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Whereas, the amendments also revise the bonus contribution provisions contained in Section 26-8 to remove obsolete references to the former Minority Employment Component and confirm the administration of development incentives to the revised requirements of Chapter 26; and

Whereas, the Planning and Zoning Board reviewed the proposed text amendment on August 13, 2026, and voted to recommend approval of the proposed amendment to the City Council; and

Whereas, the City Council finds that the amendments to Chapter 26 establish a clear and administratively enforceable process for providing City residents with meaningful access to employment opportunities associated with development projects receiving City zoning incentives while maintaining the affordable housing objectives of Chapter 26; and

Whereas, the City Council finds that adoption of this Ordinance serves a valid public purpose and promotes the health, safety, economic opportunity, and general welfare of the residents of the City of Riviera Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are incorporated into this Ordinance by reference as true and correct findings of the City Council of the City of Riviera Beach and are deemed operative provisions of this Ordinance.

Section 2. Amendment. Chapter 26 of the City of Riviera Beach Code of Ordinances, currently entitled “Minority Employment and Affordable Housing Opportunity Plan,” is hereby amended as provided in Composite Exhibit “1,” attached hereto and incorporated herein by reference. The amendments include retitling Chapter 26 as the “Municipal Employment and Affordable Housing Opportunity Plan”; revising Section 26-1, entitled “Definitions”; revising Section 26-2, entitled “Purpose of Plan”; repealing and replacing Section 26-6, currently entitled “Minority Employment Component,” with a new Section 26-6 entitled “First Source Hiring Component”; revising Section 26-8, entitled “Calculating Bonus Contributions”; revising Section 26-11, entitled “Appendices”; and making related conforming amendments throughout Chapter 26.

Section 3. Repeal and Replacement. Section 26-6. Chapter 26, Section 26-6, currently entitled “Minority Employment Component,” is hereby repealed and replaced in its entirety with a new Section 26-6, entitled “First Source Hiring Component,” as provided in Composite Exhibit “1,” attached hereto and incorporated herein by reference.

Section 4. Conflicts. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, 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 6. Codification. Specific authority is hereby granted to codify this Ordinance as part of the Code of Ordinances of the City of Riviera Beach. The sections of this Ordinance may be renumbered, re-lettered, or otherwise editorially revised to accomplish such codification, provided that no substantive change is made to the provisions adopted herein.

Section 7. Effective Date. This Ordinance shall become effective immediately upon passage and adoption by the City Council in accordance with the requirements of the City of Riviera Beach Charter.

PASSED AND APPROVED on 1st reading on this ____ day of _____ 2026

PASSED AND ADOPTED on 2nd reading on this ____ day of _____ 2026.

The remainder of this page is intentionally left blank.

APPROVED:

Douglas Lawson
Mayor

Bruce Guyton
Chairperson

ATTEST:

Debrah Hall
City Clerk
Certified Municipal Clerk

Glen Spiritis
Chair Pro Tem

Shirley Lanier
Councilperson

KaShamba Miller-Anderson
Councilperson

Fercella Davis-Panier
Councilperson

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163 **1ST READING**

2ND & FINAL READING

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166 **MOTIONED BY:** _____ **MOTIONED BY:** _____

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168 **SECONDED BY:** _____ **SECONDED BY:** _____

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170 **B. GUYTON** _____ **B. GUYTON** _____

171

172 **K. MILLER-ANDERSON** _____ **K. MILLER-ANDERSON** _____

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174 **S. LANIER** _____ **S. LANIER** _____

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176 **G. SPIRITIS** _____ **G. SPIRITIS** _____

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178 **F. DAVIS-PANIER** _____ **F. DAVIS-PANIER** _____

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182 **Reviewed as to Legal Sufficiency:**

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Dawn S. Wynn
City Attorney

Date: _____

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COMPOSITE EXHIBIT “1”

The following underlined text is added language. The strike-through text is deleted language.

**Chapter 26 ~~MINORITY~~ MUNICIPAL EMPLOYMENT AND
AFFORDABLE HOUSING OPPORTUNITY PLAN¹**

Sec. 26-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affordable, attainable, workforce, and market rate housing are housing units which are sold or rented to families where housing expenses are affordable for households at the following income levels based on Area Median Income (AMI) listed below. Housing payments generally do not exceed 35 percent of a household's gross monthly income.

(1) *Affordable housing* means housing that is affordable for households at or below 80 percent of the AMI. Area Median Income (AMI) is defined by the U.S. Department of Housing and Urban Development (HUD) as income limits per household size and that meets maximum housing payments established by HUD.

(2) *Attainable housing* means housing that is affordable for households between 81 percent and 120 percent of the AMI. Area Median Income (AMI) is defined by the U.S. Department of Housing and Urban Development (HUD) as income limits per household size and that meets maximum housing payments established by HUD.

(3) *Workforce housing* means housing that is affordable for households between 121 percent and 140 percent of the AMI. Area median income eligibility for workforce housing programs and incentives will be based on a percentage of the median income as published by the U.S. Department of Housing and Urban Development regard to household size.

(4) *Market rate housing* means housing that is affordable for households above 140 percent of the AMI. Area median income eligibility for market rate housing programs and incentives, if any, will be based on a percentage of the median income as published by the U.S. Department of Housing and Urban Development without regard to household size.

¹Editor's note(s)—Ord. No. 3010, § 1, adopted July 9, 2006, amended ch. 26 in its entirety to read as herein set out. Former ch. 26, §§ 26-1—26-11, pertained to similar subject matter and derived from Ord. No. 2214, § 1, adopted Sep. 21, 1983; Ord. No. 2285, § 1, adopted July 17, 1985.

Cross reference(s)—Human relations, ch. 9; licenses and business regulations, ch. 10; buildings and building regulations, ch. 22; planning, ch. 27; zoning, ch. 31.

An affordable, attainable, workforce housing unit may be either a single-family or multiple-family dwelling unit.

Development incentive agreement- means a written agreement between an applicant and the City for a development containing specific requirements to satisfy the MEAHOP program criteria. The development incentive agreement shall set forth the commitments and obligations of the City and the applicant, and shall incorporate among other things, the affirmative marketing plan and the affordable housing development plan as applicable.

~~Affordable housing development agreement means a written agreement between an applicant and the city for a development containing specific requirements to ensure the continuing affordability of housing included in the development.~~

“City of Riviera Beach Resident” or “Resident” means a natural person whose principal residence is located within the corporate limits of the City of Riviera Beach, Florida, as of the date of self-certification under section 26-6.

“Construction Hire” means a position filled by the party requesting the bonus, or by a contractor or subcontractor performing work on the project, for labor directly related to the construction of the project.

“Non-Construction Hire” means a position filled by the party requesting the bonus, or by an operator of the project, for the operation, management, or maintenance of the project.

“Hire” means, collectively, a Construction Hire or a Non-Construction Hire.

Affordable housing development plan means a plan prepared by an applicant and approved by the city for affordable, attainable, and/or workforce housing development under this section that outlines and specifies the development's compliance with the applicable requirements in this chapter.

General contractor means a person having the primary responsibility of causing to be erected a building or buildings on a job site or of bringing to a job site such services as sewers, water, and drainage attendant to the erection of the buildings on the job site.

General labor means persons engaged in building activity on a job site of a nonspecific nature and, without limiting the generality of the foregoing, includes persons engaged in security, night or day watchmen, flagmen, traffic control, time-keepers, clean-up and maintenance men.

Job site means the land where it is proposed by the party requesting the bonus to carry on construction or servicing activities.

Local business mean any business that has established and agrees to maintain a permanent place of business located in a non-residential zone, staffed with full-time employees within the limits of palm beach county, or shall maintain a staffing level for the proposed work of at least 50 percent who are residents of the City of Riviera Beach.

Minority Municipal - is defined as Riviera Beach’s local government unit incorporated to manage its own local affairs under Florida law.

A municipal business means any legal entity, except a joint venture, that is organized to engage in for-profit transactions, which is certified as being at least 51 percent owned, managed and controlled by one or more ~~minority group members of the local municipality.~~

~~Minority employers~~ means those businesses employing at least 50 percent of their workforce from ~~minority groups on a job site.~~

~~Minority group~~ means the groups: African Americans, Hispanic Americans, Asian Pacific Americans, and Native Americans legally residing in, or that are citizens of, the United States or its territories, as defined below:

• ~~African Americans: Persons with origins in any of the black racial groups of Africa.~~

• ~~Hispanic Americans: Persons of Mexican, Puerto Rican, Cuban, Spanish, or Central and South American origin.~~

• ~~Asian Pacific Americans: Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.~~

• ~~Native Americans: Persons that are members of a federally recognized Indian tribe or that have no less than one sixteenth percentage origin in any of the Native American Tribes, as recognized by the U.S. Department of the Interior, Bureau of Indian Affairs and as demonstrated by possession of personal tribal role documents. A "federally recognized Indian tribe" means an Indian tribe, band, nation, rancheria, pueblo, colony or other organized group or community, including any Alaska native village, which was recognized by the Secretary of the Interior on October 1, 1985, as having special rights and is recognized as eligible for the services provided by the United States to Indians because of their status as Indians, and any tribe that has a pending application for federal recognition on October 1, 1985, as having special rights and is recognized as eligible for the services provided by the United States to Indians because of their status as Indians, and any tribe that has a pending application for federal recognition on October 1, 1985.~~

Moderate-income family means those families whose gross incomes are between 81 percent and 120 percent of AMI, adjusted for family size.

Party requesting the bonus means the owner of the job site, his heirs, executors, administrators, successors and assigns.

Subtrades means those businesses, whether or not incorporated, engaged in providing supplies or services related to the construction industry by contract to a general contractor or owner of a job site.

(Ord. No. 3010, § 1, 7-9-06; Ord. No. 4228, § 2, 4-19-23)

Sec. 26-2. Purpose of plan.

The provisions of this chapter are enacted to effectuate the following purposes:

- (1) Decrease unemployment by encouraging the hiring of ~~minorities~~ local hires in the construction industry, including ~~minority~~ municipal businesses, skilled and nonskilled labor and professionals.

(2) Provide a means of increasing the supply of affordable, attainable, and workforce housing in this city.

(3) Encourage revitalization of the downtown, particularly mixed use development.

(4) Accomplish the objectives of this section through the use of a voluntary program utilizing zoning-related incentives, in various zoning districts throughout the city.

(Ord. No. 3010, § 1, 7-9-06; Ord. No. 4228, § 2, 4-19-23)

Sec. 26-3. Rationale.

(a) Solutions to unemployment and lack of affordable, attainable, and workforce housing are two serious challenges facing the city and, under current fiscal constraints, the government cannot rely solely upon public programs, but must work with the private sector.

(b) The city recognizes that the private sector has the expertise and resources to aid the city in these areas and the provisions of this chapter provides opportunities for public/private partnerships to attain the city's housing goals.

(c) The city recognizes that the private sector has the expertise and resources to aid the city in these areas and the provisions of this chapter provides opportunities for public/private partnerships to attain the city's housing goals. The program is designed so that bonuses will reflect the appropriate economic incentive for the particular use or district, making it financially advantageous for the developer to use the bonus and/or provide employment or housing in return.

(Ord. No. 3010, § 1, 7-9-06; Ord. No. 4228, § 2, 4-19-23)

Sec. 26-4. Housing needs, potentials and goals.

(a) *Need.* The need for an increased supply of affordable, attainable, and workforce housing in the city is substantiated by review of the housing market and existing supply. For example: The average value of a house in the county (in 2022) was approaching \$540,000.00. This is outside the affordable range for city mainland residents, indicating the need for means to ensure city residents will be able to become homeowners.

(b) *Potentials for vacant land.* A substantial amount of vacant land is available for housing, both on a large scale and for smaller infill development. The area with the greatest potential for receiving affordable housing units is the south central planning sector, which is west of Old Dixie Highway and south of Blue Heron Boulevard. Numerous scattered single-family and small multifamily sites are located throughout the city.

(Ord. No. 3010, § 1, 7-9-06; Ord. No. 4228, § 2, 4-19-23)

Sec. 26-5. Bonuses offered.

(a) *Generally.* One of the keys to the success of a voluntary program is the bonuses offered to the developer. These bonuses must be attractive enough so that even when something is demanded in return, the developer still desires to participate and utilize the bonus.

- (b) *Bonuses offered, by zoning district.* Table II lists the bonuses to be offered, by zoning district. Bonuses chosen relate to what has been determined as a financial incentive for a particular zoning district. These determinations were made based on staff experience in working with developers and site plans, and discussion with industrial and commercial developers. For example, excessive parking requirements relating to industrial uses are frequently cited by developers, so a reduction has been offered as an incentive.

;

Table II

Bonuses Offered

Districts	Bonus	
RM-20, RH and RMH-20	1.	Density: 3 du/ac (hotel bonus per specific zoning regulation)
	2.	Parking reduction: up to 20 percent of total required and/or 25 percent may be designated compact
RH (Resort Hotel Conversion Bonus per Section 26-5(e))	1.	Density: Additional 8 du/ac or up to a residential density of 28 units/acre total
CG	1.	Height: additional 5 stories
	2.	Parking reduction: up to 20 percent of total required and/or 25 percent may be designated compact
IL and IG	1.	Parking reduction: no limit, based on demonstrated use
	2.	Waive one side setback
	3.	Additional lot coverage: 10 percent
	4.	CN uses as accessory use
C-PUD	1.	Density: 10 du/ac
	2.	Height: additional 15 stories
	3.	Parking reduction: up to 20 percent of total required and/or 25 percent may be designated compact
R-PUD	1.	Height: additional story (one story)
I-PUD	1.	Height: additional 50 feet
	2.	Parking reduction: no limit, based on usage or alternative plan
IHC-PUD	1.	Height: additional 5 stories or 60 feet (additional floors are not included in FAR calculations)

- (c) *Base requirements and bonuses.* Table III establishes the relationship of the bonus to the base regulations, indicating the ultimate requirements if a bonus is used. The base is kept at a reasonable

Base Requirements and Bonuses

Zoning District			Base Requirement			Bonus			Maximum Permitted With Bonus
RM-20, RH and RMH-20	1.	Density: 17 du/ac (hotel per zoning)		1.	3 du/ac		1.	20 du/ac	
	2.	Parking: 2 spaces/unit (2 bedroom)		2.	Parking reduction:		2.	Parking reduction:	
					a.	20 percent of total req.; and/or		a.	20 percent of total req.; and/or
					b.	25 percent of total spaces may be compact		b.	25 percent of total spaces may be compact
RH Resort Hotel Conversion Bonus		Density: as approved or, 20 du/ac (from MEAHOP bonus density)		1.	8 du/ac, or as needed to reach 28 du/ac.		1.	28 du/ac	
CG	1.	Height: 5 stories or 65 feet		1.	Additional 5 stories		1.	10 stories	
	2.	Parking:		2.	Parking reduction:		2.	Parking reduction:	
		a.	1/300 sq. ft. office		a.	20 percent of total req.; and/or		a.	20 percent of total req.; and/or
		b.	1/200 sq. ft. retail		b.	25 percent of total spaces may be compact		b.	25 percent of total spaces may be compact

IG and IL	1.	Parking:		1.	Parking reduction:		1.	Reduction in spaces or size (no limit) based on demonstrated use or alternative plan	
		a.	1/300 manufacture		a.	Number of spaces			
		b.	1/1,000 wholesale		b.	Percent compact			
	2.	Side setbacks: 15 feet		2.	Waive side setbacks one side only		2.	Elimination of one side setback requirement	
	3.	Lot coverage: 45 percent		3.	Additional 10 percent coverage		3.	55 percent lot coverage	
	4.	Commercial uses prohibited		4.	CN uses to be allowed		4.	CN uses as accessory use	
C-PUD	1.	Density: 15 du/ac		1.	10 du/ac		1.	25 du/ac (50 hotel/motel)	
	2.	Height: 10 stories		2.	15 stories		2.	25 stories	
	3.	Parking: based on use requirements		3.	Parking reduction:		3.	Parking reduction:	
					a.	20 percent of total required; and/or		a.	20 percent of total required; and/or
					b.	25 percent of total spaces may be compact		b.	25 percent of total spaces may be compact
R-PUD	1.	Height: 3 stories			1 story maximum of 2% of site area			4 stories	
I-PUD	1.	Height: 50 feet		1.	50 feet		1.	100 feet	
	2.	Parking: based on use/sq. ft.		2.	Parking reduction (no limit):		2.	Reduction in spaces or size (no limit) based on demonstrated use or alternative plan	
					a.	Number of spaces			
					b.	Percent of compact			
IHC-PUD	1.	Height: 20 floors or 240 feet		1.	60 feet		1.	25 floors or 300 feet	

- (d) *Zoning-related incentives.* The intent of the bonuses is not to relax zoning restrictions indiscriminately, but to allow for additional leeway within the acceptable bounds of a zoning standard. For example, a developer cannot simply reduce parking by 20 percent. It must be demonstrated that the requirement is unnecessary for a particular use (i.e., based on number of employees) or that an alternative plan, such as park and ride, is available. Additionally, the development must demonstrate recognizable improvements and long-term beneficial effects to the community and city.
- (e) *Resort hotel conversion bonus.* Additional density bonus is permitted within the RH district only for resort hotel and mixed-use resort hotel/residential developments that convert existing resort hotel suites to market rate residential units by modifying an existing development permit. The additional bonus is subject to the following requirements:
1. The density bonus shall only be applicable to those resort hotels and mixed-use resort hotel/residential projects that are within the RH zoning district that were approved prior to 2021.
 2. Resort hotels with no year-round residential units can convert up to 17 units/acre providing there are two parking spaces per unit and the parking requirement for any remaining resort hotels suites is met by modifying their development permit. Conversion of existing resort hotel suites to residential units for a density of 18—28 units/acre can be achieved utilizing this section 26-5(e), however, the only option of housing contribution applicable for this post construction conversion shall be payment in lieu in the amount established in table IV.
 3. This bonus only applies to residential density above what is permitted by table III of this section for projects within the RH district. The additional bonus above the three dwelling units per acre is only applicable to the conversion of resort hotel suites to market rate residential units.
 4. A development that utilizes this conversion bonus must be able to meet the parking requirement of two spaces per unit for all residential units on the site and also meet the parking requirement for any remaining resort hotel suites.
 5. The total bonus available while utilizing this conversion bonus shall be established in table III. The maximum residential unit/acre density is 28.
 6. The only option of housing contribution applicable for this conversion bonus shall be payment in lieu of in the amount as established in table IV. This payment shall only be applicable to those resort hotel suites converted to year-round residential units by modifying an existing approved project not to exceed a residential unit density of 28 units/acre.

(Ord. No. 3010, § 1, 7-9-06; Ord. No. 4228, § 2, 4-19-23)

Sec. 26-6. Minority employment component.

(a) ~~The purpose of this section is to encourage the developer to hire minorities in various capacities of project development, from planning to final construction. This will enable the workforce of the city, which is predominately minority.~~

(b) ~~A zoning bonus, or bonuses, as set forth in this chapter shall be permitted where the applicant requesting the bonus enters into a written employment agreement with the city providing for the following:~~

~~(1) The party requesting the bonus shall employ on the job site at least 20 percent of its part time and full time general labor from minority groups;~~

~~(2) The party requesting the bonus enters into contracts for work or supplies to a job site with at least five subtrades or suppliers who are minority employers or minority businesses;~~

~~(3) Where the party requesting the bonus demonstrates through an approved minority participation plan, the hiring of eight minority professionals;~~

~~(4) The party requesting the bonus shall utilize a minimum of ten percent of laborers from apprentice programs in specialties for which there are programs. Such apprentices shall be students in a certified State of Florida pre-apprenticeship/apprenticeship program which is located in the city, and, if no interested persons can be located within the city limits, then such program or programs may be located in Palm Beach County.~~

~~(c) While under the minority employment option, at least three components of subsection (b) of this section must be met to qualify for a bonus. Furthermore, the required employment must be maintained throughout the duration of property development.~~

~~(d) A developer desiring more than one bonus to the employment option need only satisfy the requirement once to utilize multiple bonuses.~~

~~(e) Prior to project site plan approval, the party applying for the bonus shall submit a minority participation plan for council approval, as per administrative procedures. The minority participation plan must include at a minimum:~~

~~(1) A reporting component to monitor employment throughout construction duration.~~

~~(2) An affirmative marketing component which will identify how the project will target Riviera Beach residents for employment opportunities before opening those jobs to the general public.~~

~~(f) Projects that receive bonuses in the form of additional condo/hotel/rental units must satisfy at least one of the components of subsection (b) of this section, subsection (c), as well as housing contribution per section 26-7.~~

~~(Ord. No. 3010, § 1, 7-9-06;~~

~~Ord. No. 4228, § 2, 4-19-23)~~

Sec. 26-6. First Source Hiring Component

419 (a) Purpose.

420 The purpose of this section is to ensure that private development projects receiving a zoning bonus
421 under this chapter provide City of Riviera Beach residents a genuine first opportunity to fill Hires
422 generated by the project, through required outreach, notice, and referral procedures rather than
423 through race-based classifications, consistent with Section 287.05702, Florida Statutes, and Chapter
424 2026-190, Laws of Florida (SB 1134). This section establishes separate, tailored standards for Non-
425 Construction Hires and Construction Hires in recognition of the differing ways such positions are
426 typically filled.

427 (b) Applicability.

428 A zoning bonus, or bonuses, as set forth in this chapter shall be permitted only where the party
429 requesting the bonus enters into a written Development Incentive Agreement with the city
430 satisfying this section. This section applies uniformly to every bonus category available under this
431 chapter, including bonuses in the form of additional condo, hotel, or rental units and the Resort
432 Hotel Conversion Bonus under section 26-5(e); no bonus category is exempt from this section. The
433 requirements of this section are independent of, and cumulative with, any other local participation
434 requirement imposed elsewhere in this chapter; compliance with this section may not be satisfied
435 by, or substituted with, compliance with any other such requirement. Non-Construction Hires are
436 governed by subsection (e); Construction Hires are governed by subsection (f).

437 (c) Common Channel Requirements.

438 For every Hire subject to this section, notice, postings, and the opportunity to apply or register shall
439 be provided exclusively through: (1) the city's website and registration link established under
440 subsection (g); (2) city-recognized workforce partners identified in subsection (g); and (3) city-
441 recognized community outreach partners identified in subsection (g). The party requesting the
442 bonus, and any contractor or subcontractor performing work on the project, shall not post,
443 advertise, or accept applications or expressions of interest for any Hire through any other channel
444 during the period applicable under subsection (e) or (f), including but not limited to third-party job
445 boards, staffing or recruiting agencies, social media, or a publicly accessible careers page not routed
446 through the channels described in this subsection. This subsection does not apply to the hiring of an
447 existing employee through internal promotion or transfer.

448 (d) Registration and Residency Documentation.

- 449 (1) An individual applying or registering interest for a Hire under this section shall provide a
450 current residential address and submit one Primary Residency Document, as described in
451 paragraph (4) of this subsection, demonstrating that address, on a form established by
452 administrative guideline under subsection (l).
- 453 (2) An individual who has provided a current residential address and a Primary Residency
454 Document under this subsection is a "City-Referred Candidate" with respect to the Hire or trade
455 opportunity for which the individual applied or registered. An individual who does not provide
456 the residential address and Primary Residency Document required under this subsection may
457 still apply or register through the channels described in subsection (c), but is not a City-
458 Referred Candidate.
- 459 (3) Residency documentation submitted under this subsection shall be reviewed for facial
460 sufficiency at the time of submission by the city department, office, or designee identified by
461 administrative guideline under subsection (l). A determination that a Primary Residency

Document is insufficient, altered, or does not correspond to the individual submitting it does not affect the validity of any hiring decision already made, and shall be addressed on a forward-looking basis only.

- (4) “Primary Residency Document” means one of the following, current as of the date of submission, showing the individual’s name and a residential address within the corporate limits of the City of Riviera Beach:

a. A Florida driver’s license or state-issued identification card showing the individual’s current address;

b. A current utility bill (electric, water, gas, or cable/internet) in the individual’s name;

c. A current lease or rental agreement;

d. A property tax record, homestead exemption documentation, or mortgage statement;

e. Government correspondence showing the individual’s name and residential address;

f. A current voter registration record;

g. A school enrollment record, if the program serving the Hire or trade opportunity includes participants who are minors; or

h. Other official documentation approved by the City Manager or designee, pursuant to subsection (l), that reasonably establishes residency.

(e) Non-Construction Hire Standard.

For each Non-Construction Hire:

- (1) The party requesting the bonus shall provide written notice to the city not less than fifteen (15) business days before the opening is advertised to the public, including job title, qualifications, wage range, and anticipated start date.
- (2) Beginning on the date notice is provided under paragraph (1), and continuing for the full fifteen (15) business days (the “First Source Period”), the opening shall be posted and made available for application through the channels described in subsection (c).
- (3) The party requesting the bonus shall document a disposition for each City-Referred Candidate before advertising the opening publicly.
- (4) If the opening remains unfilled at the end of the First Source Period, the party requesting the bonus may advertise the opening publicly and continue to accept applications and referrals on a rolling basis.
- (5) Paragraphs (1) through (4) do not apply to managerial, supervisory, or confidential positions, or to positions requiring a professional license.

(f) Construction Hire Standard.

- (1) The party requesting the bonus shall require, in its contract with the general contractor or construction manager for the project, that the general contractor or construction manager in turn require, in each subcontract it awards, that the subcontractor comply with this subsection. Where the party requesting the bonus itself acts as general contractor or construction manager for the project, the party requesting the bonus shall impose the requirements of this subsection directly in each subcontract it awards.
- (2) Upon award of a subcontract, the subcontractor shall provide written notice to the city, including the trade, anticipated crew size, and anticipated mobilization date.

- (3) Following notice under paragraph (2), individuals may register interest in that trade opportunity through the channels described in subsection (c), including through the Construction Trades Interest List described in subsection (h)(1).
- (4) The subcontractor shall document a disposition for each City-Referred Candidate registered under paragraph (3) before crew mobilization.
- (5) The subcontractor shall submit a Workforce Report to the city, on a form established by administrative guideline, at each project phase milestone established under the Development Incentive Agreement, listing each individual who performed work under the subcontract during that period, together with each individual's residency status as documented under subsection (d). The Workforce Report shall be signed by an authorized representative of the subcontractor attesting to its accuracy to the best of that representative's knowledge.
- (6) This subsection does not establish, and shall not be construed to establish, any numeric hiring or labor-hour target; the Workforce Report required under paragraph (5) is a documentation requirement only.

(g) Affirmative Marketing Plan.

Prior to project site plan approval, the party requesting the bonus shall submit an Affirmative Marketing Plan for approval as part of the Development Incentive Agreement. The Affirmative Marketing Plan shall, at a minimum:

- (1) Identify the city-recognized workforce partners to receive simultaneous notice under this section, including the city's Re-entry Program, Youth Empowerment Program, CareerSource Palm Beach County, and applicable pre-apprenticeship or apprenticeship training partnerships;
- (2) Identify the city-recognized community outreach partners to receive simultaneous notice under this section, which may include any house of worship, civic association, or community-based organization that primarily serves residents of the City of Riviera Beach and requests inclusion, as approved by administrative guideline under subsection (l);
- (3) Provide for posting of each Hire, together with the registration and document-upload link described in subsection (d), on the city's website;
- (4) Provide for the outreach requirements described in subsection (h); and
- (5) Provide a reporting component sufficient to document compliance with this section throughout the duration of construction.

(h) Outreach Requirements.

In addition to the notice and referral procedures described in subsections (e) and (f), the party requesting the bonus shall provide for the following:

- (1) Construction Trades Interest List. Establishment of, or participation in, a standing registration list maintained by the city through which individuals may register interest by trade in advance of any specific subcontract award, and to which automated notice shall be pushed upon award of a subcontract in the relevant trade.
- (2) Kickoff Orientation Event. At or near execution of the Development Incentive Agreement, one event held at a city facility, coordinated with the city's Department of Human Resources, explaining the process established by this section and the means of registering under subsection (d) and paragraph (1) of this subsection.
- (3) Phase-Tied Hiring Events. For projects with a Construction Hire component, not fewer than one hiring event coordinated with the city's Communications Department at or near each

project phase transition identified in the Development Incentive Agreement, addressing the trades anticipated to be hiring during that phase.

(4) On-Site Signage. Signage at the project site, during periods of active construction hiring, identifying the opportunity to apply through the channels described in subsection (c).

(5) Construction Opportunities Webpage. A standing city webpage identifying active and anticipated subcontract packages by trade, updated upon each subcontract award.

(6) Baseline Outreach. Not fewer than one hiring event per program year and one presentation at the City of Riviera Beach Library per program year, in addition to the requirements of paragraphs (1) through (5).

(i) No Quotas.

This section does not establish, and shall not be construed to establish, any numeric hiring goal, target, or quota, or to reserve a fixed number or percentage of positions for any group of applicants, or to require the party requesting the bonus, or any contractor or subcontractor, to hire any particular applicant, including any City of Riviera Beach Resident. The disposition-documentation requirements of subsections (e) and (f), and the Workforce Report requirement of subsection (f), require only that each City-Referral Candidate be reviewed and accounted for, or that work performed be documented; they do not obligate the party requesting the bonus, or any contractor or subcontractor, to interview, hire, or otherwise select any particular applicant. This section does not limit the ultimate hiring discretion of the party requesting the bonus or any contractor or subcontractor.

(j) Duration and Single Agreement.

The requirements of this section shall be maintained throughout the duration of property development. A party requesting more than one bonus under this chapter shall execute a single Development Incentive Agreement and submit a single Affirmative Marketing Plan covering the project as a whole; no additional or duplicate agreement or plan is required solely because the party draws upon more than one bonus category under section 26-8(f). This subsection governs the agreement, notice, and referral requirements of this section only, and does not waive, reduce, or consolidate the housing contribution required under section 26-8(f) for each bonus category claimed, which remains due per bonus increment regardless of the number of bonus categories utilized on a single project.

(k) Reporting and Enforcement.

The party requesting the bonus shall report compliance with this section to the city not less than quarterly during active construction, and on any additional schedule established by the Development Incentive Agreement, including submission of Workforce Reports and evidence of outreach events under subsection (h) at each applicable milestone. A material failure to comply with this section shall be treated as an event of default under the Development Incentive Agreement, subject to the cure period and remedies established by administrative guideline under subsection (l), which may include, but are not limited to, withholding of a Certificate of Occupancy or other approval under this chapter until the deficiency is cured. A determination under subsection (d)(3) that an individual's Primary Residency Document is insufficient, altered, or does not correspond to the individual submitting it shall be addressed on a forward-looking basis only and does not, by itself, constitute a material failure to comply with this section by the party requesting the bonus.

(l) Administrative Guidelines.

The City Manager or designee shall establish administrative guidelines, consistent with section 26-9(c), specifying: the residency documentation form, the list of Primary Residency Documents and any additional documentation approved under subsection (d)(4)(h), and the intake sufficiency-review procedure required under subsection (d); the disposition documentation template required under subsections (e) and (f); the Workforce Report form required under subsection (f); the Construction Trades Interest List platform required under subsection (h)(1); the criteria and process for recognizing community outreach partners under subsection (g)(2); the evidentiary standards for outreach events under subsection (h); the city department, office, or designee responsible for receiving notice and coordinating referrals under this section; and the cure period and remedies applicable to a violation of this section.

Sec. 26-7. Housing contribution component.

(a) *Options.* A developer choosing the housing contribution option will have two methods to choose from to satisfy this requirement:

- (1) Construction of affordable, attainable, or workforce units; or
- (2) In lieu cash contribution to the housing trust fund.

(b) *Extent of contribution.*

- (1) The amount of the housing contribution by a developer directly relates to the extent and number of bonuses used, as shown in table IV in section 26-8; i.e., as the number of bonus units requested increases, so does the corresponding housing contribution that must be made.
- (2) It is the intent of the program to encourage construction of units by developers; contribution ratios have been set accordingly.
- (3) It is anticipated that the additional financial gain with incentives should not exceed the costs of participating in the program.

(c) *Construction of affordable units;* option 1. Performance standards and criteria for a zoning bonus, or bonuses, as set forth in this chapter shall be permitted where the applicant/owner requesting the bonus enters into a written housing affordable housing development agreement plan with the city providing for the following:

- (1) Under this option, the developer is responsible for actually constructing the units, including purchasing the land. The units may be single-family or multiple-family.
- (2) Units must meet the definition of affordable, attainable or workforce housing and be sold or rented to low/moderate-income families.
- (3) Rental units may be rented by the developer or managed by a housing nonprofit or sold to a private party to rent as affordable units.

(4) Affordable units shall be governed by legal covenant which guarantees availability to low/moderate-income residents in perpetuity.

(5) Application and affordable housing development plan:

a. For all developments in which affordable housing is required to be provided or in which the applicant proposes to include affordable housing, the applicant shall complete and file an application on a form required by the city with the development services department ("DSD"). The application shall require, and the applicant shall provide, among other things, general information on the nature and the scope of the development, as the city may determine is necessary to properly evaluate the proposed development.

b. As part of the application required under section 26-5, the applicant shall provide to the city an affordable housing development plan. The plan shall be subject to approval by the city and shall be incorporated into the affordable housing development incentive agreement pursuant to subsection d. below. The affordable housing development plan shall contain, at a minimum, the following information concerning the development:

1. A general description of the development, including whether the development will contain units for rent or for sale;
2. The total number of market-rate units and affordable housing units;
3. The number of bedrooms in each market-rate unit and each affordable unit;
4. The square footage of each market-rate unit and of each affordable unit measured from the interior walls of the unit and including air-conditioned and non-air-conditioned areas;
5. The location in the development of each market-rate and affordable housing unit;
6. If construction of dwelling units is to be phased, a phasing plan stating the number of market-rate and affordable housing units in each phase;
7. The estimated sale price or monthly rent of each market-rate unit and each affordable housing unit;
8. Documentation and plans regarding the exterior appearances, materials, and finishes of the affordable housing development and each of its individual units; and
9. A proposed marketing plan to promote the sale or rental of the affordable units within the development to eligible households.

c. *Criteria for location, integration, character of affordable housing units.* An affordable housing development shall comply with the following criteria:

1. Affordable housing units in an affordable housing development shall be mixed with, and not clustered together or segregated in any way from market-rate units.
2. If the affordable housing development plan contains a phasing plan, the phasing plan shall provide for the development of affordable housing units concurrently

with the market-rate units. No phasing plan shall provide that the affordable housing units built are the last units in an affordable housing development.

3. The exterior appearance of affordable housing units in an affordable housing development shall be made similar to market-rate units by the provision of exterior building materials and finishes substantially the same in type and quality.

d. *Affordable housing Development Incentive agreement:*

1. Prior to the issuance of a building permit for any units in a development in which an affordable unit is required pursuant to the criteria of subsection b., the applicant shall have entered into an affordable housing development incentive agreement with the city. The development incentive agreement shall set forth the commitments and obligations of the city and the applicant, and shall incorporate among other things, the affordable housing development plan.
2. The applicant shall execute any and all documents deemed necessary by the city in a form to be established by the city attorney's office, including, without limitation, restrictive covenants, deed restrictions, and related instruments (including requirements for income qualification for tenants of for-rent units) to ensure the continued affordability of the affordable housing units in accordance with this section.
3. Restrictive covenants or deed restrictions required for affordable units shall specify that the title to the subject property shall be transferred only with prior written approval by the city.

e. *Enforcement of affordable housing development incentive agreement; affordability controls:*

1. The director of development services or designee shall promulgate rules as necessary to implement this section. On an annual basis, the director shall may publish or make available copies of the U.S. Department of Housing and Urban Development household income limits and rental limits applicable to affordable units within the local government's jurisdiction, and determine an inflation factor to establish a resale price of an affordable unit.
2. The resale price of any affordable unit shall not exceed the purchase price paid by the owner of that unit with the following exceptions:
 - i. Customary closing costs and costs of sale;
 - ii. Costs of real estate commissions paid by the seller if a licensed real estate salesperson is employed;
 - iii. Consideration of permanent capital improvements installed by the seller;
or
 - iv. An inflation factor to be applied to the original sale price of a for-sale unit pursuant to rules established herein.

- 699 3. The applicant or his or her agent shall manage and operate affordable units and shall
700 submit an annual report to the city identifying which units are affordable units in an
701 affordable housing development, the monthly rent for each unit, vacancy
702 information for each year for the prior year, monthly income for tenants of each
703 affordable unit, and other information as required by the city, while ensuring the
704 privacy of the tenants. The annual report shall contain information sufficient to
705 determine whether tenants of for-rent units qualify as low- or moderate-income
706 households.
- 707 4. For all sales of for-sale affordable housing units, the parties to the transaction shall
708 execute and record such documentation as required by the affordable housing
709 development agreement. Such documentation shall include the provisions of this
710 chapter and shall provide, at a minimum, each of the following:
- 711 i. The affordable housing unit shall be sold to and occupied by eligible
712 households in perpetuity by deed restriction from the date of the initial
713 certificate of occupancy.
- 714 ii. The affordable housing unit shall be conveyed subject to restrictions that
715 shall maintain the affordability of such affordable housing units for
716 eligible households.
- 717 5. In the case of for-rent affordable housing units, the owner of the affordable housing
718 development shall execute and record such document as required by the affordable
719 housing development incentive agreement. Such documentation shall include the
720 provisions of this chapter and shall provide, at a minimum, each of the following:
- 721 i. The affordable housing units shall be leased to and occupied by eligible
722 households.
- 723 ii. The affordable housing units shall be leased at rent levels affordable to
724 eligible households and occupied by eligible households in perpetuity by
725 deed restriction from the date of the initial certificate of occupancy.
- 726 iii. Subleasing of affordable housing units shall not be permitted without the
727 express written consent of the director of development services or
728 designee.
- 729 6. The property owner shall provide an affordable housing report to the director of
730 development services by December 31st of every calendar year. This report shall
731 outline the status of all affordable, attainable, and workforce housing units required
732 by the project including occupancy rates, income of occupants, and/or any sales
733 transactions completed of required housing units.
- 734 (6) *Additional height criteria.* In addition to the performance standards outlined herein, the
735 following additional criteria shall apply:
- 736 a. Land uses within the development shall be appropriate in their proposed location,
737 compatible with their relationship to each other, and with uses and activities on abutting
738 and nearby properties;

- b. Where a proposed use is of larger scale and mass than existing adjacent uses, the design of the structure shall place significant consideration to transition, architectural articulation, superior lining with habitable space and screening of parking garage structures; effective transition between higher and lower density uses; or allow incompatible adjacent land uses to be developed in a manner that is not possible using a conventional zoning approach; and,
- c. Street and alley vacations shall not be considered unless the applicant demonstrates no decrease to the pedestrian and functional connectivity previously provided and increases options for pedestrian and/or multimodal connectivity.
- (7) *Development that demonstrates substantial, significant and recognizable improvements and long-term beneficial effect to the community and city. Such as:*
- a. Preservation/adaptive-reuse of historically significant structures not otherwise protected;
- b. Superior architectural design, placement and orientation of buildings and attainment of Leadership in Energy and Environmental Design—Neighborhood Development ("LEED ND") certification for the development or LEED certification of individual buildings and/or other similar state, national or city-recognized programs;
- c. Provision of public facilities and civic open space such as plazas, parks, provision for waterfront public access, greenway features, etc. and may include amenities such as playgrounds, special event space, etc. where the quality and programming of the space shall be emphasized over quantity;
- d. Landscaping shall be provided in a manner which maximizes tree canopy, emphasizes native vegetation, improves the aesthetic appearance, and provides opportunities for storm water infiltration, including innovative design usage such as Low Impact Development ("LID"), which is an ecologically-based stormwater management approach favoring soft engineering to manage rainfall on site through a vegetated treatment network; and
- e. Preservation or restoration of environmental or natural resources that would not otherwise be protected, including environmental remediation/brownfield redevelopment.
- (8) The principle behind the construction contribution is that, while the developer must bear the cost of buying the land and constructing the unit, his costs are recovered when it is sold. The difference between his cost and the affordable price is his profit.
- (9) Under the construction option, while time and effort is involved, the developer will make a profit or break even. His contribution is the production of affordable housing adding to the supply.
- (10) Unless otherwise specified in the housing development agreement, no certificate of occupancy shall be issued for a project utilizing bonuses, until the affordable, attainable, and/or workforce units are complete and have received a certificate of occupancy.
- (d) *In lieu contribution to housing trust fund, option 2.*

- (1) Under this option, the developer chooses to contribute directly to the housing trust fund in accordance with table IV in section 26-8. Staff shall revisit and evaluate the in-lieu of contribution amount annually.
- (2) Timing of the contribution shall be one-half to be deposited in the fund prior to permit issuance and the remainder is to be deposited prior to certificate of occupancy.
- (3) The purpose of the housing trust fund is to provide funds for the city to use to build, preserve, rehabilitate or otherwise create affordable/attainable/workforce housing, and to support the provision of affordable/attainable/workforce housing opportunities to income eligible residents. Land acquisition for the construction of affordable/attainable/workforce units shall be deemed an eligible expense of housing trust fund monies. Expenditures from the housing trust fund must be for these purposes. Infrastructure projects shall not be considered an eligible expense of housing trust fund monies.
- (4) Oversight of the housing trust fund shall be provided by a committee including but not limited to representatives of city administration, finance department, development services department and a member of the public to be appointed by city council. A financial report on the housing trust fund account shall be provided by the finance department to city council annually, on or before October 1.

(Ord. No. 3010, § 1, 7-9-06; Ord. No. 4228, § 2, 4-19-23)

Sec. 26-8. Calculating bonus contributions.

(a) Introduction.

- (1) This section sets forth the means of translating the bonus used into the amount of contribution which is required in return, as shown in table IV. As table IV indicates, available bonuses include:
 - a. Additional density.
 - b. Reduction in number of parking spaces.
 - c. Reduction in size of spaces.
 - d. Additional height.
 - e. Setback waiver.
 - f. Lot coverage.
 - g. Additional uses permitted.
- (2) To simplify contribution calculations, the benefits of the above, varied bonuses are translated into two bonus measures: units or building square footage. The amount of housing contribution is then assessed by unit or square footage gain. ~~(There is one exception, which is detailed in subsection (d) of this section.) Projects that receive bonuses in the form of additional units must satisfy the components of minority employment per section 26-6 and housing contribution per section 26-7.~~

(3) Only the bonus increments are assessed a contribution.

(b) *Bonus measure: units.*

(1) *Where available.* Additional units may be created by density bonus in the RM-20, RH, and RMH-20 districts. Additional units may be created by density, height or parking in the C-PUD (see subsection (e) of this section.) Additional units may be created by height in the IHC-PUD district.

(2) *How assessed.* Contribution is assessed on the additional units possible through use of the bonus. The amount of contribution per unit will vary according to the project location, as per table IV.

(3) *Densities and intensities.* Bonus densities and intensities achieved through the MEAHOP program are not intended to penalize the development. As such, the bonus height allowed in the IHC-PUD district through MEAHOP is not included in maximum FAR calculations. Additionally, the maximum densities and intensities of the future land use designation of the property may be exceeded due to the provision of affordable housing.

(c) *Bonus measure: square footage.*

(1) *Generally.* Bonuses of height, lot coverage, setback waiver, CN uses and parking reductions are translated into additional square footage gained for a structure, by the use of these bonuses, as detailed in this subsection.

(2) *Height.*

a. Where available. In CG, C-PUD, I-PUD, R-PUD, IHC-PUD districts.

b. How assessed. The available stories allowed by the bonus are translated into the additional square footage gained.

c. Bonus square footage is then assessed according to table IV.

(3) *Lot coverage.*

a. Where available. IG and IL districts.

b. How assessed. That building square footage which exceeds the amount permitted under the base lot coverage requirements is assessed.

c. Example. A base 45 percent lot coverage on a certain lot allows a 15,000 square foot building. Using the bonus of increased lot coverage, a 20,000 square foot building is constructed, the additional 5,000 square feet are then used to assess contribution.

(4) *Setback waiver.*

a. Where available. IG and IL districts.

b. One side setback may be waived, allowing for zero lot line construction (not streetside).

c. How assessed. That portion of the building which encroaches into the setback is assessed in terms of the square footage which is in the base setback.

(5) *CN uses in industrial districts.*

- a. Where available. IG and IL districts.
- b. How assessed.
 1. Neighborhood commercial use (except as residential) permitted as subordinate use in an industrial building.
 2. Industrial use must comprise 75 percent or more of the building.
 3. Assessed by amount of square footage devoted to CN use.

(6) *Parking reduction in number of spaces.*

- a. Available in:
 1. RM-20, RMH-20, CG, C-PUD: reduction up to 20 percent.
 2. IG, IL, I-PUD: no limit on reduction.
- b. How assessed.
 1. Assumption is made that a reduction in the number of spaces creates additional buildable area and thus results in a larger structure.
 2. The square footage of the building gained by the reduction in spaces is then assessed.
- c. Example.
 1. A developer desires to build a 10,000 square foot building which would require 50 parking spaces.
 2. The developer can only supply 40 spaces (20 percent less than requirement).
 3. Under base requirements, 40 spaces would allow 8,000 square feet.
 4. The developer is able to construct 2,000 additional square feet based on bonus.
 5. This 2,000 bonus square feet of building is assessed as per table IV.
- d. To utilize parking spaces reduction, a developer shall demonstrate the following:
 1. Parking requirements are excessive and require substantially more spaces than are needed, as demonstrated by actual usage, etc.; or
 2. Alternative means of transportation are to be provided, such as park and ride, shuttle buses, etc.
- e. Failure to accommodate parking demand on site or by alternative methods may result in revocation of the permit to occupy the building.

(7) *Parking; allowance for compact spaces.*

- a. Where available. RM-20, RMH-20, CG, IL, IG, I-PUD and C-PUD districts.

- b. Compact parking stall shall measure eight feet by 16 feet.
- c. How assessed. As use of this bonus, by decreasing parking area and increasing buildable area, results in a larger structure, additional building square footage created shall be assessed accordingly.
- (d) *Parking reduction.* If reduction in number or size of spaces is unrelated to an increase in size, an assessment shall be made based on either:
- (1) Number of spaces reduced, at \$250.00 for each space eliminated; or
 - (2) Number of compact provided at \$150.00 for compact space.
- (e) *C-PUD; special case.*
- (1) Bonuses in the C-PUD are translated into units or square footage gains, as in the above district.
 - (2) However, due to the more complex nature of a C-PUD involving multiple uses, the means of assessment are summarized below:
 - a. If use of the bonus regarding height, density or parking reduction results in additional residential units, the unit measurement is used; i.e., for each bonus condo unit created, one affordable unit or 7,500 square feet are required.
 - b. For bonuses relating to nonresidential uses, the gain is translated into square feet in CG and the contribution is assessed per square foot at the rate in table IV.
 - c. Special case: height. In cases where the building contains mixed uses, the bonus square footage shall be assessed at the least restrictive ratio.
 - d. Use of the parking bonus for residential uses shall not be assessed a contribution if a contribution has been received in the density category.
- (f) ~~*Bonus/contribution ratio.*~~

Table IV

Bonus/Contribution Ratio

		<u>Minority Employment Or Contribution-First Source Hiring Requirements</u>		Housing Contribution (Per Bonus Increment)			
Bonus				Construction Or Cash in Lieu (per required construction unit)			
RM-20, RH and RMH-20 districts:				Construction			Cash in Lieu
1.	Density: 3 du/ac	1.	Per section 26-6	1.	1 AU*/bonus condo/townhouse/ownership unit	1.	3.5% of sale price/value- minimum \$105,000 per unit

					1 AU*/bonus motel/hotel/rental unit		3.5% of sale price/value—minimum \$78,000 per unit
2.	Parking reduction: 20 percent required spaces	2.	Per section 26-6	2.	Same as 1 above based on additional units due to parking reduction		
RH Resort Hotel Conversion Bonus							
1.	Resort Hotel Conversion Bonus: Additional 8 du/acre	N/A	N/A	N/A	.5 AU* /bonus unit		3.5% of sale price/value - minimum \$105,000 per unit
CG district:							
1.	Height: 5 stories	1.	Per section 26-6	1.	1 AU*/bonus 1,000 sq. ft.	1.	\$10,000/1,000 sq. ft. (\$10/sq. ft.)
2.	Parking reduction: 20 percent required space	2.	Per section 26-6	2.	1 AU*/1,000 sq. ft.	2.	\$10,000/1,000 sq. ft.
IL and IG districts:							
1.	Parking reduction	1.	Per section 26-6	1.	0.5 AU*/1,000 sq. ft.	1.	\$5,000/1,000 sq. ft. (\$5/sq. ft.)
2.	Side setback waiver	2.	Not applicable	2.	Not applicable	2.	\$2/sq. ft. (area within required 15 foot setback)
3.	Lot coverage	3.	Per section 26-6	3.	0.5 AU*/1,000 bonus sq. ft.	3.	\$5,000/1,000 sq. ft.
4.	CN uses as accessory	4.	Per section 26-6	4.	1 AU*/1,000 sq. ft.	4.	\$10,000/1,000 sq. ft. bonus
C-PUD district:							
1.	Density: 10 du/ac	1.	Per section 26-6	1.	1 AU*/bonus condo unit 1 AU*/bonus motel unit	1.	3.5% of sale price/value—minimum

							\$105,000 per ownership unit; minimum \$78,000 per rental unit
2.	Height: 15 stories	2.	Per section 26-6	A.	Residential: see 1 above, based on additional units due to increased height		
				B.	Nonresidential:		
					1 AU*/1,000 sq. ft.		\$10,000/1,000 sq. ft.
3.	Parking reduction: 20 percent of required spaces	3.	Per section 26-6	A.	Residential: see 1 above, based on additional units due to parking reduction		
				B.	Nonresidential: see 2-B above		
R-PUD district:							
1.	Height: 1 story	1.	Per section 26-6	1.	1 AU*/1,000 sq. ft. Maximum 2% of total site area		\$3,000/1,000 sq. ft.(\$3/sq. ft.)
I-PUD district:							
1.	Height: Additional 50 feet (office and commercial)	1.	Per section 26-6	1.	0.5 AU*/1,000 sq. ft.	1.	\$5,000/1,000 sq. ft.
2.	Parking reduction	2.	Per section 26-6	2.	0.5 AU*/1,000 sq. ft.	2.	\$5,000/1,000 sq. ft.
Parking reduction (No relationship to square feet):							
1.	Reduction in number of spaces	1.	Not applicable	1.	Not applicable	1.	\$250/space
2.	Reduction in size; 25 percent compact	2.	Not applicable	2.	Not applicable	2.	\$150/space
IHC-PUD							
1.	Height: up to 5 stories or 60 feet	1.	Per section 26-6	1.	.5 AU* /bonus ownership unit .5 AU* /bonus rental unit	1.	3.5% of sale price/value - minimum \$105,000 per ownership

							unit; minimum \$78,000 per rental unit
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905

906 *AU = affordable unit

907 (Ord. No. 3010, § 1, 7-9-06; Ord. No. 4228, § 2, 4-19-23)

908

909 **Sec. 26-9. Related policies and administration.**

910 (a) In recognition of the value of C-PUD, IHC-PUD, and I-PUD projects to downtown revitalization
911 and/or the general economy of the city, the city council shall have the authority to by majority vote
912 approve a developer's petition to waive, in part, portions of the contribution amounts based upon the
913 following:

914 (1) Demonstration that the project will result in the creation of a significant number of permanent
915 jobs for city residents; and

916 (2) Demonstration that the magnitude of the project is such that satisfying the total contribution
917 (based on cumulative assessments) would render the project infeasible; and

918 (3) Long-range economic benefits to the city and downtown are substantial and should be
919 considered in lieu of stated contributions in this chapter.

920 (b) A developer of an I-PUD choosing to construct affordable units may place those units within the I-
921 PUD, and further may construct additional housing units within the I-PUD, not to exceed 25 percent
922 of the area.

923 (c) Administrative guidelines shall be established and adopted by city council.

924 (1) All bonus requests shall be approved by city council in accordance with the plan and
925 guidelines.

926 (2) Guidelines shall include, but are not limited to:

927 a. Review procedures to be followed.

928 b. Staff personnel responsibilities.

929 c. Monitoring and enforcement.

930 d. Means to ensure mix of affordable homes across income range, and by housing type.

931 e. Guidelines as necessary to implement the goals of this chapter.

932 (d) *Enforcement; violations.* It is a violation of this article to fail to file a monthly employment report by
933 the first of the month and/or an annual report on or before June 1 of each year. Any violation shall
934 be subject to daily fines by the code compliance special magistrate.

- 935 (1) It is a violation of this article to rent, sell or initially occupy any affordable, workforce or
936 attainable housing dwelling unit if the household is not income eligible as required by this
937 article.
- 938 (2) It is a violation of this article to knowingly give false or misleading information relating to this
939 program to any city employee/department.
- 940 (3) It is a violation of this article for any person to participate, in any way, in any sale of a unit or
941 lease of a unit which violates any provision of this article or the employment and/or affordable
942 housing development incentive agreement. The term "participation" includes any act, or failure
943 to act, of the buyer, seller, lender, realtor, title insurer, surveyor, or any other person which
944 allows a violation of this article or the workforce housing bonus density agreement to occur.
945 The fine for each violation of this article shall be \$250.00 per day per violation. The city may
946 enforce this article and the terms of an affordable, workforce or attainable housing bonus
947 density agreement by request for injunction or any other means available to the city. If the city
948 obtains an injunction or a favorable ruling by the ruling body, the defendant shall pay all costs
949 incurred by the city in obtaining the injunction, including, but not limited to, attorney's fees.

950 (Ord. No. 3010, § 1, 7-9-06; Ord. No. 4228, § 2, 4-19-23)

951 **Sec. 26-10. Role of single-family and medium density multiple-family districts.**

- 952 (a) It is anticipated that the affordable units produced by the developer or through the housing trust fund
953 would be located in the RM-15 multiple family, RD-15 duplex or RS-8 single-family districts.
954 Under the plan, bonuses are not given in these single-family or multiple-family districts.
955 Examination of existing zoning standards for the districts indicates:
- 956 (1) Existing standards are set at a minimum level already, which allow the development of
957 affordable housing:
- 958 a. For example, 800 square feet minimum for a house could not be categorized as an
959 excessive requirement.
- 960 b. Minimum lot size for single-family is lower than in the county.
- 961 (2) Review of those communities which were able to offer cost-reducing incentives revealed that
962 the codes contained requirements for enclosed garages and minimum number of bedrooms.
963 The city Code does not contain these types of excessive standards.
- 964 (b) The types of bonuses given in the high density residential and commercial districts would not
965 contribute to creating quality low density residential housing. Allowing increased densities in the
966 RM-15 district would generally result in overcrowded sites, without adequate play area for children
967 and privacy for occupants.
- 968 (c) The districts are best served by being the recipients of the units added through the housing
969 contribution process, in keeping with existing standards.
- 970 (d) Those who choose to build affordable housing in the districts will be able to take advantage of the
971 programs offered through the housing trust fund to help with the costs of construction, rental, home
972 ownership, etc.

973 (Ord. No. 3010, § 1, 7-9-06)

974 **Sec. 26-11. Appendices.**

975 The appendices to the ~~minority~~ employment and affordable housing opportunity plan adopted
976 regarding certain recommendations and methods are on file in the city clerk's office.

977 (Ord. No. 3010, § 1, 7-9-06)