

**Citywide Public Benefits Program**

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, AT SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," CREATING DIVISION 8, ENTITLED "CITYWIDE PUBLIC BENEFITS PROGRAM," CREATING SECTION 142-1200, ENTITLED "CITYWIDE PUBLIC BENEFITS PROGRAM," TO PROVIDE UNIFORM REGULATIONS FOR WHEN THE CITY AUTHORIZES HEIGHT INCREASES THROUGH PARTICIPATION IN THE CITYWIDE PUBLIC BENEFITS PROGRAM; AND CREATING SECTION 142-1201, ENTITLED "CITYWIDE PUBLIC BENEFITS FUND," TO ESTABLISH A CITYWIDE PUBLIC BENEFITS FUND AND THE AUTHORIZED USES FOR REVENUE DEPOSITED INTO THE FUND; AMENDING APPENDIX A, "FEE SCHEDULE," TO ESTABLISH FEES FOR THE CITYWIDE PUBLIC BENEFIT PROGRAM; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, Principle 6 of the 2040 Comprehensive Plan, Resilient Land Use Element states that "the City shall encourage redevelopment that provides workforce and affordable housing;" and

**WHEREAS**, Objective HE 1.1 of the 2040 Comprehensive Plan states that the City shall "Have available a minimum of 6,800 housing units of workforce, affordable low and moderate income households and special need populations during the period through 2030;" and

**WHEREAS**, as the City incentivizes redevelopment in specific neighborhoods, additional considerations for the development of workforce and affordable housing should be taken; and

**WHEREAS**, a public benefits program with a focus on workforce and affordable housing can be utilized to incentivize the development of workforce and affordable housing as part of future height increases; and

**WHEREAS**, the proposed ordinance supports the goals, objectives, and policies of the 2040 Comprehensive Plan related to workforce and affordable housing; 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:**

**SECTION 1.** Chapter 142, "Zoning Districts and Regulations," at Article IV, entitled "Supplementary District Regulations," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended to create Division 8, entitled "Citywide Public Benefits Program" as follows:

#### **ARTICLE IV. – SUPPLEMENTARY DISTRICT REGULATIONS**

\* \* \*

#### **DIVISION 8. – CITYWIDE PUBLIC BENEFITS PROGRAM**

##### **Sec. 142-1200. – Citywide public benefits program.**

Where participation in the public benefits program is authorized elsewhere in the land development regulations, participation shall be as provided in this section. This section does not authorize exceeding any regulations in the underlying zoning districts and overlays. The following options or mix of options are available for participation in the public benefits program:

(a) *Contribution to the Citywide Public Benefits Fund.* A contribution to the public benefits fund, in the amount identified in appendix A, shall be required for each square foot of floor area located above the base building height up to the maximum public benefits height. The payment shall be made prior to the development obtaining a building permit.

(b) *On-site workforce or affordable housing.* Provide on-site workforce housing or housing for low and/or moderate-income non-elderly and elderly persons pursuant to the requirements of articles V and VI of chapter 58 of the city Code and certified by the community development department. Two square feet of floor area may be built above the base building height up to the maximum public benefits height, for each square foot of workforce housing or housing for low and/or moderate-income non-elderly and elderly persons provided onsite. The following regulations shall apply to such units:

(1) There shall be no separate entrance or access for such 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 shall have private entrances from the clear pedestrian path.

(2) Units shall comply with the minimum unit size requirements for affordable or workforce housing of this division.

(3) Only the square footage within the unit itself shall count for the square footage above the as of right height.

(c) *Off-site workforce or affordable housing.* Provide off-site workforce housing or housing for low and/or moderate-income non-elderly and elderly persons pursuant to the requirements of articles V and VI of chapter 58 of the city Code and certified by the community development department within the City of Miami Beach. One and one-half square feet of floor area may be built above the base building height up to the maximum public benefits height, for each square foot of workforce housing or housing for low and/or moderate-income non-elderly and elderly persons provided off-site within the City of Miami Beach. The following regulations shall apply to such units:

(1) Units shall comply with the minimum unit size requirements for affordable or workforce housing of this zoning district.

(2) Only the square footage within the unit itself shall count for the square footage above the as of right height.

(3) The housing shall be provided prior to the development obtaining a certificate of occupancy.

(4) If the housing cannot be provided prior to the development obtaining a certificate of occupancy, a contribution into the public benefits trust fund shall be made in the amount identified in appendix A for each one-half square foot of floor area that is above the as of right height.

**Sec. 142-1201. – Citywide public benefits fund.**

(a) The city has established a Citywide Public Benefits Fund. The revenue generated through the Citywide Public Benefits Program in section 142-1200 shall be deposited in the Citywide Public Benefits Fund. Interest earned under the account shall be used solely for the purposes specified for funds of such account.

(b) Earned fees in the Citywide Public Benefits Fund shall be utilized for the purposes outlined herein:

(1) Development of workforce and affordable housing;

(2) Acquisition of housing units to provide workforce and affordable housing;

(3) Workforce and affordable housing rent subsidies;

(4) Private property maintenance and rehabilitation grants in exchange for long-term maintenance of naturally occurring workforce and affordable rents, as more specifically determined by the Housing Department and in accordance with Chapter 58 of the City Code; and

(5) Initiatives that increase access to workforce and affordable housing.

(c) All expenditures from these funds shall require city commission approval. Prior to the approval of any expenditure of funds by the city commission, the city manager or designee shall provide a recommendation.

**SECTION 2.** Append A – Fee Schedule of the Code of the City of Miami Beach is hereby amended as follows:

**APPENDIX A - FEE SCHEDULE**

**FEE SCHEDULE**

Pursuant to section 1-15 of this Code, this appendix includes all fees and charges established by the city commission that are referred to in the indicated sections of the Code of

Ordinances. Certain specified fees and charges, as identified herein, shall be subject to annual adjustment by the city manager, pursuant to the provisions of section 1-15 and this Appendix "A". A schedule of all current city fees and charges as set forth in Appendix "A" shall be maintained on the city's website.

\* \* \*

<i>Section of this Code</i>	<i>Description</i>	<i>Amount</i>
	<b>Subpart B. Land Development Regulations</b>	
	* * *	
	<b>Chapter 142. Zoning Districts and Regulations</b>	
	* * *	
<u>142-1200 (a)</u>	<u>Citywide public benefits, per unit identified in LDRs</u>	<u>5.00</u>

**SECTION 3. 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 4. 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 5. 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 \_\_\_\_\_, 2020.

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

ATTEST:

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

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

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City Attorney

Date

First Reading: , 2020

Second Reading: , 2020

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

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