

ORDINANCE #2011- 34

AN ORDINANCE OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION 68-557 OF THE LAND DEVELOPMENT CODE ENTITLED “STANDARDS” RELATING TO THE INCLUSION OF NONCONTIGUOUS SITES TO A DOWNTOWN MIXED USE DEVELOPMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at its meeting of August 22, 2007, the City Council of the City of Doral adopted its first Land Development Code; and

WHEREAS, the minimum site area to be considered for a rezoning to the Downtown Mixed Use Zoning District is 10 to 15 contiguous acres; and

WHEREAS, the City Council of the City of Doral finds it in the best interest to the City and its citizenry to permit non-contiguous sites to be rezoned to the Downtown Mixed Use Zoning District subject to the site meeting specific geographical and regulatory criteria; and

WHEREAS, the City Council of the City of Doral has reviewed the proposed amendment to the Land Development Regulations to confirm consistency with the City’s Comprehensive Plan, and has conducted all necessary public hearings for the adoption by the City of the Land Development Regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DORAL: ¹

Section 1. The foregoing “WHEREAS” clauses are hereby ratified and confirm as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

¹ / Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

Section 2. Section 68-557 of the Land Development Code of the City of Doral

is hereby amended to read as follows:

(1) *Minimum site area.* The minimum site area for developments that have a maximum residential use component of 20 percent and a minimum office use component of 60 percent is ten acres of contiguous land area. The minimum site area for all other mix of uses is 15 acres of contiguous land area. One or more non-contiguous areas of any size may be included within, or subsequently added to, a DMU development, provided that:

- (a) each such non-contiguous area is located not more than 1,500 feet from the largest of the areas included in such DMU, as measured by a straight line between the external boundaries of the two areas at the points that such external boundaries are at their closest proximity;
- (b) each such non-contiguous area is designated Downtown Mixed Use Opportunity Area on the City's Future Land Use Map;
- (c) the total contiguous area of such DMU exceeds fifty (50) acres;
- (d) the addition of a non-contiguous area to an existing DMU shall require the consent of the developer or its successor in interest of such DMU; and
- (e) if a non-contiguous area is added to an existing DMU, the owner of the non-contiguous area shall join in the master development agreement applicable to the DMU to reflect the inclusion of such non-contiguous area in such DMU and with such other modifications as are agreed to by the parties to such agreement.

Section 3. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Ordinance, those provisions are repealed in their entirety.

Section 4. 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 5. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor DiPietro who moved its adoption. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Luigi Boria	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes


PASSED AND ADOPTED on FIRST READING this 9 day of November, 2011.

PASSED AND ADOPTED on SECOND READING this 11 day of January, 2011.



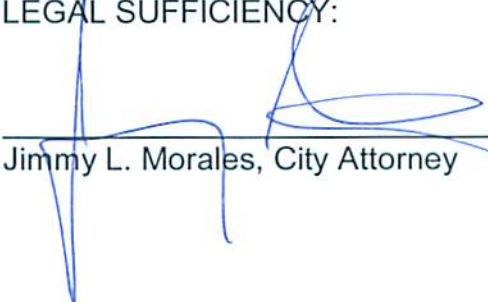
Juan Carlos Bermudez, Mayor

ATTEST:



Barbara Herrera, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Jimmy L. Morales, City Attorney