RESOLUTION No. 18-141

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, TRANSMITTING WITHOUT A RECOMMENDATION, AN AMENDMENT TO SECTION 68-557, "STANDARD," OF THE CITY OF DORAL LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Local Planning Agency ("LPA") has the responsibility for the development and implementation of the comprehensive plan and amendments, review rezoning applications, and review proposed land development regulations consistent with Section 163.3174 of the Florida Statutes; and

WHEREAS, the City of Doral (the "City") Comprehensive Plan was adopted on April 26, 2006, as amended from time to time, pursuant to the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, in 2007, the City of Doral (the "City") adopted its own Land Development Code, after having depended on Miami-Dade County's land development regulations in the initial years following incorporation; and

WHEREAS, in 2016, the City adopted an update to the Comprehensive Plan which included text amendments to the introduction and all ten (10) elements of the Comprehensive Plan, after extensive input and participation by the public and the City Council through workshops and public meetings; and

WHEREAS, staff has determined that a certain section of the Land Development Code that pertains to Downtown Mixed Unit zoning designations minimum site requirements requires revision to address repeated issues identified by staff; and

CODING: Words in ~~struck through~~ type are deletions from existing law;
            Words in <u>underscored</u> type are additions.

WHEREAS, after careful review and deliberation, staff has proposed attached ordinance, attached hereto as Exhibit "A"; and

WHEREAS, the Mayor and City Council, sitting as the Local Planning Agency for the City, has held a public hearing for the proposed ordinance.

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

Section 1. **Recitals.** The above recitals are confirmed, adopted, and incorporated herein and made a part of hereof by this reference.

Section 2. **Decision.** The proposed text amendment to the Land Development Code as provided in the proposed ordinance, attached hereto as Exhibit "A", which is incorporated herein and made a part hereof by this reference, is found consistent with the City's Comprehensive Plan, and, as such, it is recommended that the City Council should transmit this resolution without a recommendation.

Section 3. **Effective Date.** This Resolution shall be effective upon adoption.

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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Ana Maria Rodriguez	Absent/Excused
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Claudia Mariaca	Yes

TRANSMITTED WITHOUT A RECOMMENDATION TO THE LOCAL GOVERNING BODY (CITY COUNCIL) THIS 22 DAY OF AUGUST, 2018.

_____
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

_____
CONNIE DIAZ, CMC
CITY CLERK

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

_____
WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY

CODING: Words in struck through type are deletions from existing law;
            Words in underscored type are additions.

EXHIBIT "A"

ORDINANCE No. 2018-17

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT (PUD) MINIMUM SITE AREA REQUIREMENTS IN SECTION 68-557 "STANDARD" OF THE LAND DEVELOPMENT CODE IN ORDER TO CREATE A NEW SUBSECTION TO PERMIT PROPERTIES LESS THAN FIVE (5) ACRES IN SIZE TO BE DMU, IF THE PARCEL IS CONTIGUOUS TO A DMU PARCEL LOCATED SOUTH OF NW 58 STREET, EAST OF NW 87 AVENUE, NORTH OF NW 33 STREET, AND WEST OF NW 79 AVENUE; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the "City") Comprehensive Plan was adopted on April 26, 2006, as amended from time to time, pursuant to the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, in 2007, the City of Doral (the "City") adopted its own Land Development Code, after having depended on Miami-Dade County's land development regulations in the initial years following incorporation; and

WHEREAS, in 2016, the City adopted an update to the Comprehensive Plan which included text amendments to the introduction and all ten (10) elements of the Comprehensive Plan, after extensive input and participation by the public and the City Council through workshops and public meetings; and

WHEREAS, certain sections of the "Land Development Code" needs to be revised to incorporate the adopted revisions to the Comprehensive Plan consistent with Section 163.3201 of the Florida Statutes; and

CODING: Words in ~~struck through~~ type are deletions from existing law;
            Words in <u>underscored</u> type are additions.

WHEREAS, after careful review and deliberation staff has determined that this Ordinance is in compliance with the City's Comprehensive Plan and consistent with Section 163.3184 of the Florida Statutes; and

WHEREAS, on August 22, 2018 the City Council conducted a duly advertised public hearing for this application and considered all comments received from the residents and interested stakeholders; and

WHEREAS, the City Council has reviewed the City's staff report, incorporated herein, which contains data and analysis supporting this application; and

WHEREAS, the Mayor and City Council find that adoption of this Ordinance is in the best interest of the City.

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

Section 1. **Recitals.** The above recitals are confirmed, adopted, and incorporated herein and made a part of hereof by this reference.

Section 2. **Code Amended.** The Code of Ordinances of the City of Doral is hereby amended as follows:

Chapter 68 – LAND USE AND ZONING DISTRICT

* * *

ARTICLE V. – MIXED USE DISTRICTS

* * *

DIVISION 3. – DOWNTOWN MIXED USE DISTRICT

* * *

Sec. 68-557. - Standards.

All developments in the downtown mixed use zoning district shall developed as planned unit development (PUD) with the following standards:

(1)   *Minimum site area.* The minimum site area is ten acres of contiguous land area, except parcels adjacent to an existing DMU parcel and located south of NW 58th Street, east of NW 87th Avenue, north of NW 33rd Street, and west of NW 79th Avenue may contain a site area less than ten acres but not less than five acres unless otherwise provided herein. <u>A parcel of land with an area less than five acres and located contiguous or adjacent to an existing DMU parcel and within the geographic area delineated by streets above may be designated DMU by approval of the City Council, provided that the requirements of Section 68-708 of the Code are met, including, but not limited to, the establishment of a Master Development Agreement. The owner of such a contiguous property so designated DMU may enter into a Master Development Agreement with the City or join the Master Development Agreement the adjoining DMU to reflect the inclusion of such contiguous land area as a DMU, upon the acquiescence of the owner of the contiguous land and approval by the City Council. The approved DMU shall provide a Master Development Agreement consistent with Sec. 68-708 of the Land Development Code.</u> One or more non-contiguous areas of any size may be included within, or subsequently added to, a DMU development, provided that:

* * *

Section 3.   **Implementation.**   The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4.   **Incorporation into the Code.**   The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word "ordinance" may be changes to "section," "article," or such other appropriate word or phrase in order to accomplish such intention.

CODING: Words in ~~struck through~~ type are deletions from existing law;
                        Words in <u>underscored</u> type are additions.

Section 5.   **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 6.   **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7.   **Effective Date.** This Ordinance shall become effective immediately upon adoption.

CODING: Words in ~~struck through~~ type are deletions from existing law;
              Words in <u>underscored</u> type are additions.

The foregoing Ordinance was offered by _____, who moved its adoption. The

motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez _____
Vice Mayor Ana Maria Rodriguez _____
Councilman Pete Cabrera _____
Councilwoman Christi Fraga _____
Councilwoman Claudia Mariaca _____

PASSED AND ADOPTED on FIRST READING this 22 day of August, 2018.

PASSED AND ADOPTED on SECOND READING this ___ day of _____, 2018.

_____
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

_____
CONNIE DIAZ, CMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

_____
WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY

CODING: Words in ~~struck through~~ type are deletions from existing law;
             Words in underscored type are additions.