

ORDINANCE No. 2017-11

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING AN AMENDMENT TO THE LAND DEVELOPMENT CODE CHAPTER 77, "ROAD AND VEHICULAR USE AREAS", ARTICLE IV, "PARKING AND LOADING AREAS", DIVISION 2, "OFF-STREET PARKING", SECTION 77-139(E) "REQUIRED OFF-STREET PARKING SPACES" BY ESTABLISHING A PARKING CATEGORY AND GENERATION RATE FOR AGE RESTRICTED MULTIFAMILY / INDEPENDENT HOUSING FOR OLDER PERSONS (55 YEARS OLD AND OLDER); PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the "City") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures associated with changing technologies; and

WHEREAS, the purpose of this Ordinance is to allow for an adequate off-street parking requirement for multifamily residential projects that limit occupancy to housing for older persons, namely, individuals aged 55 and older; and

WHEREAS, based on a study prepared by Kimley-Horn and Associates, Inc. entitled "Parking Demands in Active Adult Senior Housing Developments" dated April 4, 2017, the "research at active adult senior housing sites shows that a parking supply of 1.2 spaces per unit is reasonable and appropriate" and that "the anticipated parking demand at a typical active adult site would be less than 1.0 vehicles per unit. Therefore, a parking supply of 1.2 spaces per unit is comfortably above the likely demand and is a prudent approach to ensure there is never a shortage of parking on a site;"

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of the public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recital. The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Code Amended. The Code Ordinances of the City of Doral is hereby amended as follows:

CHAPTER 77 – ROAD AND VEHICULAR USE AREAS

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ARTICLE IV. – PARKING AND LOADING AREAS

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DIVISION 2. – OFF-STREET PARKING

* * *

Sec. 77-139 – Required off-street parking spaces

(e) *Matrix.* The minimum off-street parking requirements are as follows:

Use	Minimum Off-Street Parking Requirement	Required Bicycle Spaces
Single-family detached	1, 2 and 3 bedrooms: 2 spaces per unit (a), (b)	0
	4+ bedrooms: 3 spaces per unit (a), (b)	
	(a) If on-street parking is not permitted or is restricted on the unit's street frontage, then one visitor parking shall be required. The visitor parking shall be located 100 feet from the unit's street frontage.	
	(b) Resident parking spaces may be tandem.	

Multifamily	1 and 2 bedrooms: 2 spaces per unit. If located in the District Core 1 bedroom: 1 space per unit. 2 or more bedrooms: 2 spaces per unit.	0.10
	3 or more bedrooms: 3 spaces per unit	
<u>Age-Restricted Multifamily / Independent Living Housing for Older Persons (55 years old and older) (see Note)</u>	<u>1.2 spaces per unit in the DMU; 1.35 spaces per unit in the non-DMU Zoning Districts.</u>	<u>0.10</u>

Note: For a facility to qualify as age-restricted or as an independent living facility, it must, at a minimum, be in accordance with the Fair Housing Amendments Act of 1988, (42 U.S.C. § 3607(b)) as amended by the Housing for Older Persons Act of 1995. Further, each occupied unit must be occupied by at least one person at least 55 years of age. Occupancy of any dwelling unit by any person under the age of 55 at any time is prohibited, unless as may be expressly permitted as follows:

- a. Babysitting and/or childcare on a regular basis is not permitted.
- b. Guests under 55 years of age may not stay overnight for more than 7 nights per month and no more than 30 days in a twelve (12) month period.
- c. A life partner, an additional resident or spouse who is under the age of 55 is permitted only if at least one resident of a dwelling unit is age 55 or over; provided that, if, due to unforeseen circumstances, said life partner, additional resident or spouse, who is under age 55, becomes the sole resident of the dwelling unit, such person shall be allowed to remain in the dwelling unit subject to the terms of the lease with renewal rights, but such resident shall not allow occupancy by any person under the age of 55 except as expressly permitted herein. However, no persons under the age of 25 shall be permitted to be residents within the facility.

Prior to obtaining a certificate of use for any age-restricted or independent living facility, the owner shall provide the City of Doral with an enforceable and recordable deed restriction or covenant that expressly limits operation of the residential community as housing for older persons" in accordance with the above restrictions, state and federal law and on a form satisfactory to the City Attorney (the "Restriction"). Said Restriction shall expressly require that all sales and leases of the residential community shall contain a provision that it expressly set forth the language contain under the note of this ordinance is housing for older persons and subject to the above age-restrictions.

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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 re-lettering sections and to change and what the word “ordinance” may be changes to “section,” “article,” or such 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, if being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

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

Section 7. Effective Date. This Ordinance shall become effective immediately upon final adoption.

The foregoing Ordinance was offered by Vice Mayor Cabrera who moved its adoption.

The motion was seconded by Councilmember Fraga and upon being put to a vote, the

vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Claudia Mariaca	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 24 day of May, 2017.

PASSED AND ADOPTED on SECOND READING this 20 day of June, 2017.

JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

CONNIE DIAZ, CMC
CITY CLERK

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

WEISS, SEROTA, HELFMAN, COLE, & BIERMAN, PL
CITY ATTORNEY