Application No. 8
Countywide

APPLICATION SUMMARY

Applicant/Representative:	Jack Osterholt, Deputy Mayor/Director Miami-Dade County Department of Regulatory and Economic Resources 111 NW 1st Street, 29th Floor Miami, Florida 33128-1972
Location:	Countywide
Requested Text Changes:	Amend the Comprehensive Development Master Plan (CDMP) Land Use Element text related to affordable/workforce housing density bonuses to further encourage the development of affordable/workforce housing, remove redundant provisions, and clarify implementation procedures.
Amendment Type:	Standard Text Amendment

RECOMMENDATIONS

Staff:	**TRANSMIT AND ADOPT** (August 2014)
Community Councils:	**NOT APPLICABLE**
Planning Advisory Board (PAB) acting as the Local Planning Agency:	**TRANSMIT AND ADOPT** (October 20, 2014)
Board of County Commissioners:	**TO BE DETERMINED** (November 19, 2014)
Final Action of Board of County Commissioners:	**TO BE DETERMINED** (February/March 2015)

Staff recommends: **TRANSMIT AND ADOPT** the application to amend the Comprehensive Development Master Plan (CDMP) Land Use Element text based on the following reasons:

Principal Reasons for Recommendation:

1. The proposed amendment builds on the current CDMP and Zoning provisions that promote the development of affordable and workforce housing through the granting of density bonuses and clarifies implementation procedures for such bonuses. In 2007, the Board of County Commissioners (BCC) adopted the Workforce Housing Development Program (WHDP) into the Zoning Code which allows density bonuses up to 25% to be approved administratively provided that development proposals seeking to utilize the density bonus meet specified criteria. The proposed amendment would delete CDMP Land Use Element text that requires public hearing approval for density bonuses up to 25% in recognition of the fact that the BCC established a process for approval of such bonuses in the WHDP.

   As part of the April 2008 CDMP Amendment Cycle, the Board of County Commissioners adopted text into the CDMP titled "Density Bonus Programs for Affordable/Workforce Housing" providing for affordable/workforce housing density bonuses of 30% and 60% following adoption of a zoning overlay and zoning boundary change. A zoning overlay and boundary change were required to assure that the proposed development meets the locational criteria and is compatible or made compatible with surrounding uses. A zoning ordinance is currently being drafted to implement the 30% and higher density bonuses. The proposed amendment will provide additional flexibility in the zoning mechanism that can be used to implement the 30% and 60% density bonuses while maintaining the intent of the 2008 CDMP text. Rather than restricting implementation of these density bonuses to a zoning overlay and zoning boundary change, the proposed amendment would allow the density bonuses to be approved by other zoning mechanisms, such as a Special Exception, following approval at a public hearing.

2. The proposed amendment seeks to encourage the development of affordable and workforce housing by deleting text that prohibits density bonuses from being applied to developments with access-controlled vehicular entrances. Since market rate projects are not similarly restricted, such requirement may hinder the development of affordable/workforce housing units.

3. To remove duplicative provisions related to mixed-use development, the proposed amendment would delete text that allows for a maximum of 25% of the building structure to be used for business and office uses for projects utilizing affordable/workforce density bonuses of 30% and higher. Properties that meet the locational criteria outlined in the 30% and higher affordable/workforce density bonuses will continue to be allowed to provide vertical mixed-use development pursuant to the "Mixed Use Development" Section of the CDMP. In addition, the proposed amendment would delete a redundant reference to the requirements for approval of a 17% density bonus for affordable housing.

REQUESTED TEXT AMENDMENT[1]

1. Amend the Comprehensive Development Master Plan (CDMP) Water, Sewer, & Solid Waste Element as follows:

In the interpretive section of the Land Use Element, under the subsection entitled "Gross Residential Density," revise the third paragraph as follows:

~~The Board of County Commissioners, or the appropriate Community Zoning Appeals Board, may approve residential development at a density up to 17 percent above the maximums provided below where it is certified that no less than 30 percent of the units in the development, excepting accessory dwelling units, will be priced to be affordable to low and very-low income households.~~ In order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category. Exceptions to the minimums may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, safety, or important resources. For purposes of this paragraph, transportation and transit corridors are land areas located within 660 feet of planned Major Roadways identified on the LUP map, and within one-quarter mile from existing rail transit stations, express busway stops, future transit corridors and planned transit centers identified in the CDMP.

In the interpretive section of the Land Use Element, under the subsection entitled "Gross Residential Density," revise the "Density Bonus Programs for Affordable Housing" Section as follows:

Density Bonus Programs for Affordable/Workforce Housing: The following describes the various density bonus incentives for affordable housing and workforce housing that ~~the Board of County Commissioners~~ may be approved:

17% Density Bonus for Affordable Housing: A density bonus up to 17% above the maximum land use designation may be approved if it is certified that that no less than 30% of the units in the development, excepting accessory dwelling units, will be priced affordable to low and very-low income households (households at or below 80% of the Area Median Income [AMI]).

25% Density Bonus for Workforce Housing: Through the Voluntary Inclusionary Zoning program, a density bonus of up to 25% may be allowed for projects that set aside residential units for workforce housing. The Workforce Housing Development Program (Voluntary Inclusionary Zoning program) defines workforce as households with incomes between 65 and 140% of the County's median income.

30% Density Bonus for Affordable/Workforce Multifamily ~~Infill~~ Housing: A density bonus of up to 30% above the maximum allowable density may be approved for projects that are located in close proximity to transit service and provide a mix of market rate, workforce and affordable housing opportunities. Below is a list of the conditions that must be met for the 30% density bonus to be awarded:

[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.

1) At least 30% of the total residential units shall be priced affordable to households at or below 140% of the AMI, and no less than 20% of the total units shall be priced affordable to households at or below 80% of the AMI for a period of no less than 30 years, pursuant to a deed restriction;

2) The site shall have a land use designation of Low-Medium Density Residential, Medium Density Residential, Medium-High Density Residential, Office/Residential, or Business and Office (Estate, Low Density or High Density land use designations shall not be eligible);

3) The site shall front a major roadway and be located within ¼ mile radius of transit service, which is defined as a transit station or bus stop with at least one route that provides 20 minute peak-hour headways or better during weekdays;

4) The location of the site shall be consistent with the guidelines for urban form;

5) The site is located within ½ mile radius of activity nodes with neighborhood retail establishments;

6) The property is located within ½ mile radius of public recreational open space or a public school, unless 15% of the site is set aside for recreational open space facilities. Recreational facilities are defined as play areas, swimming pools, tennis courts, and other active outdoor facilities.

7) Existing and planned public services and facilities, including water and sewer facilities, shall be adequate to serve the maximum development allowed on the proposed site; and

8) The development shall obtain a certification rating from LEED (Leadership in Energy and Environmental Design) or a similar organization accredited by the U.S. Green Building Council (USGB); and

~~A maximum of 25% of the proposed building structure may be used for business and office uses if mixed-use development is found to be compatible with surrounding uses.~~

60% Density Bonus for Not-for-Profit or Government/Public Sponsored Affordable Housing Providers: A density bonus of up to 60% above the maximum allowable density may be permitted if: 1) the developer is a not-for-profit affordable housing provider, a government/public sponsored affordable housing provider, or if the application site is publicly owned and made available for the development of affordable/workforce housing; and 2) all the conditions for the 30% Density Bonus for Affordable/Workforce Multifamily Infill Housing are satisfied. A government/public sponsored affordable housing provider is defined as a private developer or organization that has been awarded public funding or is participating in a public housing program to develop affordable/workforce housing, and/or a private developer or organization that has received approval to develop affordable/workforce housing on a County or publicly owned site either through donation of the land, a lease, or other form of legal agreement.

Density Bonus programs of 30% or higher shall only take effect upon the adoption of an ordinance providing for implementation of such programs.~~for the "Multifamily Infill Housing Zoning Overlay." Upon the adoption of the aforementioned zoning overlay, approval of any~~ A density bonus of 30% or higher may only be approved following public hearing~~shall require a zoning boundary change through a resolution~~.

To be eligible for any of the density bonuses described above, the proposed development shall be consistent with the adopted goals, objectives, and policies of the Comprehensive Development Master Plan. The actual density achieved on a particular property will depend on all applicable land development regulations and compatibility standards. Sites shall be within the Urban Development Boundary, and sound urban design principles adopted by County ordinance or other binding instrument approved by action of the Board of County Commissioners must be applied. Appropriate compatibility standards must be followed to assure that the proposed development is compatible or made compatible with any adjoining or adjacent uses. Density bonuses shall not be combined~~ and shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates~~. Furthermore, all residential units set aside for workforce housing or affordable housing should be disbursed throughout the housing development and be similar in size and type, as well as appearance on the exterior from non-set-aside units in the housing development. Prior to receiving the certificate of occupancy for market-rate units, all of the affordable housing units shall be under actual construction.

STAFF ANALYSIS

The primary impetus of the proposed amendment is to provide additional flexibility in the zoning mechanism that is outlined in the CDMP for affordable/workforce housing density bonuses of 30% and higher. As part of the April 2008 CDMP Amendment Cycle, the Board of County Commissioners adopted text into the CDMP titled "Density Bonus Programs for Affordable/Workforce Housing" providing for affordable/workforce housing density bonuses of 30% and 60% following adoption of a zoning overlay and zoning boundary change. A zoning overlay and boundary change was required to ensure that the proposed development meets the locational criteria and is compatible with surrounding uses. A zoning ordinance is currently being drafted to implement the 30% and higher density bonuses. The proposed amendment will provide additional flexibility in the zoning mechanism that can be used to implement the 30% and 60% density bonuses while maintaining the intent of the 2008 CDMP text. Rather than restricting implementation of these density bonuses to a zoning overlay and zoning boundary change, the proposed amendment would allow the density bonuses to be approved by other zoning mechanisms, such as a Special Exception, following approval at a public hearing.

The proposed amendment also clarifies implementation procedures for the granting of density bonuses up to 25%. In 2007, the Board of County Commissioners (BCC) adopted the Workforce Housing Development Program (WHDP) into the Zoning Code which allows density bonuses up to 25% to be approved administratively provided the application meets specified criteria. The proposed amendment deletes CDMP text that requires public hearing approval for density bonuses up to 25% in recognition of the fact that the BCC established a process for approval of such bonuses in the WHDP.

To remove duplicative provisions related to mixed-use development, the proposed amendment deletes text that allows for a maximum of 25% of the building structure to be used for business and office uses for projects utilizing affordable/workforce density bonuses of 30% and higher. Properties that meet the locational criteria outlined in the 30% and higher affordable/workforce density bonuses will continue to be permitted to provide vertical mixed-use development pursuant to the "Mixed Use Development" Section of the CDMP. In addition, the proposed amendment deletes a redundant reference to the requirements for approval of a 17% density bonus for affordable housing.

The proposed amendment deletes text that prohibits density bonuses from being applied to developments with access-controlled vehicular entrances to further facilitate the development of affordable and workforce housing. Since market rate projects are not similarly restricted, such requirement may restrict the development of affordable/workforce housing units.

Consistency Review with CDMP Goals, Objectives, Policies, Concepts and Guidelines

Approval of the proposed Application No. 8 would further the implementation of the following CDMP objectives and policies:

Policy LU-1K. Miami-Dade County will maintain and enhance the housing assistance and housing programs addressed in the Housing Element as a means to improve conditions of extremely low, very low, low and moderate income residents. This includes the provision of affordable workforce housing.

Policy LU-8A. Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.

Objective HO-3. Assist the private sector in providing affordable housing products in sufficient numbers for existing and future residents throughout the County by the year 2030 to extremely low, very low, low and moderate-income households, including workforce housing.

Policy HO-3A. Provide additional administrative and, where applicable, fiscal incentives for new developments to ensure the inclusion of a wide spectrum of housing options, particularly for extremely low, very low, low, and moderate-income households, including workforce housing.

Policy HO-3B. Continue to investigate methods for providing affordable residential dwelling units and to review, evaluate and streamline those aspects of planning, zoning, permitting and building codes that may unduly restrict or increase the cost of housing.

Policy HO-3F. Develop a strategy and implement measures to promote and strengthen the inclusionary zoning program which involves private sector developments in the provision of workforce housing. Builders and developers who participate in this program will be entitled to exceed CDMP density ranges and certain other land use provisions according to provisions set forth in the Land Use Element.

Objective HO-6. Increase affordable housing opportunities for extremely low, very low, low, moderate-income households, including workforce housing options, within reasonable proximity to places of employment, mass transit and necessary public services in existing urbanized areas.

Policy HO-6A. Promote the location of housing for extremely low, very low, low, and moderate-income households, including workforce housing options, near employment centers or premium transportation services through the application of CDMP planning provisions and cooperation with County agencies which provide affordable housing.

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APPENDICES

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APPLICATION REQUESTING AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

1. APPLICANT

Miami-Dade County Department of Regulatory and Economic Resources
111 NW 1st Street, 12th Floor
Miami, Florida 33128-1972
(305) 375-2835

2. APPLICANT'S REPRESENTATIVE

Jack Osterholt, Deputy Mayor/Director
Miami-Dade County Department of Regulatory and Economic Resources
111 NW 1st Street, 29th Floor
Miami, Florida 33128-1972

By: _____ August 2014

3. DESCRIPTION OF REQUESTED CHANGES[1]

In the interpretive section of the Land Use Element, under the subsection entitled "Gross Residential Density", revise the third paragraph as follows:

~~The Board of County Commissioners, or the appropriate Community Zoning Appeals Board, may approve residential development at a density up to 17 percent above the maximums provided below where it is certified that no less than 30 percent of the units in the development, excepting accessory dwelling units, will be priced to be affordable to low and very-low income households.~~ In order to efficiently use, and not prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category. Exceptions to the minimums may exist outside transportation or transit corridors where such an exception would serve the interest of compatibility or protect the public health, safety, or important resources. For purposes of this paragraph, transportation and transit corridors are land areas located within 660 feet of planned Major Roadways identified on the LUP map, and within one-quarter mile from existing rail transit stations, express busway stops, future transit corridors and planned transit centers identified in the CDMP.

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In the interpretive section of the Land Use Element, under the subsection entitled "Gross Residential Density", revise the "Density Bonus Programs for Affordable Housing" Section as follows:

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25% Density Bonus for Workforce Housing: Through the Voluntary Inclusionary Zoning program, a density bonus of up to 25% may be allowed for projects that set aside residential units for workforce housing. The Workforce Housing Development Program (Voluntary Inclusionary Zoning program) defines workforce as households with incomes between 65 and 140% of the County's median income.

30% Density Bonus for Affordable/Workforce Multifamily ~~Infill~~ Housing: A density bonus of up to 30% above the maximum allowable density may be approved for projects that are located in close proximity to transit service and provide a mix of market rate, workforce and affordable housing opportunities. Below is a list of the conditions that must be met for the 30% density bonus to be awarded:

1) At least 30% of the total residential units shall be priced affordable to households at or below 140% of the AMI, and no less than 20% of the total units shall be priced affordable to households at or below 80% of the AMI for a period of no less than 30 years, pursuant to a deed restriction;

2) The site shall have a land use designation of Low-Medium Density Residential, Medium Density Residential, Medium-High Density Residential, Office/Residential, or Business and Office (Estate, Low Density or High Density land use designations shall not be eligible);

3) The site shall front a major roadway and be located within ¼ mile radius of transit service, which is defined as a transit station or bus stop with at least one route that provides 20 minute peak-hour headways or better during weekdays;

4) The location of the site shall be consistent with the guidelines for urban form;

5) The site is located within ½ mile radius of activity nodes with neighborhood retail establishments;

6) The property is located within ½ mile radius of public recreational open space or a public school, unless 15% of the site is set aside for recreational open space facilities. Recreational facilities are defined as play areas, swimming pools, tennis courts, and other active outdoor facilities.

7) Existing and planned public services and facilities, including water and sewer facilities, shall be adequate to serve the maximum development allowed on the proposed site; and

8) The development shall obtain a certification rating from LEED (Leadership in Energy and Environmental Design) or a similar organization accredited by the U.S. Green Building Council (USGB); and

~~A maximum of 25% of the proposed building structure may be used for business and office uses if mixed-use development is found to be compatible with surrounding uses.~~

60% Density Bonus for Not-for-Profit or Government/Public Sponsored Affordable Housing Providers: A density bonus of up to 60% above the maximum allowable density may be permitted if: 1) the developer is a not-for-profit affordable housing provider, a government/public sponsored affordable housing provider, or if the application site is publicly owned and made available for the development of affordable/workforce housing; and 2) all the conditions for the 30% Density Bonus for Affordable/Workforce Multifamily Infill Housing are satisfied. A government/public sponsored affordable housing provider is defined as a private developer or organization that has been awarded public funding or is participating in a public housing program to develop affordable/workforce housing, and/or a private developer or organization that has received approval to develop affordable/workforce housing on a County or publicly owned site either through donation of the land, a lease, or other form of legal agreement.

Density Bonus programs of 30% or higher shall only take effect upon the adoption of an ordinance providing for implementation of such programs.~~for the "Multifamily Infill Housing Zoning Overlay." Upon the adoption of the aforementioned zoning overlay, approval of any~~ A density bonus of 30% or higher may only be approved following public hearing~~shall require a zoning boundary change through a resolution~~.

To be eligible for any of the density bonuses described above, the proposed development shall be consistent with the adopted goals, objectives, and policies of the Comprehensive Development Master Plan. The actual density achieved on a particular property will depend on all applicable land development regulations and compatibility standards. Sites shall be within the Urban Development Boundary, and sound urban design principles adopted by County ordinance or other binding instrument approved by action of the Board of County Commissioners must be applied. Appropriate compatibility standards must be followed to assure that the proposed development is compatible or made compatible with any adjoining or adjacent uses. Density bonuses shall not be combined~~ and shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates~~. Furthermore, all residential units set aside for workforce housing or affordable housing should be disbursed throughout the housing development and be similar in size and type, as well as appearance on the exterior from non-set-aside units in the housing development. Prior to receiving the certificate of occupancy for market-rate units, all of the affordable housing units shall be under actual construction.

4. REASONS FOR CHANGE

The Application proposes to revise the third paragraph of the "Gross Residential Density" text to delete a redundant reference to the requirements for approval of the 17% density

bonus for affordable housing. The requirements for approval of the 17% density bonus are addressed in the "Density Bonus Programs for Affordable Housing" Section.

The Application proposes to revise the first paragraph of the "Density Bonus Programs for Affordable Housing" Section of the "Gross Residential Density" text to amend the approval process for 17% and 25% density bonuses to provide consistency with the Workforce Housing Development Program (WHDP) as adopted by the Board of County Commissioners in January 2007. The program, which, was established to address the growing housing needs for residents in the workforce target income group (incomes between 65% and 140% of the County median income), allows density bonuses up to 25% to be approved administratively provided the application meets specified criteria. The Application proposes to delete text requiring public hearing approval of the density bonuses in recognition of the fact that the BCC established a process for approval of the 25% density bonus in the WHDP.

The Application proposes to revise the "Density Bonus Programs for Affordable Housing" Section of the "Gross Residential Density" to delete text that allows for a maximum of 25% of the building structure to be used for business and office uses for projects utilizing density bonuses of 30% or higher. Properties that meet the locational criteria outlined in the 30% or higher density bonuses will continue to be permitted to provide vertical mixed-use development pursuant to the "Mixed Use Development" Section of the CDMP. The "Mixed Use Development" Section requires the residential component to comprise at least 20% but no more than 75% of the total floor area for projects providing vertical mixed-use.

The Application proposes to revise the "Density Bonus Programs for Affordable Housing" Section of the "Gross Residential Density" text to allow flexibility in the zoning mechanism that may be used to implement the 30% and 60% density bonuses while maintaining the intent of the current CDMP text. As part of the April 2008 CDMP Amendment Cycle, the Board of County Commissioners adopted text into the CDMP titled "Density Bonus Programs for Affordable/Workforce Housing" providing for affordable/workforce housing density bonuses of 30% and 60% following adoption of a zoning overlay providing for such incentives. A zoning overlay was required to assure that the proposed development meets the locational criteria and is compatible or made compatible with surrounding uses. The CDMP text further states that density bonuses of 30% or higher may only be approved following public hearing. A zoning ordinance is currently being drafted to implement the 30% and higher density bonuses. The primary purpose of this Application is to allow flexibility in the zoning mechanism that may be used to implement the 30% and 60% density bonuses while maintaining the intent of the 2008 amendment. Rather than restricting implementation of these density bonuses to a zoning overlay and zoning boundary change, the proposed change would allow the density bonuses to be approved by other zoning mechanisms, such as a Special Exception, following approval at a public hearing.

The Application proposes to revise the last paragraph in the "Density Bonus Programs for Affordable Housing" Section of the "Gross Residential Density" to delete text that prohibits density bonuses from being applied to developments with access-controlled vehicular entrances to further facilitate the development of affordable and workforce housing. Since market rate projects are not similarly restricted, such requirement may restrict the development of affordable/workforce housing units.

5. ADDITIONAL MATERIALS SUBMITTED

None

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