

# MEMORANDUM

Agenda Item No. 6(K)

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**TO:** Hon. Chairperson and Members  
Board of County Commissioners

(Second Reading 5-6-03)

**DATE:** March 11, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to zoning;  
providing standards for the  
provision of parking for certain  
housing for older persons

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.

  
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Robert A. Ginsburg  
County Attorney

RAG/bw



## MEMORANDUM

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**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** May 6, 2003

**FROM:** Steve Shiver  
County Manager

**SUBJECT:** Ordinance relating to zoning;  
providing standards for the  
provision of parking for certain  
housing for older persons

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The proposed ordinance providing standards for the provision of parking for certain housing developments for older persons will have no fiscal impact on Miami-Dade County.



# MEMORANDUM

(Revised)

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** May 6, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 6(K)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 6 (K)

Veto \_\_\_\_\_

5-6-03

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO ZONING; PROVIDING STANDARDS FOR THE PROVISION OF PARKING FOR CERTAIN HOUSING FOR OLDER PERSONS; AMENDING SECTION 33-124(o) 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. Section 33-124(o) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-124. Standards.**

(o) *Housing for low and/or moderate income for ~~[[the elderly]]~~ >>older persons<< and/or~~[[handicapped]]~~ >>persons with disabilities<<.*

~~(1) For any >>publicly owned or non-profit<< apartment building exceeding four (4) units >>providing housing for elderly persons or persons with disabilities that is developed and financially assisted under the United States Housing Act of 1937<<, fifty hundredths (0.50) parking space shall be provided for each dwelling unit in the apartment building.~~

>>(2) For any other apartment building exceeding four (4) units providing low and/or moderate income housing for older persons as defined by the Fair

<sup>1</sup> 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.

Housing Act, 42 U.S.C. § 3607, one (1) parking space shall be provided for each dwelling unit in the apartment building.<<

~~[(2)]~~>>(3)<<Provisions of Chapter 33 of the Code of Miami-Dade County concerned with the requirements for lot coverage and open space shall remain enforced under this section. The lot area not used as a result of the decrease in parking spaces as required under Section 33-124(a) shall remain as open space and shall be landscaped or used for recreational purposes. Said open space shall be in addition to the open space requirements of the Code. The site plan submitted to the Department shall illustrate future parking spaces if the present parking requirements are in-adequate pursuant to subdivision ~~[(3)]~~ >>(4)<< herein.

~~[(3)]~~>>(4)<<If it is determined by the Department at the time of annual renewal of certificate of occupancy that the parking reduction ~~[[of fifty hundredths (0.50) space per unit]]~~ >>permitted pursuant to subsections (1) or (2) above<< does not allow adequate parking for the apartment building, the owner must increase the number of parking spaces to fulfill the needs as determined by the Director.

~~[(4)]~~ For the purposes of this section only, housing for low and/or moderate income elderly and/or handicapped shall be defined as publicly owned or nonprofit sponsored and owned housing for the elderly or handicapped developed and financially assisted under the United States Housing Act of 1937, as amended.]]

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may

be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

RWG  
CM

Prepared by:

Craig H. Coller

Sponsored by Commissioner (aka "Pepe") Diaz