

ORDINANCE No. 2016-16

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY ESTABLISHING AND CREATING THE PROCEDURES FOR ZONING WORKSHOPS; AMENDING CHAPTER 53, "ADMINISTRATION," BY REVISING GENERAL DEVELOPMENT REVIEW PROCEDURES; AMENDING CHAPTER 68, "LAND USES AND ZONING DISTRICTS," BY REVISING DEVELOPMENT REVIEW PROCEDURES FOR TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT, DOWNTOWN MIXED USE DISTRICT, COMMUNITY MIXED USE DISTRICT, AND PLANNED UNIT DEVELOPMENTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the "City"), as per various City and State of Florida requirements, provide significant public participation in and during the land planning and development review process in the form of public hearings; and

WHEREAS, with the goal of increasing public participation, in November of 2015, the City Council proposed and adopted Ordinance 2015-40, which created workshops that afforded the Mayor and City Council, residents, and interested stake holders an additional opportunity in an open forum to ask questions of, and provide feedback to, developers regarding proposed projects during the site plan review process; and

WHEREAS, after additional deliberation and community input, the City Council desires to provide the community with expanded opportunities to participate in additional land planning and development applications as specified herein; and

WHEREAS, the Mayor and City Council believe that, via the additional workshops contemplated herein, the community will have a greater understanding of, and a greater say in, the projects that may be developed in the City; and

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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. Intent. It is the intent of the zoning workshop process to provide an additional open and public forum for members of the public, as well as the City Council, to comment on proposed developments within the City. It is further the intent that any communications between members of the City Council and the applicant during a zoning workshop shall not be considered an ex parte communication, and shall not create a presumption of bias in relation to any future quasi-judicial decision on the applicant's application. The zoning workshop shall not be considered part of the quasi-judicial hearing. Each application shall be evaluated based upon the record presented at the City Council hearing(s) on the application.

Section 3. Code Amended. The Code of Ordinances of the City of Doral is hereby amended as follows:

Chapter 53 – ADMINISTRATION

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ARTICLE III. – DEVELOPMENT PROCEDURES

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DIVISION 2. – DEVELOPMENT ORDER AND DEVELOPMENT PERIOD

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

* * *

(d) *Development review process*

(3) Major development approval. Major development projects must resubmit plans in response to staff development review committee comments. The plans shall be reviewed by the appropriate staff development review committee members. Projects shall be submitted by the department to the city council only after staff technical review is deemed complete in addition to the review of applicable agencies and jurisdictions.

a. Zoning Workshop. Major developments, specifically those applications specified in sub-section (e), shall be presented to the public and the City Council in zoning workshops, as specified in this section, prior to submission to the City Council for approval.

b. City council approval. The city council shall consider the development plans at a regularly scheduled meeting, and determine if they meet the requirements of this Land Development Code. Upon consideration of the comments of the department and the public, and the recommendation of the local planning agency, the city council shall take one of the following actions:

1. Table or continue the consideration of the proposed development plan to allow for the resolution of outstanding issues.
2. Deny the proposed development plan.
3. Approve the proposed development plan.
4. Approve the proposed development plan with conditions. Revised plans and/or reflecting conditions of city council approval shall be submitted to the planning and zoning department within 30 days of that approval.

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(e) Zoning Workshop

(1) Applicability. Pursuant to subsection (b), a pre-application conference with the City planning and zoning staff shall be held prior to an application being presented at a zoning workshop. A

zoning workshop shall be held no fewer than thirty (30) days prior to the publication of the advertisement for the first City Council or local planning agency meeting at which the application will be heard. A zoning workshop shall be required for the following types of applications:

- a. Rezoning;
- b. Site plan approval;
- c. Major modifications of previously approved site plans;
- d. Variances;
- e. Special exceptions; and
- f. Any application deemed necessary by the city manager or his or her designee.

(2) Exemptions. The following applications shall be exempt from the zoning workshop requirement:

Any applications related to the approval of one (1) single family residence.

(3) Advertisement. An advertisement shall be published in a local newspaper at least 5 days prior to a zoning workshop. The advertisement shall state the date, time, and place of the zoning workshop. In addition, the advertisement shall provide a description and the location of the proposed development. The cost of publishing an advertisement for a zoning workshop shall be paid by the applicant.

(4) Agenda. The zoning workshop agenda shall be set by the City manager and prepared by the City clerk. A zoning workshop shall not be held more than once per calendar month. However, the City manager, at his or her discretion, may schedule a second zoning workshop to be held during the same calendar month.

(5) Meeting Procedure. A zoning workshop shall consist of two sessions which are described below:

- a. First Session. The first session of a zoning workshop shall provide a forum for members of the public to learn about proposed developments within the City. Developments may be presented to the public simultaneously, in several locations within the meeting site. During this session,

members of the public are encouraged to ask questions and to provide feedback to the applicant about the proposed development. The applicant shall provide visual depictions, such as renderings, drawings, pictures, and the location of the proposed development. In addition, representatives of the applicant shall be available to answer questions that members of the public may have about the proposed development. The members of the City Council shall not be present during the first session of the zoning workshop. No meeting shall start before 6:00 P.M. Eastern Standard Time and shall take place at a time and date to maximize public participation.

b. *Second Session.* The second session of a zoning workshop shall provide a forum for the City Council to learn about the proposed developments discussed at the first session of the zoning workshop. No quorum requirement shall apply. Developments shall be presented by the applicants sequentially, one at a time, for the City Council's review and comment. The applicant shall again present visual depictions of the proposed development. In addition, the applicant shall be available to answer any questions that members of the City Council may have about the proposed development.

(6) Police officer in attendance. The City Manager shall ensure that the chief of police or a police officer assigned by him, be present and on official duty at all zoning workshops within the City.

(f) Site plan review and approval procedures.

(1) The Mayor and City Council shall review and consider the site plan applications only after staff technical review is deemed complete in addition to the review of applicable regulatory agencies, and determine sufficient by the Planning and Zoning Department Director or his/her designee.

(2) 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.

(3) Exemptions. Non-residential projects not located in section line or half-section line roads, and with less than 10,000 square feet of land area are exempt from the requirements of this article. Properties with an adopted Master Development Agreement pursuant to Section 163, Florida Statutes. Minor modifications to a site plan pursuant to Sec. 53-185(d) of the Land Development Code provided that the original site plan was submitted and approved in conformance with the terms of this Ordinance. Residential developments less than an acre or less than five (5) single-family units are exempt from the Mayor and Council site plan review and approval process.

(4) Notices. At least five (5) days prior to the site plan review and approval public hearing, an advertisement shall be published in a local newspaper and a courtesy notice shall be mailed to property owners within 500-foot radius of the property. The advertisement and courtesy notice shall state the date, time, and place of the public hearing. In addition, the advertisement and courtesy notice shall provide a description and the location of the proposed development. The Applicant will be responsible for reimbursing the City of Doral for the cost of advertisement and mailing of the courtesy notices. Failure to receive the courtesy mailed notice shall not require the application to go before another public hearing.

(5) Review Criteria. In considering a site plan application, the Mayor and City Council shall consider the following criteria in arriving a decision regarding same:

- a. Consistency with the Comprehensive Plan;
- b. Promote better site design;
- c. Integration of project more effectively into their surrounding environment;
- d. Enhance property value;
- e. Ensure harmonies relationship among buildings, uses and adjacent neighborhoods;
- f. Protect health, safety and welfare of our residents and visitors;

- g. Address traffic concerns.
- h. Consistent with the standards and/or regulations of approved Master Development Agreements, Pattern Books and Conceptual Site Plan associated with CMU, DMU, TND and PUDs projects.

(6) Council Action. The Mayor and City Council shall consider the site plan review and approval at regular meeting or special meeting. Upon consideration of the comments from staff, public, and applicant, the Mayor and City Council shall take one of the following actions:

- a. Table or continue the consideration of the proposed development plan to allow for the resolution of the outstanding issues;
- b. Deny the proposed site plan;
- c. Approve the proposed site plan;
- d. Approve the proposed development plan with conditions. Revised plans and/or reflecting conditions of the Mayor and City Council approval shall be submitted to the planning and zoning department within 30 days of conditional approval.

~~The Mayor and City Council shall follow the standards in Sec. 53-184(3) of the Land Development Code in arriving at their decision.~~

(7) Plans and/or documents shall be reviewed by the department within ten (10) working days of resubmittal to determine compliance with the imposed conditions. The Planning and Zoning Department shall issue the development order upon Mayor and City Council approval, or verification that the Mayor and City Council conditions for approval have been met.

(8) The agenda shall be set by the City Manager and prepared by the City Clerk. A site plan review and approval public hearing shall not be held more than once per calendar month. However, the City Manager, at his/her discretion, may schedule a second public hearing to be held during the same calendar month.

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Chapter 68 - LAND USE AND ZONING DISTRICT

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ARTICLE V. - MIXED USE DISTRICT

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DIVISION 2. - TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)

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Sec. 68-473. - Site plan review.

- (a) Following final approval of the traditional neighborhood development (TND) zoning district by the city council, plans and documents shall be presented to in zoning workshops, pursuant to section 53-184(e), and submitted for city council site plan review and approval, pursuant to section 53-184(f), together with any other relevant information required by the planning and zoning department. The site plans to be reviewed and approved by the city council shall be drawn at a scale of no less than one inch equals 100 feet and shall include the following information:

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Sec. 68-474. - Modifications to approved site plans.

- (a) Upon approval of a site plan, subsequent ~~substantial~~ major modifications to the site plan with regard to land use including but not limited to the location of streets, parks and squares, civic use lots, greenbelts, green and parking shall be required to be presented at zoning workshops pursuant to section 53-184(e) and approved after city council public hearing in accordance with the procedures contained in this subsection and section 53-184(f).
- (b) Any minor revisions to an approved site plan may be approved administratively by the director. The director shall have the authority to determine whether any proposed modification to an approved plan is either minor or substantial. Applicant must submit any proposed modifications to the director for said determination.

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DIVISION 3. – DOWNTOWN MIXED USE DISTRICT

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Sec. 68-557. – Standards.

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- (12) *Council input.* Council input shall be in accordance with section 68-705 in planned unit developments (PUD) and section 53-184, Approval of development plans.

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DIVISION 4. – COMMUNITY MIXED USE DISTRICT

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Sec. 68-581. – Standards.

- (12) *Council input.* Council input shall be in accordance with division 5 of this article in planned unit developments (PUD) and section 53-184, Approval of development plans.

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DIVISION 5. - PLANNED UNIT DEVELOPMENTS (PUD)

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Subdivision IV. - Review Process

Sec. 68-705. - Council input.

The city council shall reserve the right to make a final determination to approve and to modify the urban design guidelines, dimensional requirements, landscaping, landscape buffers, signage any other site designed feature applicable at the time of the planned unit development (PUD) rezoning. The conceptual site plan shall be presented during a zoning workshop as part of the rezoning application for a PUD rezoning, pursuant to section 53-184.

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Sec. 68-736. - Development review committee. ~~(DRC).~~

All applications shall be reviewed by the development review committee (DRC), and members' comments shall be delivered and discussed at a regularly scheduled meeting. Formal comments of the development review committee (DRC) shall be transmitted in writing to the applicant no later than three working days after the meeting.

Sec. 68-739. - City council review.

- (a) Upon receiving the recommendation of the planning and zoning director, and following a zoning workshop pursuant to section 53-184, the city council shall, at a regularly scheduled public meeting, review said recommendation and either approve, approve subject to conditions, or disapprove the application.

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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.

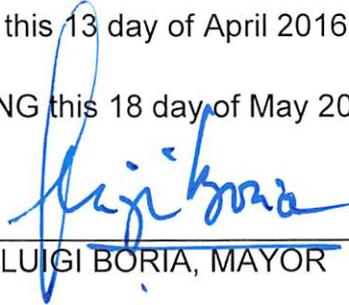
Section 7. **Effective Date.** This Ordinance shall become effective nine months following its adoption.

The foregoing Ordinance was offered by Mayor Boria 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 Christi Fraga	Yes
Councilwoman Sandra Ruiz	Yes
Councilman Pete Cabrera	No
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 13 day of April 2016.

PASSED AND ADOPTED on SECOND READING this 18 day of May 2016.



LUIGI BORIA, MAYOR

ATTEST:



CONNIE DIAZ, CMC
CITY CLERK

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



WEISS, SEROTA, HELFMAN, COLE, & BIERMAN, PL
CITY ATTORNEY