

ORDINANCE No. 2021-41

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A TEXT AMENDMENT TO THE CITY OF DORAL COMPREHENSIVE PLAN, TO INCORPORATE A PROPERTY RIGHTS ELEMENT, AS REQUIRED BY SECTION 163.3177, FLORIDA STATUTES; AUTHORIZING THE TRANSMITTAL OF THE TEXT AMENDMENT ADOPTION PACKAGE TO THE STATE LAND PLANNING AGENCY IN THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND OTHER REQUIRED GOVERNMENTAL REVIEWING AGENCIES PURSUANT TO THE PROVISIONS OF SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the 1985 Local Government Comprehensive Planning and Land Development Regulation Act, also known as Florida's Growth Management Act, as amended, requires the City of Doral (the "City") to prepare, adopt, implement and amend, the City's Comprehensive Plan; and

WHEREAS, House Bill 59 (the "Bill"), was approved by Governor DeSantis on June 29, 2021, and became effective on July 1, 2021; and

WHEREAS, the Bill requires local governments to include a property rights element in their comprehensive plan by specified dates and provides a model statement of rights that local governments may adopt; and

WHEREAS, the City of Doral has prepared a text amendment to the City's Comprehensive Plan to create the Property Rights Element, including Goals, Objectives and Policies to provide that property rights be considered in local decision-making in accordance with Section 163.3177(6)(i), as amended by Chapter 2021-195, Law of Florida; and

WHEREAS, on October 27, 2021, the City Council of the City of Doral sitting as the Local Planning Agency (LPA) at a properly advertised hearing received testimony and evidence related to the proposed text amendment to the City's Comprehensive Plan as required by state law and local ordinances; and

WHEREAS, on October 27, 2021, the City Council of the City of Doral at a properly advertised hearing (First Reading) received testimony and evidence related to the text amendment to the City's Comprehensive Plan as required by state law and local ordinances; and

WHEREAS, amendments to the comprehensive plan text are subject to Expedited State Review and were transmitted on November 8, 2021, to the Department of Economic Opportunity (DEO) and other reviewing agencies for review prior to consideration by the Mayor and City Council on second reading; and

WHEREAS, the Department of Economic Opportunity (DEO) and other reviewing agencies reviewed the text amendment, offered no comment, and requested the City of Doral to adopt the proposed amendment; and

WHEREAS, the Mayor and City Council finds that the adoption of the text amendment to the City's Comprehensive Plan is in the best interest of the health, safety and welfare of the residents of the City of Doral.

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

Section 1. Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. Adoption. The Mayor and City Council of the City of Doral hereby approve an amendment to the text of the City of Doral Comprehensive Plan, to incorporate a “Property Rights Element,” as provided in “Exhibit A,” which is attached hereto and made part thereof.

Section 3. Authorization to Transmit. The City Manager or his/her designee is hereby authorized to transmit the text amendment to the City’s Comprehensive Plan to the State Land Planning Agency in the Florida Department of Economic Opportunity and other required governmental agencies for their review in accordance with Section 163.3184, Florida Statutes.

Section 4. Severability. That if any section, subsection, sentence, clause, phrase, work 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. Conflicts. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Effective Date. Pursuant to section 163.3184(3)(c)4, Florida Statutes, the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development

dependent on this amendment may be issued or commence before it has become effective.

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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 27 day of October, 2021.

PASSED AND ADOPTED on SECOND READING this 26 day of January, 2022.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

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



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

EXHIBIT “A”

XI. PROPERTY RIGHTS ELEMENT

Goals, Objectives, and Policies

Goal: To ensure that the City of Doral respects judicially acknowledged and constitutionally protected private property rights.

Objective 11.1: **Protection of Private Property Rights**
The following policies are to ensure that private property rights are considered in the City’s decision-making.

Policy 11.1.1: The City shall consider in its local decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 11.1.2: The City shall consider in its local decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 11.1.3: The City shall consider in its local decision-making the right of a property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.

Policy 11.1.4: The City shall consider in its local-decision making the right of a property owner to dispose of his or her property through sale or gift.