DRAFT

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 TRANSIT ORIENTED DEVELOPMENT (TOD) ZONES;

BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE VII, ENTITLED "COMMISSION WARRANTS," AT SECTION 2.7.1, ENTITLED "PROCEDURES," TO CREATE A WARRANT PROCESS PERTAINING TO OFF-STREET PARKIGN REQUIREMENTS FOR WORKFORCE OR AFFORDABLE HOUSING DEVELOPMENTS;

BY AMENDING 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;

BY AMENDING 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 PROCEDURES AND MINIMUM REQUIREMENTS FOR FLOOR AREA RATIO (FAR) AND BUILDING HEIGHT 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

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

* * *

Transit Oriented Development (TOD) Zones means the areas of the city designated in section 7.1.9.2 for the purposes of providing enhanced incentives for the development of workforce and affordable housing.

SECTION 2. Chapter 2, entitled "Administration and Review Procedures," Article VII, entitled "Commission Warrants," at Section 2.7.1, entitled "Procedures," of the Resiliency Code of the City of Miami Beach, Florida is hereby amended as follows:

ARTICLE VII – Commission Warrant

2.7.1 PROCEDURES

The city commission may grant a warrant from the application of these land development regulations to a specific development project, where the warrant improves the design of the

project or encourages the development of workforce or affordable housing, subject to the following:

a. For developments without workforce or affordable housing, warrants must comply with the following restrictions: ~~but does not~~

   i. ~~(i)~~ The warrant may not increase ~~it's~~ the building's floor area ratio or density from that allowed by these land development regulations;

   ii. ~~(ii)~~ The warrant may not allow a use not otherwise allowed by these land development regulations; and ~~or~~

   iii. ~~(iii)~~ The warrant may not modify by more than 25 percent the building bulk requirements, such as, but not limited to, height, setbacks, and parking requirements, of the land development regulations.

b. For developments that contain workforce or affordable housing units, warrants must comply with the following restrictions:

   i. The warrant may not increase the building's floor area ratio or density from that allowed by these land development regulations;

   ii. The warrant may not allow a use not otherwise allowed by these land development regulations;

   iii. The warrant may not modify by more than 25 percent the building bulk requirements of the land development regulations, excluding parking requirements;

   iv. The warrant may reduce parking requirements by up to 100 percent, provided that the applicant can substantiate that the potential need for off-street parking spaces can be mitigated and there is access to public transportation and alternative modes of transportation, as determined by the City Commission; and

   v. The project shall comply with the requirements of subsection 7.1.9.

c. The warrant shall be granted by resolution of the city commission, and an affirmative vote of five-sevenths of all members of the city commission shall be necessary in order to approve such resolution. The procedure for granting a warrant shall require all of the following:

   i. A public hearing approval by the design review board or historic preservation board, as applicable, according to the applicable criteria and notice requirements set forth in the land development regulations, which approval shall be conditioned on the subsequent approval of the application by the city commission; and

   ii. A public hearing by the commission after the design review board or historic preservation board approval, as applicable, and noticed in accordance with the notice requirements of the design review board or historic preservation board.

d. In reviewing an application for a commission warrant, the commission shall consider the following criteria:

i. Whether the proposed warrant is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.

ii. Whether the proposed warrant would create an isolated development unrelated to the adjacent neighborhood.

iii. Whether the proposed warrant is out of scale with the needs of the neighborhood or the city.

iv. Whether the proposed warrant will adversely influence living conditions in the neighborhood.

v. Whether the proposed warrant will seriously reduce light and air to adjacent areas.

vi. Whether the proposed warrant will result in the development of a significant number of workforce or affordable housing units.

vii. Whether the proposed warrant is consistent with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

SECTION 3. 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

USE	OFF-STREET PARKING REQUIREMENTS
RESIDENTIAL	
Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances): *	Elderly housing unit(s) have no parking space requirement. Non-elderly housing units shall have no parking requirement if located within a TOD Zones, otherwise, the ~~The~~ 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. 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." 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. 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.
	* * *
Workforce housing (as defined in chapter 58, Article VI of General Ordinances): *	Workforce housing shall have no parking requirement if located within a TOD Zone, otherwise, the same 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." Additionally, there is no parking requirement for workforce housing units if said units are provided in a main use parking garage.

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
RESIDENTIAL	
* * *	
Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances)	The parking requirement shall be as per tier 1.
Workforce housing (as defined in chapter 58, Article VI of General Ordinances)	The parking requirement shall be as per tier 1.

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
RESIDENTIAL	
* * *	
Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances)	The parking requirement shall be as per tier 1.
Workforce housing (as defined in chapter 58, Article VI of General Ordinances)	The parking requirement shall be as per tier 1.

* * *

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
RESIDENTIAL	
* * *	
Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances)	The parking requirement shall be as per tier 1.
Workforce housing (as defined in chapter 58, Article VI of General Ordinances)	The parking requirement shall be as per tier 1.

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
RESIDENTIAL	
Housing for low and/or moderate income non-elderly and elderly persons (as defined in chapter 58, Article V of General Ordinances)	The parking requirement shall be as per tier 1.
Workforce housing (as defined in chapter 58, Article VI of General Ordinances)	The parking requirement shall be as per tier 1.

SECTION 4. 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

a. The incentives provided for in this section shall be available in areas are designated as Transit Oriented Development (TOD) Zones. The following areas are designated as Transit Oriented Development (TOD) Zones:

i. Properties bounded by 6th Street on the north, Alton Road on the west, 4th Street on the south, and Washington Avenue on the east;

ii. Properties on blocks with frontage on Alton Road, between 4th Street and Collins Canal;

iii. Properties on blocks with frontage on 17th Street, between West Avenue and Washington Avenue, excluding properties directly fronting Lincoln Road located east of Lenox Avenue and properties designated CCC Convention Center District on the zoning map; and

iv. Properties on blocks with frontage on 71st Street or Normandy Drive, located within the CD-2, TC-2, TC-C zoning districts.

b. Notwithstanding the foregoing, the development incentives provided for in this section shall not be available in the following areas:

i. Properties that are located in the RS-1, RS-2, RS-3, RS-4, or I-1 zoning districts.

ii. 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 properties that are located within TOD Zones, as more specifically identified in Section 7.1.9.2, the design review board or historic preservation board, as applicable, in accordance with the review criteria in Section 7.1.9.5., may allow a floor area ratio (FAR) bonus of up to 25 percent above the maximum allowable FAR in the underlying zoning district for properties that comply with the minimum standards in Section 7.1.9.6.

~~b. For properties that are located within 500 feet of TOD Zones, as more specifically identified in Section 7.1.9.2, the design review board or historic preservation board, as applicable, in accordance with the review criteria in Section 7.1.9.5., may allow a floor area ratio (FAR) bonus of up to 15 percent above the maximum allowable FAR in the underlying zoning district for properties that comply with the minimum standards in Section 7.1.9.6.~~

7.1.9.4 Height Incentives

a. For properties that are located within designated TOD Zones, as more specifically identified in Section 7.1.9.2, the design review board or historic preservation board, as applicable, in accordance with the review criteria in Section 7.1.9.5., may allow up to 14 feet above the maximum allowable building height permitted in the underlying zoning district for developments that comply with the minimum standards in Section 7.1.9.6.

7.1.9.5 FAR and Height Criteria

The Design Review Board or Historic Preservation Board, as applicable, may approve an increase in maximum FAR and / or maximum building height, up to the limits set forth in Sections 7.1.9.3 and 7.1.9.4, provided the following criteria are satisfied:

a. The amount of bonus FAR and/or additional building height associated with the proposed new construction and/or additions to existing buildings shall be consistent with the existing scale, character and architectural context of the immediate area.

b. The design and architectural language, as well as the location of bonus FAR and/or additional building height associated with the proposed new construction and/or additions to existing buildings shall be sensitive to and compatible with any existing structures on site, as well as the built environment.

c. The proposed new construction and/or additions to existing building shall include activation at the ground level facing all streets and sidewalks, and shall include a significant pedestrian connection to all abutting sidewalks.

d. The bonus FAR and/or additional building height shall correspond to the amount of affordable or workforce housing provided within the overall development project.

e. The bonus FAR and/or additional building height shall result in an affordable or workforce housing project that furthers the goals and objectives of the comprehensive plan pertaining to housing.

f. The proximity of the proposed project to less intense zoning districts shall be evaluated in the determination of the amount of bonus FAR and/or additional building height.

7.1.9.6 Minimum Standards

Developments utilizing the floor area ratio (FAR) incentives provided in subsection 7.1.9.3 or height incentives in subsection 7.4.9.4 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 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 or height incentives 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, in perpetuity, 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, except for units are on the ground floor, in which case they may have private entrances from the nearest pedestrian path.

e. *Historic Preservation.* For FAR and / or building height increases proposed on a property located within the boundaries of a local historic district or site, any building on the property that is classified as "contributing" shall be substantially retained, preserved, restored and renovated, in a manner to be determined by the historic preservation board, and in accordance with the Secretary of the Interior Guidelines and Standards, as well as the certificate of appropriateness criteria in Chapter 2, Article XIII of the resiliency code.

SECTION 5. 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 6. 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 7. SEVERABILITY.

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

SECTION 8. EFFECTIVE DATE,

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of 2024

_____
Mayor

ATTEST:

_____
Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

_____
City Attorney Date

First Reading: _____, 2024
Second Reading: _____, 2024

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

M:\$CMB\CCUPDATES\Land Use and Sustainability Committee\2023\10 Oct 2023\FAR Increase for Affordable and Workforce Housing - ORD October 11 2023 LUSC.docx