

**RESOLUTION No. 18-12**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, TRANSMITTING WITHOUT A RECOMMENDATION, OF AN AMENDMENT TO SECTION 74-152, "AUTOMOBILE AND TRUCK SALES FOR NEW AND USED AUTOMOBILES," OF THE CITY'S LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Doral ("the City") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures associated with changing technologies; and

**WHEREAS**, the desires to amend the site size requirement for the sale of automobiles under certain limited circumstances, as provided in the draft ordinance, attached as Exhibit "A"; and

**WHEREAS**, on January 17, 2018, the City Council of the City of Doral sitting as the Local Planning Agency (LPA), at a properly advertised hearing, received testimony and evidence related to the Application from the Applicant and other persons and found that the adoption of this Resolution is in the best interest of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY THAT:**

**Section 1. Recital.** The forgoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

**Section 2. Decision.** The proposed text amendment to the Land Development Code, attached in Exhibit "A", which is incorporated herein and made a part hereof by this reference, is consistent with the City's Comprehensive Master Plan, and it is recommended that the City Council transmit the proposed text amendment, or this Resolution to the local governing body (City Council) without a recommendation.

**Section 3. Effective Date.** This Resolution shall become effective immediately. The foregoing Resolution was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Vice Mayor Rodriguez and upon being put to a vote, the vote was as follows:

|                                |     |
|--------------------------------|-----|
| Mayor Juan Carlos Bermudez     | Yes |
| Vice Mayor Ana Maria Rodriguez | Yes |
| Yes Councilwoman Christi Fraga | Yes |
| Councilwoman Claudia Mariaca   | Yes |

TRANSMITTED WITHOUT A RECOMMENDATION TO THE LOCAL GOVERNING BODY (CITY COUNCIL) THIS 17 DAY OF JANUARY, 2018.

  
\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, CMC  
CITY CLERK

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

  
\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.  
CITY ATTORNEY

# EXHIBIT “A”

**ORDINANCE No. 2018-02**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING AN AMENDMENT TO SECTION 74-152 OF THE CITY'S LAND DEVELOPMENT CODE, "AUTOMOBILE AND TRUCK SALES FOR NEW AND USED AUTOMOBILES," PROVIDING FOR REGULATIONS, AND REQUIRING SPECIAL EXCEPTION APPROVAL, FOR AUTOMOBILE DEALERSHIPS LOCATED ON SITES BETWEEN THREE-QUARTERS (3/4) AND TWO (2) NET ACRES; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Doral ("the City") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures associated with changing technologies; and

**WHEREAS**, the purpose of this Ordinance is to amend the site size requirement for the sale of automobiles under certain limited circumstances; and

**WHEREAS**, automobile dealerships located on a site between three-quarter (3/4) and two net acres will be approved/denied by the governing body as a special exception; and

**WHEREAS**, pursuant to law, notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of the public hearings.

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

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

**Section 2. Code Amended.** The Code Ordinances of the City of Doral is hereby amended as follows:

**CHAPTER 74, MISCELLANEOUS AND SUPPLEMENTARY REGULATIONS**

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**ARTICLE III, SPECIAL SETBACKS AND USES**

\* \* \*

**DIVISION 4, SPECIAL DEVELOPMENT REGULATIONS FOR CERTAIN USES**

\* \* \*

**Sec. 74-152 – Automobile and truck sales for new and used vehicles.**

Automobile and truck sales for new and used vehicles including as ancillary uses automobile and truck rentals, wholesale distribution and automobile repairs are subject to the following conditions:

- (1) No more than 35 percent of the total gross building area is devoted to repair and service bays.
- ~~(2)~~ That such uses be located only on section and half-section roads, ~~major access roads, including major roadways of three or more lanes and frontage roadways serving limited access highways and expressways.~~
- (3) Such uses on sites of ten acres or more shall be approved only after public hearing.
- (4) Such uses shall be conducted on sites consisting of at least two acres.
- (5) Notwithstanding Section 74-152 requirements, new and used automobile dealerships may be located on sites between three-quarters (3/4) and two net acres, if approved by special exception; provided that such uses be located only on section and half-section; no repairs are conducted on-site; no other uses should be located within the same site in conjunction with automobile sales unless is an accessory use; appropriate landscaping consistent with Chapter 71 “Landscaping and Buffers” of the Land Development Code; and shall provide require parking for employees and

guests consistent with Section 77-139(e) "Minimum off-street parking requirements."

~~(5 6)~~ Outdoor loudspeakers are prohibited.

~~(6 7)~~ Outdoor lighting shall be designed to avoid spilling beyond the site boundaries.

~~(7 8)~~ No vehicular test drives shall be conducted on residential local traffic streets with a 50-foot right-of-way or less.

\* \* \*

**Section 3. 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 what the word 'ordinance' may be changes to "section," "article" or such appropriate word or phrase in order to accomplish such intention.

**Section 4. 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 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, if being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 7. Effective Date.** This Ordinance shall become effective upon its passage and adoption by the City Council, is binding on all successors, and assigns.

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

|                                |       |
|--------------------------------|-------|
| Mayor Juan Carlos Bermudez     | _____ |
| Vice Mayor Ana Maria Rodriguez | _____ |
| Councilman Pete Cabrera        | _____ |
| Councilwoman Christi Fraga     | _____ |
| Councilwoman Claudia Mariaca   | _____ |

PASSED AND ADOPTED on FIRST READING this 17 day of January, 2018.

PASSED AND ADOPTED on SECOND READING this \_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

\_\_\_\_\_  
CONNIE DIAZ, CMC  
CITY CLERK

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