

RESOLUTION No. 23-41

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING THE TEMPORARY WAIVER OF PERMIT VIOLATION AND WORK WITHOUT PERMIT (WWP) FEES AND FINES FOR SINGLE-FAMILY RESIDENTIAL DRIVEWAYS THAT HAVE BEEN EXTENDED WITHOUT A BUILDING PERMIT; ESTABLISHING A GRACE PERIOD EXPIRING ON DECEMBER 31, 2023, FOR OBTAINING THE RESIDENTIAL DRIVEWAY BUILDING PERMIT WITHOUT INCURRING ADDITIONAL PENALTY FEES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the “City”) amended Chapter 77, “Roads and Vehicular Use Areas,” of the City of Doral Land Development Code (the “City’s Code”), on January 25, 2023, which provides additional regulations and options for single-family driveways; and

WHEREAS, section 105.1 of the 7th edition 2020 Florida Building Code makes it a requirement to first obtain a building permit prior to constructing, enlarging, altering, repairing, moving, or demolishing a structure, which would include the alteration or extension of a single-family driveway; and

WHEREAS, section 109.4 of the 7th edition 2020 Florida Building Code states that any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees and as established in the approved permit fees schedule for the City; and

WHEREAS, numerous single-family properties have altered their existing driveways without a building permit, some of which have existing code violation cases with the Code Compliance Department; and

WHEREAS, the City wishes to encourage all single-family properties that have altered their existing driveways without a building permit to comply with State and local regulations; and

WHEREAS, in order to effectively encourage compliance with any unpermitted driveway alterations to single-family residences, the City wishes to waive penalty fees for properties with active violations and to allow for property owners to voluntarily comply without the issuance of a violation notice during a temporary grace period; and

WHEREAS, bringing unpermitted driveways into compliance, consistent with the City's code, and standard fee schedule, is in the best interest of the health, safety, and welfare of the residents of the City.

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

Section 1. Recitals. The above recitals are true and correct and incorporated herein.

Section 2. Authorization and Waiver. The Mayor and City Councilmembers hereby authorize the Building Official to waive penalty fees and fines associated with obtaining an after-the-fact permit for driveway alterations during the grace period set forth in Section 3. The penalty fees consist of one hundred dollars (\$100.00) plus an additional fine of one hundred percent (100%) of the base permit fee established in the Council-adopted Building Department fee schedule.

Section 3. Grace Period. The waiving of penalty fees and fines associated with obtaining an after-the-fact permit for driveway alterations will commence from the adoption date of this resolution and shall expire by close of business on

December 31, 2023. Applicants' fees and fines will be waived for applications with an application date of no later than December 31, 2023 and those that complete the permitting and inspection processes with "active progress" within 180 days of permit issuance as per 105.4.1.2 of the 7th edition 2020 Florida Building Code. Permits and applications may not be allowed to expire and are not eligible for extension.

Section 4. Implementation. The City Manager is hereby authorized to take such action as may be necessary to implement the provisions of this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilmember Puig-Corve who moved its adoption. The motion was seconded by Vice Mayor Pineyro and upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Rafael Pineyro	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Maureen Porras	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED this 12 day of April, 2023.



CHRISTI FRAGA, 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:



VALERIE VICENTE, ESQ. for
NABORS, GIBLIN & NICKERSON, P.A.
INTERIM CITY ATTORNEY