

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: July 26, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **PB22-0544. Workforce Housing Fee Waivers.**

#### **RECOMMENDATION**

Transmit the proposed amendment to the City Commission with a favorable recommendation.

#### **HISTORY**

On June 22, 2022, the City Commission referred the subject Ordinance Amendment to the Planning Board (item C4 A). The sponsors of the proposal are Commissioner Alex Fernandez and Vice-Mayor Kristen Rosen Gonzalez.

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Consistent** – The proposed amendment does not create an isolated district unrelated to adjacent or nearby districts.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** - The proposed ordinance amendment does not affect the scale of development, therefore, the proposal is not out of scale with the needs of the neighborhood or the city.

**4. Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Partially Consistent** – The proposed ordinance does not modify allowable densities or intensities for new development, and therefore does not change the potential loads on public facilities and infrastructure. However, it may lead to less revenue being available to address infrastructure needs.

**5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not Applicable** – District boundaries are not proposed to be modified.

**6. Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – Challenges associated with developing workforce and affordable housing in light of increases in property values and construction costs makes passage of the proposed change necessary.

**7. Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

**8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – Since the City is now a transportation concurrency exception area, the proposed change will not create or increase traffic congestion beyond the levels of service set forth in the Comprehensive Plan, or otherwise affect public safety. Additionally, the proposal does not increase the development potential beyond what currently exists.

**9. Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed amendment does not modify the scale of development and as such will not reduce light and air to adjacent areas beyond what is currently permitted.

**10. Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change will not adversely affect property values in the adjacent areas.

**11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change will not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable.**

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable.**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will improve the resiliency of the City with respect to sea level rise by facilitating new developments that will comply with the City's standards related to sea level rise adaptation.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

#### **BACKGROUND**

With rent and home prices reaching historic highs locally and nationally, addressing barriers to financing and building attainable and inclusionary housing is critical to our economy and the ability of our employees to live near their workplace. The availability of affordable and workforce housing inventory is a vital component of personal survival and economic resiliency.

Essential employees, including teachers, emergency service workers, nurses, bus drivers, restaurant workers, janitorial staff, and retail clerks, are finding it increasingly difficult to secure existing and recently constructed affordable housing in Miami Beach. This results in an increase in cost-burdened households – those spending more than 30% of household income on housing costs. Unfortunately, in urban centers and coastal areas, land and development costs are increasing, with the end result of more employees living further away from their jobs and

significantly increasing their commute time, total workday, and cost of living.

Based on 2019 U.S. Census OnTheMap data, the most recent available, of the 58,066 jobs in Miami Beach, 48,515 or 83.6% are occupied by employees residing outside of Miami Beach. When more of the Miami Beach workforce can afford to live close to their places of employment, the community reaps the benefits because employers are able to attract and retain diverse employees at all levels. Shorter commute times enable employees to increase productivity, engage with and build community, support the local economy, become environmental stewards, and reduce traffic congestion.

High rental and housing costs are a reflection of inadequate affordable housing stock and rising demand, compounded by foreign investment and wealth migration. As rising housing costs are outpacing wage growth in Miami-Dade County, it is increasingly challenging for lower- and middle-class households to maintain their quality of life. The confluence of increasing housing costs, limited housing supply, inflation, and wage stagnation impacts individuals and families in the fundamental areas of life including food security, health and wellness, and access to childcare and education.

Affordable (described as low and moderate income housing in the City Code of Ordinances) and Workforce Housing refers to income-restricted housing typically serving low to moderate income individuals and families employed in the local workforce. Whereas affordable housing is typically designated for households with income up to 80% AMI (area median income), both Miami Beach and Miami-Dade County have defined workforce housing beneficiaries as those households earning up to 140% AMI.

Area median income, and household income and rent limits are determined by the U.S. Department of Housing and Urban Development and published by the Florida Housing Finance Corporation on an annual basis.

AMI Category	2022 Income and Rent Limits – Miami-Dade County (Median: \$68,300)						
	Income Limit by Number of Persons in Household				Rent Limit by Number of Bedrooms in Unit		
	1 Person	2 Persons	3 Persons		Studio	1 BR	2 BR
80%	\$ 54,640	\$ 62,400	\$ 70,240		\$ 1,366	\$ 1,463	\$ 1,756
120%	\$ 81,960	\$ 93,600	\$ 105,360		\$ 2,049	\$ 2,194	\$ 2,634
140%	\$ 95,620	\$ 109,200	\$ 122,920		\$ 2,390	\$ 2,560	\$ 3,073

Since 2016, the Miami Beach City Commission and the Miami-Dade County Board of County Commissioners have prioritized the promotion and enhancement of workforce housing, with the goal of improving housing solutions for residents. The City Commission has discussed and authorized a variety of incentives, with varying fiscal impact, to encourage private sector development of affordable and workforce housing units including but not limited to:

- expedited plan review and permitting;
- micro-unit housing restricted from short-term rentals;
- eliminating application and review fees and restructuring impact fees; and
- utilization of City-owned properties to develop workforce housing.

Following a Special City Commission Workshop on affordable and workforce housing on January 25, 2017, the City has pursued multiple initiatives: (1) prioritization of workforce and affordable housing in the Comprehensive Plan; (2) relaxation of development standards for workforce/affordable housing units (e.g., required off-street parking and minimum unit size); (3) waiver of certain City-imposed development-related fees, such as mobility fees and training and technology surcharges; and (4) repurposing City parking assets for better utilization and the promotion of inclusionary housing.

In addition, the City's *2019 Strategic Plan: Through the Lens of Resilience* cites increasing mobility and housing options as a major objective to attract and retain young families as residents, become less automobile-centric, and establish a more local full-time community. The 2019 Strategic Plan also highlights management objectives to: (1) enable growth in housing that protects seniors and encourages first-time homebuyers, and (2) support affordable, compatible workforce housing through public and private partners for key industries, including the use of development incentives.

On March 9, 2022, at the request of co-sponsors Commissioner Alex Fernandez and Vice-Mayor Kristen Rosen Gonzalez, City Commission item C4H referred an item to the Finance and Economic Resiliency Committee ("FERC") to discuss waiving and/or reducing the City Sustainability Fees and any other fees, to support affordable and workforce housing. The sponsors noted the following in the City Commission Memorandum:

At the February 23, 2022, City Commission meeting, as part of the City's approval of the lease amendments for the Collins Park Artist Workforce Housing Project – the first City public-private partnership for workforce housing in the City – it became readily apparent that the City needs to do more to incentivize affordable and workforce housing [development], including waiving the appropriate City fees to the extent possible to bring down project costs, as the rent limits associated with affordable/workforce housing make it very challenging to obtain financing for these projects, particularly in an environment of rising interest rates and inflationary pressures on construction costs.

On April 8, 2022, Miami-Dade County Mayor Daniella Levine Cava declared an affordability crisis in Miami-Dade County, and called for deploying the County's resources to expedite the production of affordable and workforce housing. Thereafter, on May 17, 2022, the Miami-Dade County Board of County Commissioners adopted an ordinance, on first reading, providing for total exemption of impact fees for workforce housing units up to 120% AMI. The County ordinance cites, as authority, the Florida Legislature's recent amendment of Section 163.31801, Florida Statutes, expressly authorizing "an exception or waiver for an impact fee for the development or construction of housing that is affordable," up to a maximum threshold of 120% AMI, without being "required to use any revenues to offset the impact." The County ordinance notes that, development of workforce housing serving between 120 – 140% AMI, would not be eligible for the statutory exemption, section 33E-18 of the County Code currently provides for deferral for five (5) years of impact fees.) The proposed County ordinance is scheduled for a public hearing before the Public Housing and Community Services Committee (PHCSC) meeting to be held on June 9, 2022.

## **PLANNING ANALYSIS**

In recent years, the City Commission has enacted ordinances to reduce development-related fees for affordable and workforce housing with the express purpose of increasing the city's housing stock for working class residents. In addition to these existing incentives, there are other fees that the City Commission could consider for waiver or reduction via an amendment of the City Code.

### **Sustainability Fee (Green Building Ordinance)**

As one of the most vulnerable cities in the world to the impacts of climate change, Miami Beach has strong sustainability goals. On February 10, 2016, via Ordinance No. 2016-3993, the City Commission established regulations intended to strengthen the environmental sustainability of Miami Beach by requiring green buildings by the private and public sector. Leadership in Energy and Environmental Design (LEED) is a rating system developed by the United States Green Building Council (USGBC) to evaluate the environmental performance of a building and encourage market transformation towards sustainable design. Attaining LEED certification demonstrates environmentally responsible building practices, and is an important component of achieving the City's greenhouse gas reduction goals approved by the City Commission. Buildings over 7000 square feet or ground floor additions to existing structures that encompass over 10,000 square feet of additional floor area are required to achieve LEED Gold Certification, codified through Chapter 133 of the City Code, "Sustainability and Resiliency." If the building does not achieve the certification, a Sustainability Fee is required, valued at five percent (5%) of project construction value, prior to obtaining a Temporary Certificate of Occupancy (TCO), Certificate of Occupancy (CO), or Certificate of Completion (CC) if the project does not achieve LEED Gold Certification. The Sustainability Fee Program also provides for the reimbursement of the fees commensurate with the level of green building certification achieved by the project within two (2) years from TCO, CO or CC. The 5% fee amount was originally based on research to encourage green buildings as opposed to simply collecting a fee. The fees collected are used to establish a sustainability and resiliency fund for projects, such as living shorelines, water quality monitoring, soil remediation, renewable sources of energy, and other sustainability initiatives.

The Green Building Ordinance has successfully resulted in fifty-one (51) projects that require certification, none of which include affordable or workforce housing units. Of that number, only four (4) projects have been required to pay the fee, meaning these projects did not achieve certification. While this may imply that achieving certification is perfunctory, the fifty-one (51) projects are not likely to have the same financing and revenue challenges and limitations as do affordable and workforce housing projects.

Miami Beach's and Resilient305 resilience strategies build "resilience," which means the capacity for individuals, communities, institutions, businesses, and systems within a city to survive, adapt, and grow despite chronic stresses, such as rising sea levels and coastal erosion, an underdeveloped transportation system, aging infrastructure, and lack of affordable housing. The City's goals of climate resilience and housing affordability are mutually beneficial and important for a resilient community. The City should be proud of the many buildings achieving the certification, and our own assets including the Miami Beach Convention Center and the Property Management Building.

The Collins Park Workforce Housing Project (the "Project") provides an example, however, of how any additional expenses, although important, can impact financial viability. Despite the Project

developer and the City exercising flexibility to ensure the Project's financial viability, increasing construction costs and a fluctuating bond market continue to jeopardize the Project progress. However, there may be an opportunity to reduce these obstacles to construction and increasing development costs associated with non-market rate housing, by triggering the Project's development agreement and ground lease which provides that *"the developer shall not be obligated to pay any City fees for the Project that can currently be waived under the City Code and the City may, in its sole and absolute discretion, adopt amendments to the City Code that permit the waiver or refund of all or part of City fees for the Project."* The Project already benefits from incentives for workforce housing currently in the City Code, e.g., related to parking requirements, mobility fees, and technology/training surcharges.

To promote future workforce housing financing and development, and with the practical intention of ensuring the feasibility of the Project, the Administration is recommending an amendment of Chapter 133 of the City Code to exempt all current and future workforce and affordable housing projects from complying with the requirements of the Sustainability Fee Program. Enactment of such a waiver would require an amendment to the Land Development Regulations (LDR), with review by the Planning Board and a 5/7ths vote of the City Commission at second reading. The estimated Sustainability Fee for the Project is approximately \$843,007. The Administration does not recommend that this exemption apply to other development projects other than affordable and workforce housing.

It is worth noting that the Project will meet Florida Building Code requirements for promoting efficiency, sustainability, and resiliency. The Project is an urban infill development site that will contain several sustainable elements including water, heating, and cooling efficiency; flood mitigation; impact-resistant windows with energy efficient glazing; access to public and alternative transportation and enhanced pedestrian access (including free public transit and Citibike membership for new tenants); low volatile organic compounds (VOC) materials; and materials with high levels of recycled content.

#### Mobility Fee

On May 12, 2021, the City Commission adopted an amendment (Ordinance No. 2021-4416) to Chapter 122 of the Land Development Regulations ("LDRs") to waive or exempt affordable housing units from the City's Mobility Fee (which replaced the City's previous Transportation Concurrency Fee via Ordinance No. 2019-4306). The estimated Mobility Fee for the Project is approximately \$50,009. For reference, the City assesses Mobility Fees in order to be able to fund transportation and mobility improvements that are necessary to support the development of the City.

The proposed amendment will exempt both workforce and affordable housing developments from having to pay Mobility Fees. This would include accessory uses that are part of such developments. Currently only affordable housing units are exempt from Mobility Fees, while all other components of a mixed-use development would be subject to the Mobility Fee.

#### Parks Concurrency Fee

The City's 2040 Comprehensive Plan prescribes adopted levels of services and indicates the types of park facilities needed throughout the City. The Comprehensive Plan provides that, where these levels are deficient, a concurrency fee will be assessed for new development. The

estimated Parks Concurrency Fee for the Project is approximately \$35,010. In addition to this City impact fee, Miami-Dade County impact fees for the Project (water & sewer, roads, school, etc.) total approximately \$425,357. Therefore, Miami-Dade County's potential enactment of an exemption to County impact fees for workforce housing would remove a significant obstacle to development. The County's proposed ordinance to waive impact fees for affordable and workforce housing is based on the delegation of authority in Chapter 2020-27, Laws of Florida, which allows counties (Section 125.01055, Florida Statutes) and municipalities (Section 166.04151, Florida Statutes) to waive or reduce impact, water, and sewer fees in order to incentivize affordable and workforce housing. On May 12, 2021, the City Commission adopted Ordinance No. 2021-4416, exempting affordable housing projects (not workforce housing projects) from undergoing parks concurrency review or paying a mobility fee. The proposed ordinance would exempt workforce housing developments from parks concurrency review.

**Design Review Board, Historic Preservation Board and Board of Adjustment Fees**

Ordinance No. 2021-4416 modified section 118-7 of the LDRs to waive the application fee, per square foot fee, and per variance fee for the Design Review Board, Historic Preservation Board, and the Board of Adjustment for elderly and non-elderly low- and moderate-income affordable housing applications. The proposed ordinance would also exempt workforce housing developments from such fees. An applicant is still responsible for fees associated with public mail notice, public posting, advertisement, and couriers.

**Summary of Existing Fees and Exemption Status**

Fee	Affordable Housing	Workforce Housing
Sustainability	Not Exempt	Not Exempt
Mobility	Exempt	Not Exempt
Technology and Training Surcharge on Building Permits	Exempt	Exempt
Parks Concurrency	Exempt	Not Exempt
DRB, HPB, BOA	Exempt	Not Exempt
Art in Public Places	Not Exempt	Not Exempt

As it is not part of the LDRs, a companion ordinance will be considered by the City Commission regarding the Art in Public Places fees which also impact affordable and workforce housing developments.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the subject Ordinance amendment to the City Commission with a favorable recommendation.



## Workforce Housing Fee Waivers

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE I, ENTITLED "IN GENERAL," AT SECTION 118-7, ENTITLED "FEES FOR THE ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS," TO WAIVE LAND DEVELOPMENT APPLICATION FEES FOR WORKFORCE HOUSING DEVELOPMENTS; AMENDING CHAPTER 122, ENTITLED "CONCURRENCY MANAGEMENT AND MOBILITY FEES," ARTICLE I, ENTITLED "PURPOSE AND GENERAL PROVISIONS," AT SECTION 122-5, ENTITLED "EXEMPTIONS FROM CONCURRENCY MITIGATION AND MOBILITY FEES," TO WAIVE CONCURRENCY AND MOBILITY FEES FOR WORKFORCE HOUSING DEVELOPMENTS; AND AMENDING CHAPTER 133, ENTITLED "SUSTAINABILITY AND RESILIENCY," ARTICLE 2, ENTITLED "GREEN BUILDING REGULATIONS," DIVISION 1 ENTITLED "IN GENERAL," AT SECTION 133-3, ENTITLED "SUSTAINABILITY REQUIREMENTS," TO WAIVE NON-ELDERLY AND ELDERLY LOW AND MODERATE INCOME OR WORKFORCE HOUSING DEVELOPMENTS FROM GREEN BUILDING REGULATIONS; 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 Comprehensive Plan, at *Policy HE 1.1.11*, requires that "the City shall explore strategies to increase the resiliency within neighborhoods, while limiting involuntary displacement and increasing housing stability"; and

**WHEREAS**, the availability of affordable and workforce housing is a vital quality of life component for the health, welfare, and prosperity of Miami Beach residents and workers; and

**WHEREAS**, land acquisition and development costs and income restrictions create financial challenges for affordable and workforce housing projects; and

**WHEREAS**, the City of Miami Beach ("City") recognizes that incentives are necessary to foster the development of affordable and workforce 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, the applicable fees 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 or workforce 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 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 or workforce 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 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 or workforce 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 or workforce housing developments.

**SECTION 3.** Chapter 133, entitled "Sustainability and Resiliency," Article 2, entitled "Green Building Regulations," Division 1 entitled "In General," at section 133-3, entitled "Sustainability Requirements," is hereby amended as follows:

**Chapter 133  
Sustainability and Resiliency**

**ARTICLE I. - GREEN BUILDINGS**

**DIVISION 1. - IN GENERAL**

\* \* \*

**Sec. 133-3. - Sustainability requirements.**

- (a) Mandatory compliance with the requirements of this chapter shall be required for all applicants with building permit applications that meet the following criteria (hereinafter "eligible participants"):
- (1) All new construction that proposes over 7,000 square feet of construction of a structure; or
  - (2) Ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area.
- (b) Notwithstanding the foregoing, non-elderly and elderly low and moderate income or workforce housing developments shall be exempt from the requirements of this Article. However, such developments are encouraged to incorporate green building elements that further the intent and purpose of section 133-2.

#### **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 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Dan Gelber, Mayor

ATTEST:

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2022

Second Reading: \_\_\_\_\_, 2022

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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