

## **ORDINANCE NO. 3008-15**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ORDINANCE NO. 1883 "AFFORDABLE HOUSING" SO AS TO EXPAND THE PROGRAM TO INCLUDE WORKFORCE HOUSING, PROVIDING DEFINITIONS, PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Park adopted Ordinance No. 1883 on August 29, 1990 which established an affordable housing program within the City; and

**WHEREAS**, the City of Winter Park desires to broaden the opportunities for program development that may also respond to the workforce housing needs of individuals and families; and

**WHEREAS**, Ordinance No. 1883 needs to be amended to provide for that broader representation of individuals and families; and

**WHEREAS**, words with single underline shall constitute additions to the original text and strike through text shall constitute deletions to the original text, and where not so indicated shall indicate the text as unchanged from the language existing prior to adoption of this Ordinance.

**NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK:**

**SECTION 1.** That Ordinance No. 1883 "Affordable Housing" shall be amended to read as follows and to be codified as Article VIII within Chapter 2, "Administration":

### **ARTICLE VIII. AFFORDABLE AND WORKFORCE HOUSING.**

Sec. 2-201. Affordable and Workforce Housing.

- (a) The City Commission of the City of Winter Park has determined that the public health, safety and general welfare ~~requires~~ warrants the implementation of an affordable and workforce housing program for the following purposes:
  - (1) To implement the goals, policies and objectives of the Winter Park Comprehensive Plan,
  - (2) To provide housing opportunities for lower and moderate income families in order to meet the existing and anticipated housing needs of such persons and to maintain a socio-economic mix in the community,

- (3) To satisfy the community's obligation to provide a fair share of the community's housing production is affordable to lower and moderate income families, and
- (4) To provide for a range of housing opportunities for those who work in Winter Park and who provide the community with essential services, especially in the public health and safety sectors of the economy.

Sec. 2-202. Affordable and Workforce Housing Fee Established.

- (a) In order to implement affordable and workforce housing programs as may be established or financially supported by the City Commission, an affordable and workforce housing fee is hereby established to be paid at the time of issuance of building permits. The City Commission shall adopt such fees at the time of approval of the City fee schedule and may designate the allocation of such fees.
- (b) The affordable housing fee shall be assessed for all new construction on vacant lots, for all new net building additions and such fees shall apply to the renovation or redevelopment of existing buildings and building space when the building permit value exceeds fifty (50%) percent of the ~~replacement-cost building~~ value of the building on the most recent Orange County property tax roll at the time of construction.

Sec. 2-203. Exemptions.

- (a) The following buildings constructed within the City of Winter Park shall be exempt from the affordable and workforce housing fee:
  - (1) Residential buildings constructed as part of or financially supported as part of the City's affordable or workforce housing program.
  - (2) Residential building ~~projects~~ units ~~which contain a set aside of housing units~~ which qualify under the definition of affordable or workforce housing, as defined herein.
  - (3) Non-residential building construction that constitutes the exempt use of property for educational, literary, scientific, religious, charitable or governmental use, as defined by Chapter 196, Florida Statutes, or that is used for such purposes by organizations which qualify for exemption from taxation under Section 501 (c) (3) of the Internal Revenue Code.
  - (4) Nursing homes, assisted living or memory care facilities.
- (b) Whenever questions arise as to the applicability of exemptions, or the method of calculation of exemptions or fees such interpretations may be requested from the City Commission by the City Manager or by the affected party.

Sec. 2-204. Affordable and Workforce Housing Program.

- (a) The City Commission shall establish, after public hearing, an affordable and workforce housing program and projects to be undertaken by the City or in partnership with other housing providers.



Sec. 2-205. Definitions.

*Affordable Housing* means a dwelling unit with regard to a unit for sale which costs eighty (80%) percent or less than the median price of the homes sold in the previous year in the Orlando metropolitan area and is sold to a person or person whose annual income is eighty (80%) percent or less of the median income, adjusted for family size for Orange County, Florida, and with regard to units for rent, one which rents monthly for less than eighty (80%) percent of the median monthly cost of similar sized units for the previous year in the Orlando metropolitan area or is rented at a monthly rent (not including utilities) to a person or persons not to exceed more than thirty (30%) percent of their gross monthly income(s) inclusive of utility allowance and who's annual income is eighty (80%) percent or less of the median income, adjusted for utility allowance and for family size for Orange County, Florida.

*Workforce Housing* means a dwelling unit with regard to a unit for sale which costs one hundred twenty (120%) percent or less than the median price of the homes sold in the previous year in the Orlando metropolitan area and is sold to a person or person whose annual income is one hundred twenty (120%) percent or less of the median income, adjusted for family size for Orange County, Florida, and with regard to units for rent, one which rents monthly for less than one hundred twenty (120%) percent of the median monthly cost of similar sized units for the previous year in the Orlando metropolitan area or is rented at a monthly rent (not including utilities) to a person or persons not to exceed more than thirty (30%) percent of their gross monthly income(s) inclusive of utility allowance and whose annual income is one hundred twenty (120%) percent or less of the median income, adjusted for utility allowance and for family size for Orange County, Florida.

*Residential Construction* means an enclosed residential building and floor areas used for living and habitation included screened porches and guest houses but excluding garages, carports, open balconies, porches or lanais, screen pool enclosures, cabanas, attics and storage sheds.

*Non-residential Construction* means enclosed building and floor areas used for non-residential purposes but excluding parking decks or garages, carports or covered parking, attics, external mechanical or storage buildings.

*Square footage* means the square footage calculated in the same method as defined and utilized within the zoning code as calculated for floor area and floor area ratio.

**Section 2.** Incorporation Into Code. This ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

**Section 3.** Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 4.** Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

**Section 5.** Effective Date. This ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 14<sup>th</sup> day of September, 2015.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC