

ORDINANCE NO. 2022-013

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 3, "DEFINITIONS" OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE (ULDC) TO EXPAND THE WORKFORCE HOUSING INCOME RANGE ELIGIBILITY REQUIREMENTS; AMENDING CHAPTER 8, "ZONING," TO CREATE SECTION 8.10.1, "WORKFORCE HOUSING PROGRAM," TO ESTABLISH MANDATORY MINIMUM WORKFORCE HOUSING UNIT REQUIREMENTS FOR ALL DEVELOPMENTS OF 5075 UNITS OR MORE THAT INCLUDE FOR-RENT UNITS IN THE T6 AND RM-70 ZONING DISTRICTS, AS WELL AS AMENDING SECTIONS 8.12.5 AND 8.15, TO PROVIDE FOR WORKFORCE HOUSING UNIT REQUIREMENTS IN CONNECTION WITH DENSITY BONUSES IN THE T6-24, T6-24MU, AND T6-30 TRANSECT ZONES; AND AMENDING CHAPTER 15, "FORM BASED CODE," BY DELETING THE PREVIOUS VOLUNTARY WORKFORCE HOUSING PROGRAM LANGUAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, North Bay Village ("Village") has adopted a Unified Land Development Code (the "ULDC") to promote the health, safety, order, convenience, comfort, and general welfare of the public, and to promote and preserve the character and ecological quality of the Village as articulated in the Village's Comprehensive Plan; and

WHEREAS, during its 75th anniversary year, and following an extended public discussion about future growth and development, the Village updated its ULDC as part of a master visioning and planning process known as the "NBV100 Master Plan," which looks at the community's next twenty-five years; and

WHEREAS, the NBV100 Master Plan, guided by principles which originated from the common concerns of North Bay Village residents, is centered on equipping the Village with the tools to become a more livable, resilient, and prosperous community that can adapt to the challenges of a changing climate; and

WHEREAS, on February 9, 2021, the Village Commission adopted Ordinance 2021-004, creating Chapter 15, "Form-Based Code," to implement the vision and goals of the NBV100 Master Plan, and amended related sections of the ULDC that were impacted by the new Chapter 15; and

WHEREAS, as part of the Form-Based Code, the Village Commission adopted a new Workforce Housing Program to advance the NBV100 Master Plan goals of Livability, Resilience, and Prosperity; and

WHEREAS, the Village's Workforce Housing Program is a voluntary program that provides density bonuses for the development of workforce housing under the provisions of current Sec. 15.2.H. of the ULDC; and

WHEREAS, the current Workforce Housing Program is applicable to mixed-use developments in the T6-24, T6-24MU (Municipal Use), and T6-30 transect zones located along Kennedy Causeway (79th Street Causeway); and

WHEREAS, income eligibility is presently limited to those households whose total income is between 80% and 100% of Miami-Dade County Median Household Income (MHI); and

WHEREAS, it is recognized that, despite the early success of the current program, a shortage of workforce housing exists in the Village which is detrimental to the public health, safety, and welfare; and

WHEREAS, the current housing stock in the Village is not affordable to many workers who would otherwise choose the Village as a place to live, but instead are forced to live in other areas of the County and commute greater distances; and

WHEREAS, Miami-Dade County (the "County") ~~is in the process of adopting an~~ has adopted Ordinance No. 22-125 (File No. 221594) to require requiring municipalities to provide for workforce housing within the full breadth of workforce housing income ranges recognized by the County, specifically 60% to 140% of Miami-Dade County Area Medium Income, in order to encourage the development of workforce housing; and

WHEREAS, the Village consequently seeks to exercise its home rule powers and voluntarily amend the ULDC to expand the level of housing choices available to households by requiring a minimum number of workforce housing units in new and redevelopment projects with over 75 units which offer for-rent units and are located in the T6 and RM-70 zoning districts; by providing for an additional optional Workforce Housing Density Bonus for projects ~~with over 50 dwelling units~~ located in the various T6 transect zones, and by expanding the eligible workforce housing income range to be consistent with the County's; and

WHEREAS, the modifications provided herein are consistent with the NBV100 Master Plan, the Village's Comprehensive Plan, the Florida Community Planning Act, and Miami-Dade County's proposed ordinance; and

WHEREAS, the Planning and Zoning Board, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and has recommended approval to the Mayor and the Village Commission; and

WHEREAS, this Ordinance was presented to the Village Commission in two readings, with second reading conducted as the required public hearing on November 2, 2022; and

WHEREAS, the Mayor and Commission find that this Ordinance is in the best interest of the community.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS: ¹

Section 1. Recitals. That each of the above recitals are true and correct and incorporated herein by this reference.

Section 2. Amending Chapter 3 of the Village's ULDC. That Chapter 3, "Definitions" of the Unified Land Development Code of North Bay Village, Florida is hereby amended to read as provided in Exhibit "A," which is incorporated herein and made a part hereof by this reference.

Section 3. Amending Chapter 8 of the Village's ULDC. That Chapter 8, "Zoning" of the Unified Land Development Code of North Bay Village, Florida is hereby amended to read as provided in Exhibit "B," which is incorporated herein and made a part hereof by this reference.

Section 4. Amending Chapter 15 of the Village's ULDC. That Chapter 15, "Form-Based Code" of the Unified Land Development Code of North Bay Village, Florida is hereby amended to read as provided in Exhibit "C," which is incorporated herein and made a part hereof by this reference.

Section 5. Applicability. This Ordinance shall not apply to any development project whose site plan application was filed with North Bay Village prior to the Effective Date of this Ordinance.

Section 6. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. Codification. That it is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

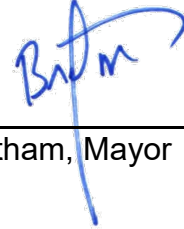
Section 8. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 9. Effective Date. That this Ordinance shall become effective immediately upon final adoption on second reading.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing text. Underlined words are additions to the existing text. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

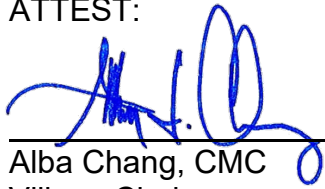
PASSED on first reading on the 11th day of October, 2022.

PASSED AND ADOPTED on second reading on the 2nd day of November, 2022.



Brent Latham, Mayor

ATTEST:



Alba Chang, CMC
Village Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney

First Reading:

Moved By: Mayor Latham

Seconded By: Commissioner Streitfeld

Second Reading:

Moved By: Commissioner Streitfeld

Seconded By: Vice Mayor Wilmoth

Vote on Final Adoption:

Mayor Brent Latham Yes

Vice Mayor Marvin Wilmoth Yes

Commissioner Richard Chervony Yes

Commissioner Rachel Streitfeld Yes

Commissioner Julianna Strout Yes

EXHIBIT B

AMENDING CHAPTER 8 OF THE ULDC

§. 8.10.1 - Workforce Housing Program

It is recognized that a shortage of workforce housing exists in North Bay Village which is detrimental to the public health, safety, and welfare. The current housing stock in the Village is not affordable to many workers who would choose North Bay Village as a place to live and thus they are forced to live in other areas of Miami-Dade County and commute greater distances. The purpose of this regulation is to expand the level of housing choices available to households, by (i) requiring a minimum number of workforce housing units in new and redevelopment projects of 75 units or more located in the T6 and RM-70 zoning districts, and (ii) providing for an additional Workforce Housing Density Bonus (WHDB) to property owners with land located in the T6-24, T6-24MU and T6-30 transects, unless otherwise stipulated in an approved development agreement in connection with a Special Area Plan approval. The program is intended to serve the housing needs of people employed in the jobs that the general population of the community relies upon to make our community livable such as educators, first responders and service workers.

1. *Minimum Workforce Housing Unit Requirement.* A mandatory five percent (5%) of dwelling units in residential developments of seventy-five (75) units or more, up to the ~~base maximum density of 70 units per acre~~ permitted without bonuses shall be developed as workforce housing dwelling units for households with incomes between 60% and 140% of Miami-Dade County AMI.
2. *Workforce Housing Density Bonus Program.* Density bonuses may be approved by the Village Commission for participation in the Village public benefit program, in compliance with this section. The purpose of this regulation is to provide a Workforce Housing density bonus to property owners with land located in the ~~RM-70 zoning district, and the~~ T6-24, T6-24MU and T6-30 transect zones along Kennedy Causeway, for the planning and construction of workforce housing units for households with incomes between 80% and 100% of Miami-Dade County AMI.
 - a. During the site plan review and approval process, the Village Commission may approve density up to 120 dwelling units per acre if the applicant for development approval sets aside a minimum additional five percent (5%) of the total units for non-subsidized workforce housing and pays the community contribution fee for each additional dwelling unit approved above the base density of 70 dwelling units per acre up to a maximum density of 120 units per acre, as stipulated in subsection D. below. The workforce housing units to be provided pursuant to this subsection are in addition to, and in excess of, the minimum workforce housing requirement set forth in subsection 8.10.1.A.
 - b. Additional density above 120 dwelling units per acre, up to a maximum 150 units per acre may be approved by the Village Commission during the site plan review and approval process, with the provision of additional workforce housing, if the applicant for development approval sets aside a minimum additional five percent (5%) of the total units for non-subsidized workforce housing and pays the community contribution fee per additional dwelling unit approved above 120 units

per acre up to a maximum 150 units per acre, as stipulated in subsection F.4 below. The workforce housing units to be provided pursuant to this subsection are in addition to, and in excess of, the minimum workforce housing requirement set forth in subsections 8.10.1.A. and 8.10.1.B.1. Total density including bonuses shall not exceed 150 dwelling units per acre.

- c. The following table summarizes the relationship between density and workforce housing units as a percentage of total units in a site plan:

<u>Development Density</u>	<u>Workforce Housing Units Required (% of total units)</u>	<u>Eligible Income Range</u>
<u>50 – 70 UPA</u>	<u>5%</u>	<u>60%-140% of Miami-Dade County AMI</u>
<u>71 – 120 UPA</u>	<u>10%</u>	<u>First 5% of total units: 60%-140% of Miami-Dade County AMI</u> <u>Remaining requirement of 5% of total units: 80%-100% of Miami-Dade County AMI</u>
<u>121 – 150 UPA</u>	<u>15%</u>	<u>First 5% of total units: 60%-140% of Miami-Dade County AMI</u> <u>Remaining requirement of 10% of total units: 80%-100% of Miami-Dade County AMI</u>

3. Applicability: The workforce housing requirements described above shall apply to multifamily residential developments located on parcels zoned T6-24, T6-30, T6-24MU or RM-70 that are offered for rent; as well as to any multifamily residential project approved for sale but which converts to for-rent units within five (5) years of issuance of a Certificate of Occupancy (CO). All CO's issued for a for-sale multifamily development shall include a condition referencing this requirement.
4. Validity Period. Development approvals shall be valid for two (2) years in accordance with these regulations following final approval by the Village Commission unless otherwise approved by development order. Approved site plans may be granted no more than two (2) one-year renewals, subject to approval by the Village Commission. To avoid expiration of the site plans, the applicant must apply for and obtain a full building permit for substantial construction prior to the expiration of the timeframes set forth above. Community contribution fees paid prior to expiration of a site plan

approval are not refundable, or transferable to a new site plan approval. A development seeking re-approval of a site plan that has lapsed, or a new site plan approval on a property where a site plan has lapsed, shall be assessed another community contribution fee for bonus density in accordance with this section.

5. Community Contribution Fee

- a. Community contribution fees for bonus units over and above the base density shall be assessed by and be payable to the Village in accordance with its adopted Fee Schedule.
- b. The fee per unit of bonus density per acre shall be reviewed and adjusted as necessary by the Village Commission during the annual budget process.

6. Workforce Housing Program Administration

- a. Purpose. The purpose of this section is to create administrative procedures for the implementation of the Workforce Housing Program established pursuant to Chapter 15, Section 15.2.H Chapter 8, Section 8.10.1. of the North Bay Village Unified Land Development Code, and applicable to mixed-use developments in the T6-24, T6-24MU (Municipal Use) and T6-30 transect zones along Kennedy Causeway (79th Street Causeway).
- b. Definition of Terms. The following definitions shall apply to this chapter. Additional relevant definitions are contained in Chapter 3 of the North Bay Village Unified Land Development Code:

Condominium means that form of ownership of real property created pursuant to Chapter 718 of the Florida Statutes, which is comprised entirely of units that are owned by one or more persons, and which there is, appurtenant to each unit, an undivided share in common elements.

Condominium Conversion has the meaning established by Sections 718.604—718.622 of the Florida Statutes.

Control Period means each 30-year period during which the affordability restrictions imposed by this article shall apply. The control period begins at the time of any sale or resale of the affected unit by every new Workforce Housing Unit owner.

Covered Development means all developments providing Workforce Housing units pursuant to Chapter 8, Section 8.10.1. of the North Bay Village Unified Land Development Code

Department means, unless otherwise indicated, the Department or Division designated by the Village Manager to administer this program or any successor agency.

Developer means any person, firm, corporation, partnership, limited liability company, association, joint venture, or any entity or combination of entities that apply for development orders or permits for residential dwelling units seeking to utilize the density bonus available pursuant to Chapter 8, Sections 8.12.5, 8.13.D, 8.15, and Chapter 15, Section 15.1.H. of the North Bay Village Unified Land Development Code, but does not include the state or any county, municipality, or any governmental entity.

Median Household Income (MHI) means the median income level for Miami- Dade County households as determined in the U.S. Census Bureau decennial census

and/or U.S. Census Bureau American Community Survey (ACS) 5-Year Estimates, which are updated every year.

Program Administrator means, unless otherwise indicated, the individual or individuals designated by the Village Manager to administer the Workforce Housing Program.

Eligible Household means a household whose total income is between 860% and 1040% of Miami-Dade County Median Household Income (MHI).

Eligible Household Income means any income derived from any proposed occupants of a Workforce Housing unit who are 18 years of age or older and who will use the unit as their primary residence.

Household means any natural person who occupies a Workforce Housing unit as their primary residence.

Market Rate Dwelling Units means all dwelling units in a covered development that are not Workforce Housing units as defined herein.

Qualified Household means an eligible household with annual incomes within the affordability ranges established in this Code.

Qualified Improvement means any addition or replacement to the Workforce Housing unit that adds materially to the value of the unit, prolongs the unit's useful life, or adapts the Workforce Housing unit to new uses and the replacement of any existing amenities.

Workforce Housing Density Bonus Agreement means a written agreement between an applicant for a development and the Village containing specific requirements to ensure the continuing affordability of the workforce housing units included in a development during the control period.

Workforce Housing Unit means a rental dwelling unit occupied by an eligible workforce household where the maximum monthly rental cost shall be restricted to an amount affordable to a workforce household with a total annual income between 860% and 1040% of Miami-Dade County MHI.

Workforce Housing Unit Rent means rents that do not exceed the maximum monthly Rent Limits as determined for Miami-Dade County by the U.S. Department of Housing and Urban Development in its annual Income Limits and Rent Limits and as used by Florida Housing Finance Corporation for its multifamily rental programs (published annually at <http://www.floridahousing.org>).

c. Compliance Procedures. Workforce Housing Declaration of Restrictive Covenants and Workforce Housing Agreement.

- 1) Every Workforce Housing unit established pursuant to Chapter 15, Section 15.2.1. of the North Bay Village Unified Land Development Code shall be offered for rent to a qualified household to be used for their own primary residence.
- 2) Prior to the initial rental of any workforce unit, the owner must record the Workforce Housing Density Bonus Agreement in the chain of title for that unit, at no cost to the Village, and submit recordation documentation to the Village. The rental contract for the unit must also contain a clause summarizing the

workforce housing requirements and rent level control and referencing the recorded Workforce Housing Density Bonus Agreement.

- 3) The maximum rental rates for workforce units shall not exceed the affordability limit of an eligible workforce household making an annual income within the applicable median household income range pursuant to this section as published annually by North Bay Village.

d. Application of Workforce Housing Density Bonus. Any development proposing to utilize the density bonus allowed pursuant to Section 8.10.1 must submit a Workforce Housing Density Bonus zoning application with their application for site plan review to the Village for consideration and approval by the City Commission. At a minimum, the density bonus application shall include:

- 1) General description of the development including location, size, land use, zoning, and the number of rental units and/or for sale units the development will contain.
- 2) Conceptual development plan showing the proposed location of the Workforce Housing rental units.
- 3) Total number of market rate and Workforce Housing units.
- 4) Estimated initial monthly rent for each Workforce Housing unit.
- 5) Provide the size in terms of square feet and number of bedrooms for each Workforce Housing unit.
- 6) Location in development of each Workforce Housing unit and its applicable AMI affordability range.
- 7) If construction is to be phased, a phasing plan identifying the number of Workforce Housing units and market-rate units in each phase.
- 8) Documentation and plans regarding the interior and exterior appearances, materials, and finishes of the bonus units if not exactly the same as the market-rate units; and
- 9) Any other relevant information requested by the Village.

e. Workforce Housing Density Bonus Unit Criteria.

- 1) Workforce Housing units shall be built on the same site as the proposed development.
- 2) Workforce Housing units must be reasonably dispersed throughout the project, and not clustered together or segregated in any way, from the market-rate units.
- 3) On average, Workforce Housing units must contain the same number of bedrooms and quality of construction as the other market-rate units in the development.
- 4) Workforce Housing units shall be developed simultaneously with, or prior to the development of the other market-rate units.
- 5) If the development is phased, the phasing plan shall provide for the construction of Workforce Housing units proportionately and concurrently with the market rate units; and

- 6) The interior building materials and finishes of the Workforce Housing units shall be substantially the same type and quality as market-rate.
- 7) Workforce Housing units aimed at workers considered essential (such as educators, first responders (e.g., police and firefighters), and service workers) shall be prioritized.

f. Workforce Housing Density Bonus Agreement.

- 1) Prior to the approval of any development order or permit for any development in which the Workforce Housing density bonus is requested, the applicant shall enter into a Workforce Housing Density Bonus Agreement with the Village, which shall set forth the commitments and obligations of the applicant to ensure compliance with these regulations.
- 2) The applicant shall execute all documents deemed necessary by the Village in a form to be established by the Village Attorney, including without limitation, restrictive covenants, deed restrictions and related instruments including requirements for income qualification for tenants of rental units.

g. Maintenance of Rent Affordability.

- 1) On an annual basis, the Village Manager, or his/her designee, shall make available copies of updated AMI ranges, and associated rental rate limits applicable to Workforce Housing units in North Bay Village based on official information available from Miami-Dade County or the U.S. Department of Housing and Urban Development.
- 2) The time period during which the rental rate for a Workforce Housing unit under these regulations is required to be controlled within a specified affordability range is 30 years.
- 3) Workforce housing rental unit owners are required to submit an annual report to the Village on or before January 30 of each year, verifying that all designated Workforce Housing units they own are being rented at rates affordable to area households with annual incomes within the affordability ranges established in this Code. Documentation may be in the form of a notarized affidavit stating the current annual rent for each unit together with collaborating documentation, or other form acceptable to the Village Manager.

h. Violations.

- 1) It is a violation of this ordinance to:
 - a) Fail to file required affidavits or audits when required.
 - b) Rent or lease a Workforce Housing unit to a person or family that is not income eligible as required by this Code.
 - c) Knowingly give false or misleading information relating to this program to any Village employee.
 - d) Participate, in any way, in the lease or rental of a Workforce Housing unit which violates any provision of this Code or a Workforce Housing Density Bonus Agreement.

- 2) The fine for each violation of these provisions shall be in conformance with the procedures and fines in Chapter 153 of the North Bay Village Code of Ordinances, as amended.
- 3) Appeals to any violations issued by North Bay Village under these regulations shall be processed pursuant to the North Bay Village Code Compliance appeals procedure in Chapter 153, North Bay Village Code of Ordinances, as amended.

[...]

§ 8.12.5 – Density Bonus Program for the T6 transect

For projects within the T6-24, T6-24MU and T6-30 transect zones along Kennedy Causeway, the base density shall be 70 dwelling units per acre. The total density including bonuses shall not be approved for more than 150 dwelling units per acre. See Section ~~45.2.H~~ 8.10.1.

- A. Community contribution fees stipulated in Section 8.13.D below shall be payable to the Village for each additional unit of density above the base density. See Section ~~45.2.H~~ 8.10.1 for specific requirements.

[...]

§ 8.15 – Development agreement for projects with bonus height, bonus density, and/or transferred development rights

Prior to the approval of a site plan that requests bonus density pursuant to Section 8.10, and Section ~~45.2.H~~ 8.10.1, bonus height pursuant to Section 8.12, and/or the transfer of development rights pursuant to Section 8.13, the Village and the owner of the subject property shall agree on tentative terms for a standard Development Agreement, which shall be presented to the Village Commission as support documentation for the site approval request. The Development Agreement shall reflect any additional terms imposed by the Village Commission as conditions of approval and shall be executable by the Village and the owner of the subject property following Commission approval. The Development Agreement, along with any accompanying development orders, shall vest the project with any density, height, and/or TDR approvals, notwithstanding any future amendments to either the Code or Comprehensive Plan reducing any applicable bonus or modifying the TDR process, provided that the project has not had a failure to commenced as provided herein. The agreement shall contain and address the following information, when applicable:

[...]

1 EXHIBIT C
2 AMENDING CHAPTER 15 OF THE ULDC
3

4 § 15.2. General to Transect Zones

5 ~~H. Bonuses – Density Bonus Program~~

6 ~~Density bonuses may be approved by the Village Commission for participation in the Village~~
7 ~~public benefit program, in compliance with the following provisions (See also Chapter 8,~~
8 ~~Sections 8.13.D. and 8.15).~~

9 ~~1. During the site plan review and approval process, the Village Commission may~~
10 ~~approve density up to 120 dwelling units per acre if the applicant for development~~
11 ~~approval sets aside a minimum five percent (5%) of the total units for non-subsidized~~
12 ~~workforce housing and pays the community contribution fee for each additional unit of~~
13 ~~density above the base density of 70 dwelling units per acre, as stipulated in~~
14 ~~subsection H.4. below~~

15 ~~a. Development approvals shall be valid for two (2) years in accordance with these~~
16 ~~regulations following final approval by the Village Commission unless otherwise~~
17 ~~approved by development order. Approved site plans may be granted no more than~~
18 ~~two (2) one-year renewals, subject to approval by the Village Commission. To avoid~~
19 ~~expiration of the site plans, the applicant must apply for and obtain a full building~~
20 ~~permit within the timeframes set forth above.~~

21 ~~b. In addition to providing workforce housing, a development whose site plan approval~~
22 ~~has expired will be assessed another community contribution fee per additional unit~~
23 ~~of density upon reapplication for site plan approval.~~

24 ~~2. Within two (2) years from the adoption date of these regulations, projects may apply for~~
25 ~~additional bonus density up to 150 dwelling units per acre. Total density including~~
26 ~~bonuses shall not exceed 150 dwelling units per acre.~~

27 ~~a. Additional density above 120 dwelling units per acre may be approved by the~~
28 ~~Village Commission during the site plan review and approval process, with the~~
29 ~~provision of workforce housing, if the applicant for development approval sets aside~~
30 ~~a minimum five percent (5%) of the total units for non-subsidized workforce housing~~
31 ~~and pays the community contribution fee per additional unit of density, as stipulated~~
32 ~~in subsection H.4 below.~~

33 ~~b. Within the two-year timeframe, projects are required to receive site plan approval~~
34 ~~by the Village Commission.~~

35 ~~3. Applications for density greater than 120 dwelling units per acre made more than two~~
36 ~~(2) years from the adoption of these regulations may be granted additional density~~
37 ~~bonuses as a percent of workforce housing units included in the development up to a~~
38 ~~maximum density bonus of twenty five percent (25%), as enumerated in subsection~~
39 ~~H.5.b. below. Density bonus applications shall be subject to the payment of a~~
40 ~~community contribution fee for each additional unit of density, as stipulated in~~
41 ~~subsection H.4 below.~~

42 ~~4. Community Contribution Fee~~

43 ~~1. Community contributions fees for additional units of density shall be assessed by~~
44 ~~and be payable to the Village in accordance with its adopted Fee Schedule.~~

45 ~~2. The fee per unit of bonus density shall be reviewed and adjusted as necessary by~~
46 ~~the Village Commission during the annual budget process.~~

47 ~~1. Workforce Housing Density Bonus Program~~

48 ~~a. The purpose of this regulation is to provide a Workforce Housing density bonus to~~
49 ~~property owners with land located in the T6-24, T6-24MU and T6-30 transect zones~~
50 ~~along Kennedy Causeway, for the planning and construction of housing affordable~~
51 ~~to workers in North Bay Village.~~

52

53 ~~b. Additional density bonuses above 120 dwelling units per acre may be granted as a~~
54 ~~percent of workforce housing units in the development up to a maximum density~~
55 ~~bonus of twenty five percent (25%) as follows:~~

56

Workforce Housing Units Set Aside	Density Bonus
5%	5%
6%	9%
7%	13%
8%	19%
9%	21%
10%	25%

57

58 **§ 15.2.1. Workforce Housing Program Administration**

59 *A. Purpose.*

60 The purpose of this section is to create administrative procedures for the implementation of the
61 Workforce Housing Program established pursuant to Chapter 15, Section 15.2.H ~~Chapter 8,~~
62 ~~Section 8.10.1,~~ of the North Bay Village Unified Land Development Code, and applicable to
63 mixed-use developments in the T6-24, T6-24MU (Municipal Use) and T6-30 transect zones
64 along Kennedy Causeway (79th Street Causeway).

65 *B. Definition of Terms.*

66 The definitions contained in Chapter 15, Section 15.2.1. of the North Bay Village Unified Land
67 Development Code, shall apply to this chapter in addition to the following:

68 *Condominium* means that form of ownership of real property created pursuant to Chapter 718
69 of the Florida Statutes, which is comprised entirely of units that are owned by one or more
70 persons, and which there is, appurtenant to each unit, an undivided share in common
71 elements.

72 *Condominium Conversion* has the meaning established by Sections 718.604—718.622 of the
73 Florida Statutes.

74 ~~Control Period~~ means each 30-year period during which the affordability restrictions imposed
75 by this article shall apply. The control period begins at the time of any sale or resale of the
76 affected unit by every new Workforce Housing Unit owner.

77 ~~Covered Development~~ means all developments providing Workforce Housing units pursuant to
78 Chapter 158, Section 15.2.H8.10.1. of the North Bay Village Unified Land Development Code

79 ~~Department~~ means, unless otherwise indicated, the Department or Division designated by the
80 Village Manager to administer this program or any successor agency.

81 ~~Developer~~ means any person, firm, corporation, partnership, limited liability company,
82 association, joint venture, or any entity or combination of entities that apply for development
83 orders or permits for residential dwelling units seeking to utilize the density bonus available
84 pursuant to Chapter 8, Sections 8.12.5, 8.13.D, 8.15, and Chapter 15, Section 15.1.H. of the
85 North Bay Village Unified Land Development Code, but does not include the state or any
86 county, municipality, or any governmental entity.

87 ~~Median Household Income (MHI)~~ means the median income level for North Bay Village Miami-
88 Dade County households as determined in the U.S. Census Bureau decennial census and/or
89 U.S. Census Bureau American Community Survey (ACS) 5-Year Estimates, which are
90 updated every year.

91 ~~Program Administrator~~ means, unless otherwise indicated, the individual or individuals
92 designated by the Village Manager to administer the Workforce Housing Program.

93 ~~Eligible Household~~ means a household whose total income is between 80% and 100% of
94 Miami-Dade County Median Household Income (MHI).

95 ~~Eligible Household Income~~ means any income derived from any proposed occupants of a
96 Workforce Housing unit who are 18 years of age or older and who will use the unit as their
97 primary residence.

98 ~~Household~~ means any natural person who occupies a Workforce Housing unit as their primary
99 residence.

100 ~~Market Rate Dwelling Units~~ means all dwelling units in a covered development that are not
101 Workforce Housing units as defined herein.

102 ~~Qualified Household~~ means an eligible household with annual incomes within the affordability
103 ranges established in this Code.

104 ~~Qualified Improvement~~ means any addition or replacement to the Workforce Housing unit that
105 adds materially to the value of the unit, prolongs the unit's useful life, or adapts the Workforce
106 Housing unit to new uses and the replacement of any existing amenities.

107 ~~Workforce Housing Density Bonus Agreement~~ means a written agreement between an
108 applicant for a development and the Village containing specific requirements to ensure the
109 continuing affordability of the workforce housing units included in a development during the
110 control period.

111 ~~Workforce Housing Unit~~ means a rental dwelling unit occupied by an eligible workforce
112 household where the maximum monthly rental cost shall be restricted to an amount affordable
113 to a workforce household with a total annual income between 80% and 100% of Miami-Dade
114 County MHI.

115 ~~Workforce Housing Unit Rent~~ means rents that do not exceed the maximum monthly Rent
116 Limits as determined for Miami-Dade County by the U.S. Department of Housing and Urban
117 Development in its annual Income Limits and Rent Limits and as used by Florida Housing

118 Finance Corporation for its multifamily rental programs (published annually at
119 <http://www.floridahousing.org>).

120 ~~C. Compliance procedures.~~

121 ~~Workforce Housing Declaration of Restrictive Covenants and Workforce Housing Agreement.~~

- 122 1. ~~Every Workforce Housing unit established pursuant to Chapter 15, Section 15.2.1. of the~~
123 ~~North Bay Village Unified Land Development Code shall be offered for rent to a qualified~~
124 ~~household to be used for their own primary residence.~~
- 125 2. ~~Prior to the initial rental of any workforce unit, the owner must record the Workforce~~
126 ~~Housing Density Bonus Agreement in the chain of title for that unit, at no cost to the~~
127 ~~Village, and submit recordation documentation to the Village. The rental contract for the~~
128 ~~unit must also contain a clause summarizing the workforce housing requirements and~~
129 ~~rent level control and referencing the recorded Workforce Housing Density Bonus~~
130 ~~Agreement.~~
- 131 3. ~~The maximum rental rates for workforce units shall not exceed the affordability limit of an~~
132 ~~eligible workforce household making an annual income within the applicable median~~
133 ~~household income range pursuant to this section as published annually by North Bay~~
134 ~~Village.~~

135 ~~D. Application of Workforce Housing Density Bonus~~

- 136 1. ~~Any development proposing to utilize the density bonus allowed in a transect zone~~
137 ~~pursuant to Section 8.10.1 must submit a Workforce Housing Density Bonus zoning~~
138 ~~application with their application for site plan review to the Village for consideration and~~
139 ~~approval by the City Commission. At a minimum, the density bonus application shall~~
140 ~~include:~~
 - 141 a. ~~General description of the development including location, size, land use, zoning,~~
142 ~~and the number of rental units and/or for sale units the development will contain;~~
 - 143 b. ~~Conceptual development plan showing the proposed location of the Workforce~~
144 ~~Housing rental units;~~
 - 145 c. ~~Total number of market rate and Workforce Housing units;~~
 - 146 d. ~~Estimated initial monthly rent for each Workforce Housing unit;~~
 - 147 e. ~~Provide the size in terms of square feet and number of bedrooms for each~~
148 ~~Workforce Housing unit;~~
 - 149 f. ~~Location in development of each Workforce Housing unit and its applicable AMI~~
150 ~~affordability range;~~
 - 151 g. ~~If construction is to be phased, a phasing plan identifying the number of Workforce~~
152 ~~Housing units and market rate units in each phase;~~
 - 153 h. ~~Documentation and plans regarding the interior and exterior appearances,~~
154 ~~materials, and finishes of the bonus units if not exactly the same as the market rate~~
155 ~~units; and~~
 - 156 i. ~~Any other relevant information requested by the Village.~~

157 ~~E. Workforce Housing Density Bonus Unit Criteria~~

- 158 1. ~~Workforce Housing units shall be built on the same site as the proposed development.~~

- 159 ~~2. Workforce Housing units must be reasonably dispersed throughout the project, and not~~
160 ~~clustered together or segregated in any way, from the market rate units.~~
- 161 ~~3. On average, Workforce Housing units must contain the same number of bedrooms and~~
162 ~~quality of construction as the other market rate units in the development.~~
- 163 ~~4. Workforce Housing units shall be developed simultaneously with, or prior to the~~
164 ~~development of the other market rate units.~~
- 165 ~~5. If the development is phased, the phasing plan shall provide for the construction of~~
166 ~~Workforce Housing units proportionately and concurrently with the market rate units;~~
167 ~~and~~
- 168 ~~6. The interior building materials and finishes of the Workforce Housing units shall be~~
169 ~~substantially the same type and quality as market rate.~~

170 ~~F. Workforce Housing Density Bonus Agreement~~

- 171 ~~1. Prior to the approval of any development order or permit for any development in which~~
172 ~~the Workforce Housing density bonus is requested, the applicant shall enter into a~~
173 ~~Workforce Housing Density Bonus Agreement with the Village, which shall set forth the~~
174 ~~commitments and obligations of the applicant to ensure compliance with these~~
175 ~~regulations.~~
- 176 ~~2. The applicant shall execute all documents deemed necessary by the Village in a form~~
177 ~~to be established by the Village Attorney, including without limitation, restrictive~~
178 ~~covenants, deed restrictions and related instruments including requirements for income~~
179 ~~qualification for tenants of rental units.~~

180 ~~G. Maintenance of Rent Affordability~~

- 181 ~~1. On an annual basis, the Village Manager, or his/her designee, shall make available~~
182 ~~copies of updated AMI ranges, and associated rental rate limits applicable to~~
183 ~~Workforce Housing units in North Bay Village based on official information available~~
184 ~~from Miami-Dade County or the U.S. Department of Housing and Urban Development.~~
- 185 ~~2. The time period during which the rental rate for a Workforce Housing unit under these~~
186 ~~regulations is required to be controlled within a specified affordability range is 30~~
187 ~~years.~~
- 188 ~~3. Workforce housing rental unit owners are required to submit an annual report to the~~
189 ~~Village on or before January 30 of each year, verifying that all designated Workforce~~
190 ~~Housing units they own are being rented at rates affordable to area households with~~
191 ~~annual incomes within the affordability ranges established in this Code. Documentation~~
192 ~~may be in the form of a notarized affidavit stating the current annual rent for each unit~~
193 ~~together with collaborating documentation, or other form acceptable to the Village~~
194 ~~Manager.~~

195 ~~H. Violations~~

- 196 ~~1. It is a violation of this ordinance to:~~
- 197 ~~a. Fail to file required affidavits or audits when required.~~
- 198 ~~b. Rent or lease a Workforce Housing unit to a person or family that is not income~~
199 ~~eligible as required by this Code.~~
- 200 ~~c. Knowingly give false or misleading information relating to this program to any~~
201 ~~Village employee.~~

202 ~~d. Participate, in any way, in the lease or rental of a Workforce Housing unit which~~
203 ~~violates any provision of this Code or a Workforce Housing Density Bonus~~
204 ~~Agreement.~~

205 ~~2. The fine for each violation of these provisions shall be in conformance with the~~
206 ~~procedures and fines in Chapter 153 of the North Bay Village Code of Ordinances, as~~
207 ~~amended.~~

208 ~~3. Appeals to any violations issued by North Bay Village under these regulations shall be~~
209 ~~processed pursuant to the North Bay Village Code Compliance appeals procedure in~~
210 ~~Chapter 153, North Bay Village Code of Ordinances, as amended.~~

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§ 15.7.B. Summary Table and Illustrations – T6-24 and T6-24MU (Municipal Use).

1. BUILDING DISPOSITION	
i. LOT OCCUPATION	
a. Lot Area	10,000 sf min.
b. Lot Width	100 ft. min.
c. Lot Coverage	90% max.
d. Floor Lot Ratio	<u>13.0</u>
e. Frontage at Front Setback	70% min.
f. Open Space Requirement	10% Lot Area min.
g. Density with Bonus (1)	120 du/acre (see also Sec. 45.2.H <u>8.10.1.</u>) †
h. Density with Bonus (2)	150 du/acre (see also Sec. 45.2.H <u>8.10.1</u>)
ii. BUILDING SETBACK	
a. Primary Front–Kennedy Cswy.	20 ft.
b. Primary Front – Waterfront	25 ft. min.
c. Secondary Front/Side A	10 ft. min.
d. Side B	0 ft. min
e. Rear	5 ft. min ¹
f. Stepback 1 (All Sides)	10 ft. min. above 5 th Story
g. Stepback 2 (All Sides)	5 ft. min. above 15 th Story
2. BUILDING CONFIGURATION	
i. FRONTAGE	
a. Common Lawn	Prohibited
b. Porch and Fence	Prohibited
c. Terrace	Prohibited
d. Forecourt	Allowed ²
e. Stoop	Allowed ³
f. Shopfront	Allowed
g. Gallery	Allowed
h. Arcade	Prohibited
ii. BUILDING HEIGHT	
a. Min. Building Height	2 Stories
b. Max. Pedestal Height	5 Stories
c. Max. Building Height	24 Stories or 240 feet
1. Rear setback shall be 15 ft. min. when not abutting an alley and shall be 50 ft. min. above the fifth Story when the rear lot line abuts a lower Transect Zone or RS-1, RS-2 or RM-40 Residential Zoning District. 2. Forecourts shall be pedestrian only. 3. Not allowed facing Kennedy Causeway.	

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† Note: Development approvals shall be valid for two years in accordance with these regulations following final approval by the Village Commission unless otherwise approved by development order. Such site plans may be granted no more than two (2) one-year renewals, subject to approval by the Village Commission. To avoid expiration of the site plans, the applicant must apply for and obtain a full building permit within the time frames set forth above. See ~~sSection 45.2.H~~ 8.10.1 for additional requirements.

230 **§ 15.7.C. Summary Table and Illustrations – T6-30.**

1. BUILDING DISPOSITION	
i. LOT OCCUPATION	
a. Lot Area	10,000 sf min.
b. Lot Width	100 ft. min.
c. Lot Coverage	75% max.
d. Floor Lot Ratio	<u>13.0</u>
e. Frontage at Front Setback	70 % min.
f. Open Space Requirement	10% Lot Area min.
g. Density with Bonus (1)	120 du/acre (see also Sec. <u>45.2.H.8.10.1</u>) [†]
h. Density with Bonus (2)	150 du/acre (see also Sec. <u>45.2.H.8.10.1</u>)
ii. BUILDING SETBACK	
a. Primary Front – Kennedy Cswy.	20 ft.
b. Primary Front – Waterfront	25 ft. min.
c. Side West (View Corridor)	20% of Lot Width min.
d. Side East	0 ft. min. - 15 ft. max.
e. Stepback (Kennedy Causeway and Side Yards; Optional Stepback in Waterfront Yard – see Building Height Illustration)	10 ft. min. above the 5 th Story
2. BUILDING CONFIGURATION	
i. FRONTAGE (Kennedy Causeway)	
a. Common Lawn	Prohibited
b. Porch and Fence	Prohibited
c. Terrace	Prohibited
d. Forecourt	Allowed ¹
e. Stoop	Allowed ²
f. Shopfront	Allowed
g. Gallery	Required
h. Arcade	Allowed (Replaces Gallery)
i. <u>Habitable Liners</u>	<u>Optional</u>
ii. BUILDING HEIGHT	
a. Min. Building Height	2 Stories
b. Max. Pedestal Height	5 Stories or 100 feet
c. Max. Building Height	30 Stories or 340-feet
1. Forecourts shall be pedestrian only.	
2. Not allowed facing Kennedy Causeway	

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232 † Note: Development approvals shall be valid for two years in accordance with these regulations following
 233 final approval by the Village Commission unless otherwise approved by development order. Such site
 234 plans may be granted no more than two (2) one-year renewals, subject to approval by the Village
 235 Commission. To avoid expiration of the site plans, the applicant must apply for and obtain a full building
 236 permit within the time frames set forth above. See Section 45.2.H.8.10.1 for additional requirements.

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