

ATTACHMENT “A”

Draft Public Benefits Program for bonus FAR and height in specified zoning districts.

Chapter 142 - ZONING DISTRICTS AND REGULATIONS

ARTICLE I. – GENERAL TO ALL ZONING DISTRICTS

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Sec. 142-3.0 – Public benefits program.

The intent of the Public Benefits Program established in this section is to allow bonus building height and Floor Area Ratio (FAR) in the specified zoning districts in exchange for the developer's contribution to specified programs that provide benefits to the public.

Sec. 142-3.01 – Definitions.

Workforce housing shall be as defined in Section 58-501.

Affordable housing shall include both *elderly* and *non-elderly Low income and moderate income* housing, as defined in Section 58-401.

Sec. 142-3.1 – Applicable Zoning Districts

- (a) The bonus Height and Floor Area (FAR) shall be permitted if a proposed Development contributes toward the specified public benefits, above the maximum which is otherwise allowed by the City Code, in the amount and in the manner as set forth herein.
- (1) RM-1: 10 feet additional height, FAR bonus of 0.25.
 - (2) RM-2: 20 feet additional height, FAR bonus of 0.50.
 - (3) RM-3: 20 feet additional height, FAR bonus of 0.50.
 - (4) CD-1: 10 feet additional height, FAR bonus of 0.25.
 - (5) CD-2: 20 feet additional height, FAR bonus of 0.50.
 - (6) CD-3: 20 feet additional height, FAR bonus of 0.50.
 - (7) I-1: 10 feet additional height, FAR bonus of 0.25; however I-1 zoned properties are not eligible for any bonuses related to workforce/affordable housing.
 - (8) MXE: 20 feet additional height, FAR bonus of 0.50.
 - (9) RPS-1: 10 feet additional height, FAR bonus of 0.25.
 - (10) RPS-2: 10 feet additional height, FAR bonus of 0.35.
 - (11) RPS-3: 10 feet additional height, FAR bonus of 0.35.
 - (12) RPS-4: 20 feet additional height, FAR bonus of 0.50.
 - (13) TC-1: 20 feet additional height, FAR bonus of 0.5.
 - (14) TC-2: 20 feet additional height, FAR bonus of 0.5.
 - (15) TC-3: 10 feet additional height, FAR bonus of 0.25.

(16) GU: 20 feet additional height, FAR bonus of 0.50.

- (b) In addition to the height and FAR bonus noted in Sec. 142-3.1(a) an additional 20 feet in height and 0.5 bonus FAR shall also be available exclusively for additional workforce/affordable housing for properties located in a zoning district which has a minimum base FAR of 1.5 and which are also located along the following established transit corridors:

(1) Fifth Street

(2) Alton Road

(3) 17th Street

(4) Washington Avenue

- (b) Exemptions. The height and Floor Area (FAR) bonuses shall not apply to the following districts in any manner:

(1) RS-1, RS-2, RS-3, RS-4,

(2) RM-PRD1, RM-PRD-2

(2) CCC

(3) GC

(5) HD

(6) MR

(7) RO

(8) TH

(9) WD-1

(10) WD-2

(11) SPE

(12) TC-C

Sec. 142-3.2 – Location.

Upon providing a binding commitment for the specified public benefits as provided in Section 142-3.3 below, the proposed development project shall be allowed to build within the restrictions of the specific zoning district, with the additional bonus height and floor area ratio as established in this Section. The only square footage allowed above the maximum height for the underlying zoning district is that achieved through the Public Benefits program.

Sec. 142-3.3 – Benefits monetary contribution.

- (a) The proposed bonus Height and floor area ratio (FAR) shall be permitted in exchange for contribution to the City for the following public benefits:

- (1) Affordable/workforce housing;

The City shall establish a City of Miami Beach Public Benefits Trust Fund for the cash contributions for Affordable/ Workforce Housing

(2) Resiliency and adaptation bonuses:

The City's established Sustainability and Resiliency Fund shall be utilized for all contributions made to resiliency and adaptation bonuses made under this section.

The City Commission, upon the manager's recommendation, shall annually decide the allocation of funds from the Trust Fund collected under this section.

Sec. 142-3.4

For the purposes of the public benefits program, the following criteria shall apply:

(a) **Affordable/ Workforce Housing.** A development project may provide any of the following or combination thereof:

(1) **Affordable/Workforce housing on site of the development.** For each square foot of Affordable and/or Workforce housing provided on site, the development shall be allowed an equivalent amount of additional floor area up to the bonus height and floor area as described in Section 142-3.1

(2) **Affordable/Workforce housing off-site.** For each square foot of affordable and/or workforce housing provided off site, in a location within the City approved by the City Commission, the development shall be allowed 0.5 square feet of additional floor area up to the bonus height and floor area as described in Section 142-3.1. No additional allowance is given for the purchase of the site.

(b) **Trust Fund contributions.** For a cash contribution to the City of Miami Beach Benefit Trust Fund, the development shall be allowed additional Floor Area up to the bonus height and floor area as described in Section 142-3.1. The cash contribution shall be determined based on a percentage of the market value of the per square foot price being charged for units at projects within the market area where the proposed project seeking the bonus is located. The calculation assumes a land value per saleable or rentable square foot within market area to equate to between 10 (ten) to 15 (fifteen) percent of market area's weighted average sales price per square foot. The cash contributions shall be adjusted on an annual basis to reflect market conditions effective October 1st of every year.

(Note: the contribution fund calculation is a placeholder requiring further analysis.)

(c) **Resiliency and adaptation bonuses:**

(1) **Elevating first floor of an existing structure.** When the first floor of an existing structure is elevated to a minimum of BFE +1 foot, the development may receive a bonus FAR, equivalent of the FAR of the elevated area only, not to exceed a **bonus FAR of 0.25.**

(2) **Seawall improvements.** When the entirety of a property's seawall is improved or reconstructed to a minimum height of 5.7 feet NAVD, the development may receive a **bonus FAR of 0.10.**

(3) **Self-sustaining electrical and surplus stormwater retention and reuse.** When a development is fully self-sustaining in terms of electrical power using solar power and similar electricity generating devices, and also includes stormwater retention that is over and above the minimum requirements in order to accommodate offsite stormwater, including the reuse of such stormwater through purple pipes throughout the building, the development may receive a **bonus FAR of 0.25.**

- (4) **LEED Platinum certification.** When LEED platinum certification is achieved in accordance with Chapter 133 of the City Code, the development may receive a **bonus of 0.15.**

If at the time the first Certificate of Occupancy is issued for the Building that received a public benefits bonus for a LEED platinum certification and the LEED certification has not been achieved, then the owner shall post a performance bond in a form acceptable to the City. The performance bond shall be determined based on the value of land per square foot of Building in the area of the City in which the proposed project is located, which may be adjusted from time to time based on market conditions. The City will draw down on the bond funds if LEED certification has not been achieved and accepted by the City within one year of the City issuance of the Certificate of Occupancy for the Building. Funds that become available to the City from the forfeiture of the performance bond shall be placed in the City of Miami Beach Public Benefits Trust Fund established by this Code.

- (5) **Onsite Adaptation Areas.** When onsite adaptation areas are provided, which are fully accessible from the public right of way and provide tangible drainage, stormwater retention and related resiliency and sustainability benefits, the development may receive a bonus of 0.10 to 0.35 points depending upon the overall size and level of improvement.

(Note: this option requires further analysis)

- (6) **Publicly accessible recreation facilities.** When active recreation facilities that are available to the general public, and serve a recreational need for the immediate area are provided on site, a bonus FAR of 0.10 points may be permitted, subject to the approval of the city's parks and recreation department.

(Note: this option requires further analysis)

Sec. 142-3.4

No Building permit shall be issued for bonus height and FAR until the Planning Director, or designee has certified compliance with the provisions of this section, upon referral and assurance of compliance from applicable departments. Certification shall be made only after a certified check has been deposited and cleared to the City of Miami Beach Public Benefits Trust Fund or, for non cash contributions, a binding commitment has been approved by the City Manager. The cash contribution shall be nonrefundable once paid.