



VILLAGE OF PINECREST
Village Council Meeting

Village Council
Cindy Lerner, Mayor
James E. McDonald, Vice Mayor
Cheri Ball
Doug Kraft
Bob Ross

Yocelyn Galiano, ICMA-CM
Village Manager

Guido H. Inguanzo, Jr., CMC
Village Clerk

Mitchell Bierman
Village Attorney

SPECIAL MEETING AGENDA

WEDNESDAY, AUGUST 3, 2016, 9:00 A.M.

PINECREST MUNICIPAL CENTER/COUNCIL CHAMBER
12645 PINECREST PARKWAY
PINECREST, FLORIDA

- I. CALL TO ORDER/ROLL CALL OF MEMBERS
- II. PLEDGE OF ALLEGIANCE
- III. SPECIAL ORDER:
 - A. AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING TEXT AMENDMENTS AND UPDATES TO THE GOALS, OBJECTIVES, AND POLICIES OF THE VILLAGE OF PINECREST COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL REQUIRED REVIEWING AGENCIES; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. (FIRST READING/PUBLIC HEARING)
 - B. A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, EXPRESSING OPPOSITION TO MIAMI-DADE COUNTY'S PROPOSED MANDATORY WORKFORCE HOUSING ORDINANCE; URGING THE BOARD OF COUNTY COMMISSIONERS NOT TO APPLY THE PROPOSED ORDINANCE WITHIN ANY OBJECTING MUNICIPALITY; PROVIDING FOR TRANSMITTAL; PROVIDING FOR AN EFFECTIVE DATE.



12645 Pinecrest Parkway, Pinecrest, Florida 33156
T: 305.234.2121 | F: 305.234.2131
www.pinecrest-fl.gov



IV. ADJOURNMENT

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE VILLAGE CLERK AT (305) 234-2121 NOT LATER THAN FOUR BUSINESS DAYS PRIOR TO SUCH PROCEEDING.

PURSUANT TO FLORIDA STATUTE 286.0105, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING SHALL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING TEXT AMENDMENTS AND UPDATES TO THE GOALS, OBJECTIVES, AND POLICIES OF THE VILLAGE OF PINECREST COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL REQUIRED REVIEWING AGENCIES; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on February 9, 1999, the Village Council adopted the Village's Comprehensive Development Master Plan (CDMP) pursuant to Ordinance 99-04; and

WHEREAS, the Village Council has subsequently amended the CDMP to address requirements of the Evaluation and Appraisal Report completed in 2005, to update the Capital Improvements Element, to include updates in conjunction with completion of a ten-year water supply facilities work plan, and to include a Climate Change Element; and

WHEREAS, the Village Council has updated the Comprehensive Plan's supporting background data and analysis; and

WHEREAS the Village Council wishes to amend and update the CDMP based on the updated background data and analysis, and to reflect current goals of the Village Council; and

WHEREAS, after having received input and participation by interested members of the public and staff, the Village Council found the proposed update to the Comprehensive Development Master Plan to be consistent with the Village Council's current goals including goals of the Village's Strategic Plan; and

WHEREAS amendments to the Comprehensive Development Master Plan were prepared in accordance with Chapter 163.3177 Florida Statutes; and

WHEREAS, the Local Planning Agency (LPA) has reviewed the proposed amendments to the Village of Pinecrest Comprehensive Development Master Plan at a public hearing on July 5, 2016 and has forwarded the proposed amendments to the Village Council with a recommendation for approval; and

WHEREAS, the Village Council held a public hearing on August 3, 2016 prior to transmitting the proposed amendments to the Florida Department of Economic Opportunity and other required review agencies; and

WHEREAS, the Village Council of the Village of Pinecrest, Florida held a second public hearing on _____, 2016; and

WHEREAS, said public hearings were advertised in accordance with Chapter 163.3184 and Chapter 166.041, Florida Statutes; and

WHEREAS, the Village Council hereby finds it to be in the best interest of the public health, safety and welfare of the citizens to adopt the amendments to the Comprehensive Development Master Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA:

SECTION 1. Recitals.

The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

SECTION 2. Amendment and Adoption.

The amendments to the Goals, Objectives and Policies of the Comprehensive Development Master Plan, attached hereto and incorporated herein as Exhibit "A", are hereby adopted.

SECTION 3. Inclusion in the Comprehensive Plan.

It is the intention of the Village Council and it is hereby ordained that the amendments to the Village of Pinecrest Comprehensive Plan made by this Ordinance as set forth in Exhibit "A" shall become part of the Village of Pinecrest Comprehensive Development Master Plan, and that the sections of this Ordinance may be renumbered and relettered as necessary, and that the word "Ordinance" may be changed to "Section, "Article" or other appropriate word.

SECTION 4. Transmittal.

The Village Clerk is hereby directed to transmit the proposed amendments to the Comprehensive Development Master Plan and supporting Data and Analysis, which is attached hereto as Exhibit "B", to the Department of Economic Opportunity of the State of Florida and other appropriate public agencies, and upon adoption of this Ordinance is further directed to ensure that this Ordinance and all other necessary documents are forwarded to the Florida Department of Economic Opportunity and other agencies in accordance with Section 163.3184(3), Florida Statutes.

SECTION 5. Conflicts.

All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. Severability.

If any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. Effective Date.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the Village of Pinecrest that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of non-compliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED on first reading and transmitted to the Florida Department of Economic Opportunity and other required review agencies.

PASSED AND ADOPTED on second reading this __th day of _____, 2016.

Cindy Lerner, Mayor

ATTEST:

Guido H. Inguanzo, Jr., CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Mitchell Bierman
Village Attorney

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Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: July 26, 2016

TO: Yocelyn Galiano, ICMA-CM, LEED-GA
Village Manager

FROM: Stephen Olmsted, AICP, LEED-GA
Planning Director

RE: Comprehensive Development Master Plan
Background Data and Analysis; Goals, Objectives, and Policies - Update

The Village of Pinecrest has retained the services of Redevelopment Management Associates (RMA) to assist in completion of the update of the Village's Comprehensive Development Master Plan. RMA presented the proposed amendments to the Comprehensive Plan to the Local Planning Agency (LPA) in a public hearing on July 5, 2016 and has subsequently revised the draft amendments to reflect changes requested by the LPA. Revisions to both the Goals, Objectives, and Policies and to the supporting Background Data and Analysis are attached. Changes to the Goals, Objectives, and Policies have also been inserted into the Village Council's individual plan documents.

Proposed changes to the Comprehensive Plan include revisions and updates to both the supporting Background Data and Analysis and to the Goals, Objectives, and Policies of the Comprehensive Plan. Proposed amendments to the Goals, Objectives, and Policies are shown in strike-through and underline text. The Background, Data and Analysis is new text and is not shown in strike through and underline format.

Completion of the draft update to the Comprehensive Plan has occurred over the course of the past several months with participation by individual members of the Village Council, the Village Manager, Department Directors, and others. The consultants interviewed individual members of the Village Council and Zoning Board. A survey questionnaire was mailed to 1,500 Pinecrest households to solicit public input. A total of 466 surveys were returned and a summary of the survey results has been provided in the Background Data and Analysis. Additionally, members of the Transportation Advisory Committee, residents, and owners and representatives of businesses adjacent to Pinecrest Parkway (US 1) were invited to participate in a planning workshop meeting that was held on June 2, 2016.



Mr. Alex David of RMA will provide a presentation of the draft plan amendments to the Village Council for review and consideration at first reading on August 3, 2016. Following review by the Village Council at first reading, staff will make all requested changes, transmit the revised draft to the State Land Planning Agency and other required review agencies, and schedule the proposed amendments for the Village Council's final consideration at second reading.

If you have questions or require additional information, please advise.



REINVENTING YOUR CITY

July 22, 2016

Mr. Stephen R. Olmsted, AICP
Planning Director
12645 Pinecrest Parkway
Pinecrest, Florida 33156

Dear Mr. Olmsted:

**REVISIONS BASED ON LPA COMMENTS
FOR PUBLIC HEARING DRAFT OF 2016 CDMP UPDATE**

For your records, we are providing this summary of the changes made to the Public Hearing Draft of the Comprehensive Development Master Plan update based on the comments received at the Local Planning Agency (LPA) hearing held on July 5, 2016.

Goals, Objectives and Policies Document:

Cover: removed "Council Member" as a title

Page 1-2: removed word "native" in Policy 1-1.1.2

Page 1-6: removed word "native" from Policy 1-1.5.5 and removed "Mast Arm" from title of Policy 1-1.5.6

Page 1-25: added Coral Pine Park Pineland Preserve to #3 under Policy 1-3.2.2

Page 1-27: removed word "native" from Policy 1-3.2.6, second set of bullets, first bullet

Page 1-29: Policy 1-3.4.4 removed data and analysis from historic preservation policy

Page 1-31: removed word "native" from Policy 1-3.7.3

Map 2-5: corrected date to 2030 (See Note 1 below regarding LOS on SW 57th Avenue)

Page 2-10: Policy 2-1.3.1 changed name to South Dade Transit Way

Page 2-11: Policy 2-1.4.1 changed name to South Dade Transit Way

Page 2-12: Policy 2-1.5.1 added "Consider initiating..."

Page 3-3: Policy 3-1.3 removed "mobile home"

Page 3-4: Policy 3-1.3.5 removed "mobile home"

Page 3-5 and 3-6: Policy 3-1.5.5 removed data and analysis from historic preservation policy

Page 4-4: Policy 4-2.1.1 changed "non-residential" to "commercial"

Page 4-14: Policy 4-4.2.2 added to last bullet "Scheduling and...reduce carbon impacts from trucks".

Page 5-7: Policy 5-1.6.1 added "exotic" and removed "Conduct a tree canopy survey of the Village and.."

Page 5-8: Policy 5-1.8.3 removed data and analysis from historic preservation policy

Page 6-2: Policy 6-1.1.9 modified wordage that was previously from Strategic Plan

Page 8-14: Policy 8-1.5.1 added sanitary sewer and potable water demand multipliers to LOS standard.

Note 1: The Christ the King traffic study provided by the Village for the LOS on SW 57th Avenue cannot be used to determine the 2030 LOS for this roadway because it is an intersection analysis of the AM Peak Hour LOS at the intersections at SW 111 Street and the project driveways only. It is not a PM

Peak hour link analysis of SW 57th Avenue which is what is necessary to be consistent with the intent of the LOS map. As previously stated, the 2030 LOS projection for this roadway is not available at this time.

Data and Analysis Document:

Cover: removed "Council Member" as a title and changed date

Table of Contents: Added Historic Resources to Page 39

Page 39: Added paragraph about Historic Resources

Page 40: Added Florida Department of State Master Site File list and map

As you may recall, we collected the Goals, Objectives and Policy books from the Council and we will be returning those books with the revised pages inserted. The Data and Analysis document was not collected so the above four revised pages will be provided as an addendum to that document.

One final note: In context of the public survey taken as part of the CDMP update process, Council Member Ball noted that the People Mover ridership is significant in its current function which is taking children to school. Though the comment was noted at the LPA hearing, People Mover related data, analysis and policies are not part of the CDMP update and thus could not be referenced in the two CDMP work products.

We look forward to the transmittal public hearing currently scheduled for August 3, 2016.

Sincerely,

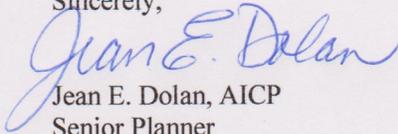

Jean E. Dolan, AICP
Senior Planner



Exhibit A

Village of Pinecrest

COMPREHENSIVE DEVELOPMENT MASTER PLAN UPDATE

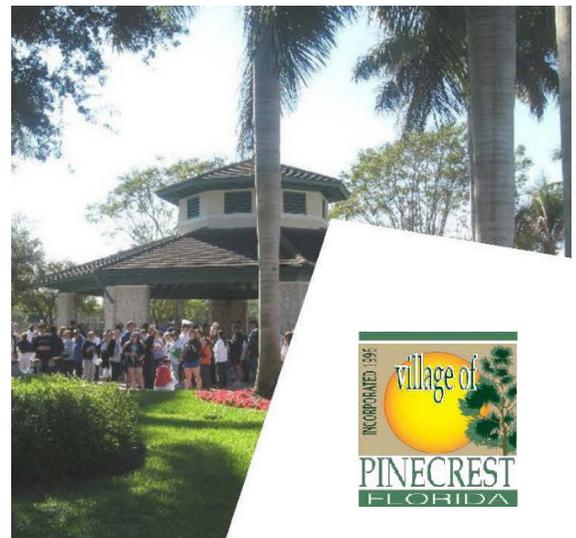
GOALS, OBJECTIVES, POLICIES

Adopted October 11, 2016 (tentative date)

Village Council

Cindy Lerner, Mayor
James E. McDonald, Vice Mayor
Cheri Ball
Doug Kraft
Bob Ross

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mass, building placement on site, building orientation and fenestration. These provisions shall be directed toward protecting privacy, as well as access to light, air and open space. Other reasonable design principles shall be included in the land development regulations in order to alleviate adverse impacts of potentially incompatible land uses.

Policy 1-1.1.2: Promote Orderly Land Use Transition. Where it is infeasible to separate residential from nonresidential land uses, buffering shall be required to promote a smooth land use transition. Buffering may take the form of: 1) physical barriers, such as vegetative berms, hedges or other landscape cover; walls or fences aesthetically designed for screening purposes; and open space systems with dense native vegetation and tree canopy; and/or 2) the development of a transitional use between the incompatible uses (such as low intensity office development between general retail commercial centers and residential areas).

Policy 1-1.1.3: Encourage Separation of Urban and Rural Land Uses. ~~The Village of Pinecrest contains no significant productive rural or agricultural lands.~~ The character of the residential development in the Village is generally rural and separation and protection from encroachment of development along the more urban edges of the Village, particularly along the Pinecrest Parkway (US 1) corridor and Kendall Drive, will continue to be implemented per the zoning requirements and design standards in the Land Development Regulations. Visual and aesthetic urban encroachments along the Village edges outside the jurisdiction of the Village will also be strongly discouraged.

OBJECTIVE 1-1.2: ALLOCATING COMMERCIAL DEVELOPMENT. The Future Land Use Map shall allocate land area to accommodate a variety of commercial uses along the east side of the Pinecrest Parkway corridor--the only area within the Village which has over time accommodated commercial development. Although the Village shall continue to promote this corridor as the Village's center for commerce, the Village shall not allow expansion of commercial development eastward into existing established residential areas designated on the Future Land Use Map for continued residential development.

Policy 1-1.2.1: General Considerations for Locating Commercial Development. The location and distribution of specific types of commercial activities shall be determined based on the following considerations:

1. Trip generation characteristics, including impact on transportation facilities and off-street parking systems, and proximity to transit facilities;
2. Location and site requirements based on specific needs of respective commercial activities, their market area, anticipated employment generation and floor area requirements;
3. Compatibility with and impact on nearby residential and other surrounding commercial activities;
4. Relationship to surrounding land uses and natural systems; and

Policy 1-1.5.3: Roadway Corridor Landscape Beautification. The Village Council shall encourage Village homeowner associations and civic groups to adopt a major corridor, strategic intersection, subdivision entryways, and other special areas for landscaping and perpetual maintenance. The Village shall facilitate the purchase of landscaping material. Similarly, such projects shall be coordinated through the Village Public Works Department to ensure that all such initiatives are consistent with the overall scheme for landscaping within the Village.

Policy 1-1.5.4: Promoting Village Identity through Municipal and Street Signage. The Village shall maintain all street signs that promote Village identity, knowledge of Village boundaries, and sense of community.

Policy 1-1.5.5: Linking Village Focal Points with Pedestrian-ways and Bike-ways. The Village shall assign priorities and consider allocating funds for constructing and maintaining pedestrian-ways and bike-ways along the corridors which link Village residents with focal points within the Village, including schools, parks, places of worship, and the Village commercial center along Pinecrest Parkway while being sensitive to the preservation of mature street trees.

Policy 1-1.5.6: Street Furniture. Consider adopting one or more standard designs for street furniture, which may include but are not limited to, street light fixtures, benches, planters, bus stops, waste receptacles and traffic signal mast arms to promote the Village identity and sense of place.

OBJECTIVE 1-1.6: ACQUISITION OF LAND TO FURTHER THE FUNCTION AND FORM OF THE VILLAGE. The Village shall acquire land necessary for fulfilling vital Village functions. The land acquisitions shall be strategically located in order to maximize accessibility to populations served. Development of the acquired sites shall be consistent with specific plans designed to:

- Achieve cost efficiency;
- Fulfill the spatial and functional needs of the intended uses;
- Enhance the appearance of the Village; and
- Establish highly visible Village focal points which reinforce a sense of community.

Policy 1-1.6.1: Interlocal Agreement for Joint School/Park Sites. The Village shall consider whether to renegotiate interlocal agreements with the Miami-Dade County School Board to implement recreation facilities at one or more of the following sites: Pinecrest Elementary School; Palmetto Elementary and Middle School site; and/or Miami Palmetto Senior High School.

Policy 1-1.6.2: Village Management and Service Center. The Village shall conduct a land and facilities space study focused on existing and projected future Village needs for land and building area, as well as ongoing existing facility maintenance, required to accommodate Village Hall functions and essential facilities, including administrative, service, public works, and code compliance operations; Council meetings and public forums; parking and other accessory facilities.

OBJECTIVE 1-3.2: MANAGE AND COORDINATE FUTURE LAND USE DECISIONS.

The Village shall enforce Land Development Regulations which ensure that land development activities, resource conservation, and infrastructure issues are managed effectively, including timely coordination with County, regional, and State agencies having jurisdictional authority. Management of land and physical improvements identified on the Future Land Use Map will be regulated (especially lands identified in the land use element analysis of vacant lands) in order to protect and/or conserve natural systems, including soil conditions, vegetation, natural habitat, and potable water. Land use shall also be predicated on availability of man-made infrastructure and service systems required to support respective land use activities.

Policy 1-3.2.1: Future Land Use Map and Related Policies. The Future Land Use Map and related policies identified in section I-2 "Future Land Use Map," provide definitions of land use designations and qualitative standards which shall be applied in allocating future land use designations.

Policy 1-3.2.2: Comprehensive Plan Implementation and Land Development Regulations.

The Village Land Development Regulations ensure that qualitative and quantitative performance criteria are applied in the development review process to achieve consistency with the Comprehensive Plan, especially directives set forth in §1-2. The Village shall require maintenance and continuing adherence to these criteria. The Land Development Regulations shall be enforced and shall be revised as needed in order to: 1) effectively regulate future land use activities and natural resources identified on the Future Land Use Map; 2) adequately protect property rights; and 3) implement the goals, objectives, and policies stipulated in the Comprehensive Plan. The Land Development Regulations shall include a regulatory framework to:

1. Regulate the subdivision of land;
2. Regulate the use of land and water consistent with this Element, ensure the compatibility of adjacent land uses, and provide for open space;
3. Protect the environmentally sensitive lands as well as flora and fauna as stipulated in the Comprehensive Plan to include but not be limited to the Coral Pine Park Pineland Preserve;
4. Regulate land use and minimum ~~building~~ finished floor elevations in areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;
5. Regulate signage;
6. Ensure safe and convenient on-site and off-site traffic flow and vehicle parking needs and prohibit development within future rights-of-way; and
7. Provide that development orders and permits shall not be issued which result in a reduction of levels of services for impacted public facilities below the levels of service standards which shall be adopted by the Village Council.

CHAPTER 1: FUTURE LAND USE ELEMENT

Policy 1-3.2.6: Redevelopment Planning Activities. Based on ongoing land use management and development trends, the Village anticipates that over the planning horizon to the year ~~2015~~ 2030 several areas within the community will experience pressure for development and redevelopment which could impact:

- Established Land Use Patterns
- Stability of Established Single Family Neighborhoods
- Land Use Compatibility
- Pinecrest Parkway Commercial Corridor
- Public Facilities
- Housing Resources
- Neighborhood Identity
- Urban Design and Open Space Systems

The Village shall maintain Land Development Regulations for managing development in a manner consistent with goals, objectives and policies of the Comprehensive Plan. The purpose and intent is to ensure that potential community-wide impacts generated by future development are managed in a manner consistent with the Comprehensive Plan. The Land Development Regulations shall provide a regulatory framework which assists in resolving the following issues:

- Prevent loss of open space, landscaping, ~~native~~ vegetation and tree canopies.
- Prevent encroachment of non-residential uses into residential areas.
- Maintain and enhance infrastructure levels of service consistent with the goals, objectives, and policies of the Comprehensive Plan.
- Maintain and enhance traffic and pedestrian flow improvements.
- Require screening and/or buffer areas adjacent to areas of potentially incompatible land uses.

OBJECTIVE 1-3.3: MANAGE DEVELOPMENT AND REDEVELOPMENT. The Village shall maintain Land Development Regulations which incorporate a regulatory framework for managing future development and redevelopment in a manner consistent with the Comprehensive Plan. Redevelopment planning activities shall continue to ensure that redevelopment activities are compatible with adjacent land use. In single family residential areas redevelopment activities shall be planned and designed in a manner that does not disrupt the established pattern of single family residential development, including provision of required open space, preservation of trees, and control of building heights for purposes of preserving privacy and access to light and air. Similarly, new commercial development shall not encroach eastward into established residential areas designated for residential development on the Future Land Use Map.

Policy 1-3.3.1: Regulatory Enforcement Activities. Land Development Regulations and Building Code compliance activities shall be continued as an integral part of the Village's code compliance programs. The code compliance program shall preserve and protect structurally sound land improvements and land uses consistent with the Comprehensive Plan.

Policy 1-3.3.2: Public and Private Sector Partnerships. The Village shall coordinate development and redevelopment issues with the private sector. Efforts shall promote mobilization of public and private resources necessary to effectively carry out development and redevelopment activities which conform to the Village's character as reflected in the Village's adopted Future Land Use Map. Regulatory techniques such as conservation easements and qualitative standards requiring protection of natural resources as well as historically and archaeologically significant sites

Policy 1-3.4.3: Historical and Archaeological Sites Assessment and Survey. The Village of Pinecrest shall maintain land development regulations stating that should a permit application be submitted to the Village for a housing unit 50 years old or older, the Village shall require a historical assessment of the site prior to issuing any permit. Based upon these assessments, the Village shall determine whether a comprehensive professional survey identifying and analyzing potential architectural and historical sites and structures in Pinecrest is necessary. The Village shall seek the cooperation of the Miami-Dade County Office of Historic Preservation with regards to completion of said comprehensive professional survey. The survey, if necessary, shall primarily focus on structures and properties that are at least 50 years old, and any such structures or sites identified in the survey shall be added to the Village's list of locally significant historical resources.

Policy 1-3.4.4: Preservation of Historically Significant Resources. ~~Currently, the Florida Master Site File includes nine (9) residential housing units, Pinecrest Gardens, and Snapper Creek Canal as having historical significance. In the year 2000, Whilden Carrier Cottage, now relocated to Pinecrest Gardens, was designated as an historical structure. Also, the State has identified Old Cutler Road and Southwest 67th Avenue as a State Historic Roads.~~ The Village shall maintain land development regulations that preserve the identified historically significant resources. Until the Village adopts historic preservation regulations any development or redevelopment of the identified historic resources shall be governed by the Miami-Dade County historic preservation regulations and/or Chapter 74-100 Laws of Florida, as applicable.

OBJECTIVE 1-3.5: PROTECTION OF NATURAL RESOURCES. The Village shall maintain Land Development Regulations and shall continue to enforce regulations which ensure that development and conservation activities shall protect natural resources as directed by the below stated policies.

Policy 1-3.5.1: Future Land Use Policies for Managing Environmentally Sensitive Lands. Policies in the Conservation Element for managing environmentally sensitive natural systems, including, but not limited to, water resources, wetlands, native habitats and other environmentally sensitive resources shall be carried out through performance criteria in the Land Development Regulations.

These and other natural resources identified on the Future Land Use Map series shall be protected and/or preserved pursuant to goals, objectives, and policies stipulated in the Conservation Element. In addition, the Land Development Regulations shall provide more detailed procedures and performance criteria to implement conservation and natural resource protection.

The Land Development Regulations shall also provide for wetland preservation, compensatory wetland mitigation, and dedication of conservation easements for preserving open space. Such policies shall continue to be applied in order to protect and preserve natural resources which may in the future be threatened by development expectations.

applying such laws and regulations, the more restrictive shall prevail.

Policy 1-3.6.4: Accommodating Requisite Infrastructure. During the subdivision review, site plan review, and permitting processes the Village shall continue to ensure that respective future developments allocate sufficient land area for infrastructure required to support proposed development.

OBJECTIVE 1-3.7: CONSIDER APPLICATION OF INNOVATIVE LAND AND WATER RESOURCE MANAGEMENT AND ENERGY CONSERVATION CONCEPTS. The Village shall maintain Land Development Regulations which shall incorporate concepts for managing land, water, and energy resources which are responsive to unique development and conservation issues identified in the Village's Comprehensive Plan.

Policy 1-3.7.1: Incorporate Innovative Techniques in the Land Development Regulations. The Village shall maintain Land Development Regulations which incorporate land and water resource management techniques which have been demonstrated to be successful and cost effective in resolving development and conservation issues such as surface water management, soil erosion and sedimentation control, land clearing and excessive tree removal, loss of mature plants and wildlife habitat, and conservation of water supply.

Policy 1-3.7.2: Coordination of Energy Management. The Village shall participate in regional, State, or local initiatives directed at coordinating energy management within the public and private sectors. These tasks may include joint formulation of energy related decisions with concerned Federal, State, regional, and County agencies as well as with concerned private entities. Such activities shall be directed toward maximizing awareness of energy related problems and issues; alternative techniques for resolving energy related problems and issues; and to identify future areas where joint efforts may enhance mutual goals and objectives.

Policy 1-3.7.3: Energy Efficiency in Plans. The Village shall promote a systematic approach to the development of pedestrian and bicycle path networks by the public and private sectors in order to improve energy efficient transportation links between major activity areas such as residential neighborhoods, employment centers, shopping areas, parks, and schools while avoiding the loss of mature street trees, to the extent feasible.

Policy 1-3.7.4: Energy Conservation in Building and Construction. The Village shall enforce energy efficient building codes and promote efficient energy conservation in building heating and cooling systems. The Village shall promote attendance at regional training workshops in energy efficiency in construction and continue to foster cooperative relationships between building trades, architects, engineers and building officials.

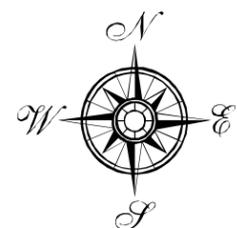
OBJECTIVE 1-3.8: INTERGOVERNMENTAL COORDINATION. The Village shall maintain administrative procedures to ensure efficient coordination of land and water management issues surrounding proposed development are carried out in a timely manner with all public entities having jurisdictional authority.



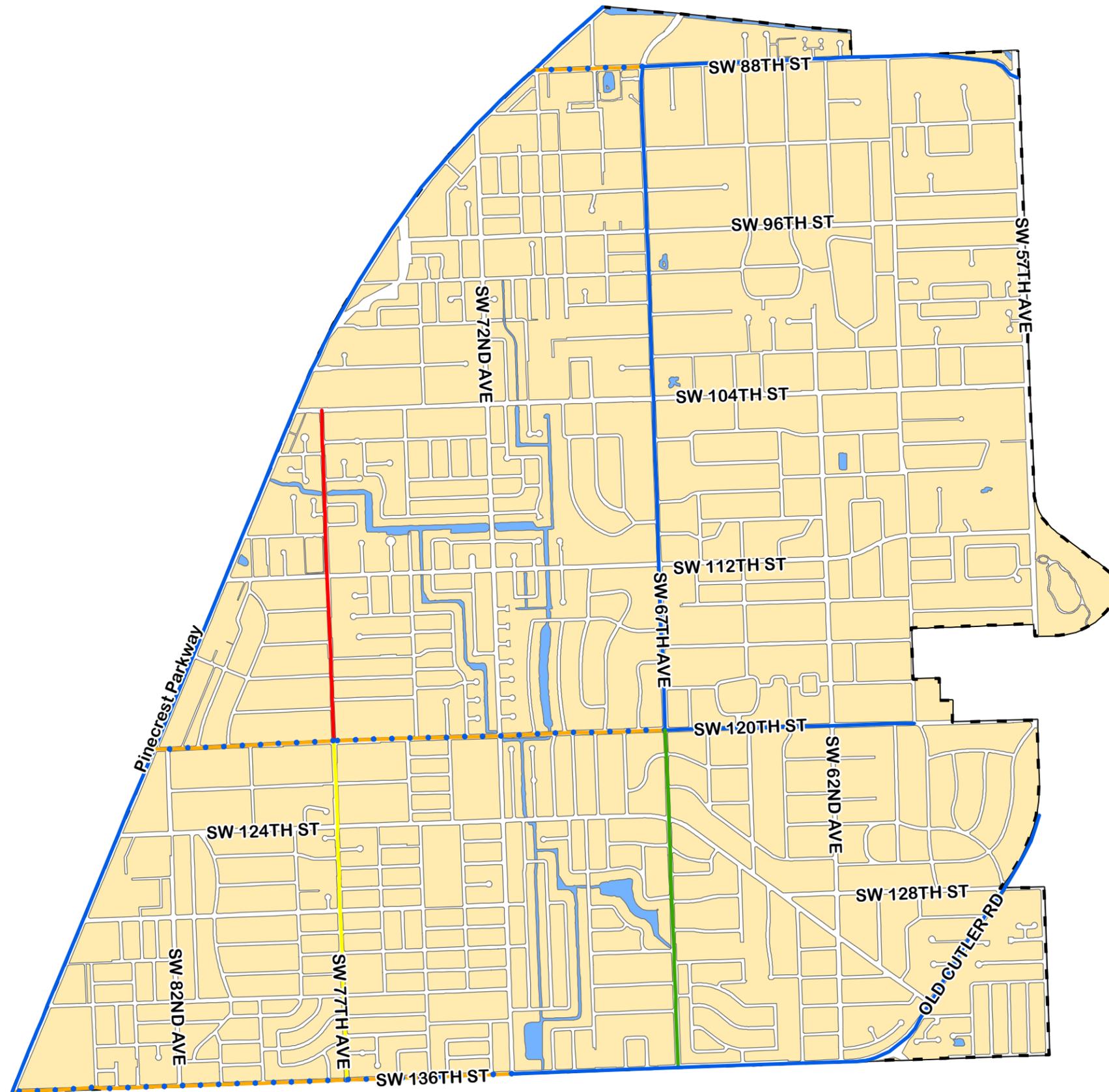
Village of Pincrest Comprehensive Plan Map 2-5: LOS Major Thoroughfares 2030

Legend

- Levels of Service B
- Levels of Service C
- Levels of Service D
- Levels of Service E
- Levels of Service F
- Pinecrest Border
- Water



0 0.75 1.5 Miles



Source: Village of Pincrest

OBJECTIVE 2-1.2: COORDINATE LAND USE AND TRAFFIC CIRCULATION. The Village shall coordinate the transportation system with the Future Land Use Map Series and ensure that existing and proposed population densities, housing and employment patterns, land uses, and all other short and long term development plans are consistent with the transportation modes and services proposed.

Policy 2-1.2.1: Facilitate Use of Bicycles and Pedestrian Movement. In continuing efforts to reduce consumption of energy resources, improve environmental sustainability, and reduce the emission of greenhouse gases, the Village shall provide land use and other strategies to promote the use of bicycles and pedestrian movement. In addition, the Village will establish a multi-agency planning and development review process for proposed public improvement plans for streets, pedestrian and bike ways, as well as any other public improvements which may potentially impact and/or further maintenance of an integrated multi-modal transportation system. In this manner the Village will establish and maintain a continuing technical review and coordination mechanism involving the Miami-Dade County MPO, the Florida Department of Transportation and adjacent municipalities in furthering objective, policies, and programs related to maintenance of an integrated multi-modal transportation system consistent with adopted level of service standards. The regulations shall require that developments impacting bicycle and pedestrian movement provide improvements that accommodate the safe movement of bicycles and pedestrians.

Policy 2-1.2.2: Establish Parking Strategies along Pinecrest Parkway and Major Generators. The Village shall establish parking strategies along Pinecrest Parkway and the major generators such as schools in order to promote the transportation goals and objectives set forth in this Plan. The strategies shall be enforced in coordinating ongoing and future transportation projects impacting land use and shall require off-street parking.

Policy 2-1.2.3: Establish Land Use, Site and Building Design Standards for Public Transit Corridors. The Village may establish land use, site and building design standards for development in exclusive public transit corridors, specifically along Pinecrest Parkway where Office and Commercial land uses exist. This will assure the accessibility of existing infill and new development to public transit.

OBJECTIVE 2-1.3 COORDINATE WITH MPO AND FDOT. The Village shall coordinate the transportation system services and facilities with the plans and programs of the MPO and FDOT.

Policy 2-1.3.1: Coordinate Roadway and Transit Improvements. The Village shall coordinate roadway and transit service improvements with the needs of the South ~~Miami-Dade~~ Bus Transit Way and future public transit related facilities.

Policy 2-1.3.2: Utilization of County and State Numerical Indicators. The Village shall use County and State numerical indicators for measuring the achievement of Village mobility goals.

1. Modal Split: 70% Single Occupant Vehicles; 15% Carpools; 7% Transit; and 3% Pedestrian.
2. Annual Transit Trips Per Capita: 3
3. Automobile Occupancy Rates: 1.45

Policy 2-1.3.3: Coordinate with County, MPO and FDOT for Implementation of Element.

Pinecrest shall work with Miami-Dade County, the MPO, FDOT, and other pertinent agencies to establish strategies, agreements and other mechanisms that demonstrate the area wide coordination necessary to implement the transportation, land use, parking and other provisions of the this transportation element.

Policy 2-1.3.4: Coordinate Transit Planning with Land Use Planning Process.

The Land Development Regulations shall include a mandatory site plan review during which all development shall be reviewed for impacts on transit. Applicable improvements shall be required to facilitate the movement of transit users between major activity centers and nearby transit stops as well as transit stations. Similarly, the Village short and long range planning efforts shall continue to manage new commercial development and redevelopment along the Pinecrest Parkway corridor so that the Village maintains a compact linear commercial core easily accessible to the Miami-Dade rail system and South ~~Miami-Dade~~ Bus Transit Way system.

OBJECTIVE 2-1.4: EFFICIENT PUBLIC TRANSIT SERVICE. Address the provision of efficient public transit services based upon existing and proposed major trip generators and attractors, safe and convenient public transit stations and/or terminals, land uses, and accommodation of the special needs of the transportation disadvantaged.

Policy 2-1.4.1: Encourage Land Uses that Promote Transit.

Coordinate policies and projects with the future land use element to encourage land uses that promote public transportation along the Pinecrest Parkway corridor. Such land uses include commercial, medium to high density residential, institutional or a mix of all of the above. Commercial uses include hotels, theaters, neighborhood shopping centers, medium sized stores, department stores, and convenience stores. Residential densities between 7 and 25 dwelling units per acre promote transit. Institutional uses include recreational, cultural, day care, parks, educational, religious, and government. In considering land uses, the Village shall consider the two types of transit facilities in the area; the multi-modal Metrorail stations and the South ~~Miami-Dade~~ Bus Transit Way. The higher intensity development should be focused around these facilities.

Policy 2-1.4.2: Provide Linkages between Transit and Significant Attractors.

Initiate linkage projects that provide access from the major transportation corridors along routes connecting with land uses generating or attracting heavy traffic such as the Dadeland Stations, commercial development along Pinecrest Parkway, schools and other institutional uses, as well as new and future residential developments.

Policy 2-1.4.3: Assisting the Transportation Disadvantaged. The Village shall continue to coordinate with MDTA to identify and develop programs to serve the Villages transportation disadvantaged. Examples of potential programs include paratransit, such as Dial-a-Ride service and carpools; changes to existing bus routes and addition of new bus routes.

OBJECTIVE 2-1.5: ESTABLISH A TRAFFIC CIRCULATION SYSTEM THAT PROTECTS COMMUNITY AND NEIGHBORHOOD INTEGRITY. The traffic circulation system will protect community and neighborhood integrity, while providing a system of arterial and collector streets to direct through traffic away from residential neighborhoods served by local streets. The Village shall coordinate with the State, the County, and adjacent local governments to ensure that the functional classification system is responsive to existing development as well as duly approved future land use plans of the Village and adjacent local governments.

Policy 2-1.5.1: Traffic Circulation Projects Sensitive to Surrounding Land Use. Consider initiating future traffic circulation and access projects that not only provide connectivity between heavy trip generators and attractors, such as the Dadeland Stations, Pinecrest Parkway land uses, schools and other institutional uses; but also initiate strategies that moderate traffic impacts on residential neighborhoods, direct through traffic away from residential neighborhoods that may be impacted, improve efficient use of energy resources and reduce greenhouse gas emissions. Review opportunities for traffic calming throughout the Village and prepare a Traffic Calming Plan, if appropriate.

Policy 2-1.5.2: Improve Pedestrian Crossings on Pinecrest Parkway. The Village shall continue to coordinate with Miami-Dade County to address pedestrian access and crossing of Pinecrest Parkway at the Dadeland North and Dadeland South MetroRail Stations and at the South ~~Miami-Dade~~ Bus Transit Way locations. This coordination shall include assessing the possibility of extending pedestrian crossing signal phasing and pedestrian walking bridges.

Policy 2-1.5.3: Improve Vehicle Crossing of Pinecrest Parkway. The Village shall continue to coordinate with Miami-Dade County in examining the possibility of adding exclusive turning lanes on streets accessing Pinecrest Parkway as well as examining signal timing geared towards enhancing the ability to cross Pinecrest Parkway.

OBJECTIVE 2-1.6: COORDINATE LAND USE AND TRANSPORTATION ELEMENTS. The Transportation Element will continue to be coordinated with the goals objectives and policies of the Future Land Use Element and other elements of the Comprehensive Plan, to maintain internal consistency and ensure that major thoroughfares meet concurrency management level of service standards. Similarly, the Village shall review new development and redevelopment to ensure that major traffic generators generally remain in the compact liner commercial core along Pinecrest Parkway. This objective is also consistent with the objective of maintaining major employment generators in areas accessible to the Miami-Dade County rail and transit facilities.

housing units and maintain a record of such units. The Village shall contact owners of substandard housing units in order to communicate necessary corrective actions and inform owners of available Federal, State and local housing assistance programs.

Policy 3-1.2.3: Housing Demolition and Rehabilitation. The Village shall require demolition or rehabilitation of unsound housing which poses a threat to the safety and welfare of the community.

OBJECTIVE 3-1.3: ADEQUATE HOUSING SITES. The Village shall support adequate housing sites for all residents of Pinecrest, including very-low, low, and moderate income housing as well as ~~mobile homes and~~ manufactured housing through the implementation of the following policies.

Policy 3-1.3.1: Coordination Among Housing Production Participants. The Village shall coordinate among participants involved in housing production, including the private and non-profit sectors.

Policy 3-1.3.2: Selecting Sites for Affordable Housing for Very Low, Low, and Moderate Income Households. The Village shall continue to promote access to a broad range of housing opportunities with a full complement of urban services through cooperation and coordination with the private sector and Miami-Dade County. Sites for affordable housing for very low, low, and moderate income households shall be approved only if such sites have access to the following facilities, services and/or activity centers:

- Serviced by potable water and central wastewater systems;
- Accessible to employment centers and shopping centers which accommodate stores offering household goods and services needed on a frequent and recurring basis, with use of public transit;
- Located on a paved street accessible to a major street (i.e., included in the Village's major thoroughfare plan);
- Accessible to public parks, recreation areas, and/or open space systems;
- Located on sites having adequate surface water management and solid waste collection and disposal; and
- In close proximity to Metrorail Stations.

Policy 3-1.3.3: Provision of Diverse Housing Types. The Village shall continue to provide land use designations and zoning districts on the Future Land Use Map respectively, to ensure that single family, duplex, and multi-family housing units are allowed within the Village that create opportunities for life-cycle housing and aging-in-place.

Policy 3-1.3.4: Developing Public/Private Partnerships. The Village of Pinecrest shall continue to assist in developing local government partnerships with the private sector in order to improve the efficiency and expand the capacity of the housing delivery system. Actions shall include

coordinating the timing and location of potable water services and sanitary sewer facilities in order to promote the timely extension of water and wastewater services to residential areas as necessary. Similarly, the Village shall also coordinate the installation of community facilities supportive to housing resources.

Policy 3-1.3.5: Location and Building Code Compliance. The Village's land development regulations shall continue to allow ~~mobile homes and~~ manufactured housing within zoning districts where ~~mobile homes and~~ manufactured housing ~~are~~ is allowed, provided the housing unit complies with building standards of CH. 320 and 553, F.S.

OBJECTIVE 3-1.4: PROVIDE OPPORTUNITIES FOR GROUP HOMES, HOUSING FOR THE ELDERLY AND FOSTER CARE FACILITIES. Pursuant to the requirements of §163.3177(6)(f), F.S., the Village shall promote housing opportunities to meet the unique housing needs of the elderly, dependent children, the physically and mentally handicapped, and the developmentally disabled.

Policy 3-1.4.1: Foster Care Facilities. The Village shall maintain Land Development Regulations that include performance standards designed to advance the provision of foster care facilities within the Village of Pinecrest. The standards shall provide for single family foster care homes licensed by the Department of Children and Families in all residential districts classified in the Land Development Regulations.

Policy 3-1.4.2: Community Residential Homes. The Village shall maintain Land Development Regulations that include performance standards which allow community residential homes in residential zoning districts providing they meet criteria established in Chapter 419, Florida Statutes. In addition, such facilities shall be regulated in order to manage their location and intensity, including impacts on infrastructure and to encourage development on sites accessible to public and private services generally required by their residents. The location of community residential facilities shall be dispersed throughout the regional housing market to serve persons with special housing needs, disabilities, or handicaps. The facilities shall foster non-discrimination and shall provide residential alternatives to institutionalization.

Policy 3-1.4.3: Housing for the Elderly. The Village shall maintain Land Development Regulations encouraging the development of housing alternatives specially designed for the elderly, including but not limited to adult care living facilities. Sites for elderly housing shall be approved only if such sites have access to the following facilities, services and/or activity centers:

- Serviced by potable water and central wastewater systems;
- Accessible to employment centers, including shopping centers which accommodate stores offering household goods and services needed on a frequent and recurring basis;
- Located on a paved street accessible to a major street (i.e., included in the Village's major thoroughfare plan);

- Accessible to public parks, recreation areas, and/or open space systems; and
- Located on sites having adequate surface water management and solid waste collection and disposal.

OBJECTIVE 3-1.5: CONSERVE NEIGHBORHOOD QUALITY AND EXISTING HOUSING STOCK. The useful life of the existing housing stock shall be conserved through effective implementation of laws, ordinances, and programs directed toward preserving neighborhood quality, including conservation of natural resources, maintenance of community facilities, and code compliance activities. In addition, the Village shall promote the preservation and protection of housing resources identified as historically significant. This objective shall be achieved through the implementation of the following policies.

Policy 3-1.5.1: Conservation and Rehabilitation of Existing Housing. The Village shall promote the conservation and rehabilitation of existing housing as a means of maintaining or improving residential conditions and reducing the waste of valuable resources.

Policy 3-1.5.2: Maintain Active Code Compliance. The Village shall maintain an active code compliance program as a means to identify housing accommodations and non-residential structures which fail to comply with minimum specification governing building construction, electrical facilities, water and sewer systems, construction, septic tanks and waste disposal fields, fire protection, flood prevention, and housing. Where structures are found to not meet minimum standard specifications the Village shall duly notice the violation and stipulate conditions for bringing the structure into compliance.

Policy 3-1.5.3: Minimize Potential Blighting Influences. The Village shall minimize potential blighting influences within residential areas by promoting use of best management principles and practices of land use planning, urban design and landscaping in development review. For instance, adverse impacts of land use transition shall be minimized through performance criteria requiring adequate screening, landscaping, and other design features which promote land use compatibility and appropriate land use transition.

Policy 3-1.5.4: Plan Supportive Facilities and Services Necessary for Quality Residential Neighborhoods. The Village shall continue to coordinate with the appropriate entities to ensure that sufficient systems for delivery of public facilities and services supportive to a quality residential environment have been planned, designed and implemented where possible. Such facilities shall include potable water, wastewater services, roadways, and drainage. A capital improvement program and budget predicated on continuing review and evaluation of evolving housing problems and related infrastructure issues shall be the principal tool for realizing this policy.

Policy 3-1.5.5: Preservation of Historically Significant Housing. ~~Currently, the Florida Master Site File includes six residential housing units that have been identified as having local historical significance.~~ The Village shall maintain Land Development Regulations to preserve the

historically significant housing units. The Village shall update the inventory of historic sites and architecturally significant sites as needed. Until the Village adopts historic preservation regulations, any applicable development or redevelopment of ~~the six properties~~ shall be governed by the Miami-Dade County historic preservation regulations which require review and approval by the County's Office of Historic Preservation.

Policy 3-1.5.6: Historical Housing Assessment and Survey. The Village of Pinecrest Land Development Regulations shall state that should a permit application be submitted to the Village for a housing unit 50 years old or older, the Village shall require a historical assessment of the site prior to issuing any permit. Based upon these assessments, the Village shall determine whether a comprehensive professional survey identifying and analyzing potential archeological, architectural and historical sites and structures in Pinecrest is necessary. The Village shall seek the cooperation of the Miami-Dade County Office of Historic Preservation to conduct the comprehensive professional survey. The survey, if necessary, shall primarily focus on structures and properties that are at least 50 years old, and any such structures or sites identified in the survey shall be added to the Village's list of locally significant historical resources.

Policy 3-1.5.7: Implementing Principles and Standards. The Village shall maintain Land Development Regulations that establish principles, standards techniques, and strategies to guide the conservation, rehabilitation, and demolition of housing units.

Policy 3-1.5.8: Compatibility of New Development. The Village of Pinecrest shall not permit any development which is inconsistent, in terms of residential unit type, lot sizes, housing size, and setbacks, with the surrounding neighborhood.

OBJECTIVE 3-1.6: ALTERNATIVE SOLUTIONS TO IMPROVE ACCESS TO AFFORDABLE HOUSING. ~~By December 31, 2010, the~~ The Village shall identify and evaluate alternative solutions to improve access to affordable housing. Pinecrest shall achieve this through the implementation of the following policies.

Policy 3-1.6.1: Coordination with Other Agencies. The Village will provide to residents and individuals employed in Pinecrest access to information pertaining to County-wide programs, including housing assistance programs and programs to aid in job training; information pertaining to foreclosed properties, published by the Federal Department of Housing and Urban Development (HUD); and information pertaining to day-care facilities, English language courses, and high school equivalency (GED) classes which are currently provided by the following agencies:

- Florida Department of Children and Families
- Miami-Dade College
- Miami-Dade County Public Schools
- Miami-Dade Department of Human Services
- Miami-Dade Public Housing Agency

WASTEWATER PUBLIC FACILITY SUB-ELEMENT

GOAL 4-2: PROVISION OF WASTEWATER PUBLIC FACILITIES. Ensure that land uses now and in the future have access to a system of wastewater disposal that is environmentally sound, protects investments in existing facilities, promotes orderly, compact growth, and meets adopted level of service standards and applicable State laws as well as administrative rules of the Florida Department of Environmental Protection.

OBJECTIVE 4-2.1: USE OF SEPTIC TANKS. Ensure effective use of septic tank and drain fields for single family residential and duplex land uses where they remain safe, efficient, environmentally sound and the least costly long term method of disposal of sanitary waste. The Village of Pinecrest is virtually built out--all existing single family subdivisions having previously been approved by Miami-Dade County for development serviced by septic tanks so long as the Miami-Dade County sanitary sewer system is not available to service respective lots. Therefore, the following policies shall be implemented to ensure the continued effective use of septic tanks and drain fields:

Policy 4-2.1.1: Conditions Governing Septic Tank Usage on Vacant Lots. Vacant single family residential lots can be developed and septic tanks and drain fields installed provided the following conditions are met:

- Sewage loadings of gallons per day per square foot shall not exceed those established by the Miami-Dade County Department of Environmental Resource Management.
- The density and intensity of development and the soils, ground water level, and other natural features of the site shall be adaptive to septic tanks and no septic tank shall cause potential adverse effects on existing private wells.
- Placement and design shall comply with criteria established by the Miami-Dade County Department of Environmental Resource Management.
- Connection to sanitary sewer shall be required upon availability of such service.
- A permit for the principal structure must first be issued and a plan for the site preparation and construction shall first be approved.

Additional septic tanks should not be permitted for the disposal or discharge of ~~non-residential commercial~~ waste. ~~nor should~~ New septic tanks will not be permitted in locations where seasonally high water table or threat of inundation is likely, such as Adaptation Action Areas, will impair proper functioning unless designed to mitigate these conditions and ensure proper function. Septic tanks should be avoided in wellfield protection areas or where private wells are in use. Under Miami-Dade County regulations and procedures, septic tanks may be permitted where connection to a public sewer is not feasible.

Policy 4-2.1.2: Maintenance of Septic Tanks Required. The Miami-Dade County Department of Environmental Resource Management shall require and enforce the proper maintenance of septic tanks by the owner to prevent pollution of groundwater.

- Ensuring that adequate procedures and requirements are maintained as needed to ensure that all proposed development regardless of size, contributes its proportionate share of the cost of providing solid waste facilities necessary to accommodate the impact of proposed development.

OBJECTIVE 4-4.2: MAINTENANCE OF AN ADEQUATE LOS STANDARD FOR SOLID WASTE FACILITIES. As directed by the policies stated below, the Village shall ensure through interlocal agreements, through continuing development review as well as concurrency management, and through coordination with Miami-Dade County and private contractors that the level of service (LOS) standard for solid waste facilities is maintained.

Policy 4-4.2.1: Solid Waste Facilities LOS Standard. The Village hereby adopts a level of service (LOS) standard for solid waste of 9.9 pounds per person per day. The Village shall also adopt the County's LOS standard to maintain solid waste disposal capacity sufficient to accommodate waste flows committed to the system through long-term interlocal agreements or contracts along with anticipated non-committed waste flows for a period of five years. The Village shall coordinate with Miami-Dade County in resolving future issues impacting municipalities served by Miami-Dade County, including any impacts identified by the County in their continuing monitoring and evaluation of the solid waste system to ensure that the level of service standards for solid waste are met.

Policy 4-4.2.2: Coordinate with Miami-Dade County as Needed to Ensure that Solid Waste System Deficiencies Are Reconciled. The Village shall undertake intergovernmental coordination with Miami-Dade County and private franchise contractors as identified in Policy 4-4.1.2 and shall coordinate with Miami-Dade County in addressing issues related to solid waste system deficiencies such as:

- Improvements necessary to protect the health, safety and environmental integrity of the Village consistent with the policies of this Plan, the Miami-Dade County Plan, and applicable federal, state, and county regulatory requirements.
- Improvements which are necessary to meet existing deficiencies in capacity or in performance. These include retrofitting of deteriorating facilities which fail or threaten to fail to meet health, safety, or environmental standards.
- Improvements which promote the recycling or reuse of materials prior to disposal or which enable or encourage use by the County and/or the Village of products made from recycled materials.
- Improvements which have been identified in adopted county functional plans and address system details impacting the Village and which are beyond the scope of the solid waste sub-element and are consistent with the goals, objectives and policies of the Comprehensive Plan.
- Schedule adjustments or other cost effective improvements to expand capacity, maximize operational efficiency, and increase productivity and reduce carbon impacts from trucks.

Policy 5-1.6.1: Regulating Protection of Native Trees. Native and noninvasive exotic trees shall be preserved during development or redevelopment wherever possible, and if any native or noninvasive exotic tree must be removed during development or redevelopment, another native or noninvasive exotic tree shall be replanted to replace the removed tree. Review the landscape code and include language that addresses preservation of existing, large, mature trees. Educate the public about the Adopt-A-Tree and Street Tree Planting Programs through increased publication. Develop and maintain a database of all street trees.

Policy 5-1.6.2: Prohibition Against of Mining Activities. Land Development Regulations shall prohibit mining of minerals based on the irretrievable losses which such intense activities may potentially impose on the Village's fragile ecosystem.

OBJECTIVE 5-1.7: MANAGING DISPOSAL OF WASTES. Assure that generation, storage, transport, and disposal of wastes in Pinecrest is managed with the best available technology to protect environmental quality.

Policy 5-1.7.1: Mandatory Wastewater System Connection. When new sewers are extended into an area currently using septic systems for wastewater disposal, mandatory connection with the public wastewater collection system shall be regulated pursuant to Florida Statutes (cross reference §381.0065, F.S.)

Policy 5-1.7.2: Regulating New Subdivisions and Sewerage Connections. New subdivisions which are reasonably accessible to sanitary sewers are required to provide sewerage and connections for each lot in the development.

Policy 5-1.7.3: Septic Tank Standards. The Village shall include in the Land Development Regulations septic tank system standards and procedures for permitting.

Policy 5-1.7.4: Intergovernmental Coordination for Solid and Hazardous Waste. The Village shall cooperate with Miami-Dade Department of Solid Waste Management to assure that solid and hazardous wastes generated within the Village are properly managed to protect the environment.

Policy 5-1.7.5: Managing Hazardous Waste. The Village shall enforce Land Development Regulations which incorporate development restrictions directed toward preserving natural systems. The Village shall encourage Miami-Dade County in developing an improved area-wide solid waste management program which includes more innovative solid and hazardous waste management technologies that save energy, produce renewable energy and effectively manage hazardous waste.

OBJECTIVE 5-1.8: PROTECTION OF ARCHAEOLOGICAL AND HISTORIC RESOURCES. The Village Land Development Regulations shall ensure that future land development activities shall incorporate appropriate measures to prevent damage to archaeologically and historically significant resources of state significance.

Policy 5-1.8.1: Programming for Archaeological and Historic Sites. The Village shall coordinate with the state and federal government in developing programs for implementing Village, state, and federal policies for identifying, preserving, and enhancing sites of historical and archaeological significance. Programs for identification, evaluation of relative significance, protection, preservation, and enhancement shall be promoted, utilizing available public resources at the local, state, and federal level as well as available private sector resources.

Policy 5-1.8.2: Preventing Adverse Impact of Development on Historic or Archaeological Sites. Development activities shall include precautions necessary to prevent the following adverse impacts to historic or archaeological sites of significance, including the historically significant properties at Pinecrest Gardens: 1) destruction or alteration of all or part of such site; 2) isolation from or significant alteration to its surrounding environment; 3) introduction of visible, audible, or atmospheric elements that are out of character with the property or significantly alter its setting; 4) transfer or sale of a site of significance without adequate conditions or restrictions regarding preservation, maintenance, or use; and 5) other forms of neglect resulting in its deterioration. Until the Village adopts historic preservation regulations any development or redevelopment of the identified historic resources shall be governed by the Miami-Dade County historic preservation regulations and/or Chapter 74-100 Laws of Florida, as applicable.

Policy 5-1.8.3: Preservation of Historically Significant Resources. ~~Currently, the Florida Master Site File designates six residential housing units and Pinecrest Gardens as having historical significance. Also, the State has identified Old Cutler Road as Historic Highway.~~ The Land Development Regulations shall require the evaluation and potential preservation of identified historically significant resources. Until the Village adopts historic preservation regulations any development or redevelopment of the identified historic resources shall be governed by the Miami-Dade County historic preservation regulations and/or Chapter 74-100 Laws of Florida, as applicable.

OBJECTIVE 5-1.9: CONSIDER APPLICATION OF INNOVATIVE LAND AND WATER RESOURCE MANAGEMENT AND ENERGY CONSERVATION CONCEPTS. The Land Development Regulations shall incorporate concepts for managing land, water, and energy resources which are responsive to unique development and conservation issues identified in the Village's Comprehensive Plan.

Policy 5-1.9.1: Incorporate Innovative Techniques in the Land Development Regulations. The Land Development Regulations shall incorporate land and water resource management techniques which have been demonstrated to be successful and cost effective in resolving development and conservation issues such as surface water management, soil erosion and sedimentation control, land clearing and excessive tree removal, loss of mature plants and wildlife habitat, and conservation of water supply.

Policy 6-1.1.5: Maintenance of Existing Recreation Land and Facilities. The Village shall maintain existing recreation and facilities through the use of proper management and funding techniques. The Village shall ensure that recreation facilities are well managed, well maintained, and that quality recreation programs are available to all residents. This shall be partially achieved by continuing efforts toward collecting, maintaining, and updating data concerning public and private resource inventory, recreation improvement, and demand factors, and by improving design criteria and evaluation to attain a high quality park and recreation system.

Policy 6-1.1.6: Utilize Creative Concepts of Urban Design and Conservation of Environmentally Sensitive Open Space. All plans for development or redevelopment of park land resources shall incorporate creative concepts of urban design and landscape. Active and passive recreation areas shall be planned in a manner compatible with unique natural features of the site. Park development plans shall be designed to preserve environmentally sensitive features of the site. The design shall provide a circulation system to minimize conflict between pedestrians and vehicles. Adequate landscape and screening shall be integrated into park development plans to minimize land use conflicts, protect stability of established residential areas, and enhance community appearance.

Policy 6-1.1.7: Promote Environmental Concern as Part of Recreational Programs. The Village shall promote environmental education and management as an integral part of park and recreation policies and programs. Support for cooperative programming between resource agencies and local educational advisors will provide park and recreation resources as an instrument for environmental teaching and as a means for accomplishing this objective.

Policy 6-1.1.8: Designation or Acquisition of Natural Reservations. "Natural reservations" are areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or nonprofit agency; lands purchased under the Florida Communities Trust; sanctuaries and preserves; and monuments, archaeological sites, and historic sites. As such land, facility and improvement needs are identified, the Village shall investigate the potential of funding such conservation programs through use of public or private not-for-profit agency resources.

Policy 6-1.1.9: Cultural Art Park. Pursue further recognition of Pinecrest Gardens as South Florida's Cultural Arts Park.

Policy 6-1.1.10: Long Term Vision Plan. By 2021, budget for preparation of a long term vision plan, which may take the form of a Parks and Recreation Master Plan, for green areas, existing parks and additional recreation opportunities both within and near Pinecrest, to continue to provide a high standard of parks as community needs and recreational trends change.

functional equivalent; or

- ii. Provide proportionate share mitigation pursuant to the most recent amended and restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County.

Policy 8-1.5.1: Level of Service Standards. The Village shall use the following LOS standards in reviewing the impacts of new development and redevelopment upon public facilities:

| FACILITIES | LEVEL OF SERVICE STANDARDS |
|---------------------------|--|
| Sanitary Sewer | <p><u>Regional wastewater treatment plants shall operate with a physical capacity of no less than the annual average daily sewage flow.</u></p> <p><u>Effluent discharged from the wastewater treatment plants shall meet all Federal, state and county standards.</u></p> <p><u>The system shall maintain the capacity to collect and dispose of 102 percent of the average daily per capita sewage system demand for the preceding five years. Sewer system demand will be based on a 100 gallons per capita per day demand multiplier.</u></p> |
| Potable Water | <p><u>Water Supply:</u> The Village shall be consistent in addressing the coordination of the Comprehensive Plan with the Lower East Coast Water Supply Plan of the South Florida Water Management District as approved and adopted by the South Florida Water Management District on February 15, 2007 <u>every 5 years.</u></p> <p><u>Water Treatment:</u> The regional treatment system shall operate with a rated capacity that is no less than two (2) percent above the maximum daily flow for the preceding year and an average daily capacity two (2) percent above the average daily system demand for the preceding five (5) years. <u>Water treatment demand will be based on a 95 gallons per capita per day multiplier.</u></p> |
| Solid Waste | <p>9.9 pounds/capita/day and maintain solid waste disposal capacity sufficient to accommodate waste flows committed to the system through long-term interlocal agreements or contracts along with anticipated non-committed waste flows for a period of five years.</p> |
| Drainage | <p><i>Water Quality Standard:</i> Stormwater facilities shall be designed to meet the design and performance standards established in Ch. 1762-25, §25.025, F.A.C., with treatment of the runoff from the first one inch of rainfall on-site to meet the water quality standards required by Ch. 1762-302, §1762-302.500, F.A.C.</p> <p><i>Water Quantity Standard:</i> Where two or more standards impact a specific development, the most restrictive standard shall apply:</p> <ul style="list-style-type: none"> a. Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration. b. Treatment of the runoff from the first one inch of rainfall on-site or the first half inch of runoff whichever is greater. |
| Recreation and Open Space | Three (3) acres per 1,000 population |
| Public School Facilities | 100% utilization of Florida Inventory of School Houses (FISH) capacity (with relocatable classrooms). |

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Exhibit B

Village of Pinecrest

COMPREHENSIVE DEVELOPMENT MASTER PLAN UPDATE

BACKGROUND DATA AND ANALYSIS

July, 2016

Village Council

Cindy Lerner, Mayor
James E. McDonald, Vice Mayor
Cheri Ball
Doug Kraft
Bob Ross

www.pinecrest-fl.gov



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Miami-Dade Public Schools, the projected 2017 capacity of elementary schools in the NE CSA is 75%; K-8 facilities is 82% middle schools is 70%; and high schools is 83%. Based on the population projections, it is estimated that there will be 50 additional elementary school students, 27 additional middle school students, and 38 additional senior high students in the Village in 2020. Based on this analysis, the Village does not anticipate any issues in meeting the Level of Service Standard for public schools during the planning period.

Historic Resources

The designated historic resources in the Village include Pinecrest Gardens (designated 1990-91); Whilden-Carrier Cottage in Pinecrest Gardens (designated 1996) and Old Cutler Road (designated 1974). Other cultural resources within the Village of Pinecrest are identified on the Florida Master Site File roster and map (attached). The policies in the Comprehensive Plan to inventory and confirm all potential historic sites and to determine if additional preservation regulations or actions are warranted are carried forward in the CDMP update.

SUMMARY AND CONCLUSIONS

The 2015 population estimate for Pinecrest (18,408) is virtually the same as the population estimate in 1996 (18,988). This indicates that the housing units built since 2000, were primarily replacement housing. Population growth, therefore, is not a great driver of need in Pinecrest.

Based on the adopted level of service standards, the infrastructure in the Village is capable of accommodating the projected population growth and associated infrastructure demands through 2030. The projects in the Capital Improvements Element during this planning horizon will be focused on maintaining and continuing to enhance the quality and accessibility of the existing infrastructure systems. Centralized sewer and potable water will continue to be gradually extended to new and existing development as directed by the service provider and required by the Village's goals, objectives and policies for new development and significant redevelopment projects. Capital improvements to enhance stormwater management; parks and recreation; and the transportation system, will continue to be made as funding permits.



AR=0
 SS=17
 CM=0
 RG=3
 BR=0
 Total=20

Cultural Resource Roster (Notes Added July 20, 2016)

| SiteID | Type | Site Name | Address | Additional Info | SHPO Eval | NR Status |
|----------|------|---|---------------------------------------|--|--------------|--------------------------|
| DA00405 | RG | OLD CUTLER ROAD HISTORIC HIGHWAY | Coral Gables | Linear Resource - 1 Contrib Resources | Eligible | |
| DA02756 | SS | 13291 OLD CUTLER RD | 13291 OLD CUTLER RD, SOUTH DADE AREA | c1920 Mission | | |
| DA02771 | SS | 9550 LUDLAM RD (SW 67TH AVE) | 9550 LUDLAM RD, SOUTH DADE AREA | c1920 Frame Vernacular | | |
| DA02772 | SS | 13599 SW 67TH AVE | 13599 SW 67TH AVE, SOUTH DADE AREA | 1926 Mediterranean Revival | | |
| DA02777 | SS | 5701 SW 91ST ST | 5701 SW 91ST ST, SOUTH DADE AREA | c1920 Mediterranean Revival | | |
| DA02778 | SS | 5781 SW 91ST ST | 5781 SW 91ST ST, SOUTH DADE AREA | c1920 Mission | | |
| DA02779 | SS | 6850 SW 94TH ST | 6850 SW 94TH ST, SOUTH DADE AREA | c1940 Frame Vernacular | | |
| DA02780 | SS | 6851 SW 94TH ST | 6851 SW 94TH ST, SOUTH DADE AREA | c1920 Frame Vernacular | | |
| DA02787 | SS | DEVONWOOD | 6355 SW 133 RD DRIVE, SOUTH DADE AREA | 1926 Masonry Vernacular | | |
| DA02793* | SS | 8390 SW 134TH ST | 8390 SW 134TH ST, SOUTH DADE AREA | 1925 Frame Vernacular | | |
| DA05106 | RG | PARROT JUNGLE AND GARDENS (PINECREST GARDENS) | MIAMI | FMSF Building Complex - 19 Contrib Resources | Eligible | NR Listed - Oct 17, 2011 |
| DA05599 | SS | 13035 SW 77TH AVENUE | 13035 SW 77TH AVE, MIAMI | c1946 Frame Vernacular | Not Eligible | |
| DA05602* | SS | 5945 SW 91 STREET | 5945 SW 91 ST, MIAMI | c1940 Frame Vernacular | Not Eligible | |
| DA05604 | SS | 7424 SW 102 STREET | 7424 SW 102 ST, MIAMI | c1945 Masonry Vernacular | Not Eligible | |
| DA05605 | SS | ROBINSON RESIDENCE | 7474 SW 102 ST, MIAMI | c1940 Frame Vernacular | Not Eligible | |
| DA05606* | SS | 7501 SW 102 STREET | 7501 SW 102 ST, MIAMI | c1940 Frame Vernacular | Not Eligible | |
| DA05607 | SS | 7560 SW 104 STREET | 7560 SW 104 ST, MIAMI | c1945 Frame Vernacular | Not Eligible | |
| DA05614 | SS | 7875 SW 124 STREET | 7875 SW 124 STREET, MIAMI | c1938 Frame Vernacular | Not Eligible | |
| DA10754 | RG | Snapper Creek Canal | Kendall | Linear Resource | Not Eligible | |
| DA11921 | SS | Temple Beth Am Day School | 5950 SW 88th ST, Miami | 1959 Moderne | Eligible | |

***Demolished per Village Staff**

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RESOLUTION NO. 2016-

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, EXPRESSING OPPOSITION TO MIAMI-DADE COUNTY'S PROPOSED MANDATORY WORKFORCE HOUSING ORDINANCE; URGING THE BOARD OF COUNTY COMMISSIONERS NOT TO APPLY THE PROPOSED ORDINANCE WITHIN ANY OBJECTING MUNICIPALITY; PROVIDING FOR TRANSMITTAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is considering the adoption of a Mandatory Workforce Housing Ordinance (the "County Ordinance") which passed first reading as County Agenda Item 4(J) on June 7, 2016; and

WHEREAS, the Village Council finds that if the County Ordinance is adopted in the form in which it is proposed, it is hereby subject to objection and opposition upon, but not limited to, each of the following grounds:

- There is a significant question of whether or not application of the proposed Ordinance within municipalities exceeds the County's charter based regulatory authority.
- The County Ordinance interferes with Municipal Home Rule Powers which are provided by Article VIII, Section II of the Florida Constitution and codified in Section 166.021, F.S.
- The County Ordinance may create a legal conflict with the Village's Zoning Code which does not provide a mechanism for the proposed bonuses. If the County Ordinance is found to be valid and within their authority, the Village would be required to amend its Zoning Code to provide for the density bonuses of up to 25% in the Village's residential zoning districts.
- The County Ordinance creates a legal conflict with the Village's Comprehensive Plan. Residential land use categories do not provide for the density permitted under the County's proposed density bonuses and, if the County Ordinance is found to be valid and within their authority, the Village would need to amend its Comprehensive Plan by increasing densities up to 25% in the Village's residential land use categories or providing a bonus mechanism for workforce housing.
- The mechanism for the Village to opt out of the proposed mandatory workforce housing program is very burdensome and the deadline very short. Further, implementation of a local ordinance will shift the risk of claims from developers to the local government rather than leaving the risk with the County government that mandated the program; and

WHEREAS, the Village Council applauds the intent of the sponsoring commissioner and others in desiring to encourage the availability of workforce housing, the Village Council respectfully and strongly objects to the County Ordinance's proposed imposition of a mandatory workforce housing methodology within the Village of Pinecrest; and

WHEREAS, the Village Council requests that the County Ordinance shall not be applicable within the Village of Pinecrest or any other objecting municipality;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF PINECREST, FLORIDA AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted and confirmed.

Section 2. Opposition and Objection Concerning the County Ordinance. That the Village Council hereby strongly objects to and opposes the County Ordinance and its mandatory workforce housing approach, and respectfully urges the Board of County Commissioners to reject the proposed County Ordinance or to amend the proposed County Ordinance to provide that the County Ordinance shall not be applicable within the Village of Pinecrest or any other objecting municipality.

Section 3. Workforce Housing Options. That the Village Council welcomes and invites the Board of County Commissioners to assist in voluntarily forming and working with a task force of municipalities to develop voluntary workforce housing initiatives which comply with applicable laws.

Section 4. Transmittal. That the Village Clerk is hereby directed to transmit a copy of this Resolution to the Mayor of Miami-Dade County and the Board of County Commissioners.

Section 5. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 3rd day of August, 2016.

Cindy Lerner, Mayor

Attest:

Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved as to Form and Legal Sufficiency

Mitchell Bierman
Village Attorney

Motion by:

Second by:

Vote:

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MEMORANDUM

Agenda Item No. 4(J)

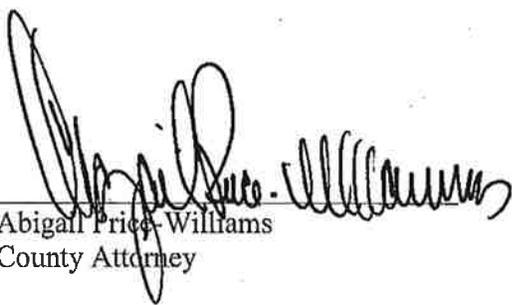
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to zoning, housing, and impact fees; creating mandatory Workforce Housing Development Program; amending requirements for workforce housing units and modifying density bonus and development intensity standards; amending requirements for declarations of restrictive covenants regarding workforce housing units; providing for deferral of road impact fees for development of workforce housing units; amending eligibility requirements relating to Workforce Housing Development Program administration; amending Article XIIIA of Chapter 33, Article IX of Chapter 17, and sections 33E-6.1 and 33E-18 of the Code

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


Abigail Price-Williams
County Attorney

APW/smm

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(J)
6-7-16

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING, HOUSING, AND IMPACT FEES; CREATING MANDATORY WORKFORCE HOUSING DEVELOPMENT PROGRAM; AMENDING REQUIREMENTS FOR WORKFORCE HOUSING UNITS AND MODIFYING DENSITY BONUS AND DEVELOPMENT INTENSITY STANDARDS; AMENDING REQUIREMENTS FOR DECLARATIONS OF RESTRICTIVE COVENANTS REGARDING WORKFORCE HOUSING UNITS; PROVIDING FOR DEFERRAL OF ROAD IMPACT FEES FOR DEVELOPMENT OF WORKFORCE HOUSING UNITS; AMENDING ELIGIBILITY REQUIREMENTS RELATING TO WORKFORCE HOUSING DEVELOPMENT PROGRAM ADMINISTRATION; AMENDING ARTICLE XIII A OF CHAPTER 33, ARTICLE IX OF CHAPTER 17, AND SECTIONS 33E-6.1 AND 33E-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

ARTICLE XIII A. - WORKFORCE HOUSING DEVELOPMENT PROGRAM

Sec. 33-193.3. - Short title.

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

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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

- A. *Need for workforce housing in Miami-Dade County.* The health, safety, and welfare of the present and future residents of Miami-Dade County depend on the availability of a range of housing choices affordable to persons and families of all income levels in all areas of Miami-Dade County >>in both the incorporated and unincorporated areas<<. ~~[[Current]]~~ >>As of 2007, when the Board of County Commissioners adopted Ordinance No. 07-05 to establish a voluntary workforce housing development program ("WHU program" or Workforce Housing Development Program),~~<<~~ patterns of development ~~[[have]]~~ >>had<< resulted in a persistent shortage of housing for certain sectors of the community. >>Since then, the shortage has increased.<< Studies of market demand show that ~~[[for the foreseeable future more than 50% of the new]]~~ >>the<< labor force in Miami-Dade County ~~[[will]]~~ >>continues to<< require moderately priced housing units. Currently, there exists in Miami-Dade County a shortage of housing affordable to individuals and families of moderate incomes, particularly those whose earnings range from >>60 percent up<< ~~[[65%]]~~ to 140~~[[%]]~~>>percent<< of the County's median income, the "workforce target income group." The workforce target income group includes many public employees and others employed in key occupations that support the local community. Increasingly, the high cost and short supply of housing affordable to persons and families of moderate income mean that many employees in the workforce target income group cannot afford to live in Miami-Dade County, while others can only afford to live in areas concentrated according to price and income level.

The uneven distribution of moderately-priced housing results in additional stratification of housing according to price and income level. It is in the best interests of the public health, safety, and welfare of the present and future residents of Miami-Dade County to reduce or eliminate such economic stratification by adopting land use regulations that encourage development of land available for residential use in Miami-Dade County in a manner that emphasizes integration of new housing for individuals and families in the workforce target income group into new, expanding, or redeveloping neighborhoods.

The uneven geographic distribution of housing affordable to the workforce target income group, as well as the distance between jobs and available housing, also increase traffic congestion and decrease economic productivity. Traffic and roadway congestion in turn adversely affect the environment and diminish air quality, increasing the burden on the public health care system and resulting in rising health care costs. The public health, safety, and welfare of the present and future residents of Miami-Dade County can best be protected by adopting land use policies to ensure that housing affordable to the workforce target income group is distributed throughout the county near workplaces, rather than being concentrated in enclaves separate from jobs and higher-priced housing.

The Florida Growth Management Act requires Miami-Dade County to adopt a comprehensive plan to guide future development and growth, including a housing element consisting of standards, plans, and principles to be followed in the provision of housing for all current and anticipated future residents. Exercising the authority conferred by the Miami-Dade County Home Rule Charter, and in furtherance of the Growth Management Act, the Board of County Commissioners has adopted the Comprehensive Development Master Plan ("CDMP"), including a housing element which establishes goals, objectives, and policies to ensure the provision of all variations of affordable housing products to meet the spatial and economic necessities of all current and future residents regardless of household type or income.

- B. *Causes and consequences of lack of sufficient workforce housing supply.* In order to assess the extent of the housing shortage, identify the most severely affected sectors of the community, and ascertain the need for a workforce housing development program, the Board of County Commissioners established a task force consisting of county housing, zoning, and planning professionals, and representatives of the private, for-profit, development community. The mission of the task force was to analyze the current and anticipated future make-up of Miami-Dade County's workforce and population, the geographic distribution of moderately-priced housing, historical and current patterns of development applications and approvals, the distance between jobs and housing for the workforce target income group, the overall impact of the housing shortage on the economy of Miami-Dade County, and the adverse consequences failure to act would have on the health,

safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County. The need for the workforce housing development program as identified by the task force is the result of a variety of factors, including, but not limited to, those noted below. >>Since the task force concluded its analysis in 2007, various studies have demonstrated the continued need for a workforce housing development program.<<

- (1) Increasing population pressure. Miami-Dade County, in both the incorporated and unincorporated areas, ~~[[is experiencing a rapid]]~~ >>continues to experience an<< increase in the numbers of residents in the workforce target income group, including persons with fixed or reduced incomes, young adults forming new households, minority households, single adults, and many public employees and others in key occupations serving the entire community including teachers, police and public safety personnel, health care workers and mid-level management workers. Studies show that, as a result of this population increase, for the foreseeable future of the new labor force in Miami-Dade County will require workforce housing.
- (2) Cost burdens. >>Since 2007, households<< ~~[[Households]]~~ in Miami-Dade County >>have continued to<< suffer from a high and increasing housing cost burden. Households have traditionally been regarded as "cost burdened" if they spend more than 30~~[[%]]~~ >>percent<< of their gross income on housing costs. ~~[[In Miami-Dade County, nearly 51% of all renter households pay more than 30% of their income in gross rent. In owner-occupied units, more than 36% of all households pay more than 30% of their income on housing.]]~~
- (3) Inadequate housing supply for the workforce target income group. Current patterns of development, the costs of acquiring land suitable for residential development, and the disposition of remaining developable land have resulted in an abundance of higher-priced housing and a shortage of housing economically attainable by the workforce target income group. With the exception of housing developed with government subsidies, privately developed new residential housing being built in Miami-Dade County generally is not affordable to the workforce target income group. Experience

indicates that state and federal funds for the construction of affordable housing will not address the housing needs of the workforce target income group.

- (4) Overcrowding. Overcrowding is a major problem in Miami-Dade County. The problem is acute in low to moderate income households and households in the workforce target income group. ~~[[Analyses indicate nearly 20% of all housing units in Miami-Dade County are overeroweded.]]~~
- (5) Concentration of housing based on economic status. Demographic analyses indicate that development applications and approvals that reduce the supply of land developable for residential use, and which result in a disproportionate amount of higher-priced housing, result in a reduced supply of housing for individuals and families in the workforce target income group, including young families, retired and elderly persons, single adults, female heads of houses, and minority households. Such development activity produces the undesirable and unacceptable effect of concentrating housing according to price, thus frustrating the policies and goals of the housing element of the CDMP, and increasing the threat to the public health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County.
- (6) Need for involvement of private development community. Existing efforts to encourage private, for-profit, developers to construct housing within the economic reach of the workforce target income group >>, including the voluntary workforce housing development program established in Ordinance No. 07-05, << have met with very limited success. It is apparent that the need for housing for the workforce target income group can only be addressed if the responsibility for ensuring a diverse and adequate supply of housing is shared by Miami-Dade County, and the private, for-profit, development community >>through a mandatory program<<.

- 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 ef]]~~ Miami-Dade County >>Workforce Housing Development Program<< is declared to be a proper and necessary exercise of the powers conferred upon the Board of County Commissioners for the protection of the health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County.

Consistent with the goals, objectives, and policies of the land use and housing elements of the CDMP, the objective of the ~~[[workforce housing development program]]~~ >>Workforce Housing Development Program<< is to increase the supply of housing affordable to the workforce target income group, and to address many of the problems associated with the short supply of housing affordable to the workforce target income group and with the uneven, poor geographic distribution of such housing throughout Miami-Dade County. Through utilization of a combination of density bonuses, relaxation of intensity standards, flexible design criteria, and other incentives, the workforce housing program established herein will help alleviate the existing housing shortage by making it more feasible for the private, for-profit, development community to create and deliver a greater number of housing units affordable to the workforce target income group. Dispersal of workforce housing units throughout this community will avoid overconcentration of such housing.

- D. Joint effort of private development community, public sector, and not-for-profit sector. It is the further intent of the Board of County Commissioners that ~~[[workforce housing development program]]~~ >>the Workforce Housing Development Program<< established herein will foster and encourage the private, for-profit, development community

to join with the public sector and the nonprofit sector to further the goal of meeting the housing needs of the workforce target income group.

- E. Adoption of legislative intent, findings and purpose. The foregoing statements are declared to be the legislative intent, findings and purpose of the Board of County Commissioners and are hereby adopted and made a part hereof.

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

The Board of County Commissioners hereby adopts land use regulations and procedures >>for the incorporated and unincorporated areas<< for the operation of the Miami-Dade County ~~[[workforce housing development program]]~~ >>Workforce Housing Development Program<<. The ~~[[workforce housing development program]]~~ >>Workforce Housing Development Program<<, including all land use regulations and operating procedures, is deemed to be essential to assure the protection of the public health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County. All land use regulations adopted in connection with the ~~[[workforce housing development program]]~~ >>Workforce Housing Development Program<< shall be supplemental to existing zoning on affected properties and shall be construed to be consistent therewith.

The Board of County Commissioners >>may<< ~~[[shall]]~~ adopt by resolution >>, or the Director may establish,<< such administrative procedures as may be necessary or proper to further the purposes of this article and thereby protect the public health, safety, welfare, comfort, and convenience of the present and future residents of Miami-Dade County.

Sec. 33-193.6. - Definitions.

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

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

- (2) >>“<<At one location>>”<< means all land owned by the applicant, including:
- (a) All adjacent parcels, the property lines of which are contiguous at any point; or
 - (b) All adjacent parcels, the property lines of which are separated only by a public or private street, road, highway or utility right-of-way, or other public or private right-of-way at any point; or
 - (c) All adjacent parcels, under common ownership or control of the applicant, including land owned or controlled by any business entities in which the applicant or immediate family members of the applicant possesses any form of management control.
- (3) >>“Department” means the Miami-Dade County Department of Regulatory and Economic Resources or successor department.
- (4) “Director” means the Director of the Department, or the Director’s designee.
- (5) “<<Transit corridor area>>”<< is the area which lies within a one-half mile radius of the Metrorail stations.
- >>(6)<< [[(4)]] >>“<<Urban Infill Area (UIA)>>”<< is the area as defined in the Comprehensive Development Master Plan (CDMP).
- >>(7)<< [[(5)]] >>“<<Work-force housing unit>>”<< or >>“<<WHU>>”<< shall mean a dwelling unit, the sale, rental or pricing of which in accordance with this article is restricted to households whose income is within the workforce housing target income range.
- >>(8)<< [[(6)]] >>“<<Workforce housing target income range>>”<< means households whose income range is established at >>60 percent<< [[65%]] up to 140[[%]]>>percent<< of the most recent >>area<< median [[family]] income >> (“AMI”)<< for the County reported by the U.S. HUD as maintained by the Department [[of Planning and Zoning]].
- >>(9) “Workforce housing unit cost” or “WHU unit cost” refers to the estimated cost of each workforce housing unit. This variable is used to calculate the monetary contribution that applicants may make to the affordable housing trust fund, established in Chapter 17, Article VIII of this code, in lieu of constructing workforce housing units.<<

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

- ~~[[~~(1) ~~An application seeking to utilize the density bonus and intensity standards available under this article (a "WHU application") shall:~~
- ~~(A) (1) For WHU applications seeking approval of 20 or more dwelling units provide workforce housing units or a monetary contribution as provided in Section 33-193.9; and~~
- ~~(2) For WHU applications seeking approval of fewer than 20 dwelling units, provide a monetary contribution as provided in Section 33-193.9.1.~~
- ~~(B) A WHU application seeking to develop property improved with one or more existing dwelling units priced to sell or rent to persons in the workforce housing target income range (Existing WHUs) shall provide for a total number of WHUs equal to the greater of the (1) Existing WHUs or (2) the number of WHUs that would have been required had there been no Existing WHUs on the property;~~

~~Each WHU application to develop improved property shall provide evidence satisfactory to the Director as to whether Existing WHUs are on the property.]]~~

>>(A) Countywide applicability and minimum standard. The requirements of the Workforce Housing Development Program shall be applicable as a minimum standard in the unincorporated and incorporated areas of Miami-Dade County. It shall be the duty and responsibility of each municipality and all municipal departments, officials, and employees to enforce the minimum standards prescribed by the provisions of this article within the territorial limits of their respective municipalities, except that this article shall not apply in those municipalities that by ordinance have opted out of the Workforce Housing Development Program in the manner set forth in this section.

- (1) Opt-Out Option. A municipality may opt out of the requirements of this article by adopting an ordinance addressing the need for workforce housing within its territorial jurisdiction. Said

ordinance shall be accompanied by data and analysis considering the need for workforce housing within its jurisdiction and demonstrating that the ordinance will address the identified needs.

- (2) Time for compliance by municipalities. Municipalities shall have 90 days from the effective date of this ordinance to adopt a workforce housing ordinance that complies with the minimum standards set forth in this article or that satisfies the opt-out requirements. Each municipal workforce housing ordinance shall be filed with the Director within 15 days after adoption by the municipality.

(B) The Workforce Housing Development Program shall be applied as follows:

- (1) 20 or more dwelling units. Residential developments with 20 or more dwelling units shall be required to provide workforce housing units in accordance with the following. Administrative Site Plan Review shall be required of all such developments in accordance with the requirements of this article. Except as provided in Section 33-193.8, all workforce housing units will be provided on the site of the proposed development.

- (a) New developments. All new developments shall provide at least 10 percent of the total units in the development as WHUs. The development shall thereafter be entitled to a density bonus of 15 percent over the maximum number of units allowed by the applicable CDMP land use designation and to the increased intensity standards provided in Section 33-193.11 of this article.

For every one percent increase in WHUs provided, a development shall be entitled to an additional one percent density bonus, up to a maximum density bonus of 25 percent, as follows:

| <u>WHU Set-Aside</u> | <u>Density Bonus</u> | <u>Type of Set-Aside</u> |
|----------------------|----------------------|--------------------------|
| 10% | 15% | Mandatory |
| 11% | 16% | Bonus |
| 12% | 17% | Bonus |
| 13% | 18% | Bonus |
| 14% | 19% | Bonus |
| 15% | 20% | Bonus |
| 16% | 21% | Bonus |
| 17% | 22% | Bonus |
| 18% | 23% | Bonus |
| 19% | 24% | Bonus |
| 20% | 25% | Bonus |

The mix of WHUs shall be as follows:

- (i) No less than 50% of the WHUs shall target the income range of 60% to 79% of the AML.
 - (ii) The remaining 50% of the WHUs may target the income range of 80% to 140% of the AML.
- (b) Renovation or Expansion of Existing Residential Structures or Developments.
- (i) If an existing multi-family residential structure with 20 or more units is expanded by 50 percent or more of the structure's net square footage, the structure shall be required to provide WHUs in accordance with this article.
 - (ii) If an existing single-family or two-family residential development is renovated or expanded by adding 20 or more units, then the new units shall be required to provide WHUs in accordance with this article. The number of required WHUs shall be based only on the number of new units.

(2) Less than 20 dwelling units. Residential developments with fewer than 20 dwelling units are not required to provide WHUs, but they may develop in accordance with the density and intensity bonuses set forth in this section and Sec. 33-193.11 of this article by either:

(a) Providing one of the alternatives described in Sec. 33-193.8; or

(b) Setting aside 100 percent of the proposed housing units for workforce housing and complying with other applicable requirements of this article.

Except for developments of individual single-family or two-family homes, all developments of less than 20 units that participate in the WHU program shall require Administrative Site Plan Review in accordance with the requirements of this article.

(3) Nonconforming residential lots. Applicants with legally-established nonconforming single-family residential lots that set aside 100 percent of the proposed dwelling units for workforce housing may develop in accordance with the intensity standards in Sec. 33-193.11 instead of the minimum lot area requirements in Sec. 33-7 of this chapter, without the need for Administrative Site Plan Review, provided that the development otherwise complies with the applicable requirements of this chapter.

(4) Residential developments within Urban Center or Urban Area Districts, Planned Area Development Districts, Traditional Neighborhood Development Districts, or other urban overlay districts shall provide workforce housing as specified in the applicable zoning district regulations.

(C) Exemptions. << [(2)] The provisions of this article shall not apply to property located outside the Urban Development Boundary, as designated in the Land Use Plan (LUP) map of the CDMP, as amended from time to time.

>>(D) Administrative Modifications and Appeals.

- (1) The Director may waive, adjust, or reduce the minimum WHU set-asides, applicable density bonus provisions or intensity standards, or the amount of any alternative monetary contribution for a development if, in reviewing the lot size, product type, and other elements of the development plan, the Director determines that:
 - (a) 100 percent of the development has been set aside for households at or below 140 percent of AMI; or
 - (b) Developing the property with the density bonus permitted in this article would :
 - (i) cause a violation of applicable environmental standards or other regulations; or
 - (ii) be incompatible with the surrounding area; or
 - (c) There is no reasonable relationship between the impact of the proposed residential development and the requirements of this article; or
 - (d) Applying the requirements of this article would constitute a taking or an abrogation of vested rights.
- (2) The requirements of this article may only be waived, adjusted, or reduced upon a determination that the waiver, adjustment, or reduction is the minimum needed.
- (3) Procedures.
 - (a) Applications. A request for administrative modification of the requirements of the Workforce Housing Development Program shall be submitted in writing to the Department on a form required by the Director.
 - (b) Notice. Within 15 days after the determination, notice of the Director's determination shall be published in a newspaper of general circulation.
 - (c) Appeals. Any aggrieved person may appeal the Director's determination to the Board of County Commissioners pursuant to Section 33-314 within 30 days after the date of

newspaper publication, except that an applicant claiming that the Director's determination constitutes a taking or abrogation of vested rights shall follow the procedures for challenging a development permit provided in Sections 2-114.1 through 2-114.4 of this code. If no timely appeal is taken, the Director's determination shall become final, and the necessary changes shall be made upon the zoning maps and records.<<

Sec. 33-193.8. - Alternatives to on-site construction of WHUs[~~;~~ variances].

~~[(A)]~~ Alternatives. An applicant ~~[[for a WHU application ("WHU applicant")]]~~ may satisfy the requirement of on-site construction of all of the required WHUs or of a portion of required WHUs by one of the means described below ~~[[upon demonstrating, after public hearing, that where, owing to special conditions, allowing the alternative will observe the spirit of this article, and that approving the alternative requested will further the development of housing for the workforce target income group in the unincorporated area of Miami Dade County to an equal or greater extent than construction of the required WHUs on-site]].~~
>>Where the proposed development is a condominium or other form of residential development requiring unit owners to pay assessments for the maintenance of common areas or other purposes, WHUs shall be provided through one of the alternatives set forth in this section.<<

- (1) Off-site construction of WHUs. ~~[[If an approval is obtained after public hearing in accordance with the standards in this section, a WHU]]~~ >>An<< applicant may comply with the requirements of this article by construction of ~~[[110% of]]~~ the number of WHUs required by this article at one or more alternative sites within a >>1<< ~~[[2]]~~ mile radius of the proposed location of the market rate units (the "Off-site WHUs").

>>(a) The alternative site must contain both its market rate and workforce housing units in addition to the Off-site WHUs.

~~(b)<< The Off-site WHUs [[shall be provided within the same Community Council jurisdiction as the market rate units being proposed, and the construction of the Off-site WHUs on the alternative site]] shall occur concurrently with the market rate units on the primary site.~~

~~>>(c) The density bonus for the primary site shall not be transferable to the off-site property.<<~~

(2) Monetary contribution in lieu of construction of WHUs. ~~[[If an approval is obtained after public hearing in accordance with the standards in this section, or if permitted as of right pursuant to section 33-193.9, a WHU]] >>An<< applicant may satisfy the requirements of this article by providing a monetary contribution to the affordable housing trust fund established in Chapter 17, Article VIII of this code, in lieu of construction of the required on-site workforce housing units. Any monetary contributions received by the County shall not be commingled with any other funds deposited into the affordable housing trust fund that are not associated with the WHU program, but shall be deposited into a separate account. The amount of such required monetary contribution shall be as established in section 33-193.9[[,1]]. All monetary contributions shall be made prior to the issuance of the first building permit on the market rate units.~~

(3) Combination of off-site construction of WHUs and monetary contributions. ~~[[If an approval is obtained after public hearing in accordance with the standards in this section, a WHU]] >>An<< applicant may comply with the requirements of this article >>by<< employing a combination of the alternatives (1) and (2) above in accordance with the standards of this section.~~

~~[(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 Council area will continue to be met if the requested variance is granted:~~

- (1) The applicable density-bonus provisions or intensity standards;
 - (2) The number of WHUs required for a WHU application;
 - (3) The amount of the monetary contribution in lieu pursuant to Section 33-193.9.1.
- (C) If zoning approval is required, the application for such approval shall be filed together with the application for approval of any off-site WHUs and shall be considered and approved or denied at the same public hearing.

Sec. 33-193.9. - Required Workforce Housing Units.

- (A) All applications seeking to utilize the density or intensity bonus available pursuant to this article for developments shall include a minimum percentage of workforce housing units based on the following:

| CDMP Land Use Category | Proposed Gross Density of Development | Percentage of All Residential Units Required To Be Work Force Units |
|---------------------------------|---|---|
| Estate | Up to and Including 2.5 Units Per Gross Acre. | 5 Percent ¹ |
| | From 2.5 up to and Including 3.125 Units Per Gross Acre | 12.5 Percent ² |
| Low-Density Residential | From 3 up to and Including 6 Units Per Gross Acre. | 5 Percent ¹ |
| | From 6 to 7.5 Units Per Gross Acre. | 12.5 Percent ² |
| Low-Medium Density Residential | From 6 up to and Including 13 Units Per Gross Acre. | 5 Percent ¹ |
| | From 13 up to and Including 16.25 Units Per Gross Acre. | 12.5 Percent ² |
| Medium Density Residential | From 13 up to and Including 20 Units Per Gross Acre. | 5 Percent ¹ |
| | From 20 up to and Including 31.25 Units Per Gross Acre. | No Required Work-Force Units. Contribution in lieu of workforce housing units required pursuant to Section 33-193.9.1 equal to 5% of the market rate units. |
| Medium-High Density Residential | From 25 up to and including 75 Units Per Gross Acre | No Required Work-Force Units. Contribution in lieu of workforce housing |

| | | |
|--------------------------|---|---|
| | | units required pursuant to Section 33-193.9.1 equal to 5% of the market rate units. |
| High Density Residential | From 50 up to and including 156 Units Per Gross Acre | No Required Work-Force Units. Contribution in lieu of workforce housing units required pursuant to Section 33-193.9.1 equal to 5% of the market rate units. |
| Office/Residential | In accordance with applicable CDMP provisions ³ | Refer to applicable residential category above |
| Business and Office | In accordance with applicable CDMP provisions ⁴ | Refer to applicable residential category above |
| Industrial | In accordance with applicable CDMP provisions | 20 Percent ¹ |
| Urban Center | Those urban centers not rezoned as of February 4, 2007 (the effective date of this ordinance) | 12.5 Percent ² |

~~1The number of WHUs to be provided shall be 5% of the total number of market rate units.~~

~~2The percentage of WHUs to be provided shall be a percentage of the total number of units.~~

~~3Office/Residential — One density category higher than that allowed in the adjoining or adjacent residentially designated area on the same side of the abutting principal roadway, or up to the density of existing adjoining or adjacent residential development, or zoning if the adjacent or adjoining land is undeveloped whichever is higher. If there is no adjacent or adjoining residential development existing, zoned or designated on the same side of the abutting principal roadway, then the allowable maximum residential density shall be based on that which exists or which the plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively office use of the site.~~

~~4Business and Office — One density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped,~~

whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site.

- (B) All applications for residential developments within Urban Centers depicted on the Land Use Plan (LUP) map of the CDMP that are zoned as an urban center as of the effective date of this article shall not be required to provide workforce housing units.
- (C) Applicants seeking to utilize the 12.5% density bonus shall not seek approval of any application or proffer any declaration of restrictive covenants providing for a density below 95% of the total maximum density permitted by the underlying zoning district regulations, all zoning actions approved on the property and the maximum allowable density bonuses.]]

Sec. 33-193.9[[-1]]. - Monetary contribution in lieu of construction of WHUs.

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

$$\gg \frac{(\# \text{ of market rate units } \times \text{ WHU unit cost})}{20} = \text{Total contribution} \ll$$

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

- (B) Developments for which a monetary contribution has been approved in accordance with section 33-193.8[[(A) or 33-193.8(D)]] and developments required to contribute pursuant to section >>33-193.7<< [[33-193.9(A)]] shall pay an amount as follows:

>># of WHU units x WHU unit cost = Total contribution<<

[[Number of WHUs required to be developed (fractions rounded
down)
×
\$110,000
=
Total contribution]].

>>(C) The WHU unit cost shall be established by implementing
order approved by the Board of County Commissioners and
shall be published annually by the Housing Director, as
defined in Chapter 17 of this code. The WHU unit cost
shall be reviewed annually.<<

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

Except for individual single-family and two-family homes, which
shall be approved if deemed to be in compliance with this article
and other applicable provisions of this chapter, all applications for
development approval shall comply with the requirements of this
article and with the site plan and architectural review criteria
contained herein. Developments shall be processed and approved
administratively as follows:

(A) Administrative site plan review. The Department shall
review plans, including the exhibits listed below for
completeness and compliance with the provisions of this
article and the design and site plan review criteria provided
herein. Additionally, all applications shall be reviewed by
the following departments of Miami-Dade County and
other public entities for potential impacts on infrastructure
and other services resulting from the application:
Department of Transportation and Public Works,
Department of Waste Management, Department of
Regulatory and Economic Resources, Miami-Dade Fire
Rescue Department, and Miami-Dade Public Housing and
Community Development Department or the successor
agencies, as well as the Miami-Dade County School Board.

- (1) If a department's review indicates impacts on services and infrastructure provided by any of the foregoing, the applicant shall meet with the affected department or entity to discuss potential mitigation of the impacts and shall submit evidence to the Department as to the resolution of the impact.
 - (2) The Director shall issue a final decision within 21 days of the date of submission of the completed application. The applicant shall have the right to extend the 21-day period by an additional 21 days upon timely request made in writing to the Department. The Department shall have the right to extend the 21-day period by written notice to the applicant that additional information is needed. Denials shall be in writing and shall specifically set forth the grounds for the denial. Any final decision of the Director may be appealed in accordance with the procedures established in this chapter for appeals of administrative decisions.
- (B) Applications for administrative site plan review under this article shall be accompanied by exhibits prepared by registered architects and landscape architects which shall be submitted to the Department and shall include the following:
- (1) Site plan(s) including:
 - a. Locations, shape, size, and height of existing and proposed buildings, decorative walls and entrance features;
 - b. Building exterior finish material;
 - c. Indication of street vistas;
 - d. Lot lines and setbacks;
 - e. Location of WHUs and market rate units by bedroom count
 - f. Location of open spaces including anchor points if applicable;
 - g. Location of on-street and off-street parking including type of permeable materials if used on parking lots, loading facilities, and waste collection areas;
 - h. Indication of signage;
 - i. Indication of any site or building design methods used to conserve energy; and

- j. Locations of backflow prevention devices and connections.
- (2) Indication of the placement and type(s) of lighting fixtures to illuminate roadways and parking areas.
- (3) Landscape plans, including specifications of species of plant material, location, and size in accordance with this article and Chapter 18A of this code.
- (4) Street cross-sections, including adjacent buildings and open space.
- (5) Floor plans for WHU and market rate units, elevations, and sections of all buildings, including total gross square feet of area for each floor and all dimensions relating to the requirements of this article.
- (6) Figures indicating the following:
 - a. Gross and net acreage;
 - b. Total square footage for each use by type;
 - c. Total number of dwelling units (including WHU and market rate units);
 - d. Amount of passive and active open space in square feet;
 - e. Parking required and provided;
 - f. Such other design data as may be needed to evaluate the project.
- (C) As a condition for approval, a Declaration of Restrictions shall be submitted in compliance with Sec. 33-193.11.<<
- ~~[(A) Any application providing a minimum of 12.5 percent WHUs on-site, or otherwise complying with Section 33-193.8 of this article, shall be entitled to a residential density bonus of 25 percent above the applicable CDMP Land Use map maximum density (provided the application satisfies all of the requirements of this article) as well as the benefit of the intensity standards provided in section 33-193.11. The density bonus for the primary site shall not be transferable to the off-site property, where an alternative site is approved after public hearing for the development of off-site WHUs.~~
- (B) ~~WHU applicants providing 5% workforce housing units or an approved contribution in lieu thereof shall be entitled to~~

~~a density bonus above the CDMP maximum density to such increased density as is required to provide the 5% WHUs, as well as the benefit of the intensity standards provided in section 33-193.11.~~

- ~~(C) The total number of dwelling units permitted, including bonus units, market rate units, and WHUs may exceed the permitted maximum density allowed in the zoning district in accordance with the foregoing provisions, provided that in no event shall the density exceed the maximum densities, including applicable bonuses, set forth in the CDMP, as amended.~~
- ~~(D) Severable use rights, as provided in Chapter 33B of this code, shall not be utilized in conjunction with the density bonuses contained in this article.]]~~

Sec. 33-193.11. - Intensity standards.

- (A) Notwithstanding zoning district regulations to the contrary, the following maximum intensity standards shall apply to >>developments that include WHUs on-site and to alternative sites providing Off-site WHUs in accordance with Section 33-193.8 of this article.<< ~~[[applications seeking approval of a WHU application that provides either the WHUs required to obtain a density bonus or a monetary contribution in lieu thereof, under the provision of this Article:]]~~

>>(1) Single Family Residential Intensity Standards

| <u>Zoning District</u> | <u>Minimum Lot Size</u> | <u>Maximum Lot Coverage</u> | <u>Minimum Lot Frontage</u> |
|------------------------|--|--------------------------------------|-----------------------------------|
| <u>EU-2</u> | 4 Acres (with r/w) | 20% | 165 ft |
| <u>EU-1C</u> | 2 Acres (with r/w) | 20% | 125 ft |
| <u>EU-1</u> | 29,040 sq. ft. | 20% | 110 ft |
| <u>EU-S</u> | 17,424sq. ft. (with r/w) | 30% | 110 ft <u>No minimum depth</u> |
| <u>EU-M</u> | 12,000 sq. ft. | 30% | 100 ft <u>No minimum depth</u> |
| <u>RU-1</u> | 5,000 sq. ft. of net area; 10% of development | Platted on or before 3/8/02 - 42% | 50 ft 10% may have 40 ft |

| <u>Zoning District</u> | <u>Minimum Lot Size</u> | <u>Maximum Lot Coverage</u> | <u>Minimum Lot Frontage</u> |
|--|--|---|-----------------------------|
| | may have 3,750 sq. ft. | Platted after 3/8/02 – 48% | |
| <u>RU-2</u> | 5,000 sq. ft. of net area; 10% of development may have 3,750 sq. ft. | Platted on or before 3/8/02 - 42% Platted after 3/8/02 – 48% | 50 ft 10% may have 40 ft |
| <u>RU-1M(a)</u> <u>and</u> <u>RU-1M(b)</u> | 4,000 sq. ft. of net area | Platted on or before 3/8/02 - 48% Platted after 3/8/02 – 54% | 40 feet |

(2) Multi-Family Residential Intensity Standards

| <u>Zoning District</u> | <u>Minimum Lot Size</u> | <u>Maximum FAR</u> | <u>Max Height</u> | <u>Maximum Lot Coverage</u> | <u>Minimum Open Space</u> |
|---|--|-----------------------------------|-----------------------|-----------------------------|--|
| <u>RU-TH</u> | 1,250 sq. ft. of net area | As per RU-TH | 40' | As per RU-TH | 20% of net area |
| <u>RU-RH</u> | 1,000 sq. ft. of net area Density 15 DU/net acre | As per RU-RH | As per RU-RH | As per RU-RH | 10% common space No private open space |
| <u>RU-3M</u> | As per RU-3M | 0.60 | 3 stories (40 ft) | 35% of net lot area | 20% of net area |
| <u>RU-4L</u> | As per RU-4L | 1.00 | 6 stories | 35% of net lot area | As per RU-4L |
| <u>RU-4M</u> | As per RU-4M | 1.50 | 9 stories | 35% of net lot area | As per RU-4M |
| <u>RU-4 and RU-4A</u> | As per RU-4 and RU-4A | 2.00 if more than 9 stories | 1 additional story | As per RU-4 and RU-4A | As per RU-4 and RU-4A |
| <u>BU-1 and BU-1A with Public Hearing</u> | As per BU-1 and BU-1A | Add .015/acre above permitted FAR | As per BU-1 and BU-1A | 45% of net lot area | Open space requirements for one story building |
| <u>BU-2 with Public Hearing</u> | As per BU-2 | Add .015/acre above permitted | As per BU-2 | 50% of net lot area | Open space requirements for one story building |

| <u>Zoning District</u> | <u>Minimum Lot Size</u> | <u>Maximum FAR</u> | <u>Max Height</u> | <u>Maximum Lot Coverage</u> | <u>Minimum Open Space</u> |
|------------------------|-------------------------|--------------------|-------------------|-----------------------------|---------------------------|
| | | FAR | | | |

- (B) PAD Districts, Urban Centers, and other overlay or special districts: The density and intensity of the development shall be established in accordance with the applicable zoning district regulations or in a development agreement which is consistent with a proposed site plan.
- (C) The total number of dwelling units permitted, including market rate units, bonus units, and WHUs, may exceed the permitted maximum density allowed in the zoning district in accordance with the foregoing provisions, provided that the density shall not exceed the maximum allowable density bonuses set forth in the CDMP.<<
- [[(1) In the EU-2 District:
 (a) ~~Minimum lot size—Four (4) acres;~~
 (b) ~~Minimum lot frontage—One hundred sixty-five (165) feet;~~
 (c) ~~Maximum lot coverage—Twenty (20) percent.~~
- (2) In the EU-1C District:
 (a) ~~Minimum lot size—Two (2) acres;~~
 (b) ~~Minimum lot frontage—One hundred twenty-five (125) feet.~~
- (3) In the EU-1 District:
 (a) ~~Minimum lot size—Thirty-two thousand five hundred (32,500) square feet;~~
 (b) ~~Minimum lot frontage—One hundred ten (110) feet.~~
- (4) In the EU-S District:
 (a) ~~Minimum lot size—Twenty thousand (20,000) square feet;~~
 (b) ~~Minimum lot frontage—One hundred ten (110) feet.~~
- (5) In the EU-M District:
 (a) ~~Minimum lot size—Twelve thousand five hundred (12,500) square feet;~~
 (b) ~~Minimum lot frontage—One hundred (100) feet.~~
- (6) In the RU-1 and RU-2 Districts:
 (a) ~~Minimum net lot area of residential lots shall be 5,000 square feet and the minimum lot frontage shall be 50 feet, except that a maximum of 10 percent of the residential lots may be reduced to a~~

- minimum of 4,000 square feet and a minimum lot frontage of 40 feet; and
- (b) Maximum lot coverage shall not exceed the lot coverage permitted by the underlying district regulations by more than 20%.
- (7) In the RU-1M(a), and RU-1M(b) Districts:
- (a) The minimum net lot area of residential lots shall be 4,000 square feet; and the minimum lot frontage shall be 40 feet; and
- (b) Maximum lot coverage shall not exceed the lot coverage permitted by the underlying district regulations by more than 20%.
- (8) In the RU-TH district:
- (a) Minimum lot size shall be 1,250 square feet of net lot area; and
- (b) Minimum open space shall be 20 percent of the net lot area.
- (9) In the RU-RH district:
- (a) Minimum lot size shall be 1,000 square feet of net lot area; and
- (b) Density shall not exceed 15 dwelling units per net acre; and
- (c) No private open space shall be required; and
- (d) A minimum of 10 percent common open space shall be provided in the way of greens.
- (10) In the RU-3M district:
- (a) Maximum floor area ratio shall be 0.60; and
- (b) Maximum height shall be 3 stories not to exceed 40 feet in overall height; and
- (c) Maximum lot coverage shall be 35% of net lot area; and
- (d) Minimum open space shall be 20 percent of the net land area.
- (11) In the RU-4L district:
- (a) Maximum floor area ratio shall be 0.9;
- (b) Maximum height shall be 6 stories;
- (c) Maximum lot coverage shall be 35% of net lot area.
- (12) In the RU-4M district:
- (a) Maximum floor area ratio shall be 1.0;
- (b) Maximum height shall be 9 stories;
- (c) Maximum lot coverage shall be 35% of net lot area.
- (13) In the RU-4 and RU-4A districts:
- (a) Maximum height shall be one additional story;
- (b) Maximum floor area ratio shall be 2.2 for a development over 9 stories.
- (14) In the BU-1 and BU-1A districts if approved after public hearing:

- (a) ~~Maximum floor area ratio — Add .015 per acre above that permitted by the district regulations;~~
 - (b) ~~Maximum lot coverage shall be 45% of net lot area;~~
 - (c) ~~Landscaped open space shall be the open space percentage required by the underlying district regulations for a one-story building.~~
- (15) ~~In the BU-2 district if approved after public hearing:~~
- (a) ~~Maximum floor area ratio — Add .015 per acre above that permitted by the district regulations~~
 - (b) ~~Maximum lot coverage shall be 50% of net lot area;~~
 - (c) ~~Landscaped open space shall be the open space percentage required by the underlying district regulations for a one-story building.~~
- (16) ~~In all transit corridor areas, parking shall be provided as required by section 33-124 of this code, except as follows:~~
- (a) ~~the minimum parking required shall be:~~
 - i. ~~Residential — One (1) parking space per dwelling unit.~~
 - ii. ~~Office — One (1) parking space per four-hundred (400) square feet of gross floor area.~~
 - iii. ~~Hotel — One (1) parking space for every two (2) guest rooms.~~

~~(B)]>>(D)<<~~ Severable use rights, as provided in Chapter 33B of this code, shall not be utilized in conjunction with the ~~>>density or<<~~ intensity standards contained in this article.

Sec. 33-193.12. - Design ~~[[and unit placement.]] >>criteria and development parameters.<<~~

- (A) Workforce housing units shall be comparable in design and materials to market-rate units within the development in terms of exterior appearance. ~~[[Workforce housing units may be grouped or dispersed throughout the development.]]~~ >>All workforce housing units constructed or rehabilitated under this program shall be integrated within the development so as not to be in less desirable locations than market-rate units and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

- (B) All development projects shall be designed so as to reduce energy consumption. Energy conservation methods may include, without limitation, the natural ventilation of structures, the siting of structures in relation to prevailing breezes and sun angles, and the provision of landscaping for shade and transpiration.
- (C) The architectural design and scale of each proposed structure shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of building height transitions and screening elements. Screening elements can include trees and shrubs, walls and fencing, or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent uses.
- (D) Single-Family or Two-Family Residential Design Standards. << ~~[(B)]~~ Notwithstanding underlying zoning regulations that limit the number of residential units that may be constructed on a single platted lot, residential developments incorporating workforce housing units >> in EU, RU-1, RU-1M(a), RU-1M(b), and RU-2 districts << may utilize the following flexible design provisions, provided that the total development density shall not exceed that allowed by this article. Units to be developed in accordance with this section shall be approved only upon demonstration that a declaration of condominium has been filed in accordance with state law (if any unit is to be sold.
- (1) No more than 3 total residential units may be placed on a single platted lot, of which no more than one unit may be, but shall not be required to be, a market rate unit; and
 - (2) The entrance to each of the units on a single platted lot shall be >> through << ~~[[:~~
 - (a) ~~Through]]~~ a common hall/foyer area in the front of the building, which shall be concealed by a building wall with 1 entrance door, giving the appearance of a single-family >> home or, where applicable, two-family home << ~~[[residential unit; or~~
 - (b) ~~The entrance to the workforce housing unit(s) shall be clearly designed to be subordinate to the principal entrance of the~~

~~building for the market rate unit. When the entrance is configured in this manner, the design shall incorporate architectural features and elements that clearly distinguish and develop the market rate unit entrance as the predominant entrance from the other entrances]].~~

- (3) Buildings designed under these parameters shall not be located on the periphery of a development, adjacent to or across the street from previously established single-family residential neighborhoods.
 - (4) The locations of the parking spaces for the units within the building shall be dispersed around the building so as not to create a parking field for all of the spaces in the front of the building.
 - >>(5) The footprint of the residential structure shall have the appearance of a single-family or, where applicable, two-family home.
 - (6) Unless the plumbing system of the residential building is connected to a sanitary sewer, lots that have a septic tank with field drains shall have a rear yard with an area of at least 25 percent of the total lot area. The rear lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure.
- (E) Multi-Family Residential Design Standards: The following Multi-Family design standards shall apply to WHUs in development projects within RU-3M; RU-4L; RU-4M; RU-4; RU-4A; RU-5; RU-5A; BU-1; BU-1A; BU-2; and BU-3 Zoning Districts:
- (1) In a multi-family residential development, the ratio of efficiency, one-bedroom, and larger WHUs shall not exceed the ratio of efficiency, one-bedroom, and larger dwelling units among the market rate units.
 - (2) All buildings shall have their main entrance opening to a street or meaningful open space, such as a square, park, green, plaza or promenade.

- (3) All developments shall have unobstructed sidewalks or pedestrian paths a minimum six feet wide providing pedestrian linkages to adjacent neighborhoods.
- (4) Buildings shall be oriented towards the street.
- (5) Building architecture, exterior finish materials and textures, architectural elements, and ornamentation shall be selected to produce human scale at street level.
- (6) Open Space. A minimum percent of open space shall be provided pursuant to Sec. 33-193.11.

Open spaces and landscaping shall be incorporated into the design of all developments to allow sufficient light and air to penetrate the development, to direct wind movements, to shade and cool, to visually enhance architectural features and relate the structure design to the site, and to functionally enhance the development; outdoor graphics and exterior art displays and water features are encouraged to be designed as an integral part of the open spaces and landscaped areas.

- (7) Service areas shall be located and screened to minimize negative visual impacts from the street and adjacent properties.
- (8) Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements. Mechanical equipment installed at ground level shall be screened by walls or by similar landscape and architectural elements.
- (9) Dumpsters shall not be visible from the street.
- (10) Architectural elements at street level shall have human scale, abundant windows, doors and design variations to create interest for the pedestrian. Blank walls at street level and above the ground floor of buildings are not permitted.
- (11) All parking garages shall have all architectural expressions facing public open spaces consistent and harmonious with that of habitable space.

(F) Other Development Parameters

- (1) Design considerations shall include: the placement, orientation and scale of buildings and building elements particularly at street level, sidewalks and connections, and provisions of weather protection, landscape, and lighting.
- (2) All on-site utilities shall be buried underground.
- (3) Adequate circulation to accommodate emergency vehicles shall be provided throughout the development.
- (4) The development shall be designed with a coordinated, outdoor, pedestrian-scaled lighting system that is adequate, integrated into the development, and compatible and harmonious with the surrounding areas.
- (5) Street furniture such as trash containers and benches shall be permanently secured to the sidewalk. Street furniture shall not obstruct sight visibility triangles at street intersections.<<

Sec. 33-193.13. - Required declaration of restrictive covenants

Prior to final approval of any >>development<< [[application]] seeking to utilize the density or intensity bonus available pursuant to this article >>, including applications for single-family homes and duplexes<<, the applicant shall submit a separate declaration of restrictive covenants, encumbering the entire >>development<< [[project]], approved in form by the Director >>and the Housing Director in accordance with Chapter 17, Article IX of this code<< and sufficient for recording in the public records of Miami-Dade County, Florida, including provisions requiring development of a specified number, type, and location of all dwelling units, a general plan for staging construction of all units, and such other provisions as the Department may require to demonstrate the applicant's compliance with this article. The development and the WHU staging plan must be consistent with the CDMP and any applicable land use, subdivision regulations, zoning and site plan approval for the property. The declaration of restrictive covenants shall require the property to be developed in accordance with the following specifications:

- (A) A general description of the covered development, including whether the covered development will contain rental dwelling units or owner-occupied dwelling units, or both;
- (B) The total number of market rate dwelling units and WHUs in the development and the timetable for construction; and
- (C) The location of the WHUs in the development and phasing, if any, and construction schedule for the development sequence demonstrating that:
 - (1) WHUs will be built and made available for occupancy simultaneously with or before market-rate dwelling units, except that building permits for the last 10[[%]] >>percent<< of the market-rate units shall be withheld until building permits have been issued for all of the WHUs; and
 - (2) The last building shall not contain only WHUs.
- (D) If the requirements of this article are to be satisfied through the use of an alternative to on-site construction as provided in section 33-193.8 >>of this article<<, [[of this code,]] the declaration of restrictive covenants shall identify and commit to the development of WHUs on an approved alternative site. A separate declaration of restrictive covenants encumbering the alternative site shall identify and commit to the development of the approved off-site WHUs, and shall further provide appropriate assurances that the required WHUs for the alternative site itself will be provided.
- (E) The declaration of restrictive covenants may be modified by mutual consent of the applicant and the >>Director<< [[Department of Planning and Zoning and the Miami-Dade Housing Agency]] and the [[Miami-Dade Public]] Housing >>Director in accordance with Chapter 17, Article IX of this code, << [[and Community Development Department]], as long as the modified agreement remains in conformity with this article and substantially conforms to the recorded declaration's provisions relating to number, location, distribution and timing or construction of WHUs.

Sec. 33-193.14. - Workforce housing agreement.

Prior to the earlier of final plat approval or application for building permit for the first residential unit on the property subject to the requirements of this article >>₁<< the applicant shall submit a declaration of restrictive covenants, approved in form by the Director >>and the Housing Director in accordance with Chapter 17, Article IX of this code<< and sufficient for recording in the public records of Miami-Dade County, Florida, encumbering the individual WHUs in the entire development, specifying the restrictions of the WHUs and such further arrangements, ~~[[and]]~~ restrictive covenants, >>and resale restrictions<< as are necessary to carry out the purposes of Chapter 17, Article IX of the code, sections 17-142 through 17-144 inclusive, and shall include the following:

- (a) A binding commitment that the restrictions of this article shall run with the land for the entire control period, and
- (b) A binding commitment that the covenants will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to or an interest in the property, and
- (c) These covenants shall be senior to all other liens or encumbrances on the property including all instruments securing permanent financing, except that tax and assessment liens shall be superior to these covenants >>₂and except as may be provided in Chapter 17, Article IX of this code<<, and
- (d) A binding commitment that incorporates all terms and conditions regarding WHUs, including without limitation, the required shared equity agreement, eligibility standards, appropriate sale and rental price standards and affordability controls required of purchasers of WHUs pursuant to Chapter 17, Article VIII of this code.
- >>(e) Where WHUs are to be provided as part of a rental development, the declaration and agreement required by this section and Section 11-193.13 may specify the total number of WHU rental units to be made available on the property and provide for an annual inventory of WHUs, instead of encumbering each individual WHU. <<

Sec. 33-193.15. –Penalties and enforcement.

This article shall be enforceable in accordance with the provisions of Chapter 8CC of this code. Violations of this article shall also be punishable by a fine not to exceed >>the value of the in lieu contribution for the mandatory workforce housing units<<

~~[[one thousand dollars (\$1,000.00)]] or by imprisonment in the county jail for a period not to exceed ~~[[sixty-]]60[[]]] days, or by both such fine and imprisonment, in the discretion of the county court. Any continuing violations of the provisions of this article may be enjoined and restrained by injunctive order ~~[[of the circuit court]]~~ in appropriate proceedings instituted for such purpose.~~~~

>>Sec. 33-193.16. – Nonconforming Lots, Uses, and Structures.

Nonconforming lots, uses, and structures shall be governed by Section 33-35 of this chapter. A development approved pursuant to the voluntary Workforce Housing Development Program adopted by Ordinance No. 07-05, as amended, shall be deemed to be legally established and may be developed as approved but shall thereafter be subject to the requirements of Section 33-35 of this chapter.<<

Section 2. Chapter 17, Article IX of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**ARTICLE IX. - WORKFORCE HOUSING DEVELOPMENT PROGRAM
ADMINISTRATION**

* * *

Sec. 17-140. - Definitions.

The definitions contained in Chapter 33, Article XIII A of the Code of Miami-Dade County, shall apply to this chapter in addition to the following:

- (1) "Area median income" means the median income level for the Miami-Dade County Metropolitan Statistical Area, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, and adjusted for household size.
- (2) "Certificate of qualification" means a certificate issued by the Department establishing a qualified household's eligibility to purchase or rent a workforce housing unit ("WHU"). Certificates of qualification shall be valid for 12 months. The certification criteria are set by implementing order.

- (3) ~~[[“Condominium” means that form of ownership of real property created pursuant to Chapter 718 of the Florida Statutes, which is comprised entirely of units that are owned by one or more persons, and which there is, appurtenant to each unit, an undivided share in common elements.~~
- (4) ~~“Condominium conversion” has the meaning established by sections 718.604—718.622 of the Florida Statutes.~~
- (5)]] “Control period” means each 20-year period during which the affordability restrictions imposed by this article shall apply. The control period begins at the time of any sale or resale of the affected unit by every new WHU owner.
- [[~~(6)~~]]>>(4)<<“Covered development” means all developments providing WHUs or monetary contributions in lieu thereof pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County.
- [[~~(7)~~]]>>(5)<<“Department” means, unless otherwise indicated, the ~~[[Office of Community and Economic Development for the]]~~ Miami-Dade >>Public<< Housing ~~[[Agency]]~~ >>and Community Development Department<< or any successor agency.
- [[~~(8)~~]]>>(6)<<“Developer” means any person, firm, corporation, partnership, limited liability company, association, joint venture, or any entity or combination of entities that apply for development orders or permits for residential dwelling units seeking to utilize the density or intensity bonus available pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County Florida, but does not include the state or any county, municipality, or any governmental entity.
- [[~~(9)~~]]>>(7)<<“>>Housing<< Director” means, unless otherwise indicated, the Director of the ~~[[Office of Community and Economic Development for the Director of]]~~ the Miami-Dade >>Public<< Housing ~~[[Agency]]~~ >>and Community Development Department<<, or designee.

[(10)]>>(8)<< “Eligible household” means, subject to the provisions of section 17-134 hereof, a household whose total income is between >>60 percent up to<< [[65% and] 140[[[%]]>>percent<< of Area Median Income.

[(11)]>>(9)<< “Eligible household income” means any income derived from any proposed occupants of a WHU who are 18 years of age or older and who will use the WHU as their primary residence.

[(12)]>>(10)<< “Household” means any natural person who occupies a WHU as [[his or her]] >>their<< primary residence.

[(13)]>>(11)<< “Market rate dwelling units” means all dwelling units in a covered development that are not WHUs as defined herein.

[(14)]>>(12)<< “Qualified household” means an eligible household that has received a certificate of qualification from the Department.

[(15)]>>(13)<< “Workforce housing unit rent” or “WHU rent” means rents that do not exceed the maximum monthly Rent Limits as determined for Miami-Dade County by the U.S. Department of Housing and Urban Development in its annual Income Limits and Rent Limits and as used by Florida Housing Finance Corporation for its multifamily rental programs (published annually at <http://www.floridahousing.org>).

[(16)]>>(14)<< “Workforce housing unit sales price” or “WHU sales price” shall mean the sales price set by the Board pursuant to an implementing order, not to exceed an amount affordable at the maximum workforce housing target income range, as defined in Chapter 33, Article XIIA of the Code of Miami-Dade County, taking into account (a) family size; (b) an annual fixed interest rate [[based on a thirty (30) year mortgage term]]; (c) payment of up to five percent [[(5%)] down payment by a qualified household; and (d) an estimation of annual property taxes, assessments, loan insurance and financing fees, allowances for property maintenance and repairs, homeowners insurances, homeowner association fees, if any, and allowances for utilities.

Sec. 17-141. - Applicability.

The provisions of this article shall apply to all WHU development >>in the incorporated and unincorporated area<< subject to the provisions of Chapter 33, Article XIIA of the Code of Miami-Dade County.

Sec. 17-142. - Compliance procedures.

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

(1) Every WHU established pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County shall be offered for sale or rental to a qualified household to be used for ~~[[his or her]]~~>>their<< own primary residence. The ~~[[County, through the]]~~ >>Housing<< Director~~[[,]]~~ shall publish a pricing schedule of rental and sales prices for WHUs in accordance with this article.

(2) Any developer or other property owner offering a WHU for initial sale or rental shall record in the public records one or more covenants or declarations of restrictions in a form approved by the >>Housing Director<< ~~[[County]]~~. Such covenants or declarations of restrictions shall include the WHU Agreement, and such further arrangements, restrictive covenants, and resale or rental restrictions as are necessary to carry out the purposes of this article. The developer or other property owner must execute and record a declaration of restrictive covenants assuring that:

(a) the restrictions of this article shall run with the land for the entire control period;

(b) the covenants will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to or interest in the property. These covenants shall be senior to all instruments securing permanent financing >>, except as provided in this article<<.

- (3) Each qualified household purchasing a WHU shall be required to record a mortgage in favor of Miami-Dade County in an amount of \$100.00 or such other amount that may be borrowed by a qualified household from the County. A promissory note shall be executed by each qualified household and secured by said mortgage. Said mortgage shall set forth the same covenants, along with the refinancing and resale restrictions as those included in the restrictive covenants required by this section, and shall require acknowledgment of the County's right of first refusal as set forth in section 17-144(B) and (C).
- (B) WHUs offered for sale during the initial or any control period shall not be offered for a price greater than the current maximum WHU sales price as determined by the >>Housing Director<< [[Department]] at the time of sale.
- (C) A new twenty (20) year control period shall commence upon any resale and/or transfer to a new owner of such WHU within the initial 20-year control period. Any WHU that is owned for an entire 20>>-<<year control period by the same individual(s), shall be released from the sales price restrictions under the program. Upon the expiration of the control period the >>Housing Director<< [[County]] shall record in the public records of Miami-Dade County an instrument or document releasing the WHU from the restrictive covenant required by this program

A WHU may not be resold during the control period set forth herein for an amount that exceeds the WHU sales price set by implementing order. Prior to offering the dwelling unit for sale during the control period, the WHU owner shall obtain the >>Housing<< Director's written approval of the WHU sales price.

The covenants recorded by each developer or other property owner of WHUs shall state in said covenant that the unit is subject to the following provisions:

1. The covenants shall be senior to all instruments securing permanent financing, >>unless due to the requirements of such permanent financing, such as financing from the Federal Housing Administration, the Housing Director

agrees to subordinate such covenants,<< and shall bind all assignees, mortgagees, purchasers and other successors in interest.

2. The total aggregate amount of principal and accrued interest for all financing secured by an individual upon ~~[[his or her]]~~ >>their<< initial purchase of a WHU shall not exceed 105~~[[%]]~~>>percent<< of the loan-to-value. Any financing in excess of the lesser of (1) Department's maximum WHU sales price at the time of closing; or (2) the property's appraised value shall not be secured by any interest in the applicable individual WHU.

No sale, transfer or foreclosure shall affect the validity of the covenants except as expressly set forth in the provisions of this article. >>It is provided that, where necessary to obtain permanent financing, such as financing from the Federal Housing Administration or similar senior lender, the Housing Director may provide that the control period and other restrictions on the WHU shall not survive the foreclosure in accordance with such senior lender's guidelines and restrictions.<<

* * *

Sec. 17-144. - Affordability controls.

(A) Initial sale or rental.

- (1) Every WHU 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 household to be used for ~~[[his or her]]~~ >>their<< own primary residence.

* * *

(B) Right of first refusal.

- (1) Initial Sale. The developer or other property owner of a WHU shall agree to execute a document consistent with a model restriction prepared by the Department, granting to the County, among other things, the County's right of first refusal to purchase the WHU in the event that a qualified household does not execute a contract for purchase within six ~~[[6]]~~ months from the

date the WHU is offered for sale. In the event that no qualified household purchases a WHU within six ~~[[6]]~~ months from the date the WHU is first offered by the developer or other property owner, the >>Housing<< Director shall recommend to the County Mayor or the County Mayor's designee whether the County should exercise its right of first refusal to purchase the WHU at the WHU sales price. ~~[[If the County Mayor or the County Mayor's designee concurs, the]]~~ >>The<< >>Housing<< Director shall notify the developer or other property owner of the County's decision. >>If the County rejects the offer or otherwise does not respond to the offer, the developer or property owner shall remain obligated to sell or rent the WHU to a qualified household and to comply with the declaration of restrictive covenants and workforce housing agreement required by this article and Chapter 33, Article XIIA of this code.<< The County Mayor or the County Mayor's designee is authorized to exercise the right of first refusal provided hereunder, with funds allocated from the Affordable Housing Trust Fund established pursuant to >>Chapter 17, Article VIII of this code<< ~~[[Section 17-129, et seq., Code of Miami-Dade County]]~~ or any other authorized source >>of funding<<, for the direct and exclusive purpose of providing workforce housing for those households meeting the workforce housing eligibility requirements. Notwithstanding this authorization to purchase, the County Mayor or the County Mayor's designee shall bring to the Board of County Commissioners a resolution seeking ratification of said purchase at the next available Board meeting following the purchase of the WHU.

* * *

(E) Foreclosures and other proceedings.

- (1) If any qualified household of a WHU defaults on its mortgage with the County and said default is not cured within the applicable time periods, then the whole debt secured by said mortgage, with all interest thereon, and all other amounts thereby

secured shall, at the option of the County, become immediately due and payable. In the event any qualified household of a WHU fails to cure the default, the County shall have the right to legally enforce the term of the mortgage or collect the debt in any action at law, including but not limited to a proceeding in foreclosure. Any proceeds, including any expenses or expenditures incurred and recovered by the County, shall be deposited in the Affordable Housing Trust Fund, which has been established pursuant to ~~>>Chapter 17, Article VIII of this code<< [[Section 17-129 et seq. of the Code of Miami-Dade County]]~~. These funds shall not be commingled with any other funds deposited into the Affordable Housing Trust Fund that are not associated with the WHU program, but shall be deposited into a separate account.

- (2) In any suit, action or proceeding, including without limitation bankruptcy, probate or any other suit, action or proceeding affecting the WHU, any monies recovered by the County shall be deposited into the Affordable Housing Trust Fund.
- (3) Notwithstanding subsection E (1) and (2), in the event of default by a qualified household on any senior mortgage associated with a WHU, the County Mayor or the County Mayor's designee is authorized to pay off said senior mortgage and assume ownership of the WHU by using funds from the Affordable Housing Trust Fund for resale to an eligible household. The defaulting qualified household shall be required to vacate the WHU as authorized by law. The County Mayor or the County Mayor's designee is further authorized to purchase any WHU that is sold as a result of any suit, action or proceeding, including but not limited to foreclosure, bankruptcy, probate or any

other suit, action or proceeding affecting the WHU. Notwithstanding this authorization to purchase, the County Mayor or the County Mayor's designee shall bring to the Board of County Commissioners a resolution seeking ratification of said purchase at the next available Board meeting following the purchase of the WHU.

* * *

Sec. 17-145. - Trust Fund Expenditures.

Funds from the ~~[[workforce housing development program]]~~ >>Workforce Housing Development Program ("WHU program") established in Chapter 33, Article XXIIA of this code that are ~~<< deposited into the Affordable Housing Trust Fund [;~~ which has been established pursuant to Section 17-129 et seq. of the Code of Miami-Dade County]], including, without limitation, monetary contributions in lieu of development of workforce housing units, shall only be used >>for the purposes set forth in Chapter 33, Article XIIA and Chapter 17, Article VIII of this code.<< [~~to increase opportunities to obtain workforce housing for households earning 65% to 80% of the area median income. Notwithstanding the foregoing, when exercising the right of first refusal pursuant to Section 17-144, the County Mayor or the County Mayor's designee may utilize monies deposited into the Affordable Housing Trust Fund from the workforce housing development program without limitation.]~~

* * *

Section 3. Section 33E-6.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33E-6.1. Payment of road impact fees.

* * *

- (g) >>Deferral of fees.<< Road impact fees exceeding [~~twenty five thousand dollars (~~ \$25,000.00 ~~)] >>, and road impact fees assessed for development of workforce housing units provided in accordance with Chapter 33, Article XIIA of this code,<< may be deferred >>in accordance with Section 33E-18 of this article,<<~~

provided that the feepayer submits either a surety performance bond (the bond) or an automatically renewable, irrevocable letter of credit (the bond), for the total amount of the impact fee. Upon acceptance of the bond by the County Planning and Zoning Director the building permit may be issued.

* * *

Section 4. Section 33E-18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33E-18. - Road Impact Fee Deferral For Certain Land Use Types.

- (A) Notwithstanding anything in the code to the contrary>>, (i)<< an applicant for a building permit requiring payment of a road impact fee >>that exceeds \$25,000.00<< may request a deferral of road impact fee payment for one-half ~~[(1/2)]~~ of the assessed road impact fee for a period of up to ~~[[three-(1)3[1]]]~~ years >>, or (ii) an applicant for a building permit for workforce housing units provided in accordance with Chapter 33, Article XIIA of this code may request a deferral of 90 percent of the road impact fees assessed for those units for a period of up to two years.<< subject to the following terms, conditions, requirements and limitations:
- (1) The deferral program shall not be used to defer road impact for uses under Section 33E-8 for ITE Land Use Types that are categorized as Residential, Recreational or Institutional according to Tables 100 & 100A>>; except for workforce housing units as provided herein<<.
 - (2) As condition of deferral of road impact fees pursuant to this section, the owner of the property that is subject to the road impact fee shall execute a voluntary lien securing payment of the deferred portion of the road impact fee on a form provided by the County Public Works Director and filed in the Public Records of Miami-Dade County.

- (3) A notice that said voluntary lien has been satisfied shall be promptly filed in the Public Records by Miami-Dade County upon final payment of all outstanding road impact fees including associated administrative fees and penalties, if any that may be owed in connection with the road impact fee.
- (4) The total amount of the road impact fee owed shall be assessed at the time the building permit is issued.
- (5) Prior to issuance of the building permit, the applicant shall pay >>(i)<< the sum of one-half (1/2) of the total road impact fee assessed against the property >>or, for workforce housing units, the sum of 10 percent of the road impact fees assessed for those units<< ("initial payment"), plus >>(ii)<< the total administrative fee for the assessed road impact fee, plus >>(iii)<< the total administrative fee for deferral as provided under this section.
- (6) An administrative fee of [~~(€)]\$100~~>>.00<< [0] or [~~two~~] >>2<< percent [~~(2%)~~] of the deferred portion of the road impact fee, whichever amount is greater, shall be charged in connection with the application for deferred payment of road impact fees under this section.
- (7) No deferral amount under this section>>except for amounts assessed for workforce housing units,<< shall exceed [~~twenty-five thousand dollars~~-(€)]\$25,000>>.00<< [0] for a single application.
- (8) The schedule of payment for the deferred portion of the road impact fee shall be set as follows:
 - a. No schedule authorized under this section may exceed [~~three~~-(€)]3[0] years >>except that the deferral period for workforce housing units shall be a maximum of 2 years<<; and
 - b. The payment schedule shall provide for collection of a minimum of one-third of the deferred amount for each year>>except that no interim payment for workforce housing units shall be required<<; and
 - c. All road impact fees deferred pursuant to this section shall become immediately due upon a sale, conveyance or other transfer of title of the property that is the subject of

the road impact fee >>, except for road impact fees deferred for workforce housing units<<.

- (9) No interest shall be charged against road impact fees deferred under this section>>,<< provided that they are paid on time in accordance with the payment schedule. It is provided, however, that payments made later than ~~[[thirty-()30[]]]~~ calendar days from the date that payment of the impact fee installment is due shall be charged interest at the rate of ~~[[twelve]]~~ >>12<< percent ~~[[(-2%)]]~~ per annum simple interest>>,<< accruing from the date of the initial payment up to the date of the late payment>>,<< plus cost of collection established by implementing order of the Board of County Commissioners.
- (10) The County Public Works Director>>,<< is authorized to foreclose on the lien for any deferred impact fees>>,<< including any accrued interest>>,<< that remain unpaid for more than ~~[[one hundred and eighty-()180[]]]~~ calendar days beyond the date when deferred impact fees are due>>,<< and may assess reasonable fees associated with the foreclosure of the lien and collection of the road impact fee payment>>,<< including reasonable attorney's fees and court costs.
- (B) The County Planning and Zoning Director shall provide an annual report on the status of this program to the Board of County Commissioners.
- (C) The maximum total amount of road impact funds that may be deferred pursuant to this program is ~~[[one million dollars-()\$1,000,000>>.00<< []]]~~, whereupon this program shall not be available to defer impact fees until such time as the total deferred amount has been reduced by payment of impact fees below the maximum set forth herein. It is provided, however, ~~[[the amount of deferred road impact fees shall not include]]~~ >>that this limitation shall not apply to: (i) road impact fees assessed for development of workforce housing units provided in accordance with Chapter 33, Article XIIA of this code; or (ii)<< deferred impact fees that are secured by a bond or letter of credit pursuant to Section 33E-6.1(g).

Section 5. 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 6. 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 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel
Terrence A. Smith

Handwritten signatures in black ink. The top signature is 'APW' and the bottom signature is 'Terrence A. Smith'.

Prime Sponsor: Commissioner Barbara J. Jordan