

RESOLUTION No.16-220**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, RECOMMENDING APPROVAL OF AN AMENDMENT TO CHAPTER 53, "ADMINISTRATION," OF THE LAND DEVELOPMENT CODE OF ORDINANCES BY REVISING SITE PLAN REVIEW PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, in November of 2015, the Mayor and City Council of the City of Doral (the "City") passed and adopted Ordinance 2015-40, which revised the site plan review and approval process to afford the Mayor and City Council, residents, and interested stakeholders expanded opportunities to provide input on projects to be developed in the City; and

WHEREAS, Ordinance 2015-40, in part, specifically expanded the type of projects that would be reviewed by the City Council, as opposed to undergoing solely administrative review; and

WHEREAS, after almost a year in effect, it has been recognized that many types of site plan applications pertaining to small business expansions and similar projects were included in the type of projects that would go to the City Council for review, creating a significant burden on small businesses in the City; and

WHEREAS, the City has updated its Comprehensive Master Plan and has changed use requirements in certain land use categories, including industrial and restrictive industrial, to ensure that appropriate scale and types of uses are consistent with the industrial nature of the districts; and

WHEREAS, on October 26, 2016, the City Council, sitting as the Local Planning Agency at a properly advertised hearing, received testimony and evidence related to

Ordinance No. 2016-29, attached hereto as Exhibit “A”, which is incorporated herein and made a part hereof by this reference (the “Ordinance”), which seeks to modify the criteria for projects that are submitted to City Council for site plan review, and found that the Ordinance is/is not consistent with the Comprehensive Plan.

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

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 Ordinance, which proposes a text amendment to Chapter 53, “Administration,” of the Land Development Code of Ordinances revising site plan review procedures, specifically the criteria for projects that are to be reviewed by the City Council, is consistent with the City’s Comprehensive Plan, and, therefore, it is recommended that the City Council approve.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

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

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

PASSED TO THE LOCAL GOVERNING BODY (CITY COUNCIL) THIS 26 DAY OF OCTOBER, 2016.



LUIGI BORIA, 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

EXHIBIT “A”

ORDINANCE No. 2016-29

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 53, "ADMINISTRATION," OF THE LAND DEVELOPMENT CODE OF ORDINANCES BY REVISING SITE PLAN REVIEW PROCEDURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in November of 2015, the Mayor and City Council of the City of Doral (the "City") passed and adopted Ordinance 2015-40, which revised the site plan review and approval process to afford the Mayor and City Council, residents, and interested stakeholders expanded opportunities to provide input on projects to be developed in the City; and

WHEREAS, Ordinance 2015-40, in part, specifically expanded the type of projects that would be reviewed by the City Council, as opposed to undergoing solely administrative review; and

WHEREAS, after almost a year in effect, it has been recognized that many types of site plan applications pertaining to small business expansions and similar projects were included in the type of projects that would go to the City Council for review, creating a significant burden on small businesses in the City; and

WHEREAS, the City has updated its Comprehensive Master Plan and has changed use requirements in certain land use categories, including industrial and restrictive industrial, to ensure that appropriate scale and types of uses are consistent with the industrial nature of the districts; and

WHEREAS, the City prides itself, in part, on the business friendly that exists in the community, supporting the position that the City is a great a place to not only live, but also maintain a grow a business; and

WHEREAS, as such, the Mayor and City Council desire to revise the project criteria for site plan revision to ensure that small businesses and projects are not overburdened with extensive costs and time delays; 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 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 53 – ADMINISTRATION

* * *

ARTICLE III. – DEVELOPMENT PROCEDURES

* * *

DIVISION 2. – DEVELOPMENT ORDER AND DEVELOPMENT PERIOD

* * *

Sec. 53-184. - Approval of development plans.

* * *

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

(f) Site plan review and approval procedures.

* * *

(1) The type of site plan applications to be considered by the Mayor and City Council are:

- a. Site plan approval is required for new residential and non-residential development program in all zoning districts;
- b. Site Plan approval is required for non-residential redevelopment programs in the Downtown Mixed Use (DMU), Community Mixed-Use (CMU), ~~Traditional Neighborhood Development (TND)~~, Business (B), ~~Industrial (I)~~, ~~Restrictive Industrial (RI)~~, Office (O) and Office/Residential (OR) future land use categories and comparable zoning districts;
- c. Any application submitted pursuant to the Land Development Code, which the Planning Director finds may substantially impact the adjacent property owners.

* * *

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 any and 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.

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.

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 Luigi Boria
Vice Mayor Christi Fraga
Councilman Pete Cabrera
Councilwoman Sandra Ruiz
Councilwoman Ana Maria Rodriguez

PASSED AND ADOPTED on FIRST READING this 26 day of October, 2016.

PASSED AND ADOPTED on SECOND READING this ____ day of _____, 2016.

LUIGI BORIA, 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

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