

ORDINANCE No. 2024-19

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING A TEXT AMENDMENT TO THE CITY'S LAND DEVELOPMENT CODE, BY AMENDING CHAPTER 53 "ADMINISTRATION", SECTION 53-128(A) "CATEGORY DEFINITIONS" TO CREATE A NEW DEFINITION; AMENDING SECTION 53-128(B), "USE COMPATIBILITY TABLE", FOR PURPOSES OF INCLUDING A NEW USE CATEGORY ON THE TABLE; AMENDING CHAPTER 68 "LAND USES AND ZONING DISTRICTS", SECTION 68-786, "SAME—WITH SPECIAL DEVELOPMENT REQUIREMENTS" TO INCLUDE LIMITATIONS ON THE NUMBER OF STUDENTS AND HOURS OF OPERATION; AMENDING SECTION 68-820(B) "PROHIBITED USES" TO INCLUDE ACADEMIES AS A PROHIBITED USE IN THE INDUSTRIAL DISTRICT (I); PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Comprehensive Plan and Land Development Regulations of the City of Doral ("City") are intended to maintain public health, safety, and welfare of its residents and to strengthen the City's local government capability to manage growth in a sustainable and resilient manner; and

WHEREAS, the intent and purpose of the industrial commercial district (IC) is to provide for uses with commercial and industrial in nature and that are in close proximity to major roadways; and

WHEREAS, The intent and purpose of the industrial district (I) is to allow for industrial uses in the city, which shall increase the economic activity as being in close proximity to Miami International Airport and to retain and continue allowing industrial uses in the city; and

WHEREAS, the proposed text amendment seeks to introduce “Academies” as a use category to be permitted with special requirements in the Industrial Commercial (IC) district, and expressly prohibited in the Industrial (I) district; and

WHEREAS, City’s Planning and Zoning Department has prepared a detailed analysis of the amendments effectuated by this ordinance, and the basis thereof, which is contained in the staff report dated June 12, 2024; and

WHEREAS, on June 12, 2024, the City Council of the City of Doral sitting as the Local Planning Agency (LPA) at a properly advertised hearing received testimony and evidence related to the proposed text amendment as required by state law and local ordinances; and

WHEREAS, on June 12, 2024, the City Council of the City of Doral at a properly advertised hearing (First Reading) received testimony and evidence related to the proposed text amendment as required by state law and local ordinances; and

WHEREAS, on August 14, 2024, the City Council of the City of Doral at a properly advertised hearing (Second Reading) received testimony and evidence related to the proposed text amendment as required by state law and local ordinances; and

WHEREAS, the Mayor and City Council find that the adoption of the text amendment to Chapter 53, and Chapter 68, of the Land Development Code is in the best interest of the residents of the City.

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

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strike through~~.

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. Code Amended. Chapter 53 and Chapter 68 of the Code of Ordinances of the City of Doral is hereby amended to read as follows:

Chapter 53 – ADMINISTRATION

ARTICLE II. - PLANNING AND DEVELOPMENT

DIVISION 5. SUMMARY OF USES AND DEVELOPMENT STANDARDS

Sec. 53-128. Use compatibility table.

(a) *Category definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Academies. Education and instruction facilities engaged in the offering or providing instruction of dance, fine arts, martial arts, music, painting, photography, or theater. Academies shall not include early childhood or adult care facilities, public schools, charter schools, private schools, exceptional learning centers or trade schools.

Auto, truck, and van sales. The term "auto, truck and van sales" means the sale or lease of new or used automobile, trucks or vans to the general public or private entity.

Carwash. The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Commercial vehicle storage. The parking and storage for a fee of operable, non-disabled, licensed commercial motor vehicles as defined in F.S. § 320.01, construction equipment, agricultural equipment, and incidental temporary parking of operable, non-disabled, licensed passenger automobiles to serve such allowable uses on the same parcel (but not to include stand-alone automobile parking and storage uses such as car rental facilities).

Educational facility. An institution devoted solely to tutoring and test preparation, vocational or professional education or training, an institution of higher education, a community college, junior college and a four-year college or university.

Hotels. The term "hotel" means a building in which lodging, or boarding and lodging, are provided as the more or less temporary residence of individuals who are lodged therein and in which ingress and egress to and from all rooms are made through an inside lobby supervised by a person in charge at all times. As such, it is open to the public in contradistinction to a boardinghouse, lodging house or an apartment building. Keys to the

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

rooms and mail for the occupant of the hotel are received and generally kept by the attendant at the desk in the lobby. Daily linen service and other normal and customary hotel services shall be offered to the individuals lodged therein. No more than five percent of the individual hotel units shall be occupied for more than six months. Kitchen facilities in individual units may be offered.

Manufacturing. The transformation of materials or substances into new products, including the assembly of component parts, and the production or refining of goods, materials, or substances into new products, including the assembly of component parts, but not including research and technology production uses.

Medical marijuana treatment center dispensing facilities. Refers to the building or structure where low-THC cannabis or medical cannabis, as well as cannabis delivery devices, are dispensed at retail.

Medical use. Those uses concerned with the diagnosis, treatment, and care of human beings. These include hospitals; dental services; medical services or clinics; nursing, convalescent homes; orphan's homes; rest homes; sanitariums.

Manufacturing, heavy. The term "heavy manufacturing" means the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

Manufacturing, light. The term "light manufacturing" means the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing.

Manufacturing, medium. The term "medium manufacturing" means the processing and manufacturing of materials or products predominantly from extracted or raw materials. These activities may include outdoor assembly and storage of products. Outdoor manufacturing of raw materials into compost, primarily for commercial resale, is a medium manufacturing activity. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process.

Professional offices. Office means a use involving a business, profession, service or government activity including laboratories which do not involve retail activities on site.

Religious institution. The term religious institution means a church or house of worship with related facilities such as the following in any combination; rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

School. An elementary, middle, or high school, and exceptional learning center.

Warehouse. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment,

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strike through~~.

(b) The uses for each district are as stated in the following table:

- (1) P means permitted use;
- (2) S means permitted with special regulations;
- (3) E means special exception use;
- (4) (-) means not permitted.

Category	Description	O-1	O-2	O-3	NC	CC	IC	I	I-R
<i>Educational/Training</i>	Public schools	P	P	P	P	P	—	—	—
	Schools	S	S	S	S	P	—	—	—
	University	S	S	S	S	P	P	P	P
	Tutoring/instructions (up to five students)	S	S	S	S	P	P	P	P
	Trade Schools	S	S	S	S	P	P	P	P
	Academies	—	—	—	P	P	S	—	—
<i>Retail Services</i>									
	<i>Fitness/Sports</i>								
	Fitness center (gyms)	P	P	P	P	P	—	—	—
	Sports membership	P ^c	P ^c	P ^c	P	P	—	—	—
	Sports rental	P ^c	P ^c	P ^c	P	P	—	—	—
	Indoor sports club	P ^c	P ^c	P ^c	P	P	—	—	—
	Health/exercise centers (karate, dancing, aerobics, gymnastics, etc.)	—	—	—	P	P	—	—	—

Chapter 68 - LAND USES AND ZONING DISTRICTS

ARTICLE VI. - INDUSTRIAL DISTRICTS

DIVISION 2. INDUSTRIAL COMMERCIAL DISTRICT (IC)

Sec. 68-786. Same—With special development requirements.

Refer to chapter 53, article II, division 5 for a detailed list of various types of uses and development standards. Refer to chapter 74 for special development requirements for the following uses permitted in the industrial commercial district (IC):

- (1) Auto dealerships and truck sales for new and/or used vehicles, including ancillary uses such as auto and truck rentals, wholesale distribution and auto repair; only 40 percent of total gross building area is allowed for repair/service bays.

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

- (2) Auto repair, painting, top and body works pursuant to section 74-148.
- (3) Hotels and motels pursuant to section 74-157.
- (4) Manufacturing, medium (see section 52-5 for definition) pursuant to section 74-158.
- (5) Pharmaceutical storage pursuant to section 74-159.
- (6) Sales rooms and show rooms pursuant to section 74-161.
- (7) Telecommunications hubs pursuant to section 74-162.
- (8) Membership warehouses pursuant to section 74-163.
- (9) Retailing of secondhand items and pawnshops pursuant to section 74-164.
- (10) Micro-brewery pursuant to section 74-168.
- (11) Assisted living facilities pursuant to section 74-147.
- (12) Academies with a maximum of 30 students at any given time and operations between the hours of 9:00 a.m. and 9:00 p.m.

(Ord. No. 2007-12, exh. A(ch. V, § 17(c)), 8-22-2007; Ord. No. 2008-01, exh. A(amd. 8), 2-27-2008; Ord. No. 2019-13 , § 2, 4-24-2019)

DIVISION 3. INDUSTRIAL DISTRICT (I)

(b) *Prohibited uses.* Refer to chapter 53, article II, division 5 for a detailed list of various types of uses and development standards. In no instance shall the following commercial uses be permitted in the industrial district (I):

- (1) Amusement centers.
- (2) Entertainment centers.
- (3) Health/exercise centers.
- (4) Sport facilities.
- (5) Schools.
- (6) Academies

Section 3. Codification. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strike through~~.

Section 4. 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 5. Conflicts. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. 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 Oscar Puig-Corve	_____
Councilwoman Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Maureen Porras	_____

PASSED AND ADOPTED on FIRST READING this 12 day of June, 2024.

PASSED AND ADOPTED on SECOND READING this 14 day of August, 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:

LORENZO COBIELLA
GASTESI, LOPEZ & MESTRE, PLLC
CITY ATTORNEY

CODING: Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strike through~~.