

ORDINANCE NO. 03- 01

**AN EMERGENCY 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**, it is necessary for the City Council of the City of Doral (the “City”) to initiate procedures for the assumption of regulatory jurisdiction by the municipality, including zoning and planning matters; and

**WHEREAS**, pursuant to Section 8.08 of the City Charter, the City Council may adopt ordinances required to effect the transition as emergency ordinances; and

**WHEREAS**, the City Council finds that the enactment of this 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.** Pursuant to Section 8.08 of the City Charter, an emergency transitional ordinance is adopted 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 Emergency Ordinance was offered by Councilmember Ruiz, who moved its adoption. The motion was seconded by Cabrera and upon being put to a vote, the vote was as follows:

|                                |            |
|--------------------------------|------------|
| Councilmember Pedro Cabrera    | <u>yes</u> |
| Councilmember Michael DiPrieto | <u>yes</u> |
| Councilmember Sandra Ruiz      | <u>yes</u> |
| Councilmember Robert Van Name  | <u>yes</u> |
| Mayor Juan Carlos Bermudez     | <u>yes</u> |

PASSED AND ADOPTED this 21<sup>st</sup> day of August, 2003.

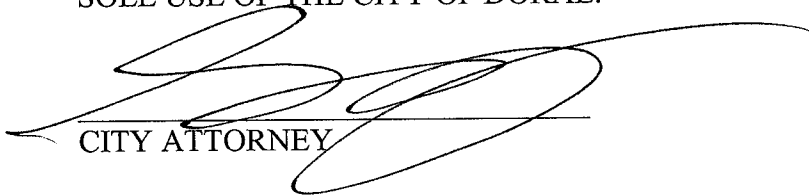
JCB  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

Beatriz M. Guebb

CITY CLERK

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



CITY ATTORNEY