Workshop Item No.
1(D) 3 Substitute

March 08, 2006

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ORDINANCE NO._____

AN ORDINANCE PERTAINING TO ZONING, WORKFORCE HOUSING, BUILDING PERMIT PROCESS AND ENFORCEMENT OF WORKFORCE HOUSING DEVELOPMENT PROGRAM; ESTABLISHING WORKFORCE HOUSING DEVELOPMENT PROGRAM; PROVIDING LEGISLATIVE INTENT, FINDINGS AND PURPOSE, DEFINITIONS, APPLICABILITY, REQUIREMENTS, INCENTIVES, PROGRAM ADMINISTRATION, ENFORCEMENT AND APPEALS; AMENDING SECTION 8-8.1, CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); AMENDING SECTION 8CC-10 OF THE CODE; 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 XIIA of the Code of Miami-Dade County, Florida is hereby created to read as follows:[1]

>> ARTICLE XIIA WORKFORCE HOUSING DEVELOPMENT PROGRAM

Section 33-193.3. Short title.

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

Section 33-193.4. Legislative intent, findings, and purpose.

A. Need for workforce housing in Miami-Dade County.

[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.

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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. Current patterns of development have resulted in a persistent shortage of housing for certain sectors of the community. Studies of market demand show that for the foreseeable future more than 50% of the new labor force in Miami-Dade County will 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 65% to 140% 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

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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.

(a) *Increasing population pressure.* Miami-Dade County, in both the incorporated and unincorporated areas, is experiencing a rapid 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. Studies show that, as a result of this population increase, for the foreseeable future more than one-half of the new labor force in Miami-Dade County will require workforce housing.

(b) *Cost burdens.* Households in Miami-Dade County suffer from a high and increasing housing cost burden. Households have traditionally been regarded as "cost burdened" if they spend more than 30% 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.

(c) *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

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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.

(d) *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.

(e) *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, discriminate against 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.

(f) *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 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 is declared

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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 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, intensity bonuses, 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. Requiring dispersal of workforce housing units throughout this community will avoid overconcentration of such housing. By establishing incentives encouraging the development of housing for the workforce target income group in areas in proximity to mass transit facilities, the workforce housing program will also help alleviate traffic pressure, roadway congestion, and other problems associated with the geographic distance between jobs and available housing.

D. Need for workforce housing trust fund.

It is the intent of the Board of County Commissioners to create a workforce housing trust fund as a permanent, renewable source of revenue to meet, in part, the housing needs of the workforce target income group. Those households which are intended to benefit from the trust fund are income eligible and possess at least one of the following characteristics: (1) they are cost-burdened by paying more than 30% of their gross income for housing costs, (2) they live in overcrowded conditions, or (3) they live in substandard housing units.

The workforce housing trust fund shall be used solely for programs and administrative support approved by the Board of County Commissioners to meet the housing needs of workforce target income group households as defined in this article. These programs shall include, without limitation, those providing assistance through production, acquisition, rehabilitation and preservation of housing units.

Monetary contributions in lieu of development of workforce housing, where applicable, funds from equity sharing, and all other income generated by Miami-Dade County's workforce housing development program, shall be deposited into

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the workforce housing trust fund in an interest-bearing account. All interest earnings from the account shall be reinvested and dedicated to the trust fund. All appropriated funds in the workforce housing trust fund account shall be available for program expenditures as provided in an appropriate administrative order.

The objective of creating the workforce housing trust fund is to foster a housing supply accessible to a range of family incomes in developments assisted by the trust fund and to disperse workforce housing units throughout the County, in accordance with objectives, goals, and policies of the housing element of the CDMP.

E. 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 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.

F. 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.

Section 33-193.5. Adoption of land use regulations and procedures for operation of Miami-Dade County's Workforce Housing Development Program.

The Board of County Commissioners hereby adopts land use regulations and procedures for the operation of the Miami-Dade County workforce housing development program. The 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 shall be supplemental to existing zoning on affected properties and shall be construed to be consistent therewith.

The Board of County Commissioners shall adopt by resolution such administrative procedures as may be necessary or proper to further the purposes

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of this article and thereby protect the public health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County.

Section 33-193.6. Definitions.

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

(1) *Application* means any request for zoning action, building permit, administrative site plan review, or administrative modification under Chapter 33, or any request for approval or extension of approval of any type of application for subdivision of land pursuant to Chapter 28, where such request seeks approval to develop residential or mixed uses subject to the requirements of this article.

(2) *At one location* means all land owned by the applicant, including:

(a) all adjacent parcels, the property lines of which are contiguous at any point; or

(b) all adjacent parcels, the property lines of which are separated only by a public or private street, road, highway or utility right-of-way, or other public or private right-of-way at any point; or

(c) all adjacent parcels, under common ownership or control of the applicant, including land owned or controlled by separate corporations in which the applicant or family member of the applicant owns 10 percent or more of the stock.

(3) *Non-transit corridor area* means any parcel not located within the transit corridor area.

(4) *Transit-corridor area* is the area which lies within one-half mile on either side of the Metrorail transit line and stations and within one-half mile on either side of the Busway as identified on the Busway right-of-way map as defined in section 33-121.28 of this code.

(5) *Urban Infill Area* (UIA) is the area as defined in the Comprehensive Development Master Plan (CDMP).

(6) *Work-force housing unit or WHU* as used in this article shall mean a dwelling unit which:

a. is priced for sale or rent to eligible persons consistent with program guidelines of the Miami-Dade Housing Agency adopted pursuant to this article; or

b. is sold or rented under a government program designed to assist the occupancy of housing for families of workforce housing range income, as defined in Chapter 17, Article VIII of the Code of Miami-Dade County, and designated by the Miami-Dade Housing Agency as a WHU; and

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c. is priced (selling price or rent) at levels to be affordable to households which meet the work force housing target income range; and
d. complies with all provisions of this article.

(7) *Workforce housing target income range* means households whose income range is established at 65% up to 140% 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.

(8) *Workforce housing trust fund* means a fund established by Miami-Dade County pursuant to Chapter 17, Article VIII of the Code of Miami-Dade County, Florida.

Section 33-193.7. Applicability.

A. All applications seeking approval to develop 20 or more residential dwelling units shall provide workforce housing units.

B. An application seeking to develop property already improved with one or more existing dwelling units that meet the definition of a workforce housing unit (Existing WHUs) shall provide for a total number of WHUs equal to the sum of the Existing WHUs and the number of WHUs that would have been required had there been no Existing WHUs on the property.

C. Each application to develop improved property shall provide evidence of current use sufficient to indicate whether Existing WHUs are on the property.

D. In determining whether an application, or a series of applications at one location filed within a three-year period, meet the minimum unit thresholds, all land within the County, owned or controlled by an applicant, at one location (as defined in section 33-193.6) shall be included in said computation. An applicant shall not avoid compliance with this article by submitting piecemeal applications for subdivision plats, administrative site plan review, zoning hearing or building permits. Any applicant may submit a application for a subdivision plat of any type, administrative site plan review, zoning hearing or building permit(s) for less than the minimum unit thresholds at any time but the applicant must agree in writing on a form acceptable to the Director that upon submission of the final application or request, the applicant will comply with this article when the total number of dwelling units at one location has reached the minimum unit thresholds.

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E. 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.

Section 33-193.8. Alternatives to on-site construction of WHUs; variances.

A. Alternatives.

An applicant may satisfy the requirement of on-site construction of 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, that the degree to which the alternative is employed is the minimum necessary, 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 approved after public hearing, 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 in the same general area as the proposed location of the market rate units being proposed (the "Off-site WHUs"). The alternative site must contain both its required market rate and workforce housing units and the Off-site WHUs. The alternative site shall be within the same Community Zoning Appeals Board jurisdiction as the market rate units being proposed and the construction of the Off-site WHUs on the alternative site shall occur concurrently with the market rate units on the primary site.
2. *Monetary contribution in lieu of construction of WHUs.* If approved after public hearing, an applicant may satisfy the requirements of this article by providing a monetary contribution to the workforce housing trust fund established in section 17-132 of this code, in lieu of construction of the required on-site workforce housing units, in an amount equal to one-percent of the total development cost. All monetary contributions shall be made prior to the issuance of the first building permit on the market rate units.3. *Combination of off-site construction of WHUs and monetary contributions.* If approved after public hearing, an applicant may comply with

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the requirements of this article employing a combination of the alternatives (1) and (2) above.

B. Variances.

The following provisions of this article may be varied after public hearing, only upon demonstration that a literal enforcement of the provision of this article will result in an unnecessary hardship, that allowing the variance will observe the spirit of this article, that the degree to which the variance is granted is the minimum needed to avoid the hardship, and that the objectives of this article to increase the supply of housing for the workforce housing target group within the Community Zoning Appeals Board 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 an application.

C. Approved off site construction

Construction of off-site WHUs approved simultaneously by Community Zoning Appeals Board at same hearing. Notwithstanding any other provision in the article to the contrary, an applicant may satisfy the requirement of on-site construction of WHUs on property (the "primary" property) by constructing the WHUs on property that is not adjacent or contiguous to the primary property (the "alternative" property) where all of the following criteria are met: 1) the primary property and the alternative property are owned, controlled or subject to a contract for purchase by the same applicant, 2) the primary property and the alternative property are both located entirely within the same Community Zoning Appeals Board; 3) a zoning application or multiple zoning applications are filed with the Miami-Dade County Department of Planning and Zoning seeking public hearing approval to construct the WHUs on the alternative property rather than the primary property; 4) the total number of WHUs, calculated based on the combined primary property and alternative property, is provided as part of the zoning application(s), and 5) the zoning hearing on the primary property and on the alternative property are scheduled and acted upon at the same public hearing and a final decision is rendered by the governing body at the same hearing.
For purposes of this section, and not withstanding any other provision of the Code to the contrary, an applicant may, at its option, elect to consider the primary property and the alternative property as "at one location" as defined in Section 33-193.6(2), regardless of whether the properties are adjacent or contiguous. Subject to approval at public hearing, and subject to the compliance with subparagraphs 1) through 5) above, up to the 100% of the WHUs required under this ordinance to

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be constructed on the primary property may be approved on the alternative property.

An appeal of an approval on the primary property or alternative property shall automatically stay the approval on the primary property until such time as a final decision is rendered on the application and expiration of appellate time frames.
If an application is filed on a primary property and alternative property and an applicant elects to treat the primary property and alternative property as "at one location" as defined in this article, denial of the zoning application on the primary property and approval of the zoning application on the alternative property will not obligate the applicant to construct the WHUs on the alternative property that would otherwise be required on the primary property, and the applicant shall have the automatic right, at its option, to a deferral or withdrawal of the application on the alternative property, in order to resubmit site plans providing only the required number of WHUs required on the alternative property.
Construction of the WHUs approved pursuant to this section must occur concurrently with construction of the market rate units on the primary site.

Section 33-193. 10. Required Workforce Housing Units.

Note I will trade places of 193.9 and 193.10 once they are final Al T is still going to work on them

Section 33-193.9. Required Workforce Housing Units.

All applications for developments, not including Urban Centers as depicted on the Land Use Plan (LUP) map of the CDMP, 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 or 2 Units, Whichever is Greater
	From 2.5 up to and Including 3.125 Units Per Gross Acre	12.5 Percent or 4 Units, Whichever is Greater
Low-Density Residential	From 3 up to and Including 6 Units Per Gross Acre.	5 Percent or 2 Units, Whichever is Greater
	From 6 to 7.5 Units Per Gross Acre.	12.5 Percent or 4 Units, Whichever is Greater
Low-Medium Density	From 6 up to and Including 13 Units Per Gross Acre.	5 Percent or 2 Units, Whichever is Greater

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	From 13 up to and Including 16.25 Units Per Gross Acre.	12.5 Percent or 4 Units, Whichever is Greater
Medium Density Residential	From 13 up to and Including 20 Units Per Gross Acre.	5 Percent or 2 Units, Whichever is Greater
	From 20 up to and Including 31.25 Units Per Gross Acre.	No Required Work-Force Units. Bonus Density will be Available as Provided in Section 33-X if 5 Percent or More of Residential Units are Work-Force Units
Medium-High Density Residential	From 25 up to and including 75 Units Per Gross Acre	No Required Work-Force Units. Bonus Density will be Available as Provided in Section 33-X if 5 Percent or More of Residential Units are Work-Force Units
High Density Residential	From 50 up to and including 156 Units Per Gross Acre	No Required Work-Force Units. Bonus Density will be Available as Provided in Section 33-X if 5 Percent or More of Residential Units are Work-Force Units

A parcel designated under the CDMP for Business and Office, Office/Residential, or Industrial and Office that is proposed for residential development in accordance with applicable regulations shall be subject to the minimum percentage of workforce housing units provided in this subsection provided the residential land use category is also in accordance with the CDMP as follows:

i. Business 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.

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ii. Office/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.

iii. Industrial and Office - 20 percent.

Section 33-193.10. Required Workforce Housing Units for Urban Centers. All applications for residential developments within Urban Centers depicted on the Land Use Plan (LUP) map of the CDMP that are not yet zoned, in whole or in part, as of the effective date of this Article shall provide a minimum of 20 percent of workforce housing units.

Section 33-193. 9.Exceptions.

The following applications for zoning actions or development permits shall not be required to provide workforce housing units.

(a) Housing for elderly persons or persons with disabilities developed and financially assisted under the United States Housing Act of 1937, and low and moderate income housing for older persons as defined by the Fair Housing Act, 42 U.S.C. § 3607, as amended, and housing for homeless/formerly homeless developed and financially assisted under the Stewart B. McKinney Act, as amended.

(b) Applications filed after the effective date of this article that involve lawfully permitted development which does not result in a change in use and is for the exclusive purpose of dealing with issues that do not increase the number of swelling units on the property, such as building relocation, ingress/egress, storm water drainage, or other engineering or public facilities issues, or the preservation of historic structures, child care facilities, or changes in the size of units.

(c) Conversion to condominium of residential developments, provided no increase in the number of units is proposed.

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(d) Affordable housing developments meeting the criteria of those programs administered pursuant to Chapter 17, Article VI of this code (local housing assistance program).
(e) Group homes as defined in section 33-1(53.1) of this code.
(f) Community residential homes as defined in section 419.001, Florida Statutes, as amended, and section 33-1(30.1) of this code.
(g) Housing for the elderly, if provided in an age-restricted facility subsidized through the National Housing Act, as amended, and Chapter 420, Florida Statutes, as amended, in compliance with the zoning standards for multi-family residential development, and if designed for the needs of persons 62 years of age or older.
(h) Housing developed or owned by the state or any county, municipality, or governmental entity.
(i) Adult retirement communities containing age-restricted dwelling units that include special safety and convenience features designed for the needs of older people.
(j) Hotel and motel use.

Section 33-193.11. Density bonuses.

A. Any application, except Urban Centers, providing a minimum of 12.5 percent WHUs on-site, or in the alternative, an off-site location in accordance with Section 33-193.8 of this Article shall be entitled to a residential density bonus of 25 percent provided the application satisfies all of the requirements of this article including the intensity standards provided in section 33-193.12:

The density bonus for the primary site shall not be transferable to the alternative off-site property, if an alternative site is approved after public hearing for the development of off-site WHUs. 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.

B. The total number of dwelling units, including all units permitted without the bonus, 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.

Section 33-193.12. Intensity standards.

A. Notwithstanding zoning district regulations to the contrary, the following maximum intensity standards shall apply to applications seeking approval

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of a development providing the WHUs required under the provision of this Article:

(a)
A. Notwithstanding zoning district regulations to the contrary, the following maximum intensity standards shall apply to applications seeking approval of a development providing the WHUs required under the provision of this Article:

(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%.

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2. In the RU-TH district:
   (a) Minimum lot size shall be1,250 square feet of net lot area; and
   (b) Minimum open space shall be 20 percent of the net lot area.

3. In the RU-RH district:
   (a) Minimum lot size shall be1,000 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.

4. 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.

5. In the RU-4L district:
   (b) Maximum floor area ratio shall be 0.9;
   (c) Maximum height shall be 6 stories;
   (d) Maximum lot coverage shall be 35% of net lot area.

6. In the RU-4M district:
   (a) Maximum floor area ratio shall be 1.0;
   (b) Maximum height 9 stories;
   (c) Maximum lot coverage shall be 35% of net lot area.

7. 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.

8. 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.

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9. 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.

10. 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 permitted 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. Severable use rights, as provided in Chapter 33B of this code, shall not be utilized in conjunction with the intensity standards contained in this article.

Section 33-193.13 Design and unit placement.

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. 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 and located in an EU, RU-1 or RU-2 district 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), or upon the submission of a declaration of restrictive covenants, in a form acceptable to the Director, binding the lot to ownership by a single owner and rental of the individual units, or a declaration of restrictive covenants in lieu or unity of title in compliance with section 33-31 of the code, unless and until a declaration of condominium is filed in accordance with state law.

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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
   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 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.

1. 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.

Section 33-193.14. Required declaration of restrictive covenants

Prior to final approval of any application, the applicant shall submit a declaration of restrictive covenants, encumbering the entire project, approved in form by the Director 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 plan for staging construction of all units, and such other provisions as the Department requires 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.

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(B) the total number of market rate dwelling units and WHUs in the development including the minimum number of WHUs to be developed 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 sequenced demonstrating that:

(1)WHUs will be built and made available for occupancy simultaneously with or before other market-rate dwelling units, except that building permits for the last 10% of the market-rate units shall be withheld until building permits have been issued for all of the WHUs;

(2) the pace of WHU production will reasonably coincide with the construction of market rate units; and

(3) the last building shall not contain only WHUs.

(D) If the requirements of this chapter are to be satisfied through the use of an alternative to on-site construction as provided in section 33-193.8, of this code, the declaration of restrictive covenants shall identify and commit to the development of WHU's on the approved alternative site or on any other approved alternative to be utilized. If the applicant proposes off-site construction of WHUs, the declaration of restrictive covenants shall identify the location of the covered development and commit to the development of WHU's on the approved alternative site. The provisions of the declaration of restrictive covenants pertaining to off-site development shall contain the provisions prescribed in this section..

(E) The declaration of restrictive covenants may be modified by mutual consent of the applicant and the Department of Planning and Zoning and the Miami-Dade Housing Agency, as long as the modified agreement remains in conformity with this article and meets all requirements of the recorded declaration.

Section 33-193.15. 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 applicant shall submit a declaration of restrictive covenants, approved in the form by the Director and sufficient for recording in the public records of Miami-Dade County, Florida, encumbering the individual WHUs in the entire development

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specifying the restrictions of the WHU and such further arrangements, restrictive covenants, and resale restrictions as are necessary to carry out the purposes of Chapter 17, Article VIII of the code, sections 17-133 through 17-136, inclusive and shallinclude the following:

(a) a binding commitment that the restrictions of this article shall run with the land for the entire control period, and

(b) a binding commitment that the covenants will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to or an interest in the property, and

(c) these covenants shall be senior to all other liens or encumbrances on the property including all instruments securing permanent financing,except that tax and assessment liens shall be superior to these covenants, and

(d) a binding commitment that incorporates all terms and conditions regarding WHU's, 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.

Section 33-193.16. Penalties and enforcement.

This article shall be enforceable in accordance with the provisions of Chapter 8CC of this code. Violations of this article shall also be punishable by a fine not to exceed 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 33-193.17 of the Code of Miami-Dade County, Florida is hereby created to read, as follows:

Section 33-193.17 Implementation.

A. The provisions of this article shall not apply to applications for building permit, zoning action, site plan review, plats or waivers of plat having a valid zoning application number, building permit process number or plat application number prior to the effective date of this ordinance (_____, 2006). It is provided, however, that within 1 year after the effective date, an applicant shall have obtained final approval of applications for building permit, zoning action or

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site plan review. Within 2 years after the effective date of this ordinance (_____, 2006), an applicant shall have obtained final approval of plat or waiver of plat approval applications.

If final approval has not been obtained by the prescribed period for any application for building permit, zoning action, site plan review, plats or waivers of plat having a valid zoning application number, building process number or plat application number the applicant shall be required to comply with the requirements this article.

B. This article shall not apply to any project or structure that has been issued a valid building permit for any part of a approved site plan approval through public hearing or administrative site plan review (ASPR) at any time within five (5) years after the effective date of this ordinance (_____, 2006). Any project or structure that has been issued a valid building permit that is still valid five (5) years after the effective date of this ordinance may proceed to construction under the terms of that permit. For the purpose of calculating the five (5) year period under this section, the time shall be tolled during the pendency of administrative or judicial proceedings relating to this approval.

If within five (5) years after effective date of this ordinance (_____, 2006) a valid building permit has not been issued for any part of a project or structure that received site plan approval through public hearing or administrative site plan review (ASPR), within 5 years after the effective date of this ordinance, and if such project or structure is not otherwise exempted from the provisions of this article such project or structure shall be required to comply with the requirements of this article.

Section 2. Section 33-199 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Section 33-199. Uses--Permitted.

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose in a RU-1 District which is designed, arranged or intended to be used or occupied for any purpose other than the following, unless otherwise specifically provided herein:

(1) Every use as a one-family residence, including every customary use not inconsistent therewith, including a private garage.

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>>(1.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 3. Section 33-201 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Section 33-201. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered for any purpose in an RU-2 District which is designed, arranged, or intended to be used or occupied for any purpose, unless otherwise provided for, excepting for one (1) or more of the following uses:

(1) Every use permitted in RU-1, RU-1M(a) and RU-1M(b) Districts.

>>(1.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 4. Section 33-202.3 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Section 33-202.3. Uses permitted.

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved, or reconstructed, structurally altered or maintained for any purpose in a townhouse district (RU-TH) which is designed, arranged or intended to be used or occupied for any reason or purpose, except for one (1) of the following uses:

(1) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b) and RU-2 Districts, subject only to the requirements, limitations and

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restrictions applicable therefore in said districts, including, but not limited to, lot width, areas, yard areas, heights and coverage.

>>(1.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 5. Section 33-203. of the Code of Miami-Dade County, Florida is hereby amended as follows:

Section 33-203. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, reconstructed, or moved or structurally altered or maintained for any purpose in an RU-3 District, unless otherwise provided herein, excepting for one (1) or more of the following uses:

(1) Every use permitted in RU-1, RU-1M(a), RU-1M(b) and RU-2 District.

>>(1.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 6. Section 33-203.6 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Section 33-203.6. Uses permitted; requirements generally.

No land, body of water or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-3M District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

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(A) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations and restrictions applicable therefore in said districts, including but not limited to, lot width, area, yard areas, height and coverage.

>>(A.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 7. Section 33-207.2 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Section 33-207.2. Uses permitted.

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in a RU-4L District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

(A) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations, and restrictions applicable therefore in said districts; including but not limited to lot width, area, yard areas, height, and coverage.

>>(A.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 8. Section 33-207.3 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Section 33-207.3. Uses permitted.

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No land, body of water or structure shall be used, or permitted to be used and no structures shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in a RU-4M District which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

(A) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations, and restrictions applicable therefore in said districts including but not limited to lot width, area, yard areas, height and coverage.

>>(A.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 9. Section 33-208. of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Section 33-208. Uses permitted.

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4, High Density Residential District, which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) of the following uses:

(1) Those uses permitted in the RU-1, RU-1M(a), RU-1M(b), RU-2, RU-3 and RU-TH Districts subject only to the requirements, limitations, and restrictions applicable thereto in said districts, including but not limited to lot width, area, setbacks, yard areas, height and coverage.

>>(1.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

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Section 10. Section 33-217. of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Section 33-217. Uses permitted.

No land, body of water or structure shall be used, or permitted to be used and no structure shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in an RU-4A District which is designed, arranged, or intended to be used or occupied for any purpose, except for one (1) of the following uses:

(1) Those uses permitted in the RU-1, RU-2, RU-1M(a), RU-1M(b), RU-3 and RU-TH Districts subject only to the requirements, limitations and restrictions applicable thereto in said districts, including but not limited to, lot width, area, setbacks, yard areas, height and coverage.

>>(1.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 11. Section 33-223.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Section 33-223.1. Uses permitted.

No land, body of water or structure shall be used, or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for any purpose in an RU-5 District which is designed, arranged, or intended to be used or occupied for any purpose, except for one (1) or more of the following uses, and all other uses are hereby prohibited:

(1) Duplex use--those uses permitted in the RU-2 District subject only to the requirements, limitations and restrictions specified in said district, and except that it shall be permissible to use a fifty- by one hundred-foot lot for two-family use in an old subdivision

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(2) Apartment house as permitted in the RU-3 District subject only to the requirements, limitations and restrictions applicable in the RU-3 District for such use

(3) Multiple-family housing projects

>>(3.1) Workforce housing units in compliance with the provisions of Article XIIA of this code.<<

* * *

Section 12. Section 33-238. of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Section 33-238. Uses permitted.

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered or maintained in any BU-1 District, which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) or more of the following uses:

(1) Residential uses may be permitted as a combination of permitted business uses and residential uses housed in the same building; the floor area of the residential use shall not exceed fifty (50) percent of the floor area of the building.

>>(1.1) Workforce housing units in compliance with the provisions of this section and Article XIIA of this code.<<

* * *

Section 13. Section 33-284.27 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Section 33-284.27. Development parameters.

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All applications for the Planned Area District shall comply with the following applicable development parameters:

* * *

(C) *Permitted residential uses.*

All residential types, including single family, and multi-family>>, and workforce housing units in compliance with the provisions of this section and Article XIIA of this code,<< whether detached, attached or any combination thereof, shall be permissible in the Planned Area Development zoning classification upon approval by the Community Zoning Appeals Board.

Section 14. Section 33-284.48 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Section 33-284.48. Development parameters.
All applications for a TND shall comply with the following development parameters:

* * *

a. All residential development shall be in compliance with article XIIA of this code.

Section 15. Section 33-314 of the Code of Miami-Dade County, Florida is hereby amended as follows:

* * *

Section 33-314 (B). Direct applications and appeals to the County Commission.

(B) The County Commission shall have jurisdiction to hear appeals from decisions of the Community Zoning Appeals Boards as follows:

* * *

>>13. Applications or modifications thereof for projects subject to Article XIIA of this code.

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

>>ARTICLE VIII. WORKFORCE HOUSING DEVELOPMENT PROGRAM ADMINISTRATION

Section 17-128. Short title.

This article shall be referred to as "Workforce Housing Development Program Administration."

Section17-129. Purpose.

The purpose of this article is to create administrative procedures for the implementation of the Workforce Housing Development Program established pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County; and for the establishment and administration of a workforce housing trust fund.

Section 17-130. Definitions.

The definitions contained in Chapter 33, Article XIIA, Section 33-193.6 through 193.17, Code of Miami-Dade County, shall apply to this chapter except as otherwise provided in the following definitions:

(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.

(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.

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(4) "*Condominium conversion*" has the meaning established by sections. 718.604 – 718.622 of the Florida Statutes.

(5) "*Consumer price index*" has the meaning provided in the "Consumer Price Index for All Urban Consumers" (U.S. County Average, All Items: Base 1982-84=100) as published by the United States Department of Labor, Bureau of Labor Statistics.

(6) "*Control period*" means a 30-year period during which the affordability restrictions imposed by this ordinance shall apply. The control period begins at the time of first occupancy of the affected unit by every new WHU owner.

(7) "*Covered development*" means all developments meeting the minimum thresholds established by Chapter 33, Article XIIA of the Code of Miami-Dade County. All developments, including phased developments, shall be included.

(8) "*Department*" means, unless otherwise indicated, the Miami-Dade Housing Agency or any successor agency.

(9) "*Developer*" means any person, firm, corporation, partnership, limited liability company, association, joint venture, or any entity or combination of entities that develops dwelling units, but does not include the state or any county, municipality, or any governmental entity.

(10) "*Director*" means, unless otherwise indicated, the Director of the Miami-Dade Housing Agency, or designee.

(11) "*Eligible household*" means, subject to the provisions of section 17-134_ hereof, (1) with respect to rental WHUs, a household whose total income is between 65% and 140% of Area Median Income, and (2) with respect to owner occupied WHUs, a household whose total income is between 65% and 140% of area median income.

(12) "*Eligible household income*" means any income derived from any proposed occupants of the a WHU who are 18 years of age or older and who will use the WHU as their primary residence.

(13) "*Household*" means any person who occupies a WHU as their primary residence.

(14) "*Market rate dwelling units*" means all dwelling units in a covered development that are not WHUs as defined herein.

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(15) "*Qualified household*" means an eligible household that has received a certificate of qualification from the Department, as set forth in section 17-134 hereof.

(16) "*Residential development*" means new construction of dwelling units or new mixed-use construction that includes dwelling units.

(17) "*Workforce housing plan*" has the meaning set forth in section 17-134 of this article.

(18) "*Workforce housing unit rent*" or " WHU *rent*" means rents that do not exceed the monthly Fair Market Rent as determined for Miami-Dade County by the U.S. Department of Housing and Urban Development (published annually at http://www.huduser.org/datasets/fmr/fmrs/index.asp?data=fmr06). The WHU rent shall be based upon presumed occupancy levels of one person in a studio unit, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.

(19) "*Workforce housing unit sales price*" or "*WHU sales price*" means the maximum purchase price of WHUs that shall be consistent with the maximum WHU sales price established by the Department.

Section 17-131. Applicability.

The provisions of this article shall apply to all development subject to the provisions of Chapter 33, Article XIIA of the Code of Miami-Dade County

Section 17-132 Workforce Housing Trust Fund

(1). There is hereby established the Workforce Housing Trust Fund (the "Trust Fund"). Separate accounts within such Trust Fund may be created from time to time to avoid commingling as required by law or as deemed appropriate to further the purposes of the Trust Fund.
(2) The Trust Fund shall be administered by the Director of the Miami-Dade Housing Agency or any successor agency, who shall have the authority to govern the Trust Fund consistent with this article and with Chapter 33, Article XIIA, and to prescribe procedures for said purpose, subject to necessary approvals by the Miami-Dade Board of County Commissioners.
(3) The Director of the Miami-Dade Housing Agency shall develop a Housing Assistance Program and Financing Strategy, subject to approval by the Board of County Commissioners, to further define and prioritize the uses of the monies in the Trust Fund. The Plan shall be updated biennially and submitted

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along with the annual report required by section 17-138 of the Code of Miami-Dade County.

(4) Monies deposited in the Trust Fund along with any interest earnings on such monies shall be used solely to increase and improve the supply of workforce housing to households in the workforce target income group, including, but not limited to acquisition of property and property rights, cost of construction including costs associated with planning, administration, design, building or installation, as well as any other costs associated with the construction or financing of WHU housing, and reimbursement to the County for such costs if funds were advanced by the County from other sources. To the maximum extent possible, all monies should be used to provide for additional WHU housing and services.

a. Monies may also be used to cover reasonable administrative expenses not reimbursed through processing fees, including reasonable consultant and legal expenses related to the establishment and/or administration of the Trust Fund and reasonable expenses for administering the process of calculating, collecting, and accounting for any deferred County fees authorized by this section. No portion of the Trust Fund may be diverted to other purposes by way of loan or otherwise.

b. Monies in the Trust Fund shall be used in accordance with the priorities identified by the Housing Assistance Plan Program and Financing Strategy to construct, acquire, rehabilitate or subsidize workforce housing and/or to assist other governmental entities, private organizations or individuals in the construction, rehabilitation, reimbursement of County advanced funds, location or subsidy of workforce housing. Monies in the Trust Fund may be disbursed, hypothecated, collateralized or otherwise employed for these purposes from time to time as the Department Director and Board of County Commissioners determine is appropriate to accomplish the purposes of the Trust Fund. These uses include, but are not limited to, assistance for equity participation loans, grants, pre–home ownership co–investment, pre–development loan funds, participation leases, or other public/private partnership arrangements. The Trust Fund monies may be extended for the benefit of rental or owner occupied housing.

c. Expenditures by the Director from the Trust Fund shall be controlled, authorized and paid in accordance with County policy. Execution of contracts related to the use or administration of Trust Fund monies shall be in accordance with standard County policy.

Section 17-133. Compliance procedures.

(A) Workforce Housing Declaration of Restrictive Covenants and Workforce housing agreement

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(1) Any developer offering a WHU for initial sale shall record in the public records, one or more covenants or declarations of restrictions in a form approved by the County. Such covenants or declarations of restrictions shall include the WHU Agreement, and such further arrangements, restrictive covenants, and resale restrictions as are necessary to carry out the purposes of this article. The developer must execute and record 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 the property. These covenants shall be senior to all instruments securing permanent financing; and

(2) Each qualified household purchasing a WHU shall be required to record a mortgage in favor of Miami-Dade County. 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.

(B) For WHUs for which the initial sale occurred after the effective date of this ordinance, the price for subsequent resale shall be controlled for a period of thirty (30) years after the initial sale. However, upon any resale and/or transfer to a new owner of such WHU within the initial thirty (30) year period of control, the prices for each subsequent resale and/or transfer to a new owner shall be controlled for a new thirty (30) year period commencing on the date of such resale or transfer of the WHU. Each initial thirty (30) year control period and each renewable subsequent thirty (30) year control period may be referred to as a sales price control period. For any WHU that is owned for an entire 30 year control period by the same individual(s), the price control term shall expire and the first sale of the unit after such expiration shall be in accordance with the requirements of this ordinance. Upon the expiration of the control period the County shall record in the public records of Miami-Dade County a release or other document of the WHU.

A WHU may not be resold during the control period set forth herein for an amount that exceeds the limits set by the County Manager or designee and, prior to offering the dwelling unit for sale, the sales price shall be approved by the Department.

WHUs offered for sale during any control period shall not be offered for a price greater than the current maximum WHU sales price as determined by the Department at the time of sale.

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The covenants recorded by each developer of WHUs shall state in said covenant that the unit is subject to all of the provisions as set forth as follows:

1. The covenants shall be senior to all instruments securing permanent financing, and the covenants shall be binding upon all assignees, mortgagees, purchasers and other successors in interest, except that the covenants shall be released in the event of foreclosure by an eligible lender.

2. The total aggregate amount of principal and accrued interest for all financing secured by an individual upon their initial purchase of a WHU shall not exceed the owner's purchase price up to 105% 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 the WHU Program.

Section 17-134. Eligibility of households for workforce housing units.

Eligibility for rental or purchase of WHUs shall be based on household size and income. The rental WHUs shall be restricted to occupancy by eligible households whose household income is from 65% to 140% of the Area median income. The owner-occupied WHUs shall be restricted to occupancy by eligible households whose household income is from 65% to 140% of the Area median income. An eligible household must receive a Certificate of qualification from the Department to become a qualified household for a WHU.

Eligibility for continued ownership or rental of a WHU shall be contingent upon the qualified household's use of the WHU as their primary residence.

(A) A qualified household who purchases a WHU and who discontinues occupancy of the unit as their primary residence shall be required to offer the unit for resale under the provisions of this article.

(B) A qualified household that leases a WHU and who discontinues occupancy the unit as their primary residence shall be required to vacate said unit.

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Section 17-135. Affordability controls.

(A) Initial sale or rental to general public.

(1) Every WHU required to be established under this article and Chapter 33, Article XIIA of the Code of Miami-Dade County shall be offered for sale or rental to an eligible, good faith purchaser or renter to be used for his or her own primary residence.

(2) Sixty (60) days prior to offering any WHU for sale or rent, the Developer shall notify the Department of such offering. The notice shall set forth the number, size, price, and location of the WHU offered and shall provide a description of each WHU's finishes and availability. The notice shall also include a copy of the Workforce Housing Plan, and any such additional information the Department deems necessary.

(3) Upon notification from the Developer, the Department shall make such notice available to eligible households through its web site and a prominently located posting at the Miami-Dade Housing Agency and other locations designated by the County.

(4) If the Department determines an eligible household qualifies for the rental or owner-occupied WHUs, the Department will issue a certificate of qualification. In order to receive a certificate of qualification, an eligible household must provide an affidavit that the WHU will be its primary residence.

(5) A qualified household who has purchased a WHU shall not sell or lease said WHU without first obtaining a valid certificate of qualification from the prospective eligible household.

(B) Right of first refusal.

The Developer of a WHU developed as a result of this article and Chapter 33, Article XIIA of the Code 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 cannot be located after six (6) months from the date the WHU is offered for sale. In the event that no qualified household is located to purchase a WHU within six (6) months from the date the WHU is first offered by the Developer, the Department shall recommend to the County Manager whether the County should exercise its right of first refusal to purchase the WHU. In the event the Department makes such recommendation and the County Manager concurs, the Department shall notify the Developer of the County's decision. The County Manager is authorized negotiate and execute any

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contracts to purchase the available WHU, without prior approval from the Miami-Dade Board of County Commissioners, from the funds earmarked in the Workforce Housing Trust Fund, which has been established pursuant to Section 17-132 of the Code of Miami-Dade County. Notwithstanding this authorization to purchase, the County Manager shall bring to the Board of County Commissioners a resolution seeking ratification of said purchase at the next Board meeting following the month in which the WHU is purchased.

(C) Control of resale prices

(1) The maximum sales price, with the exception of sales under order of court, permitted on resale of a WHU shall be the lesser of:

(a) the maximum sales price for a WHU as set by the Department at the time of resale to an eligible household; or

(b) the market value of the unit for sale.

(2) Any qualified household who has purchased a WHU shall notify the Department in writing of their intent to offer the WHU for resale no later than when a valid sales contract is executed with a prospective buyer, for the WHU. The Department shall determine the maximum allowable sale price of said WHU, pursuant to subsection (C)(1). The WHU may be resold to any eligible household.

(3) Before closing a sale, the seller of the WHU shall submit to the Department for approval (which approval shall not be unreasonably withheld or delayed):

(a) a copy of the proposed sales contract;

(b) a signed copy of the buyer's certification of qualifications (if not provided by the Department); and

(c) an affidavit signed by the seller and the buyer attesting to the accuracy of all documents and conditions of the sale.

(4) No resale of a WHU shall be considered to be in compliance with this article until all required documents and affidavits have been submitted to and approved by the Department.

(5) The Department shall either approve or disapprove all required documents and affidavits in writing no later than five (5) business days after they are submitted to the Department. The Department's failure to issue such approval or disapproval within the required time period shall result in such documents and

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affidavits being deemed approved. If the Department disapproves such documents or affidavits then the Director shall provide the seller, in writing, with reasons for such disapproval and an opportunity to correct any deficiencies.

(D) Resale requirements during the control period.

The County Manager may adopt additional requirements for reselling WHUs consistent with this article, including but not limited to a requirement that within 48 hours prior to closing, a seller submit to the Department for approval:

(1) a copy of the proposed sales contract, including a list and the price of any personal property included in the sale;

(2) a signed copy of the settlement sheet; and

(3) an affidavit signed by the seller and buyer attesting to the accuracy of all documents and conditions of the sale.

(E) Foreclosures and other proceedings.

(1) If any qualified household of a WHU defaults on their 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 suit 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 WHU Trust Fund.

(2) In any suit, action or proceeding, including but not limited to bankruptcy, probate or any other action affecting the WHU, where monies are recovered by the County, shall be deposited into the WHU Trust Fund.

Section 17-136. Reports to the Board of County Commissioners .

The Director shall submit regular reports to the Miami-Dade Board of County Commissioners concerning compliance with the provisions of this article. This report shall be provided on a semi-annual basis for the first two years after the effective date of this ordinance, and annually thereafter.

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Section 17-137. Enforcement.

(A) The provisions of this article shall apply to all agents, successors and assignees of an applicant.

(B) This article shall be enforceable in accordance with the provisions of Chapter 8CC of this code. Violations of this article shall also be punishable by a fine not to exceed 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 17. Section 8-8.1 of the Code of Miami-Dade County is hereby created to read as follows:

>>**Section 8-8.1 Expedited permit program for workforce housing units.**

It is the intent of Miami-Dade County to encourage private, for profit developers to construct moderately priced housing or workforce housing units. As used in this section, workforce housing units shall mean those WHUs which are priced (selling price or rent) at levels to be affordable to households which meet the workforce housing target income range. To that end, the Building Official shall implement a program to expedite the review and approval of permit applications for workforce housing units. The expedited permit program for workforce housing units shall be implemented through administrative order to be approved by the Board of County Commissioners.<<

Section 18 . Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Section 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

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*	*	*
Code Section	*Description of Violation*	*Civil Penalty*
*	*	*
>>33-193.16	Failure to comply with Chapter 33, Article XIIA of the Code of Miami-Dade County	$1,000<<
*	*	*
All other Chapter 33 violations		$500.00

Section 19. 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 20. 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 part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be re-numbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 21. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency: _____

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Prepared by:

Sponsored by Commissioner Barbara J. Jordan

Not reviewed for legal sufficiency

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