

ORDINANCE No. 2015-23

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ARTICLE II, "STANDARDS AND PROCEDURES," IN CHAPTER 62, "DEVELOPMENT RIGHTS TRANSFER," OF THE LAND DEVELOPMENT CODE BY CREATING STANDARDS AND PROCEDURES FOR THE EXCHANGE OF LAND DUE TO THE CITY RELATED TO THE TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING FOR THE CREATION OF A FUND TO RECEIVE CONTRIBUTIONS OF MONEYS IN LIEU OF THE TRANSFER OF PRIVATE PROPERTY OTHERWISE DUE TO THE CITY RELATED TO THE TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Chapter 62 of the Code of Ordinances for the City of Doral (the "City") establishes the method by which the development rights associated with one property may be transferred to another for the purposes of increased density on that receiving property; and

WHEREAS, such a transfer calls for the conveyance of property from the sender site to the City to be used for a public purpose; and

WHEREAS, the City desire to have the flexibility to consider the conveyance of property from the sender site, as well other lands outside of the sender site and funds from the property, when contemplating the approval of a transfer of development rights, in order to reach an outcome that may be more beneficial to the entire community; and

WHEREAS, in order to establish that flexibility the Code must be revised as provided herein.

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

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

Section 2. Code Amended. Article II, "Standards and Procedure," of Chapter 62, "Development Rights Transfer," of the Code of Ordinances of the City of Doral is hereby amended as follows:

CHAPTER 62. DEVELOPMENT RIGHTS TRANSFER

ARTICLE II. STANDARDS AND PROCEDURES

Sec. 62-24. - Establishment of Sender Sites

* * *

- (2) Privately owned sender sites. The city council, at its sole discretion, may approve at a public hearing as described in article III of this chapter, a privately owned sender site to allow it to transfer square footage for commercial, office, retail or units for residential which shall be either utilized or transferred for purposes of computing density or intensity to a receiver site, provided that upon the initial transfer from privately owned sender sites, ownership of part or all of the ~~such~~ sender sites or other land, funds, or a combination thereof, as specified herein, shall be transferred conveyed to the city, ownership of site and shall remain undeveloped except to be utilized only for the accomplishment of a public purpose consistent with the comprehensive plan, including, but not limited to, the creation of public parks, plazas and/or open space, the conservation of historic, sensitive, environmental and archeological resources, the protection and enhancement of waterfront, public access corridors not otherwise required by this Land Development Code, or the development of public educational facilities and other essential public facilities, including, but not limited to, recreational, public works, maintenance and operational facilities on the sender site.
- (a) In furtherance thereof, the entire sender site or a portion thereof shall be dedicated to public ownership or preserved for any public purpose. The amount conveyed shall correspond to the

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density of use and/or units transferred to the receiver site. Taxes on privately owned sender sites shall be paid by the owner, until actual transfer of such land to the city. The sender site shall be unencumbered, free and clear of any or all liens and mortgages prior to dedication and transfer of said site. The sender site shall be dedicated to the public either by the transfer of fee title to the city or perpetual deed restriction or easement, in a form acceptable to the city.

- (b) In lieu of the transfer of ownership of part or all of a sender site, a private owner may proffer an amount of money equal to or greater than the fair market value of the entire sender site or the corresponding portion thereof, valued under the use, zoning, and other entitlements associated with the site assessed prior to the successful completion of a transfer of any development right, with the use of such funds limited to the same purpose as specified in section (a) herein.
- (c) In lieu of the transfer of ownership of part or all of a sender site, a private owner may also proffer other land not located in the sender site the fair market value of which equal to or greater than the fair market value of the entire sender site or the corresponding portion thereof, valued under the use, zoning, and other entitlements associated with the site assessed prior to the successful completion of a transfer of any development right, with the use of such land limited to the same purpose as specified in section (a) herein.
- (d) In lieu of the transfer of ownership of part or all of a sender site, a private owner may also proffer a combination of any of the following: land from the sender site, land from an outside site, and a predetermined amount of money, provided that the combination proffered by the private owner yields a value to the City that is equal to or greater than the fair market value of the entire sender site or the corresponding portion thereof, valued under the use, zoning, and other entitlements associated with the site assessed prior to the successful completion of a transfer of any development right.
- (e) The owner of the sender site will be permitted to bank in accordance with article III of this chapter any remaining rights from the site for a five-year period. At the expiration of the five-year period, the TDR's shall expire and become extinguished and unusable.

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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 relettering 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 immediately

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

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

PASSED AND ADOPTED on FIRST READING THIS 13 day of May 2015.

PASSED AND ADOPTED on SECOND READING THIS 20 day of May 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

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