

ORDINANCE No. 2015-12

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING THE ESTABLISHMENT OF A SIX-MONTH MORATORIUM ON THE ISSUANCE OF ANY AND ALL PERMITS FOR NEW CONSTRUCTION, REPLACEMENT, AND/OR SUBSTANTIAL RENOVATION AND/OR REPAIR OF EXISTING LED SIGNS IN THE CITY; PROVIDING FOR WAIVERS; PROVIDING FOR VESTED RIGHTS; PROVIDING FOR APPEALS; PROVIDING FOR MODIFICATIONS TO VESTED DEVELOPMENTS; REQUIRING EXHAUSTION OF ADMINISTRATIVE REMEDIES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral's (the "City") Land Development Code in the Code of Ordinances (the "Code") regulates the location, construction, use, and aesthetic qualities of signs throughout the City (the "Sign Code"); and

WHEREAS, the City is in the process of conducting a comprehensive evaluation of the Sign Code, so as that the public safety is protected and the aesthetic and visual qualities of the City are protected from impairment, in light of various improvements occurring in the City; and

WHEREAS, the City Council desires to insure that, during the pendency of the study activity for the comprehensive changes to the formulation and implementation of signs in that City, the new construction, replacement and/or substantial restoration/repair of Light Emitting Diode ("LED") signs, as defined in Section 80-3 of the City Code ("LED Signs") be restricted, so that the ordinance involving comprehensive sign changes be fully effective.

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

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

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

Section 2. Moratorium Imposed. During the time that this Ordinance is in effect as specified herein, there shall be a moratorium upon the issuance of building permits for, and development orders and development permits that include provisions for the construction of, LED Signs within the City, including, but not limited to, new construction, replacement and/or substantial restoration/repair. Such prohibition shall not extend to off-premises signs, as defined in Section 80-3 of the City Code, which may continue to be permitted and constructed in the City according to Article VI, "Off-Premises Billboard Signs" in Chapter 80 of the City Code.

Section 3. Term. The moratorium imposed by this Section is temporary and, unless lifted earlier or extended by the City Council, shall automatically dissolve six (6) months from the date of adoption of this Ordinance. This moratorium will also be lifted upon the adoption of new LED Sign regulations in the City, the formulation of which shall be expeditiously pursued.

Section 4. Waivers. The Mayor and City Council, after a public hearing, may grant a waiver to the moratorium provided above and authorize the issuance of building permits for, and development orders and development permits that include provisions for the construction of, LED Signs within the City, where it is determined that the specific activity will not detrimentally affect the outcome and implementation of the comprehensive study process being undertaken by the City for the development of appropriate and effective LED Sign regulations.

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Section 5. Vested Rights. Nothing in this ordinance shall be construed or applied to abrogate the vested right of a sign owner to complete development where the sign owner can demonstrate each of the following:

- (1) A governmental act of development approval obtained prior to the effective date of this Ordinance;
- (2) Upon which the owner has detrimentally relied, in good faith, by making substantial expenditures; and
- (3) That it would be highly inequitable to deny the sign owner the right to complete the development of the LED Sign.

Any sign owner claiming to have vested rights under this Section (4) must file an application with the City Council for a vested rights determination within ninety (90) days of the effective date of this section. The application shall be accompanied by a fee of \$500.00 and contain a sworn statement as to the basis upon which the vested rights are asserted, together with documentation required by the City and other documentary evidence supporting the claim. The City Council shall hold a public hearing on the application and based upon the evidence submitted shall make a determination as to whether the sign owner has established vested rights.

Section 6. Appeals. Appeals from final decisions by the City Council under Sections (3) or (4) of this Ordinance shall be by the filing of a notice of appeal in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County in accordance with the Florida Rules of Appellate Procedure for the review of the rulings of commissions or boards.

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Section 7. Modification to vested development. Within one hundred (120) days of a final determination of vested rights under Section (4), a property owner shall have the right to file an application requesting a modification to the vested development, notwithstanding the moratorium imposed by this section. In considering the applications, the City Council shall apply all established criteria and land development regulations then in effect, including applicable concurrency regulations, and zoning in progress. This right to apply for modification does not in any manner vest any rights, and such application shall be considered a new application subject to de novo proceedings.

Section 8. Exhaustion of administrative remedies. No sign owner claiming that this section as applied constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights may pursue such claim in court unless he or she has first exhausted the administrative remedies provided in this section.

Section 9. 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 10. 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.

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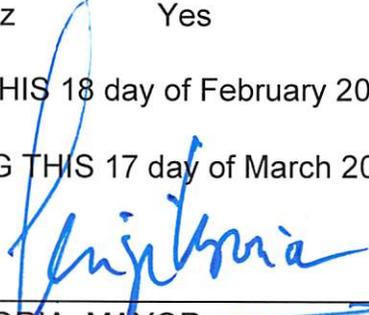
Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption.

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

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

PASSED AND ADOPTED on FIRST READING THIS 18 day of February 2015.

PASSED AND ADOPTED on SECOND READING THIS 17 day of March 2015.



LUIGI BORIA, MAYOR

ATTEST:



CONNIE DIAZ, INTERIM CITY CLERK

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



WEISS SEROTA HELFMAN COLE BIERMAN & POPOK, PL
CITY ATTORNEY

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