

MEMORANDUM

Agenda Item No. 7(K)

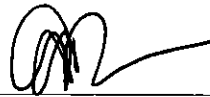
TO: Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: (Second Reading 6-4-19)
April 9, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance pertaining to zoning; creating section 33-193.16 of the Code; applying the workforce housing nonconforming residential lot provisions, administrative site plan review process, intensity standards, administrative adjustment process, and design criteria and development parameters to the Miami-Dade County Infill Housing Initiative Program and other County housing programs; amending section 33-193.7; revising the workforce housing development program to authorize all legal nonconforming residential lots to be developed in accordance with either nonconforming use standards or workforce housing intensity standards; amending section 33-193.11; allowing an administrative adjustment to lot frontage under the workforce housing development program; amending section 17-125; authorizing development in accordance with section 33-193.16

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Co-Prime Sponsors Chairwoman Audrey M. Edmonson and Commissioner Barbara J. Jordan and Co-Sponsors Commissioner Daniella Levine Cava, Commissioner Eileen Higgins, Commissioner Dennis C. Moss and Vice Chairwoman Rebeca Sosa.



Abigail Price-Williams
County Attorney *ef*

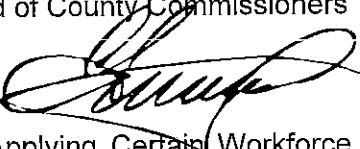
APW/uw

Memorandum



Date: June 4, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Zoning Ordinance Applying Certain Workforce Housing Development Program
Incentives to Properties in the Infill Housing Initiative Program and Other County
Housing Programs

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance applying certain zoning incentives currently available for properties in the Workforce Housing Development Program to properties in the Miami-Dade County Infill Housing Initiative Program and other County housing programs.

Scope

Unincorporated Miami-Dade County.

Fiscal Impact/Funding Source

Approval of this item is not anticipated to create a fiscal impact to the County, the proposed changes will not require additional staffing resources or generate additional operational expenses.

Social Equity

The proposed ordinance seeks to reduce some of the impediments faced in the production of affordable housing within Miami-Dade County.

Track Record/Monitor

Nathan Kogon, Assistant Director, Development Services Division, Department of Regulatory and Economic Resources (RER).

Background

The purpose of the Miami-Dade County Infill Housing Initiative Program is to increase the availability of affordable homes for households with incomes up to 140 percent of the median area income through the redevelopment of dilapidated or abandoned property located in Infill Target Areas. The objective of the Miami-Dade County Workforce Housing Development Program is to increase the supply of housing affordable to the workforce target income group, defined as households with incomes ranging from 60 percent to 140 percent of the area median income.

The Miami-Dade County Workforce Housing Development Program facilitates development of affordable housing through a variety of zoning incentives, including the relaxation of intensity standards, flexible design criteria, nonconforming residential lot provisions, and participation in administrative site plan review process and administrative adjustment process. Said incentives are currently not available to properties subject to the Infill Housing Initiative Program, or other Miami-Dade County housing programs seeking to provide affordable housing, such as the Documentary Surtax Program, the State Housing Initiatives

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
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Partnership (SHIP), HOME, and housing created in accordance with sections 125.379 and 125.38 of the Florida Statutes.

The proposed ordinance seeks to make the Workforce Housing Development Program incentives available to properties subject to the Infill Housing Initiative Program and other Miami-Dade County affordable housing programs. The availability of such incentives would help reduce some of the impediments faced in the production of affordable housing.

Additionally, the proposed ordinance amends sections of the current Workforce Housing Development Program regulations to clarify and simplify the standards for development of nonconforming residential lots and to expand the Director's authority to administratively approve requests for limited adjustments to include up to a 10 percent reduction of the required lot width. These proposed changes result from the initial implementation efforts of the Workforce Housing Development Program and will further facilitate development of infill lots under the County's Infill Housing Initiative Program and other affordable housing programs.



Jack Osterholt
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: June 4, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(K)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- _____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(K)
6-4-19

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; CREATING SECTION 33-193.16 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; APPLYING THE WORKFORCE HOUSING NONCONFORMING RESIDENTIAL LOT PROVISIONS, ADMINISTRATIVE SITE PLAN REVIEW PROCESS, INTENSITY STANDARDS, ADMINISTRATIVE ADJUSTMENT PROCESS, AND DESIGN CRITERIA AND DEVELOPMENT PARAMETERS TO THE MIAMI-DADE COUNTY INFILL HOUSING INITIATIVE PROGRAM AND OTHER COUNTY HOUSING PROGRAMS; AMENDING SECTION 33-193.7; REVISING THE WORKFORCE HOUSING DEVELOPMENT PROGRAM TO AUTHORIZE ALL LEGAL NONCONFORMING RESIDENTIAL LOTS TO BE DEVELOPED IN ACCORDANCE WITH EITHER NONCONFORMING USE STANDARDS OR WORKFORCE HOUSING INTENSITY STANDARDS; AMENDING SECTION 33-193.11; ALLOWING AN ADMINISTRATIVE ADJUSTMENT TO LOT FRONTAGE UNDER THE WORKFORCE HOUSING DEVELOPMENT PROGRAM; AMENDING SECTION 17-125; AUTHORIZING DEVELOPMENT IN ACCORDANCE WITH SECTION 33-193.16; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Board wishes to accomplish the purposes set forth in the attached memorandum which is incorporated herein by reference,

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

Section 1. The Board ratifies and adopts the matters set forth in the accompanying justification memorandum as if fully set forth herein.

Section 2. Section 33-193.16 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

>>Sec. 33-193.16 – Intensity and Design Standards and Administrative Review Process

- (A) Notwithstanding any provisions of this chapter or other zoning regulations to the contrary, properties in the unincorporated area that are subject to the Infill Housing Initiative Program set forth in chapter 17, article VII of the Code of Miami-Dade County, or that are subject to other Miami-Dade County affordable or workforce housing programs and initiatives, such as the Documentary Surtax Program, the State Housing Initiatives Partnership (SHIP), and the HOME Investment Partnerships Program (HOME), or that are used for affordable or workforce housing created in accordance with sections 125.379 or 125.38, Florida Statutes, may be developed in accordance with this section. For purposes of this section, a property that meets the foregoing qualifications shall be referred to as an “eligible property.”
- (B) An eligible property may be developed in accordance with the following enumerated provisions of this article without being subject to any other provisions of this article:
1. Nonconforming residential lot provisions set forth in section 33-193.7(B)(3);
 2. Administrative Site Plan Review (ASPR) standards and process set forth in section 33-193.10;
 3. Intensity standards and administrative adjustment process set forth in section 33-193.11;
 4. Design criteria and development parameters set forth in Section 33-193.12;

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.

- (C) The total number of dwelling units permitted on an eligible property may exceed the permitted maximum density allowed in the underlying 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.
- (D) Severable use rights, as provided in chapter 33B, shall not be used in conjunction with the density or intensity standards enumerated above.
- (E) To be eligible for development in accordance with this section, applicants shall provide proof of deed or other binding instrument acceptable to the Director demonstrating that the subject property is subject to an eligible affordable or workforce housing program.<<

Section 3. Section 33-193.7 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-193.7. - Applicability in the incorporated and unincorporated areas; minimum standards; exemptions; administrative modifications and appeals.

* * *

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

* * *

- (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 ~~>>~~said lots pursuant to section 33-35 and may utilize the~~<<~~ ~~[[in accordance with the]]~~ intensity standards in ~~>>~~section~~<<~~ ~~[[Section]]~~ 33-193.11 ~~>>~~as needed to facilitate development~~<<~~ ~~[[instead of the minimum lot area and height requirements in Section 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.

* * *

Section 4. Section 33-193.11 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-193.11. - Intensity standards.

* * *

(D) Administrative Adjustments. Notwithstanding any other provision in this chapter to the contrary, the Director shall have the authority to approve requests for limited adjustments from setback, lot coverage, and building spacing through the Administrative Site Plan Review process as follows:

* * *

>>(3) Lot frontage for residential uses may be reduced by up to 10 percent of the requirements set forth in section 33-193.11(A).<<

* * *

Section 5. Section 17-125 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 17-125. - Development.

* * *

>>(c) Zoning Standards and Review Process. Notwithstanding any provisions of this chapter or any zoning regulations to the contrary, properties that are subject to this article may be developed in accordance with section 33-193.16 of this code.<<

Section 6. 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 7. 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 8. 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

