

ORDINANCE No. 2024-04

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION 52-5 “DEFINITIONS”; SECTIONS 53-184 “APPROVAL OF DEVELOPMENT PLANS”; SECTION 53-211 “NOTIFICATION OF PUBLIC HEARING”; SECTION 53-562 “PROCEDURES FOR ADMINISTRATIVE DETERMINATIONS”; SECTION 68-850 “DEVELOPMENT STANDARDS AND ADDITIONAL REGULATIONS”; SECTION 77-103 “NECESSARY INFORMATION”; SECTION 83-20 “ENCROACHMENT ON OR IN STREETS” OF THE CITY OF DORAL LAND DEVELOPMENT CODE TO PROVIDE FOR A DEFINITION OF PUBLICATION AND TO ELIMINATE THE REQUIREMENT FOR NEWSPAPER PUBLICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, certain Florida statutory provisions require that public notices and advertisements of a municipality be given in the manner prescribed by state statute (“Legal Notices”); and

WHEREAS, specifically, Chapter 50, Florida Statutes, previously provided that legal notices were required to be published in a newspaper, and meet certain minimum requirements; and

WHEREAS, the City of Doral (“City”), consistent with the aforementioned statutory provisions, advertised and published its Legal Notices in newspapers of general circulation, which publication requirements are also incorporated into the City’s Land Development Code (“Code”); and

WHEREAS, effective January 1, 2023, pursuant to House Bill 7049, Chapter 50, Florida Statutes, was amended to permit municipalities to publish all required Legal Notices on a “publicly accessible website”, in lieu of utilizing a newspaper, as specified in Section 50.0311, Florida Statutes; and

WHEREAS, for purposes of Legal Notice under the newly amended Section

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50.0311, Florida Statutes, “publicly accessible website” means a county’s official website or other private website designated by a county for the posting of Legal Notices and advertisements that is accessible via the Internet; and

WHEREAS, Miami-Dade County (the “County”) is in the process of designating a County-wide website for Legal Notices, as required in Florida Statutes, which the City is able to utilize for Legal Notices; and

WHEREAS, the newspaper historically utilized by the City for purposes of publishing its Legal Notices will no longer be providing said service, and with limited options available, and the significant costs associated with publishing on the one (1) remaining newspaper option in the City, the City Council finds that it is in the best interest in the City to avail itself of the ability to publish its Legal Notices on a publicly accessible website provided by the County for said purposes, as specified in Section 50.0311, Florida Statutes; and

WHEREAS, the City will proceed to publish annual notices in a newspaper of general circulation directing residents to the City’s online notices as required in Florida Statutes, and also providing notice that property owners and residents may receive legal notices from the City by first-class mail or e-mail upon registering with the City; and

WHEREAS, the City estimates that the utilizing a publicly accessible website for purposes of Legal Notice will result in over fifty percent (50%) savings in annual publication costs; and

WHEREAS, in furtherance of publishing Legal Notice utilizing a publicly accessible website in lieu of a newspaper as permitted by the recent amendments to

Florida Statute, the City's Code needs to be amended accordingly.

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

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

Section 2. Amendments to Chapter 52 of the City Code. Chapter 52 "General Provisions" of the Code of Ordinances of the City of Doral is hereby amended to read as follows:

Sec. 52-5. - Definitions.

For the purpose of this subpart B, the following definitions for terms used herein shall apply to all sections of this Land Development Code unless the context clearly indicates otherwise:

Publication. The term "publication" or "publish" means to publish a legal notice in any manner permitted by Chapter 50, Florida Statutes, as may be amended. Publication may be achieved by one of the following: publication in a newspaper, on a publicly accessible website as detailed in Chapter 50 Florida Statutes, or in any other manner so authorized by Florida Statutes, Miami-Dade County, or any other relevant authority.

Section 3. Amendments to Chapter 53 of the City Code. Chapter 53

"Administration" of the Code of Ordinances of the City of Doral is hereby amended to
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read as follows:

Sec. 53-184. - Approval of development plans.

(e) Zoning workshop.

(1) Applicability. Pursuant to subsection (b), a pre-application conference with the City planning and zoning staff shall be held prior to an application being presented at a zoning workshop. A zoning workshop shall be held no fewer than 30 days prior to the publication of the advertisement for the first city council or local planning agency meeting at which the application will be heard. A zoning workshop shall be required for the following types of applications:

- a. Rezoning;
- b. Site plan approval;
- c. Major modifications of previously approved site plans;
- d. Variances;
- e. Special exceptions; and
- f. Any application deemed necessary by the city manager or his or her designee.

(2) Exemptions. The following applications shall be exempt from the zoning workshop requirement: Any applications related to the approval of one single family residence.

(3) Notices. An advertisement shall be published ~~in a local newspaper~~ and courtesy notice shall be mailed to property owners within 500-foot radius of the property at least five days prior to a zoning workshop. The advertisement shall

state the date, time, and place of the zoning workshop. In addition, the advertisement shall provide a description and the location of the proposed development. The cost of publishing an advertisement and courtesy notices for a zoning workshop shall be paid by the applicant. The applicant shall be responsible for contacting the homeowner associations (HOAs) within the 500-foot radius of the property via register mail.

Sec. 53-211. Notification of public hearing.

All amendments to the comprehensive plan and this Land Development Code shall comply with the following:

(1) Rezoning and text changes to this Land Development Code. Notification and advertising for rezoning and text changes to this Land Development Code shall be as prescribed by city Charter and state statutes.

(2) Amendments to the comprehensive plan. Notification and advertising for amendments to the comprehensive plan shall be as prescribed by city Charter and state statutes.

(3) Notification; required forms. Notification and required forms are to be completed by affected persons, the petitioner and the city.

a. At least 14 calendar days prior to the proceeding, the city shall provide a legal advertisement to be published, ~~in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter.~~ Said which notice shall state the name of the petitioner for the requested action, the date, time and

location of the proceeding, and the location and times where and when the petition and any back up information may be reviewed. In addition, the notice shall inform all affected persons that they will be allowed to present evidence at the hearing, bring forth witnesses, and cross examine witnesses provided they notify and file the required forms provided by the city clerk's office, the substance of which is described in section 53-212(a), at least seven calendar days prior to the proceeding.

b. No later than 14 calendar days prior to the proceeding, a mail notice containing the same information as the legal advertisement shall be sent to each real property owner within 300 feet of the subject property as each is listed in the records of the county property appraiser. Mail notice may be provided by bulk mail, first class mail or certified mail, return receipt requested.

c. All cost for notification shall be paid by the petitioner.

Sec. 53-562. Procedures for administrative determinations.

(a) An application for administrative determination of substantial compliance with a prior administrative approval or zoning action, for reformation to correct a clerical or scrivener's error, for modification or elimination of conditions and restrictive covenants associated with voluntarily abandoned zoning actions or administrative approvals, or for modification or elimination of conditions or restrictive covenants which are satisfied or moot, or for modification or elimination of conditions or restrictive covenants where no new adverse impacts will result, or for modifications of conditions or restrictive covenants to extend

timing or phasing deadlines, or for parts of any of the foregoing, shall be submitted to the department on a form required by the director of the planning and zoning department. If the application involves a restrictive covenant, the application shall demonstrate that any procedural or other consent or approval requirements to modify or eliminate the restrictive covenant have been satisfied.

(b) Within 15 days after the determination, notice of the director of the planning and zoning department's decision shall be published ~~in a newspaper of general circulation~~. Additionally, for applications for administrative modification or elimination of conditions and restrictive covenants associated with voluntarily abandoned zoning actions or administrative approvals, or conditions or restrictive covenants which are satisfied or moot, or for modification or elimination of conditions or restrictive covenants where no new adverse impacts will result, or for modifications of conditions or restrictive covenants to extend timing or phasing deadlines, mailed written notice shall be provided to all property owners of record, as reflected on the county property appraiser's tax roll as updated, within the same radius of the property as required to be noticed for the zoning action adopting or accepting the condition or restrictive covenant, or such greater distance as the director may prescribe.

(c) Any aggrieved person may appeal the director of the planning and zoning department's decision within 30 days after the date of newspaper publication. For purposes of this section, an applicant for a substantial compliance determination shall not be considered an aggrieved person. If no timely appeal is taken, the decision shall become final, and the necessary changes shall be made upon the zoning maps and records. Any modifications or releases of recorded restrictive covenants, or parts thereof,

shall be promptly recorded in the public records of the county.

Section 4. Amendments to Chapter 68 of the City Code. Chapter 68 “Land Uses and Zoning Districts” of the Code of Ordinances of the City of Doral is hereby amended to read as follows:

ARTICLE VI. - INDUSTRIAL DISTRICTS

DIVISION 5. - DOWNTOWN DORAL ART DISTRICT

Sec. 68-850. Development standards and additional regulations.

(a) Development standards. The general development standards of chapter 53, the applicable underlying district standards of this chapter shall apply to development and redevelopment except that:

(f) Artistic signs. The applicant may propose an artistic designed sign, subject to the recommendation of the planning and zoning director and approval by the public art program advisory board.

(4) Hearings. All hearings of the public art program advisory board shall be open to the public. An advertisement shall be published ~~in a public newspaper~~ and courtesy notice shall be mailed to property owners within 500-foot radius of the property at least five days prior to the day of the hearing. The cost of publishing an advertisement and courtesy notices for the hearing shall be paid by the applicant.

Any person may appear at the hearing and present information or comment to the

advisory board.

Section 5. Amendments to Chapter 77 of the City Code. Chapter 77 “Roads and Vehicular Use Areas” of the Code of Ordinances of the City of Doral is hereby amended to read as follows:

ARTICLE III. - ACCESS CONTROL

DIVISION 2. - ENTRANCE FEATURES

Sec. 77-103. Necessary information.

Upon receipt of all necessary information, the city's plat division shall review the same, and in turn, the joint directors of the city's plat division shall review the information, including staff's report, and render a decision either approving, modifying, or denying the request. A copy of said decision shall be published ~~in a newspaper of general circulation~~. All approvals or modifications shall not be effective until 15 days after the directors' decision is published ~~in a newspaper of general circulation~~. The decision of the directors shall be recorded on the official zoning map of city.

Section 6. Amendments to Chapter 83 of the City Code. Chapter 83 “Subdivisions” of the Code of Ordinances of the City of Doral is hereby amended to read as follows:

Sec. 83-20. Encroachment on or in streets.

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(a) No building or any other type of structure shall be permitted on or in, a mapped street, except required and approved underground installations, and further excepting that pumphouses for drip irrigation may be permitted to encroach into public rights-of-way providing prior written approval is obtained from the director of public works department, and further providing that a building permit is secured for such pumphouse placement.

(c) Fences.

(2) The director shall publish notice of his determination regarding fence placement or removal ~~in a newspaper of general circulation~~ and shall provide mail notice to the same property owners who were entitled to be mailed notice in advance of the director's determination, as provided in this subsection. Appeal of the public works director's determination or decision shall be filed within 30 days of such publication or of the mailing of such notice, whichever date is later, and shall proceed as provided in subsection (d) of this section. The public interest criteria contained in this subsection shall apply to any appeal regarding the placement in or removal from the right-of-way of any wire fence. No masonry wall or wood fence shall be permitted to be constructed on or in a right-of-way unless approved as a nonuse variance pursuant to the provisions of section 33-311 of the Miami-Dade County Code. In addition to the criteria set forth in section 33-311(e)(2) of the Miami-Dade County Code, the public interest criteria contained in this subsection shall apply to any public hearing or appeal regarding the placement in or removal from the right-of-way of any masonry wall or wood fence.

Section 7. Repealer. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 8. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 9. Incorporation Into the Code. It is the intention of the Mayor and the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Doral; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

Section 10. Effective Date. This Ordinance will become effective ten (10) days after adoption at second reading, and when Miami-Dade designates their website.

The foregoing Ordinance was offered by Councilmember Cabral who moved its adoption.

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The motion was seconded by Councilmember Pineyro upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Oscar Puig-Corve	Yes
Councilwoman Digna Cabral	Yes
Councilman Rafael Pineyro	Yes
Councilwoman Maureen Porras	Yes

PASSED AND ADOPTED on FIRST READING this 10 day of January, 2024.

PASSED AND ADOPTED on SECOND READING this 14 day of February, 2024.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

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

VALERIE VICENTE, ESQ. for
NABORS, GIBLIN & NICKERSON, P.A.
CITY ATTORNEY