

MEMORANDUM

EPC
Agenda Item No. 1G1

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 13, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to zoning, housing, and impact fees; creating mandatory Workforce Housing Development Program; amending requirements for workforce housing units and modifying density bonus and development intensity standards; amending requirements for declarations of restrictive covenants regarding workforce housing units; providing for deferral of road impact fees for development of workforce housing units; amending eligibility requirements relating to Workforce Housing Development Program administration; amending Article XIIIA of Chapter 33, Article IX of Chapter 17, and sections 33E-6.1 and 33E-18 of the Code.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Chairman Jean Monestime.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 4(J)

Please note any items checked.

- "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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 4(J)

Veto _____

6-7-16

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING, HOUSING, AND IMPACT FEES; CREATING MANDATORY WORKFORCE HOUSING DEVELOPMENT PROGRAM; AMENDING REQUIREMENTS FOR WORKFORCE HOUSING UNITS AND MODIFYING DENSITY BONUS AND DEVELOPMENT INTENSITY STANDARDS; AMENDING REQUIREMENTS FOR DECLARATIONS OF RESTRICTIVE COVENANTS REGARDING WORKFORCE HOUSING UNITS; PROVIDING FOR DEFERRAL OF ROAD IMPACT FEES FOR DEVELOPMENT OF WORKFORCE HOUSING UNITS; AMENDING ELIGIBILITY REQUIREMENTS RELATING TO WORKFORCE HOUSING DEVELOPMENT PROGRAM ADMINISTRATION; AMENDING ARTICLE XIII OF CHAPTER 33, ARTICLE IX OF CHAPTER 17, AND SECTIONS 33E-6.1 AND 33E-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; 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 XXIIA of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

ARTICLE XIII. - 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."

¹ 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.

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 >>in both the incorporated and unincorporated areas<<. ~~[[Current]]~~ >>As of 2007, when the Board of County Commissioners adopted Ordinance No. 07-05 to establish a voluntary workforce housing development program ("WHU program" or Workforce Housing Development Program),<< patterns of development ~~[[have]]~~ >>had<< resulted in a persistent shortage of housing for certain sectors of the community. >>Since then, the shortage has increased.<< Studies of market demand show that ~~[[for the foreseeable future more than 50% of the new]]~~ >>the<< labor force in Miami-Dade County ~~[[will]]~~ >>continues to<< 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 >>60 percent up<< ~~[[65%]]~~ to 140~~[[%]]~~>>percent<< 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. >>Since the task force concluded its analysis in 2007, various studies have demonstrated the continued need for a workforce housing development program.<<

- (1) Increasing population pressure. Miami-Dade County, in both the incorporated and unincorporated areas, ~~[[is experiencing a rapid]]~~ >>continues to experience an<< 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 of the new labor force in Miami-Dade County will require workforce housing.
- (2) Cost burdens. >>Since 2007, households<< ~~[[Households]]~~ in Miami-Dade County >>have continued to<< suffer from a high and increasing housing cost burden. Households have traditionally been regarded as "cost burdened" if they spend more than 30~~[[%]]~~ >>percent<< 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 overeroweded.]]~~
- (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 >>, including the voluntary workforce housing development program established in Ordinance No. 07-05, << 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 >>through a mandatory program<<.

- 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 ef]]~~ Miami-Dade County >>Workforce Housing Development Program<< 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]]~~ >>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 ~~[[workforce housing development program]]~~ >>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 incorporated and unincorporated areas<< for the operation of the Miami-Dade County ~~[[workforce housing development program]]~~ >>Workforce Housing Development Program<<. The ~~[[workforce housing development program]]~~ >>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]]~~ >>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 >>may<< ~~[[shall]]~~ adopt by resolution >>, or the Director may establish,<< 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) >>“Department” means the Miami-Dade County Department of Regulatory and Economic Resources or successor department.
- (4) “Director” means the Director of the Department, or the Director’s designee.
- (5) “<<Transit corridor area>>”<< is the area which lies within a one-half mile radius of the Metrorail stations.
- >>(6)<< [[(4)]] >>“<<Urban Infill Area (UIA) >>”<< is the area as defined in the Comprehensive Development Master Plan (CDMP).
- >>(7)<< [[(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.
- >>(8)<< [[(6)]] >>“<<Workforce housing target income range>>”<< means households whose income range is established at >>60 percent<< [[65%]] up to 140[[%]]>>percent<< of the most recent >>area<< median [[family]] income >>“(AMI)”<< for the County reported by the U.S. HUD as maintained by the Department [[of Planning and Zoning]].
- >>(9) “Workforce housing unit cost” or “WHU unit cost” refers to the estimated cost of each workforce housing unit. This variable is used to calculate the monetary contribution that applicants may make to the affordable housing trust fund, established in Chapter 17, Article VIII of this code, in lieu of constructing workforce housing units.<<

Sec. 33-193.7. – Applicability >>in the Incorporated and Unincorporated Areas; Minimum Standards; Exemptions; Administrative Modifications and Appeals<<.

- ~~[(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.]]~~

~~>>(A) Countywide applicability and minimum standard. The requirements of the Workforce Housing Development Program shall be applicable as a minimum standard in the unincorporated and incorporated areas of Miami-Dade County. It shall be the duty and responsibility of each municipality and all municipal departments, officials, and employees to enforce the minimum standards prescribed by the provisions of this article within the territorial limits of their respective municipalities, except that this article shall not apply in those municipalities that by ordinance have opted out of the Workforce Housing Development Program in the manner set forth in this section.~~

- ~~(1) Opt-Out Option. A municipality may opt out of the requirements of this article by adopting an ordinance addressing the need for workforce housing within its territorial jurisdiction. Said~~

ordinance shall be accompanied by data and analysis considering the need for workforce housing within its jurisdiction and demonstrating that the ordinance will address the identified needs.

- (2) Time for compliance by municipalities. Municipalities shall have 90 days from the effective date of this ordinance to adopt a workforce housing ordinance that complies with the minimum standards set forth in this article or that satisfies the opt-out requirements. Each municipal workforce housing ordinance shall be filed with the Director within 15 days after adoption by the municipality.

(B) The Workforce Housing Development Program shall be applied as follows:

- (1) 20 or more dwelling units. Residential developments with 20 or more dwelling units shall be required to provide workforce housing units in accordance with the following. Administrative Site Plan Review shall be required of all such developments in accordance with the requirements of this article. Except as provided in Section 33-193.8, all workforce housing units will be provided on the site of the proposed development.

- (a) New developments. All new developments shall provide at least 10 percent of the total units in the development as WHUs. The development shall thereafter be entitled to a density bonus of 15 percent over the maximum number of units allowed by the applicable CDMP land use designation and to the increased intensity standards provided in Section 33-193.11 of this article.

For every one percent increase in WHUs provided, a development shall be entitled to an additional one percent density bonus, up to a maximum density bonus of 25 percent, as follows:

<u>WHU Set-Aside</u>	<u>Density Bonus</u>	<u>Type of Set-Aside</u>
<u>10%</u>	<u>15%</u>	<u>Mandatory</u>
<u>11%</u>	<u>16%</u>	<u>Bonus</u>
<u>12%</u>	<u>17%</u>	<u>Bonus</u>
<u>13%</u>	<u>18%</u>	<u>Bonus</u>
<u>14%</u>	<u>19%</u>	<u>Bonus</u>
<u>15%</u>	<u>20%</u>	<u>Bonus</u>
<u>16%</u>	<u>21%</u>	<u>Bonus</u>
<u>17%</u>	<u>22%</u>	<u>Bonus</u>
<u>18%</u>	<u>23%</u>	<u>Bonus</u>
<u>19%</u>	<u>24%</u>	<u>Bonus</u>
<u>20%</u>	<u>25%</u>	<u>Bonus</u>

The mix of WHUs shall be as follows:

- (i) No less than 50% of the WHUs shall target the income range of 60% to 79% of the AML.
 - (ii) The remaining 50% of the WHUs may target the income range of 80% to 140% of the AML.
- (b) Renovation or Expansion of Existing Residential Structures or Developments.
- (i) If an existing multi-family residential structure with 20 or more units is expanded by 50 percent or more of the structure's net square footage, the structure shall be required to provide WHUs in accordance with this article.
 - (ii) If an existing single-family or two-family residential development is renovated or expanded by adding 20 or more units, then the new units shall be required to provide WHUs in accordance with this article. The number of required WHUs shall be based only on the number of new units.

(2) Less than 20 dwelling units. Residential developments with fewer than 20 dwelling units are not required to provide WHUs, but they may develop in accordance with the density and intensity bonuses set forth in this section and Sec. 33-193.11 of this article by either:

(a) Providing one of the alternatives described in Sec. 33-193.8; or

(b) Setting aside 100 percent of the proposed housing units for workforce housing and complying with other applicable requirements of this article.

Except for developments of individual single-family or two-family homes, all developments of less than 20 units that participate in the WHU program shall require Administrative Site Plan Review in accordance with the requirements of this article.

(3) Nonconforming residential lots. Applicants with legally-established nonconforming single-family residential lots that set aside 100 percent of the proposed dwelling units for workforce housing may develop in accordance with the intensity standards in Sec. 33-193.11 instead of the minimum lot area requirements in Sec. 33-7 of this chapter, without the need for Administrative Site Plan Review, provided that the development otherwise complies with the applicable requirements of this chapter.

(4) Residential developments within Urban Center or Urban Area Districts, Planned Area Development Districts, Traditional Neighborhood Development Districts, or other urban overlay districts shall provide workforce housing as specified in the applicable zoning district regulations.

(C) Exemptions. << [[(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.

>>(D) Administrative Modifications and Appeals.

- (1) The Director may waive, adjust, or reduce the minimum WHU set-asides, applicable density bonus provisions or intensity standards, or the amount of any alternative monetary contribution for a development if, in reviewing the lot size, product type, and other elements of the development plan, the Director determines that:
 - (a) 100 percent of the development has been set aside for households at or below 140 percent of AMI; or
 - (b) Developing the property with the density bonus permitted in this article would :
 - (i) cause a violation of applicable environmental standards or other regulations; or
 - (ii) be incompatible with the surrounding area; or
 - (c) There is no reasonable relationship between the impact of the proposed residential development and the requirements of this article; or
 - (d) Applying the requirements of this article would constitute a taking or an abrogation of vested rights.
- (2) The requirements of this article may only be waived, adjusted, or reduced upon a determination that the waiver, adjustment, or reduction is the minimum needed.
- (3) Procedures.
 - (a) Applications. A request for administrative modification of the requirements of the Workforce Housing Development Program shall be submitted in writing to the Department on a form required by the Director.
 - (b) Notice. Within 15 days after the determination, notice of the Director's determination shall be published in a newspaper of general circulation.
 - (c) Appeals. Any aggrieved person may appeal the Director's determination to the Board of County Commissioners pursuant to Section 33-314 within 30 days after the date of

newspaper publication, except that an applicant claiming that the Director's determination constitutes a taking or abrogation of vested rights shall follow the procedures for challenging a development permit provided in Sections 2-114.1 through 2-114.4 of this code. If no timely appeal is taken, the Director's determination shall become final, and the necessary changes shall be made upon the zoning maps and records.<<

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]].~~
 >>Where the proposed development is a condominium or other form of residential development requiring unit owners to pay assessments for the maintenance of common areas or other purposes, WHUs shall be provided through one of the alternatives set forth in this section.<<

- (1) ~~Off-site construction of WHUs. [If an approval is obtained after public hearing in accordance with the standards in this section, a WHU]]~~ >>An<< applicant may comply with the requirements of this article by construction of ~~[[10% of]]~~ the number of WHUs required by this article at one or more alternative sites within a >>1<< ~~[[2]]~~ mile radius of the proposed location of the market rate units (the "Off-site WHUs").

>>(a) The alternative site must contain both its market rate and workforce housing units in addition to the Off-site WHUs.

~~(b)<< The Off-site WHUs [[shall be provided 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.~~

>>(c) The density bonus for the primary site shall not be transferable to the off-site property.<<

(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]] >>An<< 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]] >>An<< applicant may comply with the requirements of this article >>by<< 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.
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

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

~~2The percentage of WHUs to be provided shall be a percentage of the total number of units.~~

~~3Office/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.~~

~~4Business 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~~[[4]]~~. - 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:

$$\gg(\# \text{ of market rate units } \times \text{ WHU unit cost}) / 20 = \text{Total contribution} \ll$$

$$\begin{aligned} & [[\text{Number of market rate units to be developed} \\ & \quad \times \\ & \quad \$110,000 \\ & \quad 20 \\ & \quad = \\ & \quad \text{Total Contribution}]]. \end{aligned}$$

- (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 ~~33-193.7~~ ~~[[33-193.9(A)]]~~ shall pay an amount as follows:

>># of WHU units x WHU unit cost = Total contribution<<

[[Number of WHUs required to be developed (fractions rounded
down)
×
\$110,000
=
Total contribution]].

>>(C) The WHU unit cost shall be established by implementing order approved by the Board of County Commissioners and shall be published annually by the Housing Director, as defined in Chapter 17 of this code. The WHU unit cost shall be reviewed annually.<<

Sec. 33-193.10. - ~~[[Density bonuses.]]~~ >>Administrative Site Plan Review.

Except for individual single-family and two-family homes, which shall be approved if deemed to be in compliance with this article and other applicable provisions of this chapter, all applications for development approval shall comply with the requirements of this article and with the site plan and architectural review criteria contained herein. Developments shall be processed and approved administratively as follows:

- (A) Administrative site plan review. The Department shall review plans, including the exhibits listed below for completeness and compliance with the provisions of this article and the design and site plan review criteria provided herein. Additionally, all applications shall be reviewed by the following departments of Miami-Dade County and other public entities for potential impacts on infrastructure and other services resulting from the application: Department of Transportation and Public Works, Department of Waste Management, Department of Regulatory and Economic Resources, Miami-Dade Fire Rescue Department, and Miami-Dade Public Housing and Community Development Department or the successor agencies, as well as the Miami-Dade County School Board.

- (1) If a department's review indicates impacts on services and infrastructure provided by any of the foregoing, the applicant shall meet with the affected department or entity to discuss potential mitigation of the impacts and shall submit evidence to the Department as to the resolution of the impact.

 - (2) The Director shall issue a final decision within 21 days of the date of submission of the completed application. The applicant shall have the right to extend the 21-day period by an additional 21 days upon timely request made in writing to the Department. The Department shall have the right to extend the 21-day period by written notice to the applicant that additional information is needed. Denials shall be in writing and shall specifically set forth the grounds for the denial. Any final decision of the Director may be appealed in accordance with the procedures established in this chapter for appeals of administrative decisions.
- (B) Applications for administrative site plan review under this article shall be accompanied by exhibits prepared by registered architects and landscape architects which shall be submitted to the Department and shall include the following:
- (1) Site plan(s) including:
 - a. Locations, shape, size, and height of existing and proposed buildings, decorative walls and entrance features;
 - b. Building exterior finish material;
 - c. Indication of street vistas;
 - d. Lot lines and setbacks;
 - e. Location of WHUs and market rate units by bedroom count
 - f. Location of open spaces including anchor points if applicable;
 - g. Location of on-street and off-street parking including type of permeable materials if used on parking lots, loading facilities, and waste collection areas;
 - h. Indication of signage;
 - i. Indication of any site or building design methods used to conserve energy; and

- j. Locations of backflow prevention devices and connections.
- (2) Indication of the placement and type(s) of lighting fixtures to illuminate roadways and parking areas.
- (3) Landscape plans, including specifications of species of plant material, location, and size in accordance with this article and Chapter 18A of this code.
- (4) Street cross-sections, including adjacent buildings and open space.
- (5) Floor plans for WHU and market rate units, elevations, and sections of all buildings, including total gross square feet of area for each floor and all dimensions relating to the requirements of this article.
- (6) Figures indicating the following:
 - a. Gross and net acreage;
 - b. Total square footage for each use by type;
 - c. Total number of dwelling units (including WHU and market rate units);
 - d. Amount of passive and active open space in square feet;
 - e. Parking required and provided;
 - f. Such other design data as may be needed to evaluate the project.
- (C) As a condition for approval, a Declaration of Restrictions shall be submitted in compliance with Sec. 33-193.11.<<
- ~~[(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 >>developments that include WHUs on-site and to alternative sites providing Off-site WHUs in accordance with Section 33-193.8 of this article.<< [[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) Single Family Residential Intensity Standards

<u>Zoning District</u>	<u>Minimum Lot Size</u>	<u>Maximum Lot Coverage</u>	<u>Minimum Lot Frontage</u>
<u>EU-2</u>	4 Acres (with r/w)	20%	165 ft
<u>EU-1C</u>	2 Acres (with r/w)	20%	125 ft
<u>EU-1</u>	29,040 sq. ft.	20%	110 ft
<u>EU-S</u>	17,424sq. ft. (with r/w)	30%	110 ft No minimum depth
<u>EU-M</u>	12,000 sq. ft.	30%	100 ft No minimum depth
<u>RU-1</u>	5,000 sq. ft. of net area; 10% of development	Platted on or before 3/8/02 - 42%	50 ft 10% may have 40 ft

<u>Zoning District</u>	<u>Minimum Lot Size</u>	<u>Maximum Lot Coverage</u>	<u>Minimum Lot Frontage</u>
	may have 3,750 sq. ft.	Platted after 3/8/02 – 48%	
<u>RU-2</u>	5,000 sq. ft. of net area; 10% of development may have 3,750 sq. ft.	Platted on or before 3/8/02 - 42% Platted after 3/8/02 – 48%	50 ft 10% may have 40 ft
<u>RU-1M(a)</u> <u>and</u> <u>RU-1M(b)</u>	4,000 sq. ft. of net area	Platted on or before 3/8/02 - 48% Platted after 3/8/02 – 54%	40 feet

(2) Multi-Family Residential Intensity Standards

<u>Zoning District</u>	<u>Minimum Lot Size</u>	<u>Maximum FAR</u>	<u>Max Height</u>	<u>Maximum Lot Coverage</u>	<u>Minimum Open Space</u>
<u>RU-TH</u>	1,250 sq. ft. of net area	As per RU-TH	40'	As per RU-TH	20% of net area
<u>RU-RH</u>	1,000 sq. ft. of net area Density 15 DU/net acre	As per RU-RH	As per RU-RH	As per RU-RH	10% common space No private open space
<u>RU-3M</u>	As per RU-3M	0.60	3 stories (40 ft)	35% of net lot area	20% of net area
<u>RU-4L</u>	As per RU-4L	1.00	6 stories	35% of net lot area	As per RU-4L
<u>RU-4M</u>	As per RU-4M	1.50	9 stories	35% of net lot area	As per RU-4M
<u>RU-4 and RU-4A</u>	As per RU-4 and RU-4A	2.00 if more than 9 stories	1 additional story	As per RU-4 and RU-4A	As per RU-4 and RU-4A
<u>BU-1 and BU-1A with Public Hearing</u>	As per BU-1 and BU-1A	Add .015/acre above permitted FAR	As per BU-1 and BU-1A	45% of net lot area	Open space requirements for one story building
<u>BU-2 with Public Hearing</u>	As per BU-2	Add .015/acre above permitted	Ad per BU-2	50% of net lot area	Open space requirements for one story building

<u>Zoning District</u>	<u>Minimum Lot Size</u>	<u>Maximum FAR</u>	<u>Max Height</u>	<u>Maximum Lot Coverage</u>	<u>Minimum Open Space</u>
		<u>FAR</u>			

- (B) PAD Districts, Urban Centers, and other overlay or special districts: The density and intensity of the development shall be established in accordance with the applicable zoning district regulations or in a development agreement which is consistent with a proposed site plan.
- (C) The total number of dwelling units permitted, including market rate units, bonus units, and WHUs, may exceed the permitted maximum density allowed in the zoning district in accordance with the foregoing provisions, provided that the density shall not exceed the maximum allowable density bonuses set forth in the CDMP.<<
- [[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)]>>(D)<<~~ Severable use rights, as provided in Chapter 33B of this code, shall not be utilized in conjunction with the >>density or<< intensity standards contained in this article.

Sec. 33-193.12. - Design ~~[[and unit placement.]]~~ >>criteria and development parameters.<<

- (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.]]~~ >>All workforce housing units constructed or rehabilitated under this program shall be integrated within the development so as not to be in less desirable locations than market-rate units and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

- (B) All development projects shall be designed so as to reduce energy consumption. Energy conservation methods may include, without limitation, the natural ventilation of structures, the siting of structures in relation to prevailing breezes and sun angles, and the provision of landscaping for shade and transpiration.
- (C) The architectural design and scale of each proposed structure shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of building height transitions and screening elements. Screening elements can include trees and shrubs, walls and fencing, or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent uses.
- (D) Single-Family or Two-Family Residential Design Standards. << ~~[(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 >> in EU, RU-1, RU-1M(a), RU-1M(b), and RU-2 districts << 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 >> through << ~~[[:~~
 - (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 >> home or, where applicable, two-family home << ~~[[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.

>>(5) The footprint of the residential structure shall have the appearance of a single-family or, where applicable, two-family home.

(6) Unless the plumbing system of the residential building is connected to a sanitary sewer, lots that have a septic tank with field drains shall have a rear yard with an area of at least 25 percent of the total lot area. The rear lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure.

(E) Multi-Family Residential Design Standards: The following Multi-Family design standards shall apply to WHUs in development projects within RU-3M; RU-4L; RU-4M; RU-4; RU-4A; RU-5; RU-5A; BU-1; BU-1A; BU-2; and BU-3 Zoning Districts:

(1) In a multi-family residential development, the ratio of efficiency, one-bedroom, and larger WHUs shall not exceed the ratio of efficiency, one-bedroom, and larger dwelling units among the market rate units.

(2) All buildings shall have their main entrance opening to a street or meaningful open space, such as a square, park, green, plaza or promenade.

- (3) All developments shall have unobstructed sidewalks or pedestrian paths a minimum six feet wide providing pedestrian linkages to adjacent neighborhoods.
- (4) Buildings shall be oriented towards the street.
- (5) Building architecture, exterior finish materials and textures, architectural elements, and ornamentation shall be selected to produce human scale at street level.
- (6) Open Space. A minimum percent of open space shall be provided pursuant to Sec. 33-193.11.

Open spaces and landscaping shall be incorporated into the design of all developments to allow sufficient light and air to penetrate the development, to direct wind movements, to shade and cool, to visually enhance architectural features and relate the structure design to the site, and to functionally enhance the development; outdoor graphics and exterior art displays and water features are encouraged to be designed as an integral part of the open spaces and landscaped areas.
- (7) Service areas shall be located and screened to minimize negative visual impacts from the street and adjacent properties.
- (8) Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements. Mechanical equipment installed at ground level shall be screened by walls or by similar landscape and architectural elements.
- (9) Dumpsters shall not be visible from the street.
- (10) Architectural elements at street level shall have human scale, abundant windows, doors and design variations to create interest for the pedestrian. Blank walls at street level and above the ground floor of buildings are not permitted.
- (11) All parking garages shall have all architectural expressions facing public open spaces consistent and harmonious with that of habitable space.

(F) Other Development Parameters

- (1) Design considerations shall include: the placement, orientation and scale of buildings and building elements particularly at street level, sidewalks and connections, and provisions of weather protection, landscape, and lighting.
- (2) All on-site utilities shall be buried underground.
- (3) Adequate circulation to accommodate emergency vehicles shall be provided throughout the development.
- (4) The development shall be designed with a coordinated, outdoor, pedestrian-scaled lighting system that is adequate, integrated into the development, and compatible and harmonious with the surrounding areas.
- (5) Street furniture such as trash containers and benches shall be permanently secured to the sidewalk. Street furniture shall not obstruct sight visibility triangles at street intersections.<<

Sec. 33-193.13. - Required declaration of restrictive covenants

Prior to final approval of any >>development<< [[application]] seeking to utilize the density or intensity bonus available pursuant to this article >>, including applications for single-family homes and duplexes<<, the applicant shall submit a separate declaration of restrictive covenants, encumbering the entire >>development<< [[project]], approved in form by the Director >>and the Housing Director in accordance with Chapter 17, Article IX of this code<< 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[[[%]] >>percent<< 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 article<<, [[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 required WHUs 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 >>Director<< [[Department of Planning and Zoning and the Miami-Dade Housing Agency]] and the [[Miami-Dade Public]] Housing >>Director in accordance with Chapter 17, Article IX of this code,<< [[and Community Development Department]], 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 >>, << the applicant shall submit a declaration of restrictive covenants, approved in form by the Director >> and the Housing Director in accordance with Chapter 17, Article IX of this code, << 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 WHUs and such further arrangements, ~~[[and]]~~ 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 except as may be provided in Chapter 17, Article IX of this code <<, 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.
- >>(e) Where WHUs are to be provided as part of a rental development, the declaration and agreement required by this section and Section 11-193.13 may specify the total number of WHU rental units to be made available on the property and provide for an annual inventory of WHUs, instead of encumbering each individual WHU. <<

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 >>the value of the in lieu contribution for the mandatory workforce housing units<<

~~[[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. 33-193.16. – Nonconforming Lots, Uses, and Structures.**

Nonconforming lots, uses, and structures shall be governed by Section 33-35 of this chapter. A development approved pursuant to the voluntary Workforce Housing Development Program adopted by Ordinance No. 07-05, as amended, shall be deemed to be legally established and may be developed as approved but shall thereafter be subject to the requirements of Section 33-35 of this chapter.<<

Section 2. Chapter 17, Article IX of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**ARTICLE IX. - WORKFORCE HOUSING DEVELOPMENT PROGRAM
ADMINISTRATION**

* * *

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 implementing 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)~~]]>>(4)<<“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)~~]]>>(5)<<“Department” means, unless otherwise indicated, the ~~[[Office of Community and Economic Development for the]]~~ Miami-Dade >>Public<< Housing ~~[[Agency]]~~ >>and Community Development Department<< or any successor agency.

[[~~(8)~~]]>>(6)<<“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)~~]]>>(7)<<“>>Housing<< Director” means, unless otherwise indicated, the Director of the ~~[[Office of Community and Economic Development for the Director of]]~~ the Miami-Dade >>Public<< Housing ~~[[Agency]]~~ >>and Community Development Department<<, or designee.

[(40)]>>(8)<< “Eligible household” means, subject to the provisions of section 17-134 hereof, a household whose total income is between >>60 percent up to<< [(65% and)] 140[(%)>>percent<< of Area Median Income.

[(41)]>>(9)<< “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.

[(42)]>>(10)<< “Household” means any natural person who occupies a WHU as [~~his or her~~] >>their<< primary residence.

[(43)]>>(11)<< “Market rate dwelling units” means all dwelling units in a covered development that are not WHUs as defined herein.

[(44)]>>(12)<< “Qualified household” means an eligible household that has received a certificate of qualification from the Department.

[(45)]>>(13)<< “Workforce housing unit rent” or “WHU rent” means rents that do not exceed the maximum monthly Rent Limits as determined for Miami-Dade County by the U.S. Department of Housing and Urban Development in its annual Income Limits and Rent Limits and as used by Florida Housing Finance Corporation for its multifamily rental programs (published annually at <http://www.floridahousing.org>).

[(46)]>>(14)<< “Workforce housing unit sales price” or “WHU sales price” shall mean the sales price set by the Board pursuant to an implementing 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 >>in the incorporated and unincorporated area<< 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]]~~>>their<< own primary residence. The ~~[[County, through the]]~~ >>Housing<< 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 >>Housing Director<< ~~[[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 >>, except as provided in this article<<.

- (3) Each qualified household purchasing a WHU shall be required to record a mortgage in favor of Miami-Dade County in an amount of \$100.00 or such other amount that may be borrowed by a qualified household from the 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 17-144(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 >>Housing Director<< [~~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 >>Housing Director<< [~~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 implementing order. Prior to offering the dwelling unit for sale during the control period, the WHU owner shall obtain the >>Housing<< 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, >>unless due to the requirements of such permanent financing, such as financing from the Federal Housing Administration, the Housing Director

agrees to subordinate such covenants,<< 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]]~~ >>their<< initial purchase of a WHU shall not exceed 105~~[[%]]~~>>percent<< 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. >>It is provided that, where necessary to obtain permanent financing, such as financing from the Federal Housing Administration or similar senior lender, the Housing Director may provide that the control period and other restrictions on the WHU shall not survive the foreclosure in accordance with such senior lender's guidelines and restrictions.<<

* * *

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]]~~ >>their<< own primary residence.

* * *

(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 ~~>>Housing<<~~ Director shall recommend to the County Mayor or the County Mayor's designee whether the County should exercise its right of first refusal to purchase the WHU at the WHU sales price. ~~[[If the County Mayor or the County Mayor's designee concurs, the]]~~ ~~>>The<<~~ ~~>>Housing<<~~ Director shall notify the developer or other property owner of the County's decision. >>If the County rejects the offer or otherwise does not respond to the offer, the developer or property owner shall remain obligated to sell or rent the WHU to a qualified household and to comply with the declaration of restrictive covenants and workforce housing agreement required by this article and Chapter 33, Article XIIA of this code.<< The County Mayor or the County Mayor's designee is authorized to exercise the right of first refusal provided hereunder, with funds allocated from the Affordable Housing Trust Fund established pursuant to ~~>>Chapter 17, Article VIII of this code<<~~ ~~[[Section 17-129, et seq., Code of Miami-Dade County]]~~ or any other authorized source ~~>>of funding<<~~, 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 Mayor or the County Mayor's designee 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.

* * *

(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, which has been established pursuant to >>Chapter 17, Article VIII of this code<< ~~[[Section 17-129 et seq. of the Code of Miami Dade County]]~~. 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 Mayor or the County Mayor's designee 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 Mayor or the County Mayor's designee 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 Mayor or the County Mayor's designee 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.

* * *

Sec. 17-145. - Trust Fund Expenditures.

Funds from the ~~[[workforce housing development program]]~~>> Workforce Housing Development Program ("WHU program") established in Chapter 33, Article XXIIA of this code ~~that are~~<< deposited into the Affordable Housing Trust Fund ~~[[, which has been established pursuant to Section 17-129 et seq. of the Code of Miami-Dade County]],~~ including, without limitation, monetary contributions in lieu of development of workforce housing units, shall only be used >>> for the purposes set forth in Chapter 33, Article XIIA and Chapter 17, Article VIII of this code.<< ~~[[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 Mayor or the County Mayor's designee may utilize monies deposited into the Affordable Housing Trust Fund from the workforce housing development program without limitation.]]~~

* * *

Section 3. Section 33E-6.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33E-6.1. Payment of road impact fees.

* * *

(g) >>>Deferral of fees.<< Road impact fees exceeding ~~[[twenty five thousand dollars ([])\$25,000.00[()]]~~ >>, and road impact fees assessed for development of workforce housing units provided in accordance with Chapter 33, Article XIIA of this code,<< may be deferred >>>in accordance with Section 33E-18 of this article,<<

provided that the feepayer submits either a surety performance bond (the bond) or an automatically renewable, irrevocable letter of credit (the bond), for the total amount of the impact fee. Upon acceptance of the bond by the County Planning and Zoning Director the building permit may be issued.

* * *

Section 4. Section 33E-18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33E-18. - Road Impact Fee Deferral For Certain Land Use Types.

- (A) Notwithstanding anything in the code to the contrary>>, (i)<< an applicant for a building permit requiring payment of a road impact fee >>that exceeds \$25,000.00<< may request a deferral of road impact fee payment for one-half ~~[[1/2]]~~ of the assessed road impact fee for a period of up to ~~[[three-]]3~~ years >>, or (ii) an applicant for a building permit for workforce housing units provided in accordance with Chapter 33, Article XIA of this code may request a deferral of 90 percent of the road impact fees assessed for those units for a period of up to two years,<< subject to the following terms, conditions, requirements and limitations:
- (1) The deferral program shall not be used to defer road impact for uses under Section 33E-8 for ITE Land Use Types that are categorized as Residential, Recreational or Institutional according to Tables 100 & 100A>>; except for workforce housing units as provided herein<<.
 - (2) As condition of deferral of road impact fees pursuant to this section, the owner of the property that is subject to the road impact fee shall execute a voluntary lien securing payment of the deferred portion of the road impact fee on a form provided by the County Public Works Director and filed in the Public Records of Miami-Dade County.

- (3) A notice that said voluntary lien has been satisfied shall be promptly filed in the Public Records by Miami-Dade County upon final payment of all outstanding road impact fees including associated administrative fees and penalties, if any that may be owed in connection with the road impact fee.
- (4) The total amount of the road impact fee owed shall be assessed at the time the building permit is issued.
- (5) Prior to issuance of the building permit, the applicant shall pay >>(i)<< the sum of one-half (1/2) of the total road impact fee assessed against the property >>or, for workforce housing units, the sum of 10 percent of the road impact fees assessed for those units<< ("initial payment"), plus >>(ii)<< the total administrative fee for the assessed road impact fee, plus >>(iii)<< the total administrative fee for deferral as provided under this section.
- (6) An administrative fee of ~~[[€]]\$100~~>>.00<< ~~[[€]]~~ or ~~[[two]]~~ >>2<< percent ~~[[2%]]~~ of the deferred portion of the road impact fee, whichever amount is greater, shall be charged in connection with the application for deferred payment of road impact fees under this section.
- (7) No deferral amount under this section>>, except for amounts assessed for workforce housing units,<< shall exceed ~~[[twenty-five thousand dollars—€]]\$25,000~~>>.00<< ~~[[€]]~~
- (8) The schedule of payment for the deferred portion of the road impact fee shall be set as follows:
 - a. No schedule authorized under this section may exceed ~~[[three—€]]3~~>> years >>, except that the deferral period for workforce housing units shall be a maximum of 2 years<<; and
 - b. The payment schedule shall provide for collection of a minimum of one-third of the deferred amount for each year>>, except that no interim payment for workforce housing units shall be required<<; and
 - c. All road impact fees deferred pursuant to this section shall become immediately due upon a sale, conveyance or other transfer of title of the property that is the subject of

the road impact fee >>, except for road impact fees deferred for workforce housing units<<.

- (9) No interest shall be charged against road impact fees deferred under this section>>₃<< provided that they are paid on time in accordance with the payment schedule. It is provided, however, that payments made later than ~~[[thirty-]]~~30[[~~]]~~ calendar days from the date that payment of the impact fee installment is due shall be charged interest at the rate of ~~[[twelve]]~~ >>12<< percent ~~[[12%]]~~ per annum simple interest>>₃<< accruing from the date of the initial payment up to the date of the late payment>>₂<< plus cost of collection established by implementing order of the Board of County Commissioners.
- (10) The County Public Works Director>>₂<< is authorized to foreclose on the lien for any deferred impact fees>>₂<< including any accrued interest>>₂<< that remain unpaid for more than ~~[[one hundred and eighty-]]~~180[[~~]]~~ calendar days beyond the date when deferred impact fees are due>>₂<< and may assess reasonable fees associated with the foreclosure of the lien and collection of the road impact fee payment>>₂<< including reasonable attorney's fees and court costs.
- (B) The County Planning and Zoning Director shall provide an annual report on the status of this program to the Board of County Commissioners.
- (C) The maximum total amount of road impact funds that may be deferred pursuant to this program is ~~[[one million dollars-]]~~\$1,000,000>>.00<< [[~~]]~~], whereupon this program shall not be available to defer impact fees until such time as the total deferred amount has been reduced by payment of impact fees below the maximum set forth herein. It is provided, however, ~~[[the amount of deferred road impact fees shall not include]]~~ >>that this limitation shall not apply to: (i) road impact fees assessed for development of workforce housing units provided in accordance with Chapter 33, Article XIIA of this code; or (ii)<< deferred impact fees that are secured by a bond or letter of credit pursuant to Section 33E-6.1(g).

Section 5. 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 6. 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 7. 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.

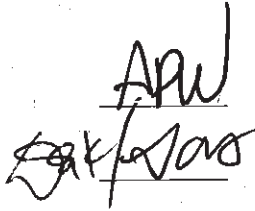
PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel
Terrence A. Smith

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsor: Chairman Jean Monestime

Handwritten signatures in black ink. The top signature appears to be 'APW' and the bottom signature is more complex, possibly 'Sgt. J. Jordan'.