

MEMORANDUM

Agenda Item No. 7(B)
(Second Reading: 6-2-26)
April 21, 2026


TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE:

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning;
creating section 33-39.5 of the
Code; providing for
administrative acceptance and
approval of covenants relating to
the Live Local Act in connection
with proposed developments
located within transit-oriented
developments or areas in the
County, under certain
circumstances; providing
criteria, requirements, and
procedures applicable to such
covenants and modification of
such covenants

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor
Commissioner Raquel A. Regalado.




Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001

Date: June 2, 2026

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact and Social Equity Statement for Ordinance Relating to the Miami-Dade County Zoning Regulations, Creating Section 33-39.5 of the Miami-Dade Code, Providing for Administrative Acceptance and Approval of Covenants Relating to the Live Local Act

The Live Local Act, enacted by the Florida Legislature in 2023, preempts certain local zoning and land use regulations to encourage and promote the development of affordable housing. The Act has since been amended in subsequent years and is codified in section 125.01055(7) of the Florida Statutes.

Subpart (7)(h) of section 125.01055(7)(h), Florida Statutes, provides that a proposed Live Local Act development that is “located within a transit-oriented development or area, as recognized by the county, must be mixed-use residential and otherwise comply with requirements of the county’s regulations applicable to the transit-oriented development or area except for use, height, density, floor area ratio, and parking as provided in this subsection or as otherwise agreed to by the county and the applicant for the development.”

The proposed ordinance creates section 33-39.5 of the Miami-Dade County Code relating to proposed Live Local Act developments located within transit-oriented developments or areas. Specifically, the newly created section facilitates the type of agreements permitted under subpart (7)(h) of the statute by authorizing the Director to administratively accept and approve covenants running with the land, without the need for a public hearing, to memorialize development parameters such as height, density, floor area ration (FAR), and parking, as agreed to by the applicant.

These parameters in the covenant would then apply to and govern future Live Local Act development on the property but would not obligate a property owner to develop solely under the Live Local Act. This ordinance does not require that such a covenant be executed in order to develop under the Live Local Act.

As provided in the ordinance, these covenants may be accepted regardless of current Live Local eligibility, zoning designation, or jurisdiction, must be legally sufficient and recorded in the public record, and may be modified administratively pursuant to Section 33-310.1.

Social Equity

This ordinance may facilitate the development of mixed-use residential developments in transit-oriented developments and areas, which may promote and encourage affordable housing near public transportation and reduce reliance on automobiles and have a positive social benefit. Concentrating development in transit-supportive locations can enhance walkability, reduce

traffic congestion, and improve overall quality of life. In addition, by providing for the administrative acceptance of the types of agreements permitted by subpart (7)(h) of the Live Local Act, the ordinance also provides a mechanism for the County and a developer to agree upon appropriate development parameters for a future Live Local Act project to ensure, for example, compatibility with the surrounding area. In this way, the proposed ordinance provides the County and applicants with the opportunity to work together to facilitate appropriately scaled projects in transit-oriented developments and areas.

Fiscal Impact

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County.



Roy Coley
Chief Utilities and Regulatory Services Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: June 2, 2026

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

Please note any items checked.

- _____ **“3-Day Rule” for committees applicable if raised**
- _____ **6 weeks required between first reading and public hearing**
- _____ **4 weeks notification to municipal officials required prior to public hearing**
- _____ **Decreases revenues or increases expenditures without balancing budget**
- _____ **Budget required**
- _____ **Statement of fiscal impact required**
- _____ **Statement of social equity required**
- _____ **Ordinance creating a new board requires detailed County Mayor’s report for public hearing**
- _____ **No committee review**
- _____ **Requires more than a majority vote (i.e., 2/3’s present ____, 2/3 membership ____, 3/5’s ____, unanimous ____, majority plus one ____, CDMP 7 votes (majority of membership) ____, CDMP 2/3 members present but not less than 7 votes (majority of membership) ____, CDMP 9 votes (2/3 membership) _____) to approve**
- _____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(B)
6-2-26

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; CREATING SECTION 33-39.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR ADMINISTRATIVE ACCEPTANCE AND APPROVAL OF COVENANTS RELATING TO THE LIVE LOCAL ACT IN CONNECTION WITH PROPOSED DEVELOPMENTS LOCATED WITHIN TRANSIT-ORIENTED DEVELOPMENTS OR AREAS IN THE COUNTY, UNDER CERTAIN CIRCUMSTANCES; PROVIDING CRITERIA, REQUIREMENTS, AND PROCEDURES APPLICABLE TO SUCH COVENANTS AND MODIFICATION OF SUCH COVENANTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Live Local Act is codified in section 125.01055(7) of the Florida Statutes;
and

WHEREAS, the Live Local Act was enacted by the Florida Legislature in 2023 with the goal of increasing the supply of affordable and workforce rental housing across the state by streamlining local land development processes and providing financial incentives; and

WHEREAS, from a land use perspective, the Live Local Act provides that, with certain exceptions, local governments must administratively approve multifamily and mixed-use residential developments in an area zoned for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that are made affordable, within the meaning of state law, for a period of at least 30 years; and

WHEREAS, the statute provides that a county may not restrict the density, floor area ratio, and height of a proposed Live Local development below certain thresholds under certain circumstances and subject to certain exceptions; and

WHEREAS, regarding parking, the statute requires a county to reduce or eliminate the parking requirements for proposed Live Local developments under certain circumstances in areas that are, for example, located near transit stops or major transportation hubs or within a transit-oriented development or area; and

WHEREAS, however, the statute also provides that for proposed Live Local developments located within a transit-oriented development or area, the applicant and the county may agree to development parameters for the project that differ from what is specified in the statute regarding height, density, floor area ratio, and parking; and

WHEREAS, among other areas, the Rapid Transit Zone (RTZ) within the County constitutes a transit-oriented development or area; and

WHEREAS, other areas of the County that, consistent with the Comprehensive Development Master Plan and relevant provisions of the County Code, emphasize a mix of land uses to promote transit use and decrease the dependence on automobiles may also be deemed transit-oriented developments or areas; and

WHEREAS, to facilitate the type of agreements permitted under the Live Local statute, this Board wishes to provide for the administrative acceptance of covenants relating to Live Local projects within transit-oriented developments or areas of the County, together with applicable requirements, criteria, and procedures related to such covenants,

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

Section 1. Section 33-39.5 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 33-39.5 – Administrative Acceptance of Covenants for Live Local Act Projects in Transit-Oriented Developments or Areas

- (A) Pursuant to section 125.01055(7)(h) of the Florida Statutes, a proposed Live Local development located within a transit-oriented development or area, as recognized by the County, must be mixed-use residential and otherwise comply with the County’s regulations applicable to the transit-oriented development or area except for use, height, density, floor area ratio, and parking as provided in the statute or as otherwise agreed to by the County and the applicant for the development.
- (B) To facilitate the agreements referenced in section 125.01055(7)(h), the Director is authorized to administratively accept and approve, on behalf of the County, a covenant running with the land proffered by a property owner that specifies, for example, the maximum height, density, and floor area ratio and parking requirements applicable to any development on the property that may be undertaken pursuant to the Live Local Act, section 125.01055(7) of the Florida Statutes. Such a covenant may be accepted and approved regardless of whether the respective property is at the time eligible to develop pursuant to the Live Local Act and regardless of the zoning designation or jurisdiction of the property.
- (C) The covenant shall be in a legally sufficient form acceptable to the Director. Upon acceptance and approval, the covenant shall be recorded in the official public records of the County.
- (D) The covenant may thereafter be modified administratively in accordance with the standards and procedures otherwise applicable for administrative modifications of covenants in section 33-310.1, regardless of whether such covenant was accepted at a public hearing or in connection with a prior zoning action. It is provided, however, that if the requested modification does not qualify for said administrative modification pursuant to section 33-310.1, as determined by the Director, such covenant modification may be approved only by the Board of County Commissioners after public hearing through a zoning application.

Section 2. 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 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the County 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:

MBV for

Prepared by:

James Eddie Kirtley
Lauren E. M. Alvarez



Prime Sponsor: Commissioner Raquel A. Regalado