

RESOLUTION No. 24-59

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR DORAL COURT RETAIL INVESTMENTS, LLC TO ALLOW FOR THE APPROVAL OF TWO (2) MEDIA AND PUBLIC SERVICE BOARD WALL SIGNS, FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF DORAL BOULEVARD AND NW 87 AVENUE, PURSUANT TO SECTION 80-258(A)(2)(B) OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Comprehensive Plan and Land Development Regulations of the City of Doral ("City") are intended to maintain public health, safety, and welfare of its residents and to strengthen the City's local government capability to manage growth in a sustainable and resilient manner; and

WHEREAS, the purpose and intent of the City's sign regulations contained in Chapter 80 of the City's Code of Ordinances ("Sign Regulations") are, in part, to encourage the effective use of signs as a means of communication in the City, to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of the City's sign restrictions; and

WHEREAS, the regulations of signage through the City's Sign Regulations is based on public safety, namely guarding against signs that obstruct or interfere with pedestrian and traffic safety, aesthetic purposes, and prevent the proliferation of signs that impacts the residents' quality of life; and

WHEREAS, the City's Sign Regulations ensure that signage is consistent with the community vision (Comprehensive Plan and Land Development Code), federal and state

laws, Florida Building Code industry acceptable guidelines, and are strategically located to create a sense of place along the commercial and industrial corridors of the City; and

WHEREAS, signs throughout the City vary widely in terms of function, size, location, and structural type; and

WHEREAS, on January 24, 2024, the City Council of the City of Doral at a properly advertised hearing approved a text amendment to revise the City's Sign Regulations to create a new commercial retail sign, defined as a "Media and Public Service Board Wall Sign," that allows for on-premises and off-premises advertising in the Downtown Mixed Use ("DMU") Zoning District, and to that end, provides for an exception to the general prohibition on off-premises signage for this newly created sign type, which shall be granted by the City Council through approval of a Special Exception, as defined therein, provides for limitations and regulations of said signs (i.e., location, distance requirements, size, and time restrictions, amongst others), and further clarifies the City's Sign Regulations by providing for a defined term for "billboard signs;" and

WHEREAS, Doral Court Retail Investments, LLC is requesting approval of a special exception to permit two (2) "Media and Public Service Board Wall Signs" in the Doral Square property located at 8700 Northwest 36 Street, in the City of Doral, Florida ("City"), further identified by Miami-Dade County Property Appraiser by Folio No. 35-3027-001 pursuant to Section 80-258(a)(2)(b) of the City's Land Development Code; and

WHEREAS, the "Media and Public Service Board Wall Signs" requested by Doral Court Retail Investments, LLC will be located on the southeast corner of Doral Boulevard and NW 87th Avenue pursuant to Section 80-258(a)(2)(b) of the City's Land Development Code; and

WHEREAS, City's Planning and Zoning Department has prepared a detailed analysis of the proposed special exception effectuated by this resolution, and the basis thereof, which is contained in the staff report dated March 20, 2024; and

WHEREAS, a zoning workshop was held on February 5, 2024, during which the public was afforded an opportunity to examine the Project and provide feedback; and

WHEREAS, on March 20, 2024, the City Council of the City of Doral at a properly advertised public hearing received testimony and evidence related to the proposed special exception as required by state law and local ordinances, including the analysis prepared by the City's Planning and Zoning Department, contained in the staff report dated March 20, 2024; and

WHEREAS, the Mayor and City Council find that the adoption of the "Media and Public Service Board Wall Signs" special exception requested by Doral Court Retail Investments, to Section 80-258(a)(2)(b) of the City's Land Development Code is in the best interest 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 foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Resolution upon adoption hereof.

Section 2. Conditions. The City Council of the City of Doral hereby approves/denies the special exception request by Doral Court Retail Investments to permit two (2) "Media and Public Service Board Wall Signs" in the Doral Square property located at 8700 Northwest 36 Street, in the City of Doral, Florida ("City"), further identified by Miami-Dade

County Property Appraiser by Folio No. 35-3027-001 pursuant to Section 80-258(a)(2)(b) of the City's Land Development Code subject to the following conditions:

1. The Applicant voluntarily agrees to accept or impose restrictions prohibiting political or campaign messages, or signs or advertisement related thereto, on the proposed Media and Public Service Board Wall signs to be erected on the Property. Said prohibition will be in the form of a condition for approval or declaration of restrictive covenants, in a form to be approved by the Planning and Zoning Director and City Attorney within thirty (30) days after the approval of the Media and Public Service Board Wall signs special exception by the City Council.
2. Brightness shall be 500 Nits or greater, as established by a Nits study, conducted by the Applicant, to determine the appropriate Nits (the degree of brightness that a viewer's eye can see from a screen) levels for the proposed Media and Public Service Board Wall Sign without impacting the drivers, businesses, and the public.
3. The Media and Public Service Board Wall Signs shall not operate past midnight from Sunday through Wednesday; and from Thursday through Saturday, including State and Federal holidays until 2:00 AM. on any day. Furthermore, brightness from sunset to midnight shall not exceed the recommended Nits levels.
4. Media and Public Service Board Wall Signs message must have a minimum duration of eight seconds and must be a static display. No portion of the message may flash, scroll, twirl, change color, fade in or out or in any manner imitate movement. The time to completely change from one message to the next is a maximum of two seconds. The change of message occurs simultaneously for the entire sign face. The Media and Public Service Board Wall Signs automatic changing sign must contain a default design that will hold the face of the display on the sign in one position if a malfunction occurs.
5. The Media and Public Service Board Wall Signs color, or combination of colors, in the advertisement display shall in no way correspond to the colors or combination of colors specified for road traffic signals or traffic signs. The advertisement display shall in no way be similar enough to be mistaken to represent a road traffic sign.
6. Audio speakers or any form of pyrotechnics are prohibited in association with the Media and Public Service Board Wall Signs.

7. The Media and Public Service Board Wall Signs shall not advertise materials that are immoral, lascivious, or obscene as defined in Chapter 847.001, Florida Statutes.

8. No advertising will be allowed for tobacco products.

9. The Media and Public Service Board Wall Signs shall not advertise alcoholic beverages as defined in Chapter 561.01, Florida Statutes if the following uses are existing within one-quarter mile of Doral Square:

- a. Any type of public or private school including pre-schools, elementary schools, middle schools, high schools, colleges, and universities.
- b. Houses of worship, including churches, synagogues, temples, and mosques.
- c. Hospitals or addiction treatment centers.

Section 3. Severability. That if any section, subsection, sentence, clause, phrase, work or amount of this Resolution shall be declared unconstitutional or invalid by competent authority, then the remainder of the Resolution shall not be affected thereby and shall remain in full force and effect.

Section 4. Conflicts. All resolutions or parts of the resolutions are inconsistent or in conflict with the provisions of this Resolution are hereby repealed.

Section 5. Effective Date. This Resolution shall be effective immediately upon passage by the City Council on second reading.

The foregoing Resolution was offered by Councilmember Cabral who moved its adoption.

The motion was seconded by Vice Mayor Puig-Corve and upon being put to a vote, the

vote was as follows:

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

PASSED AND ADOPTED this 20 day of March, 2024.




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:



GREENSPOON MARDER, LLP
INTERIM CITY ATTORNEY