MEMORANDUM

Agenda Item No. 7(B)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	May 6, 2008
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance pertaining to Workforce Housing Development Program; readopting Ordinance 07-05

This item readopts the Workforce Housing Development Program ordinance (Ordinance No. 07-05) which previously sunsetted in February, 2008. It was amended by the Economic Development and Human Services Committee to repeal the sunset provision, to substitute the Office of Community and Economic Development for the Miami-Dade Housing Agency, and to substitute the Director of the Office of Community and Economic Development for the Director of the Miami-Dade Housing Agency.

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

R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum

MIAMI-DADE COUNTY

Date: May 6, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to Workforce Housing Development Program; readopting Ordinance 07-05

The Ordinance pertaining to Workforce Housing Development Program will not have a fiscal impact to Miami-Dade County.

Cynthia W. Curry
Senior Advisor

Fis03108

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: May 6, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(B)

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

Veto _____

Override _____

Agenda Item No. 7(B)

5-6-08

ORDINANCE NO. _____

ORDINANCE PERTAINING TO WORKFORCE HOUSING DEVELOPMENT PROGRAM; READOPTING ORDINANCE 07-05 AS CODIFIED IN VARIOUS SECTIONS OF CHAPTERS 17, 33, 8, AND 8CC OF THE CODE OF MIAMI-DADE COUNTY; EXCLUDING REPEAL PROVISION IN ORDINANCE 07-05; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on January 25, 2007, this Board adopted Ordinance 07-05 establishing a voluntary workforce housing program to address the growing housing crisis for residents of unincorporated Miami-Dade County in the workforce target income group; and

WHEREAS, by its own terms Ordinance 07-05 was repealed on February 3, 2008; and

WHEREAS, it is in the best interests of the health, safety, and welfare of residents of Miami-Dade County to readopt the provisions of Ordinance 07-05 in order to continue to aid residents in the unincorporated area of Miami-Dade County in obtaining adequate housing at an affordable rate,

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

Section 1. Ordinance 07-05, attached hereto, is hereby readopted in its entirety with the following changes:

1. Section 26, which provides for repeal after one year, is deleted.

2. The definitions of "Department" and "Director" appearing in Sec. 17-140(7) and (9) shall be Office of Community and Economic Development for the Miami-Dade Housing Agency, and Director of the Office of Community and Economic Development for the Director of the Miami-Dade Housing Agency

Section 2. 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 3. 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 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 4. 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: JM

John McInnis

Sponsored by Vice-Chairwoman Barbara J. Jordan

Approved _____ Mayor

Veto _____

Override _____

Amended

Agenda Item No. 7(E)

1-25-07

ORDINANCE NO. **07-05**

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; 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 XIIA of the Code of Miami-Dade County, Florida is hereby created to read as follows:

ARTICLE XIIA.

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. Dispersal of workforce housing units throughout this community will avoid overconcentration of such 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.

(1) An application seeking to utilize the density bonus and intensity standards available under this article (a "WHU application") shall:

(A)(1)for WHU applications seeking approval of 20 or more dwelling units provide workforce housing units or a monetary contribution as provided in Section 33-193.9; and,

(2) for WHU applications seeking approval of fewer than 20 dwelling units, provide a monetary contribution as provided in Section 33-193.9.1.

(B) A WHU 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.

Each WHU application to develop improved property shall provide evidence satisfactory to the Director as to whether Existing WHUs are on the property.

(2) 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 for a WHU application ("WHU 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 an approval is obtained after public hearing in accordance with the standards in this section, a WHU 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 an approval is obtained after public hearing in accordance with the standards in this section, or if permitted as of right pursuant to section 33-193.9, a WHU applicant may satisfy the requirements of this article by providing a monetary contribution to the affordable housing trust fund

established in Chapter 17, Article VIII 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 an approval is obtained after public hearing in accordance with the standards in this section, a WHU 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 a WHU 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.

Sec. 33-193.9. Required Workforce Housing Units.

(A) All applications seeking to utilize the density or intensity bonus available pursuant to this article 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[1]
	From 2.5 up to and Including 3.125 Units Per Gross Acre	12.5 Percent[2]
Low-Density Residential	From 3 up to and Including 6 Units Per Gross Acre.	5 Percent[1]
	From 6 to 7.5 Units Per Gross Acre.	12.5 Percent[2]
Low-Medium Density Residential	From 6 up to and Including 13 Units Per Gross Acre.	5 Percent[1]
	From 13 up to and Including 16.25 Units Per Gross Acre.	12.5 Percent[2]
Medium Density Residential	From 13 up to and Including 20 Units Per Gross Acre.	5 Percent[1]
	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.

[1]The number of WHUs to be provided shall be 5% of the total number of market rate units.

[2]The percentage of WHUs to be provided shall be a percentage of the total number of 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.
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[3]	Refer to applicable residential category above
Business and Office	In accordance with applicable CDMP provisions[4]	Refer to applicable residential category above
Industrial	In accordance with applicable CDMP provisions	20 Percent[1]
Urban Center	Those urban centers not rezoned as of February 4, 2007 (the effective date of this ordinance)	12.5 Percent[2]

[3]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

[4]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) 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) WHU developments of fewer than 20 residential units seeking to utilize the density or intensity bonus available pursuant to this article 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.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 33-193.11.

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) WHU 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, as well as the benefit of the intensity standards provided in section 33-193.11.

(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. 33-193.11. Intensity standards.

(A) Notwithstanding zoning district regulations to the contrary, the following maximum intensity standards shall apply to applications seeking approval of a WHU application that provides either the WHUs required to obtain a density bonus 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. 33-193.12. 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. 33-193.13. Required declaration of restrictive covenants

Prior to final approval of any application seeking to utilize the density or intensity bonus available pursuant to this article, 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. 33-193.14. 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 IX of the code, sections 17-142 through 17-144 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. 33-193.15. 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.

Section 2. Section 33-199 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows: [5]

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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[5] 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. 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 providing 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 seeking to utilize the density or intensity bonus available pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County Florida, 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 XIIA 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 WHU 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 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 requirement of 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 its primary residence.

(A) A qualified household that purchases a WHU and that discontinues occupancy of the unit as its 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 that discontinues occupancy of the unit as its primary residence shall be required to vacate said unit.

Sec. 17-144. Affordability controls.

(A) Initial sale or rental.

(1) Every WHU 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*. Any qualified household that intends to sell its 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 its 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 20 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, that any municipality may establish and enforce more stringent regulations as necessary to ensure provision of workforce housing units within its jurisdiction.<<

Section 21. 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
*	*	*
>>17-137	Failure to comply with Chapter 17, Article VIII of the Code of Miami-Dade County	$1,000<<
*	*	*
>>33-193.16	Failure to comply with Chapter 33, Article XIIA of the Code of Miami-Dade County	$1,000<<
*	*	*
All other Chapter 33 violations		$500.00

Section 23. 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 24. 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.

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Section 25. 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.

Section 26. This ordinance shall stand repealed one year from its effective date.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency: _____

Prepared by: JM

John McInnis

Sponsored by Vice-Chairwoman Barbara J. Jordan