

MEMORANDUM

Agenda Item No. 7(E)

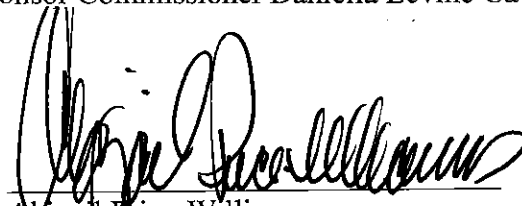
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: (Second Reading 2-19-20)
November 19, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to zoning and housing; amending article XIIA of chapter 33 of the Code; revising deadlines for municipal compliance with minimum standards of Workforce Housing Development Program for incorporated areas; revising mix of workforce housing units necessary for density bonuses; revising development intensity standards and providing for maximum allowable height; clarifying the calculation of monetary contributions; revising applicability of Workforce Housing Development Program to mixed-use and other special zoning districts; providing for administrative adjustments to maximum allowable height and deleting redundant administrative adjustment procedures; amending section 17-144; revising requirements for release of workforce housing covenants and agreements to provide for release of workforce housing obligations; making technical changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: February 19, 2020

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive, flowing style.

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning and Housing; Workforce Housing Development Program

The implementation of this ordinance is not anticipated to have a fiscal impact to Miami-Dade County as the proposed changes would not require additional staffing resources or operational costs.

A handwritten signature in black ink, appearing to read "Jack Osterholt". The signature is written in a cursive, flowing style.

Jack Osterholt
Deputy Mayor


FIS02520 192693

Memorandum



Date: February 19, 2020

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


From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Relating to the Zoning and Housing- Workforce
Housing Development Program

The proposed ordinance relating to Zoning and Housing amends Article XIA of Chapter 33 of the Code of Miami-Dade County (Code) revising deadlines for municipal compliance with minimum standards of the Workforce Housing Development Program for incorporated areas. The proposed ordinance also amends the intensity standards by further reducing certain minimum lot sizes, increasing certain maximum lot coverages, and updating maximum allowable heights, eliminating maximum floor-area ratio requirements, providing more flexibility in the provision of open space, and providing more flexible design standards.

Additionally, the proposed ordinance revises the applicability of the Workforce Housing Development Program to mixed-use and other special zoning districts, modifies the density bonus structure, amends the formula for calculating monetary contributions in-lieu of construction, and amends Section 17-144 of the Code revising the requirements for release of workforce housing covenants and agreements to provide for release of workforce housing covenants.

The proposed amendments to the Workforce Housing Development Program aligns with the County's effort to incentivize the development of workforce housing units within Miami-Dade County and encourage greater participation in this voluntary program. No other specific social equity benefit can be determined at this time.



Jack Osterholt
Deputy Mayor

192693



MEMORANDUM
(Revised)

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

DATE: February 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(E)

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(E)
2-19-20

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING AND HOUSING; AMENDING ARTICLE XIII A OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING DEADLINES FOR MUNICIPAL COMPLIANCE WITH MINIMUM STANDARDS OF WORKFORCE HOUSING DEVELOPMENT PROGRAM FOR INCORPORATED AREAS; REVISING MIX OF WORKFORCE HOUSING UNITS NECESSARY FOR DENSITY BONUSES; REVISING DEVELOPMENT INTENSITY STANDARDS AND PROVIDING FOR MAXIMUM ALLOWABLE HEIGHT; CLARIFYING THE CALCULATION OF MONETARY CONTRIBUTIONS; REVISING APPLICABILITY OF WORKFORCE HOUSING DEVELOPMENT PROGRAM TO MIXED-USE AND OTHER SPECIAL ZONING DISTRICTS; PROVIDING FOR ADMINISTRATIVE ADJUSTMENTS TO MAXIMUM ALLOWABLE HEIGHT AND DELETING REDUNDANT ADMINISTRATIVE ADJUSTMENT PROCEDURES; AMENDING SECTION 17-144; REVISING REQUIREMENTS FOR RELEASE OF WORKFORCE HOUSING COVENANTS AND AGREEMENTS TO PROVIDE FOR RELEASE OF WORKFORCE HOUSING OBLIGATIONS; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in January 2007, this Board adopted Ordinance 07-05, which established a voluntary workforce housing program to address the growing housing crisis for residents of unincorporated Miami-Dade County in the workforce target income group, and, after it sunsetted, readopted it in May 2008 in Ordinance No. 08-51; and

WHEREAS, in December 2016, in response to the ever-increasing need for housing, this Board adopted Ordinance No. 16-138, which comprehensively amended the Workforce Housing Development Program of Miami-Dade County, Florida to revise the workforce target income group from 65 to 140 percent of median family income to 60 to 140 percent; and

WHEREAS, Ordinance No. 16-138 also provided additional density bonuses and more flexible development intensity standards for this voluntary program, and also required that participants provide a specific mix of workforce housing units, such that 25 percent would target the income range of 60 to 79 percent of the median family income and 50 percent would target the 80 to 110 percent income range; and

WHEREAS, Ordinance No. 16-138 imposed on municipalities the minimum standard that, with certain exemptions, required them to assess the workforce housing needs within their respective jurisdictions and decide whether they will adopt a workforce housing program to address any such needs; and

WHEREAS, to further incentivize the development of workforce housing units within Miami-Dade County and encourage greater participation in this voluntary program, this Board now wishes to modify the density bonus structure to eliminate the requirement that 25 percent of units target the 60 to 79 percent income range and instead rely on additional density bonuses to incentivize development of units for that income tier; and

WHEREAS, to that end, this Board also wishes to amend the intensity standards to further incentivize development of workforce housing units by reducing the minimum lot size, increasing the maximum lot coverage and maximum allowable height, eliminating maximum floor-area ratio requirements, providing more flexibility in the provision of open space, and providing more flexible design standards; and

WHEREAS, this Board also wishes to specify the applicability of the Workforce Housing Development Program to mixed-use and other special zoning districts, such as the planned area development district and urban center and urban area districts; and

WHEREAS, this Board also wishes to amend the formula for calculating monetary contributions in lieu of constructing workforce housing units applicable to developments with less than 20 total units to provide that the contribution will be based on the total number of units rather than only the number of market-rate units; and

WHEREAS, this Board also wishes to allow a developer or property owner to obtain a release of the declaration of restrictive covenants that otherwise requires a residence to remain a workforce housing unit, by paying a contribution-in-lieu fee; and

WHEREAS, this Board wishes to update the deadlines for municipalities to comply with the minimum standards of the Workforce Housing Development Program and to make other organizational and technical revisions,

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

Section 1. The Board ratifies and adopts the foregoing recitals, as if fully set forth herein.

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

ARTICLE XIIIA. - WORKFORCE HOUSING DEVELOPMENT PROGRAM

* * *

Sec. 33-193.6. - Definitions.

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

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.

* * *

- (10) *Workforce housing target income range* means households whose income range is established at 60 percent up to 140 percent of the most recent >>area<< median ~~[[family]]~~ income for the County >>, adjusted for household size, << reported by the U.S. HUD as maintained by the Department.

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

- (A) ~~[[Countywide—applicability]]~~ >>Applicability in the unincorporated area<< and minimum standard >>for incorporated areas. The Workforce Housing Development Program set forth in this article shall be applicable in the unincorporated area of the County<<. Pursuant to Section 1.01(A)(18) of the Miami-Dade County Home Rule Charter, each municipality ~~[[, and the County in the unincorporated areas,]]~~ shall, at a minimum, in the exercise of >>its<< ~~[[their]]~~ respective zoning authority, address the need for workforce housing, if any, within >>its<< ~~[[their]]~~ respective territorial ~~[[jurisdictions]]~~ >>jurisdiction in accordance with the provisions of this section<<; in addition, each municipality may, in accordance with Section 6.02 of the Charter, provide for higher standards to preserve its individual >>municipal<< character and standards.

>>(B)<< Municipalities shall address the need for workforce housing within their respective territorial jurisdictions in the following manner:

- (1) *Exemptions*. The following municipalities are exempt from and not subject to the requirements of this article:

* * *

- b. Any municipality which, as of >>February 28, 2019<< ~~[[December 31, 2016]]~~, has in place mandatory or voluntary land development code provisions that implement increased densities or other incentives in exchange for the provision of workforce housing. The municipality shall send a copy

of any such adopted ordinance to the Director by ~~[[January 31, 2017]]~~ >>June 30, 2020<<.

* * *

(3) *Time to comply.*

- a. Each municipality that is subject to the requirements of this section shall have until June 30, ~~[[2017]]~~ >>2020<<, within which to adopt a resolution making findings as to the need for or practicality of providing workforce housing within its territorial jurisdiction, and indicating whether or not it intends to adopt a voluntary or mandatory workforce housing program, or already has such a program.
- b. Each municipality that adopts a resolution indicating that it will adopt a voluntary or mandatory workforce housing program shall have until December 31, ~~[[2017]]~~ >>2020<<, within which to adopt any ordinance or resolution necessary to address its need for workforce housing.

* * *

- (8) *Effect of compliance.* After December 31, >>2020<< ~~[[2016]]~~, a municipality that adopts either its own voluntary or mandatory workforce housing development program or a resolution making legislative findings that the need for workforce housing within its territorial jurisdiction is being adequately addressed or that adopting a program would be impractical, and has provided a copy of it to the County as provided herein, shall not thereafter be subject to any other provision of this article.

~~[[B)] *The Workforce Housing Development Program shall be applied as follows:*~~

~~(1)]~~

>>Sec. 33-193.7.1 – Workforce Housing Development Program Density Bonuses for the Unincorporated Area.

- (A) Within the unincorporated area, density bonuses for residential developments that provide workforce housing units shall be provided in accordance with this section.

(B)<< 20 or more dwelling units. An application seeking approval for a residential development with 20 or more dwelling units may utilize the density bonus and intensity standards set forth in this article by providing workforce housing units in accordance with the following. Except for developments requiring a public hearing, Administrative Site Plan Review shall be required of all such developments in accordance with the requirements of this article. Except as provided in ~~[[Section]]~~ >>section<< 33-193.8, all workforce housing units will be provided on the site of the proposed development.

>>(1)<< ~~[[a.]]~~ All single-family and multi-family developments that provide at least 5 percent of the total units in the developments as WHUs shall be entitled to a density bonus of 5 percent over the maximum number of units allowed by the applicable CDMP land use designation and to the increased intensity standards provided in ~~[[Section]]~~ >>section<< 33-193.11 ~~[[of this article]]~~.

>>(2)<< For every one percent increase in WHUs provided, a development shall be entitled to an additional density bonus, up to a maximum density bonus of 25 percent >>in accordance with table A<<, as follows:

>>Table A. WHU and Density Bonus Distribution<<

WHU Set-Aside	Density Bonus
5%	5%
6%	9%
7%	13%
8%	19%
9%	21%
10%	25%

Note: ~~[[i]]~~ >>I<<n calculations, decimals below 0.5 shall be rounded down and 0.5 or above shall be rounded up.

>>Minimum required and maximum permitted density shall be calculated based on gross lot area.<<

>>(3)<< The mix of WHUs shall be as follows:

[[i. ~~No less than 25% of the WHUs shall target the income range of 60% to 79% of the median family income.~~

ii.]] >>a.<< No less than 50% of the WHUs shall target >>households with incomes ranging up to<< [[the income range of 80% to]] 110% of the >>area<< median [[family]] income.

>>b.<< [[iii.]] Developments targeting all the remaining WHUs to the income range of 60% to 79% of the median family income shall receive an additional 3% density bonus, provided that in no event shall the total density bonus exceed 25%.

>>(4)<< [[b.]] In multi-family residential developments, all WHUs provided pursuant to this article shall be constructed concurrently with the market rate units. If the WHUs in a multi-family development are to be constructed in a separate structure from the market rate units, then the developer shall commence construction of such WHUs prior to obtaining a building permit for the structure containing the market rate units. For a single-family development, the WHUs shall be, in good faith, marketed concurrently with the market rate units, and the Developer or other Property Owner shall provide the Housing Director with periodic updates regarding the marketing efforts related to the WHUs. If a project is developed in multiple phases, the pro-rata share of WHUs shall be made available in each phase in accordance with this paragraph.

>>(B)<< [[(2)]] *Less than 20 dwelling units.* Residential developments with fewer than 20 dwelling units may develop in accordance with the density bonuses and intensity standards set forth in this section and [[Section]]>>section<< 33-193.11 >>in accordance with the following:

(1) Provision of WHUs shall be accomplished<< [[of this article]] by either:

a. Providing one of the alternatives described in >>section<< [[See.]] 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.

>>(2)<< 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 except when the proposed development is for an individual single-family home, a two-family home, or a triplex that seeks to utilize the intensity standards in this section, or the development is subject to a public hearing.

>>(C)<< ~~[(3)]~~ *Nonconforming residential lots.* Applicants with legally-established nonconforming residential lots may develop said lots pursuant to ~~[[Section]]~~>>section<< 33-35 and may utilize the intensity standards in ~~[[Section]]~~>>section<< 33-193.11 as needed to facilitate development, 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]]~~

>>(D) *Applicability to mixed-use and other special zoning districts.* Notwithstanding any provisions of this article to the contrary, for Planned Area Development Districts, urban center or urban area districts, the Rapid Transit Zone, and other overlay or special districts that provide for workforce housing, residential developments within such districts<< shall provide workforce housing as specified in the applicable zoning district regulations. >>Where such districts do not specifically provide for workforce housing, residential developments may provide workforce housing in accordance with this article.<<

>>(E) *Ineligible properties.* Properties<< ~~[(C) Exemptions. 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 >>shall not be eligible for development in accordance with this article.<<

~~[(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 median family income; or~~
 - b. ~~Developing the property with the density bonus permitted in this article would cause a violation of applicable environmental standards or other regulations.~~
- (2) ~~*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.~~
 - e. ~~*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. - 33-193.9. 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:

$$\frac{(\text{total number of units in the development}) \times \text{contribution-in-lieu fee}}{20} = \text{Total contribution}$$

(B) Developments for which a monetary contribution has been approved in accordance with section 33-193.8 and developments required to contribute pursuant to section 33-193.7 shall pay an amount as follows:

$$\text{Number of WHU units} \times \text{contribution-in-lieu fee} = \text{Total contribution}$$

* * *

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, to alternative sites providing off-site WHUs in accordance with section 33-193.8, to receiving sites for a portable density bonus as provided in section 33-193.8, and to developments that otherwise obtain density bonuses by complying with the requirements of this article.

(1) *Single Family Residential Intensity Standards*. The following intensity standards shall apply in single-family residential zoning districts:

Zoning District	Minimum Lot Size	Maximum Lot Coverage	Minimum Lot Frontage
EU-2	3.5 Acres (including r/w)	30%	165 ft >>No minimum depth<<
EU-1C	2 Acres (including r/w)	30%	125 ft

Zoning District	Minimum Lot Size	Maximum Lot Coverage	Minimum Lot Frontage
			>>No minimum depth<<
EU-1	29,040 sq. ft. >>(including r/w)<<	[[20]]>>30<<%	110 ft >>No minimum depth<<
EU-S	17,424 sq. ft. ([[with]] >>including<< r/w)	30%	110 ft No minimum depth
EU-M	12,000 sq. ft. >>(including r/w)<<	30%	100 ft No minimum depth
RU-1 >>and RU-2<<	5,000 sq. ft. of net area; 10% of [[development]] >>the residential lots<< may have a minimum of 3,750 sq. ft.	[[Platted on or before 3/8/02 42%]] [[Platted after 3/8/02 48%]] >>45%<<	50 ft 10% >>of the residential lots<< may have >>a frontage of<< 40 ft
[[RU-2	5,000 sq. ft. of net area; 10% of development may have a minimum of 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]]
RU-1M(a) and RU-1M(b)	[[4,000]] >>3,750<< sq. ft. of net area	[[Platted on or before 3/8/02 - 48%]] Platted after 3/8/02 54%]]	40 feet

Zoning District	Minimum Lot Size	Maximum Lot Coverage	Minimum Lot Frontage
		>>50%<<	

(2) *Multi-Family* ~~[[F]]~~ *Residential Intensity Standards*
>>

(a) The following intensity standards shall apply in multi-family residential zoning districts<<:

Zoning District	Minimum Lot Size	[[Maximum FAR]]	Max Height	Maximum Lot Coverage	Minimum Open Space
RU-TH	1,250 sq. ft. of net area	[[As per RU-TH]]	40'	As per RU-TH	20% of net area
[[RU-RH]]	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]]
>>RU-3 and RU-3M	<u>10,000 sq. ft. for multi-family</u> <u>7,500 sq. ft for 4 units or less</u>		<u>4 stories</u> <u>55 ft.</u>	<u>35% of net lot area</u>	<u>10% of net area<<</u>
[[RU-3M]]	As per RU-3M	0.60	3 stories (40 ft)	35% of net lot area	20% of net area]]
RU-4L	[[As per RU-4L]]	[[1.00]]	6 stories	[[35%]] >>40%<<	[[As per RU-4L]]

Zoning District	Minimum Lot Size	[[Maximum FAR]]	Max Height	Maximum Lot Coverage	Minimum Open Space
	>>10,000 sq. ft.<<			of net lot area	>>20% of net area<<
RU-4M	[[As per RU-4L]] >>10,000 sq. ft.<<	[[1.50]]	9 stories >>(120 ft)<<	[[35%]] >>45%<< of net lot area	[[As per RU-4M]] >>20% of net area<<
RU-4 and RU-4A	[[As per RU-4 and RU-4A]] >>10,000 sq. ft.<<	[[2.00 if more than 9 stories]]	1 additional story	[[As per RU-4 and RU-4A]] >>45%<< of net lot area	[[As per RU-4 and RU-4A]] >>20% of net area<<
BU-1 and BU-A [[with Public Hearing]]	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
BU-2 [[with Public Hearing]]	As per BU-2	[[Add .015/acre above permitted FAR]]	As per BU-2	50% of net lot area	Open space requirements for one story building

>>(b) Open space may include open porches, terraces, balconies, and amenity areas.<<

(B) ~~[[PAD Districts, Urban Centers, and other overlay or special districts shall be exempt from this article. For those zoning districts,]]~~ >>Applicability to mixed-use and other special zoning districts. Notwithstanding any provisions of this article to the contrary, for Planned Area Development Districts, urban center or urban area districts, the Rapid Transit Zone, and other overlay or special districts that

provide for workforce housing, residential developments within such districts shall comply with<< ~~[[the workforce housing standards and density and intensity of the development shall be established in accordance with]]~~ the applicable zoning district regulations >>. Where such districts do not specifically provide for workforce housing units, residential developments may provide workforce housing units in accordance with this article.<< ~~[[or in a development agreement which is consistent with a proposed site plan.]]~~

* * *

(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, >>height,<< and building spacing through the Administrative Site Plan Review process as follows:

- (1) Single-family residence, duplex, triplex, townhouse, and accessory residential uses located in RU and EU districts:
 - (a) Each setback may be reduced by up to 50 percent of that required by the underlying district regulations.
 - (b) Lot coverage may be increased by up to 10 percent over the lot coverage permitted by the workforce housing intensity standards.
 - (c) Spacing between structures on the same lot may be reduced to a minimum of 5 feet between structures.
 - (d) >>The maximum allowable building height of the zoning district may be adjusted up to one additional story, not to exceed a total building height of 40 feet.
 - (e)<< Unless specifically permitted by the underlying zoning regulations, no accessory building shall be placed in front of the front building line of the principal building.
 - >>(f)<< ~~[[e]]~~ Adjustments to canopy carport regulations shall not be granted pursuant to this section.

(2) Multi-family residential uses located in RU-3M; RU-4L; RU-4M; RU-4; RU-4A; RU-5; and RU-5A zoning districts.

>>(a)<< Each setback may be reduced by up to >>40<< ~~[[25]]~~ percent of that required by the underlying district regulations.

>>(b) The Director may approve an administrative adjustment to the maximum allowable height to achieve the allowable density, as depicted on the table below. A buffer shall be provided where the subject property abuts low density single-family, rowhouse, or duplex structures or lots.

<u>Zoning District</u>	<u>Additional Height Allowed Above</u>
<u>RU-3M; RU-5; and RU-5A</u>	<u>Not to exceed one additional story above intensity standards</u>
<u>RU-4L; RU-4M; RU-4; RU-4A</u>	<u>Not to exceed six additional stories above intensity standards</u>

(c) The Director may reduce the open space requirements set forth in this section by 10 percent to achieve the allowable density.

(3) For Planned Area Development Districts, urban center or urban area districts, the Rapid Transit Zone, and other overlay or special districts, if WHUs are eligible to be provided in accordance with this article, the Director may approve an additional increase to the maximum allowable height established for the applicable zoning district to accommodate the density bonuses provided by this article, as follows:

(1) Up to 2 additional stories may be approved for buildings with 6 stories or less.

(2) Up to 6 additional stories may be approved for buildings greater than six stories.

- (3) A buffer shall be provided if abutting low density single-family, rowhouse, or duplex structures or lots.<<

* * *

Sec. 33-193.12. - Design criteria and development parameters.

* * *

(C) Single-Family or Two-Family Residential Design Standards. 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.

- (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 common hall/foyer area in the front of the building, which shall be concealed by a building wall with 1 entrance door, giving the]]~~
>>The residential building shall have the<< appearance of a single-family home or, where applicable, two-family home.

* * *

Section 3. Section 17-144 of the Code of Miami-Dade County, Florida, is

hereby amended to read as follows:

Sec. 17-144. - Affordability controls.

* * *

- (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 months from the date the WHU is offered for sale >>, subject to the following provisions<<.

>>(a) Time to exercise.<< In the event that no qualified household purchases a WHU within six 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. The Housing Director shall notify the developer or other property owner of the County's decision.

>>(b) Owner's continuing obligation.<< 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]]~~ >>chapter<< 33, ~~[[Article]]~~ >>article<< XIIIA ~~[[of this Code]]~~ for a time equivalent to the initial control period ~~[[, unless a shorter time is approved by the Housing Director upon]]~~ >>.

(c) Release.

(i) If the County has not exercised its right of first refusal, the Housing Director may approve a release of the obligation to provide one or more WHUs upon compliance with the following:

a. << a showing that the developer or property owner has been unable to sell >> the unit or units for which a release is sought << to a qualified household after making a good faith effort over a reasonable period of time >>; and

b. prior to approval of any such release, the developer or property owner shall pay to the County a fee equivalent to 50 percent of the contribution-in-lieu fee that would have been assessed at the time of issuance of the first building permit for the development.

(ii) << Alternatively, the developer or property owner may >> at any time obtain a release of the obligation to provide one or more WHUs by paying the full amount of << ~~[[pay]]~~ the WHU contribution-in-lieu fee that would have been assessed at the time of issuance of the first building permit for the development ~~[[, and shall thereafter be entitled to a release from the obligation of providing the WHU]]~~.

>> (d) Mayor's authority to purchase units. << 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]]~~ >> article << VIII of this >> chapter << ~~[[Code]]~~ 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.

(2) *Resale.* Any qualified household that intends to sell its WHU prior to the expiration of the control period shall provide written notification to the Department pursuant to subsection (C) below>>, subject to the following provisions.

(a) Time to exercise<<. In the event the qualified household does not execute a contract for purchase within six ~~[[6]]~~ months from the date the WHU is first offered for resale, the County shall have a right of first refusal to purchase the WHU. The Director shall recommend to the County 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 Director shall notify the qualified household of the County's decision.

>>(b) Mayor's authority to purchase units<< The County Mayor or the County Mayor's designee is authorized to purchase the WHU, without prior approval from the Miami-Dade Board of County Commissioners, from the funds earmarked in the Affordable Housing Trust Fund, which has been established pursuant to >>article VIII of this chapter<< ~~[[Section 17-129 et seq., Code of Miami-Dade County]]~~, or any other authorized source, for the direct and exclusive purpose of providing workforce housing for those households meeting the workforce housing eligibility requirements. Notwithstanding this authorization to purchase, the County 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.

>>(c) Release of WHU Requirements. The property owner may at any time obtain a release of the WHU obligations by paying the full amount of the WHU contribution-in-lieu fee that would have been assessed at the time of issuance of the first building permit for the development.<<

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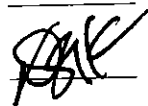
Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. 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 6. 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: Commissioner Daniella Levine Cava