Incorporation &
Annexation Subcommittee

Agenda Item No. 4(A)

MEMORANDUM

TO: Honorable Chairperson Carey-Shuler, Ed. D. and Members, Board of County Commissioners

DATE: **October 14, 2004**

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

Kay Sullivan, Director
Clerk of the Board Division

SUBJECT: Ordinance 2004-88 of the City of Doral Providing for Amendment to Article IX of the City Charter

Attached for your information is a copy of Ordinance No. 2004-88 of the City of Doral providing for amendment to Article IX of the City Charter relating to regulatory control.

KS:dc
attachment

RESOLUTION NO. 2004-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CALLING FOR THE COUNTY COUNCIL TO APPROVE A CITY OF DORAL PROPOSED CHARTER AMENDMENT BY AT LEAST A TWO-THIRDS (2/3) MAJORITY VOTE; PROVIDING THAT COPIES OF THIS RESOLUTION AND PROPOSED ORDINANCE FOR CHARTER AMENDMENTS TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR NOTICE AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. This Resolution is pursuant to the requirements of Section 5.05 of the Dade County Charter concerning municipal charter changes to pre-agreed conditions between the County and the prospective municipality.

Section 2. The proposed amendment to Section 9.6 entitled "Regulatory Control" of the City Charter is amended by revising this Section to read as follows:

Section 9.6. Regulatory Control

The local government comprehensive plan adopted by the City of Doral pursuant to Chapter 163, Part II, Florida Statutes, shall be consistent with the adopted Miami-Dade County Comprehensive Development Master Plan (CDMP) as it may be amended from time to time, as applied to the sites listed below ~~and section 8, Township 53, Range 40:~~

DEPARTMENT/FACILITY	LOCATION
MIAMI-DADE POLICE DEPARTMENT	
Training Bureau Metro Training Center	9601 NW 58 Street
MDPD Headquarters Complex	9105 NW 25 Street
Doral Station (District 3)	9105 NW 25 Street

MIAMI-DADE FIRE DEPARTMENT	
Training Complex	9300 NW 41 Street
MDFD Headquarters Complex	9300 NW 41 Street
Emergency Operations Center	9300 NW 41 Street
Doral Station	9710 NW 36 Street
Fontainbleau Station	8825 NW 18 Terrace
DEPARTMENT OF SOLID WASTE MANAGEMENT	
Disposal Facility	
Resource Recovery	6990 NW 97 Avenue

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The Miami-Dade County Board of County Commissioners may revise this list of facilities from time to time.

Any use or activity allowed by the CDMP over the listed sites as they may be amended from time to time by the Board of County Commissioners may not be limited or impeded in any way by the local government comprehensive plan adopted by the City of Doral. ~~Any use or activity allowed by the CDMP in the Industrial and land use classification shall be allowed in Section 8, Township 53, Range 40.~~ Jurisdiction over the listed sites ~~including Section 8, Township 53, Range 40,~~ for purposes of comprehensive planning, zoning and building approvals (including but not limited to site plan approvals, issuance of building permits, building inspections, compliance with the Florida Building Code or other applicable building code, issuance of certificates of occupancy, zoning applications, special exceptions, variances, building and/or zoning moratoria, and all other types of functions typically performed by Building and/or Zoning Departments) water and sewer installations, compliance with environmental regulations, street maintenance (including sidewalks, if applicable) and utility regulation shall be and is hereby vested in Miami-Dade County regardless of any City of Doral code, charter, or ordinance provision to the contrary. So long as Miami-Dade County maintains jurisdiction over the matters set forth in this paragraph, Miami-Dade County shall pay the costs of providing the services described herein.

This provision shall not alter or affect the legal rights of any person residing or owning real property within the City. The City shall not institute, intervene or otherwise participate in, in opposition to Miami-Dade County, any judicial or formal administrative proceeding regarding land use or development of the listed sites, or Miami-Dade County's planning or regulatory requirements for any listed facility of countywide significance. These Charter provisions shall be deemed self-executing.

Section 3. Upon approval of two-thirds (2/3) of the members of the Board of County Commissioners and consistent with Section 5.03 of the Dade County Charter, a Resolution providing an election date shall be considered by the City, and upon adoption, the ballot question will be submitted to the qualified electors of the City as follows:

(1) REGULATORY CONTROL.
The City Charter provides that with regard to Section 8, Township 53, Range 40, Miami-Dade County shall have exclusive regulatory control over building, zoning and planning issues as well as water and sewer installations, compliance with environmental and utility regulations and street maintenance. It is proposed to eliminate this regulatory control by Miami-Dade County and vest such authority in the City of Doral.
Shall the above described amendment be adopted?

Yes [ ]
No [ ]

Section 4. Copies of this resolution and the full text of the proposed City Charter amendments are available at the office of the City Clerk located at 8300 NW 53rd Street, Suite #100, Doral, Florida. Copies of the proposed Ordinance providing for this Charter Amendment subject to this referendum approval and the required approval of the County Commission is on file in the office

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the City Clerk and available for public inspection during regular business hours.

Section 5. Effective Date. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED upon first reading this 1st day of October, 2004

Juan Carlos Bermudez, Mayor

ATTEST:

Sheila Paul

Sheila Paul, City Clerk

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

John J. Heatn, City Attorney

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