

ORDINANCE NO. #2006-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CREATING IN THE CITY CODE OF ORDINANCES AN ARTICLE ENTITLED "ZIP" ZONING IN PROGRESS; PROVIDING PROCEDURES AND CRITERIA FOR DECLARING ZONING IN PROGRESS AS TO ZONING REGULATIONS CITYWIDE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Doral has determined that it is in the best interest of the residence of the City of Doral to provide for a "ZIP Zoning In Progress" ordinance while the city is in the process of creating its Land Development Regulations.

WHEREAS, in the absence of Land Development Regulations, "zoning in progress" is a mechanism to review zoning applications City wide to ensure consistent and continuing compliance with the City's Comprehensive Development Master Plan;

WHEREAS, review of development issues and the adoption of amendments to the City's Land Development Regulations takes time, and as a result Florida courts have recognized a concept of "zoning in progress," which allows governments to review issues and adopt zoning changes and to require potential applicants to develop according to the standards and regulations being developed; and,

WHEREAS, Florida law provides that "zoning in progress" is in effect when there are active documented steps demonstrating the contemplated changes to be made;

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified as being true and correct and incorporated herein by this reference.

SECTION 2. The Code of Ordinances of the City of Doral, therefore be, and the same is, hereby amended to create and ordinance entitled “ZIP Zoning In Progress” as follows:

Sec. 1 Title

This Article shall be known and cited as the "City of Doral ZIP Zoning In Progress Ordinance."

Sec. 2 Purpose

The purpose of this ordinance is to ensure consistent and continuing compliance with the City’s Comprehensive Development Master Plan regarding land development and zoning in the absence of the City’s own Land Development Regulations.

Sec. 3 Regulation

(A) No development Order, site plan approval, permit or license of any kind shall be issued, and no change of occupancy shall occur if such development order, site plan approval, permit, license or occupancy would result in a conflict with any Goal, Objective and Policy as prescribed in the City’s Comprehensive Development Master Plan (CDMP).

(B) The CDMP shall dictate land development regulations, such as, but not limited to, Floor Area Ratio, Open Space Requirements, Maximum Permitted Height, Residential and Commercial Density, and Permitted Uses.

(C) Where the CDMP is silent in regards to site development regulations, Miami-Dade County Code shall continue to be used as a general guide for land development and permitted uses so as long as it does not conflict with any regulations as prescribed in the CDMP.

Sec. 4 Architectural Guidelines

All new buildings must incorporate a recognized architectural style. A recognized architectural style shall be one which is recognized by design professionals as having a basis in classical, historical or academic architectural design philosophies. The following shall not be considered recognized architectural styles:

(A) Corporate signature or commercial phototype architecture, unless such is consistent with other requirements of this chapter.

(B) Any architecture having a historical reference which is so unique and different from current design philosophy that such reference is inconsistent and incompatible with surrounding structures. Examples of such include igloos, tepees, medieval castles, caves and the like.

(C) Any kitsch architecture which does not resemble a typical structure, but resembles an exaggerated plant, animal, fish, edible food or other such item such as giant oranges, ice cream cones, dinosaurs and the like.

Sec. 5 Hurricane Resistant Landscaping

(A) No more than 15% of the required tree planting requirement, pursuant to Chapter 18A of the Miami-Dade County Code, can be the following trees and palms which do not fair well in extreme wind conditions such as hurricanes and tropical storms:

Australian Pine
Avocado
Banyan/Ficus
Black Olive
Camphor Tree
Carolina laurelcherry
Carrotwood
Chinaberry
Chinese Elm
Chinese Tallow (Popcorn) Tree
Citrus Trees
Ear Leaf Acacia
Eucalyptus
Golden Rain Tree
Hong Kong Orchid Tree
Laurel Oak
Norfolk Pine
Queen Palm
Royal Poinciana
Sand Pine
Schefflera
Sea Hibiscus
Seaside Mahoe
Shooting Star (Clerodendron)
Silk Floss Tree
Silk Oak
Sweetgum
Tabebuia (pink)
Washingtonia Palm
Water Oak

Sec. 6 Minimum height at the time of planting

In addition to the planning requirements pursuant to Chapter 18A of the Miami-Dade County Code, the following shall apply:

(A) All trees, except street trees and trees located beneath power lines, shall be a minimum of twelve (12) feet high and have a minimum caliper of two and a half (2 1/2) inches.

(B) Street trees shall be of a species typically grown in Miami-Dade County which normally mature to a height of at least twenty (20) feet. Street trees shall have a clear trunk of four (4) feet, an overall height of fourteen (14) feet and a minimum caliper of two and a half (2 1/2) inches at time of planting.

Sec. 7 Interpretation

If there is difference in interpretation of a specific CDMP policy and application and/or interpretation of the Miami-Dade County Code in relation to the CDMP, the City Council shall reserve the right to make the final interpretation of such.

SECTION 3. All ordinances or parts of Ordinances in conflict herewith is and the same are repealed.

SECTION 4 If any Section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon its adoption.

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

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA ON FIRST READING THIS 25th DAY OF JANUARY, 2006.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA ON SECOND AND FINAL READING THIS 22nd DAY OF FEBRUARY, 2006.

CITY OF DORAL, FLORIDA



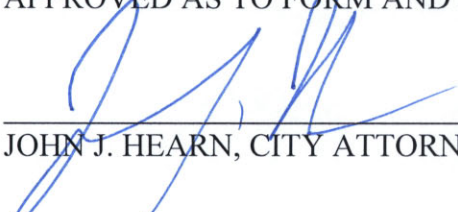
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA-HILL, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JOHN J. HEARN, CITY ATTORNEY