

# MEMORANDUM

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Agenda Item No. 3(A)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** December 12, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance establishing  
the Workforce Housing  
Development Program and  
Workforce Housing Zoning  
Appeals Board

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Barbara J. Jordan.



Murray A. Greenberg  
County Attorney

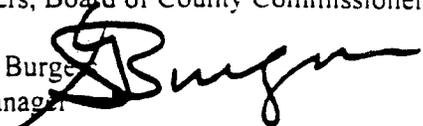
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# Memorandum



**Date:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**To:**

**From:** George M. Burge  
County Manager 

**Subject:** Financial impact to ordinance establishing the Workforce Housing Development Program and Workforce Housing Zoning Appeals Board

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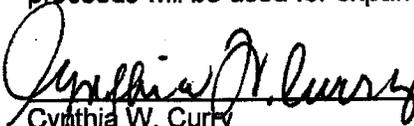
The proposed ordinance provides for the creation of a Workforce Housing Development Program and Workforce Housing Zoning Appeals Board through amendments to Chapter 33 of the Code of Miami-Dade County. The amendments include adopting land use regulations that encourage development of land available for residential used in a manner that emphasizes integration of new housing for individuals and families in the workforce target income group. It is anticipated that this program could produce approximately 400 new workforce housing units annually that would be above and beyond what is presently being developed.

The Workforce Housing Development Program requires applicants seeking approval for Miami-Dade County to develop 20 or more dwelling units to provide workforce housing according to the Comprehensive Development Master Plan Land Use Category and proposed density of the development, or provide a monetary contribution to the Affordable Housing Trust Fund in lieu of construction of workforce housing units. Furthermore, the Program also requires a monetary contribution from applicants seeking approval of fewer than 20 dwelling units.

This ordinance also establishes the Workforce Housing Zoning Appeals Board (WHZAB) that will be the sole board for reviewing and deciding upon residential housing projects located within unincorporated Miami-Dade County and which pertain in whole or in part to workforce housing. It is highly anticipated that the proposed incentives of the Workforce Housing Development Program will influence developers to include workforce housing components into future development plans, thereby helping to alleviate the critical shortage of workforce housing units.

The Miami-Dade Department of Planning and Zoning will implement the land use and zoning regulations and the Building Department will implement the expedited permit review process with existing staff. It is anticipated the WHZAB will result in nominal additional costs to cover members' miscellaneous expenses. The Miami-Dade Housing Agency (MDHA) will administer the Workforce Housing Development Program with existing staff. If additional staffing levels or resources are required once the Program is underway, the Board will be informed.

Contributions provided in lieu of construction of workforce housing units or development of fewer than 20 dwelling units will be transferred to the Affordable Housing Trust Fund. Trust fund proceeds will be used for expanding workforce housing opportunities.

  
Cynthia W. Curry  
Senior Advisor

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# MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

DATE: October 10, 2006

FROM: Murray A. Greenberg  
County Attorney

SUBJECT: Agenda Item No. 14(A)(1)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 14(A)(1)

Veto \_\_\_\_\_

10-10-06

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE ESTABLISHING WORKFORCE HOUSING DEVELOPMENT PROGRAM ("PROGRAM"); PROVIDING ZONING REGULATIONS, LEGISLATIVE INTENT, FINDINGS AND PURPOSE, DEFINITIONS, APPLICABILITY, PROGRAM REQUIREMENTS, INCENTIVES, PROGRAM ADMINISTRATION, AND BUILDING PERMIT PROCESS; ESTABLISHING WORKFORCE HOUSING ZONING APPEALS BOARD; PROVIDING FOR WORKFORCE HOUSING ZONING APPEALS BOARD JURISDICTION OVER CERTAIN ZONING APPLICATIONS; PROVIDING PROCEDURES; REQUIRING FUTURE MUNICIPALITIES TO ADOPT WORKFORCE HOUSING DEVELOPMENT PROGRAM OR EQUIVALENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Chapter 33, Article XIII A of the Code of Miami-Dade County, Florida is hereby created to read as follows:

ARTICLE XIII A.

WORKFORCE HOUSING DEVELOPMENT PROGRAM

**Sec. 33-193.3. Short title.**

This article shall be known as the "Workforce Housing Development Program of Miami-Dade County, Florida."

**Sec. 33-193.4. Legislative intent, findings, and purpose.**

A. Need for workforce housing in Miami-Dade County.

The health, safety, and welfare of the present and future residents of Miami-Dade County depend on the availability of a range of housing choices affordable to persons and

families of all income levels in all areas of Miami-Dade County. Current patterns of development have resulted in a persistent shortage of housing for certain sectors of the community. Studies of market demand show that for the foreseeable future more than 50% of the new labor force in Miami-Dade County will require moderately priced housing units. Currently, there exists in Miami-Dade County a shortage of housing affordable to individuals and families of moderate incomes, particularly those whose earnings range from 65% to 140% of the County's median income, the "workforce target income group." The workforce target income group includes many public employees and others employed in key occupations that support the local community. Increasingly, the high cost and short supply of housing affordable to persons and families of moderate income mean that many employees in the workforce target income group cannot afford to live in Miami-Dade County, while others can only afford to live in areas concentrated according to price and income level.

The uneven distribution of moderately-priced housing results in additional stratification of housing according to price and income level. It is in the best interests of the public health, safety, and welfare of the present and future residents of Miami-Dade County to reduce or eliminate such economic stratification by adopting land use regulations that encourage development of land available for residential use in Miami-Dade County in a manner that emphasizes integration of new housing for individuals and families in the workforce target income group into new, expanding, or redeveloping neighborhoods.

The uneven geographic distribution of housing affordable to the workforce target income group, as well as the distance between jobs and available housing, also increase traffic congestion and decrease economic productivity. Traffic and roadway congestion in turn adversely affect the environment and diminish air quality, increasing the burden on the public health care system and resulting in rising health care costs. The public health, safety, and welfare of the present and future residents of Miami-Dade County can best be protected by adopting land use policies to ensure that housing affordable to the workforce target income group is distributed throughout the county near workplaces, rather than being concentrated in enclaves separate from jobs and higher-priced housing.

The Florida Growth Management Act requires Miami-Dade County to adopt a comprehensive plan to guide future development and growth, including a housing element consisting of standards, plans, and principles to be followed in the provision of housing for all current and anticipated future residents. Exercising the authority conferred by the Miami-Dade County Home Rule Charter, and in furtherance of the Growth Management Act, the Board of County Commissioners has adopted the Comprehensive Development Master Plan ("CDMP"), including a housing element which establishes goals, objectives, and policies to ensure the provision of all variations of affordable housing products to meet the spatial and economic necessities of all current and future residents regardless of household type or income.

B. Causes and consequences of lack of sufficient workforce housing supply.

In order to assess the extent of the housing shortage, identify the most severely affected sectors of the community, and ascertain the need for a workforce housing development program, the Board of County Commissioners established a task force consisting of county housing, zoning, and planning professionals, and representatives of the private, for-profit, development community. The mission of the task force was to analyze the current and anticipated future make-up of Miami-Dade County's workforce and population, the geographic distribution of moderately-priced housing, historical and current patterns of development applications and approvals, the distance between jobs and housing for the workforce target income group, the overall impact of the housing shortage on the economy of Miami-Dade County, and the adverse consequences failure to act would have on the health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County. The need for the workforce housing development program as identified by the task force is the result of a variety of factors, including, but not limited to, those noted below.

- (1) *Increasing population pressure.* Miami-Dade County, in both the incorporated and unincorporated areas, is experiencing a rapid increase in the numbers of residents in the workforce target income group, including persons

with fixed or reduced incomes, young adults forming new households, minority households, single adults, and many public employees and others in key occupations serving the entire community including teachers, police and public safety personnel, health care workers and mid-level management workers. Studies show that, as a result of this population increase, for the foreseeable future more than one-half of the new labor force in Miami-Dade County will require workforce housing.

- (2) *Cost burdens.* Households in Miami-Dade County suffer from a high and increasing housing cost burden. Households have traditionally been regarded as "cost burdened" if they spend more than 30% of their gross income on housing costs. In Miami-Dade County, nearly 51% of all renter households pay more than 30% of their income in gross rent. In owner-occupied units, more than 36% of all households pay more than 30% of their income on housing.
- (3) *Inadequate housing supply for the workforce target income group.* Current patterns of development, the costs of acquiring land suitable for residential development, and the disposition of remaining developable land have resulted in an abundance of higher-priced housing and a shortage of housing economically attainable by the workforce target income group. With the exception of housing developed with government subsidies, privately developed new residential housing being built in Miami-Dade County generally is not affordable to the workforce target income group. Experience indicates that state and federal funds for the construction of affordable housing will not address the housing needs of the workforce target income group.
- (4) *Overcrowding.* Overcrowding is a major problem in Miami-Dade County. The problem is acute in low to moderate income households and households in the workforce target income group. Analyses indicate nearly 20% of all housing units in Miami-Dade County are overcrowded.

- (5) *Concentration of housing based on economic status.* Demographic analyses indicate that development applications and approvals that reduce the supply of land developable for residential use, and which result in a disproportionate amount of higher-priced housing, result in a reduced supply of housing for individuals and families in the workforce target income group, including young families, retired and elderly persons, single adults, female heads of houses, and minority households. Such development activity produces the undesirable and unacceptable effect of concentrating housing according to price, thus frustrating the policies and goals of the housing element of the CDMP, and increasing the threat to the public health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County.
- (6) *Need for involvement of private development community.* Existing efforts to encourage private, for-profit, developers to construct housing within the economic reach of the workforce target income group have met with very limited success. It is apparent that the need for housing for the workforce target income group can only be addressed if the responsibility for ensuring a diverse and adequate supply of housing is shared by Miami-Dade County, and the private, for-profit, development community.

C. Authority to establish and administer a workforce housing development program.

The Miami-Dade County Home Rule Charter specifically authorizes the Board of County Commissioners to prepare and enforce comprehensive plans for the development of Miami-Dade County in the incorporated and unincorporated areas, to establish, coordinate, and enforce such zoning regulations as are necessary for the protection of the public, to exercise all powers and privileges granted to municipalities, counties and county officers by the Constitution and laws of the State, to exercise all powers not prohibited by the Constitution or by the Charter, and to perform any other acts consistent with law which are required by the Charter or which are in the common interest of the people of the County. The workforce housing development program of Miami-Dade County is declared

to be a proper and necessary exercise of the powers conferred upon the Board of County Commissioners for the protection of the health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County.

Consistent with the goals, objectives, and policies of the land use and housing elements of the CDMP, the objective of the workforce housing development program is to increase the supply of housing affordable to the workforce target income group, and to address many of the problems associated with the short supply of housing affordable to the workforce target income group and with the uneven, poor geographic distribution of such housing throughout Miami-Dade County. Through utilization of a combination of density bonuses, relaxation of intensity standards, flexible design criteria, and other incentives, the workforce housing program established herein will help alleviate the existing housing shortage by making it more feasible for the private, for-profit, development community to create and deliver a greater number of housing units affordable to the workforce target income group. Requiring dispersal of workforce housing units throughout this community will avoid overconcentration of such housing. By establishing incentives encouraging the development of housing for the workforce target income group in areas in proximity to mass transit facilities, the workforce housing program will also help alleviate traffic pressure, roadway congestion, and other problems associated with the geographic distance between jobs and available housing.

- D. Joint effort of private development community, public sector, and not-for-profit sector.

It is the further intent of the Board of County Commissioners that the workforce housing development program established herein will foster and encourage the private, for-profit, development community to join with the public sector and the nonprofit sector to further the goal of meeting the housing needs of the workforce target income group.

- E. Adoption of legislative intent, findings and purpose.

The foregoing statements are declared to be the legislative intent, findings and purpose of the Board of County

Commissioners and are hereby adopted and made a part hereof.

**Sec. 33-193.5. Adoption of land use regulations and procedures for operation of Miami-Dade County's Workforce Housing Development Program.**

The Board of County Commissioners hereby adopts land use regulations and procedures for the operation of the Miami-Dade County workforce housing development program. The workforce housing development program, including all land use regulations and operating procedures, is deemed to be essential to assure the protection of the public health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County. All land use regulations adopted in connection with the workforce housing development program shall be supplemental to existing zoning on affected properties and shall be construed to be consistent therewith.

The Board of County Commissioners shall adopt by resolution such administrative procedures as may be necessary or proper to further the purposes of this article and thereby protect the public health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County.

**Sec. 33-193.6. Definitions.**

The following words and phrases, as used in this article, have the following meanings:

- (1) *Application* means any request for zoning action, building permit, administrative site plan review, or administrative modification under Chapter 33, or any request for approval or extension of approval of any type of application for subdivision of land pursuant to Chapter 28, where such request seeks approval to develop residential or mixed uses subject to the requirements of this article.
- (2) *At one location* means all land owned by the applicant, including:
  - (a) all adjacent parcels, the property lines of which are contiguous at any point; or
  - (b) all adjacent parcels, the property lines of which are separated only by a public or private street, road,

highway or utility right-of-way, or other public or private right-of-way at any point; or

- (c) all adjacent parcels, under common ownership or control of the applicant, including land owned or controlled by any business entities in which the applicant or immediate family members of the applicant possesses any form of management control.
- (3) *Transit corridor area* is the area which lies within a one-half mile radius of the Metrorail stations.
- (4) *Urban Infill Area (UIA)* is the area as defined in the Comprehensive Development Master Plan (CDMP).
- (5) *Work-force housing unit or WHU* shall mean a dwelling unit, the sale, rental or pricing of which in accordance with this article is restricted to households whose income is within the workforce housing target income range.
- (6) *Workforce housing target income range* means households whose income range is established at 65% up to 140% of the most recent median family income for the County reported by the U.S. HUD as maintained by the Department of Planning and Zoning.

**Sec. 33-193.7. Applicability.**

- (A) (1) Applications seeking approval of 20 or more dwelling units shall provide workforce housing units or a monetary contribution as provided in Section 33-193.9.
- (2) Applications seeking approval of fewer than 20 dwelling units shall be subject to the monetary contribution provided in Section 33-193.9.1.
- (B) An application seeking to develop property improved with one or more existing dwelling units priced to sell or rent to persons in the workforce housing target income range (Existing WHUs) shall provide for a total number of WHUs equal to the greater of the (1) Existing WHUs; or (2) the number of WHUs that would have been required had there been no Existing WHUs on the property.

- (C) Each application to develop improved property shall provide evidence satisfactory to the Director as to whether Existing WHUs are on the property.
- (D) In determining whether an application or a series of applications at one location filed within a three-year period meets the minimum unit thresholds, all land within the County owned or controlled by an applicant at one location (as defined in section 33-193.6) shall be included in said computation. An applicant shall not avoid compliance with this article by submitting piecemeal applications for subdivision plat, administrative site plan review, zoning hearing or building permit. Any applicant may submit an application for a subdivision plat of any type, administrative site plan review, zoning hearing or building permit for less than the minimum unit thresholds at any time but the applicant must proffer a declaration of restrictive covenants, in a form acceptable to the Director at the time of the initial application, providing that upon submission of the final application or request, the applicant will be in compliance with this article. The declaration of restrictions shall bind all parcels of the property at one location as defined in this article.
- (E) The provisions of this article shall not apply to property located outside the Urban Development Boundary as designated in the Land Use Plan (LUP) map of the CDMP, as amended from time to time.

**Sec. 33-193.8. Alternatives to on-site construction of WHUs; variances.**

- (A) Alternatives.

An applicant may satisfy the requirement of on-site construction of all of the required WHUs or of a portion of required WHUs by one of the means described below upon demonstrating, after public hearing, that where, owing to special conditions, allowing the alternative will observe the spirit of this article, and that approving the alternative requested will further the development of housing for the workforce target income group in the unincorporated area of Miami-Dade County to an equal or greater extent than construction of the required WHUs on-site.

- (1) Off-site construction of WHUs. If approved after public hearing in accordance with the standards in this section, an applicant may comply with the requirements of this article by construction of 110% of the number of WHUs required by this article at one or more alternative sites within a 2 mile radius of the proposed location of the market rate units being proposed (the "Off-site WHUs"). The alternative site must contain both its market rate and workforce housing units and the Off-site WHUs. The alternative site shall be within the same Community Council jurisdiction as the market rate units being proposed and the construction of the Off-site WHUs on the alternative site shall occur concurrently with the market rate units on the primary site.
- (2) Monetary contribution in lieu of construction of WHUs. If approved after public hearing in accordance with the standards in this section, or if permitted as of right pursuant to section 33-193.9, an applicant may satisfy the requirements of this article by providing a monetary contribution to the affordable housing trust fund established in section \_\_\_\_\_ of this code, in lieu of construction of the required on-site workforce housing units. Any monetary contributions received by the County shall not be commingled with any other funds deposited into the affordable housing trust fund that are not associated with the WHU program, but shall be deposited into a separate account. The amount of such required monetary contribution shall be as established in section 33-193.9.1. All monetary contributions shall be made prior to the issuance of the first building permit on the market rate units.
- (3) Combination of off-site construction of WHUs and monetary contributions. If approved after public hearing, an applicant may comply with the requirements of this article employing a combination of the alternatives (1) and (2) above in accordance with the standards of this section.

(B) Variances.

The following provisions of this article may be varied after public hearing, only upon demonstration that a literal enforcement of the provision of this article will result in an unnecessary hardship, that allowing the variance will observe the spirit of this article, that the degree to which the variance is granted is the minimum needed to avoid the hardship, and that the objectives of this article to increase the supply of housing for the workforce housing target group within the Community Council area will continue to be met if the requested variance is granted:

- (1) the applicable density bonus provisions or intensity standards;
  - (2) the number of WHUs required for an application.
  - (3) the amount of the monetary contribution in lieu pursuant to section 33-193.9.1.
- (C) If zoning approval is required, the application for such approval shall be filed together with the application for approval of any off site WHUs and shall be considered and approved or denied at the same public hearing.
- (D) Applicants shall not be required to seek an approval at public hearing for a monetary contribution in lieu of on-site WHUs where a zoning application for development of the subject property, including on site or off-site WHUs, with a recommendation by the Department of approval, has been finally denied after public hearing, provided the contribution in lieu is made within three years after the denial becomes final.

**Sec. 33-193.9. Required Workforce Housing Units.**

- (A) All applications for developments shall include a minimum percentage of workforce housing units based on the following:

CDMP Land Use Category	Proposed Gross Density of Development	Percentage of All Residential Units Required To Be Work-Force Units
Estate	Up to and Including 2.5 Units Per Gross Acre.	5 Percent <sup>1</sup>
	From 2.5 up to and Including 3.125 Units Per Gross Acre	12.5 Percent <sup>2</sup>
Low-Density Residential	From 3 up to and Including 6 Units Per Gross Acre.	5 Percent <sup>1</sup>
	From 6 to 7.5 Units Per Gross Acre.	12.5 Percent <sup>2</sup>
Low-Medium Density Residential	From 6 up to and Including 13 Units Per Gross Acre.	5 Percent <sup>1</sup>
	From 13 up to and Including 16.25 Units Per Gross Acre.	12.5 Percent <sup>2</sup>
Medium Density Residential	From 13 up to and Including 20 Units Per Gross Acre.	5 Percent <sup>1</sup>
	From 20 up to and Including 31.25 Units Per Gross Acre.	No Required Work-Force Units. Contribution in lieu of workforce housing units required pursuant to Section 33-193.9.1 equal to 5% of the market rate units.
Medium-High Density Residential	From 25 up to and including 75 Units Per Gross Acre	No Required Work-Force Units. Contribution in lieu of workforce housing units required pursuant to Section 33-193.9.1 equal to 5% of the market rate units.

<sup>1</sup>The number of WHUs to be provided shall be 5% of the total number of market rate units.

<sup>2</sup>The percentage of WHUs to be provided shall be a percentage of the total number of units.

High Density Residential	From 50 up to and including 156 Units Per Gross Acre	No Required Work-Force Units. Contribution in lieu of workforce housing units required pursuant to Section 33-193.9.1 equal to 5% of the market rate units.
Office/ Residential	In accordance with applicable CDMP provisions <sup>3</sup>	Refer to applicable residential category above
Business and Office	In accordance with applicable CDMP provisions <sup>4</sup>	Refer to applicable residential category above
Industrial	In accordance with applicable CDMP provisions	20 Percent <sup>1</sup>
Urban Center	Those urban centers not rezoned as of _____, 2006 (the effective date of this ordinance)	12.5 Percent <sup>2</sup>

<sup>3</sup>Office/Residential - One density category higher than that allowed in the adjoining or adjacent residentially designated area on the same side of the abutting principal roadway, or up to the density of existing adjoining or adjacent residential development, or zoning if the adjacent or adjoining land is undeveloped whichever is higher. If there is no adjacent or adjoining residential development existing, zoned or designated on the same side of the abutting principal roadway, then the allowable maximum residential density shall be based on that which exists or which the plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively office use of the site

<sup>4</sup>Business and Office - One density category higher than the LUP - designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site.

- (B) All applications for residential developments within Urban Centers depicted on the Land Use Plan (LUP) map of the CDMP that are zoned as an urban center as of the effective date of this article shall not be required to provide workforce housing units.
- (C) Existing zoning that permits development at a density greater than would be permitted by the underlying CDMP Land Use Plan map density shall provide 5 % workforce housing units when no density bonus or the benefit of an intensity standard is utilized. Where either a density bonus or the benefit of an intensity standard is utilized, 12.5 % of the total number of residential dwelling units must be workforce housing units. In no event, however, shall the CDMP density, including applicable bonuses, be exceeded.
- (D) Applicants seeking to utilize the 12.5% density bonus shall not seek approval of any application or proffer any declaration of restrictive covenants providing for a density below 95% of the total maximum density permitted by the underlying zoning district regulations, all zoning actions approved on the property and the maximum allowable density bonuses.

**Sec. 33-193.9.1. Monetary contribution in lieu of construction of WHUs.**

- (A) Developments of fewer than 20 residential units shall pay an amount as follows:

Number of market rate units to be developed

x

\$110,000

÷

20

=

Total Contribution.

- (B) Developments for which a monetary contribution has been approved in accordance with section 33-193.8(A) or 33-193.8(D) and developments required to contribute pursuant to section 33-193.9(A) shall pay an amount as follows:

Number of WHUs required to be developed  
(fractions rounded down)

X

\$110,000

=

Total contribution.

**Sec. 33-193.10. Exceptions.**

The following applications shall not be required to provide workforce housing units.

- (A) Housing for elderly persons or persons with disabilities that is developed and financially assisted under the United States Housing Act of 1937, and low and moderate income housing for older persons as defined by the Fair Housing Act, 42 U.S.C. § 3607, as amended, and housing for homeless/formerly homeless developed and financially assisted under the Stewart B. McKinney Act, as amended.
- (B) Applications filed after the effective date of this article that involve lawfully permitted development that does not result in a change in use and is for the exclusive purpose of dealing with issues that do not increase the number of dwelling units on the property, such as building relocation, ingress/egress, storm water drainage, or other engineering or public facilities issues, the preservation of historic structures, child care facilities, or changes in the size of units.
- (C) Conversion to condominium of residential developments, provided no increase in the number of units is proposed.
- (D) Affordable housing developments meeting the criteria of those programs administered pursuant to Chapter 17, Article VI of this code (local housing assistance program).
- (E) Group homes as defined in section 33-1(53.1) of this code.

- (F) Community residential homes as defined in section 419.001, Florida Statutes, as amended, and section 33-1(30.1) of this code.
- (G) Housing for the elderly, if provided in an age-restricted facility subsidized through the National Housing Act, as amended, and Chapter 420, Florida Statutes, as amended.
- (H) Housing developed or owned by the state or any county, municipality, or governmental entity.
- (I) Adult retirement communities containing age-restricted dwelling units that include special safety and convenience features designed for the needs of older people.
- (J) Hotel and motel use.

**Sec. 33-193.11. Density bonuses.**

- (A) Any application providing a minimum of 12.5 percent WHUs on-site, or otherwise complying with Section 33-193.8 of this article, shall be entitled to a residential density bonus of 25 percent above the applicable CDMP Land Use map maximum density, provided the application satisfies all of the requirements of this article as well as the benefit of the intensity standards provided in section 33-193.12.

The density bonus for the primary site shall not be transferable to the off-site property, where an alternative site is approved after public hearing for the development of off-site WHUs.

- (B) Applicants providing 5% workforce housing units or an approved contribution in lieu thereof shall be entitled to a density bonus above the CDMP maximum density to such increased density as is required to provide the 5% WHUs.
- (C) The total number of dwelling units permitted, including bonus units, market rate units, and WHUs may exceed the permitted maximum density allowed in the zoning district in accordance with the foregoing provisions, provided that in no event shall the density exceed the maximum densities, including applicable bonuses, set forth in the CDMP, as amended.

- (D) Severable use rights, as provided in Chapter 33B of this code, shall not be utilized in conjunction with the density bonuses contained in this article.

**Sec. 33-193.12. Intensity standards.**

- (A) Notwithstanding zoning district regulations to the contrary, the following maximum intensity standards shall apply to applications seeking approval of a development providing either the WHUs required or a monetary contribution in lieu thereof, under the provision of this Article:

- (1) In the EU-2 District:

- (a) Minimum lot size--Four (4) acres;
- (b) Minimum lot frontage--One hundred sixty-five (165) feet;
- (c) Maximum lot coverage--Twenty (20) percent.

- (2) In the EU-1C District:

- (a) Minimum lot size--Two (2) acres;
- (b) Minimum lot frontage--One hundred twenty-five (125) feet.

- (3) In the EU-1 District:

- (a) Minimum lot size--Thirty-two thousand five hundred (32,500) square feet;
- (b) Minimum lot frontage--One hundred ten (110) feet.

- (4) In the EU-S District:

- (a) Minimum lot size--Twenty thousand (20,000) square feet;
- (b) Minimum lot frontage--One hundred ten (110) feet.

- (5) In the EU-M District:

- (a) Minimum lot size--Twelve thousand five hundred (12,500) square feet;
- (b) Minimum lot frontage--One hundred (100) feet.

- (6) In the RU-1 and RU-2 Districts:
  - (a) Minimum net lot area of residential lots shall be 5,000 square feet and the minimum lot frontage shall be 50 feet, except that a maximum of 10 percent of the residential lots may be reduced to a minimum of 4,000 square feet and a minimum lot frontage of 40 feet; and
  - (b) Maximum lot coverage shall not exceed the lot coverage permitted by the underlying district regulations by more than 20%.
  
- (7) In the RU-1M(a), and RU-1M(b) Districts:
  - (a) The minimum net lot area of residential lots shall be 4,000 square feet; and the minimum lot frontage shall be 40 feet; and
  - (b) Maximum lot coverage shall not exceed the lot coverage permitted by the underlying district regulations by more than 20%.
  
- (8) In the RU-TH district:
  - (a) Minimum lot size shall be 1,250 square feet of net lot area; and
  - (b) Minimum open space shall be 20 percent of the net lot area.
  
- (9) In the RU-RH district:
  - (a) Minimum lot size shall be 1,000 square feet of net lot area; and
  - (b) Density shall not exceed 15 dwelling units per net acre; and
  - (c) No private open space shall be required; and
  - (d) A minimum of 10 percent common open space shall be provided in the way of greens.
  
- (10) In the RU-3M district:
  - (a) Maximum floor area ratio shall be 0.60; and
  - (b) Maximum height shall be 3 stories not to exceed 40 feet in overall height; and
  - (c) Maximum lot coverage shall be 35% of net lot area; and

- (d) Minimum open space shall be 20 percent of the net land area.
- (11) In the RU-4L district:
- (a) Maximum floor area ratio shall be 0.9;
  - (b) Maximum height shall be 6 stories;
  - (c) Maximum lot coverage shall be 35% of net lot area.
- (12) In the RU-4M district:
- (a) Maximum floor area ratio shall be 1.0;
  - (b) Maximum height shall be 9 stories;
  - (c) Maximum lot coverage shall be 35% of net lot area.
- (13) In the RU-4 and RU-4A districts:
- (a) Maximum height shall be one additional story;
  - (b) Maximum floor area ratio shall be 2.2 for a development over 9 stories.
- (14) In the BU-1 and BU-1A districts if approved after public hearing:
- (a) Maximum floor area ratio – Add .015 per acre above that permitted by the district regulations;
  - (b) Maximum lot coverage shall be 45% of net lot area;
  - (c) Landscaped open space shall be the open space percentage required by the underlying district regulations for a one story building.
- (15) In the BU-2 district if approved after public hearing:
- (a) Maximum floor area ratio – Add .015 per acre above that permitted by the district regulations
  - (b) Maximum lot coverage shall be 50% of net lot area;

- (c) Landscaped open space shall be the open space percentage required by the underlying district regulations for a one story building.
- (16) In all transit corridor areas, parking shall be provided as required by section 33-124 of this code, except as follows:
  - (a) the minimum parking required shall be:
    - i. Residential--One (1) parking space per dwelling unit.
    - ii. Office--One (1) parking space per four-hundred (400) square feet of gross floor area.
    - iii. Hotel--One (1) parking space for every two (2) guest rooms.
  - (B) Severable use rights, as provided in Chapter 33B of this code, shall not be utilized in conjunction with the intensity standards contained in this article.

**Sec. 33-193.13. Design and unit placement.**

- (A) Workforce housing units shall be comparable in design and materials to market-rate units within the development in terms of exterior appearance. Workforce housing units may be grouped or dispersed throughout the development.
- (B) Notwithstanding underlying zoning regulations that limit the number of residential units that may be constructed on a single platted lot, residential developments incorporating workforce housing units may utilize the following flexible design provisions, provided that the total development density shall not exceed that allowed by this article. Units to be developed in accordance with this section shall be approved only upon demonstration that a declaration of condominium has been filed in accordance with state law (if any unit is to be sold).
  - (1) No more than 3 total residential units may be placed on a single platted lot, of which no more than one unit may be, but shall not be required to be, a market rate unit, and

- (2) The entrance to each of the units on a single platted lot shall be
  - (a) through a common hall/foyer area in the front of the building, which shall be concealed by a building wall with 1 entrance door, giving the appearance of a single family residential unit, or
  - (b) the entrance to the workforce housing unit(s) shall be clearly designed to be subordinate to the principal entrance of the building for the market rate unit. When the entrance is configured in this manner, the design shall incorporate architectural features and elements that clearly distinguish and develop the market rate unit entrance as the predominant entrance from the other entrances.
- (3) Buildings designed under these parameters shall not be located on the periphery of a development, adjacent to or across the street from previously established single family residential neighborhoods.
- (4) The locations of the parking spaces for the units within the building shall be dispersed around the building so as not to create a parking field for all of the spaces in the front of the building.

**Sect. 33-193.14. Required declaration of restrictive covenants**

Prior to final approval of any application, the applicant shall submit a separate declaration of restrictive covenants, encumbering the entire project, approved in form by the Director and sufficient for recording in the public records of Miami-Dade County, Florida, including provisions requiring development of a specified number, type, and location of all dwelling units, a general plan for staging construction of all units, and such other provisions as the Department may require to demonstrate the applicant's compliance with this article. The development and the WHU staging plan must be consistent with the CDMP and any applicable land use, subdivision regulations, zoning and site plan approval for the property. The declaration of restrictive covenants shall require the property to be developed in accordance with the following specifications:

- (A) a general description of the covered development, including whether the covered development will contain rental dwelling units or owner-occupied dwelling units, or both.
- (B) the total number of market rate dwelling units and WHUs in the development and the timetable for construction; and
- (C) the location of the WHUs in the development and phasing, if any, and construction schedule for the development sequence demonstrating that:
  - (1) WHUs will be built and made available for occupancy simultaneously with or before market-rate dwelling units, except that building permits for the last 10% of the market-rate units shall be withheld until building permits have been issued for all of the WHUs; and
  - (2) the last building shall not contain only WHUs.
- (D) If the requirements of this article are to be satisfied through the use of an alternative to on-site construction as provided in section 33-193.8, of this code, the declaration of restrictive covenants shall identify and commit to the development of WHUs on an approved alternative site. A separate declaration of restrictive covenants encumbering the alternative site shall identify and commit to the development of the approved off-site WHUs, and shall further provide appropriate assurances that the WHUs that will be required for the alternative site itself will be provided.
- (E) The declaration of restrictive covenants may be modified by mutual consent of the applicant and the Department of Planning and Zoning and the Miami-Dade Housing Agency, as long as the modified agreement remains in conformity with this article and substantially conforms to the recorded declaration's provisions relating to number, location, distribution and timing or construction of WHUs

**Sec. 33-193.15. Workforce housing agreement.**

Prior to the earlier of final plat approval or application for building permit for the first residential unit on the property subject to the requirements of this article applicant shall submit a declaration of restrictive covenants, approved in form by the Director and

sufficient for recording in the public records of Miami-Dade County, Florida, encumbering the individual WHUs in the entire development, specifying the restrictions of the WHU and such further arrangements, restrictive covenants, and resale restrictions as are necessary to carry out the purposes of Chapter 17, Article VIII of the code, sections 17-133 through 17-135 inclusive, and shall include the following:

- (a) a binding commitment that the restrictions of this article shall run with the land for the entire control period, and
- (b) a binding commitment that the covenants will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to or an interest in the property, and
- (c) these covenants shall be senior to all other liens or encumbrances on the property including all instruments securing permanent financing, except that tax and assessment liens shall be superior to these covenants, and
- (d) a binding commitment that incorporates all terms and conditions regarding WHUs, including without limitation, the required shared equity agreement, eligibility standards, appropriate sale and rental price standards and affordability controls required of purchasers of WHUs pursuant to Chapter 17, Article VIII of this code.

**Sec. 33-193.16. Penalties and enforcement.**

This article shall be enforceable in accordance with the provisions of Chapter 8CC of this code. Violations of this article shall also be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the county court. Any continuing violations of the provisions of this article may be enjoined and restrained by injunctive order of the circuit court in appropriate proceedings instituted for such purpose.

**Sec. 33-193.17. Implementation.**

- (A) The provisions of this article shall not apply to applications for building permit, zoning action, site plan review, plats or waivers of plat having a valid zoning application number (including administrative site plan review application numbers, building permit process number or plat application number prior to the effective date of this ordinance (\_\_\_\_\_, 2006). It is provided, however, that within 1 year after the effective date, an applicant shall

have obtained final approval of applications for building permit, zoning action or site plan review. Within 2 years after the effective date of this ordinance (\_\_\_\_\_, 2006), an applicant shall have obtained final approval of plat or waiver of plat.

If final approval has not been obtained by the prescribed period for any such application for building permit, zoning action, site plan review, plats or waivers of plat the applicant shall be required to comply with the requirements this article.

- (B) If filed within five (5) years after the effective date of this ordinance, an application for a building permit for any part of (a) a site plan or (b) a development subject to a declaration of restrictive covenants restricting density shall not be subject to the provisions of this article, where the site plan or declaration was approved at public hearing or through administrative site plan approval prior to the effective date of this ordinance (\_\_\_\_\_, 2006). Any project, structure, or portion thereof for which a valid building permit (1) has been issued pursuant to such site plan or declaration or (2) was issued prior to the effective date of this ordinance may proceed to completion of construction under the terms of the approval, for so long as development continues in good faith. For the purpose of calculating the five-year period under this section, the time shall be tolled during the pendency of administrative appeals or judicial proceedings relating to approval of the site plan, declaration of restrictive covenants, or building permit.

After the effective date of this ordinance, any application for a building permit other than as expressly described above shall be subject to the provisions of this article.

**Section 2.** Section 33-199 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>5</sup>

**Sec. 33-199. Uses Permitted.**

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose in a RU-1 District which is designed, arranged or intended to be used or occupied for any purpose other than the following, unless otherwise specifically provided herein:

- (1) Every use as a one-family residence, including every customary use not inconsistent therewith, including a private garage.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

**Section 3.** Section 33-201 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Sec. 33-201. Uses permitted.**

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered for any purpose in an RU-2 District which is designed, arranged, or intended to be used or occupied for any purpose, unless otherwise provided for, excepting for one (1) or more of the following uses:

- (1) Every use permitted in RU-1, RU-1M(a) and RU-1M(b) Districts.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

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<sup>5</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

**Section 4.** Section 33-202.3 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Sec. 33-202.3. Uses permitted.**

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved, or reconstructed, structurally altered or maintained for any purpose in a townhouse district (RU-TH) which is designed, arranged or intended to be used or occupied for any reason or purpose, except for one (1) of the following uses:

- (1) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b) and RU-2 Districts, subject only to the requirements, limitations and restrictions applicable therefore in said districts, including, but not limited to, lot width, areas, yard areas, heights and coverage.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

**Section 5. Sec. 33-202.6. Permitted uses.**

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved, or reconstructed, structurally altered or maintained for any purpose in a rowhouse district (RU-RH) which is designed, arranged or intended to be used or occupied for any reason or purpose, except for one (1) of the following uses:

- (1) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-TH, and RU-3 Districts, subject only to the applicable physical requirements, limitations and restrictions of said districts, including, but not limited to, lot width, areas, setbacks, heights and coverage.

\* \* \*

>>(3) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

**Section 6.** Section 33-203 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Sec. 33-203. Uses permitted.**

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, reconstructed, or moved or structurally altered or maintained for any purpose in an RU-3 District, unless otherwise provided herein, excepting for one (1) or more of the following uses:

- (1) Every use permitted in RU-1, RU-1M(a), RU-1M(b) and RU-2 District.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

**Section 7.** Section 33-203.6 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Sec. 33-203.6. Uses permitted; requirements generally.**

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-3M District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

- (A) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations and restrictions applicable therefore in said districts, including but not limited to, lot width, area, yard areas, height and coverage.

>>(A.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

**Section 8.** Section 33-207.2 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Sec. 33-207.2. Uses permitted.**

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in a RU-4L District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

- (A) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations, and restrictions applicable therefore in said districts; including but not limited to lot width, area, yard areas, height, and coverage.

>>(A.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

**Section 9.** Section 33-207.3 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Sec. 33-207.3. Uses permitted.**

No land, body of water or structure shall be used, or permitted to be used and no structures shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in a RU-4M District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

- (A) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations, and restrictions applicable therefore in said districts including but not limited to lot width, area, yard areas, height and coverage.

>>(A.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

**Section 10.** Section 33-208 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 33-208. Uses permitted.**

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4, High Density Residential District, which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

- (1) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations, and restrictions applicable thereto in said districts, including but not limited to lot width, area, setbacks, yard areas, height and coverage.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

**Section 11.** Section 33-217 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 33-217. Uses permitted.**

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4A District which is designed, arranged, or intended to be used or occupied for any purpose, except for one (1) of the following uses:

- (1) Those uses permitted in the RU-1, RU-2, RU-1M(a), RU-1M(b), RU-3 and RU-TH Districts subject only to the requirements, limitations and restrictions applicable thereto in said districts, including but not limited to, lot width, area, setbacks, yard areas, height and coverage.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

**Section 12.** Section 33-223.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 33-223.1. Uses permitted.**

No land, body of water or structure shall be used, or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an RU-5 District which is designed, arranged, or intended to be used or occupied for any purpose, except for one (1) or more of the following uses, and all other uses are hereby prohibited:

- (1) Duplex use--those uses permitted in the RU-2 District subject only to the requirements, limitations and restrictions specified in said district, and except that it shall be permissible to use a fifty- by one hundred-foot lot for two-family use in an old subdivision
- (2) Apartment house as permitted in the RU-3 District subject only to the requirements, limitations and restrictions applicable in the RU-3 District for such use
- (3) Multiple-family housing projects

>>(3.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

**Section 13.** Section 33-224 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 33-224. Uses permitted.**

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an EU-M District, unless otherwise provided for, except for one (1) or more of the following uses:

- (1) Every use as a one (1) family residence, including every customary use not inconsistent therewith, and including guest house, private garage or garages and apartment designed for servants' quarters only, not over one (1) story in height.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

**Section 14.** Section 33-225.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 33-225.1. Uses; lot area, frontage and depth.**

- (a) Use permitted. No land, no body of water and no structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an EU-S Zone, unless otherwise provided for, except for one (1) or more of the following uses:
  - (1) Every use as a one (1) family residence, including every customary use not inconsistent therewith, and including guest house, private garage or garages and apartment designed for servant's quarters only, not over one (1) story in height.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

**Section 15.** Section 33-226 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 33-226. Uses permitted.**

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered or maintained in any district of EU-1 classification, which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided herein, excepting for one (1) or more of the following uses:

- (1) Every use as one (1) family residence, including every customary use not conflicting therewith.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

**Section 16.** Section 33-230 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 33-230. Uses permitted.**

No land, body of water and/or structures shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, or structurally altered or maintained in any EU-1C District, which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise herein provided, excepting for one (1) or more of the following uses:

- (1) Every use as a one (1) family residence, including every customary use not conflicting therewith.

>>(1.1)Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

\* \* \*

**Section 17.** Section 33-238 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 33-238. Uses permitted.**

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered or maintained in any BU-1 District, which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) or more of the following uses:

- (1) Residential uses may be permitted as a combination of permitted business uses and residential uses housed in the same building; the floor area of the residential use shall not exceed fifty (50) percent of the floor area of the building.

>>(1.1)Workforce housing units in compliance with the provisions of this section and Article XIIA of this code.<<

\* \* \*

**Section 18.** Section 33-284.27 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 33-284.27. Development parameters.**

All applications for the Planned Area District shall comply with the following applicable development parameters:

\* \* \*

(C) Permitted residential uses.

All residential types, including single family, and multi-family >>, and workforce housing units in compliance with the provisions of this section and Article XIIA of this code,<< whether detached, attached or any combination thereof, shall be permissible in the Planned Area Development zoning classification upon approval by the appropriate zoning board.

**Section 19.** Section 33-284.48 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 33-284.48. Development parameters.**

All applications for a TND shall comply with the following development parameters >>and with article XIIA of this code:

\* \* \*

**Section 20.** Chapter 17, Article IX of the Code of Miami-Dade County, Florida is hereby created to read, as follows:

ARTICLE IX.

WORKFORCE HOUSING DEVELOPMENT PROGRAM  
ADMINISTRATION

**Sec. 17-138. Short title.**

This article shall be referred to as "Workforce Housing Development Program Administration."

**Sec. 17-139. Purpose.**

The purpose of this article is to create administrative procedures for the implementation of the Workforce Housing Development

Program established pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County.

**Sec. 17-140. Definitions.**

The definitions contained in Chapter 33, Article XIIA of the Code of Miami-Dade County, shall apply to this chapter in addition to the following:

- (1) "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.
- (2) "Certificate of qualification" means a certificate issued by the Department establishing a qualified household's eligibility to purchase or rent a workforce housing unit ("WHU"). Certificates of qualification shall be valid for 12 months. The certification criteria are set by administrative order.
- (3) "Condominium" means that form of ownership of real property created pursuant to Chapter 718 of the Florida Statutes, which is comprised entirely of units that are owned by one or more persons, and which there is, appurtenant to each unit, an undivided share in common elements.
- (4) "Condominium conversion" has the meaning established by sections 718.604 – 718.622 of the Florida Statutes.
- (5) "Control period" means each 20-year period during which the affordability restrictions imposed by this article shall apply. The control period begins at the time of any sale or resale of the affected unit by every new WHU owner.
- (6) "Covered development" means all developments required to provide WHUs or monetary contributions in lieu thereof pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County.
- (7) "Department" means, unless otherwise indicated, the Miami-Dade Housing Agency or any successor agency.
- (8) "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, but does not include the state or any county, municipality, or any governmental entity.
- (9) “Director” means, unless otherwise indicated, the Director of the Miami-Dade Housing Agency, or designee.
- (10) “Eligible household” means, subject to the provisions of section 17-134 hereof, a household whose total income is between 65% and 140% of Area Median Income.
- (11) “Eligible household income” means any income derived from any proposed occupants of a WHU who are 18 years of age or older and who will use the WHU as their primary residence.
- (12) “Household” means any natural person who occupies a WHU as his or her primary residence.
- (13) “Market rate dwelling units” means all dwelling units in a covered development that are not WHUs as defined herein.
- (14) “Qualified household” means an eligible household that has received a certificate of qualification from the Department.
- (15) “Workforce housing unit rent” or “WHU rent” means rents that do not exceed the monthly Fair Market Rent as determined for Miami-Dade County by the U.S. Department of Housing and Urban Development (published annually at <http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr06>).
- (16) “Workforce housing unit sales price” or “WHU sales price” shall mean the sales price set by the Director pursuant to an administrative order, not to exceed an amount affordable at the maximum workforce housing target income range, as defined in Chapter 33, Article XIA of the Code of Miami-Dade County, taking into account (a) family size; (b) an annual fixed interest rate based on a thirty (30) year mortgage term; (c) payment of up to five percent (5%) down payment by a qualified household; and (d) an estimation of annual property taxes, assessments, loan insurance and financing fees, allowances for property maintenance and repairs, homeowners insurances,

homeowner association fees, if any, and allowances for utilities.

**Sec. 17-141. Applicability.**

The provisions of this article shall apply to all development subject to the provisions of Chapter 33, Article XIIA of the Code of Miami-Dade County

**Sec. 17-142. Compliance procedures.**

(A) Workforce Housing Declaration of Restrictive Covenants and Workforce housing agreement

(1) Every WHU required to be established pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County shall be offered for sale or rental to a qualified household to be used for his or her own primary residence. The County, through the Director, shall publish a pricing schedule of rental and sales prices for WHUs in accordance with this article.

(2) Any developer or other property owner offering a WHU for initial sale or rental shall record in the public records one or more covenants or declarations of restrictions in a form approved by the County. Such covenants or declarations of restrictions shall include the WHU Agreement, and such further arrangements, restrictive covenants, and resale or rental restrictions as are necessary to carry out the purposes of this article. The developer or other property owner must execute and record a declaration of restrictive covenants assuring that:

(a) the restrictions of this article shall run with the land for the entire control period;

(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.

(3) Each qualified household purchasing a WHU shall be required to record a mortgage in favor of Miami-

Dade County. A promissory note shall be executed by each qualified household and secured by said mortgage. Said mortgage shall set forth the same covenants, along with the refinancing and resale restrictions as those included in the restrictive covenants required by this section, and shall require acknowledgment of the County's right of first refusal as set forth in section 17-135 (B) and (C).

- (B) WHUs offered for sale during the initial or any control period shall not be offered for a price greater than the current maximum WHU sales price as determined by the Department at the time of sale.
- (C) A new twenty-(20) year control period shall commence upon any resale and/or transfer to a new owner of such WHU within the initial 20-year control period. Any WHU that is owned for an entire 20 year control period by the same individual(s), shall be released from the sales price restrictions under the program. Upon the expiration of the control period the County shall record in the public records of Miami-Dade County an instrument or document releasing the WHU from the restrictive covenant required by this program.

A WHU may not be resold during the control period set forth herein for an amount that exceeds the WHU sales price set by administrative order. Prior to offering the dwelling unit for sale during the control period, the WHU owner shall obtain the Director's written approval of the WHU sales price.

The covenants recorded by each developer or other property owner of WHUs 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. The total aggregate amount of principal and accrued interest for all financing secured by an individual

upon his or her initial purchase of a WHU shall not exceed 105% of the loan-to-value. Any financing in excess of the lesser of (1) Department's maximum WHU sales price at the time of closing; or (2) the property's appraised value shall not be secured by any interest in the applicable individual WHU.

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

**Sec. 17-143. Eligibility of households for workforce housing units.**

Eligibility for rental or purchase of WHUs shall be determined pursuant to an administrative order approved by the Board of County Commissioners and shall be based on household size and income. An eligible household must receive a certificate of qualification from the Department to become a qualified household for a WHU, in accordance with the procedures prescribed by the administrative order.

Eligibility for continued ownership or rental of a WHU shall be contingent upon the qualified household's use of the WHU as his or her primary residence.

- (A) A qualified household that purchases a WHU and that discontinues occupancy of the unit as his or her primary residence shall be in default of the mortgage recorded against the WHU by the County.
- (B) A qualified household that leases a WHU and who discontinues occupancy of the unit as his or her primary residence shall be required to vacate said unit.

**Sec. 17-144. Affordability controls.**

(A) Initial sale or rental.

- (1) Every WHU required to be established under this article and Chapter 33, Article XIIA of the Code of Miami-Dade County, shall be offered for sale or rental to an eligible household to be used for his or her own primary residence.
- (2) Sixty (60) days prior to offering any new WHU for sale or rent, the developer or other property owner shall notify the Department of such offering. The notice shall set forth the number, size, price established by applicable administrative order, and location of the WHU offered and shall provide a description of each WHU's finishes and availability. The Department may request additional information from the developer or other property owner as it deems necessary.
- (3) Upon notification from the developer or other property owner, the Department shall make such notice available to eligible households through its web site, a prominently located posting at the Department, and other locations designated by the County.
- (4) If the Department determines an eligible household qualifies for the rental or owner-occupied WHUs, 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 WHU will be its primary residence.
- (5) A qualified household that has purchased a WHU shall not lease said WHU.
- (6) Upon resale or re-rental of a WHU, each qualified household must first obtain a valid certificate of qualification from the prospective eligible household.

- (B) Right of first refusal.
- (1) Initial Sale. The developer or other property owner of a WHU shall agree to execute a document consistent with a model restriction prepared by the Department, granting to the County, among other things, the County's right of first refusal to purchase the WHU in the event that a qualified household does not execute a contract for purchase within six (6) months from the date the WHU is offered for sale. In the event that no qualified household purchases a WHU within six (6) months from the date the WHU is first offered by the developer or other property owner, the Director shall recommend to the County Manager whether the County should exercise its right of first refusal to purchase the WHU at the WHU sales price. If the County Manager concurs, the Director shall notify the developer or other property owner of the County's decision. The County Manager is authorized to exercise the right of first refusal provided hereunder, with funds allocated from the Affordable Housing Trust Fund established pursuant to Section 17-129, et. seq., Code of Miami-Dade County or any other authorized source, for the direct and exclusive purpose of providing workforce housing for those households meeting the workforce housing eligibility requirements. Notwithstanding this authorization to purchase, the County Manager shall bring to the Board of County Commissioners a resolution seeking ratification of said purchase at the next available Board meeting following the purchase of the WHU.
- (2) Resale. Subject to the mortgage recorded against the WHU in favor of the County, any qualified household that intends to sell his or her WHU prior to the expiration of the control period shall provide written notification to the Department pursuant to subsection (C) below. In the event the qualified household does not execute a contract for purchase within six (6) months from the date the WHU is first offered for resale, the County shall have a right of first refusal to purchase the WHU. The Director shall recommend to the County Manager whether the County should exercise its right of first refusal

to purchase the WHU at the WHU sales price. If the County Manager concurs, the Director shall notify the qualified household of the County's decision. The County Manager is authorized to purchase the WHU, without prior approval from the Miami-Dade Board of County Commissioners, from the funds earmarked in the Affordable Housing Trust Fund, which has been established pursuant to Section 17-129 et seq., Code of Miami-Dade County, or any other authorized source, for the direct and exclusive purpose of providing workforce housing for those households meeting the workforce housing eligibility requirements. Notwithstanding this authorization to purchase, the County Manager shall bring to the Board of County Commissioners a resolution seeking ratification of said purchase at the next available Board meeting following the purchase of the WHU.

(C) Control of resale prices

- (1) The maximum sales price, with the exception of sales under order of court, permitted on resale of a WHU shall be the lesser of:
  - (a) the maximum sales price for a WHU as set by the Department at the time of resale to an eligible household; or
  - (b) the market value of the unit for sale.
- (2) The WHU may be resold to any eligible household. Any qualified household that has purchased a WHU shall notify the Department in writing of his or her intent to offer the WHU for resale. The qualified household shall not sell the WHU for an amount in excess of the allowable WHU sales price.
- (3) Before closing a sale, the seller of the WHU shall submit to the Department for approval (which approval shall not be unreasonably withheld or delayed):
  - (a) a copy of the proposed sales contract;

- (b) a signed copy of the buyer's certification of qualification (if not provided by the Department); and
  - (c) an affidavit signed by the seller and the buyer attesting to the accuracy of all documents and conditions of the sale.
- (4) No resale of a WHU shall be considered to be in compliance with this article until all required documents and affidavits have been submitted to and approved by the Department.
- (5) The Department shall either approve or disapprove all required documents and affidavits in writing no later than five (5) business days after they are submitted to the Department. The Department's failure to issue such approval or disapproval within the required time period shall result in such documents and affidavits being deemed approved. If the Department disapproves such documents or affidavits then the Director shall provide the seller, in writing, with reasons for such disapproval and an opportunity to correct any deficiencies.
- (D) Resale requirements during the control period.

The County Manager may adopt additional requirements for reselling WHUs consistent with this article, including without limitation a requirement that within forty-eight (48) hours prior to closing, a seller submit to the Department for approval:

- (1) a copy of the proposed sales contract, including a list and the price of any personal property included in the sale;
- (2) a signed copy of the settlement sheet; and
- (3) an affidavit signed by the seller and buyer attesting to the accuracy of all documents and conditions of the sale.

- (E) Foreclosures and other proceedings.
- (1) If any qualified household of a WHU defaults on his or her mortgage with the County and said default is not cured within the applicable time periods, then the whole debt secured by said mortgage, with all interest thereon, and all other amounts thereby secured shall, at the option of the County, become immediately due and payable. In the event any qualified household of a WHU fails to cure the default, the County shall have the right to legally enforce the term of the mortgage or collect the debt in any action at law, including but not limited to a proceeding in foreclosure. Any proceeds, including any expenses or expenditures incurred and recovered by the County, shall be deposited in the Affordable Housing Trust Fund. These funds shall not be commingled with any other funds deposited into the Affordable Housing Trust Fund that are not associated with the WHU program, but shall be deposited into a separate account.
  - (2) In any suit, action or proceeding, including without limitation bankruptcy, probate or any other suit, action or proceeding affecting the WHU, any monies recovered by the County shall be deposited into the Affordable Housing Trust Fund.
  - (3) Notwithstanding subsection E (1) and (2), in the event of default by a qualified household on any senior mortgage associated with a WHU, the County Manager is authorized to pay off said senior mortgage and assume ownership of the WHU by using funds from the Affordable Housing Trust Fund for resale to an eligible household. The defaulting qualified household shall be required to vacate the WHU as authorized by law. The County Manager is further authorized to purchase any WHU that is sold as a result of any suit, action or proceeding, including but not limited to foreclosure, bankruptcy, probate or any other suit, action or proceeding affecting the WHU. Notwithstanding this authorization to purchase, the County Manager shall bring to the Board of County Commissioners a resolution seeking ratification of said purchase at

the next available Board meeting following the purchase of the WHU.

(F) Rental WHU 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.
- (2) If a qualified household's income increases above the maximum allowed income levels, the qualified household may choose to remain in the WHU 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 WHU rent.

**Sec. 17-145. Trust Fund Expenditures.**

Funds from the workforce housing development program deposited into the Affordable Housing Trust Fund, including, without limitation, monetary contributions in lieu of development of workforce housing units, shall only be used to increase opportunities to obtain workforce housing for households earning 65% to 80% of the area median income. Notwithstanding the foregoing, when exercising the right of first refusal pursuant to section 17-144, the County Manager may utilize monies deposited into the Affordable Housing Trust Fund from the workforce housing development program without limitation.

**Sec. 17-146. Reports to the Board of County Commissioners.**

The Director shall submit regular reports to the Miami-Dade Board of County Commissioners concerning compliance with the provisions of this article. This report shall be provided on a semi-annual basis for the first two years after the effective date of this ordinance, and annually thereafter, to include but not be limited to continuing to evaluate the need for workforce housing, the uses of and expenditures from the Affordable Housing Trust Fund, and the effectiveness of the program.

**Sec. 17-147. Enforcement.**

- (A) The provisions of this article shall apply to all agents, successors and assignees of a qualified household.
- (B) This article shall be enforceable in accordance with the provisions of Chapter 8CC of this code. Violations of this article shall also be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the county court. Any continuing violations of the provisions of this article may be enjoined and restrained by injunctive order of the circuit court in appropriate proceedings instituted for such purpose.<<

**Section 21.** Section 20-26 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 20-26. Future municipalities' obligations to the county.**

\* \* \*

>>(g) As a condition of incorporation approved pursuant to Article V of the Miami-Dade County Home Rule Charter, each new municipality, as a part of its charter, shall provide for adoption of Miami-Dade County's workforce housing development program established at Chapter 33, Article XIIA of the Code of Miami-Dade County, as amended, provided, however, any municipality may establish and enforce more stringent regulations as necessary to ensure

provision of workforce housing units within its jurisdiction.<<

**Section 22.** Section 8-8.1 of the Code of Miami-Dade County is hereby created to read as follows:

**>>Sec. 8-8.1. Expedited permit program for workforce housing units.**

It is the intent of Miami-Dade County to encourage private, for profit developers to construct moderately priced housing or workforce housing units. As used in this section, workforce housing units shall mean those WHUs which are priced (selling price or rent) at levels to be affordable to households which meet the workforce housing target income range. To that end, the Building Official shall implement a program to expedite the review and approval of permit applications for workforce housing units. The expedited permit program for workforce housing units shall be implemented through administrative order to be approved by the Board of County Commissioners.<<

**Section 22.** Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

**Sec. 8CC-10. Schedule of civil penalties.**

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

*	*	*
Code Section	Description of Violation	Civil Penalty
*	*	*
<u>&gt;&gt;17-137</u>	<u>Failure to comply with Chapter 17, Article VIII of the Code of Miami-Dade County</u>	<u>\$1,000&lt;&lt;</u>
*	*	*
<u>&gt;&gt;33-193.16</u>	<u>Failure to comply with Chapter 33, Article XIIA of the Code of Miami-Dade County</u>	<u>\$1,000&lt;&lt;</u>

*	*	*
All other Chapter		\$500.00
33 violations		

**Section 23.** Section 33-306 of the Code of Miami-Dade County is hereby amended as follows:<sup>6</sup>

**Sec. 33-306. Community Zoning Appeals Boards  
>>and Workforce Housing Zoning  
Appeals Board<<--Establishment.**

(a) There are hereby established multiple Community Zoning Appeals Boards whose boundaries shall coincide with the boundaries of Community Councils established pursuant to the Code of Miami-Dade County. The Community Councils shall serve as Community Zoning Appeals Boards and shall have jurisdiction over zoning applications as provided in this chapter. Each member shall be a qualified elector of Miami-Dade County, with an outstanding reputation for civic interest, community welfare, integrity and responsibility; provided, no member shall be employed by Miami-Dade County, or be a member of the County Commission. The seven (7) members of each Community Zoning Appeals Board shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties, upon approval of the County Commission.

>>(b) (1) There is hereby established a Workforce Housing Zoning Appeals Board which shall have jurisdiction over zoning applications pertaining in whole or in part to workforce housing as provided in this chapter. Each member shall be a qualified elector of Miami-Dade County, with an outstanding reputation for civic interest, community welfare, integrity and responsibility; provided, no member shall be employed by Miami-Dade County, or be a member of the County Commission, nor shall any member be a member of a Community Zoning Appeals Board unless appointed as an ex officio member of the Workforce Housing Zoning Appeals Board by the Board of County Commissioners.

(2) The Workforce Housing Zoning Appeals Board shall be comprised of thirteen (13) members appointed by the Board of County Commissioners. Workforce Housing Zoning Appeals Board members shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties, upon approval of the County Commission.<<

~~[[b]]>>(c)<<~~ These boards are created and established pursuant to Section 4.08 of the Home Rule Charter, and for the purpose of facilitating the zoning powers granted by the Home Rule Charter to the Board of County Commissioners, and to provide a board to hear, consider and review appeals from the zoning regulations or decisions of an administrative official, and to take appropriate action as in this article provided and limited.

**Section 24** Section 33-307 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 33-307. Community Zoning Appeals Boards >>and Workforce Housing Zoning Appeals Board<<--Term of office.**

>>(a) Community Zoning Appeals Boards.<< The term of office of the members of each of the Community Zoning Appeals Boards shall be the terms established as members of Community Councils. In the event a vacancy should occur on a Community Zoning Appeals Board the appropriate Community Zoning Appeals Board may fill the vacancy for the remaining board member's term by appointment pursuant to Section 20-43(A)(7) of the Code.

>>(b) Workforce Housing Zoning Appeals Board. The term of office of the first members of the Workforce Housing Zoning Appeals Board shall be one (1) year for six (6) members, two (2) years for six (6) members and three (3) years for one (1) member, with appointments thereafter to be for a term of three (3) years. Each member shall hold office until a successor has been appointed, except when removed by the Board of County Commissioners. The Board of County Commissioners shall fill vacancies within thirty (30) days, but failure to do so shall not invalidate any

action, decision, recommendation, order or resolution of the Workforce Housing Zoning Appeals Board.

(c) The Workforce Housing Zoning Appeals Board shall consist of thirteen (13) members appointed by the Board of County Commissioners. The County Manager shall submit a slate of potential Workforce Housing Zoning Appeals Board nominees to the Board of County Commissioners for their review and consideration in the appointment process. The Manager's nominees shall consist of the following individuals:

- (1) two (2) design professionals nominated by the American Institute of Architects; and
- (2) three (3) Community Council members consisting of one member from Southwest Miami-Dade County, one member from Northwest Miami Dade County, and one member from the central area of Miami-Dade County; and
- (3) two (2) members from the local banking and mortgage industry; and
- (4) two (2) members from the Miami-Dade County Housing Linkage Program Task Force; and
- (5) two (2) members from the Miami-Dade County Affordable Housing Strategies Alliance; and
- (6) two (2) members from the Miami-Dade County Affordable Housing Advisory Board.<<

**Section 25.** Section 33-307.1 of the Code of Miami-Dade County is hereby amended

as follows:

**Sec. 33-307.1. Community Zoning Appeals Board >>and Workforce Housing Zoning Appeals Board<<; prohibition of members appearance.**

(A) No member of a Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< may appear on behalf of a third person before another Community Zoning Appeals Board>>, the Workforce Housing Zoning Appeals Board,<< or before the County

Commission sitting in its capacity as the zoning authority pursuant to Chapter 33, Code of Miami-Dade County.

- (B) No member of a Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall appear at any public hearings or meetings before the Board of County Commissioners or any other federal, state, or local board or tribunal, to advocate concerning any zoning application that was heard by, or that could reasonably be expected to be heard by, any Community Council >>or the Workforce Housing Zoning Appeals Board<<.
- (C) Violation of this section>>by a Community Zoning Appeals Board member<< shall constitute grounds for removal pursuant to § 20-43.2. >>Violation of this section by a Workforce Housing Zoning Appeals Board member shall also constitute grounds for removal.<<

**Section 26.** Section 33-308 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-308. Community Zoning Appeals Board >>and Workforce Housing Zoning Appeals Board<<--Organization.**

The Director shall serve as secretary for the Community Zoning Appeals Boards >>and the Workforce Housing Zoning Appeals Board,<< shall be in attendance at all meetings as an advisor and be permitted to propound questions and give evidence; provided, the Director shall have authority to designate a staff member of the Department to act in the Director's stead. Meetings of the Community Zoning Appeals Boards shall be held, where practical, in the area of each Community Zoning Appeals Board's jurisdiction at a time and place determined by the Director. Each Community Zoning Appeals Board>>, and the Workforce Housing Zoning Appeals Board,<< shall elect a Chair and a Vice-Chair from its members, each of whom shall serve until a successor is elected. Rules and regulations for the Community Zoning Appeals Boards >>and the Workforce Housing Zoning Appeals Board,<< shall be adopted by the County Manager and approved by the County Commission. The Chair, or Vice-Chair, or Acting Chair, may administer oaths and compel the attendance of witnesses in the same manner prescribed in the Circuit Court.

No action shall be taken on any matter before the Community Zoning Appeals Boards unless a quorum of four (4) members is present, >>or by the Workforce Housing Zoning Appeals Board unless a quorum of seven (7) members is present,<< and only upon not less than a majority vote of all members present and voting>>\_;<<provided>>\_;<< however>>\_;<< that any approval or denial of any application or portion thereof pursuant to Chapter 33 shall require not less than three (3) votes >>of the Community Zoning Appeals Board or four (4) votes of the Workforce Housing Zoning Appeals Board<<. When there is an insufficient number of votes to either approve or deny an application, the result shall be deemed a tie vote. Whenever a tie vote occurs, the matter shall be carried over to the next regularly scheduled meeting.

Minutes will be kept of all meetings and proceedings and shall include and state the vote of each member on each question, and the motion shall state the reason upon which it is made; such reason or reasons being based upon the prescribed guides and standards and good zoning and planning principles. If a member is absent from voting, the minutes shall so indicate. The Community Zoning Appeals Boards >> and Workforce Housing Zoning Appeals Board<< shall keep accurate records of their public hearings which shall be filed, together with their minutes and resolutions, with the Department, and the same shall be open for public inspection at reasonable times and hours. The Director shall furnish from the Department such staff as may be necessary to assist and advise the Community Zoning Appeals Boards >>and Workforce Housing Zoning Appeals Board<< in the fulfillment of their duties, and is authorized to retain a qualified reporter to record and transcribe the public hearing proceedings of the Community Zoning Appeals Board >>and Workforce Housing Zoning Appeals Board<<, and shall provide County transportation for such Board for the purpose of making inspections of sites involved in zoning applications.

**Section 27.** Section 33-309 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-309.** **Community Zoning Appeals Board >>, Workforce Housing Zoning Appeals Board, and<< ~~[[/]]~~Board of County Commissioners >>\_<< Applications for public hearing.**

All hearings before the Community Zoning Appeals Board>>, the Workforce Housing Zoning Appeals Board<< or the Board of County Commissioners shall be initiated by the filing with the Department an application on forms prescribed by the Director, executed and sworn to by the owner or owners of at least seventy-five (75) percent of the property described in the application, or by tenant or tenants, with owner's written sworn-to consent or by duly authorized agents, evidenced by a written power of attorney, if not a member of the Florida Bar, or by the Director, or by any person aggrieved by an order, requirement, decision or determination of an administrative official when appealing the same, or by anyone desiring an amendment or repeal to the zoning regulations. All properties described in one (1) application must be contiguous and immediately adjacent to one (1) another, and the Director may require more than one (1) application if the property concerned contains more than forty (40) acres, or the fee paid for one (1) application would not equal the cost of processing the same. Only applications which the Community Zoning Appeals Board>>, the Workforce Housing Zoning Appeals Board,<< or the Board of County Commissioners are authorized to consider and act upon shall be accepted for filing.

Applications which are to be considered by the Community Zoning Appeals Boards in accordance with this chapter shall be assigned by the Director to the Community Zoning Appeals Board which has jurisdiction based upon the location of the property which is encompassed by the application. In the event that the property which is encompassed by the application is located in more than one (1) Community Zoning Appeals Board's district the application shall be heard directly by the County Commission. >>Applications determined by the Director to be subject to Article XIIA of this chapter in whole or in part shall be assigned to the Workforce Housing Zoning Appeals Board.<<

\* \* \*

**Section 28.** Section 33-310 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 33-310. Notice and hearing prerequisite to action by the Community Zoning Appeals Boards>>, the Workforce Housing Zoning Appeals Board,<< or Board of County Commissioners.**

\* \* \*

- (c) No action on any application shall be taken by the Community Zoning Appeals Boards>>, the Workforce Housing Zoning Appeals Board<< or the Board of County Commissioners on any appeal, until a public hearing has been held upon notice of the time, place and purpose of such hearing, the cost of said notice to be borne by the applicant. Notice shall be provided as follows:

\* \* \*

**Section 29.** Section 33-311 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-311. Community Zoning Appeals Board >>and Workforce Housing Zoning Appeals Board<<--Authority and duties.**

- (A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards>>, the Workforce Housing Zoning Appeals Board<< and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director or Developmental Impact Committee. Provided, however, no such action shall be taken until notice of time and place of the hearing at which the Community Zoning Appeals Boards >>or the Workforce Housing Zoning Appeals Board<< will consider the application has been first published as provided in Section 33-310. The Community Zoning Appeals Boards>>, and Workforce Housing Zoning Appeals Board<< are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value

of buildings and property and encouraging the most appropriate use of land and water throughout the County. >>The Workforce Housing Zoning Appeals Board is further advised that in addition to the foregoing, the objective of the workforce housing development program is to foster the supply of housing affordable to the workforce target income group, to provide improved geographic distribution of such housing, and to encourage appropriate development of workforce housing in areas in proximity to mass transit facilities.<< The Community Zoning Appeals Board >>, the Workforce Housing Zoning Appeals Board,<< and Board of County Commissioners or any of their members may inspect the premises and area under consideration. The Community Zoning Appeals Boards shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction >>; provided, however, that the Workforce Housing Zoning Appeals Board shall have authority over any application that would otherwise be subject to the jurisdiction of the Community Zoning Appeals Boards if the application is determined by the Director to be subject in whole or in part to Article XIIA of this chapter<<.

\* \* \*

- (2) *Appeal of administrative variances>>:<< administrative adjustments; ~~[[and]]~~ appeals of administrative site plan review>>:<< substantial compliance determinations>>:<< and administrative correction of clerical or scrivener's errors.*

\* \* \*

- (b) Pursuant to the provisions of Section 33-36.1 any aggrieved property owner ~~[[in the area]]~~ may appeal the decision of the Director to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board if determined by the Director to be subject to Article XIIA of this chapter<< within fifteen (15) days after the Director's decision is published in a newspaper of general circulation. An aggrieved applicant must file

a new application with the appropriate Miami-Dade County Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< pursuant to the provisions of this chapter and must comply fully with the requirements of Section 33-311 "Variances from Other Than Airport Regulations".

- (3) *(Special exceptions (for all applications other than public charter schools), unusual and new uses.* Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development. For purposes of public hearing, a site plan shall be considered one (1) special exception, and upon approval of a site plan by the Community Zoning Appeals Board>>, the Workforce Housing Zoning Appeals Board,<< [~~and~~]/or the Board of County Commissioners, all non-use variances incorporated within and reflected upon the site plan shall be considered a part thereof,

and official approval of the site plan shall constitute approval of all such non-use variances, unless otherwise so moved by the approving board.

- (a) Hear application for and grant or deny unusual uses for Wireless Supported Service Facilities, which by the regulations are only permitted upon approval after public hearing; provided the applied for use, in the opinion of the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area concerned and the compatibility of the applied for use with such area and its development, provided that:

\* \* \*

- (5) *Variances from airport zoning regulations.* Hear applications for and grant or deny variances from any airport zoning regulations, but in considering, granting or denying any such variance the Community Zoning Appeals Boards >>or the Workforce Housing Zoning Appeals Board<< shall be governed and shall abide by the guides and standards, general purpose and intent of the particular airport zoning regulation concerned. No such application shall be heard until the

recommendation of the Director of the Aviation Department is first obtained, which recommendation shall be considered, together with that of the Director[[s]]. The granting of a variance under this subsection does not authorize or permit violation of other zoning regulations or the zoning regulations of any municipality concerned unless authorized by the appropriate County or municipal board, body or commission concerned, as the case may be.

\* \* \*

- (7) Hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.

\* \* \*

(10) The Community Zoning Appeals Boards >>or the Workforce Housing Zoning Appeals Board<< shall review those plans submitted as part of an application for a planned development. The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall decide if the proposed development is in accordance with the provisions for a planned development and shall diligently consider the recommendations of the Director and the Zoning Official or the Developmental Impact Committee prior to recommending approval, approval with modification, or denial. The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall approve an application for a planned development only when plans and other exhibits are in compliance with the criteria for a planned development and otherwise meet the criteria contained in this section.

(11) Notwithstanding anything in Section 24-58.1 to the contrary, the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall hear, grant or deny applications for unusual uses or amendments or modifications thereto described in Section 33-13(e) when said unusual uses, amendments or modifications are in connection with a class I or class IV permit application, as defined in Section 24-58.1.

\* \* \*

(14) Alternative Site Development Option for Single Family and Duplex Dwellings. This subsection provides for the establishment of an alternative site development option, after public hearing, for single family and duplex dwellings, when such uses are permitted by the underlying district regulations, in the GU, RU-1, RU-1Z, RU-1M(a), RU-1M(b), RU-2, RU-TH, RU-3, RU-3M, RU-3B, RU-4L, RU-4M, RU-4, RU-4A, RU-5, EU-M, EU-S, EU-1, EU-1C, EU-2, and AU zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall consider

the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

\* \* \*

- (15) Alternative Site Development Option for Single Family Zero Lot line Dwellings. This subsection provides for the establishment of an alternative site development option, after public hearing, for zero lot line dwellings, when such uses are permitted by the underlying district regulations, or when such uses were approved for development by a prior public hearing action, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

\* \* \*

- (15) Alternative Site Development Option for Three-unit or Four-unit Apartment House, Multiple-Family Apartment House Use and Multiple-Family Housing Developments. This subsection provides for the establishment of an alternative site development option, after public hearing, for three-unit or four-unit apartment house use, multiple-family apartment house use and multiple-family housing developments, when such uses are permitted by the applicable district regulations, in the RU-3, RU-3M, RU-4L, RU-4M, RU-4, RU-4A, and RU-5 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

\* \* \*

- (16) Alternative Site Development Option for Buildings and Structures in the BU Zoning Districts. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the BU-1, BU-1A, BU-2, and BU-3 zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

\* \* \*

- (17) Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the following paragraphs have been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

- I. *Modification or Elimination of Conditions and Covenants Associated with Voluntarily Abandoned Zoning Actions.* The Community Zoning Appeals Board >>or the

Workforce Housing Zoning Appeals Board<< shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, where it is demonstrated that the condition, restrictive covenant or part thereof was imposed to prevent or mitigate the adverse impacts of a zoning action that has been entirely and voluntarily abandoned, in that:

\* \* \*

II. *Modification or Elimination of Conditions and Restrictive Covenants That Are Satisfied or Moot.* The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, where it is demonstrated by one of the following that the condition, restrictive covenant or part thereof either is satisfied or is moot:

\* \* \*

III. *Modification or Elimination of Conditions and Restrictive Covenants When No New Adverse Impacts Will Result.* The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, where the applicant demonstrates that the modification or elimination will not result in a material new adverse impact on the public health, safety, welfare, or aesthetic values, according to the following criteria:

\* \* \*

IV. *Modification of Conditions and Restrictive Covenants to Extend Timing or Phasing*

*Deadlines.* The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall approve an application to modify a condition or part thereof, or a restrictive covenant or part thereof that is related solely to the timing or phasing of development, where the applicant demonstrates that it has been reasonably diligent in fulfilling its obligations under the condition or restrictive covenant, but is unable to complete the obligation within the time set forth in the condition or restrictive covenant, and:

\* \* \*

V. *Modification or Elimination of Conditions and Restrictive Covenants After Public Hearing, Where Public Benefits Are Created or Enhanced to a Level or Degree that Clearly Outweighs Additional New Public Burdens.* The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, where demonstratively greater public benefit will result from the modification or elimination than the resulting public burden as measured by the following:

\* \* \*

The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall impose such conditions and requirements in connection with an approval under this subsection as shall prevent or mitigate any resulting adverse impacts to the County or to any aggrieved person who has reasonably, demonstrably and detrimentally relied upon the condition or covenant sought to be modified or eliminated.

IV. *Modification or Elimination of Conditions or Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or Imposed Simultaneously with a District Boundary Change.* The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, which requires development of a specific site plan and which was accepted or imposed simultaneously with a district boundary change, where it is demonstrated that:

\* \* \*

(B) The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall impose such conditions and requirements in connection with an approval under this subsection as shall prevent or mitigate any resulting adverse impacts to the County or to any aggrieved person who has reasonably, demonstrably and detrimentally relied upon the condition or covenant sought to be modified or eliminated.

\* \* \*

(18) Wireless Supported Service Facilities, including Antenna Support Structures. This subsection provides for the establishment of criteria, after public hearing, to hear and grant applications to allow a Wireless Supported Service Facility, including Antenna Support Structures. In considering any application for approval hereunder, the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall consider the same subject to approval of a site plan

or such other plans as necessary to demonstrate compliance with the standards herein.

\* \* \*

- (19) Alternative Site Development Option for Buildings and Structures in IU Zoning Districts. This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the IU-1, IU-2, IU-3, and IU-C zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

\* \* \*

- (20) Alternative Site Development Option for Semi-Professional Office Buildings and Structures. This subsection provides for the establishment of an alternative site development option, after public hearing, for semi-professional office buildings and structures, when such uses are permitted by the underlying district regulations, in the RU-5 and RU-5A zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

\* \* \*

- (21) Alternative Site Development Option for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures. This subsection provides for the establishment of an

alternative site development option, after public hearing, for office buildings, laboratory buildings and associated accessory buildings and structures, when such uses are permitted by the underlying district regulations, in the OPD zoning district, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

\* \* \*

(B) Conditions, restrictions and limitations.

- (1) In granting any application for increase or decrease in minimum space footage requirements, special exception, new uses or unusual use, use or nonuse variances or variances from airport regulations, the appropriate Community Zoning Appeals Boards >>or the Workforce Housing Zoning Appeals Board<< may prescribe any reasonable conditions, restrictions and limitations it deems necessary or desirable, in order to maintain the plan of the area and compatibility therewith. The Community Zoning Appeals Boards >>or the Workforce Housing Zoning Appeals Board<< may revoke, modify or change any resolution heretofore or hereafter adopted granting a special permit or a special exception, new uses, unusual use or variance, if upon, application filed at any time by the Director and after public hearing, the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< finds that there has been a violation of any imposed conditions, restrictions or limitations in any such resolution; provided, such public hearing shall not be held until published notice provided by Section 33-310 hereof has first been given; provided further, if the Director, upon written request of any aggrieved party, refuses or fails to make such an application, such aggrieved party may request the Board of County Commissioners, through the County Manager, to instruct the Director to do so.

\* \* \*

(E) Takings and vested rights.

(1) No argument shall be made or evidence presented to a Community Zoning Appeals Board>>, the Workforce Housing Zoning Appeals Board<< or the Board of County Commissioners to the effect that a decision may result in a temporary or permanent taking of private property or abrogation of vested rights unless the person making such argument: (1) files a sworn statement and supporting documents pursuant to Section 2-114.1 with the coordinator of the Development Impact Committee not less than forty-five (45) calendar days prior to the first hearing on the application, and (2) exhausts the remedy afforded by Section 2-114.1. Pursuant to Section 33-314(C)(2), the Board of County Commissioners has direct jurisdiction over the application to which such taking or vested rights argument pertains. Any individual or entity having an interest in property which is the subject of a zoning application filed by a County official shall be entitled to file an application for a taking or vested rights determination pursuant to Section 2-114.1 of the Code.

\* \* \*

(G) The Community Zoning Appeals Boards >>or the Workforce Housing Zoning Appeals Board<< may defer action on any hearing in order to inspect the site in question, to refer the matter back to the Developmental Impact Committee for further consideration and recommendation, to refer the matter to any department for its recommendation, or for any other justifiable and reasonable reason.

**Section 30.** Section 33-312 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 33-312. Community Zoning Appeals Board>>  
and Workforce Housing Zoning Appeals Board<<--Decisions.**

All decisions of the Community Zoning Appeals Boards >>and Workforce Housing Zoning Appeals Board<< shall be by resolution. The decision, if for denial, shall specify whether it is with or without prejudice. A final finding by the Ethics Commission as provided in Section 2-11.1(z) of a willful violation of Sections 2-11.1 or 20-45 of the Code by any member of a Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< regarding a particular matter shall constitute malfeasance in office and shall render the action regarding that particular matter voidable by the Board of County Commissioners. Notwithstanding any provision to the contrary, a decision of the Board of County Commissioners to void a decision as provided in this section shall be by simple majority vote of the members present. Decisions of the Community Zoning Appeals Boards >>and Workforce Housing Zoning Appeals Board<< are final and may be appealed to circuit court pursuant to Section 33-316; provided, however, within fourteen (14) days, but not thereafter, decisions of the Community Zoning Appeals Boards >>or the Workforce Housing Zoning Appeals Board<< as specified in Section 33-314, shall be appealed to the Board of County Commissioners, as provided by Section 33-313. The fourteen-day appeal period provided herein shall commence to run the day after notification that the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< has taken action on the particular matter, such notification to be given by the Department by posting a short, concise statement of the action taken on a conspicuous bulletin board that may be seen by the public at reasonable times and hours in the office of the Department. Where the fourteenth (14th) day falls on a weekend or legal holiday the fourteen-day period shall be deemed to extend through the next business day. No appeal may be withdrawn after a period of ten (10) days from the date of the decision of a Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<[[;]] except at the appeal hearing before the Board of County Commissioners and with the permission of such Board. In no event shall an appellant be entitled to a refund of the appeal fee. It is hereby intended that the Community Zoning Appeals Board's >>or the Workforce Housing Zoning Appeals Board's<< decision concerning a requested regulation amendment shall be considered only as a recommendation, which shall be transmitted, together with the Community Zoning Appeals Board's >>or the Workforce Housing Zoning Appeals Board's<< record on each such application, to the Board of County Commissioners for final action by way of

approval, disapproval or modification pursuant to Section 33-314 hereof.

**Section 31.** Section 33-313 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-313. Appeals to Board of County Commissioners.**

Any appealable decision of the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< may be appealed by an applicant, governing body of any municipality, if affected, or any aggrieved party, including neighborhood, community and civic associations, whose name appears in the record of the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< by filing with the Department a petition in a form prescribed by the Director and a written statement specifying in brief, concise language the grounds and reasons for reversal of the ruling made by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, together with a fee for the processing of the appeal, as provided by Administrative Order No. 4-40, as amended from time to time, within the fourteen (14) days provided by Section 33-312 hereof, whereupon, the Director shall transmit to the County Commission the appeal papers, and the decision and record of the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<. If the ground for reversal is a failure to provide notice as required by Section 33-310, the name of the appellant need not appear in the record. If the decision of the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< is for approval and has not been appealed within the fourteen-day period, the County Manager pursuant to Section 33-314(B)(8) or the Director may appeal such decision within four (4) additional days in the manner aforesaid, except that a fee will not be required.

Upon the taking of an appeal, the County Commission shall conduct a de novo hearing and shall consider why the decision of the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< should or should not be sustained or modified. By resolution, the Board shall either affirm, modify or reverse the Community Zoning Appeals Board's >>or the Workforce Housing Zoning Appeals Board's<< decision and such action of the County Commission shall be by a majority vote of all members present except that a two-thirds (2/3) vote of all members present shall be required to reverse any Community

Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< decision denying a request for zoning action or to approve any Development of Regional Impact or modifications thereof, substantial deviation determination or related request pursuant to Section 33-314 where a Community Zoning Appeals Board's >>or the Workforce Housing Zoning Appeals Board's<< recommendation is for denial. No appeal shall be heard or considered until notice has been provided in accordance with the provisions of Section 33-310(c), (d), (e) and (f).

With respect to appeals arising from the Downtown Kendall Urban Center District a two-thirds (2/3) vote of all members present shall be required to reverse any Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< decision denying a request for zoning action for a development proposed within the Center or Edge Sub-Districts of the Downtown Kendall Urban Center District. For any application for a development proposed within the Core Sub-District of the Downtown Kendall Urban Center District pursuant to Section 33-311 shall be decided by a majority vote of all members then in office.

**Section 32.** Section 33-314 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-314. Direct applications and appeals to the County Commission.**

- (A) The County Commission shall have jurisdiction to directly hear the following applications:
- (1) Applications for development approval of Developments of Regional Impact ("DRI"), modification thereof or substantial deviation determination or modification thereof, including applications for modifications to restrictive covenants related thereto, after hearing and recommendation by the Community Zoning Appeals Board or Boards having jurisdiction over the area encompassed by the entire Development of Regional Impact >>or if determined by the Director to be subject to Article XIIA, the Workforce Housing Zoning Appeals Board<<. Where an application >>for<< substantial deviation determination or for development approval of a

DRI, modification thereof or substantial deviation determination also contains a request for any other action under this chapter requiring a public hearing or where there is pending on any property an application of or development approval for a DRI and an application for any other action under this chapter requiring a public hearing (related requests), except applications for essentially built out determinations, all such applications shall be heard in their entirety by the Board of County Commissioners after hearing and recommendation of the Community Zoning Appeals Board or Boards >>or the Workforce Housing Zoning Appeals Board<< having jurisdiction over the area encompassed by the application or applications. Where an application requests a modification or elimination of a condition or restrictive covenant not constituting a substantial deviation, and where such application does not contain a request for any other action under this chapter requiring a public hearing apart from modifying the DRI development order, then such application shall be heard directly by the Board of County Commissioners after recommendation of the Developmental Impact Committee. Where practicable, all such items shall be acted upon at the same public hearing. Hearings pursuant to this subsection shall be noticed in the same manner as applications filed before the Community Zoning Appeals Boards >>or the Workforce Housing Zoning Appeals Board<<. The procedural requirements of Section 33-311(F) and 33-311(G) shall apply to hearings held pursuant to this section.

\* \* \*

>>(C) The Board of County Commissioners shall have jurisdiction to hear appeals from the decisions of the Workforce Housing Zoning Appeals Board as follows:

- (1) All zoning applications by State and municipal entities and agencies.
- (2) Applications for unusual uses or amendments or modifications thereto described in Section 33-13(e) when said unusual uses, amendments or

modifications are in connection with a class I or class IV permit application, as defined in Section 24-58.1.

(3) Any appeal filed by the County Manager from any action of the Workforce Housing Zoning Board where it is the opinion of the County Manager that the Workforce Housing Zoning Appeals Board's resolution has either (a) an overall impact to the County or (b) is inconsistent with the Miami-Dade County Comprehensive Development Master Plan, or (c) is incompatible with aviation activity or aviation safety.

(4) Notwithstanding any provision contained in any section of this Code, the Board of County Commissioners shall have appellate jurisdiction whenever it is contended that a decision of the Workforce Housing Zoning Appeals Board constitutes a taking or deprivation of vested rights and administrative remedies of Section 2-114 have been exhausted.

(5) Applications for appeals of administrative decisions pursuant to Section 33-311(A)(2).<<

>>(D)<<[[E]] The County Commission shall have jurisdiction to directly hear other applications as follows:

\* \* \*

(7) Applications for appeals of administrative decisions. Upon application for, hear and decide appeals where it is alleged there is an error in the any order, requirement, decision or determination made by an administrative official in the interpretation of any portion of the regulations, or of any final decision adopted by resolution, except appeals of administrative site plan review, or appeals of administrative variances pursuant to the provisions of Section 33-36.1 of the Code, said appeals first being under the jurisdiction of the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<. It is provided, however, that where zoning requests which would ordinarily be heard before the

Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< are joined with a request for an appeal of an administrative decision, the zoning requests shall remain pending before the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< until the appeal of the administrative decision has been determined by the Board of County Commissioners.

\* \* \*

- (14) Applications for development approval or modifications thereof for projects located within the Core sub-district of the Naranja Community Urban Center District and all other Urban Center zoning districts after hearing and recommendation by the Community Zoning Appeals Board or Boards >>or the Workforce Housing Zoning Appeals Board<< having jurisdiction over the area encompassed by the project.

\* \* \*

>>(E)<<[[D]] The Board, after hearing why the application should or should not be granted, shall consider the matter in accordance with the criteria specified in this chapter, and shall by resolution either grant or deny the application.

\* \* \*

>>(F)<<[[E]] If the application is before the Board of County Commissioners pursuant to this article, be it by way of appeal, recommendation or otherwise, it shall have authority to consider and take final action upon any and all matters and requests contained in the application, any other provisions in this article notwithstanding. In making any final decisions, the Commission shall be guided by the standards and guides applicable to the Community Zoning Appeals Boards or as otherwise specified in this chapter.

\* \* \*

>>(G)<<[[F]] Reserved.

>>(H)<<[[G]] The County Commission may defer action on any matter before it in order to inspect the site in question, to remand to the Community Zoning Appeals Boards, or for any other justifiable and reasonable reason. Whenever a deferral is approved at the request of the applicant, the applicant shall be required to pay a deferral fee in the amount of round-trip public transit fare for each person present at the hearing in opposition to the application, or two hundred fifty dollars (\$250.00), whichever is greater.

\* \* \*

>>(I)<<[[H]] The procedures set forth in Section 33-311(D) and (E) shall be applicable to hearings held pursuant to this section.

\* \* \*

>>(J)<<[[I]] The chair, or vice-chair or acting chair, may administer oaths and compel the attendance of witnesses in the same manner prescribed in the circuit court.

\* \* \*

**Section 33.** Section 33-315 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-315. Regulation amendment request.**

(A) Request for regulation amendments may be filed with the Director who shall assign the request on a blind filing basis to a Community Zoning Appeals Board >>or if related to Article XIIA, the Workforce Housing Zoning Appeals Board<<.

\* \* \*

(C) The Community Zoning Appeals Board's >>or the Workforce Housing Zoning Appeals Board's << action on a regulation amendment shall take the form of a recommendation which shall be transmitted to the Board of County Commissioners.

(D) Recommendations of the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< for or against regulation amendments when

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received by the Board of County Commissioners shall be considered and if it is determined to amend the regulations in any manner, such amendment shall be enacted by ordinance as provided by law.

**Section 34.** Section 33-315.2 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 33-315.2. Amendment or deletion of covenant proviso of resolution.**

\* \* \*

Original jurisdiction over applications under this section shall be with the board that issued the resolution containing the covenant proviso >>or if subject to Article XIIA, the Workforce Housing Zoning Appeals Board<<.

\* \* \*

**Section 35.** Section 33-316 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 33-316. Exhaustion of remedies; court review.**

No person aggrieved by any zoning resolution order, requirement, decision or determination of an administrative official or by any decision of the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< may apply to the Court for relief unless such person has first exhausted the remedies provided for herein and taken all available steps provided in this article. It is the intention of the Board of County Commissioners that all steps as provided by this article shall be taken before any application is made to the Court for relief; and no application shall be made to the Court for relief except from a resolution adopted by the Board of County Commissioners, or where applicable from a resolution adopted by a Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< pursuant to this article. Zoning resolutions of the Board of County Commissioners or where applicable zoning resolutions of Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall be reviewed by the filing of ~~[[a notice of appeal]]~~ >>on appropriate appeal<< in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, in

accordance with the procedure and within the time provided by the Florida Rules of Appellate Procedure for the review of the rulings of any commission or board; and such time shall commence to run from the date the zoning resolution sought to be reviewed is transmitted to the Clerk of the Commission. The Director, or his duly authorized representative, shall affix to each zoning resolution the date said zoning resolution is transmitted to the Clerk of the Commission. The Clerk of the Board shall comply with all requirements of the Florida Rules of Appellate Procedure. For the purposes of appeal the Director shall make available, for public inspection and copying, the record upon which each final decision of the Board of County Commissioners>>, the Workforce Housing Zoning Appeals Board<< or Community Zoning Appeals Board is based; provided, the Director may make a reasonable charge commensurate with the cost in the event the Department is able to and does furnish copies of all or any portion of the record. Prior to certifying a copy of any record or portion thereof, the Director or his designee shall make all necessary corrections in order that the copy is a true and correct copy of the record, or those portions requested, and shall make a charge as provided by administrative order as amended from time to time for preparation of the record, instrument maps, picture or other exhibit; provided, the charges here authorized are not intended to repeal or amend any fee or schedule of fees otherwise established. The Chair, Vice-chair or Acting Chair of the Board of County Commissioners>>, the Workforce Housing Zoning Appeals Board<< or Community Zoning Appeals Board at any zoning hearing before the Commission >>, the Workforce Housing Zoning Appeals Board<< or Community Zoning Appeals Board may swear witnesses and, upon timely request in writing, compel the attendance of witnesses in the same manner prescribed in the Circuit Court. The Director shall employ a qualified court reporter to report the proceedings before the Board of County Commissioners>>,<< ~~[[and]]~~ Community Zoning Appeals Board, >>, or the Workforce Housing Zoning Appeals Board<< who shall transcribe the notes only at the request of the County or other interested party, at the expense of the ~~[[one (1)]]~~ >>party<< making the request. Such transcript, as well as the transcript of the proceedings before the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< when certified by the reporter, may be used in a court review of a matter in issue.

It is the intent of the Board of County Commissioners that no decision under this chapter shall constitute a temporary or permanent taking of private property or an abrogation of vested rights (taking or vested rights deprivation). In the event that any

court shall determine that a decision of the Board of County Commissioners>>, the Workforce Housing Zoning Appeals Board,<< or Community Zoning Appeals Board under this chapter constitutes a taking or vested rights abrogation, such decision of the board is declared to be non-final and the court is hereby requested to remand the matter to the Board of County Commissioners, which shall reconsider the matter after notice of the County Commission hearing is given pursuant to Section 33-310(c) through (f).

\* \* \*

**Section 36.** Section 33-317 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-317. Limitation on issuance of permits.**

The Department shall not issue any type of permit or certificate based upon any action of the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< which the County Commission has jurisdiction to review until a final decision has been rendered on the application by the County Commission as provided by this chapter; provided, however, a temporary conditional permit or certificate may be issued prior to such final decision if the Director should first determine that the withholding of the same would cause imminent peril to life or property and then only upon such conditions and limitations, including the furnishing of an appropriate bond, as may be deemed proper by the Director.

\* \* \*

**Section 37.** Section 33-319 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-319. Administrative building moratoria.**

\* \* \*

- (k) An administrative building moratorium shall be imposed upon the occurrence of the following events:
  - (1) As soon as the County Manager learns that a grand jury has indicted or that an information has been

formally returned against a County Commissioner, or Community Zoning Appeals Board member >>or Workforce Housing Zoning Appeals Board member<< charging said Commissioner, Community Zoning Appeals Board member with bribery, accepting unauthorized compensation, or other act of fraud in a zoning case relating to a particular parcel or parcels of real property, then the County Manager shall immediately issue an administrative order identifying the real property in question and prohibiting the issuance of building permits for said property. Such order of moratorium shall remain in effect until the completion of the criminal judicial process and the determination of guilty or not guilty as to the County Commissioner, Community Zoning Appeals Board member >>or Workforce Housing Zoning Appeals Board member<< involved being reviewed by the highest judicial tribunal to consider the case. Should the Commissioner, Community Zoning Appeals Board >>, or the Workforce Housing Zoning Appeals Board<< member be found not guilty, then the administrative order shall be deemed dissolved. Should the County Commissioner, Community Zoning Appeals Board member >>or Workforce Housing Zoning Appeals Board member<< be found guilty, then a motion to reconsider the zoning on the real property in question may properly be made by any County Commissioner or when applicable by a Community Zoning Appeals Board member >>or a Workforce Housing Zoning Appeals Board member<<.

- (2) If an order of moratorium is imposed on a parcel or parcels of real property pursuant to this subsection, and the owner or owners of such property request the Board of County Commissioners or where appropriate the Community Zoning Appeals Boards >>or the Workforce Housing Zoning Appeals Board<< to reconsider the zoning on that property, then a motion to reconsider the said zoning may properly be made by any County Commissioner or where appropriate any Community Zoning Appeals Board member >>or Workforce Housing Zoning Appeals Board member<<. If the motion to reconsider is approved by the Board of County

Commissioners or where appropriate the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< and the reconsideration of the zoning on the said property occurs, then the building moratorium shall end with the conclusion of the reconsideration process delineated below in Subsection (3).

- (3) Upon passage of a motion as provided in Subsection (2) above, the Clerk of the Board shall immediately notify the Director. The Board of County Commissioners or where appropriate the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall conduct its reconsideration only after notice of the time and place of the meeting has been first published as provided in Section 33-310 herein. If the existing zoning would permit a development of County impact (as defined in Section 33-304 herein) the Developmental Impact Committee shall prepare a report and present its recommendations to the appropriate Board at the advertised public hearing; otherwise, the Director and the Zoning Official shall furnish their reports and recommendations to the appropriate Board. The sole issue to be considered by the Board of County Commissioners or Community Zoning Appeals Board >>or Workforce Housing Zoning Appeals Board<< shall be whether the present zoning on the subject property is appropriate. In determining this issue, the Board of County Commissioners or the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall be guided by the standards and guides specified in this chapter. The Board of County Commissioners, or where appropriate, the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< after considering the items delineated herein and the criteria specified in this chapter, shall by resolution either reaffirm the existing zoning or rezone the subject property. The provisions of Section 33-316 relating to exhaustion of remedies and court review are fully applicable to proceedings held in accordance with this subsection.

**Section 38.** Section 33-320 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-320. Other building moratoria.**

- (a) Should any person make written application to the County Manager for the issuance of an administrative order provided by Section 33-319(a), Miami-Dade County Code, and the County Manager refuses to issue such order, or fails to take action thereon within thirty (30) days, such person may make written application to the Board of County Commissioners for the issuance of a building moratorium by that Board. Such application to the Board shall be filed with the Clerk of the Board of County Commissioners, whose duty it shall be to place the matter before the Board of County Commissioners as soon as is reasonably practicable for the Board's determination as to whether a public hearing shall be called thereon. The County Manager shall be notified by the Clerk of the date that the matter is to be considered by the Board. The word "person" as used in this subsection includes, but is not limited to, any individual, firm, corporation, and governmental entity, including the Planning Advisory Board, ~~[[and]]~~ the Community Zoning Appeals Board >>, or the Workforce Housing Zoning Appeals Board<<.

\* \* \*

**Section 39.** Section 33-6 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-6. Permits not to be issued for violations.**

No permits shall be issued for work that would violate any provision of this chapter, or any recorded restriction which runs with the land that are required by the County pursuant to the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< or County Commission resolutions.

**Section 40.** Section 33-13 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 33-13. Unusual uses.**

A public hearing for the following unusual uses or uses similar thereto within coastal or freshwater wetlands, as defined in Section 24-3 of the Code of Miami-Dade County, shall be held by the Community Zoning Appeals Board >>or if subject to Article XIIA, the Workforce Housing Zoning Appeals Board<< and shall include a simultaneous public hearing for class I or class IV permit applications as provided pursuant to Section 24-58.2 of the Code of Miami-Dade County:

\* \* \*

The permit applicant may, at his or her option, obtain a public hearing before the Community Zoning Appeals Board >>or if determined by the Director to be subject to Article XIIA, the Workforce Housing Zoning Appeals Board<< for amendments or modifications to the following previously approved unusual uses or uses similar thereto, said public hearing to be held simultaneously to the public hearing required for a class I or class IV permit application, as provided pursuant to Section 24-58.2 of the Code of Miami-Dade County:

\* \* \*

**Section 41.** Section 33-16 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 33-16. Excavations; public hearing required; exceptions.**

- (a) *Public hearing required for certain excavations; exception.*  
No excavations below the level of any street, highway or right-of-way shall be made except upon approval after public hearing; provided, no public hearing is required for excavations for the following purposes:

\* \* \*

- (6) Lake excavations west of the salt barrier line shall also be allowed without a public hearing in all districts within the developable

boundaries of the adopted metropolitan development pattern map of the Comprehensive Development Master Plan as may be amended from time to time.

\* \* \*

Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved by the Department on the grounds of requirement (6)b, (6)j, (6)l, or (6)r below, the applicant may appeal to the Community Zoning Appeals Board >>or if pertaining to Article XIIA the Workforce Housing Zoning Appeals Board<< in accordance with procedure established for appeals of administrative decision in Section 33-311(c). Disapprovals on all other grounds listed below may be appealed to the Community Zoning Appeals Board >>or if pertaining to Article XIIA to the Workforce Housing Zoning Appeals Board<< as unusual use requests in accordance with procedure established in Section 33-13.

\* \* \*

**Section 42.** Section 33-36.1 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-36.1. Administrative adjustment procedure.**

\* \* \*

- (h) The applicant, or any aggrieved property owner in the area, may appeal the decision of the Director to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< in the manner provided for appeals of administrative decisions (Section 33-311 of the Code).

\* \* \*

**Section 43.** Section 33-112 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-112. Permitted features described.**

\* \* \*

- (i) The applicant, or any aggrieved property owner in the area, may appeal the decision of the joint directors to the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, in the manner provided for appeals of administrative decision (Section 33-311(c)(2) of the Code of Miami-Dade County).

\* \* \*

**Section 44.** Section 33-121.14 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-121.14. Nonconforming signs.**

\* \* \*

- (c) If approved as a result of a public hearing by the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, a nonconforming sign may be replaced or modernized provided the board size and height ~~[[is]]~~ >>are<<not increased.

**Section 45.** Section 33-202.3 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-202.3. Uses permitted.**

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved, or reconstructed, structurally altered or maintained for any purpose in a townhouse district (RU-TH) which is designed, arranged or intended to be used or occupied for any reason or purpose, except for one (1) of the following uses:

\* \* \*

- (2) Townhouses, subject to the following restrictions:

\* \* \*

- (r) *Site plan review.* The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria.

\* \* \*

If the plan is disapproved the applicant may appeal to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< in accordance with procedure established for appeals of administrative decision.

\* \* \*

**Section 46.** Section 33-203.1 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 33-203.1. Site plan review.**

Multi-family housing developments, as permitted by Section 33-203 (6.1) of this code, shall be subject to administrative site plan review as specified herein.

\* \* \*

Decisions of the Director may be appealed to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< in accordance with procedure established for appeals of administrative decisions.

\* \* \*

**Section 47.** Section 33-203.7 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 33-203.7. Site plan review.**

The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria.

\* \* \*

If the plan is disapproved the applicant may appeal to the appropriate Community Zoning Appeals Board >>or the

Workforce Housing Zoning Appeals Board<< in accordance with procedure established for appeals of administrative decision.

\* \* \*

**Section 48.** Section 33-207.2.1 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-207.2.1. Site plan review.**

The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria.

\* \* \*

If the plan is disapproved the applicant may appeal to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< in accordance with procedure established for appeals of administrative decision.

\* \* \*

**Section 49.** Section 33-207.4 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-207.4. Site plan review.**

The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria.

\* \* \*

If the plan is disapproved, the applicant may appeal to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< in accordance with procedure established for appeals of administrative decision.

\* \* \*

**Section 50.** Section 33-208 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-208. Uses permitted.**

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4, High Density Residential District, which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

\* \* \*

- (3) Multiple family apartment house containing eleven (11) or more units, subject to site plan review hereinafter provided. Where the applicant fails to secure the approval of the Department of Planning and Zoning the site plan reviewed shall be deemed denied. Where the site plan has been denied the applicant may correct the same to secure the approval of both Departments or appeal the denial for review by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<.

\* \* \*

**Section 51.** Section 33-208.1 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-208.1. Site plan review--Generally.**

The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria.

\* \* \*

If the plan is disapproved, the applicant may appeal to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< in accordance with procedure established for appeals of administrative decisions.

\* \* \*

**Section 52.** Section 33-217 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-217. Uses permitted.**

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4A District which is designed, arranged, or intended to be used or occupied for any purpose, except for one (1) of the following uses:

\* \* \*

- (3) Hotels, motels, apartment houses, and apartment hotels containing eleven (11) or more units, subject to site plan review hereinafter provided. Where applicant fails to secure the approval of both departments the site plan reviewed shall be deemed denied. Where the site plan has been denied, the applicant may correct the same to secure the approval of both departments or appeal the denial for review by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<.

\* \* \*

**Section 53.** Section 33-217.1 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-217.1. Site plan review--Generally.**

The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria.

\* \* \*

If the plan is disapproved the applicant may appeal to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< in accordance with procedure established for appeals of administrative decision.

\* \* \*

**Section 54.** Section 33-222.1.1 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-222.1.1. Subdivision of hotels and motels.**

\* \* \*

- (d) (1) It shall be presumed that the subdivision of a hotel or motel results in a change of use to nonhotel or nonmotel use. This presumption may be rebutted administratively at a public hearing. An application to rebut shall be filed for public hearing before the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<.

\* \* \*

**Section 55.** Section 33-223.5.1 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-223.5.1. Site plan review.**

- (a) *Required; purpose.* The Department shall, prior to issuance of any permits, review plans for compliance with zoning regulations and for compliance with the site plan review criteria.

\* \* \*

If requested approval is denied, proposed project may be appealed to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, in accordance with regulations as provided in Chapter 33 of the Code of Miami-Dade County governing appeals from administrative decisions.

\* \* \*

**Section 56.** Section 33-223.11 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-223.11. Site plan review.**

- (A) [*Required; purpose*] The Department shall, prior to issuance of any permits, review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and ensure the congruity of the proposed development and its compatibility with the surrounding

area. If requested approval is denied, the proposed project may be appealed to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, in accordance with regulations as provided in Chapter 33 governing appeals from administrative decisions contained in the Code of Miami-Dade County.

\* \* \*

**Section 57.** Section 33-245.2 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-245.2. Plan review standards.**

- (A) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< within thirty (30) days of the date the project was denied approval in writing.

\* \* \*

**Section 58.** Section 33-251.5 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-251.5. Plan review standards.**

- (A) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< within thirty (30) days of the date the project was denied approval in writing.

\* \* \*

**Section 59.** Section 33-253.9 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-253.9. Plan review standards.**

- (A) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decision of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< within thirty (30) days of the date the project was denied approval in writing.

\* \* \*

**Section 60.** Section 33-256.8 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-256.8. Plan review standards.**

- (A) The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The decisions of the Department in relation to the site plan review criteria may be appealed by the party(ies) which filed the application for the project to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< within thirty (30) days of the date the project was denied approval in writing.

\* \* \*

**Section 61.** Section 33-257 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-257. Unity of title; covenant in lieu thereof.**

In the RU-5, RU-5A, BU-1, BU-1A, BU-2, BU-3, IU-1, IU-2, IU-3, IU-C, and OPD Districts, all applications for building permits

where multiple buildings are proposed for a single site shall be accompanied by one (1) of the following documents:

\* \* \*

(2) A declaration of restrictive covenants, approved for legal form and sufficiency by the County Attorney, which shall run with the land and be binding upon the heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property. The declaration shall contain the following necessary elements:

(a) That the subject site will be developed in substantial accordance with the approved site plan. That no modification shall be effectuated without the written consent of the then owner(s) of the phase or portion of the property for which modification is sought, and the Director; provided the Director finds that the modification would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or tend to provoke a nuisance, or be incompatible with the area concerned, when considering the necessity and reasonableness of the modification in relation to the present and future development of the area concerned. Should the Director withhold such approval, the then owner(s) of the phase or portion of the property for which modification is sought shall be permitted to seek such modification by application to modify the plan or covenant at public hearing before the Community Zoning Appeals Board>>, or the Workforce Housing Zoning Appeals Board<< or Board of County Commissioners of Miami-Dade County, Florida (whichever by law has jurisdiction over such matters).

\* \* \*

**Section 62.** Section 33-261.1 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 33-261.1. Site plan review.**

(A) *[Responsibility; purpose; procedures generally.]* The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria.

\* \* \*

If the plan is disapproved, the applicant may appeal to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<. Appeals by the applicant shall be filed within thirty (30) days of the date the project was denied.

\* \* \*

**Section 63.** Section 33-263.2 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-263.2. Site plan review.**

(A) *[Responsibility; purpose; procedures generally.]* The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria.

\* \* \*

If the plan is disapproved, the applicant may appeal to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<. Appeals by the applicant shall be filed within thirty (30) days of the date the project was denied.

\* \* \*

**Section 64.** Section 33-265 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-265. Control of uses.**

Any person, firm, corporation or other legal entity desiring to use any property or premises situated in an IU-3 District for the manufacture, assembly, processing or packaging of any article or matter enumerated in Section 33-264(3), or for the storage of relatively large quantities of such article or matter (not to include storage where storage is relatively small and incidental to the use of small quantities of such article or matter in connection with manufacture, processing or use permitted in more restrictive districts), or manufacture, assembly, processing, packaging or storage of similar articles or matter, or for any use or operation

enumerated in said Section 33-264(3) or for similar use or operation, shall file with the Director a written application setting forth a full description of the proposed use or occupancy, and accurate legal description of the property or premises, a description of the structure or structures to be constructed or occupied, satisfactory proof that the proposed use will conform to the requirements of the Miami-Dade County Pollution Control Ordinance, and such other information as may be reasonably required by the Director, who shall determine from such information, whether or not the proposed use will, in fact, create objectionable influences ordinarily associated with the general type of such uses. If it is found that such use because of the method of operation, or type of materials used, the usual degree of hazardous conditions will not be created, the Director may assign the use to the IU-3 District or to a less restrictive zoning district. However, if it is determined that the high hazards usually anticipated in connection with the uses listed involving fire, explosions, noise, vibration, dust or emissions of smoke, odors, or toxic gases, or other hazards to public health, safety or welfare will be created, the Director shall require approval as result of a public hearing before such use is permitted. Upon filing of the application, the Director shall transmit such application, together with his recommendations, to the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, who shall consider the application in accordance with the zoning procedure prescribed by article XXXVI of this chapter, and transmit its recommendations to the County Commission.

\* \* \*

**Section 65.** Section 33-266.3 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-266.3. Site plan review.**

- (A) *[Responsibility; purpose; procedures generally.]* The Department shall review plans for compliance with zoning regulations and for compliance with the size plan review criteria.

\* \* \*

If the plan is disapproved, the applicant may appeal to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<. Appeals by

the applicant shall be filed within thirty (30) days of the date the project was denied.

\* \* \*

**Section 66.** Section 33-278.2 of the Code of Miami-Dade County is hereby amended

as follows:

**Sec. 33-278.2. Site plan review.**

(A) *[Responsibility; purpose; procedures generally.]* The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria.

\* \* \*

If the plan is disapproved, the applicant may appeal to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<. Appeals by the applicant shall be filed within thirty (30) days of the date the project was denied.

\* \* \*

**Section 67.** Section 33-284.9.1 of the Code of Miami-

Dade County is hereby amended as follows:

**Sec. 33-284.9.1. Site plan review.**

*Procedure.* Cluster developments shall be reviewed by the Department for compliance with all applicable requirements, including the site plan review exhibits and criteria hereinafter provided. The recommendation of the Department shall be transmitted to the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< for their consideration. If after approval of the site plan review exhibits a substantial change therein is desired, application may be filed as a special exception with the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< to modify or change such exhibits, all in accordance with this article and Article XXXVI of Chapter 33 of this Code.

In approving a development plan, the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< may, by special exception, vary, amend or modify the following otherwise applicable zoning district regulations and/or subdivision regulations in order to effectuate the plan, provided the elements affected by such special exceptions are specifically noted upon the site plan review exhibits and provided the same are in harmony with the general purpose and intent thereof:

\* \* \*

**Section 68.** Section 33-284.14 of the Code of Miami-Dade County is hereby amended

as follows:

**Sec. 33-284.14. Densities.**

Total dwelling units permitted in the planned development shall be determined by multiplying the net acreage of each differently zoned parcel by the number of units permitted by the underlying residential zoning for said parcel, and adding the resulting number of units for each differently zoned parcel. The resulting number of dwelling units is the total permitted dwelling units unless otherwise modified by provisions included herein. If a prior density limitation was set by County Commission, Zoning Appeals Board>>, or the Workforce Housing Zoning Appeals Board,<< or Community Zoning Appeals Board resolution or other document(s) filed for public record, then the total densities shall not exceed densities established by said documents.

If an RU-4A Zone is part of a planned development, and hotels and/or motel units are proposed in the planned development, the total number of units used in computing the units per acre permitted in the RU-4A Zone shall be fifty (50) or any number less than fifty (50) established by County Commission or Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< resolution or other documents filed for public record which have previously limited density.

\* \* \*

The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall have the authority to approve an increase in the total number of dwelling units established above by ten (10) percent provided that:

\* \* \*

(d) The increase in densities will not violate any recorded restriction(s) which has (have) been established by County Commission or Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< resolution or other documents that previously established density limitations.

\* \* \*

**Section 69.** Section 33-284.17 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-284.17. Common ownership provisions.**

Provisions shall be made to assure that all nonpublic areas and facilities for the common or joint use of all residents shall be maintained in a continuous and satisfactory manner and without expense to the general taxpayers of Miami-Dade County.

\* \* \*

The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency before submission to the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< and after approval shall be recorded in the public records of Miami-Dade County.

**Section 70.** Section 33-284.18 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-284.18. Structure height.**

The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall have the authority to determine structure height as hereinafter provided under plan review standards; provided, however, that the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall not permit any structure to be of a height greater than that established by the following criteria:

\* \* \*

97

**Section 71.** Section 33-284.21 of the Code of Miami-Dade County is hereby amended

as follows:

**Sec. 33-284.21. Plan review procedure.**

The application for a planned development shall be reviewed by the Department to determine its compliance with applicable regulations and review criteria contained herein. An instrument, suitable for recording, shall be submitted prior to the advertising of the public hearing, which covenants that development will occur substantially in accordance with plans approved at the public hearing.

The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall review the plans and documents, and may approve, approve with modifications, or disapprove the application.

If a Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< incorporates specific modifications to the planned development in its resolution of approval, those modifications shall be made by the applicant prior to filing documents and plans with the Department. Such filing shall be completed within sixty (60) working days from date of a Community Zoning Appeals Board's >>or the Workforce Housing Zoning Appeals Board's<<action. Failure to do so shall nullify the Community Zoning Appeals Board's >>or the Workforce Housing Zoning Appeals Board's<<action unless waived by formal vote of the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<.

\* \* \*

**Section 72.** Section 33-284.26 of the Code of Miami-Dade County is hereby amended

as follows:

**Sec. 33-284.26. Review procedures.**

(B) *Total development plan review.*

Following the preapplication conference the total development plan reviews shall be initiated by the applicant. Required exhibits listed below and a completed development impact statement if required by Chapter 33 of

the Miami-Dade County Code, together with an application for public hearing as required by Chapter 33 of the Miami-Dade County Code, shall be submitted to the Department.

(1) Required exhibits--Written documents. The following written documents shall be submitted as part of the planned area development zoning application:

(a) Recordable agreement guaranteeing the development in accordance with promises made in the written and graphic documents listed below as approved by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<. Said agreement shall be submitted to the Department after the Development Impact Committee review and prior to the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< review.

\* \* \*

(3) Review process. The review of the total development plan of a planned area development shall be by the Developmental Impact Committee, and review and action by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall be in accord with Section 33-304(f) of the Miami-Dade County Code.

(C) *Development tract review.*

Following approval of the total development plan by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, review at the development tract level may be initiated.

\* \* \*

(2) Review process. Prior to the development of a development tract (see Section 33-284.27(B)) or prior to the sale, transfer or lease of any portion of a development tract, a development tract plan shall be prepared, submitted to, and approved by the

Department for review and approval in accordance with review criteria, Section 33-284.26(D), and development plan(s) approved by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<. Said development tract plan is a detailed refinement of information provided in the approved total development plan. If the planned area development involves only one (1) development tract the same procedure shall be followed.

\* \* \*

If requested approval is denied, the proposed project may be appealed to the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, in accordance with regulations as provided in Chapter 33 governing appeals from administrative decisions contained in the Code of Miami-Dade County.

\* \* \*

**Section 73.** Section 33-284.27 of the Code of Miami-Dade County is hereby amended

as follows:

**Sec. 33-284.27. Development parameters.**

All applications for the Planned Area District shall comply with the following applicable development parameters:

\* \* \*

**(B) Development tracts.**

\* \* \*

At any time after a Planned Area Development District boundary change is approved at final hearing, any tract so approved may be subdivided in accordance with the subdivision ordinances of Miami-Dade County without any prior public hearing before the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, providing that the new tract or tracts so created shall meet all of the provisions of this article, all existing

agreements of record, and the written approval of the Department.

\* \* \*

(C) *Permitted residential uses.*

All residential types, including single family, and multi-family, whether detached, attached or any combination thereof, shall be permissible in the Planned Area Development zoning classification upon approval by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<.

(D) *Maximum permitted density.*

Maximum permitted densities, in terms of number of units per gross residential acre and total number of dwelling units and bedrooms, shall be established for each development tract at the time of approval of the development plan by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<.

\* \* \*

(H) *Other uses with PAD application.*

\* \* \*

Other uses that are permitted only by the special exception, new use or unusual use procedure under the zoning regulations are permitted in a development tract, subject to the required Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< approval.

\* \* \*

**Section 74.** Section 33-284.38 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-284.38. Site plan review.**

(A) [*Generally*] The Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to

encourage logic, imagination, innovation and variety in the design process and ensure the congruity of the proposed development and its compatibility with the surrounding area. If plan(s) are denied, the applicant may appeal to the appropriate Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< for action.

\* \* \*

**Section 75.** Section 33-284.42 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-284.42. Districts in which permitted.**

A zero lot line development, with a maximum of six (6) units per net acre, for one (1) family dwelling only, may be permitted in the RU-1Z, RU-2, RU-TH, RU-3, RU-3M, RU-4, RU-4A, RU-4L and RU-4M Districts without a public hearing upon approval of the site plan(s) by the Department and upon compliance with all other specified conditions in this article. A zero lot line development with greater than six (6) units per net acre shall require a public hearing before the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<. Where the regulations included herein conflict with regulations included in the individual districts or other sections of Chapter 33, the regulations included herein shall apply.

**Section 76.** Section 33-284.43 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-284.43. Development parameters.**

All applications for a zero lot line development shall comply with the following applicable development parameters:

\* \* \*

- (N) *Common open space and maintenance of facilities.* Common open space is not required but may be permitted. If common open space is provided, provisions satisfactory to the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall be made to assure that nonpublic areas and facilities for the common use of occupants of zero lot line development

shall be maintained in a satisfactory manner, without expense to the general taxpayer of Miami-Dade County.

\* \* \*

The instrument incorporating such provisions shall be approved by the County Attorney, as to form and legal sufficiency, before submission to the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< or the Board of County Commissioners, and shall be recorded in the public records of Miami-Dade County, if satisfactory to the Board of County Commissioners.

\* \* \*

**Section 77.** Section 33-284.44.1 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-284.44.1. Grandfather provisions.**

Any request for a substantial change to a zero lot line plan, previously or hereafter approved in the RU-1 District, shall be reviewed and decided by the Community Zoning Appeals Board >> or if determined by the Director to be subject to Article XIIA, the Workforce Housing Zoning Appeals Board<<.

\* \* \*

**Section 78.** Section 33-284.50 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-284.50. Review procedure.**

The TND review procedures are divided into four (4) steps: (A) preapplication conference; (B) initial TND review; (C) intermediate site plan review; and (D) final review.

\* \* \*

(B) *Initial TND review.*

- (1) Following the preapplication conference(s), the total development plan reviews shall be initiated by the applicant. Required exhibits listed below together

with an application for public hearing shall be submitted to the Department in accordance with the requirements of Section 33-304, Code of Miami-Dade County.

(a) *Required exhibits--Written documents.* The following written documents shall be submitted to the Developmental Impact Committee for review prior to the public hearing.

1. Recordable agreement guaranteeing the development in accordance with promises made in the written and graphic documents listed below as approved by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<. A draft of said agreement shall be submitted to the Developmental Impact Committee twelve (12) days prior to Developmental Impact Committee Executive Council review with final executed agreement received fifteen (15) days prior to Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< review and action.

\* \* \*

- (2) Upon the filing of a complete application, the Department shall submit the required exhibits for the TND to the Developmental Impact Committee for review in accordance with standards and review procedures of the Developmental Impact Committee as provided in Section 33-303.1. At a public hearing held by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, the applicant shall present the proposal. The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall have the recommendations of the Developmental Impact Committee. The Community Zoning Appeals Board

>>or the Workforce Housing Zoning Appeals Board<< shall consider the information presented by the applicant, the recommendations of the Developmental Impact Committee and viewpoints of the public expressed at the hearing. The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall take formal action either approving the plan as presented, approving it subject to certain specified modifications, and/or conditions disapproving it, or a combination of the foregoing. Upon approval, plans, documents and recordable development agreements shall be filed with the Department and recorded in the official records and shall thereby constitute the TND District. If the TND is approved with specific modifications, as incorporated in the Community Zoning Appeals Board's >>or the Workforce Housing Zoning Appeals Board's<< resolution, those modifications shall be made by the applicant on all applicable documents and plans prior to filing the same with the Department. Such filing shall be completed within sixty (60) calendar days from date the decision becomes final including all appeals. Failure to do so shall nullify the Community Zoning Appeals Board's >>or the Workforce Housing Zoning Appeals Board's<< action unless waived by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< or if appealed, by the County Commission. The Director shall review all modifications in accordance with the Community Zoning Appeals Board's >>or the Workforce Housing Zoning Appeals Board's<< decision. The approved TND shall be indicated on the zoning maps as would any other district boundary change. Intermediate site plan review shall not be initiated until the above requirements have been met.

(C) *Intermediate site plan review.*

- (1) Following final approval of the TND zoning district by the Community Zoning Appeals Board >>, the Workforce Housing Zoning Appeals Board,<< or the Board of County Commissioners, the following plans and documents shall be submitted for Developmental Impact Committee review and

approval together with any other relevant information required by said Committee.

\* \* \*

(D) *Final review.*

- (1) Final review for all or a portion of the TND shall be by the Department of Planning and Zoning in accordance with all plans and documents as approved by the Community Zoning Appeals Board >>, the Workforce Housing Zoning Appeals Board<< or the Board of County Commissioners, the Developmental Impact Committee, and as filed with the Department.

\* \* \*

**Section 79.** Section 33-303.1 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-303.1. Developmental Impact Committee.**

\* \* \*

- (D) Duties of the Developmental Impact Committee. The Developmental Impact Committee shall perform the following duties:

\* \* \*

- (3) Upon application, determine whether a development of regional impact ("DRI") is essentially built out and issue an appropriate order.

\* \* \*

- (b) Hearings before the Executive Council of the DIC pursuant to this subsection shall be noticed in the same manner as applications filed before the Community Zoning Appeals Boards >>or the Workforce Housing Zoning Appeals Board<< pursuant to Section 33-310 for modifications of DRIs.

\* \* \*

**Section 80.** Section 33-304 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 33-304. Applications.**

\* \* \*

An application may be withdrawn without prejudice by the applicant as a matter of right, provided the request for withdrawal is in writing and executed in the same manner as provided by Section 33-309 for the executing of application, and filed with the Department prior to the mailing of final notices, as provided by Section 33-310(c)(2); otherwise all such requests for withdrawal shall be with prejudice save and except that the Community Zoning Appeals Boards>>, or the Workforce Housing Zoning Appeals Board<< or the Board of County Commissioners may permit withdrawals without prejudice at the time the matter is considered by such Boards; provided, further, no application may be withdrawn after final action has been taken.

\* \* \*

- (e) Amendments to an application shall be permitted; provided that, unless otherwise requested, suggested or concurred in by the Developmental Impact Committee, no substantial amendment shall be accepted by the Director within thirty (30) days prior to the first scheduled hearing on the application by the appropriate board or once the application has been heard and determined by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<; provided further that an applicant may petition the appropriate board to permit such amendment at the time of hearing on the application and such amendment shall be accepted if approved by majority vote of those present upon good cause shown and provided it falls within the scope of the legal advertisement. In determining good cause, the appropriate board shall consider, among other factors, the timeliness of the amendment and the degree of inconvenience or surprise to objectors to the application.
- (f) All planned area development applications shall adhere to the following procedures which shall be deemed exclusive notwithstanding any other section herein: The Department shall submit the required exhibits for the total development plan to the Developmental Impact Committee for review in

accordance with standards and review procedures of the Developmental Impact Committee. At a public hearing held by the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<<, the developer shall present the proposal. The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall have the recommendations of the Developmental Impact Committee. The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall consider the information presented by the applicant, the recommendations of the Developmental Impact Committee and viewpoints of the public expressed at the hearing. The Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< shall take formal action either approving the plan as presented, approving it subject to certain specified modifications, or disapproving it. Upon approval, plans, documents and recordable development agreements shall be filed with the Department and recorded in the official records and shall thereby constitute the planned area development district. If the planned area development is approved with specific modifications, as incorporated in the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< resolution, those modifications shall be made by the applicant prior to filing documents and plans with the Department. Such filing shall be completed within sixty (60) working days from the date the action of the Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< becomes final including all appeals. Failure to do so shall nullify the Community Zoning Appeals Board's >>or the Workforce Housing Zoning Appeals Board's<< action unless waived by the Community Zoning Appeals Board>>, or the Workforce Housing Zoning Appeals Board<< or if appealed, by the County Commission. The Director shall review all modifications in accordance with the Community Zoning Appeals Board's >>or the Workforce Housing Zoning Appeals Board's<< resolution. The approved planned area development shall be indicated on the zoning map as would any other district boundary change. Review at the development tract level may then be initiated pursuant to the provisions of the planned area development districts.

**Section 81.** Section 33-305 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 33-305. District boundary maps.**

The Board of County Commissioners shall by resolution adopt, approve and ratify the district boundary maps as originally adopted by Resolution No. 895 of August 2, 1938, and as modified, amended and changed by subsequent resolutions, and the Director shall continue to maintain and keep on file in the Department such maps showing thereon the boundaries of districts. The district boundary maps shall be amended, modified and changed by resolution of the County Commission>>,<< [[or]] Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< as hereinafter provided, and shall be prima facie evidence of the boundaries of districts.

**Section 82.** Section 2-11.1 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.**

\* \* \*

(b) Definitions. For the purposes of this section the following definitions shall be effective:

\* \* \*

(3) The term "quasi-judicial personnel" shall refer to the members of the Community Zoning Appeals Board >>the Workforce Housing Zoning Appeals Board<< and such other boards and agencies of the County as perform quasi-judicial functions.

\* \* \*

**Section 83.** Section 2-11.38 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 2-11.38. Membership on boards.**

\* \* \*

No member of any County board shall become a candidate for elective political office during his or her term. Should any member of a County board qualify as a candidate for elective political office, such qualification shall be deemed a tender of resignation from such board. No person shall serve on more than two (2) County boards simultaneously, unless the Commission has by unanimous vote approved the appointment after being advised of all other County board(s) upon which the person sits, provided, however, a person serving on any one of the following boards shall not serve on any other County board simultaneously except as provided by ordinance: Community Council; Community Zoning Appeals Board; >>Workforce Housing Zoning Appeals Board;<< Planning Advisory Board; Citizens' Independent Transportation Trust; Housing Finance Authority; Independent Review Panel; Industrial Development Authority; Health Facilities Authority; Educational Facilities Authority; Commission on Ethics and Public Trust; Environmental Quality Control Board; The Children's Trust; and the Public Health Trust. Notwithstanding the foregoing, a person is prohibited from serving on a County board where such service would violate federal or state law, the Miami-Dade County Home Rule Charter or county ordinance.

\* \* \*

**Section 84.** Section 2-114 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 2-114. Adoption of Comprehensive Development Master Plan--Legal status of plan; relationship to neighborhood, area, and functional studies; legislative intent; definitions.**

- (a) *Legal status.* The Comprehensive Development Master Plan is hereby declared to be the official long-range and comprehensive guide for the orderly growth and development of Miami-Dade County, Florida, and is adopted to direct and achieve coordinated and harmonious development and land use in a manner which will permit the planning for adequate community facilities and protect the ecological balance of the environment, in order to promote the public health, safety, convenience, prosperity and general welfare of Miami-Dade County's citizens and visitors.

\* \* \*

Any deviations from the plan shall be approved only if the provisions of subsection 2-114(c) are applicable, and further may only be approved by not less than a majority of the total membership of the Board of County Commissioners on applications for development orders pending before it, or by not less than a majority of the total membership a Community Zoning Appeals Board >>or if determined by the Director to be subject to Article XIIA, the Workforce Housing Zoning Appeals Board<< on applications for development orders pending before it.

\* \* \*

**Section 85.** Section 2-114.1 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 2-114.1. Administrative review of takings and vested rights claims.**

\* \* \*

(c) Invocation of administrative remedy.

\* \* \*

(2) Any applicant alleging that the action of the Board of County Commissioners or a Community Zoning Appeals Board >>or the Workforce Housing Zoning Appeals Board<< upon an application for a zoning action under Chapter 33 would constitute a temporary or permanent taking of private property or an abrogation of vested rights shall file a complete sworn statement with the Developmental Impact Committee Coordinator not later than forty-five (45) days before the first hearing on the developmental resolution.

\* \* \*

**Section 86.** Section 2-115.11 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 2-115.11. Biscayne National Park Buffer Development Review Committee; intent and purpose; establishment; membership; qualifications; appointment; term; duties; staff support.**

\* \* \*

(2) *Biscayne National Park Buffer Development Review Committee.*

\* \* \*

ii. For each application involving a telecommunications tower in the Review Area, the applicant shall provide the Review Committee and the applicable community zoning appeals board >>or if determined by the Director to be subject to Article XIIA, the Workforce Housing Zoning Appeals Board<< with a regional map showing the location of existing and permitted telecommunication towers and available data on the impact of existing towers on birds, in areas comparable to the Review Area. Further, the applicant shall document that co-location opportunities, existing public structures and already developed public lands have been utilized to the maximum extent feasible and that design aesthetics have been incorporated. Assessment of feasibility shall include consideration of the technical requirements of differing types of telecommunications providers. The County shall review all documentation submitted by the applicant pursuant to the above requirements for technical accuracy. The Committee and the applicable community zoning appeals board >>or if determined by the Director to be subject to Article XIIA, the Workforce Housing Zoning Appeals Board<< shall defer or deny actions on applications for telecommunications towers in the Review Area until the above listed items are provided.

\* \* \*

**Section 87.** Section 18A-9 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 18A-9. Committee of landscape adjustment.**

\* \* \*

(F) Within fourteen (14) days after posting of decision, but not thereafter, any decision of the Committee of Landscape Adjustment may be appealed to the appropriate Community Zoning Appeals Board >>or if determined by the Director to be subject to Article XIIA, the Workforce Housing Zoning Appeals Board<< as prescribed in Chapter 33 for appeals of administrative decisions; otherwise, it shall become final.

(G) The Community Zoning Appeals Boards >>or the Workforce Housing Zoning Appeals Board,<< or the Board of County Commissioners shall have the authority to grant adjustment from this chapter as part of a zoning application.

\* \* \*

**Section 88.** Section 24-48.2 of the Code of Miami-Dade County is hereby amended as follows:

**Sec. 24-48.2. Permit application forms; procedures.**

There are two (2) types of application forms; short form and standard form. The general criteria for determining the type of application form required are based on the magnitude of the project, and its potential environmental impact. Unless waived by the municipality, the applicant's plans shall require municipal approval.

\* \* \*

(II) *Standard Form Permit Application:*

\* \* \*

(B) Obtaining approval from the Board of County Commissioners:

- (1) The Director of the Department of Environmental Resources Management shall review the permit application for the proposed work and shall make a recommendation to the Board of County Commissioners of approval, denial, or approval subject to conditions, limitations or restrictions for the proposed work. The Director's recommendation shall be based upon the applicable evaluation factors set forth in Section 24-48.3 of this Code. The Board of County Commissioners or Community Zoning Appeals Board>> or the Workforce Housing Zoning Appeals Board<< pursuant to Section 33-13 shall hold a public hearing concerning the proposed work. A notice of the time and place of said public hearing shall be published in a newspaper of general circulation in Miami-Dade County a minimum of seven (7) days prior to the public hearing. Said notice shall include a brief description of the proposed work and the location of the proposed work. A courtesy notice containing substantially the same information set forth in said published notice shall be mailed to those parties whose names appear on the application as the owners of all riparian or wetland property within three hundred (300) feet of the proposed work. Failure to mail or receive said courtesy notice shall not affect any action or proceeding taken thereunder. The Board of County Commissioners or Community Zoning Appeals Board>> or the Workforce Housing Zoning Appeals Board<< pursuant to Section 33-13 shall, after holding the public hearing, approve, deny, or approve subject to conditions, limitations or restrictions, the work proposed under the permit application based upon the applicable evaluation factors set forth in Section 24-48.3 of this Code.
- (2) If the Board of County Commissioners>>\_1<< ~~[[€]]~~ Community

Zoning Appeals Board>> or the Workforce Housing Zoning Appeals Board<< pursuant to Section 33-13 approves a permit application, the Department of Environmental Resources Management shall issue the permit subject to the conditions, limitations or restrictions required by the Community Zoning Appeals Boards>> or the Workforce Housing Zoning Appeals Board<< or Board of County Commissioners. The Department of Environmental Resources Management, in its discretion, may require additional conditions, limitations and restrictions as part of the permit only if said additional conditions, limitations or restrictions are consistent with the action of the Board of County Commissioners or Community Zoning Appeals Board >>, or the Workforce Housing Zoning Appeals Board<< with respect to the permit.

- (3) At the request of a permit applicant, a conclusive list of permit conditions, limitations, and restrictions, which may not be amended or modified by the Department of Environmental Resources Management except as provided in Section 24-48.2(II)(B)(3)(b), below, shall be prepared prior to the public hearing and shall be submitted to the Board of County Commissioners or Community Zoning Appeals Board >>, or the Workforce Housing Zoning Appeals Board<< pursuant to Section 33-13 as part of the Director's recommendation of approval, provided that the permit application includes the following:
- (a) All requirements set forth in Section 24-48.5(2)(a) and (b).
  - (b) A verified statement by the permit applicant that the proposed work shall commence within three (3) months of approval of said permit by

the Board of County Commissioners or Community Zoning Appeals Board>>, or the Workforce Housing Zoning Appeals Board<< pursuant to Section 33-13 and that if the work does not commence within three (3) months of the date of approval of said permit by the Board of County Commissioners or Community Zoning Appeals Board>>, or the Workforce Housing Zoning Appeals Board<<, then the Department of Environmental Resources Management may, in its discretion, require additional conditions, restrictions, and limitations as to the permit other than those described in the aforesaid list. All such additional conditions, restrictions, and limitations shall be consistent with the action of the Board of County Commissioners or Community Zoning Appeals Board>>, or the Workforce Housing Zoning Appeals Board<< with respect to the permit.

**Section 89.** Section 24-49.3 of the Code of Miami-Dade County is hereby amended as

follows:

**Sec. 24-49.3. Preliminary review of projects involving tree removal or relocation.**

The Department shall review and comment on the following actions: Any application for zoning relief which requires a public hearing before the Miami-Dade County Community Zoning Appeals Board>> or the Workforce Housing Zoning Appeals Board<< or the Board of County Commissioners; applications for plat approval; administrative site plan review; applications for approval of development plans by the developmental impact committee and the South Florida Regional Planning Council; proposed plans for new roadways or improvements to highway design projects; proposed plans for new public park and recreational areas and other public facilities. This review procedure shall determine if a tree removal permit is required under Section

24-49, and whether the following standards, when applicable, are adhered to:

\* \* \*

(2) Development within natural forest communities or involving specimen trees:

\* \* \*

(b) Notwithstanding any provision of this Code, no County or municipal officer, agent, employee or Board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership), platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action requiring a public hearing before the Miami-Dade County Community Zoning Appeals Board>>, or the Workforce Housing Zoning Appeals Board,<< or the Board of County Commissioners for any land use involving division of property into parcels less than five (5) acres within natural forest communities without obtaining the prior written recommendation of the DERM or his designee. The DERM or his designee shall issue his written recommendation of approval only if the DERM or his designee determines that a preservation area equivalent in size to the minimum preservation area required for the site under Section 24-49.2(I) has been designated prior to the proposed action.

**Section 90.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 91.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 92.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



John D. McInnis/Terrence Smith