plan for the Town's consideration:

c) Traffic concurrency incentive:

When determining Town Traffic Performance Standards on Town-maintained roads, the level of service standard permitted for all Workforce Housing units on affected roadway segments and intersections shall be up to 30% above the adopted LOS volumes on those segments and intersections. Any project seeking to utilize this Workforce Housing traffic concurrency exception shall be required to coordinate with the Florida Department of Transportation to address potential impacts on Interstate 95, a Strategic Intermodal System (SIS) facility. This coordination may include discussions regarding implementation of policies and requirements that are intended to lessen impacts to the SIS from traffic generated by the proposed Workforce Housing development.

The Department requests one copy, which may be on CD ROM in Portable Document Format (PDF), of all adopted comprehensive plan amendment materials, including graphic and textual materials and support documents.

Please don't hesitate to contact me if you have any questions. Thank you.

Larry Hymowitz
Planning Specialist – Policy Planning & Growth Management
Planning & Environmental Management - FDOT District Four
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309-3421
Phone: (954) 777-4663; Fax: (954) 677-7892
larry.hymowitz@dot.state.fl.us