



**Workshop for developers/builders related to Miami 21 incentives
tied to Affordable and Workforce Housing**

July 27, 2018, 10 am

James L. Knight Conference Center, Miami Lecture Hall

- Welcome and introductory comments, **George Mensah**, Director, Dept. of Community & Economic Development
- About the Affordable Housing Certification Process, **Charles McKinnon**, Contract Compliance Analyst, Dept. of Community & Economic Development
 - What do we need from the builder/developer
 - Important City Ordinances
 - How do we follow up
- About 3.15 and 3.16 -- **Joseph Eisenberg**, Planner II, Planning Department
 - TODs and Transit Corridors
 - Double Density Opportunities
- Questions & Answers

Thank You!

AS ADOPTED - JANUARY 2018

- c. Historic Preservation. Bonus Floor Area to the maximum bonus Height and FLR as described in Section 3.14.1 shall be allowed for additional square footage qualified under the city Transfer of Development Rights program established in Chapter 23, City Code.
- d. Green Building. In a T6 zone, additional Height and FLR shall be allowed for Buildings certified by the U.S. Green Building Council as follows:
 - 1. Silver: For Buildings under 50,000 sf, 2.0% of the floor lot ratio (FLR)
 - 2. Gold: 4.0% of the Floor Lot Ratio (FLR)
 - 3. Platinum: 13.0% of the Floor Lot Ratio (FLR)

Note: Standards equivalent to the USGBC, as adopted by the City, may alternatively apply.

If at the time the first Certificate of Occupancy is issued for the Building that received a public benefits bonus for a Green Building, the anticipated LEED certification has not been achieved, then the owner shall post a performance bond in a form acceptable to the City of Miami. The performance bond shall be determined based on the value of land per square foot of Building in the area of the City in which the proposed project is located, which may be adjusted from time to time based on market conditions. The methodology for determining the value of land per square foot of Building shall be maintained in the Planning Department. The City will draw down on the bond funds if LEED certification has not been achieved and accepted by the City within one year of the City issuance of the Certificate of Occupancy for the Building. Funds that become available to the City from the forfeiture of the performance bond shall be placed in the Miami 21 Public Benefits Trust Fund established by this Code.

- e. Brownfields. One additional Story of Height shall be permitted for redevelopment on a Brownfield Site as defined herein.
- f. Civic Space Types and Civil Support Uses. For a development project in a T6 zone that donates a Civic Space Types or Civil Support Uses on site to the City of Miami, an additional two square feet of area for each square foot of donated space or use, up to the bonus Height and FLR, shall be allowed.

3.14.5 No Building permit shall be issued for bonus Height and FLR until the Zoning Administrator has certified compliance with the provisions of this section, upon referral and assurance of compliance from applicable departments. Certification shall be made only after a certified check has been deposited and cleared to the Miami 21 Public Benefits Trust Fund or, for non cash contributions, a binding commitment has been approved by the City Manager. The cash contribution shall be nonrefundable.

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

The intent of the Affordable Housing special benefit program established in this section is to facilitate the development of high quality Affordable Housing in the City by providing development incentives, including, but not limited to, modifications of architectural/design standards and parking reductions.

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 pro-

posed 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 ($\frac{1}{4}$) mile of a Transit Corridor, or a half ($\frac{1}{2}$) mile of a TOD.
- c. 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, with two (2) automatic ten (10) year extensions that may be released by a vote of the City Commission.

3.15.3 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.

3.15.4 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.

3.15.5 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 percent (80%) 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) or 3.15.2(b), until parking requirements applicable at the time of release are met.

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 3.15.2 (a), and shall provide five percent (5%) of the Dwelling Units as Extremely Low Income Housing for the entire Development

3.16 WORKFORCE HOUSING SPECIAL BENEFIT PROGRAM SUPPLEMENTAL REGULATIONS

3.16.1 As a pre-requisite to qualify as an Attainable Workforce Housing Development eligible for any of the special benefits described in Section 3.16, 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 twenty-five percent (25%) of the Dwelling Units as Workforce Housing serving residents above sixty percent (60%) of the area median income ("AMI") and at or below eighty percent (80%) of the AMI as published by the United States Department of Housing and Urban Development ("HUD") annually; that the proposed Development will provide a minimum of fifty percent (50%) of the Dwelling Units as Workforce Housing serving residents above eighty percent (80%) of the AMI and at or below one-hundred-twenty percent (120%) of the AMI as published by HUD annually; and the proposed Development will provide the remaining Dwelling Units as Workforce Housing serving residents above sixty percent (60%) of the AMI and at or below one-hundred-forty percent (140%) of the AMI as published by HUD annually;
- b. Verification that the proposed Development is within a quarter ($\frac{1}{4}$) mile from a Transit Corridor or a half ($\frac{1}{2}$) mile from a Transit Oriented Development ("TOD"); and
- c. A recorded covenant running with the land, in a form acceptable to the City Attorney, requiring the property 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 temporary or final Certificate of Occupancy, whichever is issued first.

3.16.2 Attainable Workforce Housing Developments that Abut a T3 Zone are not eligible for the provisions in Section 3.16. Attainable Workforce Housing Developments that abut a T4 Zone shall require a Warrant for consideration under Section 3.16.

3.16.3 Notwithstanding any conflicting provisions elsewhere in this Code, Attainable Workforce Housing Developments may be developed in accordance with the following, subject to a Warrant:

- a. Height
 - 1. T5: Maximum building height of seventy-five (75) feet with no limitation on the number of Stories;
 - 2. T6-8: Maximum building height of one hundred twenty-five (125) feet with no limitation on the number of Stories;
 - 3. T6-12: Maximum building height of two hundred forty (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 the Planning Department.
- c. Pedestrian or Vehicular Cross Block Passages shall not be required.
- d. Developments 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. Developments shall not be subject to maximum Lot Area requirements.
- f. Developments 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 for Developments in T6 Zones.

3.16.4 Parking requirements for those units that qualify as Attainable Workforce 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 percent (80%) of the spaces required.

- a. A thirty-five percent (35%) reduction in required parking is permitted by Right.
- b. Within a 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 Workforce 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. Attainable Workforce Housing Developments whose parking has been reduced under the terms set forth in Section 3.16 will continue to operate under the recorded covenant described in Subsection 3.16.1(c), until parking requirements applicable at the time of release are met.

3.17 PUBLIC ART REQUIREMENTS

Government Development Projects shall comply with all applicable provisions of the Public Art Program pursuant to Article 11 of this Code and Chapter 62, Article XVI, of the City Code, as applicable.

City of Miami Code
Ordinance #13491 and #13645

Sec. 2-414. - Affordable housing notice to residents of the city and city elected and appointed officials.

Legislative intent. Any developer with a project that receives affordable or workforce housing incentives or benefits from the city, its departments, instrumentalities or community redevelopment agencies, including but not limited to, financing, grants in kind or other grants, impact fee waivers or deferrals, parking waivers or reductions, etc., shall provide notice to residents of the city and elected and appointed officials simultaneous to their regular notices of lease outs, sales, conveyances, or similar dispositions.

(Ord. No. 13491, § 2, 11-20-14)

Sec. 2-415. - Notice.

Prior to the initial leasing and/or sales period, developers shall deliver written notice to the directors of the community and economic development department and the planning and zoning department, respectively, simultaneous to their regular notices of the availability of these affordable units so that city elected and appointed officials can notify residents of the city of the availability of these units. The notice shall include the number of available units, street address, and contact information for the development.

(Ord. No. 13491, § 2, 11-20-14)

Sec. 2-417. - City resident preference.

- (a) *Affordable housing developments.* Affordable housing developments receiving any city benefits, including but not limited to financing, density bonuses, impact fee deferrals, parking waivers or reductions, building permit fee deferrals, or any funds provided by the city, regardless of the source of such funds, shall first provide city residents preference to all restricted units, unless otherwise prohibited by law.
- (b) *Workforce housing developments.* Workforce housing developments receiving any city benefits, including but not limited to financing, density bonuses, impact fee deferrals, parking waivers or reductions, building permit fee deferrals, or any funds provided by the city, regardless of the source of funds, shall first provide city residents, or those employed within the city's boundaries. Preference to all restricted units, unless otherwise prohibited by law.

(Ord. No. 13645, § 2, 10-27-16)



CITY OF MIAMI
AFFORDABLE HOUSING CERTIFICATION

PROJECT INFORMATION

PROJECT NAME: APPLICANT/DEVELOPER NAME:	
PROJECT ADDRESS: FOLIO NUMBER (IF AVAILABLE)	
PURPOSE OF CERTIFICATION: [CHECK ALL THAT APPLY]	<p style="text-align: center;">MIAMI 21 AFFORDABLE HOUSING (ARTICLE 3 SUBSECTION 3.15.1)</p> <p><input type="checkbox"/> 80% OF UNITS FOR TENANTS AT OR BELOW 60% AMI <input type="checkbox"/> 40% OF UNITS FOR TENANTS AT OR BELOW 60% AMI IN RESIDENTIAL DENSITY INCREASE AREA <input type="checkbox"/> 20% OF UNITS FOR TENANTS AT OR BELOW 50% AMI IN RESIDENTIAL DENSITY INCREASE AREA</p> <p style="text-align: center;">MIAMI 21 ATTAINABLE MIXED-INCOME HOUSING (ARTICLE 3 SUBSECTION 3.15.2)</p> <p><input type="checkbox"/> 20% OF UNITS FOR TENANTS AT OR BELOW 50% AMI & 80% OF UNITS FOR WORKFORCE HOUSING. <input type="checkbox"/> 40% OF UNITS FOR TENANTS AT OR BELOW 60% AMI & 60% OF UNITS FOR WORKFORCE HOUSING</p> <p style="text-align: center;">MIAMI 21 ATTAINABLE WORKFORCE HOUSING (ARTICLE 3 SUBSECTION 3.16.1)</p> <p><input type="checkbox"/> MULTI-FAMILY HOUSING CONSISTING OF 1/2 OF UNITS FOR TENANTS ABOVE 80% AMI AND AT OR BELOW 120% AMI AND 1/4 OF THE UNITS FOR TENANTS ABOVE 60% AMI AND AT OR BELOW 80% AMI AND 1/4 OF THE UNITS FOR TENANTS ABOVE 60% AMI AND AT OR BELOW 140% AMI</p> <p style="text-align: center;"><small>ALL PROJECT UNDER THE ATTAINABLE HOUSING SECTIONS 3.15.2 AND 3.16.1 OF THE CODE MUST BE WITHIN 1/4 MILE OF A TRANSIT CORRIDOR OR 1/2 MILE OF A TRANSIT ORIENTED DISTRICT</small></p> <p style="text-align: center;">OTHER</p> <p><input type="checkbox"/> IMPACT FEE DEFERRAL PROGRAM <input type="checkbox"/> TAX CREDIT VERIFICATION/QCT LETTER</p>
PROJECT DESCRIPTION:	

Affordability Information:

MAXIMUM AFFORDABLE SALES PRICE AS DETERMINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PURCHASE PRICE LIMITS FOR THE CITY OF MIAMI --SEE LINK:

[HTTP://WWW.MIAMIGOV.COM/COMMUNITYDEVELOPMENT/FIRSTTIMEPROGRAM.HTML](http://www.miamigov.com/communitydevelopment/firsttimeprogram.html)

[THE MAXIMUM AMOUNT CURRENTLY APPROVED BY THE CITY OF MIAMI COMMISSION IS \$261,000 FOR EXISTING HOMES AND \$276,000
FOR NEW HOMES]

PLEASE LIST THE FOLLOWING: <ul style="list-style-type: none">▪ UNIT SIZES (BEDROOMS/BATH AND SQUARE FEET),▪ PURCHASE PRICE /RENT▪ NUMBER OF UNITS.	<u>MARKET UNITS :</u>
PLEASE LIST THE FOLLOWING: <ul style="list-style-type: none">▪ UNIT SIZES (BEDROOMS/BATH AND SQUARE FEET),	<u>AFFORDABLE UNITS AND/OR WORKFORCE UNITS :</u>

<ul style="list-style-type: none"> PURCHASE PRICE /RENT NUMBER OF UNITS. 	
--	--

TARGETED CLIENTELE LOW-TO-MODERATE INCOME PERSONS BEING SERVED: <i>OPTIONAL</i> <i>(IF APPLICABLE)</i>	<u>U.S. HUD INCOME LIMITS FY 2018 BY NUMBER OF BEDROOMS:</u>				
	% AMI		1	2	3
	30 %	FHFA Multifamily & Community Workforce Housing Innovation Programs	\$16,530	\$18,900	\$21,270
	50%	Very Low-Income US Department of Housing and Urban Development	\$27,550	\$31,500	\$35,450
	60%	US Department of Housing and Urban Development, FHFA Multifamily & Community Workforce Housing Innovation Programs	\$33,060	\$37,800	\$42,540
	80%	Low Income US Department of Housing and Urban Development	\$44,100	\$50,400	\$56,700
	120%	Workforce FHFA Multifamily & Community Workforce Housing Innovation Programs	\$66,120	\$75,600	\$85,080
	140%	Workforce FHFA Multifamily & Community Workforce Housing Innovation Programs	\$77,140	\$88,200	\$99,260

NUMBER OF PERSONS: ENTER THE NUMBER OF PERSONS BEING SERVED PER-HOUSEHOLD – FOR HOUSEHOLDS WITH >3 PERSONS PLEASE REFER TO THE U.S. HUD WEBSITE REFERENCED ABOVE.	<u>NUMBER OF PERSONS ASSISTED PER-HOUSEHOLD/UNIT:</u> <u>TOTAL PROJECT DEVELOPMENT COST:</u> <u>DEVELOPMENT SCHEDULE:</u> COMMENCEMENT OF CONSTRUCTION MONTH/YEAR 50% COMPLETION MONTH/YEAR COMPLETION OF CONSTRUCTION MONTH/YEAR LEASE-UP OF UNITS/SALE OF UNITS MONTH/YEAR
---	---

CERTIFICATION BY DEVELOPER-APPLICANT

DEVELOPMENTS THAT RECEIVE AFFORDABLE OR WORKFORCE HOUSING INCENTIVES OR BENEFITS FROM THE CITY, ITS DEPARTMENTS, INSTRUMENTALITIES OR COMMUNITY REDEVELOPMENT AGENCIES, INCLUDING BUT NOT LIMITED TO, FINANCING (INCLUDING FEDERAL, STATE OR LOCAL FUNDING VIA THE CITY), GRANTS IN KIND OR OTHER GRANTS, IMPACT FEE WAIVERS OR DEFERRALS, PARKING WAIVERS OR REDUCTIONS, ETC., SHALL COMPLY WITH THE REQUIREMENTS OF CITY OF MIAMI ORDINANCE 13645 (RESIDENT PREFERENCE) AND CITY OF MIAMI ORDINANCE 13491 (MARKETING NOTIFICATION). YOU CAN ACCESS THESE ORDINANCES BY VISITING: [HTTP://MIAMIFL.IQM2.COM/](http://MIAMIFL.IQM2.COM/). FAILURE TO COMPLY WITH THE CITY OF MIAMI ORDINANCES CITED ABOVE MAY SUBJECT THE APPLICANT TO CIVIL AND/OR CRIMINAL PENALTIES.

I HEREBY CERTIFY THE INFORMATION SUBMITTED ON THIS APPLICATION IS TRUE, ACCURATE AND COMPLETE. I FURTHER CERTIFY THAT I HAVE READ THE ENTIRE APPLICATION AND ACKNOWLEDGE BUILDING PERMITS ISSUED FOR THIS PROJECT ARE CONDITIONED UPON COMPLIANCE WITH THE SPECIFICATIONS ABOVE.

Applicant's Signature: _____ Title: _____	Date: _____	Applicant's printed name _____ Phone#: _____
--	-------------	---

CERTIFICATION BY COMMUNITY & ECONOMIC DEVELOPMENT

THE DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT REVIEWED THE INFORMATION ABOVE AND DETERMINED THE APPLICANT'S PROJECT IS ____% AFFORDABLE WITH ____ AFFORDABLE UNITS; ____ WORKFORCE UNITS AND ____ MARKET UNITS.

_____ Charles McKinnon Contract Compliance Analyst Date Reviewed:	_____ Alfredo Duran Deputy Director Date Reviewed:
--	---

This application is void 1 year after date of approval, if applicant has not recorded a Restrictive Covenant with Miami-Dade County Recorder's Office. If After 365 days applicant has failed to record a Restrictive Covenant with the Miami-Dade County Recorder's Office all Impact fee deferrals, affordability verifications and any other Miami 21 benefits are void as to this project.