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## Workforce and Affordable Housing Development Incentives

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 1, ENTITLED “GENERAL PROVISIONS,” ARTICLE II, ENTITLED “DEFINITIONS,” AT SECTION 1.2.1, ENTITLED “GENERAL DEFINITIONS,” TO DEFINE PUBLIC TRANSIT ROUTES; AND CHAPTER 5, ENTITLED “OFF-STREET PARKING,” ARTICLE II, ENTITLED “VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENT,” AT SECTION 5.2.4, ENTITLED “VEHICLE OFF-STREET PARKING REQUIREMENTS,” TO ESTABLISH PARKING INCENTIVES FOR THE DEVELOPMENT OF WORKFORCE AND AFFORDABLE HOUSING; AND CHAPTER 7, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” ARTICLE I, ENTITLED “GENERAL TO ALL ZONING DISTRICTS,” TO ESTABLISH SECTION 7.1.9, ENTITLED “WORKFORCE AND AFFORDABLE HOUSING INCENTIVES,” TO ESTABLISH FLOOR AREA RATIO (FAR) INCENTIVES FOR THE DEVELOPMENT OF WORKFORCE AND AFFORDABLE 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 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

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**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 1, entitled “General Provisions,” Article II, entitled “Definitions,” at Section 1.2.1, entitled “General Definitions,” of the Resiliency Code of the City of Miami Beach, Florida is hereby amended as follows:

## **Chapter 1 GENERAL PROVISIONS**

### **ARTICLE II – DEFINITIONS**

#### **1.2.1 GENERAL DEFINITIONS**

\* \* \*

**Public Transit Route** means a route over which a transit vehicle, such as a bus or train, travels and that is specifically labeled or numbered for the purpose of picking up or discharging passengers at regularly scheduled stops and intervals that are operated by or authorized to operate by Miami-Dade County or the City of Miami Beach.

**SECTION 2.** Chapter 5, entitled “Off-Street Parking,” Article II, entitled “Vehicle Parking, Bicycle Parking and Off-Street Loading Requirement,” at Section 5.2.4, entitled “Vehicle Off-Street Parking Requirements,” of the Resiliency of the Code of the City of Miami Beach, Florida is hereby amended as follows:

## **Chapter 5 OFF-STREET PARKING**

\* \* \*

### **5.2.4 VEHICLE OFF-STREET PARKING REQUIREMENTS**

#### **5.2.4.1 Parking Tier 1**

- a. Off-street parking requirements for parking tier 1

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking tier 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

Key: \* See Supplemental tier 1 parking regulations in section 5.2.4.1.b below

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USE	OFF-STREET PARKING REQUIREMENTS
	<b>RESIDENTIAL</b>
<p><i>Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances): *</i></p>	<p>Elderly housing unit(s) have no parking space requirement. <u>Non-elderly housing units shall have no parking requirement if located within 500 feet of a Public Transit Route, otherwise, the</u> parking requirements shall be the same as specified for "Apartment building and apartment-hotel" above, or one-half of a parking space per dwelling unit, whichever is less, for non-elderly low and/or moderate income housing.</p> <p>Notwithstanding the above, if an existing building is renovated and the number of units is increased, or if units are added on a lot with an existing building that is retained and renovated, there shall be no parking requirement for the newly constructed units, and existing buildings shall be exempt from the requirements of subsection 2.12.8, entitled "repair or rehabilitation of nonconforming buildings."</p> <p>If a property ceases to meet the requirements of housing for low and/or moderate income non-elderly and elderly persons as per chapter 58, article V of General Ordinances the city shall not issue a certificate of use and occupancy for a new use until the property owner satisfies the then applicable parking requirements under this Code. The property owner may satisfy the parking requirements by actually providing the additional parking spaces or by reducing the number of residential units. However, a property owner shall not be able to satisfy the parking requirements by the payment of a fee in lieu of providing parking. At the time of development review, the property owner shall submit a statement of intent to construct housing for low and/or moderate income non-elderly and elderly persons in accordance with this section.</p> <p>After approval of the decrease in parking spaces, the premises shall not be used other than as housing for the non-elderly and elderly persons unless and until any parking requirements and all other requirements or limitations of this Code for the district involved and applying to the new use shall have been met.</p>
	* * *
<p><i>Workforce housing (as defined in chapter 58, Article VI of General Ordinances): *</i></p>	<p>Workforce housing shall have <u>no parking requirement if located within 500 feet of a Public Transit Route, otherwise, the same</u> parking requirements as specified for "Apartment building and apartment-hotel" above, or alternatively, one-half parking space per unit, whichever is less. Notwithstanding the above, if an existing building is renovated and the number of units is increased, or if units are added on a lot with an existing building that is retained and renovated, there shall be no parking requirement for the newly constructed units, and existing buildings shall be exempt from the requirements of subsection 2.12.8, entitled "repair or rehabilitation of nonconforming buildings."</p> <p>Additionally, there is no parking requirement for workforce</p>

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	housing units if said units are provided in a main use parking garage.
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**5.2.4.2 Parking Tier 2**

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking Tier 2 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. For uses not listed below, the off-street parking requirement shall be the same as for parking tier 1.

a. Off-street parking requirements for Tier 2 area a.

Tier 2 area a includes those properties generally bounded by Purdy Avenue on the west, 20th Street on the north, Alton Road on the east and Dade Boulevard on the south, as depicted in the map below:

\*                      \*                      \*

*Tier 2 area a*

- i. The following off-street parking requirements apply to properties located within Tier 2 area a.

Key: \* See supplemental off-street parking regulations in section 5.2.4.2.a.ii. below

USE	OFF-STREET PARKING REQUIREMENT
<b>RESIDENTIAL</b>	
*                      *                      *	
<u>Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances)</u>	<u>No parking requirement</u>
<u>Workforce housing (as defined in chapter 58, Article VI of General Ordinances)</u>	<u>No parking requirement</u>

b. Off-street parking requirements for Tier 2 area b.

Tier 2 area b includes those properties between Alton Court (alley) and Lenox Court (alley) or with a lot line on Alton Road, where an alley does not exist, from 5 Street on the south to Dade Boulevard on the north, with the exception of properties included in Tier 3 area a, as depicted in the map below:

\*                      \*                      \*

- iii. The following parking requirements apply to properties located within Tier 2 area b.

Key: \* See supplemental off-street parking regulations in section 5.2.4.2.b.ii. below

USE	OFF-STREET PARKING REQUIREMENT
<b>RESIDENTIAL</b>	
*                      *                      *	

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<u>Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances)</u>	<u>No parking requirement</u>
<u>Workforce housing (as defined in chapter 58, Article VI of General Ordinances)</u>	<u>No parking requirement</u>

\* \* \*

c. Off-street parking requirements for Tier 2 area c.

Tier 2 area c includes those properties with a lot line on Washington Avenue from 5th Street to 17th Street, excluding those properties in Tier 3 area a, as depicted in the map below:

\* \* \*

i. The following off-street parking requirements apply to properties located within Tier 2 area c.

USE	OFF-STREET PARKING REQUIREMENT
<b>RESIDENTIAL</b>	
* * *	
<u>Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances)</u>	<u>No parking requirement</u>
<u>Workforce housing (as defined in chapter 58, Article VI of General Ordinances)</u>	<u>No parking requirement</u>

d. Off-street parking requirements for Tier 2 area d.

Tier 2 area d includes those properties within the area bounded by the erosion control line on the east, the east side of Washington Avenue on the west, 23rd Street on the north, and 17th Street on the south, as depicted in the map below:

\* \* \*

i. The following off-street parking requirements apply to properties located within Tier 2 area d.

USE	OFF-STREET PARKING REQUIREMENT
<b>RESIDENTIAL</b>	
<u>Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances)</u>	<u>No parking requirement</u>
<u>Workforce housing (as defined in chapter 58, Article VI of General Ordinances)</u>	<u>No parking requirement</u>

**5.2.4.3 Parking Tier 3**

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Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking Tier 3, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows.

- a. Off-street parking requirements for Tier 3 areas a, b and c.

USE	OFF-STREET PARKING REQUIREMENT
<b><u>RESIDENTIAL</u></b>	
*	*
*	*
<u>Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances)</u>	<u>No parking requirement</u>
<u>Workforce housing (as defined in chapter 58, Article VI of General Ordinances)</u>	<p>Shall have the same parking requirements as specified in tier 1, or alternatively, one-half parking spaces per unit, whichever is less. Notwithstanding the above, when an existing building is renovated and the number of units is increased, or when units are added on a lot with an existing building that is retained and renovated, there shall be no parking requirement for the newly constructed units, and existing buildings shall be exempt from the requirements of section 2.12.8, Repair or rehabilitation of nonconforming buildings.</p> <p><u>No parking requirement</u></p>

- b. Off-street parking requirements for Tier 3 area d.

Tier 3 area d includes those properties within the TC-C, TC-1, TC-2, and TC-3 districts, as depicted in the map below:

\*                      \*                      \*

- i. The following parking requirements apply to properties located within Tier 3 area d. For uses not listed below, the off-street parking requirement shall be the same as for Tier 3 area c as applicable.

Key: \* See supplemental off-street parking regulations in Section 5.2.4.3.b.ii. below

USE	OFF-STREET PARKING REQUIREMENT
<b><u>RESIDENTIAL</u></b>	
*	*
*	*
<u>Affordable housing and workforce housing Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances)</u>	<u>No parking requirement</u>
<u>Workforce housing (as defined in chapter 58, Article VI of General Ordinances)</u>	<u>No parking requirement</u>

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**SECTION 3.** Chapter 7, entitled “Zoning Districts and Regulations,” Article I, entitled “General to All Zoning Districts,” at Section 7.1.9, entitled “Workforce and Affordable Housing Incentives,” is hereby established in the Resiliency Code of the City of Miami Beach, Florida as follows:

## 7.1.9 WORKFORCE AND AFFORDABLE HOUSING INCENTIVES

### 7.1.9.1 Purpose

This section is intended to provide development incentives that are applicable in non-single family or light-industrial zoning districts in order to encourage the construction of workforce and affordable housing units.

### 7.1.9.2 Applicable Locations

The incentives provided for in this section shall be available in zoning districts that allow for residential uses. Notwithstanding the foregoing, the development incentives are not available in the following areas:

- a. Properties that are located in the RS-1, RS-2, RS-3, RS-4, or I-1 zoning districts;
- b. Properties that are located within 500 feet of an RS-1, RS-2, RS-3, or RS-4 district; or
- c. Properties with a Recreation and Open Space (ROS) future land use category designated on the future land use map of adopted Comprehensive Plan.

### 7.1.9.3 Floor Area Ratio Incentives

- a. For the purpose of incentivizing the development of affordable and workforce housing units, properties that are located within 500 feet of a Public Transit Route, a floor area ratio (FAR) bonus of 25 percent above the FAR allowable as of right is available for properties that comply with the minimum standards in sub-section 7.1.9.4.
- b. For the purpose of incentivizing the development of affordable and workforce housing units, properties that are located beyond 500 feet of a Public Transit Route, a floor area ratio (FAR) bonus of 15 percent above the FAR allowable as of right is available for properties that comply with the minimum standards in sub-section 7.1.9.4.

### 7.1.9.4 Minimum Standards

Developments utilizing the floor area ratio (FAR) incentives provided in subsection 7.1.9.3 shall comply with the following requirements:

- a. *Minimum Area for Workforce or Affordable Units.* A minimum of 65 percent of the bonus FAR shall be used for *housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances) units or for Workforce housing (as defined in chapter 58, Article VI of General Ordinances) units.* Only the floor area of the units

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themselves shall count towards meeting this minimum area requirement; areas for hallways or other back of house needs of the unit shall not count.

- b. Land Use Board Approval. The development shall require the review and approval of the Historic Preservation Board or Design Review Board, as applicable.
- c. Covenant. New development may only be eligible for the FAR incentive if the property owner elects, at the owner's sole discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the City Attorney, affirming that, for a term of 30 years, none of the residential units on the property shall be leased or rented for a period of less than six (6) months and one day.
- d. Unit Access. There shall be no separate entrance or access for Workforce or Affordable units. Residents of such units shall be permitted to access the building from the same entrances as the market rate units, unless units are on the ground floor, in which case they may have private entrances from the nearest pedestrian path.

**SECTION 4. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 renumbered or relettered 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 2023

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

ATTEST:

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

APPROVED AS TO FORM AND LANGUAGE AND FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2023  
Second Reading: \_\_\_\_\_, 2023

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

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