

ORDINANCE No. 2015- 40

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CREATING THE PROCEDURES FOR MAYOR AND COUNCIL SITE PLAN REVIEW AND APPROVAL PROCESS; CREATING SECTION 53-184(3) PROVIDING STANDARDS FOR SITE REVIEW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral ("Applicant"), is proposing an amendment to the City Land Development Code to establish procedures for the Mayor and City Council site plan review and approval; and

WHEREAS, the proposed site plan review and approval public hearing will afford the Mayor and City Council, residents and interested stakeholders an opportunity to ask questions and provide feedback to developers regarding the proposed development in an open forum, and the applicant will have the opportunity to respond to such input; and

WHEREAS, after careful review and deliberation, staff has determined that the establishment of procedures for the Mayor and City Council to review and approve site plans are consistent with the Comprehensive Plan and Land Development Code; and

WHEREAS, on November 18, 2015, the Mayor and City Council held a public hearing and received testimony and evidence related to the proposed procedures, and found said procedures are consistent with the Land Development Code; and

WHEREAS, the Mayor and City Council finds that the establishment of these procedures are in the best interest and welfare of the residents of the City of Doral; and

WHEREAS, the Mayor and City Council has reviewed City staff's report which evaluates the proposed procedures for the site plan review and approval.

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

Section 1. Recitals. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. Site Plan Review and Approval Procedures.

- A. The intent of creating a set of procedures for the Mayor and City Council to review and approve site plans is to ensure that proposed development programs comply with the requirements of the Comprehensive Plan and Land Development Code. The site plan review and approval process shall provide an open and public forum for members of the public, as well as the Mayor and City Council to comment on proposed development site plan within the boundaries of the City.
- B. The Mayor and City Council shall review and consider the site plan applications only after staff technical review is deemed complete in addition to the review of applicable regulatory agencies, and determine sufficient by the Planning and Zoning Department Director or his/her designee.
- C. The type of site plan applications to be considered by the Mayor and City Council are:
 - 1. Site plan approval is required for new residential and non-residential development program in all zoning districts;
 - 2. Site Plan approval is required for non-residential redevelopment programs in the Downtown Mixed Use (DMU), Community Mixed-Use (CMU), Traditional Neighborhood Development (TND), Business (B), Industrial (I), Restrictive Industrial (RI), Office (O) and Office/Residential (OR) future land use categories and comparable zoning districts;
 - 3. Any application submitted pursuant to the Land Development Code, which the Planning Director finds may substantially impact the adjacent property owners.
- D. **Exemptions.** Non-residential projects not located in section line or half-section line roads, and with less than 10,000 square feet of land area are exempt from the requirements of this article. Properties with an adopted Master Development Agreement pursuant to Section 163, Florida Statutes. Minor

- modifications to a site plan pursuant to Sec. 53-185(d) of the Land Development Code provided that the original site plan was submitted and approved in conformance with the terms of this Ordinance. Residential developments less than an acre or less than five (5) single-family units are exempt from the Mayor and Council site plan review and approval process.
- E. At least five (5) days prior to the site plan review and approval public hearing, an advertisement shall be published in a local newspaper and a courtesy notice shall be mailed to property owners within 500-foot radius of the property. The advertisement and courtesy notice shall state the date, time, and place of the public hearing. In addition, the advertisement and courtesy notice shall provide a description and the location of the proposed development. The Applicant will be responsible for reimbursing the City of Doral for the cost of advertisement and mailing of the courtesy notices. Failure to receive the courtesy mailed notice shall not require the application to go before another public hearing.
- F. The Mayor and City Council shall consider the site plan review and approval at regular meeting or special meeting. Upon consideration of the comments from staff, public, and applicant, the Mayor and City Council shall take one of the following actions:
1. Table or continue the consideration of the proposed development plan to allow for the resolution of the outstanding issues.
 2. Denied the proposed site plan.
 3. Approve the proposed site plan.
 4. Approve the proposed development plan with conditions. Revised plans and/or reflecting conditions of the Mayor and City Council approval shall be submitted to the planning and zoning department within 30 days of conditional approval.

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

Plans and/or documents shall be reviewed by the department within ten (10) working days of resubmittal to determine compliance with the imposed conditions.

- G. The Planning and Zoning Department shall issue the development order upon Mayor and City Council approval, or verification that the Mayor and City Council conditions for approval have been met.
- H. The agenda shall be set by the City Manager and prepared by the City Clerk. A site plan review and approval public hearing shall not be held more than once per calendar month. However, the City Manager, at his/her discretion, may schedule a second public hearing to be held during the same calendar month.

Section 3. New Section. Creating Section 53-184(3), Providing New Standards for Site Plan Review.

- a. Consistency with the Comprehensive Plan;
- b. Promote better site design;
- c. Integration of project more effectively into their surrounding environment;
- d. Enhance property value;
- e. Ensure harmonies relationship among buildings, uses and adjacent neighborhoods;
- f. Protect health, safety and welfare of our residents and visitors; and
- g. Address traffic concerns.
- h. Consistent with the standards and/or regulations of approved Master Development Agreements, Pattern Books and Conceptual Site Plan associated with CMU, DMU, TND and PUDs projects.

Section 4. Conflict. All Sections or parts of Sections of the Code or Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Severability. If any section, clause, sentence, or phase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

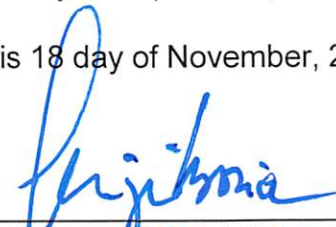
Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

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

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Absent/Excused
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on first reading this 16 day of September, 2015.

PASSED AND ADOPTED on second reading this 18 day of November, 2015.



LUIGI BORIA, MAYOR

ATTEST:



CONNIE DIAZ, CITY CLERK

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



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