



City of Miami
Legislation
Ordinance 13665

City Hall
3500 Pan American Drive
Miami, FL 33133
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File Number: 1177

Final Action Date: 2/23/2017

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, SPECIFICALLY BY AMENDING ARTICLE 1, SECTION 1.2, ENTITLED "DEFINITIONS OF TERMS", TO ADD DEFINITIONS FOR AFFORDABLE HOUSING, ATTAINABLE MIXED-INCOME HOUSING, EXTREMELY LOW INCOME HOUSING, AND WORKFORCE HOUSING; AND BY AMENDING ARTICLE 3, SECTION 3.15, ENTITLED, "AFFORDABLE HOUSING SPECIAL BENEFIT PROGRAM SUPPLEMENTAL REGULATIONS", TO ADD INCENTIVES, INCLUDING DENSITY BONUSES, FOR THE DEVELOPMENT OF PROJECTS PROVIDING HOUSING FOR MIXED-INCOME POPULATIONS AT OR BELOW ONE HUNDRED FORTY PERCENT (140%) OF AREA MEDIAN INCOME AS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 22, 2009, Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida, was adopted as the City of Miami's ("City") Zoning Ordinance ("Miami 21 Code"); and

WHEREAS, the National Low Income Housing Coalition has found a full-time minimum wage worker cannot afford a one-bedroom rental unit at Fair Market Rent in any state within the United States of America; and

WHEREAS, the Miami 21 Code codifies several Development incentives for affordable housing projects; and

WHEREAS, the affordable housing projects currently incentivized by the Miami 21 Code only serve residents at or below sixty percent (60%) of the Area Median Income ("AMI"); and

WHEREAS, these projects tend not to serve residents substantially below sixty percent (60%) of the AMI or residents between sixty percent (60%) of the AMI and one hundred forty percent (140%) of the AMI; and

WHEREAS, Article 2, Section 2.1.3.1(h) of the Miami 21 Code lists distributed Affordable and Workforce Housing as a Guiding Principle of City; and

WHEREAS, it has been determined that adding Article 3, Sections 3.15.2 and 3.15.6 to the Miami 21 Code are required to encourage distributed, attainable, mixed-income development; and

WHEREAS, the Planning, Zoning, and Appeals Board ("PZAB"), at its meeting of October 19, 2016, following an advertised hearing, adopted Resolution No. PZAB-R-16-067, Item No. PZAB.9, by a vote of eight to zero (8-0), recommending approval of this item to the City Commission; and

WHEREAS, the City Commission, after careful consideration of this matter, deems it advisable and in the best interest of the general welfare of the City and its citizens to amend the Miami 21 Code as hereinafter set forth;

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

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The Miami 21 Code is hereby amended by making modifications to Article 3 in the following particulars:¹

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ARTICLE 1. DEFINITIONS

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1.2 DEFINITION OF TERMS

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Affordable Housing: An owner-occupied or rental Dwelling Unit with a purchase cost, value, or monthly rental, as applicable, equal to or less than the amounts established by the applicable standards for those individuals whose income is at or below 60 percent of Area Median Income as published by the United States Department of Housing and Urban Development and certified by the Department of Community and Economic Development.

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Attainable Mixed-Income Housing: A development completely comprised of Extremely Low Income Housing, Affordable Housing, and Workforce Housing and subject to Density bonuses.

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Extremely Low Income Housing: An owner-occupied or rental Dwelling Unit with a purchase cost, value, or monthly rental, as applicable, equal to or less than the amounts established by the applicable standards for those individuals whose income is at or below 30 percent of Area Median Income as published by the United States Department of Housing and Urban Development and certified by the Department of Community and Economic Development.

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¹ Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

Workforce Housing: An owner-occupied or rental Dwelling Unit with a purchase cost, value, or monthly rental, as applicable, equal to or less than the amounts established by the applicable standards for those individuals whose income is between 60 percent to 140 percent of Area Median Income as published by the United States Department of Housing and Urban Development and certified by the Department of Community and Economic Development.

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3.15 AFFORDABLE AND ATTAINABLE MIXED-INCOME HOUSING SPECIAL BENEFIT PROGRAM SUPPLEMENTAL REGULATIONS

3.15.1 As a pre-requisite to qualify as an Affordable Housing Development eligible for any of the special benefits described in Section 3.15, an applicant shall submit to the Office of Zoning:

a. Certification by the City's Community and Economic Development Department that the proposed Development will provide a minimum of eighty percent (80%) of the Dwelling Units (Multi-family or Elderly) as Affordable Housing serving residents at or below sixty percent (60%) of the area median income (AMI) as published by the United States Department of Housing and Urban Development annually; or that the proposed Development is a mixed-income building providing at least forty percent (40%) of the units as Affordable Housing serving residents at or below sixty percent (60%) of AMI or providing at least twenty percent (20%) of the units as Affordable Housing serving residents at or below fifty percent (50%) of AMI, is not restricted to elderly residents, and is located within a Residential Density Increase Area as set forth in Article 4, Diagram 9 of the Miami 21 Code.

b. A recorded covenant running with the land acceptable to the City of Miami, confirming the property will meet the criteria in subsection (a) above for a period of no less than thirty (30) years from the date of the issuance of a final Certificate of Occupancy.

3.15.2 As a pre-requisite to qualify as an Attainable Mixed-Income Housing Development eligible for any of the special benefits described in Section 3.15, an applicant shall submit to the Office of Zoning:

a. Certification by the City's Community and Economic Development Department that the proposed Development will provide a minimum of forty percent (40%) of the Dwelling Units as Affordable Housing serving residents at or below sixty percent (60%) of AMI and the remainder of the Dwelling Units as Workforce Housing; or certification by the City's Community and Economic Development Department that the proposed Development will provide a minimum of twenty percent (20%) of the Dwelling Units as Affordable Housing serving residents at or below fifty percent (50%) of AMI and the remainder of the Dwelling Units as Workforce Housing.

- b. Verification that the proposed Development is within a quarter (¼) mile of a Transit Corridor or a half (½) mile of a TOD.
- c. A recorded covenant running with the land acceptable to the City confirming the property will meet the criteria in subsection (a) above for a period of no less than thirty (30) years from the date of the issuance of a final Certificate of Occupancy, with two (2) automatic ten (10) year extensions that may be released by a vote of the City Commission.

3.15.32 Affordable and Attainable Mixed-Income Housing Developments that abut a T3 Zone are not eligible for the provisions in Section 3.15. Affordable and Attainable Mixed-Income Housing Developments that abut a T4 Zone shall require a Warrant for consideration under Section 3.15.

3.15.43 In place of any conflicting provisions elsewhere in this Code, Affordable and Attainable Mixed-Income Housing Developments may be developed in accordance with the following, subject to a Warrant:

- a. Height
 1. T5: Maximum building height of 75 feet with no limitation on the number of Stories;
 2. T6-8: Maximum building height of 125 feet with no limitation on the number of Stories;
 3. T6-12: Maximum building height of 240 feet with no limitation on the number of Stories;
- b. Parking may extend into the Second Layer above the first Story along all Frontages. The Façade of a parking garage that is not concealed behind a Habitable Liner shall be screened to conceal from view all internal elements including, but not limited to, vehicles, plumbing pipes, fans, ducts and all lighting. The size, location, and materials for such screening elements shall be reviewed by Waiver with referral to the Planning Department.
- c. Pedestrian or Vehicular Cross Block Passages shall not be required.
- d. Development abutting two (2) or more Thoroughfares shall have only one (1) Principal Frontage and shall not be subject to the minimum Principal Frontage Line requirement. Determination of which Frontage is to serve as the Principal Frontage shall be made by the Planning Director upon request by the Zoning Administrator.
- e. Development shall not be subject to maximum Lot Area requirements.
- f. Development in T6 Zones shall be exempt from complying with the requirements contained in Sections 5.6.1 (h) and 5.6.2 (b).
- g. Setback requirements above the eighth floor may be modified by Waiver for Development in T6 Zones.

3.15.54 Parking requirements for those units that qualify as Affordable or Attainable Mixed-Income Housing may be reduced as stated below. The parking reductions below may be

cumulative; however in no event shall parking be reduced by more than eighty six five percent (8065%) of the spaces required.

- a. A thirty-five percent (35%) reduction in required parking is permitted by Right.
- b. Within a Transit Oriented Development (TOD), an additional reduction of fifteen percent (15%) of required parking is permitted by Right and an additional reduction of fifteen percent (15%) of required parking is permitted for Attainable Mixed-Income Housing Projects by Waiver.
- c. An additional reduction of up to fifteen percent (15%) of required parking may be permitted by Warrant, upon a showing that the reduction in off-street parking is justified in view of the nature and type of prospective occupancy and the economic circumstances involved, and that the impacts from such reduction are not likely to unduly burden traffic and parking facilities in the neighborhood.
- d. Parking for development proposals providing Housing for the Elderly may be reduced by Warrant to provide a maximum of one (1) parking space per every two (2) Dwelling Units provided as Elderly Housing, upon a showing that the reduction in off-street parking is justified in view of the nature and type of prospective occupancy and the economic circumstances involved, and that the impacts from such reduction are not likely to unduly burden traffic and parking facilities in the neighborhood.
- e. Affordable or Attainable Mixed-Income Housing Developments whose parking has been reduced under the terms set forth in Section 3.15 will continue to operate under the recorded covenant described in Subsection 3.15.1 (b)-b or 3.15.2 (b), until parking requirements applicable at the time of release are met.

Interpretation
by zoning/planning
staff

3.15.6 In addition to the Development incentives listed above, Attainable Mixed-Income Housing projects shall be afforded Density bonuses as follows:

- a. Any Development that meets the criteria in Subsection 3.15.2(a) and 3.15.2(b) and provides a minimum of ten percent (10%) of the Dwelling Units as Extremely Low Income as defined herein shall be provided one (1) additional unit of Density per Attainable-Workforce Housing unit provided. The Development after the Density bonus shall maintain the affordable and workforce housing mix described in 3.15.2(a) and shall provide ten percent (10%) of the Dwelling Units as Extremely Low Income Housing for the entire Development.
- b. Any Development that meets the criteria in Subsection 3.15.2(a) and 3.15.2(b) and provides a minimum of five percent (5%) of the Dwelling Units as Extremely Low Income as defined herein shall be provided one half (1/2) additional unit of Density Attainable-Workforce Housing unit provided. The Development after the Density bonus shall maintain the affordable and workforce housing mix described in Subsection 3.15.2(a) and shall provide five percent (5%) of the Dwelling Units as Extremely Low Income Housing for the entire Development.

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Section 3. If any section, part of a section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Miami 21 Code, which provisions may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or other appropriate word to accomplish such intention.

Section 5. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof.²

APPROVED AS TO FORM AND CORRECTNESS:


Victoria Méndez, City Attorney 10/24/2017

² This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.