

**ORDINANCE No. 2020-11**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 83 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "SUBDIVISIONS"; PROVIDING CLARIFICATION FOR CITYWIDE PLATTING PROCESSES AND REQUIREMENTS; PROVIDING A REVISION TO THE LANGUAGE CONFORMING TO THE CITY PROCESSES; PROVIDING A REVISION TO THE APPROVAL PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Doral reviews and permits the platting process of land within City limits to confirm all work adheres to standards and criteria as set forth by the City and Miami-Dade County; and

**WHEREAS**, Chapter 83 as currently written makes references to County functions that do not apply to the City, department approvals that do not apply to the City, and was adopted in 2007 by the City using the Miami-Dade County Land Development Code as a basis; and

**WHEREAS**, the Public Works Department would like to revise Chapter 83 in order to clarify the platting process, revise the language to reflect what applies to the City and remove the language that references the County, and revises the approval process; and

**WHEREAS**, the City's Public Works Department, Building Department, and Planning and Zoning Departments have reviewed the subject Chapter and issued its recommendation.

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

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**Section 1. Recitals.** The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

**Section 2. Code Amended.** Chapter 83, "Subdivisions," of the Code of Ordinances of the City of Doral is hereby amended as follows:

## **CHAPTER 83 – SUBDIVISIONS**

### **Sec. 83-1. - Definitions.**

### **Sec. 83-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~County's~~ City's *plat division* means the committee consisting of ~~one~~ members from each of the following ~~county~~ Public Works departments:

- (1) Director of Public works;
- (2) ~~Planning and zoning;~~ Chief of Engineering and/or City Surveyor;
- (3) ~~Environmental resources management;~~ Transportation Manager;
- (4) ~~Parks and recreation;~~ and
- (5) ~~Water and sewer department.~~

*Decorative masonry wall* means a wall of masonry composition, at least five feet in height, with a struck natural, painted, stuccoed, or painted struck block finish on both sides with a continuous concrete cap. For the purpose of this definition, a combination of fence and landscaping that creates a satisfactory buffer shall be considered acceptable substitutes for a decorative masonry wall.

*Final plat* means the final tracing, map or drawing or chart on which the subdivider's plan of subdivision is presented to the plat division of the appropriate authority at a public hearing ~~city council~~ for approval, and which, if approved, will be submitted to the Mayor and City clerk for signatures. Once approved by the City the Final Plat will be submitted to Miami-Dade County clerk of the circuit court for recording.

*Flood criteria* means the minimum finished elevation required for all lands as established and shown on the flood criteria map recorded in Plat Book 53, pages 68, 69, and 70 of the public records of this city as the same may be modified from time to time.

*Lot* means a portion of a subdivision or other parcel of land, however designated, intended as a single building site or unit for transfer of ownership or for development.

*Manual of public works construction of the department of public works* means the comprehensive set of specifications prepared by the city's department of public works covering the minimum requirements for the design and construction of engineering works such as, but not limited to:

- (1) Streets, roads and highways;
- (2) Sidewalks;
- (3) Filling and grading;
- (4) Excavating;
- (5) Harbors and docks;
- (6) Drainage installation and structures;
- (7) Water control work and water supply;
- (8) Paving installations;
- (9) Curbs and gutters;
- (10) Bridges and overpasses and underpasses;
- (11) Underground sewage collections and disposal systems;
- (12) Underground utility line construction;
- (13) Levees;
- (14) Pumping stations; and
- (15) Similar works.

*Master plan* means the comprehensive plan prepared by the city's department of planning and zoning which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the city and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

*Official map* means the map established by the city showing the streets, highways and parks laid out, adopted and established by the city or additions thereto resulting from the approval of subdivision plats by the governing bodies and the subsequent filing of such approved plats.

*Plat division of the appropriate authority* means the competent staff, including a professional land surveyor, under employ by the City ~~of the city council created to review plats or an independent land surveying firm under contract by the City council to review plats. By definition, the independent land surveying firm shall not be the same as the land surveyor recording the plat, so as to prevent any conflict of interest. Municipalities without a plat division may request the city's plat division to review both tentative and final plats, in which case the subdivider shall pay the same fees to the city as a subdivider within the unincorporated areas of the city would pay.~~

Production Homes are cookie-cutter house where a developer/builder simultaneously builds a community of homes based on an approved library of floor plans, each with a limited array of personalization options.

*Streets, alleys, easements and rights-of-way.*

- (1) *Alley* means a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
- (2) *Arterial street* means a heavily traveled street of considerable continuity used primarily as a main traffic artery.
- (3) *Collector street* means a street which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and streets for circulation within such development.
- (4) *Cul-de-sac* or *dead-end street* means a minor street with only one outlet terminating at one end with a turnaround.
- (5) *Easement* or *servitude* means a strip reserved by the subdivider for public utilities, drainage and other public purposes, the title to which shall remain in the property owner, subject to the right of use designated in the reservation of the servitude.
- (6) *Limited access highway* or *freeway* means a highway which permits no access except at authorized and controlled points, the acquisition of rights-of-way for such highway usually including the acquisition of access rights thereto. Access may also be limited through methods other than acquisition of access right.
- (7) *Limited access line* means a designated line across which there shall be no vehicular access.
- (8) *Mapped street* means any approved street shown on an official map, or the projection of an existing street through an unsubdivided parcel of land, whether the street is dedicated, or in existence or not. For the purpose of this definition all normal five-acre fractional lines shall be deemed the center line of mapped street, unless waived by the plat division of the appropriate authority.
- (9) *Marginal access street* means a minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic.
- (10) *Minor street* means a street used primarily for access to the abutting properties.
- (11) *Parkway* means a route intended to be used primarily by passenger vehicles which may have a varying width of right-of-way and which right-of-way is or is intended to be developed with a park-like character.
- (12) *Right-of-way* means a strip of ground dedicated by the subdivider, deeded by the owner, for public use.

- (13) *Width of street* means the shortest distance between the lines delineating the right-of-way of a street.

*Subdivider* means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

*Subdivision* means:

- (1) The division of land for any use so as to create one or more lots, sites, tracts or parcels otherwise designated of any size for the purpose of transfer of ownership, leasing, or building development. The division of land, zoned for single-family residential use, shall not be deemed a subdivision if the land is being divided into parcels, each of which is more than 1¼ acres in size exclusive of any official right-of-way. The division of land, zoned for agricultural, general or interim use or which is unzoned, shall not be deemed a subdivision if the land is being divided into parcels each of which is five acres or more in size, including any official right-of-way. Separate parcels created pursuant to sections 33-31 or 33-257(2) of the Miami-Dade County Code shall not be deemed a subdivision of real property.
- (2) The dedication of a road, highway, street, alley, easement through or on a tract of land regardless of area.
- (3) The resubdivision of land heretofore divided or platted into lots, sites or parcels.

*Tentative plat* means a preliminary map, drawing or chart indicating the proposed layout of the subdivision submitted for approval. Said preliminary map, drawing or chart shall not be considered a boundary survey as defined in F.A.C. ch. 21HH-6, as same may be amended from time to time. It shall be considered a specific purpose survey as defined in said F.A.C. ch. 21HH-6; said specific purpose being for subdivision design, therefore conceptual in nature, and subject to change prior to the boundary survey being made for which a plat of record is being filed.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-1)), 8-22-2007)

### **Sec. 83-2. - Purpose.**

- (a) The public health, safety, comfort, and welfare requires the harmonious, orderly, and progressive development of land within the city. In furtherance of this purpose, this chapter regulates the subdivision of land in both the incorporated and unincorporated areas of the city. It is the further intent of this chapter to secure:
  - (1) The establishment of standards of subdivision design which will encourage the development of sound and economically stable communities, and the creation of healthy living environments.
  - (2) The efficient adequate and economic supply of utilities and services to land developments.
  - (3) The prevention of traffic hazards and the provisions of safe and convenient vehicular and pedestrian traffic circulation in land developments.

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- (4) The provision of public open spaces in land developments for recreational and educational purposes.
- (b) This chapter is intended to aid in the coordination of land development in the community in accordance with orderly physical patterns and to implement the master plan, or parts, thereof, and such zoning regulations and other measures in furtherance of such master plan as may have been or may hereafter be adopted.

(Ord. No. 2007-12, exh. A (ch. XII, § 1(28-2)), 8-22-2007)

**Sec. 83-3. - Application of chapter.**

- (a) This chapter shall apply to and be enforced in both the incorporated and unincorporated areas of the city.
- (b) No person, firm, corporation or any other association, shall create a subdivision of a tract of land anywhere in the city except in conformity with this chapter.
- (c) No tentative or final plat containing any restriction of any nature based on race, ethnicity, national origin, religion, sexual orientation or gender shall be submitted by a subdivider or presented to the plat division of the appropriate authority or the city council for approval.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-3)), 8-22-2007)

**Sec. 83-4. - Plats and platting—Recording; exceptions.**

Whenever land is subdivided a plat must be recorded, except that the recording of a plat ~~will~~may not be required if:

- (1) The subdivision involved consists only of the dedication of a road, highway, street, alley or easement and due to unusual conditions and circumstances the plat division of the appropriate authority finds that it is not necessary that a plat be recorded. In lieu of the recording of a plat, the dedication may be required by deed, and may be subject to compliance with such conditions as may be deemed appropriate under the particular circumstances, such as improvements of sidewalks, streets, or drainage facilities and the acceptance of the dedication by the city council. Posting of bond may be required.
- (2) The land to be subdivided is to be divided into no more than six parcels and because of:
- a. Unusual conditions created by ownership or development of adjacent lands;
  - b. The isolation or remoteness of the land concerned in relation to other platted or improved lands; or
  - c. Improvements and dedications existing on the land substantially in accordance with the requirements of this chapter, it is determined by the plat division of the appropriate authority that waiving of the requirement for platting would not conflict with the purpose and intent of this chapter.

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In lieu of platting the plat division of the appropriate authority may require any dedications, reservations, or improvements required in connection with platting under this chapter, including the posting of a performance and maintenance bond, as may be necessary to carry out the intent and purpose of this chapter.

- (3) The resubdivision of land heretofore platted is of such unusual size or shape or is surrounded by such development or unusual conditions as may be determined by the plat division of the appropriate authority to justify the waiving of the requirement for recording a plat. In lieu of the recording of a plat, such conditions may be imposed as may be deemed necessary and appropriate to preserve the public interest.
- (4) A parcel of land conveyed by a recorded warranty deed that is dated prior to January 1, 1958, the effective date of the county ordinance from which this chapter is derived; provided, however, that the parcel may be diminished in size as a result of a public dedication of any portion of that parcel.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-4)), 8-22-2007)

**Sec. 83-5. - Same—Procedure for waiver of plat.**

- (a) To determine if the waiving of the requirement for platting would not conflict with the purpose and intent of this chapter, and the exceptions contained in section 83-4 are applicable, a waiver of plat survey shall be submitted by the property owner.
- (b) A waiver of plat application shall be submitted, signed by the owner and notarized on the form prescribed by the plat division of the appropriate authority.
- (c) The waiver of plat survey shall be prepared by a land surveyor registered in the state and shall bear the embossed seal of the land surveyor.
- (d) The waiver of plat survey shall include the following items, unless waived by the plat division of the appropriate authority:
  - (1) Legal description of the parent tract.
  - (2) Legal description of each parcel to be created.
  - (3) Location of property lines, existing easements, buildings, watercourses and other essential features.
  - (4) The location of any existing sewers and water mains, or any underground or overhead utilities, culverts and drains on the property to be subdivided.
  - (5) Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other open public spaces and similar facts regarding property immediately adjacent.
  - (6) Date of field survey, north point and graphic scale.
  - (7) The width and location of all streets or other public ways proposed by the developer.

- (8) The proposed lot lines with dimensions.
  - (9) Existing ground elevations of the property and extending not less than 25 feet beyond the boundaries of property.
  - (10) Existing easements or restrictions shown on underlying plat shall be shown.
  - (11) The location of all buildings, swimming pools, slabs, fences and other permanent structures on the adjacent properties that would be nonconforming with the creation of this division of land.
- (e) The property owner shall pay such fees as may be prescribed for checking the waiver of plat and investigating such matters concerning it as may be required.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-4.1)), 8-22-2007)

**Sec. 83-6. - Same—Administrative prohibition of action on or approval of tentative plats and waivers of plats in the ~~unincorporated county~~ City and vested rights procedure.**

- (a) *Administrative prohibition of action on or approval of tentative plats and waiver of plats.*
- (1) Whenever any zoning hearing for a district boundary change within the ~~unincorporated area~~City is initiated by the director of the department of planning and zoning, the city manager may order that no tentative plat or waiver of plat, pertaining to any or all property involved in the application shall be acted upon or approved until the hearing upon said application has been finally concluded in accordance with the provisions of this Land Development Code. No such order shall be issued unless the city manager first determines that the processing and approval of tentative plats and waiver of plats would create a risk of land use contrary to the zoning which is most appropriate for the area. Said order shall not prevent processing and approval of a tentative plat or waiver of plat which would be permissible if the director's application were granted.
  - (2) Should the city manager issue an order pursuant to this section, administrative personnel shall schedule the zoning application for the first public hearing date after appropriate legal notice. The manager's order shall expire upon final action upon the zoning application. If the application for zoning change is not decided at the hearing for which it is first scheduled, the city council shall at said time decide whether the manager's order shall remain in effect and the board shall review the continued effectiveness of the order at any subsequent hearing to which the application is deferred and not decided.
- (b) *Vested rights.*
- (1) Any property owner claiming a vested right to obtain action upon or approval of a tentative plat or waiver of plat contrary to this section may submit an application for a determination of vested rights to the plat division. The application shall have attached an affidavit setting forth the facts upon which the applicant bases his

claim for vested rights. The applicant shall also attach copies of any contracts, letters and other documents upon which a claim of vested rights is based. The mere existence of zoning shall not vest rights.

- (2) The county plat division shall review the application and determine whether the applicant has demonstrated:
  - a. An act of development approval by an agency of the city;
  - b. Upon which the applicant has in good faith relied to his detriment;
  - c. Such that it would be highly inequitable to deny the landowner the right to obtain action on or approval of a tentative plat.
- (3) Any appeal of the plat division's determination shall be made following the procedures outlined in section 83-9(f).
- (4) The provisions of this subsection (b) of this section shall not prohibit the city council from considering the issue of vested rights during other hearings where such rights are in issue, provided that a decision upon a claim of such rights shall be a final determination thereof and further administrative hearings thereon shall be neither required nor permitted.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-4.2)), 8-22-2007)

**Sec. 83-7. - Same—Approval before recording.**

No plat of any subdivision shall be entitled to record in the office of the clerk of the circuit court of Miami-Dade County until it shall have been approved in the manner prescribed herein. In the event any such unapproved plat is recorded it shall be stricken from the record upon application of the city of Doral council or City Plat Division. ~~of the city in which the plat lies or the city council of the city for any nonconforming plat in the incorporated area or in the unincorporated area of the city.~~

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-5)), 8-22-2007)

**Sec. 83-8. - Same—Revising plat after approval.**

- (a) Any changes, erasures, modifications or revisions to an approved plat prior to recordation may only be made by the plat division to correct scrivener's errors, reflect accurate legal descriptions and locate right-of-way dedications, drainage ways and easements.
- (b) No changes, erasures, modifications or revisions to an approved plat prior to recordation shall be made unless resubmitted for new approval; provided, however, that the city plat ~~division~~council may, after public hearing and based only upon a ~~recommendation of its plat division~~, change, modify or revise dedicated road rights-of-way or drainage easements.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-6)), 8-22-2007)

**Sec. 83-9. - Same—Procedure for platting.**

- (a) *Preliminary conference.* The subdivider or his engineer, or land surveyor, prior to the preparation of the tentative plat, may informally seek the advice of the plat division of the appropriate authority in order that he may become familiar with the subdivision requirements and with the provisions of the master plan affecting the territory in which the proposed subdivision is located.
- (b) *Tentative plat.* The tentative plat shall show on a map all of the facts and data required by the various departments to determine whether the proposed layout of the land in the subdivision is satisfactory from the standpoint of public interest.
- (1) The following information shall be part of the tentative plat unless waived by the plat division of the appropriate authority:
- a. Proposed subdivision name and identifying title and the name of the city, if any, in which the subdivision is located, and the section, township and range.
  - b. Location of property lines, existing easements, buildings, watercourses, elevations, permits and other essential features.
  - c. The names of all subdivisions immediately adjacent.
  - d. The location of any existing sewers and water mains, or any underground or overhead utilities, culverts and drains on the property to be subdivided.
  - e. Location, names and present widths of existing and proposed streets, highways, alleys, parks and other open public spaces and similar facts regarding property immediately adjacent.
  - f. The width and location of any street or other public ways or places shown upon the official map or the master plan, within the area to be subdivided, and the width and locations of all streets or other public ways proposed by the developer.
  - g. Date of field survey, north point and graphic scale.
  - h. Legal description and plan of proposed layout made and certified by a state licensed land surveyor.
  - i. The proposed lot lines with approximate dimensions and in the case of odd or irregularly shaped lots, suggested location of building setback lines.
  - j. Where the tentative plat submitted covers only a part of the subdivider's entire holding, a master tentative plat of the prospective future street system of the unsubdivided part will be required, and the street system of the unsubmitted part will be considered in the light of adjustments and connection with the street system of the plat submitted.
  - k. A plat application signed by the owner and notarized on the form prescribed by the plat division of the appropriate authority.
  - l. The numbering of all lots, blocks and the lettering of all tracts shall be shown on the tentative plat. All lots or tracts shall be numbered or lettered

progressively. All blocks shall be progressively numbered except that blocks in numbered additions bearing the same name shall be numbered consecutively throughout the several additions.

- m. A location map at the scale of one inch equals 300 feet showing existing and proposed rights-of-way.
- (2) The following information shall be submitted in addition to the tentative plat if requested by the city:
- a. The names of owners of record of the immediately adjacent property.
  - b. Any changes in the use, height, area and density districts or other regulations under this Land Development Code, applicable to the area to be subdivided, and any boundaries of such districts, affecting the tracts; all parcels of land proposed to be dedicated to public use and the conditions of such dedications.
  - c. Typical cross section of the proposed grading and roadways or sidewalks and topographic conditions.
  - d. Location of the closest available subdivision or public water supply system.
  - e. Location of the closest available subdivision or public sewage disposal system.
  - f. Provisions for collecting and discharging surface drainage.
  - g. Preliminary designs of any bridges or culverts which may be required.
  - h. A boundary survey.
  - i. If required by these regulations or if proposed by the subdivider, the proposed location of any type of sidewalks, street lighting standards and species of street trees, the location of curbs, gutters, water mains, sanitary sewers and storm drains and the sizes and types thereof, the character, width and depth of pavement and sub-base, and the location of manholes and basins and underground conduits.
  - j. The boundaries of proposed permanent utility easements over or under private property. Such easements shall provide satisfactory access to an existing public highway or other public open space shown upon the layout. Permanent drainage easements shall also be shown.
  - k. All dimensions affecting public rights-of-way and proposed dedication of the public rights-of-way shall be established by a registered surveyor and shown on the grading and drainage plan accompanying approved and valid tentative plats when said plan is submitted for approval, with the same degree of accuracy as, and identical to, the corresponding dimensions shown on the final plat.
  - l. A copy of owners' deed or a current opinion of title from any attorney authorized to practice law in the state.

- (c) *Filing copies of tentative plat and plat application.* The subdivider shall file such copies as may be required of the tentative plat with the plat division of the appropriate authority, together with the plat application. ~~All tentative plats filed shall be reviewed for approval weekly, or at the regular meeting of the plat division, and the tentative plats should be filed at least ten days in advance of the meeting at which approval is sought.~~
- (d) *Checking and investigating.* The subdivider shall pay such fees as may be prescribed by ordinance for checking the tentative plat and investigating such matters concerning it as may be required by law and this chapter.
- (e) *Approval of tentative plat.* On plats that lie within the City of Doral boundaries ~~unincorporated areas of the city~~, copies of the tentative plat shall be distributed by the department of public works to the department of planning and zoning ~~and the Department of Florida Health~~ and to such other departments as may be necessary. Tentative approval shall confer upon the subdivider the right for a nine months period from the date of approval that the terms and conditions under which the tentative approval was granted will not be changed if the final plat is in accordance with the tentative approval.
- (f) *Appeal of the city's plat division decision.* Decisions of the city's plat division may be appealed within 14 days to the City Manager's office. ~~executive council of the developmental impact committee as defined in section 33-303.1(B) Miami-Dade County Code; and appeals of the executive council's decision shall be by application for variance from section 83-21 or, if applicable, by appeal of administrative decision pursuant to section 33-314(C)(1) Miami-Dade County Code.~~ The 14-day appeal period provided herein shall commence on the day after notification that the plat division has taken action on the particular matter, such notification to be provided via email to the applicant of the Tentative Plat. ~~given by the division through the posting of a short, concise statement of the action taken on a conspicuous bulletin board that may be seen by the public at reasonable times and hours in the office of the public works department.~~ Where the 14th day falls on a weekend or legal holiday the appeal period shall be deemed to extend through the next business day.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-7)), 8-22-2007)

**Sec. 83-10. - Same—Final plat.**

- (a) *Conformity to tentative plat.* The final plat shall have incorporated all changes or modifications as required to make the tentative plat conform to the requirements of this chapter. Otherwise it shall conform to the tentative plat, and it may constitute only that portion of the approved tentative plat which the subdivider proposed to record and develop at the time; provided that such portion conforms with all requirements of this chapter and meets with the approval of the various departments concerned.
- (b) *Preparation.* The final plat shall be prepared by a land surveyor registered in the state. The final plat shall be clearly and legibly drawn, to a sheet size of 30 inches by 36 inches and to a scale of sufficient size to be legible, with letters and numbers to be no smaller than one-eighth of an inch in height. The final plat, insofar as

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preparation is concerned, shall comply with all applicable regulations and state laws dealing with the preparation of plats.

(c) *Contents.*

- (1) Name of the subdivision. The plat shall have a title or name. ~~If the plat be a town, city or village, the full name of such town, city or village must appear as the title or name of the plat subdivision.~~ If the land platted be an addition to or a subdivision of the City ~~a town, city or village~~ already platted, then the title of the plat shall include, with the name of such addition or subdivision, the name of the City of Doral ~~the name of the town, city or village~~, as the case may be, and section, township and range of which such platted land is a subdivision, or to which it is an addition. The terms "town," "city," "village" or any other term suggesting a municipal corporation, shall not appear in the title or name of any plat which includes any property in the unincorporated area. The plat division of the appropriate authority shall disapprove any name or title which he may find to be sufficiently similar to the name of any ~~existing town, city, village or municipal corporation, or the name similar to any previously approved plat in the incorporated or unincorporated areas of the~~ within the city which may cause confusion as to the status or the location of any platted property.
- (2) Deed description. Description written on map or plat. There shall be written or printed upon the plat a full and detailed description of the land embraced in the map or plat showing the township and range in which such lands are situated and the section and part of sections platted and a location sketch showing the plat's location in reference to the closest centers of each section embraced within the plat. The description must be so complete that from it, without reference to the plat, the starting point can be determined, and the outlines run. If a subdivision of a part of a previously recorded plat is made, the previous lots and blocks to be resubdivided shall be given. If the plat be a resubdivision of the whole of a previously recorded plat, the fact shall be so stated. Vacation of previously platted lands must be accomplished in the manner provided by law.
- (3) Names of adjacent subdivisions.
- (4) Names or numbers and width of streets immediately adjoining plat.
- (5) All plat boundaries.
- (6) Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments which shall be accurately described on the plat.
- (7) Municipal, township, city or section lines accurately tied to the lines of the subdivision by distance and bearing.
- (8) Accurate location of all monuments.
- (9) Length of all arcs, radii, internal angles, points of curvature and tangent bearings.

- (10) Where lots are located on a curve or when side lot lines are at angles less than 87 degrees or more than 93 degrees, the width of the lot at the front building setback line shall be shown.
  - (11) The name or numbering and right-of-way width of each street or other right-of-way shown on plat.
  - (12) The numbering of all lots and blocks shown on the plat. All lots shall be numbered either by progressive numbers, or in blocks progressively numbered, except that blocks in numbered additions bearing the same name shall be numbered consecutively throughout the several additions. Excepted parcels must be marked "not part of this plat."
  - (13) Plat restrictions to restrict type and use of water supply; type and use of sanitary facilities; use and benefits of water areas and other open spaces and odd-shaped and substandard parcels; resubdivision of parcels as platted, and restrictions of similar nature.
  - (14) All areas reserved or dedicated for public purposes. No strip or parcel of land shall be reserved by the owner, unless the same is sufficient in size and area to be of some practical use or service.
  - (15) The dimensions of all lots and angles or bearings.
  - (16) Minimum building setback lines where required by ordinance.
  - (17) Location, dimension and purpose of any easements.
  - (18) Certification by a registered surveyor to the effect that the plat represents a survey made by him, and that all monuments shown thereon actually exist, and that their location is correctly shown.
  - (19) An acknowledgment by the owner of his adoption of the plat, and of the dedication of streets and other public areas and the consent of any mortgage holders to such adoption and dedication. If existing right-of-way is to be closed, purpose of closing must be stated on the plat.
  - (20) The signature and seal of the city council Mayor and City Clerk's office. The plat shall also include the signature and seal of the surveyor, under employ or contract, representing the City. ~~On plats within the unincorporated areas of the city, the signature of the director of public works, the director of the department of planning and zoning and the clerk and mayor and, in his absence, the city council; provided, however, that where property is being replatted the signatures of the city council shall be affixed or denied pursuant to the procedures established in F.S. § 177.101(1971), unless the vacation of prior plats has previously been validly accomplished.~~
- (d) *Other data required with plat.*
- (1) Restrictive covenants desired by the developer so long as they do not violate existing ordinances. Restrictive covenants shall be required covering the same restrictions included in subsection (c)(13) of this section; restrictions controlling

building lines, establishment and maintenance of buffer strips and walls, and restrictions of similar nature.

- (2) The surveyor shall show on the face of the plat (or shall certify on a separate sheet, not to be recorded in the public records) the state plane coordinates (current readjustment) of at least two of the permanent reference monuments shown on the plat. This requirement may be waived by the plat division of the appropriate authority if:
  - a. Any portion of the land encompassed by the plat is more than one mile from the nearest station shown on the list on file in the county public works department's survey office, as updated; or
  - b. All stations within one mile of the plat have been lost. A copy of the certified corner record (as defined in F.S. § 177.503(1993)), for the corners used shall be provided with the final plat.
- (3) Current opinion of title from any attorney authorized to practice law in the state.
- ~~(4) Certification from the city and city that all taxes and assessments have been paid on the land within the proposed subdivision or receipted tax bills.~~
- (5) If a zoning change is involved, certification from the appropriate agency, or the City's Planning and Zoning Department, shall be furnished indicating that the change requested has been approved and is in effect, and that the size of lots and other features shown on the plat conform to all zoning requirements. Signing of the final plat by the director of that agency shall constitute such certification.
- ~~(6) Clerk's fees for recording the plat.~~
- (7) On plats within the City of Doral's boundaries ~~municipalities~~ certification from the appropriate ~~agency~~ department shall be submitted to the ~~city's~~ County's plat division certifying that all required improvements within the public right-of-way have been completed or that the city is holding sufficient bond for the completion of the improvements. The certification shall also state that the plat appears to conform to all of the requirements of this chapter. The ~~city's~~ County's plat division shall review certification from the appropriate agency within 45 days of the acknowledged receipt of the plats. Failure of the city to act on said plats within 45 days of the acknowledged receipt of the plat shall be deemed an approval of the plat.
- ~~(8) No plat shall be entitled for recording in the clerk's office until the plat is signed by the director of the county department of public works, certifying that the plat appears to conform to all of the requirements of this chapter. A certification of the director of the county department of public works need not appear if the plat division of the appropriate authority submits an affidavit to the clerk stating that the city has not acted on said plat within 45 days of the acknowledged receipt of the subject plat.~~

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-8)), 8-22-2007)

**Sec. 83-11. - Same—Final approval; rejection, for plats within the ~~unincorporated areas of the city.~~**

- (a) Approval of plats by the director of the department of public works shall be final, insofar as that department is concerned. Approvals shall not be denied if the plat complies with this chapter.
- (b) After approval has been given as provided in this chapter, the director of the department of public works shall inform the subdivider, or his surveyor, as the case may be, that the plat has been given final approval and is ready for recording. In the event the plat has been rejected, the director of the department of public works will so notify the subdivider or his surveyor in writing with all reasons for such rejection.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-9)), 8-22-2007)

**Sec. 83-12. - Same—Fees for plats within the ~~unincorporated areas of the city.~~**

The ~~county~~ department of public works shall charge and collect fees for subdivision platting at the rates established by administrative order or as established within Section 38-6.g and as noted on Schedule "PW", which shall not become effective until approved by resolution of the city council.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-9.1)), 8-22-2007)

**Sec. 83-13. - Building permits, issuance.**

No building permit shall be issued for construction of any improvements on a parcel that was not legally created in compliance with these regulations except permits for a construction trailer or sale office trailer, single-family homes and townhouses to be used as models, entrance features, perimeter walls, lift stations and commercial and industrial buildings, may be issued if the developer complies with the following requirements:

- (1) For construction trailer or trailer used as sales office. No permits will be approved until at least a tentative plat has been approved and the public works department has reviewed and permitted paving and drainage plans. In addition, no permit shall be issued unless the trailer complies with the department of environmental resources management's requirements for providing potable water and sanitary facilities.
- (2) For permanent buildings to be used as single-family or townhouse models. The number of models to be allowed shall be coordinated and determined with the Public Works Director or his designee. Permits for models will be approved when:
  - a. The tentative plat has been approved by the plat committee and is current.
  - b. Paving and drainage plans have been approved by the Public Works Director.
  - c. All the department of environmental resources management's requirements, including the approval of water and sewer extension plans are complied with.

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- d. A letter signed by the property owner has been submitted to the supervisor, platting division, requesting the construction of models prior to final plat recording. The letter shall include the number of models being requested (only one of each model will be allowed, or only one townhouse building) together with the lot and block numbers for each such model. The letter shall state that the owner understands and agrees that the model home shall not be occupied until the plat is recorded in the public records and that the penalty for violation of this occupancy prohibition shall be the demolition of the model. The letter shall also state that the owner agrees and shall release and hold the city, its employees and agents, harmless from any and all liability and causes of action of whatsoever nature and kind for and as a result of the issuance of building permits and any construction prior to final plat approval and recordation. The supervisor of the platting division, should he or she approve the models, will send a copy of the owner's letter to the Public Works Permitting zoning processing section to be placed in the plat file and the electronic permitting system or shared file server.
  - e. No certificate of occupancy completion shall be issued for any model until after the final plat is recorded, except that a temporary certificate of occupancy completion may be issued by the planning and zoning Building department.
  - f. Only one building permit may be issued per building per address or folio number, on a site, and only one such permit may be issued within a subdivision.
- (3) Entrance features, perimeter wall(s) and lift station permits may be issued after tentative plat approval by the plat committee and receipt of a letter signed by the owner requesting the permit prior to final plat recording and releasing and holding the city, its employees and agents, harmless from any and all liability and causes of action of whatsoever nature or kind for and as a result of the issuance of building permits and any construction prior to final plat approval and recordation. The supervisor, should he or she approve the request, will send a copy of the owner's letter to the planning and zoning department processing section to be placed in the plat file.
- a. Features must be differentiated between residential and commercial and may include but not be limited to: fountains, monument signage, guard houses, gates, etc..
- (4) For commercial and industrial buildings.
- a. The tentative plat has been approved by the plat committee and is current.
  - b. Only one building permit may be issued per building per address or folio number, on a site, and only one such permit may be issued within a subdivision.
  - c. Paving and drainage plans (if required) shall have been approved by the public works department.

~~d. At the time of request, there must be an active set of building plans pertaining to the site, with an active process number under the city's permitting system. The plans must have approvals from the following disciplines or an indication that such approvals are nonapplicable:~~

- ~~1. Building;~~
- ~~2. Department of environmental resources management;~~
- ~~3. Electrical;~~
- ~~4. Energy;~~
- ~~5. Impact fees;~~
- ~~6. Mechanical;~~
- ~~7. Planning;~~
- ~~8. Plumbing;~~
- ~~9. Public works; and~~
- ~~10. Structural.~~

de. A letter, signed by the property owner, has been submitted to the supervisor, platting division, requesting the permit prior to final plat recording. The letter shall state the proposed lot and block or tract for such permit, and the owner's acknowledgment and agreement that no certificate of occupancy will be sought or allowed until after the final plat is recorded. The letter shall also state that the owner agrees and shall release and hold the city, its employees and agents, harmless from any and all liability and causes of action of whatsoever nature or kind for and as a result of the issuance of building permits and any construction prior to final plat approval and recordation. The supervisor, should he or she approve the request, will send a copy of the owner's letter to the zoning processing section to be placed in the plat file and the electronic permitting system or shared file server.

ef. No certificate of occupancy for the subject structure will be issued until the plat is recorded. No certificate of completion shall be issued until after the final plat is recorded, except that a temporary certificate of completion may be issued by the Building Department.

~~g. The issuance of the building permit shall not modify or affect the concurrency capacity of the underlying tentative plat in any way.~~

(5) For permanent buildings to be used as single-family or townhouse production homes. Permits for single-family or townhouse production homes will be approved when:

- a. The tentative plat has been approved by the plat committee and is current.
- b. Paving and drainage plans have been approved by the Public Works Department.

- c. All department of environmental resources management requirements, including the approval of water and sewer extension plans are complied with.
- d. The proposed final plat for the subdivision in which the production homes are to be located has been approved by the plat division of the appropriate authority listed on an agenda for approval by the city council.
- e. A letter, signed by the property owner, has been submitted to the supervisor, platting division, requesting approval of production homes prior to final plat recording. The letter shall state that the owner understands and agrees that the production home shall not be occupied (be issued a Certificate of Occupancy or Temporary Certificate of Occupancy) until the plat is recorded in the public records and that the penalty for violation of this occupancy prohibition shall be the demolition of the production home or a fine equal to the construction cost of the production home if the production home is compliant to all current Florida Building Codes at time of Final Plat recording. The letter shall also state that the owner agrees and shall hold city, its employees and agents, harmless from any and all liability and causes of action of whatsoever nature and kind for and as a result of the issuance of building permits and any construction prior to final plat approval and recordation. The supervisor, should he or she approve the models, will send a copy of the owner's letter to the zoning processing section to be placed in the plat file and the electronic permitting system or shared file server. The owner's letter shall be filed in the public records of the city. The recorded letter shall be effective only until the final plat is recorded and shall thereafter be deemed automatically withdrawn and of no further legal force or effect.
- f. No certificate of occupancy completion shall be issued for any production home until after the final plat is recorded, except that a temporary of certificate of occupancy completion may be issued by the ~~planning and zoning building~~ department.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-11)), 8-22-2007)

**Sec. 83-14. - Public improvements and maintenance, withholding from subdivisions not approved or accepted.**

~~All cities and~~ the city shall withhold all public improvement of whatsoever nature, including the maintenance of streets and the furnishing of sewage facilities and water service from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted, in the manner prescribed herein.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-12)), 8-22-2007)

**Sec. 83-15. - Drainage.**

- (a) *Master plan and manual of public works construction.* The developer shall plan all drainage for his subdivision in accordance with the master plan entitled, County

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Water-Control Plan, recorded in Plat Book 64, page 114 and in accordance with the flood criteria map, recorded in Plat Book 53, pages 68, 69, and 70, or as such plan and map may be changed or modified. The drainage plans shall be subject to approval of the public works department for compliance with such plan.

- (b) *Permit to construct or alter drainage ways.* No individual, partnership, or corporation shall construct, deepen, widen, fill, reroute, or alter any existing drainage way, ditch, drain, or canal without first obtaining a written permit from the county's department of public works and/or the county's department of environmental resources management. plans for all such work shall comply with the manual of public works construction of the county's public works department, and all such work shall be done under the supervision and subject to the approval of the county's department of public works and/or the county's department of environmental resources management. Rights-of-way for all such drainage works and maintenance thereof as prescribed by the manual of public works and construction and the ~~city~~County water control plan, must be dedicated to the use of the public, such dedication to be made prior to any such construction or alteration if so required by the county's public works department and/or the county's department of environmental resources management.
- (c) *Rights-of-way and easements.* Whenever any drainage way, stream, or surface drainage course is located or planned in any area that is being subdivided, the subdivider shall dedicate such stream or drainage course and an adequate right-of-way necessary for maintenance, future expansion and other purposes along each side of such stream or drainage course as is determined by uniform standards prescribed by the manual of public works construction.
- (d) *Stormwater.* Adequate provision shall be made for the disposal of stormwater subject to standards prescribed in the manual of public works construction. All stormwater shall be maintained on site.
- (e) *Contour map and drainage of adjacent areas.* A contour map shall be prepared for the area comprising the subdivision and such additional areas as may be required by the county's department of public works and/or the county's department of environmental resources management, necessary to include all watersheds which drain into or through the property to be developed, provided that this map of the adjacent areas may be prepared from existing maps or other data available to and acceptable by the ~~county's~~City's department of public works and/or the county's department of environmental resources management. The design for drainage of the subdivision must be adequate to provide for drainage of adjacent water shed areas, and design of drainage structures must provide for drainage of adjacent water sheds after complete development of the total area. Where ditches and canals are required, rights-of-way shall be provided for future needs in accordance with uniform standards proscribed in the county's manual of public works construction; provided, however, that the developers may be permitted by the county's department of public works and/or the county's department of environmental resources management to excavate or open, or construct necessary drainage ways and structures only of sufficient capacity to provide for existing drainage needs whenever the developed or undeveloped status of adjacent water sheds may so warrant as determined by the

county's department of public works, and/or the county's department of environmental resources management.

- (f) *Off-site drainage.* Off-site drainage shall be mutually coordinated by and between the subdivider, the City of Doral's Public works Department, and the plat division of the appropriate authority.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-13)), 8-22-2007)

**Sec. 83-16. - Design standards.**

- (a) *Conformity with master plan.* If a master plan has been adopted for such area, the proposed subdivision shall conform in principle with such master plan.
- (b) *Streets.*
- (1) *Conformance.* The arrangement, extent, width, grade and location of all streets shall conform to the master plan, if one has been adopted for the area, and shall be considered in their relation to existing and planned streets, topographical conditions, to public conveniences, safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the master plan, the arrangement and the other design standards of streets shall conform to the provisions found herein.
  - (2) *Relation to adjoining street system.* The arrangement of streets in new subdivisions shall make provisions for the continuation of existing streets in adjoining areas.
  - (3) *Projection of street.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets.
  - (4) *Streets to be carried to property lines.* When a new subdivision adjoins unsubdivided land then the new streets shall be carried to the boundaries of the tract proposed to be subdivided where required to promote reasonable development of the adjacent lands or provide continuity of road systems.
  - (5) *Street jogs prohibited.* Street ~~jogs~~ with center line offsets of less than 125 feet shall be prohibited unless because of unusual conditions the plat division determines that a lesser centerline offset is justified.
  - (6) *Dead-end streets or culs-de-sac.* Dead-end streets or culs-de-sac designated to be so permanently, shall not be longer than 600 feet, and at the closed end, a turnaround having an outside roadway diameter of at least 84 feet, and a street property line diameter of at least 100 feet, may be required. If a dead-end street is of a temporary nature a similar turnaround may be required, and provision made for future extension of street into adjoining property, as may be required by the plat division. T-turnarounds should be a maximum length of 150 feet.
  - (7) *Marginal access streets.* Where a subdivision butts on or contains an existing limited access highway, freeway, parkway or arterial street, marginal access

streets or other such treatment as may be necessary for adequate protection of residential property and to afford separation of through and local traffic may be required.

- (8) Minor streets. Minor streets shall be so laid out that their use by through traffic shall be discouraged.
- (9) Railroad on or abutting subdivision. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, a street approximately parallel to and on each side of such right-of-way may be required, at a distance suitable for the appropriate use of the intervening land for park purposes in residential districts or for commercial or for industrial purposes in appropriate districts. Such distances shall be determined with due regard for the requirements of approach grade and future grade separation in accordance with uniform standards prescribed by the manual of public works construction.
- (10) A tangent of at least 100 feet long shall be introduced between reversed curves on arterial and collector streets.
- (11) When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance and safe turning movement in accordance with uniform standards prescribed by the city's manual of public works construction.
- (12) Streets shall be laid out so as to intersect as nearly as possible at right angles.
- (13) Property lines at street intersections shall be rounded with a radius of 25 feet. A greater radius may be prescribed by the plat division in special cases in accordance with uniform standards prescribed by the city's manual of public works construction. The plat division may permit comparable cutoffs or chords in place of rounded corners.
- (14) Street right-of-way widths shall be as shown on the master plan or in this Land Development Code and where not so shown shall be not less than as follows:
  - a. Arterial: Varies between 80-110~~400~~ feet right-of-way;
  - b. Collector: Minimum 70 feet right-of-way, generally section or half-section line roadway corridors;
  - c. ~~Minor, for apartments and residences~~ Local Roads: 50 to minimum 60 feet right-of-way for ¼ section line roads, and minimum 50-foot right-of-way for 1/8 section line or less roads; as may be determined in uniform standards prescribed by the city's manual of public works construction;
  - d. Marginal access(private roads): 45 feet where required in residential areas: 50 feet where access is limited, by a limited access highway, a railroad or canal: 70 feet in industrial subdivision; refer to Miami-Dade County road section detail for a 42 foot maximum section for private roads;
  - e. ~~Minor for~~ industrial areas: 70 feet right-of-way;



- (f) *Lots.* The lot depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and on the type of development and use contemplated.
- (1) *Dimensions.* Lot dimensions shall conform to the requirements of the appropriate authority.
  - (2) *Access.* Each lot shall be provided, by means of a public street, with satisfactory access to an existing public street or in the case of units within a townhouse site, or cluster development, each lot shall be provided perpetual right of access by private street or roadway to an existing public street ~~in accordance with the provisions of section 33-202.3, Miami-Dade County Code, or where applicable, municipal townhouse or cluster regulations.~~
  - (3) *Double frontage or through lots.* Double frontage or through lots shall be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation. A decorative masonry wall, or in the sole discretion of the plat division of the appropriate authority a combination of fence and landscaping that provides a satisfactory buffer may be required along the rear property line, across which there shall be no right of vehicular access. This portion of the block line shall be shown as a limited access line on the final plat. Visual screening for decorative walls. In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
    - a. *Wall with landscaping.* The wall shall be setback 2½ feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one or more of the following planting materials:
      1. *Shrubs.* Shrubs shall be a minimum of three feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one year after time of planting.
      2. *Hedges.* Hedges shall be a minimum of three feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one year after time of planting.
      3. *Vines.* Climbing vines shall be a minimum of 36 inches in height immediately after planting.
    - b. *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.
  - (4) *Side lots.* Side lot lines shall, where possible, be substantially at right angles or radial to street lines.

(g) *Acceptance of dedication.* The dedication of public spaces shall not constitute an acceptance of the dedication by the city. The acceptance of the dedication shall be indicated by a resolution of the city council and by an indication on the plat.

(h) *Waiver of standards.* Those design standards enumerated within:

- (1) Subsection (b) of this section, pertaining to streets;
- (2) Subsection (c) of this section, pertaining to alleys; and
- (3) Subsection (f) of this section, pertaining to lots;

may be waived by the plat division of the appropriate authority, except that the plat division of the appropriate authority may not waive subsection (f)(1)a of this section pertaining to lot dimensions.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-14)), 8-22-2007)

## Sec. 83-17. - Required improvements.

Prior to the granting of the final approval, the subdivider shall have installed or shall have furnished adequate bond of 110 percent of the cost of improvements for the ultimate installation of the following:

- (1) *Permanent reference monuments.* Monuments shall be constructed and placed in accordance with F. S. ch. 177.
- (2) *Streets.*
  - a. *Construction; inspection; approval.* All streets shall be constructed and surfaced in accordance with applicable standards specifications of the county entitled Specifications for Second Road Construction and Residential Streets, or in accordance with requirements indicated in the county's Manual of Public Works Construction of the department of public works or any standard which the City deems applicable. Such construction shall be subject to the inspection by the city manager ~~council~~ or their designated representatives and subjected to issuance of permits. Where street construction complies in specifications such installation shall be approved. ~~No other permits of any kind for construction of streets shall be required.~~
  - b. *Curbs, gutters and drainage.* Curbs, gutters, drainage and drainage structures which are required by ordinance shall be provided in accordance with standard specifications or in accordance with the manual of public works construction of the Department of Public Works. Such construction shall be subject to the inspection of the city council or their designated representatives and subjected to issuance of permits therefor.
  - c. *Sidewalks.* Sidewalks shall be required in all residential, multiple-family and business areas and along all arterial highways, ~~except, that in areas zoned in the agricultural zone classification, or other zone classifications requiring lots of similar frontage and area, no sidewalks shall be required; and except in those areas zoned in the EU-1, EU-M or EU-S classifications or other zone classification requiring lots of similar frontage and areas,~~ sidewalks shall be required only along section and quarter section lines or roads that may be substituted therefor. On plats within municipalities, sidewalk requirements may be waived by the municipalities, on roads that are not city maintained.
  - d. *Street signs.* Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the city and shall be placed in accordance with the standards of the city and the manual of public works construction. The type of street signs and their locations shall meet with the approval and inspection of the city's director of planning and zoning.
  - e. *Waiver of improvements.* Those required street improvements enumerated within subsections (1) through (4) of this section may be waived by the city's plat division.

- f. *Guardrails.* On any street adjacent to or abutting a canal, a lake or other body of water a guardrail or other form of traffic barrier must be installed to protect any vehicle from entering the canal, lake or other body of water.

(3) *Water supply system.*

- a. *Water supply system.* Where a water supply system is required by the County's public health director, each lot within the subdivision area shall be provided with a connection thereto. All systems and extensions shall be subject to the approval of the directors of the department of public health and the County's public works department and the County's department of environmental resources management and shall be in accordance with all state and city regulations and standards governing their installation.
- b. *Individual wells.* Where a water supply system is not required, individual wells may be permitted by the City's Public Works Department or the County's public health director and/or the County's director of environmental resources management if all city, County, and state regulations and standards governing their installations and uses are adequately met.
- c. *Fire hydrants.* Where required by the Miami-Dade County fire department chief, fire hydrants or fire wells shall be installed in all subdivisions in accordance with the uniform standards established by the public works manual.

(4) *Sewage disposal system.*

- a. *Sewer systems.* Where a sewer system is required by the County's director of environmental resources, each lot in the subdivision shall be provided with a connection thereto. All systems, extensions, and connections shall be subject to the approval of the director of environmental resources management and shall be in accordance with all city, County, and state regulations and standards governing their installation.
- b. *Septic tanks.* Septic tanks may be permitted upon approval by the City's Public Works Department and the County's director of environmental resources management in accordance with the provisions of chapter 24 of the Miami-Dade County Code. Septic tanks shall be installed in compliance with all of the requirements, specifications and standards of the city and state governing their use.

- (5) *Underground electric and communication lines.* Except as expressly provided hereinafter, all utility lines including, but not limited to, those required for electrical power distribution, telephone and telegraph communication, street lighting and television signal service shall be installed underground. This section shall apply to all cables, conduits or wires forming part of an electrical distribution system including service lines to individual properties and main distribution feeder electric lines delivering power to local distribution systems; provided that it shall not apply to wires, conductors or associated apparatus and supporting structures whose exclusive function is in transmission of electrical energy between generating

stations, substations and transmission lines of other utility systems. Appurtenances such as transformer boxes, pedestal-mounted terminal boxes, and meter cabinets may be placed aboveground but shall be located in conformance with the requirements of the manual of public works construction. In areas zoned for industrial use, all electrical and communication distribution systems may be installed overhead with the approval of the City's Public Works Department, but the service conductors from the utility pole to the building (structure) shall be an underground service lateral. Easements shall be provided for the installation of utilities or relocating existing facilities in conformance with the respective utility company's rules and regulations. ~~In subdivisions of less than 21 lots, the plat division of the appropriate authority may waive the requirements for underground installations if the service to the adjacent area is overhead and it does not appear that further development will occur.~~ Any new service which is allowed by the provisions herein to be supplied by overhead utilities shall be connected to a service panel that is convertible for underground utility service at a future date. The subdivider or developer shall make the necessary costs and other arrangements for such underground installation with each of the persons furnishing utility services involved.

- (6) *Decorative masonry walls.* Decorative masonry walls, not to exceed seven feet in height, or an acceptable combination of fence and landscaping shall be installed adjacent to the rear lot line of double frontage lots as required by the plat division of the appropriate authority. For purposes of this section only, an "acceptable combination of fence and landscaping" shall be based upon the following factors:
  - a. Conformity with existing architecture and landscaping of the subdivision; and
  - b. Conformity with the objectives of maintaining privacy for the residents of the subdivision.
- (7) *Street and alley lighting.* In subdivisions of less than 21 lots, the directors of the public works, and the planning and zoning departments may waive the requirements for street lights if the benefits derived are not consistent with the costs thereof.

#### **Sec. 83-18. - Construction plan.**

- (a) *Preparation.* The subdivider, or his engineer, shall confer with the appropriate agencies to determine the standards and specifications which will govern the proposed improvements. The subdivider shall submit complete construction plans prepared by an engineer and/or surveyor, as the case may be, registered in the state for the entire development of the area for which application to plat has been submitted, together with the complete and accurate contour map using USC and G.S. datum, to the appropriate agencies for their review and approval. The construction plans shall include the complete design of required sanitary sewer system, water supply system, storm drainage system and the street system for the entire area to be subdivided. Due consideration shall be given to the problems that may be created by the subdivision of adjacent lands, especially as pertains to drainage in order that

conformance with the overall drainage plan will be obtained. The subdivider shall do no construction work until his completed construction plans have been approved by the appropriate agencies. Reasonable time must be allotted for the proper study of the plans submitted.

- (b) *Construction of improvements; employing engineer.* After approved construction plans have been filed and approved, the subdivider may construct the required improvements, subject to obtaining the required permits from the appropriate agencies. On plats within the unincorporated areas of the city the director of the department of public works, and if sewerage and water systems are involved, the director of the department of public health shall be notified in advance of the date that such construction shall be commenced. Construction shall be performed under the supervision of the appropriate agencies and shall at all times be subject to inspection by these agencies. However, this in no way shall relieve the subdivider and his engineer of close field supervision and final compliance with the approved plans and specifications. Where deemed necessary, in accordance with the city's manual of public works construction, the appropriate agencies may require the subdivider to employ a registered engineer for complete supervision of the construction or installation of the improvements involved, and may require progress reports and final certificate of the construction or installation from such engineer. The appropriate agencies shall establish detailed regulations governing the inspections to be furnished by the developer or his engineer and may refuse to accept work which has been done without proper inspection. No construction work shall be undertaken prior to obtaining the required permits.
- (c) *Acceptance of improvements.* When construction is complete in accordance with the approved plan and specifications and complies with the provisions of these regulations, the subdivider shall obtain written final approval and acceptance from the appropriate agencies.
- (d) *Bond in lieu of immediate construction.* In lieu of immediate construction of improvements, the subdivider may file with the city ~~council~~ a cash bond or letter of credit in an amount approved by the plat division ~~and a company approved by the city council or the department authorized by them~~, to ensure the city the actual satisfactory completion of construction of proposed improvements within a period of not more than one year from the date of such bond. The bond for the installation of sidewalks may be a separate bond. Provisions shall be made for extension of all such bonds, such extension to be commensurate with the progress of the development. Provisions shall also be made for reduction of such bonds, such reduction to be commensurate with the percentage of improvements constructed in the subdivision concerned. This bond shall also include a maintenance provision for two years covering drainage and for one year covering all other improvements by the subdivider. The amount to be included for maintenance shall be outlined in the manual of public works construction. Bonds shall be subject to cancellation, reduction or renewal only by the city ~~council~~ upon written certification of the plat division of the appropriate agency.

**Sec. 83-19. - Subdivision of portion of tract.**

CODING

Words in ~~strike through~~ type are deletions from existing law  
Words in underscored type are additions

The owner or developer of a tract may prepare a master plan for that entire tract and then may submit a tentative and final plat for only a portion of the tract. No construction of subdivision improvements shall be started until construction plans for the entire area covered by the final plat have been approved. Except as provided in section 83-18(c), improvements must be installed for all of that area for which a final plat is submitted before building permits will be issued. In such cases of partial subdivision of a tract, the street system, drainage systems, trunk sewers and sewage treatment plants and water plants shall be designed and built to serve the entire area, or designed and built in such a manner as to be easily expanded or extended to service the entire area.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-17)), 8-22-2007) Sec. 83-20. - Encroachment on or in streets.

(a) No building or any other type of structure shall be permitted on or in, a mapped street, except required and approved underground installations, and further excepting that pumphouses for drip irrigation may be permitted to encroach into public rights-of-way providing prior written approval is obtained from the director of public works department, and further providing that a building permit is secured for such pumphouse placement.

(1) The public works director shall determine whether the request will be contrary to the public interest based upon the following criteria:

- a. The safe and sufficient passing distance for motorists and pedestrians;
- b. The location of existing pavement, if any;
- c. The safe sight distance for motorists;
- d. The effect on adjacent land uses;
- e. Access to land in the area.

Upon the director of public work's determination that the pumphouse encroachment will not be contrary to the public interest the property owner shall execute and deliver a written covenant running with the land in favor of city committing that within 60 days after notice from the public works director that the pumphouse has become contrary to the public interest based on the criteria in this subsection, the property owner shall remove the pumphouse at the owner's expense and terminate the encroachment.

(2) Said covenant shall be in a form approved by the city attorney's office and shall be executed so as to be entitled to recording in the public records Miami-Dade County city. The property owner shall establish that there is no lien or encumbrance prior in right to such covenant except for nondelinquent ad valorem property taxes, failing which a removal bond satisfactory to the public works director shall additionally be posted. Upon the owner's compliance with the provisions of this section, the public works director shall issue written approval.

(b) For the purpose of this section, the term "drip irrigation" means low volume irrigation as defined in section 32-8.2(c) of the Miami-Dade County Code, which is intended

and designed to deliver water and nutrients to the root area of a plant in quantities matching evapotranspiration requirements as closely as possible, and at a rate close to what the soil will absorb.

(c) Fences.

(1) Wire fences without barbed wire may be permitted to be constructed within the rights-of-way set forth in section 33-133 of the Miami-Dade County Code, providing written approval is obtained from the director of the public works department, and further providing that a building permit is secured for such fence placement. An applicant for the public works director's approval of a wire fence shall submit the written consents of all the owners of all parcels abutting the subject property, and of all the owners of all parcels immediately across the street from the subject site. In the event the applicant is unable to submit such consents, an application for nonuse variance may be filed pursuant to the provisions of subsection (c)(2) of this section and section 33-311 of the Miami-Dade County Code. Prior to consideration by the public works director, notice shall be mailed to all property owners within 1,000 feet of the property on which the fence is to be located if the property is situated wholly within the urban development boundary (as shown on the comprehensive development master plan), and to all property owners within 1,500 feet of such property, if any portion of such property is outside the urban development boundary. The notice shall state that any interested party may respond in writing within 30 days and that no permit will be granted until after the 30-day period has expired. After considering the application and all statements of interested parties, the public works director shall determine whether the requested fence will be contrary to the public interest based upon the following criteria:

- a. Location of existing pavement, if any;
- b. Safe sight distance for motorists;
- c. Effect on adjacent land uses;
- d. Access to land in the area; and
- e. Safe recovery zone for vehicles.

Under no circumstances shall any fence or wall be placed within the public right-of-way less than ten feet from the edge of any existing roadway pavement. Upon the public works director's determination that the fence will not be contrary to the public interest, the property owner shall execute and deliver a written covenant running with the land in favor of city committing that within 60 days after notice from the public works director that the fence has become inconsistent with the public interest based on the above-mentioned criteria the property owner shall remove the fence at the owner's expense. Said covenant shall be in a form approved by the city attorney's office and shall be executed so as to be entitled to recording in the public records of city. The property owner shall establish that there is no lien or encumbrance prior in right to such covenant except for

nondelinquent ad valorem property taxes, failing which a removal bond satisfactory to the public works director shall additionally be posted.

- (2) The director shall publish notice of his determination regarding fence placement or removal in a newspaper of general circulation and shall provide mail notice to the same property owners who were entitled to be mailed notice in advance of the director's determination, as provided in this subsection. Appeal of the public works director's determination or decision shall be filed within 30 days of such publication or of the mailing of such notice, whichever date is later, and shall proceed as provided in subsection (d) of this section. The public interest criteria contained in this subsection shall apply to any appeal regarding the placement in or removal from the right-of-way of any wire fence. No masonry wall or wood fence shall be permitted to be constructed on or in a right-of-way unless approved as a nonuse variance pursuant to the provisions of section 33-311 of the Miami-Dade County Code. In addition to the criteria set forth in section 33-311(e)(2) of the Miami-Dade County Code, the public interest criteria contained in this subsection shall apply to any public hearing or appeal regarding the placement in or removal from the right-of-way of any masonry wall or wood fence.
- (d) Appeals of the director's decision regarding pumphouse or fence placement or removal may be taken to the City's Plat Division or city council-manger pursuant to section 53-464 of the City Code.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-18)), 8-22-2007)

### **Sec. 83-21. - Variances.**

- (a) *Authority of community zoning appeals board.* The city council may authorize a variance from these regulations. ~~The community zoning appeals board may vary the regulations so~~ that substantial justice may be done, provided that such variance will not have the effect of nullifying the intent and purpose of the overall community plan. In granting any variance, the ~~city's community zoning appeals board~~ shall prescribe any conditions that are deemed necessary to or desirable for the public interest. In making its findings, the ~~community zoning appeals board~~ City Council shall take into account among other things the nature of the proposed use of the land and the exiting use of the land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the City Council ~~city's community zoning appeals board~~ finds, among other things, that all three of the following conditions exist in regard to the land concerned that:
- (1) There are special circumstances or conditions affecting the property and that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land.
  - (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

- (3) The granting of the variance will not be detrimental to the public welfare or injurious to the other property in the territory in which the property is situated.
- (b) *Large scale developer.* The standards and requirements of these regulations may be modified by the City Council ~~community zoning appeals board~~ in the case of a plan and program for a new town or a complete community which in the judgment of the City Council ~~community zoning appeals board~~ provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will ensure conformity to and achievement of the plan.
- (c) *Hearing and notice.* All such variances shall be granted only after hearing and notice as prescribed in section 53-464 of the city Code. The city council shall not act without considering the recommendations of the planning director.
- (d) *Variance to specified sections.* Where the use of a fire well or septic tank or both well and septic tank have been approved for use as provided in section 83-17(c)(2), (c)(3) and (d)(2), a variance to these sections need not be authorized by the community zoning appeals board.

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28-19)), 8-22-2007)

~~Sec. 83-22. Municipal regulations; effect.~~

~~Any municipality which has, or which desires to provide higher standards of subdivision regulations than those provided by this chapter shall certify such regulations, as have been adopted in accordance with law, to the county department of public works. Any such regulations which provide for higher standards in any municipality shall be enforced as a supplement to this chapter by the city departments concerned.~~

(Ord. No. 2007-12, exh. A(ch. XII, § 1(28

**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 re-lettering 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 after second reading.

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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Claudia Mariaca	Yes

PASSED AND ADOPTED on FIRST READING this 13 day of May, 2020.

PASSED AND ADOPTED on SECOND READING this 10 day of June, 2020.

  
\_\_\_\_\_  
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

CODING

Words in ~~strike through~~ type are deletions from existing law  
Words in underscored type are additions