

Accessory Dwelling Units (ADU) - Comprehensive Plan Amendment

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF MIAMI BEACH YEAR 2025 COMPREHENSIVE PLAN, BY AMENDING CHAPTER 1, ENTITLED “FUTURE LAND USE ELEMENT;” OBJECTIVE 1, ENTITLED “LAND DEVELOPMENT REGULATIONS,” AT POLICY 1.2, “SINGLE FAMILY RESIDENTIAL CATEGORY (RS),” TO ALLOW FOR ACCESSORY AND CONDITIONAL USES AS PROVIDED FOR IN THE LAND DEVELOPMENT REGULATIONS AND TO PROVIDE THAT ACCESSORY DWELLING UNITS DO NOT COUNT TOWARDS MAXIMUM DENSITY LIMITS; AND AMENDING CHAPTER 3, ENTITLED “HOUSING ELEMENT,” OBJECTIVE 1, ENTITLED “CREATION AND/OR PRESERVATION OF AFFORDABLE HOUSING” AND “OBJECTIVE 3,” ENTITLED “ADEQUATE SITES AND DISTRIBUTION OF HOUSING FOR VERY LOW TO MODERATE-INCOME HOUSEHOLDS; AND ADEQUATE SITES FOR MOBILE AND MANUFACTURED HOMES,” TO PROVIDE FOR THE DEVELOPMENT OF ACCESSORY DWELLING UNITS IN ORDER TO ENCOURAGE THE DEVELOPMENT OF HOUSING AT AN ATTAINABLE RATE; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Land Use and Housing Elements of the Miami Beach Comprehensive Plan include policies to incentivize the development and retention of workforce and affordable housing; and

WHEREAS, The Florida Legislature has recognized the benefits of ADUs at assisting to provide housing for low to moderate income persons within Section 163.31771, Florida Statutes; and

WHEREAS, Section 163.31771, Florida Statutes provides that “Upon a finding by a local government that there is a shortage of affordable rentals within its jurisdiction, the local government may adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use; and

WHEREAS, the City of Miami Beach finds that there is a shortage of affordable rentals within the City limits; and

WHEREAS, the City of Miami Beach finds that allowing accessory dwelling units in single-family residential areas provides additional opportunities for workforce and affordable housing while providing an extra source of income to homeowners; and

WHEREAS, the City Commission finds that it is in the best interest of its residents, businesses, and visitors to adopt regulations to protect the public health, safety, welfare, and morals; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. The following amendments to the City's 2025 Comprehensive Plan Future Land Use Element are hereby adopted:

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CHAPTER 1

FUTURE LAND USE ELEMENT

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OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS

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Policy 1.2

The land development regulations which implement this Comprehensive Plan shall, at a minimum, be based on and be consistent with s. 163.3202, F.S., and shall further be based on the following standards for land use category, land use intensity and land use:

* * *

Single Family Residential Category (RS)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and new single family residential development.

Uses which may be permitted: Single family detached dwellings.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, including Accessory Dwelling Units, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 7 residential units per acre. Accessory Dwelling Units shall not count towards the maximum density limit.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy.

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SECTION 2. The following amendments to the City's 2025 Comprehensive Plan Housing Element are hereby adopted:

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CHAPTER 3

HOUSING ELEMENT

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OBJECTIVE 1: CREATION AND/OR PRESERVATION OF AFFORDABLE HOUSING

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Policy 1.9

The City shall provide for the development of Accessory Dwelling Units in the "Single Family Residential Category" future land use designation in order to encourage the development of housing that is affordable to the workforce, and very low to moderate-income persons, subject to the restriction in the Land Development Regulations.

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OBJECTIVE 3: ADEQUATE SITES AND DISTRIBUTION OF HOUSING FOR VERY LOW TO MODERATE-INCOME HOUSEHOLDS; AND ADEQUATE SITES FOR MOBILE AND MANUFACTURED HOMES.

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Policy 3.6

The City shall provide for the development of Accessory Dwelling Units in the "Single Family Residential Category" future land use designation in order to encourage the development of housing that is affordable to the workforce, and very low to moderate-income persons that is distributed throughout the City, subject to the restriction in the Land Development Regulations.

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SECTION 2. REPEALER.

All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the City Commission that this Ordinance be entered into the Comprehensive Plan, and it is hereby ordained that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word. The Exhibits to this Ordinance shall not be codified, but shall be kept on file with this Ordinance in the City Clerk's Office.

SECTION 5. TRANSMITTAL.

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional and county agencies as required by applicable law.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect 31 days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to Section 163.3184(3), Florida Statutes.

PASSED AND ADOPTED this _____ day of _____, 2019.

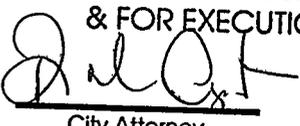
ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: June 5, 2019
Second Reading: July 17, 2019

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney
5/28/19

Date

[Sponsor: Commissioner Ricky Arriola]