

ORDINANCE #2009-06

AN ORDINANCE OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER IV, SECTION 15 OF THE LAND DEVELOPMENT CODE ENTITLED "NONCONFORMING USES AND STRUCTURES"; TO PROVIDE LIMITATIONS ON NONCONFORMING USES, PROVIDING FOR RENUMBERING, CODIFICATION, CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, at its meeting of August 22, 2007, the City Council of the City of Doral adopted its first Land Development Code; and

WHEREAS, in some unique instances, properties may be developed that are inconsistent with the property's Future Land Use Designation as indicated on the City's Future Land Use Map; and

WHEREAS, in order to provide those unique properties equal development opportunities within the confines of nonconforming provisions of the Land Development Code, it is in the best interest to amend the nonconforming provisions to provide flexibility among permitted use for certain nonconforming properties; and

WHEREAS, the City Council of the City of Doral has reviewed the proposed revision to the Land Development Regulations to confirm consistency with the City's Comprehensive Plan, and has conducted all necessary public hearings for the adoption by the City of the Land Development Regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DORAL:

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

Section 2. The City Council of the City of Doral hereby adopts the Land Development Regulations, below:

Nonconforming Zoning. A structure and use of the property lawfully in existence on the effective date of the ordinance from which this chapter derives which is consistent with zoning but nonconforming with the underlying Future Land Use Designation, pursuant to the Future Land Use Map may be continued or changed provided:

- (1) All uses are permitted within the current zoning district; however, uses that increase the bufferyard intensity factor pursuant to Chapter VII, Section 6(h)(2)(a) of the LDC, are not permitted.
- (2) Property that is currently vacant must develop fully consistent with the property's Future Land Use Designation pursuant to the Future Land Use Map.
- (3) If any such nonconforming structure is destroyed to an extent of more than fifty (50) percent of its replacement cost at the time of destruction as determined by the replacement valuation on the most recent county tax roll, it shall not be reconstructed except in conformity with these regulations.

Section 3. Renumbering. To the extent necessary, the sections of the Land Development Regulations, as well as provisions of previously approved Ordinances to be included within the codified Land Development Regulations, may be renumbered or re-lettered to accomplish the codification authorized herein.

Section 4. Severability. That if any section, subsection, sentence, clause, phrase, word or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 5. Repeal of Conflicting Provisions. That all ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict

herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 6. Inclusion in Code. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section " or other appropriate word.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilmember Peter Cabrera	Yes
Councilwoman Sandra Ruiz	Yes
Councilmember Robert Van Name	Yes

PASSED AND ADOPTED upon first reading the 11th day of February, 2009.

PASSED AND ADOPTED upon second reading the 8th day of April, 2009.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

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



JOHN J. HEARN, CITY ATTORNEY