

MEMORANDUM

Amended
Agenda Item No. 7(A)

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

DATE: December 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to zoning,
housing, and impact fees;
amending voluntary Workforce
Housing Development Program;
amending standards 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
XIIA of Chapter 33, Article IX
of Chapter 17, and sections 33-
6.1 and 33E-18 of the Code

Ordinance No. 16-138

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsors Vice Chairman Esteban L. Bovo, Commissioner Daniella Levine Cava, Commissioner Jose "Pepe" Diaz, Commissioner Sally A. Heyman, Chairman Jean Monestime, and Commissioner Rebeca Sosa.



Abigail Price-Williams
County Attorney




APW/cp

Memorandum



Date: December 20, 2016

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

From: Carlos A. Gimenez
Mayor 

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning, Housing, and Impact Fees; Creating a Mandatory Workforce Housing Development Program

The proposed ordinance relating to zoning, housing, and impact fees, creates a mandatory Workforce Housing Development program; amends requirements for workforce housing units and modifies density bonus and development intensity standards; amends requirements for declaration of restrictive covenants regarding workforce housing units; provides for deferral of road impact fees for development of workforce housing units; amends eligibility requirements relating to Workforce Housing Development Program administration; amends Article XIA of Chapter 33, Article IX of Chapter 17, and sections 33E-6.1 and 33E-18 of the Code.

The proposed ordinance will have an estimated \$287,000 fiscal impact to the Public Housing and Community Development Department. It is anticipated that four positions, one Project Manager, one Compliance Officer, one Homeownership Specialist, and one part-time Finance and Budget Administrator will be required to support the functions necessary to administer this ordinance. The Project Manager and Compliance Officer will be responsible for monitoring construction related activities associated with the construction of required Workforce Housing Units (WHUs) for new residential developments countywide, as well as monitoring income eligibility and restrictive covenant requirements throughout the life of both homeownership and rental developments. One Homeownership Specialist is needed to provide the required income eligibility certification to all potential WHU homebuyers and renters, in addition to monitoring sale and resale activity in for purchase developments to ensure compliance with maximum sales price and shared equity provisions contained in the ordinance. A part-time Finance and Budget Administrator is required to perform necessary research and analyze market data relative to construction costs for both residential "for sale" and rental housing. This analysis will be used to monitor the impacts of the ordinance on the residential development industry in the County, as well as assist in the annual review of the maximum sales price and payment in lieu of developing WHU provisions.

The proposed ordinance will have an estimated \$158,000 fiscal impact on the Department of Regulatory and Economic Resources. It is anticipated that two positions, one Senior Planner and one Zoning Services Senior Plans Processor, will be required to support the functions necessary to administer this ordinance. The Senior Planner will be responsible for reviewing the applications subject to the mandatory workforce housing program submitted to the Development Services Division and ensuring they meet the requirements of the code, as well as drafting and coordinating the review and approval of necessary covenants. The Zoning Services Senior Plans Process will reconcile Chapter 33-related workforce housing requirements on projects against covenants when a developer/property owner seeks a building permit. The Department of Regulatory and Economic Resources will also require programming changes to its permitting and impact fee systems, which can be accommodated in its existing service level agreement with the Information Technology Department, but will need a minimum of six (6) to nine (9) months to implement.

Honorable Chairman Jean Monestime
and Members, Board of County Commissioners
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In addition, the implementation of this ordinance will allow for the deferral of 90 percent of the assessed road impact fees originating from workforce housing units for a two-year period. This deferral may require adjusting the timeline on capital projects currently funded by road impact fee revenues to accommodate the impact of the deferral.

The forecast of expenditures included in the attached table assumes a five percent annual inflationary increase for both salary and fringes, a three percent increase for operating expenses and are subject to change. The estimated expenses could be funded by the revenues deposited in the Affordable Housing Trust Fund pursuant to this ordinance subject to the five (5) percent cap for administrative expenses and departmental proprietary revenues. This expense is not part of the FY 2016-17 Adopted Budget.

Attachment

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Jack Osterholt
Deputy Mayor

FIS09216 161255

WORKFORCE HOUSING

Fiscal Impact Table

Use Existing Resources

Revenue Category	Value	Year 1	Future Yr 1	Future Yr 2	Future Yr 3	Future Yr 4	Future Yr 5	Yes	No
General Fund									
Proprietary	\$ 445,745	\$ 445,745	\$ 467,761	\$ 490,868	\$ 515,123	\$ 540,582	\$ 567,305		X
Federal Funds									
State Funds									
Interagency Transfers									
Subtotal	\$ 445,745	\$ 445,745	\$ 467,761	\$ 490,868	\$ 515,123	\$ 540,582	\$ 567,305		
Expenditure Category									
<i>Operating</i>									
Salary	\$ 350,029	\$ 350,029	\$ 367,530	\$ 385,907	\$ 405,202	\$ 425,462	\$ 446,735		
Fringes	\$ 82,117	\$ 82,117	\$ 86,223	\$ 90,534	\$ 95,060	\$ 99,813	\$ 104,804		
Court Costs									
Contractual Services									
Charges for County Services									
Other Operating	\$ 13,600	\$ 13,600	\$ 14,008	\$ 14,428	\$ 14,861	\$ 15,307	\$ 15,766		
Grants to Outside Organizations									
Capital									
Subtotal	\$ 445,745	\$ 445,745	\$ 467,761	\$ 490,868	\$ 515,123	\$ 540,582	\$ 567,305		
<i>Non-Operating</i>									
Debt Services									
Distribution of Funds in Trust									
Transfers									
Depreciation, Amortization, and Deletions									
Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Grand Total	\$ 445,745	\$ 445,745	\$ 467,761	\$ 490,868	\$ 515,123	\$ 540,582	\$ 567,305		

Note: Fiscal impact narrative (paragraph above the table) should contain the following, if applicable:

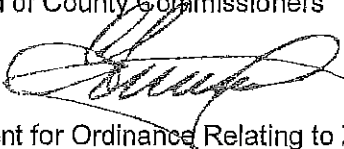
1. Description of the anticipated increase or decrease of expenditures listed above and current and subsequent fiscal years, if any,
2. Description of projected dollar value of anticipated expenditures that will be absorbed within existing resources within the current fiscal year;
3. Description of subsequent governmental action that will be required in order to determine anticipated revenues and expenditures, including new revenues (federal, state, or the need to increase existing fees)
4. Any long-term fiscal implications as a result of the implementation of the proposed legislation, if any, in cases where risk factors or other variables that may impact future revenues or expenditures are uncertain, volatile, or difficult to project, a description of risk factors or variables and estimate or projection of anticipated or projected impacts to revenues and expenditures
5. Description of all assumptions used to project the fiscal impact of the proposed legislation and include estimate anticipated revenues and expenditures
6. In the cases where the Mayor has determined a "no fiscal impact", a description of the assumptions and analysis used to reach that conclusion

Memorandum



Date: December 20, 2016

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

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement for Ordinance Relating to Zoning, Housing, and Impact Fees; Creating a Mandatory Workforce Housing Development Program

The proposed ordinance relating to zoning, housing, and impact fees, amends a voluntary Workforce Housing Development program to make it mandatory; amends requirements for workforce housing units and modifies density bonus and development intensity standards; amends requirements for declaration of restrictive covenants regarding workforce housing units; provides for deferral of road impact fees for development of workforce housing units; amends eligibility requirements relating to Workforce Housing Development Program administration; amends Article XIIA of Chapter 33, Article IX of Chapter 17, and Sections 33E-6.1 and 33E-18 of the Code. The ordinance applies to municipalities, which may comply through adoption of appropriate legislation assessing workforce housing needs within their jurisdictions and adopting legislation, if necessary, to address the needs as assessed by the municipality.

The proposed ordinance makes mandatory and amends certain provisions of this County's existing voluntary workforce housing development program. The County's existing ordinance is a local form of what is known throughout the nation as an inclusionary zoning policy.

The proposed ordinance, like the existing voluntary program, applies to developments of 20 or more units and mandates a minimum of 10 percent of units be set aside for workforce housing, with a corresponding 15 percent density bonus. The density bonus increases as the number of workforce units increases; for every one percent increase in workforce units, applicants receive an additional one percent density bonus, up to a maximum density bonus of 25 percent. The minimum workforce units set aside in the existing voluntary ordinance varies from 5 to 20 percent based on Comprehensive Development Master Plan (CDMP) designations, with a variable corresponding density bonus of up to 25 percent.

The existing voluntary ordinance's definition of workforce households is redefined through this proposal to apply to incomes ranging from 60 percent (rather than 65 percent) to 140 percent of area median family income (AMI). (For a family of four this would mean an annual income range would be from \$42,600 to \$99,400.) The proposed ordinance also requires that no less than 50 percent of the workforce units must target the 60 to 79 percent income range. Additionally, the proposed ordinance applies to projects of 20 units or more expanding their existing structure by more than 50 percent.

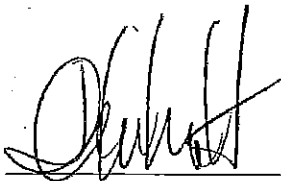
Both through the existing voluntary program and the proposed mandatory ordinance, in lieu of providing workforce units, developers may 1) contribute to the Affordable Housing Trust Fund (to be maintained in a fund dedicated to workforce housing construction), 2) construct the workforce units offsite within a certain radius of the original project, or 3) a combination thereof. As in the voluntary program, the proposed ordinance requires a 20 year covenant to preserve affordability. An impact fee deferral on workforce units is also offered through the proposed ordinance for a period not to exceed two years, which is not offered through the current voluntary program.

Honorable Chairman Jean Monestime
and Members, Board of County Commissioners
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Unlike the existing voluntary program, projects under this mandatory proposal will be approved through an Administrative Site Plan Review Process instead of a public hearing.

Changes to Chapter 17 of the code specify how the Public Housing and Community Development Department (PHCD) will administer this program, and to facilitate certain program elements related to financing from the Federal Housing Administration or other lenders.

The proposed ordinance is anticipated to benefit residents in Miami-Dade County considered "workforce" residents with incomes ranging from 60 to 140 percent median family income by providing a mechanism for the development of workforce housing units in certain for sale and rental residential developments countywide. An increase in the number of workforce housing units may lead to a decrease in the total number of area cost-burdened households, meaning households that utilize more than 30 percent of their income on housing costs; however, that decrease will depend on many factors, including the number of units built in comparison to the actual need, growth in income and wage levels, cost of living, cost of land and construction, among other factors. The density bonuses offered under the proposed ordinance will allow for more units to be built, which could have a positive impact on the affordability of all units assuming developers are able to avail themselves of their full production. However, if the development community is unable to maintain its production rate, the ordinance could result in a social equity burden for both the development community and residents in other income brackets, particularly if local housing market prices are adversely affected under a scenario of constrained production.



Jack Osterholt
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: December 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Amended
Agenda Item No. 7(A)

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
Veto _____
Override _____

Amended
Agenda Item No. 7(A)
12-20-16

ORDINANCE NO. 16-138

ORDINANCE RELATING TO ZONING, HOUSING, AND IMPACT FEES; AMENDING VOLUNTARY WORKFORCE HOUSING DEVELOPMENT PROGRAM; AMENDING STANDARDS 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 A 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 A. - WORKFORCE HOUSING DEVELOPMENT PROGRAM

Sec. 33-193.3. - Short title.

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

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 overcrowded.]]~~
- (5) Concentration of housing based on economic status. Demographic analyses indicate that development applications and approvals that reduce the supply of land developable for residential use, and which result in a disproportionate amount of higher-priced housing, result in a reduced supply of housing for individuals and families in the workforce target income group, including young families, retired and elderly persons, single adults, female heads of houses, and minority households. Such development activity produces the undesirable and unacceptable effect of concentrating housing according to price, thus frustrating the policies and goals of the housing element of the CDMP, and increasing the threat to the public health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County.
- (6) Need for involvement of private development community. Existing efforts to encourage private, for-profit, developers to construct housing within the economic reach of the workforce target income group >>, 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.

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

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. >>This article shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of this Code, or with the Miami-Dade Department of Public Works Manual of Public Works.<<

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 >>that include a residential component<< 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) “Multi-Family Development” is a development with attached residential dwelling units in which the units are either rented as part of a development in which units are under a single ownership or are sold in a condominium or cooperative form of ownership.
- (6) “Single-Family Development” is a development with attached or detached residential dwelling units, including townhomes, duplexes, triplexes, villas, patio, or courtyard homes, in which the owner retains fee simple title to both the residential dwelling unit and the land beneath the residential dwelling unit.
- (7) “<<Transit corridor area>>”<< is the area which lies within a one-half mile radius of >>(i)<< the Metrorail stations >>, (ii) the corridors identified in the Strategic Miami Area Rapid Transit (SMART) Plan, set forth in Miami-Dade County Resolution No. R-523-16, as may be amended from time to time, or (iii) corridors designated by the Board of County Commissioners for Enhanced Bus Service (EBS)<<.
- >>(8)<< [[(4)]] >>“<<Urban Infill Area (UIA) >>”<< is the area as defined in the Comprehensive Development Master Plan (CDMP).
- >>(9)<< [[(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.
- >>(10)<< [[(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 median family income for the County reported by the U.S. HUD as maintained by the Department [[of Planning and Zoning]].

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

- [[(+)] ~~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. 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 their respective zoning authority, address the need for workforce housing, if any, within their respective territorial jurisdictions; in addition, each municipality may, in accordance with Section 6.02 of the Charter, provide for higher standards to preserve its individual character and standards. The Workforce Housing Development Program set forth in this article shall be applicable in the unincorporated area of Miami-Dade County. 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:
 - a. Due to availability of land, financing, and population density, any municipality whose population is 10,000 or less according to the latest decennial census.

- b. Any municipality which, as of 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.

- c. Any municipality that is otherwise exempt from the requirements of this article may choose to adopt a workforce housing development program at any time by adopting an ordinance that creates standards and criteria for the land use designations and zoning districts applicable to its jurisdiction and that provides for the municipality to collect and administer any monetary contributions in lieu of construction of WHUs that the municipality may permit. The municipality shall send a copy of any such ordinance to the Director within 45 days of adoption.

(2) Non-exempt municipalities. As to other municipalities, each municipality shall adopt:

- a. a resolution making legislative findings demonstrating that the need for workforce housing within its territorial jurisdiction is being adequately addressed, or that workforce housing would be impractical to provide due to issues such as, but not limited to, the lack of availability of or the high value of vacant land or redevelopment sites.

- b. its own voluntary or mandatory workforce housing development program reliant on its own legislative findings; or

- c. an ordinance that adopts the standards set forth in subsections (B), (C), and (D) below and sections 33-193.8, 33-193.9, and 33-193.11 of this article and that protects the rights of legally established nonconforming lots, uses, and structures to at least the same extent provided in section 33-35 of this

chapter. Each municipality shall be responsible for collecting and administering any monetary contributions in lieu of construction of WHUs that the municipality receives. The County shall indemnify and defend any municipality from a facial challenge to the municipality's adoption of an ordinance adopted in accordance with this paragraph.

(3) Time to Comply.

- a. Each municipality that is subject to the requirements of this section shall have until June 30, 2017, 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, within which to adopt any ordinance or resolution necessary to address its need for workforce housing.
- c. Applicability to municipalities incorporated after December 31, 2016, and to municipalities that reach a population that exceeds 10,000 as evidenced by publication of a future decennial census:
 - i. Such municipality shall have 6 months, from the date of incorporation or the date of publication of census, as applicable, 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.

ii. If such municipality adopts a resolution indicating that it will adopt a workforce housing program, such municipality shall have another 6 months within which to adopt any ordinance or resolution necessary to address its need for workforce housing.

d. Within 45 days of adopting any ordinance or resolution required by this section, each municipality shall send a copy of such ordinance or resolution to the Director.

(4) *Deference to municipal findings.* The County shall defer to all legislative findings in any municipality's resolution or ordinance addressing workforce housing, including without limitation its determination of the amount of workforce housing presently available and whether it is deficient, the need for future workforce housing if any, the availability and value of land, the manner in which municipalities may address the need for workforce housing, and whether providing workforce housing is impractical due to issues such as, but not limited to, the lack of availability of or the high value of vacant land or redevelopment sites. The County shall also defer to a municipality's legal interpretations in the adoption and implementation of any resolution or ordinance related to workforce housing. The County shall not take adverse action against a municipality to require compliance with this article based on any disagreement with findings made pursuant to the requirements of this article.

(5) *Interpretation.* This section shall not be construed to require a municipality:

- a. to violate its charter, code of ordinances, or comprehensive plan;
- b. to modify or amend its charter or comprehensive plan or a Development of Regional Impact development order; or
- c. to modify or amend its land development regulations where such amendment would require a referendum.

(6) Approval processes.

- a. The site plan approval and other administrative processes described in this article are intended to apply only to the unincorporated area. Municipalities shall either establish their own procedures or utilize their existing procedures for approving development pursuant to their workforce housing program, if any.
- b. Municipalities shall also establish their own procedures for administering any necessary declarations of restrictive covenants or workforce housing agreements related to their workforce housing programs, if any.

(7) Municipal use of County staff resources.

- a. The County shall make the Department's resources available upon request to assist municipalities in gathering and analyzing data, and adopting municipal workforce housing ordinances, but may charge a reasonable fee as set forth in an implementing order adopted by the Board of County Commissioners.
- b. Municipalities may, through an interlocal agreement, arrange for any declarations of restrictive covenants or workforce housing agreements related to their workforce housing programs to be administered by the Miami-Dade County Public Housing and Community Development Department or successor department pursuant to Chapter 17, Article IX of this code.

(8) Effect of compliance. After December 31, 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) 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 33-193.8, all workforce housing units will be provided on the site of the proposed development.

(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 33-193.11 of this article.

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, as follows:

<u>WHU Set-Aside</u>	<u>Density Bonus</u>
<u>5%</u>	<u>5%</u>
<u>6%</u>	<u>9%</u>
<u>7%</u>	<u>13%</u>
<u>8%</u>	<u>19%</u>
<u>9%</u>	<u>21%</u>
<u>10%</u>	<u>25%</u>
<p><u>Note: in calculations, decimals below 0.5 shall be rounded down and 0.5 or above shall be rounded up.</u></p>	

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) No less than 50% of the WHUs shall target the income range of 80% to 110% of the median family income.
 - (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%.<<
- (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.

(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 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.

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.

- (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 and height 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 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.
- (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].~~

- (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 ~~[[110% of]]~~ the number of WHUs required by this article at one or more alternative sites within a 2-mile radius of the proposed location of the market rate units (the "Off-site WHUs") >>within unincorporated Miami-Dade County<<.
- >>(a) If the alternative site is also being developed in accordance with this article, it 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~~ >>be constructed<< ~~[[either]]~~ concurrently with the market rate units on the primary site.
- >>(c) Portability of density bonus. The density bonus for the primary site may be transferred to other sites in accordance with the following:
- (i) The receiving site is submitted for administrative site plan review.
 - (ii) The receiving site is developed in accordance with the intensity standards set forth in section 33-193.11 of this article.
 - (iii) Density bonuses used pursuant to this article shall not be combined with any other density or intensity bonuses, including those authorized pursuant to chapter 33B, article II, division 3 of this code.
 - (iv) The receiving site may provide WHUs in accordance with this article, except that the transferred density bonus shall not be counted in determining the WHUs for the receiving site.

- (v) Certificate of portability. The property owner may sell or transfer the portable density bonus, or a portion thereof, to a third party by requesting from the Director a Certificate of Portability. Application for a certificate of portability shall be made on a form acceptable to the Director. The Director may require that a declaration of restrictions be recorded on the primary site identifying the amount of the density bonus that is being so transferred and including such other terms as the Director may deem reasonable or necessary. Upon issuance, a Certificate of Portability shall be freely transferable and may be used to secure a density and intensity bonuses at the receiving site in accordance with this article.<<
- (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) >>Rehabilitation of existing property for WHUs. An applicant may satisfy the requirements of this article by providing WHUs at rehabilitated sites located in unincorporated or incorporated Miami-Dade County in the following areas:
- (a) within a 3-mile radius of the proposed location of the market rate units; or
 - (b) within the County's Urban Infill Area; or
 - (c) within a transit corridor area.

For purposes of this article, "rehabilitated site" means a property with an existing building that is to be renovated; in the Urban Infill Area, it also includes a vacant parcel of land. When the rehabilitated units are located in incorporated areas, the applicant shall demonstrate to the Director at the time of Administrative Site Plan Review that such units have received municipal zoning approval. Prior to obtaining a building permit for the market rate units, the applicant shall provide copies of building permits issued by the applicable municipality for the WHUs.

- (4) Land conveyance. An applicant may satisfy the requirements of this article by conveying land acceptable to the County that is suitable in size, location, and physical condition for significantly more WHUs. The conveyed land shall be:
- (a) developable; and
 - (b) zoned residential or in a zoning district that allows residential uses; and
 - (c) unencumbered and environmentally clean; and
 - (d) of a value that is not less than the in-lieu monetary contribution for the proposed development.<<

- (5)<< 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 >>set forth in<< [[(1) and (2) above in accordance with the standards of]] this section.

- [[~~(B)~~ Variancees. 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~~[[1]]~~. - Monetary contribution in lieu of construction of WHUs.

- (A) WHU developments of fewer than 20 residential units seeking to utilize the density or intensity bonus available pursuant to this article shall pay an amount as follows:

$$\gg \frac{\# \text{ of market rate units } \times \text{ contribution-in-lieu fee }}{20} = \text{Total contribution} \ll$$

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

- (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:

$$\gg \frac{\# \text{ of WHU units } \times \text{ contribution-in-lieu fee }}{20} = \text{Total contribution} \ll$$

$$\begin{aligned} & \text{[[Number of WHUs required to be developed (fractions rounded} \\ & \text{down)} \\ & \quad \times \\ & \quad \$110,000 \\ & \quad = \\ & \text{Total contribution]].} \end{aligned}$$

>>(C) The WHU contribution-in-lieu fee shall be shall be calculated as follows:

(1) Standard formula. The standard formula shall be:

$$\begin{aligned} & \text{Countywide median sales price within the} \\ & \text{UDB (for a single-family or multi-family} \\ & \text{residential unit, as applicable)} \\ & \quad = \\ & \text{Affordable purchase price for a family of 4} \\ & \text{at 60 percent of median family income for} \\ & \text{the County} \\ & \quad = \\ & \text{Contribution-in-lieu fee per WHU.} \end{aligned}$$

(2) Adjustment based on Minor Statistical Area. If the development is located in a Minor Statistical Area (MSA) where the median sales price within the UDB is lower than the Countywide median sales price under the standard formula, then, instead of the Countywide median sales price, the formula shall use the median sales price (single-family or multi-family, as applicable) for that MSA. It is provided, however, that the contribution-in-lieu fee for each WHU shall be no lower than:

$$\begin{aligned} & \text{Countywide median sales price within the} \\ & \text{UDB (for a single-family or multi-family} \\ & \text{residential unit, as applicable)} \\ & \quad = \\ & \text{Affordable purchase price for a family of 4} \\ & \text{at 140 percent of median family income for} \\ & \text{the County} \\ & \quad = \\ & \text{Contribution-in-lieu fee per WHU.} \end{aligned}$$

- (3) Implementing Order. The specific values 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 contribution-in-lieu fee shall be reviewed annually.<<

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

Except for the development of individual single-family homes, two-family homes, or triplexes of less than 20 units, 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 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. 33-193.13.<<
- ~~[(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, to alternative sites providing Off-site WHUs in accordance with Section 33-193.8 of this article, 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.<< [[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;	Platted on or before 3/8/02 -	50 ft

<u>Zoning District</u>	<u>Minimum Lot Size</u>	<u>Maximum Lot Coverage</u>	<u>Minimum Lot Frontage</u>
	10% of development may have 3,750 sq. ft.	42% Platted after 3/8/02 – 48%	10% may have 40 ft
<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) and 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	As 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>
		permitted FAR			

(B) PAD Districts, Urban Centers, and other overlay or special districts shall be exempt from this article. For those zoning districts, the workforce housing standards and 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.

(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:

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

>>(B) The architectural design 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.

(C) 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.

>>(4) The footprint of the residential structure shall have the appearance of a single-family or, where applicable, two-family home.

(5) 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 developments shall have unobstructed sidewalks or pedestrian paths a minimum six feet wide providing pedestrian linkages to adjacent neighborhoods.

(3) 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.

- (4) Service areas shall be located and screened to minimize negative visual impacts from the street and adjacent properties.
 - (5) 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.
 - (6) Dumpsters shall not be visible from the street.
- (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 providing workforce housing units on-site or off-site<<[[~~application seeking to utilize the density or intensity bonus available pursuant to this article~~]] >>, including applications for single-family homes, two-family homes, and triplexes<<, 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 >>concurrently<< [[~~simultaneously~~]] with or before market-rate dwelling units >>, in accordance with the requirements of sections 33-193.7(B)(1)(c) and 33-193.8.<< [[~~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) >>If the applicant converts a previously proposed WHU to a market rate unit, the applicant shall pay the monetary contribution in lieu of construction for each such WHU<<[[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.
- >>(F) The applicant shall acknowledge the Department's authority to withhold permits for failure to comply with the terms of the covenant.<<

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 ~~>>that facilitate the<<~~ securing ~~>>of<<~~ 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 33-193.13 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 ~~>>Article I of this chapter and<<~~ Chapter 8CC of this code ~~>>~~, provided that fines shall not exceed<< ~~[[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.]]~~

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 XIII A 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. >>The Department may authorize a property owner or developer to issue certificates of qualification, subject to verification by the Department.<<
- (3) "Condominium" means that form of ownership of real property created pursuant to Chapter 718 of the Florida Statutes, which is comprised entirely of units that are owned by one or more persons, and which there is, appurtenant to each unit, an undivided share in common elements.
- (4) "Condominium conversion" has the meaning established by sections 718.604—718.622 of the Florida Statutes.
- (5) "Control period" means each 20-year period during which the affordability restrictions imposed by this article shall apply. The control period begins at the time of any sale or resale of the affected unit by every new WHU owner.

- (6) “Covered development” means all developments providing WHUs or monetary contributions in lieu thereof pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County.
- (7) “Department” means, unless otherwise indicated, the ~~[[Office of Community and Economic Development for the]]~~ Miami-Dade ~~>>Public<<~~ Housing ~~[[Agency]]~~ ~~>>and Community Development Department<<~~ or any successor agency.
- (8) “Developer” means any person, firm, corporation, partnership, limited liability company, association, joint venture, or any entity or combination of entities that apply for development orders or permits for residential dwelling units seeking to utilize the density or intensity bonus available pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County Florida, but does not include the state or any county, municipality, or any governmental entity.
- (9) “~~>>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.
- (10) “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.
- (11) “Eligible household income” means any income derived from any proposed occupants of a WHU who are 18 years of age or older and who will use the WHU as their primary residence.
- (12) “Household” means any natural person who occupies a WHU as ~~[[his or her]]~~ ~~>>their<<~~ primary residence.
- (13) “Market rate dwelling units” means all dwelling units in a covered development that are not WHUs as defined herein.

- (14) “Qualified household” means an eligible household that has received a certificate of qualification from the Department.
- (15) >>“Qualified Improvement” means any addition or replacement to the WHU that adds materially to the value of the WHU, prolongs the WHU’s useful life, or adapts the WHU to new uses and the replacement of any existing amenities.
- (16)<< “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>).
- >>(17)<<[[~~(16)~~]] “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 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 XIII A 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 >>that facilitate the<< securing >>of<< 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)]].~~

>>(4) Shared Equity agreement; Equity Share Recapture Fee

- (a) In addition to the requirements set forth in section 17-142(A)(3) of this article, the restrictive covenant shall require each qualified household purchasing a WHU to enter into a shared equity agreement with the County. Said agreement shall be recorded in the public records against the WHU, securing and stating the County's equity share in the WHU and resale and after the control period.
- (b) In the event of an early resale of a WHU by a qualified household, i.e. the sale of a WHU prior to the expiration of the Control Period, such qualified household shall pay to the County, at the closing, an equity share recapture fee, which shall be calculated based on the following schedule:

<u>Year</u>	<u>% Equity Recaptured</u>
<u>0-5</u>	<u>100%</u>
<u>6-10</u>	<u>50%</u>

- (c) Notwithstanding the foregoing, the equity share recapture fee shall be reduced by the resale price less the initial purchase price and, if applicable, less the sum of: (a) the amount of any cash down payment from the qualified household's own funds for the purchase of the WHU; (b) the

reasonable customary costs of sale of the WHU paid by the qualified household, including any broker's commission; and (c) the value of any documented Qualified Improvements to the WHU that are in compliance with any applicable requirements established by a lender.

(d) All equity share recapture fees received by the County shall be deposited into the Affordable Housing Trust Fund.<<

(B) WHUs offered for sale during the initial or any control period shall not be offered for a price >>in excess of the<< greater ~~[[than]]~~ >>of: (i)<< the current maximum WHU sales price as determined by the >>Housing Director<< ~~[[Department]]~~ at the time of sale >>; or (ii) the purchase price of the WHU (either at the initial sale or upon resale) adjusted upward by the percentage increase in the Consumer Price Index for All Urban Consumers: Miami-Fort Lauderdale, FL (1982-84=100) for Housing, as published from time to time by the U.S. Bureau of Labor Statistics, from the year (or, if available, the month) of purchase to the year (or, if available, the most recent month) of the WHU unit resale<<.

(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 >>, or if the individual owners of a WHU predecease 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 and shall bind all assignees, mortgagees, purchasers and other successors in interest. >>Notwithstanding the foregoing, the covenants required herein shall not be senior to any instrument that facilitates the securing of permanent financing from the Federal Housing Administration, Fannie Mae, Freddie Mac, or similar senior lender. In such covenants, the control period and other restrictions on the WHU shall not survive any foreclosure in accordance with such senior lender's guidelines and restrictions.<<

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 facilitate the securing of permanent financing from the Federal Housing Administration, Fannie Mae, Freddie Mac, or similar senior lender, the restrictions must automatically terminate if title to the mortgaged property is transferred by foreclosure or deed-in-lieu of foreclosure, or if the mortgage is assigned to the Secretary of the U.S. Department of Housing and Urban Development.<<

* * *

Sec. 17-144. - Affordability controls.

(A) Initial sale or rental.

- (1) Every WHU established under this article and Chapter 33, Article XIII A 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 for a time equivalent to the initial control period, unless a shorter time is approved by the Housing Director upon a showing that the developer or property owner has been unable to sell to a qualified household after making a good faith effort over a reasonable period of time. Alternatively, the developer or property owner may 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.<< 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.
- (F) *Rental WHU Requirements.*
- (1) All qualified households must be provided a lease with a minimum period of twelve (12) months. The lease must comply with all applicable federal and state laws. The lease shall include without limitation provisions that specify the maximum household size allowed in the unit; a prohibition against subleasing; and a requirement that the qualified household shall report any changes in household size or income during the tenancy. Qualified households shall comply with all monitoring requirements established by the Department.
 - (2) If a qualified household's income increases above the maximum allowed income levels, the qualified household may choose to remain in the WHU for

the remainder of the lease term. If the formerly qualified household and the developer or other property owner agree to extend the lease term, the developer or other property owner shall make the next comparable vacant unit at the covered development available to an eligible household at the WHU rent.

- >>(3) If a building that is initially built as a rental project under single ownership should subsequently convert to a condominium, then:
- (a) The development shall offer the same number of for-sale WHUs as there were rental WHUs;
 - (b) The WHUs shall be specifically identified by unit number as part of the recorded condominium declaration;
 - (c) The sales price for such WHUs being converted shall be established by implementing order. If the owner of such condominium conversion elects to renovate the workforce dwelling units, the implementing order shall consider the reasonable cost of labor and materials associated with such renovation; and
 - (d) Each qualified household renting a WHU at the time of the condominium conversion shall have the right to purchase the dwelling unit they occupy at the sales price established by the implementing order. Subsequently, the County shall have the right of first refusal to purchase some or all of the WHUs that are not purchased by such qualified households at the sales price established for such units by the implementing order. Such units shall be offered to the County and purchased by it in accordance with the provisions set forth below for for-sale WHUs.
 - (e) In the event that all of the WHUs are not sold to either qualified households or the County, then the owner may make a monetary contribution in accordance with section 33-193.9 of this code equivalent to

the number of WHUs that are not so sold. Upon receipt of said monetary contribution, the Housing Director shall record in the public records of Miami-Dade County an instrument or document releasing the building from the restrictive covenant required by this program.<<

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 ~~[[3]]~~ of the assessed road impact fee for a period of up to ~~[[three-]]~~ years >>, or (ii) an applicant for a building permit for workforce housing units provided in accordance with Chapter 33, Article XIIA 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 ~~[[(%)]]~~ of the deferred portion of the road impact fee >>(4 percent for workforce housing units)<<, 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<< ~~[[(\$)]]~~ for a single application.
- (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.

- (9) No interest shall be charged against road impact fees deferred under this section>>₁<< 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>>₁<< accruing from the date of the initial payment up to the date of the late payment>>₁<< 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>>₁<< including any accrued interest>>₁<< that remain unpaid for more than ~~[[one hundred and eighty—(]]180[[]]~~ calendar days beyond the date when deferred impact fees are due>>₁<< and may assess reasonable fees associated with the foreclosure of the lien and collection of the road impact fee payment>>₁<< 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. The provisions of Section 1 shall not take effect until 180 days from the effective date of this ordinance.

Section 6. Every two years after the effective date of this ordinance, the County Mayor or the County Mayor's designee shall provide a report on the implementation of this ordinance and make recommendations as to any changes to the ordinance that may be necessary or desirable. The completed report and recommendations shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

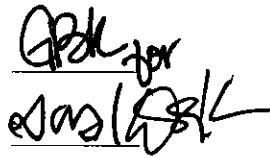
Section 7. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 8. 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 9. 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: December 20, 2016

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-Sponsors: Vice Chairman Esteban L. Bovo, Jr.
Commissioner Daniella Levine Cava
Commissioner Jose "Pepe" Diaz
Commissioner Sally A. Heyman
Chairman Jean Monestime
Commissioner Rebeca Sosa