

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: May 23, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0114. Affordable Housing**

REQUEST

PB 17-0114. AFFORDABLE HOUSING. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS; BY AMENDING CHAPTER 58, "HOUSING," BY ESTABLISHING ARTICLE V, "HOUSING FOR LOW AND/OR MODERATE INCOME ELDERLY PERSONS"; PROVIDING CODIFICATION; BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," AT SECTION 114-1, "DEFINITIONS," TO ESTABLISH BY REFERENCE TO CHAPTER 58, "HOUSING" DEFINITIONS FOR NON-ELDERLY AND ELDERLY LOW AND MODERATE INCOME HOUSING; BY AMENDING CHAPTER 130, "OFF-STREET PARKING," AT SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," AND SECTION 130-33, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICTS NOS. 2, 3, 4, 5, 6, AND 7." BY AMENDING THE PARKING REQUIREMENTS FOR LOW AND/OR MODERATE INCOME NON-ELDERLY AND ELDERLY PERSONS; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," SUBDIVISION V, "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," DIVISION 6, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT," DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," DIVISION 20, "TC NORTH BEACH TOWN CENTER DISTRICTS," BY STRIKING ALL REFERENCE TO SECTION 142-1183 ENTITLED "UNIT SIZE" AND CREATING NEW MINIMUM AND AVERAGE APARTMENT UNIT SIZES FOR NON-ELDERLY AND ELDERLY LOW AND MODERATE INCOME HOUSING; BY AMENDING ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 6, "HOUSING FOR LOW AND/OR MODERATE INCOME ELDERLY PERSONS," BY STRIKING THIS DIVISION; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION:

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

HISTORY

On January 25, 2017 the City Commission held a workforce and affordable housing workshop. As part of this workshop, the Commission recommended that the following matters be referred to the Land Use and Development Committee for discussion and recommendation:

1. The requirements of Miami-Dade County for municipalities to establish workforce housing action plans; and
2. Applicable Comprehensive Plan Amendments and potential incentives, as it pertains to workforce housing in the City.

On February 15, 2017, the Land Use Committee discussed these items and recommended that the following amendments to the Comprehensive Plan and Land Development Regulations be referred to the Planning Board:

1. Amend the Comprehensive Plan to reduce the goal of workforce and affordable units from the current 16,000 to 6,300, as well as amend applicable objectives, policies and goals related to maximum densities.
2. Amend the Land Development Regulations to provide minimum and average unit size reductions for workforce and affordable housing projects.
3. Amend the Land Development Regulations to provide required off-street parking reductions for workforce and affordable housing projects.

On March 1, 2017, at the request of Commissioner John Aleman, the Mayor and City Commission referred the subject item to Planning Board.

REVIEW CRITERIA

In accordance with Section 118-163 (3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

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

Consistent – The proposed modifications are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan, as proposed to be modified (See PB17-0117).

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

Not Applicable – The proposed amendment does not modify district boundaries.

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

Not Applicable – The proposed Ordinance will not modify the scale of development.

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

Consistent – The proposed will not modify the intensity of development.

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

Not Applicable – The existing boundaries are not proposed to be modified by the proposed Ordinance.

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

Consistent – In order to further facilitate the construction of affordable housing, the proposed changes are necessary.

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

Consistent – The proposed change 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 – The proposed change will not impact the levels of service set forth in the Comprehensive Plan.

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

Consistent – The proposal does not modify the scale of development and will not reduce light and air to adjacent areas.

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

Consistent – The proposed change should 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 proposal will not be a deterrent to the improvement or development of adjacent property.

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.

ANALYSIS

The City Code contains policies intended to facilitate development of affordable housing for low and/or moderate income elderly persons. The initial regulations adopted in 2008 reduced the parking requirements and the minimum average unit size for projects in new and rehabilitated buildings, in order to make such projects more affordable. In order to ensure that the purpose of the amendment was met, the ordinance contained specific definitions and mandatory criteria for such qualifying projects.

In 2011, the Code was further modified to extend these policies to affordable housing projects certified for low and/or moderate income non-elderly persons. The minimum unit size was set at and 400 square feet for rehabilitated buildings and 550 square feet for new construction.

Currently, the development regulations for affordable low and/or moderate elderly and non-elderly persons is contained within Article IV, Division 6, "Housing for Low and/or Moderate Income Non-elderly and elderly persons," of the Land Development Regulations. This Ordinance proposes to relocate this to the housing division under Chapter 58, "Housing".

In order to further facilitate the construction of affordable housing, this ordinance reduces the minimum and average unit size to 400 square feet across all zoning districts within the City where multifamily residential units are allowed. It also reduces the parking requirements from 0.5 to zero (0) for elderly housing, and from 1 (one) to 0.5 for low and/or moderate income non-elderly persons. It also would allow the number of affordable housing units on a site with an existing building to be increased (both within an existing building, and within any new construction on site), with no additional parking requirements.

RECOMMENDATION

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

TRM/MAB

**AFFORDABLE HOUSING UNIT SIZE AND PARKING REQUIREMENTS
ORDINANCE NO. _____**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS; BY AMENDING CHAPTER 58, "HOUSING," BY ESTABLISHING ARTICLE V, "HOUSING FOR LOW AND/OR MODERATE INCOME ELDERLY PERSONS"; PROVIDING CODIFICATION; BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," AT SECTION 114-1, "DEFINITIONS," TO ESTABLISH BY REFERENCE TO CHAPTER 58, "HOUSING" DEFINITIONS FOR NON-ELDERLY AND ELDERLY LOW AND MODERATE INCOME HOUSING; BY AMENDING CHAPTER 130, "OFF-STREET PARKING," AT SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," AND SECTION 130-33, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICTS NOS. 2, 3, 4, 5, 6, AND 7." BY AMENDING THE PARKING REQUIREMENTS FOR LOW AND/OR MODERATE INCOME NON-ELDERLY AND ELDERLY PERSONS; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," SUBDIVISION V. "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," DIVISION 4. "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," DIVISION 5. "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," DIVISION 6. "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT," DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," DIVISION 20, "TC NORTH BEACH TOWN CENTER DISTRICTS," BY STRIKING ALL REFERENCE TO SECTION 142-1183 ENTITLED "UNIT SIZE" AND CREATING NEW MINIMUM AND AVERAGE APARTMENT UNIT SIZES FOR NON-ELDERLY AND ELDERLY LOW AND MODERATE INCOME HOUSING; BY AMENDING ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 6, "HOUSING FOR LOW AND/OR MODERATE INCOME ELDERLY PERSONS," BY STRIKING THIS DIVISION; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, it is necessary to review development regulations from time to time and adapt those regulations to changing needs; and

WHEREAS, there is a need to further facilitate and provide for clean, secure and dignified housing for low and/or moderate income elderly and non-elderly persons ; and

WHEREAS, the City seeks to increase the supply of both low-income and moderate-income housing; and

WHEREAS, Chapter 130 of the Land Development Regulations of the City Code contains various provisions related to off-street parking ; and

WHEREAS, the City proposes to eliminate requirements that mandate a minimum number of parking spaces for new housing Development, or to limit the amount of parking; and

WHEREAS, there is no good reason for the government to force the private market to produce parking spaces for every housing unit built, when there are locations with high-quality transit, which could incentive public transportation, and as such, the City seeks to set *maximum* parking requirements that limit how much parking each unit can have; and

WHEREAS, the proposed regulations would further facilitate new construction or rehabilitated housing units for low and/or moderate income housing for elderly and non-elderly persons by reducing the parking requirements; and

WHEREAS, these proposed regulations will not affect the general health, safety and welfare of the residents of the City; and

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 58, "Housing," Article V, "Housing for Low and/or moderate income non elderly and elderly persons," is hereby established as follows:

Article V. - Housing for Low and/or moderate income non elderly and elderly persons

DIVISION 1. - GENERALLY

Sec. 58-400. - Purpose.

The purpose of this division is to create definitions and mandatory requirements for new construction or rehabilitation of housing units for low and/or moderate income elderly and non-elderly persons in order to facilitate and provide for clean, secure and dignified housing.

Sec. 58-401. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Elderly person means a person who is at least 62 years of age.

Non-elderly person is a person who is of legal age but less than 62 years of age.

Elderly household means a one- or two-person household in which the head of the household or spouse is at least 62 years of age.

Non-elderly household is a one- or two-person household in which the head of the household or spouse is of legal age but less than 62 years of age.

Housing for low and/or moderate income elderly is not homes or institutions for the aged, which are primarily assisted living facilities, convalescent or nursing homes.

Low income means households whose incomes do not exceed 50 percent of the median income for the area as determined by the U.S. Department of Housing and Urban Development.

Moderate income means households whose incomes are between 51 percent and 80 percent of the median income for the area as determined by the U.S. Department of Housing and Urban Development.

Sec. 58-403. - Mandatory criteria.

Developments qualifying for the minimum and average unit size for non-elderly and elderly low and moderate income housing shall meet all of the following mandatory criteria:

- (1) The development shall be publicly owned or nonprofit sponsored and owned, or developed by for-profit organizations utilizing public funds.
- (2) The applicant shall submit written certification from the corresponding state or federal agency in charge of the program.
- (3) 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.
- (4) A covenant running with the land restricting the use of the property for housing for low and/or moderate income non-elderly and elderly persons for a period of no less than 30 years shall be executed by the owner of the property, approved as to form and content by the city attorney, recorded in the public records of Miami-Dade County and shall be submitted prior to the issuance of a building permit. The declarations within the covenant are not severable. If a subsequent judicial determination invalidates the age restriction, or the covenant, the city shall not issue a certificate of use and occupancy for a new use until the property owner satisfies the then applicable unit size regulations under this Code.
- (5) Should the property change from housing for low and moderate income non-elderly and elderly persons during the covenant period or thereafter, the property shall comply with all applicable development regulations existing at the time of the proposed change, including, but not limited to, minimum and average unit sizes and parking requirements.

SECTION 2. Section 114-1, "Definitions", is amended as follows:

* * *

Non-elderly and elderly low and moderate income housing, shall be as defined in Chapter 58, Article V.

* * *

SECTION 3. Section 130-32, "Off-street parking requirements for parking district no. 1", is amended as follows:

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

* * *

(6A) *Housing for low and/or moderate income non-elderly and elderly persons, as defined in Chapter 58, Article V.* For purposes of this regulation, the following definitions shall apply:

~~Elderly person~~ shall be defined as a person who is at least 62 years of age.

~~Non-elderly person~~ is a person who is of legal age but less than 62 years of age.

~~Elderly household~~ means a one or two-person household in which the head of the household or spouse is at least 62 years of age.

~~Non-elderly household~~ means a one or two-person household in which the head of the household or spouse is of legal age but less than 62 years of age.

~~Housing for the elderly~~ shall not be construed as homes or institutions for the aged, which are primarily assisted living facilities, convalescent or nursing homes.

~~Low income~~ means households whose incomes do not exceed 50 percent of the median income for the area as determined by the U.S. Department of Housing and Urban Development.

~~Moderate income~~ means households whose incomes are between 51 percent and 80 percent of the median income for the area as determined by the U.S. Department of Housing and Urban Development.

~~Parking requirements for housing for low and/or moderate income non-elderly and elderly persons:~~

- a. ~~0.5~~ Zero (0) parking space per dwelling unit for elderly housing.
- b. ~~1.00~~ The parking requirements shall be the same as specified in section 130-32 (6), above, or 0.5 parking spaces per unit, whichever is less, per dwelling unit of 800 square feet or less for non-elderly low and/or moderate income housing. Units larger than 800 square feet shall meet the required parking as provided in (6)a., b., and c., as applicable. 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 118-395 (b), Repair and/or rehabilitation of nonconforming buildings and uses.
- c. For the purposes of this section only, housing for low and/or moderate income non-elderly and elderly persons shall be publicly owned or nonprofit sponsored and owned, or developed by for-profit organizations.
- d. The applicant shall submit written certification from the corresponding state or federal agency in charge of the program.
- e. ~~Off-street parking, pursuant to this section, shall be permitted only after a finding by the planning director that, in view of the location of such housing~~

~~and the economic status of anticipated occupants, the proposed parking will be adequate to serve proposed occupants, visitors and employees, including the proposed unit size and likelihood that the occupants will have a need for parking.~~

- f. A covenant running with the land restricting the use of the property for housing for low and/or moderate income non-elderly and elderly persons for a period of no less than 30 years shall be executed by the owner of the property, approved as to form by the city attorney, recorded in the public records of the county and shall be submitted prior to the issuance of a building permit. The declarations within the covenant are not severable. If a subsequent judicial determination invalidates the age restriction in this section, or the covenant, 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.
- g. 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.

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SECTION 4. Section 130-33, "Off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, and 7.", is amended as follows:

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking districts nos. 2, 3, 4 and 5 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. There shall be no off-street parking requirement for uses in this parking district except for those listed below:

* * *

(1A) Housing for low and/or moderate income non-elderly and elderly persons, as defined in Chapter 58, Article V of the City Code. ~~For purposes of this regulation, the following definitions shall apply:~~

~~Elderly person shall be defined as a person who is at least 62 years of age.~~

~~Non-elderly person is a person who is of legal age but less than 62 years of age.~~

~~Elderly household means a one or two person household in which the head of the household or spouse is at least 62 years of age.~~

~~Non-elderly household means a one- or two-person household in which the head of the household or spouse is of legal age but less than 62 years of age.~~

~~Housing for the elderly shall not be construed as homes or institutions for the aged, which are primarily assisted living facilities, convalescent or nursing homes.~~

~~Low income means households whose incomes do not exceed 50 percent of the median income for the area as determined by the U.S. Department of Housing and Urban Development.~~

~~Moderate income means households whose incomes are between 51 percent and 80 percent of the median income for the area as determined by the U.S. Department of Housing and Urban Development.~~

~~Parking requirements for housing for low and/or moderate income non-elderly and elderly persons:~~

- a. ~~0.5~~ Zero (0) parking space per dwelling unit for elderly housing.
- b. 4.00 The parking requirements shall be the same as specified in section 130-32 (6) above or 0.5 parking spaces per unit, whichever is less, per dwelling unit of 800 square feet or less for non-elderly low and/or moderate income housing. Units larger than 800 square feet shall meet the required parking as provided in (6)a., b., and c., as applicable. 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 118-395 (b), Repair and/or rehabilitation of nonconforming buildings and uses.
- c. For the purposes of this section only, housing for low and/or moderate income non-elderly and elderly persons shall be publicly owned or nonprofit sponsored and owned, or developed by for-profit organizations.
- d. The applicant shall submit written certification from the corresponding state or federal agency in charge of the program.
- e. ~~Off-street parking, pursuant to this section, shall be permitted only after a finding by the planning director that, in view of the location of such housing and the economic status of anticipated occupants, the proposed parking will be adequate to serve proposed occupants, visitors and employees, including the proposed unit size and likelihood that the occupants will have a need for parking.~~
- f. A covenant running with the land restricting the use of the property for housing for low and/or moderate income non-elderly and elderly persons for a period of no less than 30 years shall be executed by the owner of the property, approved as to form by the city attorney, recorded in the public records of the county and shall be submitted prior to the issuance of a

building permit. The declarations within the covenant are not severable. If a subsequent judicial determination invalidates the age restriction in this section, or the covenant, 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.

- g. 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.

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SECTION 5. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity" is hereby amended as follows:

Sec. 142-155. Development regulations and area requirements.

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- (b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
5,600	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing; <u>See section 142-1483 – 400</u> Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted.</p>	<p>New construction—800 Non-elderly and elderly low and moderate income housing: <u>See section 142-1483 – 400</u> Rehabilitated buildings—550</p>	<p>Historic district—40 Flamingo Park Local Historic District—35 (except as provided in section 142-1161) Otherwise—50</p>	<p>Historic district—4 Flamingo Park Local Historic District—3 (except as provided in section 142-1161) Otherwise—5</p>

		Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.			
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SECTION 6. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity" is hereby amended as follows:

Sec. 142-217. - Area requirements.

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
7,000	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 <u>400</u> Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p>	<p>New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 <u>400</u> Rehabilitated buildings—550 Hotel units—N/A</p>	<p>Historic district—50 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—75 Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—75 Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—85 Otherwise—60 Lots fronting Biscayne Bay less than 45,000 sq. ft.—100 Lots fronting Biscayne Bay over 45,000 sq. ft.—140 Lots fronting Atlantic Ocean over 100,000 sq. ft.—140 Lots fronting</p>	<p>Historic district—5 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—8 Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—8 Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—8 Otherwise—6 Lots fronting Biscayne Bay less than 45,000 sq. ft.—11 Lots fronting Biscayne Bay over 45,000 sq. ft.—15 Lots fronting Atlantic Ocean over 100,000 sq. ft.—15 Lots fronting</p>

				Atlantic Ocean with a property line within 250 feet of North Shore Open Space Park Boundary—200	Atlantic Ocean with a property line within 250 feet of North Shore Open Space parking Boundary—21
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SECTION 7. Chapter 142, “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 3, “Residential Multifamily Districts,” Subdivision V, “RM-3 Residential Multifamily, High Intensity” is hereby amended as follows:

Sec. 142-246. Development regulations and area requirements.

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- (b) The lot area, lot width, unit size and building height requirements for the RM-3 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
7,000	50	<p>New construction—550</p> <p>Non-elderly and elderly low and moderate income housing: See section 142-1183 -400</p> <p>Rehabilitated buildings—400</p> <p>Hotel units:</p> <p>15%: 300—335</p> <p>85%: 335+</p> <p>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p>	<p>New construction—800</p> <p>Non-elderly and elderly low and moderate income housing: See section 142-1183 -400</p> <p>Rehabilitated buildings—550</p> <p>Hotel units—N/A</p>	<p>150</p> <p>Oceanfront lots—200</p> <p>Architectural dist.: New construction—120; ground floor additions (whether attached or detached) to existing structures on oceanfront lots—50 (except as provided in section 142-1161)</p>	<p>16</p> <p>Oceanfront lots—22</p> <p>Architectural dist.: New construction—13; ground floor additions (whether attached or detached) to existing structures on oceanfront lots—5 (except as provided in section 142-1161)</p>

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SECTION 8. Chapter 142, “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 4, “CD-1 Commercial, Low Intensity District” is hereby amended as follows:

Sec. 142-276. Development regulations.

The development regulations in the CD-1 commercial, low intensity district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
1.0	Commercial—None Residential—5,600	Commercial—None Residential—50	Commercial—N/A New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing: See section 142-1183, 400. Hotel unit: 15%: 300—335 85%: 335+	Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See section 142-1183, 400 Hotel units—N/A	40 (except as provided in section 142-1161)	4 (except as provided in section 142-1161)

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SECTION 9. Chapter 142, “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 5, “CD-2 Commercial, Medium Intensity District” is hereby amended as follows:

Sec. 142-306. Development regulations.

The development regulations in the CD-2 commercial, medium intensity district are as follows:

Maximum Floor Area	Minimum Lot Area (Square	Minimum Lot Width	Minimum Apartment Unit Size	Average Apartment Unit Size	Maximum Building Height	Maximum Number
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Ratio	Feet)	(Feet)	(Square Feet)	(Square Feet)	(Feet)	of Stories
1.5	Commercial—None Residential—7,000	Commercial—None Residential—50	Commercial—N/A New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing: See section 142-1183 -400. Hotel unit: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square foot minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.	Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 400 Hotel units—N/A	50 (except as provided in section 142-1161). Self-storage warehouse - 40 feet, except that the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley Mixed-use and commercial buildings that include structured parking for properties on the west side of Alton Road from 6th Street to Collins Canal - 60 feet.	5 (except as provided in section 142-1161) Self-storage warehouse: 4

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SECTION 10. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 6, "CD-3 Commercial, High Intensity District" is hereby amended as follows:

Sec. 142-337. Development regulations and area requirements.

* * *

(c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
Commercial—None Residential—7,000	Commercial—None Residential—50	Commercial—N/A New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing: See section 142-1183 400. Hotel unit: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided	Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 400 Hotel units—N/A	75 feet. Lots within the architectural district: 50 feet. Lots fronting on 17th Street: 80 feet. City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 100 feet. Notwithstanding the foregoing requirement for City Center Area, the following additional shall apply: The height for lots fronting on Lincoln Road and 16th Street between Drexel Avenue and Washington Avenue are limited to 50 feet for the first 50' of lot depth.	7 stories. Lots within the agricultural district: 5 stories. Lots fronting on 17th Street: 7 stories. City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 11 stories, subject to the applicable height restrictions (except as provided in section 142-1161).

		the 200 square foot minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.		The height for lots fronting on Drexel Avenue is limited to 50 feet for the first 25' of lot depth (except as provided in section 142-1161).	
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SECTION 11. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 13, "MXE Mixed Use Entertainment District," is hereby amended as follows:

Sec. 142-545. Development regulations.

The development regulations in the MXE mixed use entertainment district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
All uses—2.0 Except convention hotel development (as set forth in section 142-841)—3.5	N/A	N/A	Existing structures: Apartment units—400 <u>Non-elderly and elderly low and moderate income housing—400.</u> Hotel units—in a local historic district/site—200 Otherwise: 15%: 300—335 85%: 335+ New construction: Apartment units—550 Hotel units: 15%: 300—335 85%: 335+	Existing structures: Apartment units—550 Hotel units—N/A New construction: Apartment units—800 Hotel units—N/A <u>Non-elderly and elderly low and moderate income housing—400.</u>	Architectural district: Oceanfront—150 Non-oceanfront—50 (except as provided in section 142-1161) All other areas—75 (except as provided in section 142-1161)	Architectural district: Oceanfront—16 Non-oceanfront—5 (except as provided in section 142-1161) All other areas—8 (except as provided in section 142-1161)

* * *

SECTION 12. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," is hereby amended as follows:

Sec. 142-696. Residential Performance Standard Area Requirements.

The residential performance standard area requirements are as follows:

	Residential Subdistricts			
<i>Performance Standard</i>	<i>R-PS1</i>	<i>R-PS2</i>	<i>R-PS3</i>	<i>R-PS4</i>
Minimum lot area	5,750 square feet	5,750 square feet	5,750 square feet	5,750 square feet
Minimum lot width	50 feet	50 feet	50 feet	50 feet
Required open space ratio	0.60, See section 142-704	0.65, See section 142-704	0.70, See section 142-704	0.70, See section 142-704
Maximum building height*	45 feet Lots 50 feet wide or less—40 feet	45 feet Lots 50 feet wide or less—40 feet	50 feet Lots 50 feet wide or less—40 feet	Nonoceanfront—80 feet; Oceanfront—100 feet; Lots 50 feet wide or less—40 feet
Maximum number of stories	5 Lots 50 feet wide or less—4	5 Lots 50 feet wide or less—4	5 Lots 50 feet wide or less—4	Nonoceanfront—8 Oceanfront—11 Lots 50 feet wide or less—4 In the Ocean Beach Historic District—7
Maximum floor area ratio	1.25	1.50	1.75	2.0
Minimum floor area per apartment unit (square feet); except as provided in section 142-1183 for elderly and low and moderate income non-elderly housing	New construction—700 Rehabilitated buildings—400 <u>Non-elderly and elderly low and moderate income housing—400.</u>	New construction—650 Rehabilitated buildings—400 <u>Non-elderly and elderly low and moderate income housing—400.</u>	New construction—600 Rehabilitated buildings—400 <u>Non-elderly and elderly low and moderate income housing—400.</u>	New construction—550 Rehabilitated buildings—400 <u>Non-elderly and elderly low and moderate income housing—400.</u>

Minimum average floor area per apartment unit (square feet); except as provided in section 142-1183 for elderly and low and moderate income non-elderly housing	New construction—900 Rehabilitated buildings—550 <u>Non-elderly and elderly low and moderate income housing—400.</u>	New construction—900 Rehabilitated buildings—550 <u>Non-elderly and elderly low and moderate income housing—400.</u>	New construction—850 Rehabilitated buildings—550 <u>Non-elderly and elderly low and moderate income housing—400.</u>	New construction—800 Rehabilitated buildings—550 <u>Non-elderly and elderly low and moderate income housing—400.</u>
Minimum floor area per hotel unit (square feet)	N/A	N/A	15% = 300—335 square feet 85% = 335+ square feet	15% = 300—335 square feet 85% = 335+ square feet
Minimum parking	Pursuant to chapter 130 and section 142-705 requirement.			
Minimum off-street loading	Pursuant to chapter 130, article III.			
Signs	Pursuant to chapter 138.			
Suites hotel	Pursuant to article IV, division 3 of this chapter.			

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Sec. 142-698. - Commercial performance standard area requirements.

(b) The commercial performance standard area requirements are as follows:

	Commercial Subdistricts			
Performance Standard	C-PS1	C-PS2	C-PS3	C-PS4
Minimum lot area	6,000 square feet	6,000 square feet	6,000 square feet	6,000 square feet
Minimum lot	50 feet	50 feet	50 feet	50 feet

width				
Maximum building height	40 feet; 75 feet for the Block 51 Properties, the Block 51 Swap Property, Block 52 Properties, and Block 1 Properties	50 feet—East of Lenox Avenue 75 feet—West of Lenox Avenue	Non-oceanfront—80 feet Oceanfront—100 feet	150
Maximum number of stories	4; 8 for the Block 51 Properties, the Block 51 Swap Property, Block 52 Properties; Block 1 Properties	5—East of Lenox Avenue 7—West of Lenox Avenue	Non-oceanfront—8 Oceanfront—11	16
Maximum floor area ratio	1.0; 1.5 for the Block 51 Properties and Block 52 Properties, and 2.0 for the Block 1 Properties	2.0	2.5	2.5
Residential and/or hotel development	Pursuant to all R-PS2 district regulations, except maximum building height for residential and mixed use buildings shall be 75 feet	Pursuant to all R-PS3 district regulations, except maximum building height for residential and mixed use buildings shall be 75 feet	Pursuant to all R-PS4 district regulations except maximum floor area ratio shall be 2.5; on the Goodman Terrace and Hinson Parcels, the FAR shall be that necessary to achieve 305,500 sq. ft. (estimated at 3.2 FAR), 30 stories and 300 ft. height maximum for the Goodman Terrace and Hinson Parcels, and open space ratio 0.60 measured at or above grade	Pursuant to all R-PS4 district regulations, except maximum floor area ratio shall be 2.5, and open space ratio 0.60 measured at or above grade

Minimum apartment unit size (square feet)	New construction—650 Rehabilitated buildings—400 <u>Non-elderly and elderly low and moderate income housing—400.</u>	New construction—600 Rehabilitated buildings—400 <u>Non-elderly and elderly low and moderate income housing—400.</u>	New construction—550 Rehabilitated buildings—400 <u>Non-elderly and elderly low and moderate income housing—400.</u>	New construction—550 Rehabilitated buildings—400 <u>Non-elderly and elderly low and moderate income housing—400.</u>
Average apartment unit size (square feet)	New construction—900 Rehabilitated buildings—550 <u>Non-elderly and elderly low and moderate income housing—400.</u>	New construction—850 Rehabilitated buildings—550 <u>Non-elderly and elderly low and moderate income housing—400.</u>	New construction—800 Rehabilitated buildings—550 <u>Non-elderly and elderly low and moderate income housing—400.</u>	New construction—800 Rehabilitated buildings—550 <u>Non-elderly and elderly low and moderate income housing—400.</u>
Minimum floor area per hotel unit (square feet)	15% = 300—335 square feet; 85% = 335 + square feet in all districts.			
Minimum parking requirements	Pursuant to chapter 130 and section 142-702 requirement.			
Minimum off-street loading	Pursuant to chapter 130.			
Signs	Pursuant to chapter 138.			

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Sec. 142-701. - Residential limited mixed use performance standards.

Residential limited mixed use performance standards shall be as follows:

Mixed Subdistricts	
Performance Standard	RM-PS1
Minimum site area	120,000
Minimum site width	350 feet

Required open space ratio	0.60
Maximum building height	60 feet above ground or above enclosed parking
Maximum number of stories	6 stories above ground or above enclosed parking
Maximum floor area ratio	1.5
Minimum floor area per apartment unit (square feet)	600 <u>Non-elderly and elderly low and moderate income housing—400.</u>
Minimum average floor area per apartment unit (square feet)	1,000 <u>Non-elderly and elderly low and moderate income housing—400.</u>
Minimum floor area per hotel unit (square feet)	N/A
Minimum parking	Pursuant to chapter 130 and subsection 142-706(c) requirement herein
Minimum off-street loading	Pursuant to chapter 130, article IV
Signs	Pursuant to chapter 138
Suites hotel	N/A

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SECTION 13. Chapter 142, “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 20, “TC North Beach Town Center Districts,” is hereby amended as follows:

Sec. 142-737. - Development regulations.

(a) The development regulations in the TC-1, TC-2 and TC-3 town center districts are as follows:

District	Minimum Lot Area	Minimum Lot Width	Minimum Apartment Unit Size (square feet)	Average Apartment Unit Size (square feet)
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TC-1 Town Center Core	Commercial—None	Commercial—None	Commercial—N/A	Commercial—N/A
TC-2 Town Center Mixed-use	Residential—6,250 sq. ft.	Residential—50 feet	New construction—550	New Construction—800
TC-3 Town Center Residential Office			Rehabilitated building—400	Rehabilitated building—No minimum
			Elderly housing—See Section 142-1183 -Non-elderly and elderly low and moderate income housing—400.	Elderly housing—See section 142-1183 -Non-elderly and elderly low and moderate income housing—400.
			Hotel units 15%: 300—335 85%: 335+	Hotel units—N/A

SECTION 14. Chapter 142, “Zoning Districts and Regulations,” Article IV, “Supplementary District Regulations,” Division 6, “Housing for low and/or moderate income non-elderly and elderly persons,” is hereby amended as follows:

~~DIVISION 6.-- HOUSING FOR LOW AND/OR MODERATE INCOME NON-ELDERLY AND ELDERLY PERSONS~~

Sec. 142-1181 – 142-1184. Reserved.

~~Sec. 142-1181.-- Purpose.~~

~~The purpose of this division is to create definitions and mandatory requirements for new construction or rehabilitation of housing units for low and/or moderate income elderly and non-elderly persons in order to facilitate and provide for clean, secure and dignified housing.~~

~~Sec. 142-1182.-- Definitions.~~

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Elderly person means a person who is at least 62 years of age.~~

~~Non-elderly person is a person who is of legal age but less than 62 years of age.~~

~~Elderly household means a one- or two-person household in which the head of the household or spouse is at least 62 years of age.~~

~~Non-elderly household is a one- or two-person household in which the head of the household or spouse is of legal age but less than 62 years of age.~~

~~Housing for low and/or moderate income elderly is not homes or institutions for the aged, which are primarily assisted living facilities, convalescent or nursing homes.~~

~~Low income means households whose incomes do not exceed 50 percent of the median income for the area as determined by the U.S. Department of Housing and Urban Development.~~

~~Moderate income means households whose incomes are between 51 percent and 80 percent of the median income for the area as determined by the U.S. Department of Housing and Urban Development.~~

~~Sec. 142-1183.- Unit size.~~

~~The minimum and average unit size for new construction for low and/or moderate income non-elderly and elderly housing meeting the mandatory criteria of section 142-1184 shall be 550 square feet in all multifamily and commercial districts. The minimum and average unit size for rehabilitated buildings for this type of development shall be 400 square feet in all multifamily and commercial districts. Nonconforming buildings shall comply with the regulations set forth in section 118-395, Repair and/or renovation of nonconforming buildings and uses, with the exception of unit size, which shall be governed by this section.~~

~~Sec. 142-1184.- Mandatory criteria.~~

~~Developments qualifying for the minimum and average unit size under this division shall meet all of the following mandatory criteria:~~

- ~~(1) The development shall be publicly owned or nonprofit sponsored and owned, or developed by for-profit organizations utilizing public funds.~~
- ~~(2) The applicant shall submit written certification from the corresponding state or federal agency in charge of the program.~~
- ~~(3) 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.~~
- ~~(4) A covenant running with the land restricting the use of the property for housing for low and/or moderate income non-elderly and elderly persons for a period of no less than 30 years shall be executed by the owner of the property, approved as to form and content by the city attorney, recorded in the public records of Miami-Dade County and shall be submitted prior to the issuance of a building permit. The declarations within the covenant are not severable. If a subsequent judicial determination invalidates the age restriction, or the covenant, the city shall not issue a certificate of use and~~

~~occupancy for a new use until the property owner satisfies the then applicable unit size regulations under this Code.~~

- ~~(5) Should the property change from housing for low and moderate income non-elderly and elderly persons during the covenant period or thereafter, the property shall comply with all applicable development regulations existing at the time of the proposed change, including, but not limited to, minimum and average unit sizes and parking requirements.~~

SECTION 15. REPEALER.

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

SECTION 16. 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 17. SEVERABILITY.

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

SECTION 18. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2017.

Philip Levine
Mayor

ATTEST:

Rafael E. Granado
City Clerk

First Reading:
Second Reading:

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