

ORDINANCE NO. 03- 04

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING THE MIAMI-DADE COUNTY CODE AS APPLICABLE TO THE CITY OF DORAL PURSUANT TO SECTION 8.03 OF THE CITY CHARTER TO SUBSTITUTE CITY COUNCIL FOR COUNTY OFFICIALS, BOARDS, OR COMMITTEES, PROVIDING FOR ZONING REVIEW, PROVIDING FOR AUTHORITY OF CITY COUNCIL; PROVIDING FOR AN APPEAL PROCESS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 8.08 of the City Charter (the “Charter”), on August 21, 2003 the Mayor and City Council passed and adopted Ordinance No. 03-01 as an emergency ordinance (the “Transitional Ordinance”), copy of the Transitional Ordinance is attached to this Ordinance; and

WHEREAS, Section 4.04 of the Charter provides that emergency ordinance shall automatically be repealed as of the 61st day following its effective date subject to re-enactment of the Ordinance under regular procedures; and

WHEREAS, the City Council wishes to re-enact and re-adopt the Transitional Ordinance as provided for by law; and

WHEREAS, the City Council finds that the re-enactment and re-adoption of the Transitional Ordinance ~~is necessary~~ so as to protect the public health, safety and welfare of the residents and inhabitants of the City and to implement the jurisdiction of the City.

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

Section 1. An ordinance is hereby adopted as an ordinance of the City of Doral, Florida to read as follows:

- (a) County Staff; Provisions In Effect. The Miami-Dade County Code, as made applicable to the City pursuant to the provisions of Section 8.03 of the City Charter, is amended to substitute the City Council in the place and stead of County officials, boards or committees, including but not limited to the Board of County Commissioners, the Director of Planning, Development and Regulation the Community Zoning Appeals Board, and the Code Enforcement Board and/or Hearing Officer, so that any and all actions shall be taken by the City Council. The County staff shall perform those functions for the City as may be provided by agreement between the City and the County. Except as otherwise provided in this ordinance, the provisions of the Miami-Dade County Code, as made applicable to the City to the extent required by Section 8.03 of the City Charter, shall remain in full force and effect until otherwise modified or replaced by the City Council.
- (b) Zoning Review and Approval; Standards; Authority To Grant Variances, etc. In connection with Chapter 33 of the Miami-Dade County Code as applicable to the City pursuant to Section 8.03 of the City Charter and subsection (a), above, the City Council may delegate to an individual(s), contractor, or board so designated, from time to time, by motion or resolution, the authority and responsibility to review and process all permit applications for zoning compliance, to make interpretations in connection with Chapter 33, and to show zoning approval by a stamp or mark with signature on all copies of applications and plans pursuant to agreement between Miami-Dade County, Florida, and the City of Doral, or as otherwise may be subsequently provided. The standards and criteria set forth in Chapter 33 of the Miami-Dade County Code, and as otherwise provided in the codes, ordinances, resolutions and laws made applicable pursuant to Section 8.03 of the City Charter, shall constitute the standards and criteria which shall govern performance of the duties delegated pursuant to this subsection and subsection (a), above. The authority of the City Council to grant comprehensive plan amendments, district boundary changes, zoning variances, special exceptions, or to amend the provisions of the zoning codes shall not be delegated under this ordinance.
- (c) Record of Zoning Compliance Review Actions; Appeal. A list of zoning compliance review actions completed by the City Council or the delegate of the City Council shall be maintained in the Office of the City Clerk. In the event that any aggrieved applicant or other aggrieved person provides written notice of an appeal of any action by a delegate of the City Council pursuant to subsection (b) to the City Clerk within seven days after such decision or interpretation is rendered, the Council shall at the next available meeting, review such

action under the standards and criteria referenced in this Ordinance. Any and all land development decisions made by the City Council, including but not limited to resolutions and ordinances, shall be reviewed in accordance with the procedure and within the time provided by the Florida Rules of Appellate Procedure for the review of the rulings of any commission or board; and such time shall commence to run from the date the decision sought to be reviewed is transmitted to the City Clerk.

Section 3. 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 4. Effective Date. This ordinance shall be effective immediately upon adoption.

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

Mayor Juan Carlos Bermudez
Councilmember Pedro Cabrera
Councilmember Michael DiPrieto
Councilmember Sandra Ruiz
Councilmember Robert Van Name

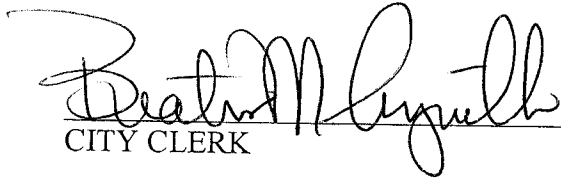
Yes
Yes
Yes
Yes
Yes

First Reading September 10, 2003

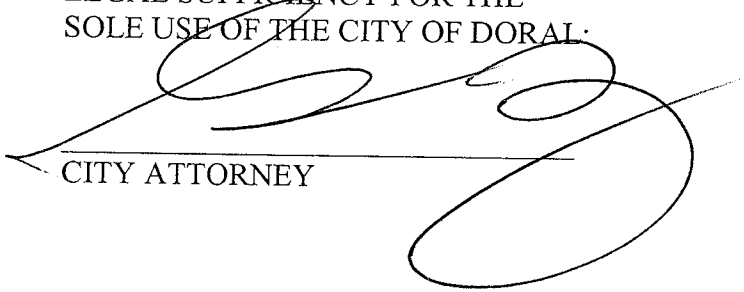
PASSED AND ADOPTED on Second Reading this 8th day of October, 2003.

JCB
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:


CITY CLERK

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


CITY ATTORNEY