

ORDINANCE No. 2025-27

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 53 “ADMINISTRATION”, TO ESTABLISH A PROCESS FOR THE REVIEW AND APPROVAL OF SPECIAL EXCEPTIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Doral (the "City") recognizes that certain land uses that are not allowed by right in specific zoning districts may be appropriate in said zoning districts only when subjected to individualized review based on their potential impact on surrounding properties and infrastructure, and if specific conditions are imposed; and

WHEREAS, the City’s Land Development Code (the "City Code") currently provides that certain uses may be approved as “Special Exception” uses in various zoning districts, however, the Code does not provide a clear or comprehensive framework for reviewing, evaluating, and approving Special Exception uses by the City Council; and

WHEREAS, the City Council wishes to establish a process for the review and approval of “Special Exception” use applications, including application procedures, review criteria and standards, and limitations for their attainment, to ensure consistency, transparency, and alignment with the City’s planning goals; and

WHEREAS, the proposed amendment is consistent with the City of Doral Comprehensive Plan and supports the goals of managed growth, compatibility, and sustainability; and

WHEREAS, the City Council finds and declares that it is in the public interest to establish a formal “Special Exceptions” process through transparent and consistent

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procedures, with enforceable conditions, and that the adoption of this ordinance is necessary, and appropriate.

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. Amendment to the City Code Chapter 53. That Chapter 53 “ADMINISTRATION”, of the City of Doral Code of Ordinances is hereby amended by adding an article to be numbered Article XIII, titled “Special Exceptions”, which Article reads as follows:

ARTICLE XIII. –SPECIAL EXCEPTIONS

Section 53-600. – Purpose and Intent

This section establishes the process by which certain uses, designated as special exception uses within specific zoning districts may be permitted in the City of Doral upon review and approval by the city council. The purpose of providing for special exception uses within a zoning district is to recognize that there are uses which may have beneficial effects and serve important public interests, but which may have adverse effects on the environment, overburden public services, or change the desired character of an area, and may require the imposition of conditions in order to ensure the appropriateness and compatibility of the use at a particular location. These uses require additional individualized scrutiny due to the potential individual or cumulative impacts that they may have on the surrounding area or neighborhood and are not permitted by-right. The purpose is to ensure compatibility with surrounding uses, consistency with the City of Doral Comprehensive Plan, and compliance with public health, safety, and welfare goals. The designation of a particular use as a special exception within a specific zoning district does not constitute an authorization of such use or an assurance that such use will be approved under this chapter. Rather, each proposed special exception use shall be evaluated by the director ("director") of the planning and zoning department ("department") or designee, and city council for compliance with the standards and conditions set forth in this section. The review process allows the imposition of conditions to mitigate identified concerns or to deny the use if concerns cannot be resolved.

Section 53-601. – Applicability.

A special exception use may be requested only for those uses specifically listed as permitted special exception uses in the district regulations. They shall be subject to the conditions and limitations prescribed therein.

Section 53-602. – Application procedures.

- (1) Pre-application conference: A pre-application conference with the city's Planning and Zoning department staff is optional but encouraged before the submission of the initial application for a special exception use permit. The failure of the pre-application conference to identify the applicability of any section of the Code shall not be deemed as a waiver of the applicability of said section.
- (2) Application contents: The following shall be submitted to the department with the special exception use application:
 - a. A site plan which depicts the location of buildings on the site; the internal traffic circulation system; ingress and egress from major roadways; parking areas; and the proposed landscaping of the project, all in conformance with the relevant Code requirements.
 - b. A current survey of the subject property, prepared and sealed by a Florida-licensed professional surveyor and mapper, which shall include the legal description, property boundaries, dimensions, easements, existing structures, rights-of-way, and encroachments, and shall accurately reflect existing topographic and site conditions.
 - c. A traffic study shall be required to include the volume and type of vehicular traffic associated with such use, particularly its impact on residential streets, must be appropriate to the location and to the surrounding road network, as demonstrated by a professional traffic study to be prepared by the applicant or the applicant's representative and accepted by city staff as complete and adequate.
 - d. Elevations of the proposed buildings.
 - e. A colored three-dimensional rendering.
 - f. A description of the major facilities to be located on-site.
 - g. Hours of operation.
 - h. The department shall seek additional data if necessary, and initiate review of a special exception use application only upon receipt of a complete application.
 - i. An application for a special exception use shall be accompanied by the appropriate application fee.
- (3) Procedures for application and review.
 - a. The owner, or the representative of the owner specifically authorized in writing to offer an application in the owner's name, shall make application for a special exception use permit on forms to be provided by the department.
 - b. The application for special exception use permit shall set forth in sufficient detail to reasonably apprise the staff and the city council of the nature, extent, scope and purpose of the application, and shall meet the criteria and requirements enumerated above.

- c. The staff shall examine such application to determine whether all pertinent information has been provided, and request additional information if necessary to complete its review of the application prior to scheduling it for a zoning workshop.
- d. The application for special exception use permit shall be presented to the public and the city council at a zoning workshop in accordance with section 53-184, prior to submission to the city council for approval.
- e. Following the completion of the zoning workshop, staff shall place the application on the agenda of the next available scheduled regular meeting of the city council, or as soon as practicable thereafter. Notwithstanding the foregoing, scheduling of city council public hearings shall take into account the time within which public notice requirements can be satisfied, and may be on such day and time as is mutually agreed upon between the applicant and the director.

Sec. 53-603. - Notification of public hearings.

- (1) Except where modified by the specialized procedures noted in this chapter, all special exception use requests shall be considered at by the city council at a public hearing, which shall be noticed as follows:
 - (a) *Posting of property.* The city shall post every property that is the subject of a public hearing with signs notifying the public of the proposed special exception use, date of the public hearing, and the department to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a minimum of one (1) sign per 500 feet along any one frontage.
 - (b) *Public advertisement.* Notice of public hearing shall be by publication at least 15 days prior to the hearing. Notice shall also be posted in a conspicuous location at city hall, and may be posted at other public locations at the discretion of the city.

Sec. 53-604. - Procedure for public hearing.

- (1) *Hearing before city council.* At a duly-noticed quasi-judicial public hearing, the city council shall consider all information presented in the special exception use application and any testimony and/or evidence presenting during the hearing associated therewith, the review criteria established under this Land Development Code for special exception use requests, and the recommendation of the city staff on the requested special exception use. The city council may grant the approval, grant the approval subject to specified conditions or deny the application. The city council may attach such conditions to the approval that are necessary to ensure compliance with the standards set out in section 53-605.
- (2) *Appeal from decision of the city council.* An aggrieved party may appeal the final decision of the city council on the proposed special exception use to the Circuit Court in the manner and within the time provided by Florida Rules of Appellate Procedure.

Sec. 53-605. - Review criteria.

The standards and guidelines to be applied by the city council in considering applications for a special exception use are as follows:

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- (1) Compatibility with and impact on surrounding properties: An otherwise lawful activity may, because of its location and the nature of the neighboring uses, interfere with the property rights of nearby landowners, by creating an unreasonable disruption to the area from increased noise, light, storage and use of dangerous materials, intensity and density of development. Such adverse impact shall be avoided. It is the intent of this section that each application for approval of a special exception use be evaluated in light of the regulations and permitted uses governing the zoning district in which the subject property is located, and the positive and negative effects that it will have on surrounding property within the area, surrounding land uses, the neighborhood and the community as gauged by the criteria contained herein. Special consideration is to be given to the effect that the proposed special exception use will have on minors who reside in the area.
- (2) Traffic: The volume and type of vehicular traffic associated with such use, particularly its impact on residential streets, must be appropriate to the location and to the surrounding road network, as demonstrated by a professional traffic study to be prepared by the applicant or the applicant's representative and accepted by city staff as complete and adequate. The city council may condition the approval of a special exception use on improvements to the surrounding road network if it determines them to be necessary based on the record at the special exception use hearing.
- (3) Comprehensive plan: Consistency with the goals, objectives and policies of the city's adopted comprehensive plan.
- (4) Compliance with Code: Compliance with all applicable provisions of the city's Code.
- (5) Design: The design of the proposed structures and site configuration for the special exception use does not create adverse visual impacts and the impact of intensity of the proposed use on adjacent lands. When considering design, the city council shall review the application to ensure that the dimensions, height, floor area ratio, setbacks, buffers, location and extent of parking, access drives, and service areas, and landscaping are provided in a manner compatible with the area as provided in the Code.
- (6) Timing and pattern of development: The proposed special exception use will result in logical, timely and orderly development patterns.
- (7) Whether the proposed special exception use is adverse to the public interest.

53-606. Enforcement; inspections.

(1) Any individuals or businesses violating the terms and conditions of the special exception use permit, this article, or found to be operating without first having obtained an approved special exception use permit, shall be subject to civil fines not exceeding \$1,000 per day for a first offense, and up to \$5,000 per day for each subsequent or continuing offense.

In addition to initiating a code enforcement action, failure of the permittee to comply with any term or condition of the special exception use approval or permit may result in the suspension or revocation of the permit as provided in this article. In cases involving violations that pose a threat to public health, safety, or welfare, the city may impose enhanced penalties and pursue immediate injunctive relief. The city reserves the right to seek any and all remedies available in law or in equity against the permittee.

(2) City code compliance officers shall have the right to conduct unannounced inspections of premises operating under a special exception use permit during regular business hours, or at such times as the permitted activity is occurring to ensure compliance with the terms of the special exception use approval and conditions.

Sec. 53-607. - Effective period of special exception use; renewals; amendments.

- (1) Initial term: Each special exception use permit shall be valid for one year. Special exception use permits shall be issued beginning October 1 of each year and shall expire on September 30 of the following year. A special exception use permit shall be renewed annually as set forth in subsection (5) below.
- (2) Failure to commence use. If the special exception use has not commenced on or before the three hundred sixty-fifth day following the date of the initial special exception use permit approval, the special exception use permit shall expire unless extended by action of the city council. As used herein, a special exception use shall be deemed to have commenced when a building permit is issued, or if no building permit is required, when a local business tax receipt is issued. If a special exception use permit has expired for failure to commence under this subsection, the new application and approval shall be required.
- (3) Certificate of use and/or business tax receipt required. The special exception use permit shall be conditioned upon maintaining an active certificate of use and a local business tax receipt as may be required pursuant to city code. Failure to obtain, or expiration of, a certificate of use and a local business tax receipt for said use shall be deemed a violation of the terms and conditions of the special exception use permit.
- (4) Approval in conjunction with a site plan: A special exception use permit, which has been approved pursuant to the provisions of this chapter and in conjunction with an approved site plan, shall be effective for the same time period as the site plan.
- (5) Renewal: As set forth in subsection (1), a special exception use permit, which has been approved pursuant to the provisions of this chapter, shall be valid for one year from the date of issuance, beginning on October 1 of each year and shall expire on September 30 of the following year. Thereafter, the special exception use permit shall automatically renew for the same time period as an active certificate of use and business tax receipt are in effect, which are valid for one year from the date of issuance, beginning on October 1 of each year and expire on September 30 of the following year.
- (6) Obligation to amend permit information. Permit holders are required to amend their special exception use permit application within 30 days of any change in the information set forth on the original application form for the special exception use. If there is a change in ownership or a change in location of the establishment, the city must be notified immediately, and a new application must be processed in accordance with this article. Special exception use permits do not run with the land and are non-assignable.

Sec. 53-608. - Effect of special exception use permit.

A special exception use permit issued pursuant to the requirements of this chapter grants to the applicant the right to develop and utilize the premises in accordance with the terms and conditions contained in the special exception use permit. Approval of a special exception use shall be deemed to authorize only the particular site configuration, layout and level of impacts that were approved, unless the special exception use permit is amended, rescinded or revoked as provided in this article. Permitted uses may occur in conjunction with or in place of the special exception use. Receipt of a special exception use permit shall not ensure that the approved development will receive subsequent approval for other applications for development permits, unless the relevant and applicable portions of this chapter are met.

Sec. 53-609. - Amendments to special exception use permits.

- (1) Minor deviations. The director may approve minor deviations from a special exception use permit. Authorized minor deviations are those that allow minor redesign or change to a project that would not substantially change or increase the originally anticipated impacts. Minor deviations shall be limited to the following:

 - (a) The relocation of no more than five (5) percent of the total approved square footage or other area indicated as being covered by structures, to the portions of the site not previously covered, as long as it complies with the standards of this chapter;
 - (b) An overall increase of no more than five (5) percent in the total square footage covered by any structure as long as it complies with the requirements of this chapter, the underlying zoning district, and the comprehensive plan; or
 - (c) An overall increase of not more than five (5) percent of the height of any structure as long as it complies with the requirements of this chapter, the underlying zoning district, and the comprehensive plan.
- (2) Other permit amendments. Except as specifically provided in subsection (1) above for minor deviations, a special exception use permit may only be amended, extended, varied or altered pursuant to the standards and procedures established for its original approval by the city council, or as otherwise set forth in this article. Before any special exception use permit is amended, extended, varied or altered, the applicant shall demonstrate that a change of circumstances or conditions has occurred which makes it necessary to amend, extend, vary or alter the special exception use permit. Deviations in excess of the limits of subsection (1) shall be subject to city council review and approval, approval with conditions, or denial.

Sec. 53-610. Limitations:

A special exception use shall not be granted for the purpose of altering, amending, expanding, or otherwise modifying:

- (1) Any previously approved variance, unless the variance is formally rescinded or amended through the appropriate variance procedure;

- (2) Any legal nonconforming use, structure, or lot, except as otherwise permitted in this Code; or
- (3) The minimum requirements and development standards in the applicable zoning district.

Sec. 53-611. - Revocation of Special Exception Use Permits.

- (1) Special exception use permits may be revoked or modified by the city council after a public hearing for any one or more of the following reasons:
 - (a) The approval was obtained by fraud or misrepresentation of the facts;
 - (b) Failure to comply with any provisions of this article, including but not limited to, failure to maintain an active certificate of use and local business tax receipt;
 - (c) The special exception use permit is being exercised contrary to the terms or conditions of approval;
 - (d) The special exception use permit is being exercised in violation of any statute, ordinance, law or regulation; and/or
 - (e) Failure to correct building code violations on the property within the time prescribed in a notice of violation issued by the code compliance department;
 - (f) Failure to correct a code violation on the property within the time prescribed in a notice of violation issued by the code compliance department;
 - (g) There has more than two (2) final orders of code violations entered against the property within a 12-month period; and/or
 - (h) The permittee engages, has engaged, or allows invitees to engage in conduct that is a serious danger to public health, safety or welfare.
- (2) Procedure for revocation of a special exception use permit shall be as follows:
 - (a) Upon determination by the director that possible grounds for revocation of a special exception use permit exists, the matter shall be placed on the city council's agenda for a public hearing.
 - (b) The original applicant to whom the special exception use was granted shall be notified by certified mail of the reasons for the possible revocation at least 30 days prior to the public hearing.
- (3) Any person, vendor or establishment whose special exception use permit was revoked shall not be eligible to apply for said permit for 12 consecutive months from the effective date of the revocation, unless the city council specifies otherwise at the time of the revocation.

Section 3. Severability. That if any section, subsection, sentence, clause, phrase, work or amount of this Ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Conflicts. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall be effective immediately upon passage by the City Council on second reading.

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 Christi Fraga	_____
Vice Mayor Maureen Porras	_____
Councilwoman Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Nicole Reinoso	_____

PASSED AND ADOPTED on FIRST READING this 13 day of August, 2025.

PASSED AND ADOPTED on SECOND READING this 10 day of September, 2025.

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:

LORENZO COBIELLA
GASTESI, LOPEZ, MESTRE & COBIELLA, PLLC
CITY ATTORNEY

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