

**Legislation Ordinance**

City Hall

# \_\_\_\_\_

File Number: \_\_\_\_\_

Final Action Date: \_\_/\_\_/2018

AN ORDINANCE OF THE CITY OF \_\_\_\_\_, \_\_\_\_\_ COMMISSION AMENDING ORDINANCE NO. \_\_\_\_\_, THE ZONING ORDINANCE OF THE CITY OF \_\_\_\_\_, FLORIDA, AS AMENDED, SPECIFICALLY BY AMENDING ARTICLE \_\_, SECTION \_\_, ENTITLED "DEFINITIONS OF TERMS", TO ADD DEFINITIONS FOR AFFORDABLE HOUSING, ATTAINABLE MIXED-INCOME HOUSING, EXTREMELY LOW INCOME HOUSING, AND WORKFORCE HOUSING; AND BY AMENDING ARTICLE \_\_, SECTION \_\_\_\_\_, ENTITLED, "AFFORDABLE HOUSING SPECIAL BENEFIT PROGRAM SUPPLEMENTAL REGULATIONS", TO ADD INCENTIVES, INCLUDING DENSITY BONUSES, FOR THE DEVELOPMENT OF PROJECTS PROVIDING HOUSING FOR MIXED-INCOME POPULATIONS AT OR BELOW ONE HUNDRED FORTY PERCENT (140%) OF AREA MEDIAN INCOME AS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on \_\_\_\_\_, 20\_\_, Ordinance No. \_\_\_\_\_, the Zoning Ordinance of the City of \_\_\_\_\_, Florida, was adopted as the City of \_\_\_\_\_'s ("City") Zoning Ordinance ("City Code"); and

WHEREAS, the National Low Income Housing Coalition has found a full-time minimum wage worker cannot afford a one-bedroom rental unit at Fair Market Rent in any state within the United States of America; and

WHEREAS, the Code codifies several Development incentives for affordable housing projects; and

WHEREAS, the affordable housing projects currently incentivized by the Code only serve residents at or below sixty percent (60%) of the Area Median Income ("AMI"); and

WHEREAS, these projects tend not to serve residents substantially below sixty percent (60%) of the AMI or residents between sixty percent (60%) of the AMI and one hundred forty percent (140%) of the AMI; and

WHEREAS, Article \_\_, Section \_\_\_\_\_ of the Code lists distributed Affordable and Workforce Housing as a Guiding Principle of City; and

WHEREAS, it has been determined that adding Article \_\_, Sections \_\_\_\_\_ and \_\_\_\_\_ to the Code are required to encourage distributed, attainable, mixed-income development; and

WHEREAS, the Planning and Zoning Board ("PZB"), at its meeting of \_\_\_\_\_, 201\_\_, following an advertised hearing, adopted Resolution No. \_\_\_\_\_, Item No. \_\_\_\_\_, by a vote of \_\_\_ to \_\_\_ (-), recommending approval of this item to the City \_\_\_\_\_ Commission; and

WHEREAS, the City \_\_\_\_\_, after careful consideration of this matter, deems it advisable and in the best interest of the general welfare of the City and its citizens to amend the Riviera Beach Code as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE \_\_\_\_\_ COMMISSION OF THE CITY OF \_\_\_\_\_, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The Code is hereby amended by making modifications to Article \_\_ in the following particulars:<sup>1</sup>

**NOTE: Article Numbers and Subsection Numbers are placeholders and for discussion purposes only. The actual appropriate Article numbers and Subsection numbers in the Code need to be inserted.**

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ARTICLE "1". DEFINITIONS  
\* \* \*

Code SubSection "1.2" DEFINITION OF TERMS

\* \* \*

Affordable Housing: An owner-occupied or rental Dwelling Unit with a purchase cost, value, or monthly rental, as applicable, equal to or less than the amounts established by the applicable standards for those individuals whose income is at or below 60 percent of Area Median Income as published by the United States Department of Housing and Urban Development and certified by the Department of Community and Economic Development.

\* \* \*

Extremely Low Income Housing: An owner-occupied or rental Dwelling Unit with a purchase cost, value, or monthly rental, as applicable, equal to or less than the amounts established by the applicable standards for those individuals whose income is at or below 30 percent of Area Median Income as published by the United States Department of Housing and Urban Development and certified by the Department of Community and Economic Development.

\* \* \*

<sup>1</sup> Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

Workforce Housing: An owner-occupied or rental Dwelling Unit with a purchase cost, value, or monthly rental, as applicable, equal to or less than the amounts established by the applicable standards for those individuals whose income is between 60 percent to 140 percent of Area Median Income as published by the United States Department of Housing and Urban Development and certified by the Department of Community Development.

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Warrant: City process of review by the necessary City Departments designated and led by the Director of Community Development, to determine the approval of, and conditions to, approval for projects eligible under Section "1.2" of the Code.

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Code Section "**2.1**" AFFORDABLE HOUSING SPECIAL BENEFIT PROGRAM SUPPLEMENTAL REGULATIONS

Code Sub section "**2.1.1**" As a pre-requisite to qualify as an Affordable Housing Development eligible for any of the special benefits described in Section "**2.1**", an applicant shall submit to the Department of Community Development:

- a. Certification by the City's Community Development Department that the proposed Development does currently, and/or will in the future, provide a minimum of eighty percent (80%) of the Dwelling Units (Multi-family or Elderly) as Affordable Housing serving residents at or below sixty percent (60%) of the area median income (AMI) as published by the United States Department of Housing and Urban Development annually; or that the proposed Development is a mixed-income building providing at least forty percent (40%) of the units as Affordable Housing serving residents at or below sixty percent (60%) of AMI or providing at least twenty percent (20%) of the units as Affordable Housing serving residents at or below fifty percent (50%) of AMI, and is not restricted to elderly residents; and,
- b. An existing Housing Payment Assistance Contract, as issued to the property by the United States Department of Housing and Urban Development, confirming the property will meet the criteria in subsection (a) above for a period of no less than five years (5) years with extension options available to the property; or,
- c. A recorded covenant running with the land acceptable to the City confirming the property meets or will meet the criteria in subsection (a) above for a period of no less than twenty (20) years from the date of the issuance of a final Certificate of Occupancy.

Code Sub section "**2.1.2**". In place of any conflicting provisions elsewhere in this Code, Affordable Housing Developments may be developed in accordance with the following, subject to a Warrant.

Code Sub section "2.1.3" Parking requirements for those units that qualify as existing Affordable Housing may be reduced as stated below. The parking reductions below may be cumulative; however, in no event shall parking be reduced by more than eighty percent (80%) of the spaces required under the current code, Section \_\_\_\_\_.

a. For projects that existed as Affordable Housing prior to the enactment of this Section of the Code, and meeting the qualifications outlined in Section "2.1" is eligible:

- i. To have the parking requirement reduced by Right to provide a maximum of one (1) parking space per every two (2) Dwelling Units provided as Affordable Housing.
- ii. To have the parking requirement reduced by Warrant, an additional fifteen percent (15%), upon a showing that the reduction in off-street parking is justified in view of the nature and type of prospective occupancy and the economic circumstances involved, and that the impacts from such reduction are not likely to unduly burden traffic and parking facilities in the neighborhood.

b. For projects proposing to be Affordable Housing, that did not exist as Affordable Housing under the qualifications outlined in Section "2.1", at the time of enactment of this Section of the Code; but will become eligible as Affordable Housing under Section "2.1" is eligible:

- i. To have a sixty percent (60%) reduction in required parking as permitted by Right.
- ii. To have the parking requirement reduced by Warrant an additional fifteen percent (15%), upon a showing that the reduction in off-street parking is justified in view of the nature and type of existing and/or prospective occupancy and the economic circumstances involved, and that the impacts from such reduction are not likely to unduly burden traffic and parking facilities in the neighborhood.

c. Parking for development proposals providing Housing for the Elderly may be reduced by Warrant to provide a maximum of one (1) parking space per every two (2) Dwelling Units provided as Elderly Housing, upon a showing that the reduction in off-street parking is justified in view of the nature and type of prospective occupancy and the economic circumstances involved, and that the impacts from such reduction are not likely to unduly burden traffic and parking facilities in the neighborhood.

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Section 3 . If any section, part of a section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. It is the intention of the City \_\_\_\_\_ that the provisions of this Ordinance shall become and be made a part of the Code, which provisions may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or other appropriate word to accomplish such intention.

Section 5. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof.

APPROVED AS TO FORM AND CORRECTNESS:

**CITY OF \_\_\_\_\_, FL SIGNATORY**

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE