

Affordable Housing Land Use Fee Waivers

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I, "IN GENERAL," AT SECTION 118-7, "FEES FOR THE ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS," TO WAIVE LAND DEVELOPMENT APPLICATION FEES FOR NON-ELDERLY AND ELDERLY LOW AND MODERATE INCOME HOUSING; AND AMENDING CHAPTER 122, "CONCURRENCY MANAGEMENT AND MOBILITY FEES," ARTICLE I, "PURPOSE AND GENERAL PROVISIONS," AT SECTION 122-5, "EXEMPTIONS FROM CONCURRENCY MITIGATION AND MOBILITY FEES," AND ARTICLE III, "MOBILITY FEES," AT SECTION 122-24, "CALCULATION OF MOBILITY FEE," TO WAIVE CONCURRENCY AND MOBILITY FEES FOR NON-ELDERLY AND ELDERLY LOW AND MODERATE INCOME HOUSING; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Miami Beach 2040 Comprehensive Plan ("Comprehensive Plan"), at *Guiding Principle 6: Prioritize Workforce Housing*, states that "[t]he City shall encourage redevelopment that provides workforce and affordable housing"; and

WHEREAS, the Comprehensive Plan, at *Goal HE 1: Equitable Community*, states that the City will "[s]upport vulnerable populations with attainable housing options that are proximate to transportation services and basic needs to improve economic mobility within the community"; and

WHEREAS, the Comprehensive Plan, at *Objective HE 1.1: Creation and/or preservation of workforce and affordable housing*, states that the City will "[h]ave available a minimum of 6,800 housing units of workforce, affordable low and moderate income households and special needs populations during the period through 2030"; and

WHEREAS, the Comprehensive Plan, at *Policy HE 1.1.3*, requires that the City "[c]ooperate with affordable and workforce housing developers' efforts to leverage Miami-Dade Surtax funds and other financial incentives for the provision of housing affordable to workforce, very low to moderate-income households, including those with special needs, in Miami Beach"; and

WHEREAS, the City of Miami Beach ("City") recognizes that incentives are necessary in order to foster the development of affordable housing; and

WHEREAS, the City has the authority to enact laws which promote the public health, safety, general welfare, and morals of its citizens; 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, AS FOLLOWS:

SECTION 1. Chapter 118, "Administration and Review Procedures," Article I, "In General,"

is hereby amended as follows:

**CHAPTER 118
ADMINISTRATION AND REVIEW PROCEDURES**

ARTICLE 1. – IN GENERAL

* * *

Sec. 118-7. - Fees for the administration of land development regulations.

* * *

- (e) *Design review.* Any applicant requesting a public hearing on any application for design review board approval, pursuant to sections 118-253 and 118-254, shall pay, upon submission, all the applicable fees in subsection (1) through (11) below:

* * *

- (12) Notwithstanding the foregoing, the application fee for a public hearing and application fee for design review approval per square foot of floor area shall be waived for non-elderly and elderly low and moderate income housing developments.

* * *

- (g) *Variances.* Any applicant requesting a public hearing on any application pursuant to section 118-353 shall pay, upon submission, the applicable fees ~~in subsection (1) through (11)~~ below:

* * *

- (12) Notwithstanding the foregoing, the application fee for a public hearing and fee per variance requested shall be waived for non-elderly and elderly low and moderate income housing developments.

- (h) *Certificate of appropriateness.* Any applicant requesting a public hearing on any application pursuant to sections 118-562 through 118-564, shall pay, upon submission, the applicable fees ~~in subsection (1) through (12)~~, below:

* * *

- (13) Notwithstanding the foregoing, the application fee for a public hearing and application fee for a certificate of appropriateness per square foot of floor area shall be waived for non-elderly and elderly low and moderate income housing developments.

SECTION 2. Chapter 122, "Concurrency Management and Mobility Fees," Article I, "Purpose and General Provisions," is hereby amended as follows:

**CHAPTER 122
CONCURRENCY MANAGEMENT AND MOBILITY FEES**

* * *
ARTICLE I. – PURPOSE AND GENERAL PROVISIONS

Sec. 122-5. - Exemptions from concurrency mitigation and mobility fees.

The following types of development are not required to undergo concurrency review or pay a mobility fee pursuant to this chapter:

- * * *
- (f) Non-elderly and elderly low and moderate income housing.

SECTION 3. Chapter 122, "Concurrency Management and Mobility Fees," Article III, "Mobility Fees," is hereby amended as follows:

* * *
ARTICLE III. – MOBILITY FEES

* * *

Sec. 122-24. - Calculation of mobility fee.

- (c) The adopted mobility fee for each land use category ~~are~~ is set forth in "Schedule A," below:

Schedule A - Mobility Fee

Mobility Fee Schedule Category/Land Use Type	Unit of Measure	Mobility Fee
Residential		
* * *		
Affordable <u>Non-elderly and elderly low and moderate income</u> housing	Per unit	\$379.00 <u>\$0.00</u>

SECTION 4. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 5. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney NK 4-6-21
Date

First Reading: April 21, 2021

Second Reading: May 12, 2021

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