

**ORDINANCE No. 2015-39**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING AN AMENDMENT TO THE CITY OF DORAL COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT TEXT FOR THE COMMUNITY MIXED USE (CMU) LAND USE CATEGORY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORIZATION AND TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, pursuant to the Local Government Comprehensive Planning Act in accordance with all of its terms and provisions, the City has reviewed the Application submitted by the Applicant, Sanctuary at Doral, LLC, to amend the City of Doral Comprehensive Plan Land Use Element text for the Community Mixed Use (CMU) category to reduce the minimum site area from 15 acres to 7 acres, allow retail and commercial service uses in single-use buildings, and provide a 30% housing density bonus for the provision of 20% of total units as workforce housing; and

**WHEREAS**, the City Council has been designated as the Local Planning Agency ("LPA") for the City pursuant to Section 163.3174, Florida Statutes, and has held a duly advertised public hearing and to consider the Application to amend the City's Comprehensive Plan's Land Use Element text for the Community Mixed Use Category; and

**WHEREAS**, after careful review and deliberation, staff has determined that this Application, with recommended amendments, is in compliance with the City's Comprehensive Plan and consistent with Sec. 163.3184 of the Florida Statutes; and

**WHEREAS**, on September 16, 2015, the City Council conducted a duly advertised public hearing on the amendment to the City's Comprehensive Plan Land Use Element text for the Community Mixed Use Category (Policy 2.1.1), and considered all evidence

and comments received concerning the proposed amendment to the Plan as required by State law and local ordinances; and

**WHEREAS**, the proposed text amendment will be transmitted to the Florida Department of Economic Opportunity for review following approval on first reading; and

**WHEREAS**, the City Council has reviewed the City staff's report, incorporated herein, which contains information supporting the amendment to the City's Comprehensive Land Use Element text for the Community Mixed Use Category; and

**WHEREAS**, the City Council finds that the proposed text amendment, as recommended by staff, is consistent with the City's Comprehensive Plan as adopted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:** <sup>1</sup>

**Section 1. Recitals.** The above recitals are true, correct, and incorporated herein by this Ordinance upon adoption hereof.

**Section 2. Decision.** Policy 2.1.1 in the Future Land Use Element of the City of Doral Comprehensive Plan is hereby amended as follows:

*“Community Mixed Use (CMU) – The purpose of this multiple use category is to provide a flexible land use palette north and south of Doral's downtown, and at other special locations in the City such as gateways, if approved by the City Council. It is limited to parcels 15 acres in size or greater, except for parcels with frontage on Doral Boulevard which can be seven (7) acres or greater in size. Areas that may be deemed as appropriate by the City Council for the CMU designation and associated CMU projects are within the Community Mixed Use Opportunity Area (CMUOA) depicted on the FLUM. Retail and commercial service businesses ~~may be permitted on the ground floor with office and residential uses above, however~~ and hotels may develop on single-use parcels within a mixed use setting in which no building is a distance of more than 330 feet from another building containing a different single use type or mixed use located on the same side of*

the street. Subject to approval by the City Council, the use mix for the entire CMU future land use category is anticipated to be within the following ranges: residential 51 % - 90%, office 5% - 40%, and retail/services 1% - 20%. The base density allowed in the CMU category is limited to no more than 19 dwelling units per gross acre and maximum building height is 8 stories. Additional density up to 25 dwelling units per gross acre and height up to 10 stories may be granted by the City Council for projects that exhibit creative excellence in exceeding the minimum standards contained in the City's Design Manual. In addition, a workforce housing density bonus of up to 30% of total units may be granted by the City Council for the provision of at least two-thirds (2/3) of the approved bonus units as workforce housing in compliance with Miami-Dade County Code Chapter 17, Article IX. Landscaped open space in CMU must comprise a minimum of 15% of a project site. Governmental and non-profit offices, parks, public facilities and recreational facilities are allowed in CMU. All zoning applications seeking to develop or redevelop within this category must be accompanied by a site-specific master development plan showing, at a minimum, the proposed uses, residential density, public realm improvements, internal transportation system, non-residential intensity, building mass, parks and open space, typical street orientation and building elevations, and external connectivity of the proposed development."

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**Section 3. Conflicts.** All Sections or parts of Sections of the Code or Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 4. Severability.** That if any section, subsection, sentence, clause, phrase, word or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.

**Section 5. Authorization.** The Director of Planning and Zoning is further authorized to make the necessary changes as required to the Comprehensive Plan to reflect the above stated change.

**Section 5. Transmittal.** The Planning and Zoning Department is hereby authorized to transmit this Ordinance to the Department of Economic Opportunity pursuant to the provision of the Local Government Comprehensive Planning and Land Development Regulation Act.

**Section 6. Effective Date.** This Ordinance shall not become effective until the State Land Planning Agency or the Administration Commission issues a Final Non-Appealable Order determining the adopted amendment to be in compliance and in accordance with Section 163.3187, Florida Statutes, or until the Administration Commission issues a Final Order determining the adopted amendment to be in compliance in accordance with Section 163.3187(10), Florida Statutes.

1. Additions to existing text are shown by underline and deletions by ~~striketrough~~.

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

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Absent / Excused
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on FIRST READING THIS 16 day of September 2015.

PASSED AND ADOPTED on SECOND READING THIS 27 day of January 2016.

  
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LUGI BORIA, MAYOR

ATTEST:

  
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CONNIE DIAZ, CMC  
CITY CLERK

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

  
\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, COLE, & BIERMAN, PL  
CITY ATTORNEY