

**RESOLUTION No. 21-80**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, RECOMMENDING APPROVAL / DENIAL OF, OR GOING FORWARD WITHOUT A RECOMMENDATION TO TRANSMIT TO THE LOCAL GOVERNING BODY TEXT AMENDMENTS TO THE CITY OF DORAL LAND DEVELOPMENT CODE, CHAPTER 77 “ROADS AND VEHICULAR USE AREAS,” TO REVISE SECTION 77-88 “VARIANCES”; TO ALLOW THE PUBLIC WORKS DEPARTMENT TO APPROVE MINOR VARIANCES FROM CHAPTER 77 ADMINISTRATIVELY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, prior to the City’s incorporation property’s developed within City limits adhered to the standards at the time; and

**WHEREAS**, when a property owner desires to redevelop, they are required to adhere to the current standards and life safety criteria; and

**WHEREAS**, due to a property’s existing conditions it is possible that a variance may be required if hardship is established; and

**WHEREAS**, section 77-88 – “Variances” addresses only access control for one-family and two-family residences and does not allow for the variances to be approved administratively; and

**WHEREAS**, the Public Works Department (PWD) is requesting to amend Chapter 77 of the City’s Code of Ordinance, Section 77-88 titled “Variances” to allow for the Public Works Department to approve minor variances administratively and allows the section to address commercial and industrial properties as well; and

CODING

Words in ~~strike through~~ type are deletions from existing law  
Words in underscored type are additions

**WHEREAS**, the City's Public Works Department has reviewed the subject Chapter and issued its recommendations.

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

**Section 1. Recitals.** The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

**Section 2. Code Amended.** Chapter 77 – “Roads and Vehicular Use Areas”, Article III – “Access Control”, Division 1 – “Generally”, Section 77-88 - “Variances” the Code of Ordinances of the City of Doral is hereby amended as follows:

## **CHAPTER 77. ROADS AND VEHICULAR USE AREAS**

### **ARTICLE III. – ACCESS CONTROL**

#### **DIVISION A. – GENERALLY**

##### **Sec. 77-88. – Variances.**

~~Where the department concurs that unique traffic engineering considerations exist on a specific site, variances from this article may be authorized through the development plan approval process, or at the time of building permit application for one-family and two-family residences. However, if the department objects to a proposed variance from this article, a formal variance shall be requested in accordance with provisions for such in this Land Development Code.~~

Where the Public Works Department concurs that unique traffic engineering constraints exist on a specific site, whether the site is commercial, industrial, or

CODING

Words in ~~strike through~~ type are deletions from existing law  
Words in underscored type are additions

residential, minor variances from this article may be authorized and approved by the Public Works Director when a hardship, other than financial, has been established. However, if the department objects to a proposed variance from this article, a formal variance may be requested in accordance with provisions as such in this Land Development Code.

**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 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.

**Section 7. Effective Date.** This Resolution shall become effective immediately upon its adoption by the Local Planning Agency (LPA).

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

The motion was seconded by Councilmember Mariaca and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

TRANSMITTED WITHOUT A RECOMMENDATION TO THE LOCAL GOVERNING BODY (CITY COUNCIL) THIS 24 DAY OF MARCH, 2021.

  
\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, MMC  
CITY CLERK

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

  
\_\_\_\_\_  
LUIS FIGUEREDO, ESQ.  
CITY ATTORNEY

CODING

Words in ~~strike through~~ type are deletions from existing law  
Words in underscored type are additions