

1. Ordinance 2024-21, amending the Palm Bay Code of Ordinances, Chapter 52, Boards, Subchapter 'Community Development Advisory Board', by revising provisions contained therein, final reading.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Ibis Berardi, Community & Economic Development Acting Director

**DATE:** May 2, 2024

**RE:** Ordinance 2024-21, amending the Palm Bay Code of Ordinances, Chapter 52, Boards, Subchapter 'Community Development Advisory Board', by revising provisions contained therein, final reading.

### **SUMMARY:**

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

On April 17, 2024, the Community Development Advisory Board (CDAB) recommended approval to amend the Palm Bay Code of Ordinances, Chapter 52, subchapter 'Community Advisory Board'. The Community Development Advisory Board serves as the City's Affordable Housing Advisory Committee as required by 420.9076, Florida Statutes.

Staff is proposing to make the following amendments:

§ 52.191 Purpose and Intent - added reference to additional responsibilities of the CDAB and deleted references to the Consolidated Annual Performance and Evaluation Report (CAPER). This change would allow staff time to process prior year payments and prepare an accurate, timely report.

§ 52.192 (B) Composition - Changing the City Council board appointee from "non-voting member" to a voting member of the CDAB. While the Florida Statutes requires that a City Council member be appointed to the Affordable Housing Advisory Committee, it does not stipulate that the appointee be a non-voting member.

§ 52.193 (A) Duties and Responsibilities - Striking "public service programs" which appears to limit the scope of the CDAB in making recommendations to City Council as to the allocation of funding under the CDBG Program, which includes Public Service Programs as a category. Also, adding clear reference to the Board's role in serving as the City's Affordable Housing Advisory Committee,

in accordance with Section 420.9076, Florida Statute. It's important to note that the Board has been serving in this capacity.

§ 52.193 (B) (2) Duties and Responsibilities - Adding responsibilities related to review of the HOME Action Plan submission to Brevard County.

§ 52.193 (B) (3) Duties and Responsibilities - Striking the Board's responsibility to review the Consolidated Annual Performance and Evaluation Report prior to consideration by City Council. This change would allow staff time to process prior year payments and prepare an accurate report.

§ 52.193 (C) Duties and Responsibilities - Adding cross reference to the relevant Florida Statutes pertaining to the responsibilities of the Board when serving in the capacity of the Affordable Housing Advisory Committee. Striking "2008", as the deadline is December 31 of every year.

§ 52.193 Duties and Responsibilities - Adding a new section "(J)" to note the Florida Statute requirement of a locally elected official attending three (3) consecutive regional workshops.

**REQUESTING DEPARTMENTS:**

Community & Economic Development

**FISCAL IMPACT:**

There is no fiscal impact.

**STAFF RECOMMENDATION:**

Motion to approve an Ordinance amending Chapter 52, of the Palm Bay Code of Ordinances, related to the Community Development Advisory Board.

**ATTACHMENTS:**

1. Code of Ordinance Revision to Chapter 52
2. Ordinance

COMMUNITY DEVELOPMENT  
ADVISORY BOARD

§ 52.190 ESTABLISHMENT.

There is hereby established an advisory board to be known as the “Community Development Advisory Board”, hereinafter referred to as the “Board.”

(Ord. 2003-27, passed 7-17-03; Am. Ord. 2008-39, passed 5-15-08)

§ 52.191 PURPOSE AND INTENT.

The purpose and intent of the Committee shall be to serve as a citizen input mechanism for the community and in an advisory capacity to the City for community development administered programs funded with Community Development Block Grant (CDBG), HOME Investment Partnership, and State Housing Initiatives Partnership (SHIP) grant funds, including public service agency selection recommendations, review of affordable and fair housing policies, review of preliminary Action Plan proposed activities, review of >>past performance and accomplishments<<, review of the State Housing Initiatives Partnership's Local Housing Assistance Plan (LHAP), and attendance at public hearings/workshops that pertain to community development citizen participation requirements. The Board shall also serve as the Affordable Housing Committee pursuant to Fla. Stat. 420.9076.

(Ord. 2003-27, passed 7-17-03; Am. Ord. 2008-39, passed 5-15-08; Am. Ord. 2020-39, passed 7-2-20)

§ 52.192 COMPOSITION.

(A) The Community Development Advisory Board shall consist of nine (9) members appointed by the City Council, to include one locally elected official and one representative from at least six (6) of the categories below. Membership shall, to the extent possible, include persons from the following fields:

(1) One (1) member who actively serves on the local planning agency (Planning and Zoning Board) pursuant to Fla. Stat. 163.3174;

(2) One (1) member who resides within the City;

(3) One (1) member who represents employers within the City;

(4) One (1) member actively engaged as a for-profit provider of affordable housing;

(5) One (1) member who is a representative of those areas of labor actively engaged in home building in connection with affordable housing;

(6) One (1) member who is actively engaged as a real estate professional in connection with affordable housing;

(7) One (1) member who represents essential services personnel, as in the local housing assistance plan as all persons who contribute to the growth and well being of the City of Palm Bay;

(8) One (1) member actively engaged as a not-for-profit provider of affordable housing;

(9) One (1) member actively engaged in the residential home building industry in connection with affordable housing;

(10) One (1) member actively engaged in the banking or mortgage banking industry in connection with affordable housing;

(11) One (1) member actively engaged as an advocate for low-income persons in connection with affordable housing.

(B) There will be one (1) non-voting liaison to the Board representing the City Council.

(C) Except as set forth in Subsection (F) below, members of the Board shall be at least eighteen (18) years of age. Preference is to be given to residents of the City.

(D) Of the members first appointed, those listed in subsection (A) above, paragraphs (1) and (2) shall be appointed for terms of one (1) year, those members listed in paragraphs (3) through (5) shall be appointed for terms of two (2) years, those members listed in paragraphs (6) through (8) shall be appointed for three (3) years; and those members listed in paragraphs (9) through (11) shall be appointed for four (4) years. Subsequent appointments, except for filling vacancies, shall be for the full term of four (4) years.

(E) Vacancies for unexpired terms shall be filled in the manner in which original appointments are required to be made. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term.

(Ord. 2003-27, passed 7-17-03; Am. Ord. 2008-39, passed 5-15-08; Am. Ord. 2010-59, passed 10-21-10; Am. Ord. 2015-11, passed 3-5-15; Am. Ord. 2020-39, passed 7-2-20; Am. Ord. 2022-58, passed 6-2-22)

#### § 52.193 DUTIES AND RESPONSIBILITIES.

(A) The Board will make >><< funding recommendations to the City Council that pertain to the use of Community Development Block Grant (CDBG), HOME Investment Partnership, and the State Housing Initiatives Partnership (SHIP) Programs.

(B) The Board shall be responsible for reviewing:

- (1) All policies pertaining to fair housing in the City of Palm Bay;
- (2) Activities being proposed for the annual CDBG >>& HOME<< Action Plan submission to Brevard County and the federal government;
- (3) >><<
- (4) All revisions to the State Housing Initiatives Partnership's Local Housing Assistance Plan (LHAP) prior to its consideration by the City Council.

(C) Annually, the Board shall review the established policies and procedures, ordinances, land development regulations, and adopted Palm Bay comprehensive plan and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The initial >>Affordable Housing Advisory Committee (AHAC)<< report to City Council shall be submitted no later than December 31,. Subsequent reports shall be submitted in the year prior to submission of the Local Housing Assistance Plan.

(1) The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the comprehensive plan and corresponding regulations, ordinances, and other policies.

(D) At a minimum, the Board shall submit a report to the City Council that includes recommendations on, and annually thereafter evaluates the implementation of, affordable housing incentives in the following areas:

(1) The processing of approvals of development orders or permits, as defined in Fla. Stat. 163.3177(6)(f)3, for affordable housing projects is expedited to a greater degree than other projects;

(2) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing;

(3) The allowance of flexibility in densities for affordable housing;

(4) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons;

(5) The allowance of affordable accessory residential units in residential zoning districts;

(6) The reduction of parking and setback requirements for affordable housing;

(7) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing;

(8) The modification of street requirements for affordable housing;

(9) The establishment of a process by which the City considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing;

(10) The preparation of a printed inventory of locally owned public lands suitable for affordable housing;

(11) The support of development near transportation hubs and major employment centers and mixed-use developments.

The Board recommendations may also include other affordable housing incentives identified by the Board.

(E) The Board may perform other duties at the request of the City Council, including:

(1) The provision of mentoring services to affordable housing partners including developers, banking institutions, employers, and others to identify available incentives, assist with applications for funding requests, and develop partnerships between various parties;

(2) The creation of best practices for the development of affordable housing in the community.

(F) The approval by the Board of its local housing incentive strategies recommendations and its review of the City's implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the Board taken at a public hearing.

(1) Notice of the time, date, and place of the public hearing of the Board to adopt final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation in Brevard County. The notice must contain a short and concise summary of the local housing incentives strategies recommendations to be considered by the Board. The notice must state the public place where a copy of the tentative Board recommendations can be obtained by interested persons.

(G) Community development accomplishments will be presented to the Board on a regular basis.

(H) The Board will have representation at all public hearings/workshops that pertain to community development citizen participation requirements.

(I) Recommendations of said Board shall not be binding on the City Council. The City Council shall retain final authority and power to make binding decisions.

>>(J) The Board shall be cooperatively staffed by the Community & Economic Development Department which has authority to administer housing programs to ensure an integrated approach to the work of the Board.

(K) The locally elected official serving on the Community Development Advisory Board, must attend biannual regional workshops convened and administered under the Affordable Housing Catalyst Program as provided in s. 420.531(2). If the locally elected official fails to attend three consecutive regional workshops, the corporation may withhold funds pending the person's attendance at the next regularly scheduled biannual meeting.<<

(Ord. 2003-27, passed 7-17-03; Am. Ord. 2008-39, passed 5-15-08; Am. Ord. 2020-39, passed 7-2-20; Am. Ord. 2022-58, passed 6-2-22)

## § 52.194 RULES OF PROCEDURE.

### (A) Meetings.

(1) Regular meetings shall be held monthly and on such days and at such times and locations as the Board from time to time determines. Meetings shall be held in public facilities.

(2) Special or workshop meetings may be called by the Chairperson or by at least three (3) members of the Board.

(B) Quorum. Five (5) members of the Board shall constitute a quorum for the transaction of business at any meeting and the vote of a majority of such quorum shall be sufficient for formal action by the Board.

(C) Officers. The Board shall select its own chairperson and vice chairperson and such other officers as it deems appropriate. The officers shall serve for a term of one (1) year and may succeed themselves.

(D) By-laws. The Board shall make and adopt such by-laws, rules, and regulations for its own guidance as it may deem expedient and not inconsistent with law.

(E) Members who fail to attend three (3) consecutive regular meetings or a total of five (5) meetings of any type within a twelve (12) month period, shall automatically forfeit their appointments. The chairperson shall notify the Office of the City Clerk of any vacancy, at which time the process to fill the vacancy shall be implemented.

(F) The Board shall submit to the City Council, within an appropriate time frame, an agenda of the upcoming meeting and the minutes of the previous meeting. The Board shall submit other reports from time to time as directed by the City Council.

(G) The Board shall comply with the "Government in the Sunshine Law" and "Public Records Act", pursuant to Florida Statutes.

(H) Staff, administrative, and facility support to the Board shall be provided by the city.

(Ord. 2003-27, passed 7-17-03; Am. Ord. 2008-39, passed 5-15-08; Am. Ord. 2010-78, passed 11-4-10; Am. Ord. 2021-10, passed 3-18-21)

## ORDINANCE 2024-21

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 52, BOARDS, SUBCHAPTER 'COMMUNITY DEVELOPMENT ADVISORY BOARD', BY REVISING PROVISIONS CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title V, Legislative, Subchapter 'Community Development Advisory Board', is hereby amended and shall henceforth read as follows:

### **"COMMUNITY DEVELOPMENT ADVISORY BOARD**

\* \* \*

#### **Section 52.191 PURPOSE AND INTENT.**

The purpose and intent of the Committee shall be to serve as a citizen input mechanism for the community and in an advisory capacity to the City for community development administered programs funded with Community Development Block Grant (CDBG), HOME Investment Partnership, and State Housing Initiatives Partnership (SHIP) grant funds, including public service agency selection recommendations, review of affordable and fair housing policies, review of preliminary Action Plan proposed activities, review of ~~Community Development accomplishments and the division's Consolidated Annual Performance and Evaluation Report (CAPER) submission to the federal government~~ >>past performance and accomplishments<<, review of the State Housing Initiatives Partnership's Local Housing Assistance Plan (LHAP), and attendance at public hearings/workshops that pertain to community development citizen participation requirements. The Board shall also serve as the Affordable Housing Committee pursuant to Fla. Stat. 420.9076.

**Section 52.192 COMPOSITION.**

\* \* \*

(B) There will be one (1) non-voting liaison to the Board representing the City Council.

\* \* \*

**Section 52.193 DUTIES AND RESPONSIBILITIES.**

(A) The Board will make ~~public service program~~ >>funding<< recommendations to the City Council that pertain to the use of Community Development Block Grant (CDBG), HOME Investment Partnership, and the State Housing Initiatives Partnership (SHIP) Programs.

(B) The Board shall be responsible for reviewing:

(1) All policies pertaining to fair housing in the City of Palm Bay;

(2) Activities being proposed for the annual CDBG >>and HOME<< Action Plan submission to Brevard County and the federal government;

~~(3) The Consolidated Annual Performance and Evaluation Report (CAPER) prior to its consideration by the City Council;~~

(4 >>3<<) All revisions to the State Housing Initiatives Partnership's Local Housing Assistance Plan (LHAP) prior to its consideration by the City Council.

(C) Annually, the Board shall review the established policies and procedures, ordinances, land development regulations, and adopted Palm Bay comprehensive plan and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The initial >>Affordable Housing Advisory Committee (AHAC)<< report to City Council shall be submitted no later than December 31, 2008. Subsequent reports shall be submitted in the year prior to submission of the Local Housing Assistance Plan.

\* \* \*

>>(J) The Board shall be cooperatively staffed by the Community and Economic Development Department which has authority to administer housing programs to ensure an integrated approach to the work of the Board.

(K) The locally elected official serving on the Community Development Advisory Board must attend biannual regional workshops convened and administered under the Affordable Housing Catalyst Program as provided in Fla. Stat. 420.531(2). If the locally elected official fails to attend three (3) consecutive regional workshops, the corporation may withhold funds pending the person's attendance at the next regularly scheduled biannual meeting.<<

\* \* \*"

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2024-XX, held on \_\_\_\_\_, 2024; and  
read in title only and duly enacted at Meeting 2024-XX, held on \_\_\_\_\_, 2024.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

***Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***