

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 17-0116. Workforce Housing**

REQUEST

PB 17-0116. WORKFORCE HOUSING. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A – GENERAL ORDINANCES, OF THE CITY CODE, BY AMENDING CHAPTER 58 “HOUSING”, BY CREATING ARTICLE VI, ENTITLED “WORKFORCE HOUSING;” SECTIONS 58-500 THROUGH 58-510; PROVIDING FOR DEFINITIONS, REQUIREMENTS AND INCENTIVES TO PROVIDE WORKFORCE HOUSING; ELIGIBILITY FOR TENANCY, ENFORCEMENT, AND PENALTIES; 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 ESTABLISHING PARKING REQUIREMENTS FOR WORKFORCE HOUSING UNITS; 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 CREATING NEW MINIMUM AND AVERAGE APARTMENT UNIT SIZES FOR WORKFORCE HOUSING UNITS; 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

Purpose:

The proposed Ordinance would establish Division VI, "Workforce Housing", within Chapter 58, "Housing," of the City Code with the stated purpose: The purpose of this chapter is to enhance the public welfare by ensuring that the housing needs of the city are addressed. The city finds that there is a critical shortage of affordable and workforce housing, making residency on Miami Beach by the majority of city resident workers extremely difficult, and creating a shortage of affordable rental units. The resident workforce is leaving the city in search of affordable housing, and new employees are being deterred by the high cost of living. To maintain a sufficient resident workforce in all fields of employment, and to ensure the public safety and general welfare of the residents of the City, resident workforce housing needs must be addressed. It is the intent of this division to encourage the provision and maintenance of residential workforce housing units, for rental, to meet the needs of income-qualified households for city employees, the general workforce in the city, and students.

Definitions:

The following definitions will be established as part of the program's implementation:

Area median income means the median income level for the Miami-Dade County Metropolitan Statistical Area, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, and adjusted for household size.

Certificate of qualification means a certificate issued by the city administration establishing a qualified household's eligibility to purchase or rent a workforce housing unit. Certificates of qualification shall be valid for 12 months. The certification criteria shall be set forth below.

Control period means each 20-year period during which the affordability restrictions imposed by this division shall apply. The control period begins at the time of any sale or resale of the affected unit.

Covered development means all developments providing workforce housing units pursuant to this division.

Department means the city's department of housing, or any successor department.

Developer means any person, firm, corporation, partnership, limited liability company,

association, joint venture, or any entity or combination of entities that apply for development orders or permits for residential dwelling units for workforce housing purposes as defined in this division.

Eligible household means, subject to the provisions of this division, a household whose total income is between 65 and 140 percent of area median income.

Eligible household income means any income derived from any proposed occupants of a workforce housing unit who are 18 years of age or older and who will use the workforce housing unit as their primary residence.

Household means any natural person who occupies a workforce housing unit as his or her primary residence.

Market rate dwelling units means all dwelling units in a covered development that are not workforce housing units as defined herein.

Qualified household means an eligible household that has received a certificate of qualification from the department.

Workforce housing unit rent or workforce housing unit rent means rents that do not exceed the maximum monthly rent limits as determined for Miami-Dade County by the U.S. Department of Housing and Urban Development in its annual income limits and rent limits and as used by Florida Housing Finance Corporation for its multifamily rental programs (published annually at <http://www.floridahousing.org>), and established at 65% up to 140% of the median family income.

Mandatory Requirements for Workforce Housing:

At the request of the item sponsor, an additional section has been created in the draft ordinance, which would establish mandatory workforce housing criteria and requirements. Only the following types of projects would be required to provide workforce housing under this ordinance:

- (1) New construction of 50,000 gross square feet or more, regardless of use.
- (2) Any hotel redevelopment or renovation project that increases the number of lodging or dwelling units in a hotel by ten or more.
- (3) New single family home construction in excess of 20,000 square feet of unit size on a single developable building site. (This requirement for large single family homes would be provided with a payment of a fee equal to two percent (2%) of the construction value of the home.

While many cities provide an FAR bonus for projects that include affordable or workforce housing units, because the City Charter requires voter approval for the increase of FAR on a site by any means, such incentive cannot be provided without a public referendum.

Included in the Ordinance is the option to seek a waiver or adjustment of the workforce housing requirements provided that a developer can establish that there is an absence of of any reasonable relationship or nexus between the impact of the development and the number of residential workforce housing units or in-lieu fees required. Such waiver would be a the discretion of the City Commission.

As proposed, applicable developments as noted above would be required to provide a number of workforce housing units equivalent to at least 30% of a development's floor area, regardless of use. While it may be more typical for projects that are already proposing to construct residential units to provide workforce housing, it is the commercial and hotel projects that actually generate the most demand for workers that are in need of workforce housing.

In lieu of providing the workforce housing units, a fee in lieu, equal to \$500 per square foot for non-waterfront properties, and \$1000 per square foot for waterfront properties could be paid to the City. This fee would be utilized by the City to provide workforce housing.

A developer would be required to enter into a residential workforce housing agreement with the City. Although the City would set the rental price for workforce housing units, it would be the responsibility of the developer to offer and manage the rental process and provide to the City, on an annual basis, documentation that establishes compliance with the Ordinance.

The ordinance requires that workforce housing units that are created remain as such for a period of 20 years, and establishes eligibility controls, affordability controls, and enforcement provisions as outlined in the attached Ordinance.

Parking and Unit Size:

In order to further facilitate the construction of workforce housing, and encourage it even when not required, this ordinance also amends 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 in Chapter 130 of the City Code to 0.5 for workforce housing units. Further, it allows workforce housing units to be established on a site with an existing building without providing parking for the existing or additional units. Currently the number of units in a building in general cannot be increased without providing on-site parking. The ordinance would also allow the new construction of workforce housing units on a site with an existing building, without providing any parking. This may encourage smaller in-fill construction of workforce housing units on existing building sites that cannot otherwise provide required off-street parking.

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

**WORKFORCE HOUSING REQUIREMENTS
ORDINANCE NO. _____**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A – GENERAL ORDINANCES, OF THE CITY CODE, BY AMENDING CHAPTER 58 “HOUSING”, BY CREATING ARTICLE VI, ENTITLED “WORKFORCE HOUSING;” SECTIONS 58-500 THROUGH 58-510; PROVIDING FOR DEFINITIONS, REQUIREMENTS AND INCENTIVES TO PROVIDE WORKFORCE HOUSING; ELIGIBILITY FOR TENANCY, ENFORCEMENT, AND PENALTIES; 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 ESTABLISHING PARKING REQUIREMENTS FOR WORKFORCE HOUSING UNITS; 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 CREATING NEW MINIMUM AND AVERAGE APARTMENT UNIT SIZES FOR WORKFORCE HOUSING UNITS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, City of Miami Beach desires to create a program to promote the construction of housing affordable to households with incomes at or below 140% of the area-wide median income; and

WHEREAS, 51 percent of the City households are paying more than 30 percent of their income towards housing; and

WHEREAS, 20 percent of all homeowners on Miami Beach are paying 30 percent to 49.9 percent of their household income for housing; and

WHEREAS, 26 percent of all renters are paying 30 percent to 49.0 percent of their household income for housing; and

WHEREAS, 29 percent of all renters are paying 50 percent or more of their household income for housing; and

WHEREAS, the construction of workforce housing is intended to: (1) allow households with incomes at or below 140 percent of the area-wide median income to have greater housing choices in the City; (2) increase the availability of housing in the City for public employees and other workers whose income cannot support the high cost of housing that is located close to their workplace and who, as a result, are increasingly priced out of housing opportunities;

(3) assist City employers in reducing critical labor shortages of skilled and semi-skilled workers by providing housing that will be accessible to the worker's workplaces; and (4) reduce traffic congestion by shortening commute distances for employees who work in the City but who otherwise would live elsewhere and encouraging more employees to live in the city, rather than commute in; and

WHEREAS, the single most important step the City can take to make housing cost less for most people is to change city land development regulations to allow more affordable and workforce housing to be built; and

WHEREAS, there are often market barriers to the construction of housing; and

WHEREAS, it should be possible to increase the supply to the point where people with average-paying jobs can afford to rent apartments without public subsidy; and

WHEREAS, the major constraint on affordable housing is lack of funding; and

WHEREAS, affordable housing developers need subsidies to purchase land, to pay for construction and sometimes to cover operating budgets if affordable rents do not cover costs such as mortgage and utilities; and

WHEREAS, the City and State of Florida do not have a permanent source of affordable housing subsidy, and the elimination of redevelopment agencies has reduced what was the primary source of funding in the state; and

WHEREAS, there are two ways to pay for affordable housing: public funds, which typically support housing for very low-income households and inclusionary zoning, which requires developers to pay for a certain number of below-market rate units within market-rate projects (or pay fees to build affordable housing off site); and

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

WHEREAS, housing units that are "affordable by design" represent an underappreciated component of the region's housing market; and

WHEREAS, these are units that cost less because they are small, efficiently designed and, in many cases, don't come with a parking space; and

WHEREAS, the City desires to make a few key changes to planning and building codes to enable the construction of these "naturally affordable" unsubsidized units; and

WHEREAS, parking structures are expensive to build, if the City requires less parking, the City we could see both reduced housing prices and a more efficient use of urban land; 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

WHEREAS, the City recommends decoupling the cost of parking from the cost of the housing unit so residents can make their own decisions about whether to spend money to buy a parking space or not; and

WHEREAS, the City intends to grow the market for car sharing and bicycle infrastructure — which enable people full mobility without owning (and parking) a car — as a key strategy to bring down the effective cost of housing; and

WHEREAS, charging developers fees on new housing can support some wonderful things: new parks, infrastructure, community facilities and affordable housing; and

WHEREAS, the City seeks to reduce building and land development fees for processing and approving workforce housing projects.

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

SECTION 1. Chapter 58, entitled “Housing,” is amended to create Division VI, entitled “Workforce housing,” as follows:

**CHAPTER 58
HOUSING**

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DIVISION VI. – WORKFORCE HOUSING

Sec. 58-500. - Purpose.

The purpose of this chapter is to enhance the public welfare by ensuring that the housing needs of the city are addressed. The city finds that there is a critical shortage of affordable and workforce housing, making residency on Miami Beach by the majority of city resident workers extremely difficult, and creating a shortage of affordable rental units. The resident workforce is leaving the city in search of affordable housing, and new employees are being deterred by the high cost of living. To maintain a sufficient resident workforce in all fields of employment, and to ensure the public safety and general welfare of the residents of the City, resident workforce housing needs must be addressed. It is the intent of this division to encourage the provision and maintenance of residential workforce housing units, for rental, to meet the needs of income-qualified households for city employees, the general workforce in the city, and students.

Sec. 58-501. Definitions.

The purpose of this division is to create administrative procedures for the implementation of the city’s “Workforce Housing Development Program.”

Area median income means the median income level for the Miami-Dade County Metropolitan Statistical Area, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, and adjusted for household size.

Certificate of qualification means a certificate issued by the city administration establishing a qualified household's eligibility to purchase or rent a workforce housing unit. Certificates of qualification shall be valid for 12 months. The certification criteria shall be set forth below.

Control period means each 20-year period during which the affordability restrictions imposed by this division shall apply. The control period begins at the time of any sale or resale of the affected unit.

Covered development means all developments providing workforce housing units pursuant to this division.

Department means the city's department of housing, or any successor department.

Developer means any person, firm, corporation, partnership, limited liability company, association, joint venture, or any entity or combination of entities that apply for development orders or permits for residential dwelling units for workforce housing purposes as defined in this division.

Eligible household means, subject to the provisions of this division, a household whose total income is between 65 and 140 percent of area median income.

Eligible household income means any income derived from any proposed occupants of a workforce housing unit who are 18 years of age or older and who will use the workforce housing unit as their primary residence.

Household means any natural person who occupies a workforce housing unit as his or her primary residence.

Market rate dwelling units means all dwelling units in a covered development that are not workforce housing units as defined herein.

Qualified household means an eligible household that has received a certificate of qualification from the department.

Workforce housing unit rent or workforce housing unit rent means rents that do not exceed the maximum monthly rent limits as determined for Miami-Dade County by the U.S. Department of Housing and Urban Development in its annual income limits and rent limits and as used by Florida Housing Finance Corporation for its multifamily rental programs (published annually at <http://www.floridahousing.org>), and established at 65% up to 140% of the median family income.

Sec. 58-502. Applicability

(a) Any development, including the subdivision of land and/or the construction of single-family dwelling units, two-family dwelling units, multi-family dwelling units, hotels, and commercial development, whether constructed at one time or over several years, shall be

subject to this division upon final subdivision or building permit approval, whichever is applicable and occurs first, if it will result in the creation of the following:

- (1) New construction of 50,000 gross square feet or more, regardless of use.
- (2) Any hotel redevelopment or renovation project that increases the number of lodging or dwelling units in a hotel by ten or more.
- (3) New single family home construction in excess of 20,000 square feet of unit size on a single developable building site.

(b) Exemptions. This division shall not apply to any development that falls into one or more of the following categories:

- (1) A development for low and/or moderate income non-elderly and elderly housing meeting the mandatory criteria of section 58-403;
- (2) A building permit application submitted prior to the effective date of this ordinance;
- (3) A development receiving a City land use board approval prior to the effective date of this ordinance, provided that a full building permit for the development is obtained within 18 months of the land use board approval.

(c) Waiver or adjustment by City Commission

(1) A developer of any development subject to this division may appeal to the City Commission for a reduction, adjustment, or waiver of the requirements based upon the absence of any reasonable relationship or nexus between the impact of the development and the number of residential workforce housing units or in-lieu fees required. Applications for a waiver or adjustment shall follow the noticing procedures for quasi-judicial, public hearing quasi-judicial land use board actions as provided in section 118-8.

(2) Any such requested waiver or adjustment shall be made in writing and filed with the City Clerk prior to final subdivision approval or issuance of a building permit for the development, whichever is applicable. Any such waiver or adjustment shall administratively stay the processing of the development's subdivision or building permit, whichever is applicable, until a decision on the waiver or adjustment is rendered. The waiver or adjustment request shall set forth in detail the factual and legal basis for the claim of reduction, adjustment, or waiver, and the developer shall bear the burden of presenting substantial evidence to support the waiver or adjustment, including comparable and relevant technical information.

(3) If a reduction, adjustment, or waiver is granted by the City Commission, any subsequent substantive change or modification in use within the development, as determined by the Planning Director, shall invalidate the reduction, adjustment, or waiver previously granted.

(4) Decisions of the City Commission shall be final, and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

Sec. 58-503. Workforce housing requirements

(a) Development as identified in Section 58-502(a) shall be required to provide a number of residential workforce housing units equivalent to at least thirty percent (30%), rounding up to the nearest whole number, of the floor area for the development. Pursuant to section 58-502(a)(3) applicable single family homes, shall only satisfy the workforce housing requirement through the payment of a fee.

(b) Prior to final subdivision approval or issuance of a building permit for a development subject to this division, the developer shall be required to enter into a residential workforce housing agreement. The agreement shall set forth the method by which the developer satisfies the requirements of this division. The requirements may be satisfied by one or a combination of the following, which shall be determined by the City and stated in the agreement:

(1) Offer for rent, multi-family dwelling units as residential workforce housing units.

(2) In lieu of directly renting units pursuant to subsections (B)(1) the developer may convey such units to a qualified housing provider subject to City approval.

(3) In lieu of providing residential workforce housing units pursuant to section 58-503(1) and section 58-503(2) above, the residential workforce housing requirement may be satisfied by paying the following:

a. With the exception of applicable single family homes, the in-lieu fee per residential workforce housing area required by this division shall be equal to \$500 per square foot of floor area required for workforce housing units for non-waterfront properties, or \$1.000 per square foot for waterfront properties.

4. Pursuant to section 58-503(3) the developer shall pay a fee of two percent (2%) of the construction value of the home.

(b) Workforce housing declaration of restrictive covenants and workforce housing agreement shall comply with the following housing requirements:

(1) A workforce housing unit shall be offered for rental solely to a qualified household to be used for his or her own primary residence. The city, shall establish by resolution a pricing schedule of rental prices for workforce housing units in accordance with this division.

(2) Any developer or other property owner offering a workforce housing unit for rental shall record in the public records one or more covenants or declarations of restrictions in a form approved by the city attorney. Such covenants or declarations of restrictions shall include the workforce housing unit agreement, and such further arrangements, restrictive covenants, and rental restrictions as are necessary to carry out the purposes

of this division. The developer or other property owner must execute and record a declaration of restrictive covenants assuring that:

(A) The restrictions of this division shall run with the land for the entire control period of 20 years;

(B) The covenants will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to or interest in the property. These covenants shall be senior to all instruments securing permanent financing.

(c) Upon the expiration of the control period the city shall record in the public records of Miami-Dade City an instrument or document releasing the workforce housing unit from the restrictive covenant required by this program.

(d) The covenants recorded by each developer or other property owner of workforce housing units shall state in said covenant that the unit is subject to the following provisions:

(1) The covenants shall be senior to all instruments securing permanent financing, and shall bind all assignees, mortgagees, purchasers and other successors in interest.

(2) No sale, transfer or foreclosure shall affect the validity of the covenants except as expressly set forth in the provisions of this division.

(3) An owner of a residential workforce housing rental development intending to sell the development shall notify the department in writing prior to the closing of the sale, and shall provide documentation to the department that the prospective new owner acknowledges and is aware of the terms, conditions, and restrictions encumbering the development as set forth in this division.

(4) Any workforce housing unit offered for rent under this division must not be rented for 20 years after the date of original rental at a rent greater than the rent allowed for workforce housing units under this division and applicable regulations. Rent does not include utilities when they are paid by the tenant. Different rents must be set when utility costs are paid by the owner and included in the rent. During the applicable control period, a workforce housing unit must only be rented to an individual with a household income that does not exceed the limits set under this division.

Sec. 58-504. Eligibility of households for workforce housing units.

(a) Eligibility, generally. Eligibility for rental of workforce housing units shall be determined pursuant to an implementing order approved by the city commission and shall be based on household size and income. An eligible household must receive a certificate of qualification from the City to become a qualified household for a workforce housing unit, in accordance with the procedures prescribed by the implementing order. Eligibility for continued rental of a workforce housing unit shall be contingent upon the qualified household's use of the workforce housing unit as its primary residence. A qualified household that leases a workforce housing unit and that discontinues occupancy of the unit as its primary residence shall be required to vacate said unit.

(b) Specific eligibility criteria:

(1) Be a citizen of the United States or a permanent resident alien.

- (2) Be eighteen years of age or older.
- (3) Have a gross annual household income (not to include the income of minors) which does not exceed 140 percent of the city's area median income as established by HUD, or as adjusted by the city. Initial determination for compliance with the maximum gross annual family income provision shall be made by the developer, its partner, or its management company for the lease of residential workforce housing units. Final determination for compliance with the maximum gross household annual income provision shall be made by the property owner/developer, and reviewed by the city prior to execution of the leasehold agreement.
- (4) Eligibility preference for applicants who work for the city or have received a job offer with the city.
- (5) An Applicant may have assets that do not exceed 140 percent of the city's area median income as established by HUD, or as adjusted by the city. Assets shall include all cash, securities, stocks, bonds and real property. Real property shall be valued at fair market value less liabilities on such real property.

Sec. 508-505. Affordability controls.

(a) Initial rental.

- (1) Every workforce housing unit established under this division and pursuant to the land development regulations, shall be offered for rental to an eligible household to be used for his or her own primary residence.
- (2) Sixty days prior to offering any new workforce housing unit for rent, the developer or other property owner shall notify the City of such offering. The notice shall set forth the number, size, price established by applicable implementing order, and location of the workforce housing unit offered and shall provide a description of each workforce housing unit's finishes and availability. The Department may request additional information from the developer or other property owner as it deems necessary.
- (3) Upon re-rental of a workforce housing unit, each qualified household must first obtain a valid certificate of qualification from the prospective eligible household.

(b) Rental workforce housing unit requirements.

- (1) All qualified households must be provided a lease with a minimum period of twelve (12) months. The lease must comply with all applicable federal and state laws. The lease shall include without limitation provisions that specify the maximum household size allowed in the unit; a prohibition against subleasing; and a requirement that the qualified household shall report any changes in household size or income during the tenancy. Qualified households shall comply with all monitoring requirements established by the Department. Rent shall be consistent with the rental calculation provided by the city as to what qualifies as affordable workforce housing rent.
- (2) If a qualified household's income increases above the maximum allowed income levels, the qualified household may choose to remain in the workforce housing unit for the remainder of the lease term. If the formerly qualified household and the developer or other property owner agree to extend the lease term, the developer or other property owner shall make the next comparable vacant unit at the covered development available to an eligible household at the workforce housing unit rent.
- (3) A tenant that has produced fraudulent income information for the household shall be subject to eviction pursuant to the leasehold. Eviction shall be mandatory if the tenant household income exceeds the thresholds for workforce housing unit purposes.

(4)Timing of completion. Residential workforce housing units shall be made available for occupancy either prior to or concurrently with market rate units at the same ratio required of the development. Certificates of occupancy shall not be issued and/or final inspections shall not be passed for the market rate units unless certificates of occupancy are issued and/or final inspections are passed for the residential workforce housing units concurrently or sooner.

(5) Annually, the developer/property owner shall provide to the city proof of the continued workforce housing eligibility of the proposed tenant. If the department determines an eligible household qualifies for the rental the department will issue a certificate of qualification. In order to receive a certificate of qualification, an eligible household must provide an affidavit that the workforce housing unit will be its primary residence.

(c) City responsibilities. The city shall:

(1) Annually, set the maximum annual rent limits, sale price and rent ranges (which must promote a variety of different prices or rents at each workforce housing location), minimum unit type and bedroom requirements, and income eligibility standards;

(2) Annually review leaseholds for compliance; and

(3) Enforce provisions of division.

Sec. 58-506. Enforcement.

(a) Violations of this division by the developer or property owner shall be subject to the following fines. The special master shall not waive or reduce fines set by this division.

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|------------|---|---------------------|
| <u>(1)</u> | <u>If the violation is the first violation</u> | <u>\$ 2,500.00</u> |
| <u>(2)</u> | <u>If the violation is the second violation within the preceding 18 months</u> | <u>\$ 7,500.00</u> |
| <u>(3)</u> | <u>If the violation is the third violation within the preceding 18 months</u> | <u>\$12,500.00</u> |
| <u>(4)</u> | <u>If the violation is the fourth or greater violation within the preceding 18 months</u> | <u>\$ 20,000.00</u> |
| <u>(5)</u> | <u>Fines for repeat violations shall increase regardless of location.</u> | |

(b) Violations of this division by the tenant shall result in termination of the leasehold, upon 30 days written notice. Landlord shall be entitled to evict the tenant and seek all damages under law from the tenant.

(c) In addition to or in lieu of the foregoing, the city may seek an injunction against activities or uses prohibited under this division. The city may take legal action to stop or cancel any transfer of a workforce housing unit if any party to the transfer does not comply with all requirements of this division, and or seek enforcement of any covenant signed or order issued under this division. The city may recover any funds improperly obtained from any sale or rental of a workforce housing unit in violation of this division, plus costs and interest at the rate prescribed by law from the date a violation occurred.

(d) Any city police officer or code compliance officer may issue notices for violations of this division, with alternative enforcement as provided in section 1-14 and chapter 30 of this code. Violations shall be issued to the homeowner, and/or to any realtor, real estate agent, real estate

broker, tenant or any other individual or entity that facilitates or organizes the prohibited activities. In the event the record owner of the property is not present when the violation occurred, a copy of the violation shall be provided to such owner.

(e) The city manager or designee may adopt administrative rules and procedures to assist in the uniform enforcement of this division.

(f) No variances shall be granted from this division. The provisions of this division shall apply to all agents, successors and assignees of a qualified household.

SECTION 2. Section 130-32, "Off-street parking requirements for parking district no. 1," is amended as follows:

Sec. 130-32. Off-street parking requirements for parking district no. 1

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:

* * *

(6B) Workforce housing shall have the same parking requirements as specified in section 130-32(6), above, or alternatively, 0.5 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 118-395(b), *Repair and/or rehabilitation of nonconforming buildings and uses.*

* * *

SECTION 3. 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:

* * *

(1B) Workforce housing shall have the same parking requirements as specified in section 130-32(6), or alternatively, 0.5 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 118-395(b), *Repair and/or rehabilitation of nonconforming buildings and uses.*

* * *

SECTION 4. Chapter142, "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.

* * *

(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 | New construction—550 Non-elderly and elderly low and moderate income housing; See section 142-1183 | | | |
| | | <u>Workforce housing - 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. | New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 <u>Workforce housing - 400</u> Rehabilitated buildings—550 | Historic district—40 Flamingo Park Local Historic District—35 (except as provided in section 142-1161) Otherwise—50 | Historic district—4 Flamingo Park Local Historic District—3 (except as provided in section 142-1161) Otherwise—5 |

* * *

SECTION 5. Chapter142, "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 requirement

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</p> <p><u>Workforce housing - 400</u> Rehabilitated buildings—400 Hotel units: 15%: 300—335 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 Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p><u>Workforce housing - 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 Atlantic Ocean with a property line within 250 feet of North Shore Open Space Park Boundary—200</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 Atlantic Ocean with a property line within 250 feet of North Shore Open Space parking Boundary—21</p> |

SECTION 6. 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.

* * *

- (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 Non-elderly and elderly low and moderate income housing; See section 142-1183</p> <p><u>Workforce housing - 400</u> Rehabilitated buildings—400 Hotel units: 15%: 300—335 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 Non-elderly and elderly low and moderate income housing; See section 142-1183</p> <p><u>Workforce housing - 400</u></p> <p>Rehabilitated buildings—550 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 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 7. 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 Workforce housing - 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 Workforce housing - 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 8. 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 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 |
|--------------------------|--|---------------------------------------|---|---|---|---|
| 1.5 | 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 | Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing; See | 50 (except as provided in section 142-1161). Self-storage warehouse - 40 feet, except that the building height shall be limited to 25 feet | 5 (except as provided in section 142-1161) Self-storage warehouse: 4 |

| | | | | | | |
|--|--|--|--|--------------------------------|--|--|
| | | | 142-1183 | section 142-1183 | 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 | |
| | | | <u>Workforce housing - 400</u> | <u>Workforce housing - 400</u> | | |
| | | | Hotel unit: 15%: 300—335 85%: 335+ | Hotel units—N/A | | |
| | | | 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 feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. | | 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. | |

* * *

SECTION 9. 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 | Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing; See section 142-1183 <u>Workforce housing - 400</u> 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 | 75 feet. | 7 stories. |
| | | <u>Workforce housing - 400</u> | | Lots within the architectural district: 50 feet. Lots fronting on 17th Street: 80 feet. | |
| | | 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 | | 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. 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- | |

| | | | | | |
|--|--|--|--|--------|--|
| | | maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. | | 1161). | |
|--|--|--|--|--------|--|

* * *

SECTION 10. 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 Workforce housing - 400 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 Workforce housing - 400 Hotel units—N/A New construction: Apartment units—800 Hotel units—N/A | 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 11. 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>Workforce housing - 400</u> | New construction—650 Rehabilitated buildings—400 <u>Workforce housing - 400</u> | New construction—600 Rehabilitated buildings—400 <u>Workforce housing - 400</u> | New construction—550 Rehabilitated buildings—400 <u>Workforce housing - 400</u> |
| Minimum average floor area per apartment unit (square feet); except as provided in section 142-1183 for elderly | New construction—900 Rehabilitated | New construction—900 Rehabilitated | New construction—850 Rehabilitated | New construction—800 Rehabilitated buildings—550 |

| | | | | |
|---|--|---|---|---|
| and low and moderate income non-elderly housing | buildings—550 <u>Workforce housing - 400</u> | buildings—550 <u>Workforce housing - 400</u> | buildings—550 <u>Workforce housing - 400</u> | <u>Workforce 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. | | | |

* * *

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 width | 50 feet | 50 feet | 50 feet | 50 feet |
| Maximum building height | 40 feet; 75 feet for the Block 51 Properties, the Block 51 Swap Property, Block 52 Properties, and | 50 feet—East of Lenox Avenue 75 feet—West of Lenox Avenue | Non-oceanfront—80 feet Oceanfront—100 feet | 150 |

| | | | | |
|---|---|---|---|--|
| | Block 1 Properties | | | |
| 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>Workforce housing - 400</u> | New construction—600 Rehabilitated buildings—400 <u>Workforce housing - 400</u> | New construction—550 Rehabilitated buildings—400 <u>Non-elderly and elderly Workforce housing - 400</u> | New construction—550 Rehabilitated buildings—400 <u>Workforce housing - 400</u> |
| Average | New | New | New construction—800 | New |

| | | | | |
|--|--|--|---|--|
| apartment unit size (square feet) | construction—900 Rehabilitated buildings—550 <u>Workforce housing - 400</u> | construction—850 Rehabilitated buildings—550 <u>Workforce housing - 400</u> | Rehabilitated buildings— 550 <u>Workforce housing - 400</u> | construction—800 Rehabilitated buildings—550 <u>Workforce 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. | | | |

* * *

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>Workforce housing - 400</u> |

| | |
|---|--|
| Minimum average floor area per apartment unit (square feet) | 1,000 <u>Workforce 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 |

* * *

SECTION 12. 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) |
|----------------------------|-------------------------------|------------------------|--|---|
| TC-1 Town Center Core | Commercial— None | Commercial— None | Commercial—N/A <u>New construction—550</u> <u>Workforce housing - 400</u> | Commercial—N/A <u>New Construction— 800</u> <u>Workforce housing - 400</u> |
| TC-2 Town Center Mixed-use | Residential— 6,250 sq. ft. | Residential—50 feet | New construction—550 <u>Workforce housing - 400</u> | New Construction— 800 <u>Workforce housing - 400</u> |
| TC-3 Town Center | | | Rehabilitated | Rehabilitated |

| | | | | |
|--------------------|--|--|---|---|
| Residential Office | | | building—400 | building—No minimum |
| | | | Elderly housing—See Section 142-1183 <u>Workforce housing - 400</u> | Elderly housing—See section 142-1183 <u>Workforce housing - 400</u> |
| | | | Hotel units 15%: 300—335 85%: 335+ | Hotel units—N/A |

SECTION 13. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 14. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 15. SEVERABILITY.

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

SECTION 16. 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: _____, 2017
Second Reading: _____, 2017

Underline = new language

~~Strikethrough~~ = deleted language

(Sponsored by Commissioner John Aleman)