

**ORDINANCE No. 2016-13**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING AN AMENDMENT TO THE CITY OF DORAL LAND DEVELOPMENT CODE ADDRESSING WORKFORCE HOUSING; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Doral City Council is charged, under State law, the Miami-Dade County Charter and the City of Doral Charter, with the regulation of development and protection of the community's health, safety and general welfare; and

**WHEREAS**, the City of Doral has identified the provision of workforce housing as a high priority in its Comprehensive Plan; and

**WHEREAS**, the City Council has recently adopted an amendment to the Comprehensive Plan Community Mixed Use (CMU) land use category to provide a workforce housing density bonus of up to 30% for the provision of 2/3 of the bonus units as workforce housing and has approved a similar amendment on first reading to add the bonus to the Downtown Mixed Use (DMU) land use category; and

**WHEREAS**, specific land development regulations are necessary to effectively implement the workforce housing residential density bonus provisions now provided in the Comprehensive Plan; and

**WHEREAS**, the City Council has been designated as the Local Planning Agency ("LPA") for the City pursuant to Section 163.3174, Florida Statutes, and has held a duly advertised public hearing to consider the proposed Code ordinance and render its recommendation to the City Council; and

**WHEREAS**, on June 22, 2016, the City Council conducted a duly advertised public hearing on the proposed ordinance and considered the staff report and all other evidence and comments received concerning the proposed ordinance as required by State law and local ordinances; and

**WHEREAS**, the City Council finds that the proposed ordinance, as recommended by staff, is consistent with the City's Comprehensive Plan as adopted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:** <sup>1</sup>

**Section 1. Recitals.** The above recitals are true, correct, and incorporated herein by this Ordinance upon adoption hereof.

**Section 2. Decision.** Article XVII, Sections 74-886 thru 74-893, of the City of Doral Land Development Code is hereby adopted as provided below. *[Text underlined is proposed to be added.]*

\* \* \*

Article XVII. WORKFORCE HOUSING

Sec. 74-886. – Intent and purpose

It is recognized that a shortage of workforce housing exists in the City of Doral which is detrimental to the public health, safety and welfare. The current housing stock in the City is not affordable to many workers in Doral and thus they are forced to live in other areas of Miami-Dade County, and commute into and out of Doral. The purpose of this regulation is to provide a Workforce Housing Density Bonus (WHDB) to property owners with land located in certain land use categories for the planning and construction of housing affordable to workers in the City of Doral.

Sec. 74-887. - Definitions

(1) Area Median Income (AMI) – The median income for the Metropolitan Statistical Area containing Miami-Dade County which is adjusted for the household size as calculated and published annually by the United States Department of Housing and Urban Development.

(2) Eligible Workforce Household – A household with an annual income in the workforce affordability range between 65% and 140% of the applicable AMI figure.

(3) Workforce Housing Density Bonus (WHDB) – A bonus provision provided in selected land use categories contained in the City’s adopted Comprehensive Plan in terms of an additional housing density bonus percentage of up to 30% above the maximum number of dwelling units allowed in the land use category, including the Creative Excellence density bonus, in return for the provision of two-thirds (2/3) of the bonus units to be affordable to area workforce households. For example, if a development is proposing to build 100 dwelling units and is granted a 30% WHDB, the total number of units allowed would increase to 130, and 20 of the additional 30 units would be required to be affordable to the local workforce. This example is not intended and does not constitute a part of this ordinance but is included herein for explanation and clarification purposes only.

(4) Workforce Housing Density Bonus Agreement – A written agreement between an applicant for a development and the City containing specific requirements to ensure the continuing affordability of the workforce housing units included in a development during the control period.

(5) Workforce Housing Unit – A rental dwelling unit occupied by an eligible workforce household where the maximum monthly rental cost shall be restricted to an amount affordable to a workforce household with a total annual income between 65% and 140% of AMI.

Sec. 74-888. – Density Bonus Requirements

(1) Workforce unit rental rates must be affordable to households in a relatively balanced distribution across the AMI affordability range as follows: One-third (1/3) of the units must be affordable to workforce households making an annual income equal to 65% to 90% of AMI; one-third (1/3) affordable to households making 91% to 115% of AMI; and one-third affordable to households making 116% to 140% of AMI.

(2) Prior to the initial rental of any workforce unit, the owner must record the WHDB Agreement in the chain of title for that unit, at no cost to the City, and submit recordation documentation to the City. The rental contract for the unit must

also contain a clause summarizing the workforce housing requirements and rent level control, and referencing the recorded WHDB Agreement.

(3) The maximum rental rates for workforce units shall not exceed the affordability limit of an eligible workforce household making an annual income within the applicable AMI range pursuant to this ordinance as published annually by the City of Doral based on official information available from documented sources such as Miami-Dade County and/or U.S. Department of Housing and Urban Development.

(4) Where these regulations result in a fraction, the result shall be rounded up to the nearest whole number.

Sec. 74-889. – Application of Workforce Housing Density Bonus

(1) Any development proposing to utilize the density bonus allowed in a land use category must submit a WHDB zoning application to the City for consideration and approval by the City Council for approval. At a minimum, the application shall include:

- a. General description of the development including location, size, land use, zoning, and the number of rental units and/or for sale units the development will contain;
- b. Conceptual development plan showing the proposed location of the workforce housing rental units;
- c. Total number of market rate and WHDB units;
- d. Estimated initial monthly rent for each WHDB unit;
- e. Property legal description and survey;
- f. Affirmative written statement that the proposed project will be designed to meet the City's Creative Excellence standards in Code Section 86-83, as amended.
- g. Any other relevant information requested by the Planning and Zoning Director, or his/her designee.

(2) If a WHDB is approved by the City Council, the property owner must also submit for Site Plan review and approval pursuant to this Code. In addition, to the site development plan requirements contained in Chapter 53, Article VIII, the following additional items must be submitted:

- a. For workforce each unit, provide the size in terms of square feet and number of bedrooms;
- b. Location in development of each workforce unit and its applicable AMI affordability range;
- c. If construction is to be phased, a phasing plan identifying the number of workforce units and market-rate units in each phase; and

d. Documentation and plans regarding the interior and exterior appearances, materials, and finishes of the bonus units if not exactly the same as the market-rate units.

(3.) The City Council shall utilize the standards below in determining the level of WHDB to award to a prospective development. As a guideline, each standard below is considered to have a value of up to 6% of the total WHDB of 30%:

- a. The site is served by high-frequency public transit with a transit shelter located within ¼ mile on the same side of the road.
- b. The workforce housing is within ½ mile of a major commercial or light industrial employment center.
- c. There are designated safe routes to nearby schools, parks and other community facilities.
- d. The increased density will be compatible with adjacent existing and planned development.
- e. Roadway, parks, schools and infrastructure systems in the immediate area can accommodate the additional density at the levels-of-service adopted in the Comprehensive Plan.

Sec. 74-890. – Workforce Housing Density Bonus Unit Criteria

(1) Workforce dwelling units shall be built on the same site as the proposed development.

(2) Workforce units must be reasonably dispersed throughout the project, and not clustered together or segregated in any way, from the market-rate units.

(3) On average, workforce dwellings must contain the same number of bedrooms and quality of construction as the other market-rate units in the development.

(4) Workforce units shall be developed simultaneously with or prior to the development of the other market-rate units.

(5) The number of efficiency, one, two and three or more bedroom workforce units shall be proportional to the number of efficiency, one, two and three or more bedroom market-rate units (e.g., if 50% of market-rate units have two bedrooms, then approximately 50% of the workforce units must be two bedroom units).

(6) If the development is phased, the phasing plan shall provide for the construction of workforce units proportionately and concurrently with the market-rate units.

(7) The exterior appearance of workforce units shall be similar to the market-rate units and shall provide exterior building materials and finished of substantially the same type and quality.

(8) The interior building materials and finishes of the workforce units shall be substantially the same type and quality as market-rate; and

#### Sec. 74-891. – Workforce Housing Density Bonus Agreement

(1) Prior to the approval of any development order or permit for any development in which the Workforce Housing Density Bonus (WHDB) is requested, the applicant shall enter into a WHDB Agreement with the City which shall set forth the commitments and obligations of the applicant to insure compliance with these regulations.

(2) The applicant shall execute any and all documents deemed necessary by the City in a form to be established by the City, including, without limitation, restrictive covenants, deed restrictions and related instruments (including requirements for income qualification for tenants of rental units).

#### Sec. 74-892. – Maintenance of Rent Affordability

(1) On an annual basis, the City Manager, or his/her designee, shall make available copies of updated AMI ranges, and associated rental rate limits applicable to workforce units in Doral based on official information available from documented sources such as Miami-Dade County and/or U.S. Department of Housing and Urban Development.

(2) The time period during which the rental rate for a workforce unit under this ordinance is required to be controlled within a specified affordability range is 20 years.

(3) Workforce housing rental unit owners are required to submit documentation to the City on July 1<sup>st</sup> of each year verifying that the all designated workforce units they own are being rented at rates affordable to area households with annual incomes within the affordability ranges established in this Code. For owners with ten (10) or less workforce housing units, documentation may be in the form of a notarized affidavit stating the current annual rent for each unit together with collaborating documentation. For owners with more than ten (10) units, an audit report prepared by a Certified Public Accountant is required documenting compliance.

#### Sec. 74-893. – Violations

(1) It is a violation of this ordinance to:

- a. Fail to file required affidavits or audits when required.
- b. Rent or lease a WHDB unit to a person or family that is not income eligible as required by this ordinance.
- c. Knowingly give false or misleading information relating to this program to any City employee.
- d. Participate, in any way, in the lease or rental of a workforce unit which violates any provision of this ordinance or a WHDB Agreement.

(2) The fine for each violation of this ordinance shall be \$500 per each day the violation continues.

(3) Appeals to any violations issued by the City under these regulations shall be processed pursuant to the City of Doral Code Compliance appeals procedure.

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**Section 3. Implementation.** The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

**Section 4. Incorporation into the Code.** The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall

not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6.** **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

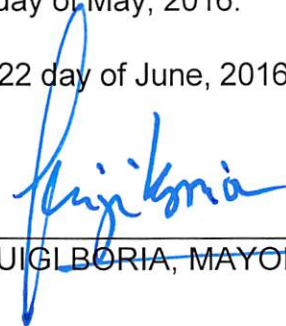


The foregoing Ordinance was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	No
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on first reading this 11 day of May, 2016.

PASSED AND ADOPTED on second reading this 22 day of June, 2016.



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LUIGLBORIA, MAYOR

ATTEST:



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CONNIE DIAZ, CMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



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WEISS, SEROTA, HELPMAN, COLE & BIERMAN, P.L.  
CITY ATTORNEY