



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#23-1215**

**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Greg Chavarria, City Manager

**DATE:** December 19, 2023

**TITLE:** Resolution Approving an Affordable Housing Development Agreement and Assumption of Liability and Hold Harmless Agreement between the City of Fort Lauderdale and Habitat for Humanity of Broward, Inc. and Delegating Authority to the City Manager to Execute Amendments to the Affordable Housing Development Agreement that Reflect Administrative Approval of Modifications or Amendments to the Site Plan – **(Commission District 3)**

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**Recommendation**

Staff recommends the City Commission consider a resolution to enter into an Affordable Housing Development Agreement and Assumption of Liability and Hold Harmless Agreement between the City of Fort Lauderdale and Habitat for Humanity of Broward, Inc, pursuant to Section 166.04151(6), Florida Statutes (2023).

Additionally, staff requests that the City Commission delegate authority to the City Manager or the City Manager's Designee to approve and execute all Amendments to the Affordable Housing Development Agreement that are limited in scope to reflect amendments or modifications to the Site Plan attached to the Affordable Housing Development Agreement, that are administratively approved by the Director of the Development Services Department.

**Background**

The Florida Live Local Act, Sections 166.04151(6), Florida Statutes, authorizes local governments to approve the development of housing that is affordable including, but not limited to, a mixed-use residential development, on any parcel zoned for commercial or industrial use, so long as at least 10 percent of the units included are for housing that is affordable. The provisions of Section 166.04151(6), Florida statutes are self-executing and do not require a governing body to adopt an ordinance or a regulation before using the approval process granted by the Live Local Act.

Habitat for Humanity of Broward, Inc. (Habitat) proposes to develop a fee simple townhouse community with 20 affordable residential units on a parcel located at 1040 NW 20<sup>th</sup> Street (Location Map included as Exhibit 1). The property is zoned Community Business (CB) with an underlying future land use of Commercial. Habit is seeking an affordable housing development agreement with the City of Fort Lauderdale to develop the site based on the provisions of 166.04151, Florida Statutes, which allows for the development of affordable housing on parcels of land that is zoned for commercial or industrial use. The statute requires

at least 10% of the residential units be affordable under Chapter 420.0004, Florida Statutes. Habitat will meet this requirement by restricting all the units within the development to those who are considered extremely low income (less than 30% of the area median income), low-income (less than 80% of the area median income) and moderate-income (less than 120% of the area median income).

The agreement as currently drafted includes, but is not limited, to the following:

- Allowing for the site to be developed as fee simple townhomes following the development regulations under the following sections of the City's Unified Land Development Regulation (ULDR):
  - Sec. 47-5.14 – List of permitted and conditional uses, RC-15 Residential Single Family/Cluster Dwellings/Low Medium Density District;
  - Sec. 47-5.33 – Table of dimensional requirements for the RC-15 and RCs-15 districts; and
  - Sec. 47-18.33 – Single family dwelling, attached: Townhouses
- Allow for the deviation from the following sections due to site constraints and design limitations:
  - Sec. 47-21.12.A.2.a – Perimeter landscaping requirement. Requesting the section of the property that is constrained due to an adjacent cul-de-sac to have less than five feet of total minimum depth and less than 10 feet of average depth;
  - Sec. 47-18.33.B.5.c – Yard Requirements. Requesting a reduction of the front and rear yard setback requirement from 20 feet to 11 feet, and to reduce the east side yard setback requirement from 10 feet to eight feet and two inches; and
- Requires all units within the development to be sold only to those that meet the meet income guidelines for affordable housing which is 120% or less of Area Median Income.
- Requires that all units are restricted for a minimum of 30-years so that they may only be sold or transferred to a household that meets affordable housing income guidelines.
- The City of Fort Lauderdale will provide solid waste collection service to residents of the development.

The Assumption of Liability and Hold Harmless agreement provides protection for the City and its contactors for the collection of trash on a private road that is more narrow than City owned Right-of-Ways.

City staff wishes to process amendments to the Affordable Housing Development Agreement that are limited in scope in a more efficient manner. City staff recommends that the City Commission also authorize the City Manager to approve and execute Amendments to the Affordable Housing Development Agreement that reflect modifications or amendments to the Site Plan attached to the Affordable Housing Development Agreement that are administratively approved by the Director of the Development Services Department.

**Resource Impact**

There is no fiscal impact to the City associated with this action.

**Strategic Connections**

This item is a 2024 Top Commission Priority, advancing Housing Accessibility.

This item supports the Press Play Fort Lauderdale 2024 Strategic Plan, specifically advancing:

- The Neighborhood Enhancement Focus Area
- Goal 4: Build a thriving and inclusive community of neighborhoods.
- Objective: Ensure a range of affordable housing options

This item advances the Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community, and We Are Prosperous.

This item supports the Advance Fort Lauderdale 2040 Comprehensive Plan specifically advancing:

- The Neighborhood Enhancement Focus Area
- The Housing Element
- Goal 1: The Comprehensive Plan shall support the provision of adequate sites for future housing, including affordable workforce housing.

**Attachments**

Exhibit 1 – Location Map

Exhibit 2 – Affordable Housing Development Agreement

Exhibit 3 – Assumption of Liability and Hold Harmless Agreement

Exhibit 4 – Resolution Approving

Exhibit 5 – Resolution Denying

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Prepared by: Christopher Cooper, AICP, Development Services Department

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