

CITY COMMISSION FACT SHEET

File ID: (ID # 15942)

Title: AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ("MIAMI 21 CODE") SPECIFICALLY BY AMENDING ARTICLE 3, TITLED "GENERAL TO ZONES," TO ESTABLISH A DEVELOPMENT DENSITY BONUS AND ASSOCIATED DEVELOPMENT FLEXIBILITIES FOR DEVELOPMENTS THAT CONTAIN HOUSING FOR THE ELDERLY; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

APPLICANT(S): Arthur Noriega V, City Manager, on behalf of the City of Miami

PURPOSE: This text amendment to the Miami Zoning Code will establish a provision for developments entirely comprised of Dwelling Units that are Housing for the Elderly to be afforded a density bonus and associated development flexibilities.

FINDING(S):

PLANNING AND ZONING DEPARTMENT: Recommended approval.

PLANNING, ZONING AND APPEALS BOARD: Scheduled to be heard on May 1, 2024.



**City of Miami
Legislation
Ordinance
Enactment Number**

City Hall
3500 Pan American Drive
Miami, FL 33133
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File Number: 15942

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ("MIAMI 21 CODE") SPECIFICALLY BY AMENDING ARTICLE 3, TITLED "GENERAL TO ZONES," TO ESTABLISH A DEVELOPMENT DENSITY BONUS AND ASSOCIATED DEVELOPMENT FLEXIBILITIES FOR DEVELOPMENTS THAT CONTAIN HOUSING FOR THE ELDERLY; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 22, 2009, Ordinance No. 13114 was adopted as the Zoning Ordinance of the City of Miami, Florida, which has been amended from time to time ("Miami 21 Code"); and

WHEREAS, the Interpretation of the Future Land Use Map ("FLUM") of the Miami Comprehensive Neighborhood Plan ("MCNP") states that maximum residential density may be increased by up to one hundred percent (100%), subject to the detailed provisions of the applicable land development regulations and the maintenance of required levels of service for facilities and services included in the City's adopted concurrency management requirements for the following future land use designations: Low Density Multifamily Residential; Low Density Restricted Commercial; Medium Density Multifamily Residential; Medium Density Restricted Commercial; High Density Multifamily Residential; Restricted Commercial; General Commercial; Industrial; Central Business District; and Major Institutional, Public Facilities; Transportation, and Utilities; and

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

WHEREAS, on or about February 23, 2017, modifications to Article 3, Section 3.15 of the Miami 21 Code were adopted by the City Commission that provided density bonuses for Mixed-Income Housing Developments; and

WHEREAS, since the adoption of these modifications, the Planning Department has analyzed submitted projects that have benefited from the provisions of Article 3, Section 3.15 of the Miami 21 Code; and

WHEREAS, the Planning Department has identified incentives that may encourage the development of additional Affordable Housing Developments and benefit Affordable Housing Developments currently seeking approvals; and

WHEREAS, these incentives would allow Housing for the Elderly serving residents at or below sixty percent (60%) of the Area Median Income ("AMI") to be provided a 100% Density bonus; and

WHEREAS, Housing for the Elderly developments providing units at or below sixty percent (60%) AMI may be provided additional development flexibilities By Right provided within Section 3.15.4 of the Miami 21 Code; and

WHEREAS, Housing for the Elderly is defined in the Miami 21 Code as a “Housing development for residents aged fifty-five (55) and over”; and

WHEREAS, consideration has been given to the need and justification for the proposed text amendment, including changed or changing conditions that make the passage of the proposed text amendment necessary; and

WHEREAS, consideration has been given to the relationship of the proposed text amendment to the goals, objectives, and policies of the MCNP, the Miami 21 Code, and other City regulations;

WHEREAS, the Planning, Zoning and Appeals Board (“PZAB”), at its meeting on , , following an advertised public hearing, adopted Resolution No. PZAB-R-__ - ____ by a vote of ____ to ____ (__-__), Item No. PZAB. __ , recommending _____ of the large scale Land Use Designation Change;

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 and incorporated as if fully set forth in this Section.

Section 2. It is recommended that Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida, is hereby amended by making modifications to Article 3 in the following particulars¹:

“ARTICLE 3. GENERAL TO ZONES

* * *

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

* * *

3.15.6

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

a. Any Development that meets all the required criteria in Subsection 3.15.2 and provides a minimum of ten percent (10%) of the Dwelling Units as Extremely Low Income as defined herein shall be provided a one hundred percent (100%) Density bonus. The Development after the Density bonus shall maintain the affordable and workforce housing mix described in 3.15.2 (a) or 3.15.2 (b), whichever is applicable, and shall provide ten percent (10%) of the Dwelling Units as Extremely Low Income Housing for the entire Development.

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 an unchanged material.

b. Any Development that meets all the required criteria in Subsection 3.15.2 and provides a minimum of five percent (5%) of the Dwelling Units as Extremely Low Income as defined herein shall be provided a fifty percent (50%) Density bonus for rental Development or a one hundred percent (100%) Density bonus for Development that is entirely comprised of homeownership units. The Development after the Density bonus shall maintain the affordable and workforce housing mix described in 3.15.2 (a) or 3.15.2 (b), whichever is applicable, and shall provide five percent (5%) of the Dwelling Units as Extremely Low Income Housing for the entire Development.

c. Any Affordable Housing Development that is entirely comprised of Dwelling Units that are Housing for the Elderly serving residents at or below sixty percent (60%) of Area Median Income (AMI) shall be provided a one hundred percent (100%) Density bonus. Developments that meet these criteria may be developed in accordance with Subsection 3.15.4 By Right.

~~e-d.~~ Affordable and Attainable Mixed-Income Housing Transfer of Development Density Program.

* * *

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. This Ordinance shall become effective upon adoption by the City Commission.²

APPROVED AS TO FORM AND CORRECTNESS:

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.