

ORDINANCE NO. 2024-20

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING DEFINITIONS AND STANDARDS RELATED TO AFFORDABLE HOUSING; MAKING FINDINGS; AMENDING APPENDIX B OF THE CITY CODE, ENTITLED "ZONING"; AMENDING ARTICLE II, DEFINITIONS; AMENDING ARTICLE V, DISTRICT REGULATIONS; AMENDING APPENDIX D OF THE CITY CODE, ENTITLED "LAND DEVELOPMENT CODE"; AMENDING CHAPTER 10, IMPACT FEES; PROVIDING FOR SEVERABILITY AND INTERPRETATION ; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE. (FOC2024-0001 / TEXT2024-0002 / TEXT2024-0003)

WHEREAS, in June 2023, the City Council adopted Ordinance No. 2023-21, which provided for changes throughout the City Code in compliance with the Live Local Act (CS/SB 102, Ch. 2023-17) and implemented other development incentives for affordable housing; and

WHEREAS, since the adoption of these changes, staff has met with several potential affordable housing developers and has identified the need to clarify several provisions of the City Code related to affordable housing development; and

WHEREAS, the proposed ordinance will provide consistency with the definition of affordable housing and will provide for further additional incentives to affordable housing developers, especially those developing housing within the low and very-low income categories; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed this ordinance at its meeting on March 21, 2024, conducted a public hearing with regard to this ordinance, and found same to be consistent with the City of Melbourne Comprehensive Plan; and

WHEREAS, the City Council hereby adopts the findings of the Planning and Zoning Board as its own and finds this ordinance to be in the promotion of the public health, safety, welfare, morals, public order and aesthetics of the community and the region.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That Appendix B, Article II of the City Code of Melbourne, Florida, is hereby amended to read as follows:

APPENDIX B. ZONING

* * * *

ARTICLE II. DEFINITIONS

* * * *

Affordable housing. Residential dwelling units with monthly rents or monthly mortgage payments including taxes and insurance not exceeding 30 percent of the median annual income for low, moderate, or very-low income households in accordance with F.S. § 420.9071, as amended from time to time. Median annual income shall be determined by the Florida Housing Finance Corporation for the Palm Bay-Melbourne-Titusville Metropolitan Statistical Area. Income limits are updated periodically and are available from the community development department, upon request. See appendix B, article V, section 4, affordable housing development.

* * * *

ARTICLE V. DISTRICT REGULATIONS

* * * *

Sec. 4. Affordable housing development.

This section describes options and incentives for affordable housing development along with the process and approvals necessary to obtain these allowances, compliance and monitoring, and enforcement. Unless otherwise stated, terms are defined in appendix B, article II.

Affordable housing includes residential or mixed-use developments containing residential units that are occupied by households with annual incomes at or below 120 percent of the median annual income for the Palm Bay-Melbourne-Titusville Metropolitan Statistical Area. These categories include moderate-income household, low-income household and very-low-income household, as defined.

* * * *

(C) Provisions for affordable housing incentive options

- (1) Use of specific zoning standards and land development regulations for affordable housing.

* * * *

- (c) The development of affordable housing in C-3 zoning, shall comply with the C-3 standards for lot areas, width, depth, coverage, and height identified in appendix B, article V, section 2(d), Table 2B, and the Central Business Overlay Zone identified in appendix B, article V, section 3(B), except for minimum living areas as identified in Table 1A below.

Table 1A: Minimum Living Area				
	Single-, Two-, Three-family, and Townhouses	Multi-family and Mixed Use (<u>Moderate-income</u>)	<u>Multi-family and Mixed Use (Very-low and Low-income)</u>	C-3 zoning district
Minimum living area (sq. ft.)				
Efficiency	—	400	<u>350</u>	400
One-bedroom	550	550	<u>400</u>	550 <u>500</u>
Two-bedrooms	650	650	<u>600</u>	650 <u>600</u>
Three-bedrooms	800 ¹	800 ¹	<u>750</u> ¹	800 ¹

¹ Plus 100 square feet for each additional bedroom.

* * * *

- (3) Density bonus. Density bonus may only be considered for properties with R-1B, R-2, and R-3 zoning. If located within a future land use map classifications that provides for a residential density.

Based upon the future land use designation on the property, the following residential units per acre (upa) could be permitted for affordable housing utilizing the 30 percent density bonus:

Future Land Use	Activity Center	Non-Affordable Housing Density Permitted	Affordable Housing Density Bonus*
Low Density Residential	N/A	6 units per acre	7.8 units per acre

Medium Density Residential	N/A	15 units per acre	19.5 units per acre
Mixed Use	Not within Activity Center	15 units per acre	19.5 units per acre
High Density Residential	N/A	30 units per acre	39 units per acre
Mixed Use	MAC	30 units per acre	39 units per acre

* This is the maximum permitted density, utilizing the density bonus option. NOTE: ~~Density limitations in zoning districts with a restricted density cap or p P~~ properties subject to the neighborhood protection policies identified within the comprehensive plan are not eligible for a residential density bonus.

* * * *

(G) *Monitoring and compliance.* Each affordable housing development will be required to provide documents to the city showing compliance of all criteria throughout the affordability period.

(1) *Income restrictions and rent limitations.*

* * * *

(b) For affordable housing development projects with rental units, the following income restrictions and rent limitations apply:

* * * *

2. Rent limitations. Monthly tenant rent shall conform with any income or rental limitation requirements of any funding source for the affordable housing development project, or if no such requirements exist, shall not exceed the amounts as annually established by the Florida Housing Finance Corporation. If the Florida Housing Finance Corporation has not established updated amounts, the community development director is authorized to set income and rental limitation requirements for rental units. ~~Additionally~~ Further, monthly tenant rent shall not exceed 30 percent of the household income occupying the unit unless required by a local, state or federal funding agency for low income households or below.

SECTION 2. That Appendix D, Chapter 10, of the City Code of Melbourne, Florida, is hereby amended to read as follows:

APPENDIX D. LAND DEVELOPMENT CODE

* * * *

CHAPTER 10. IMPACT FEES

ARTICLE I. TRANSPORTATION IMPACT FEES

* * * *

Sec. 10.02. Definitions.

* * * *

Affordable housing means residential dwelling units with monthly rents or monthly mortgage payments including taxes and insurance not exceeding 30 percent of the median annual income for low, moderate, or very-low income households in accordance with F.S. § 420.9071, as amended from time to time. Median annual income shall be determined by the Florida Housing Finance Corporation for the Palm Bay-Melbourne-Titusville Metropolitan Statistical Area. Income limits are updated periodically and are available from the community development department, upon request. See appendix B, article V, section 4, affordable housing development.

* * * *

SECTION 3. Severability and Interpretation.

(a) That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, illegal or otherwise void by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, or other declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken words~~ indicate deletions from existing text. Asterisks (* * * *) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the

Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 5. That this ordinance was passed on first reading at a regular meeting of the City Council on the 9th day of April, 2024, and adopted on the second and final reading at a regular meeting of the City Council on the 23rd day of April, 2024.

BY: _____
Paul Alfrey, Mayor

ATTEST: _____
Justice Stevens, Assistant City Clerk

[CITY SEAL]

Ordinance No. 2024-20