

**ARTICLE 1.
GENERAL PROVISIONS**

Section 1-101. Title.

This Code shall be known as and referred to as the Land Development Regulations and the Zoning Code (LDRs) of the City of Coral Gables, Florida.

~~This ordinance, together with future amendments thereof, and the Use and Area map attached hereto and hereby made a part hereof by reference, with future changes or amendments thereof, shall be known as the Zoning Code of the City of Coral Gables, Florida. The Use and Area map may be prepared and shown in separate sections or plates, which shall collectively be known as the Use and Area Map. Explanatory notes upon the Use and Area Map shall be deemed a part of such map and this code.~~

Section 1-102. Authority.

These LDRs are enacted pursuant to the requirements and authority of Section 163.3161 et seq., Florida Statutes (the Local Government Comprehensive Planning and Land Development Regulation Act), the Charter of the City of Coral Gables, and the powers and authority in Chapters 60, 162, 166, 171, 177, 286 and 823, Florida Statutes.

Section 1-103. Purpose of LDRs.

The purpose of these Land Development Regulations is to implement the Comprehensive Land Use Plan of the City, to improve the overall quality of life in Coral Gables, Florida; and to provide for efficiency and economy in the process of stable and orderly development, for the appropriate and best use (not necessarily the most economic use) of land in accordance with standards established by the will of the residents, for preservation, protection, development, and conservation of the natural resources of land, water and air, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, in accordance with maximum densities of the ~~Comprehensive~~ Plan, for adequate public utilities and facilities, for the preservation and promotion of the natural and civic amenities of beauty and visual

This section is substantially abbreviated. Reference to the Zoning Map is included in Section 1-107 and is not needed in this section. It is suggested that the term "Land Development Regulations" ("LDRs") be added to the title, as they are referred to in the Florida Statutes.

This section 1-102 is entirely new and sets out the statutory authority for the LDRs.

Interpretation and "minimum requirements" language of the previous section has been moved to Section 1-109 as they are not really statements of purpose.

The overall purpose of the LDRs is to implement the Plan so that purpose is placed first.

interest, for promotion of large scale developments as a means of achieving unified civic design, and ~~for development in accord with the Comprehensive Plan~~ by establishing zoning districts with adequate buffers between and confining high density development to areas which are feasible for mass transportation of high employment potential, and by regulating the location and use of buildings, signs and other structures, and land or water for trade, agriculture, industry and residence, by regulating and limiting or determining the height, bulk and access to light and air of buildings and structures, the area of yards, and other open spaces, and the density of use. To accomplish these objectives, the regulations and districts and accompanying maps have been designed with reasonable consideration, among other things, for the character of the districts, and their peculiar suitability for particular uses, and they are to be regularly reevaluated in order to best accomplish the above objectives. ~~Variances shall be made only upon the basis of unnecessary hardship (see definitions of unnecessary hardship and necessary hardship) and, under no circumstances shall a change of zoning involving spot zoning be approved. (See Section 2-116 for definition of spot zoning). In making zoning changes, primary concern shall be given to protection of residential uses, where occupancy is generally for twenty four (24) hours per day and seven (7) days per week, than to other types of uses; and primary consideration shall be given to protection of established investments than to projected investments. Normally, land should not be rezoned to another use until the utilities and other necessary improvements are included in a five year projection of the capital improvement program, or are to be provided by the developer under a bonded arrangement.~~

Section 1-104. Jurisdiction and applicability.

- A. These LDRs shall govern the development and use of land, buildings and structures within the corporate limits of the City.
- B. No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all other applicable regulations and all development approvals.

Variance and rezoning standards have been eliminated from this statement of purpose and relocated to appropriate sections in Division 3. Last sentence has been moved to Section 1-109 Rules of Construction.

Section 1-4 Vacations has been moved to Article 3 Division 13, Vacations.

Section 1-105. Annexed territory.

All territory which may be hereafter annexed to the City of Coral Gables shall be automatically zoned as an ~~R-Use~~ district SF-2 District until otherwise changed in accordance with the provisions of Article 3, Division 14.

Existing provision slightly modified.

Section 1-106. Comprehensive Land Use Plan and Map.

The Comprehensive Land Use Plan of the City of Coral Gables is the official statement of policy of the City in regard to the use of land and all use or development of land undertaken pursuant to these LDRs shall be consistent with the Comprehensive Land Use Plan and the Comprehensive Land Use Plan Map.

Section 1-106: entirely new

Section 1-107. Official Zoning Map.

The Official Zoning District Map is established and incorporated into the LDRs by this reference. The Official Zoning Map shows the boundaries of all Zoning Districts as adopted by the City Commission pursuant to the procedures of these LDRs. The Official Zoning Map, as amended from time to time, shall be kept on file and made available for public reference in the office of the City Clerk

Section 1-107: entirely new

Section 1-108. Transitional Rules.

A. Transition Period. Where a complete application for development approval is pending on the adoption of these LDRs, the provisions of the regulations in effect when the application was filed shall govern the review and approval of the application for development approval, provided that:

Section 1-108: entirely new – it sets out the status of all pending approvals and existing uses/approvals at the time the new LDRs are adopted.

1. The application is approved within six (6) months of the date of adoption of these LDRs; and
2. Construction begins within six (6) months of the issuance of such approval and is diligently pursued to completion.

B. Existing Unlawful Uses and Structures. A structure or use not

lawfully existing at the time of the adoption of these LDRs is lawful only if it conforms with all of the requirements of these LDRs.

- C. Existing Approved Uses. An existing use which is lawful on the date of adoption of these LDRs, whether permitted as a “permitted use”, a “special use”, an “X use” or a “conditional use” in the zoning district in which it is located, shall not be deemed nonconforming solely because the procedure for approval has changed through the adoption of these LDRs and shall hereafter be deemed a permitted conditional use in the district in which it is located. In the event the use was approved subject to one or more conditions, those conditions shall continue in full force and effect unless a new approval is obtained. If the existing use is nonconforming under either the prior Zoning Code or these LDRs, then such use shall come into conformance with these LDRs if required by the provisions of Article 6.
- D. Existing site-specific standards. There are certain properties which are subject to prior governmental approvals which have established standards which deviate from the basic standards in these LDRs. Properties which are subject to those prior approvals are identified on the Official Zoning Map and the Site Specific Standards are set out in Appendix A to these LDRs. In the event the Site Specific Standards and these LDRs conflict, the Site Specific Standards shall control.
- E. Previously Granted Variances.
 - 1. All variances granted subject to a time frame for construction which are still in effect on the adoption of these LDRs shall remain in full force and effect, including any conditions attached thereto, and the recipient of the variance may proceed to develop the property in accordance with the plans previously approved. However, if the recipient of the variance has failed to commence construction before the variance expires, the provisions of these LDRs shall govern and the variance shall have no further force and effect.
 - 2. Any variance granted which is not subject to a time frame for construction, where the development proposal to which the

variance related has not been commenced prior to the adoption of these LDRs, shall remain in full force and effect, including any conditions attached thereto, and the recipient of the variance may proceed to develop the property in accordance with the plans previously approved. However, if the recipient of the variance fails to commence construction within six (6) months of the adoption of these LDRs, the provisions of these LDRs shall govern and the variance shall have no further force and effect.

- F. Previously Approved Conditional Uses. All Conditional Uses approved prior to the adoption of these LDRs, and any conditions attached thereto, shall remain in full force and effect, and the recipient of the approved Conditional Use may proceed to develop the property in accordance with the previous approval and shall hereafter be deemed a conditional use in the district in which it is located. However, if the recipient of the approved Conditional Use has failed to commence construction before the approval expires or if the approval is abandoned, the provisions of these LDRs shall govern. No Conditional Use approved prior to the adoption of these LDRs but where no certificate of occupancy has been granted shall not be extended.
- G. Previously Approved Special Uses. All Special Uses approved prior to the adoption of these LDRs, and any conditions attached thereto, shall remain in full force and effect, and the recipient of the approved Special Use may proceed to develop the property in accordance with the previous approval and shall hereafter be deemed to be a Special Use District. However, if the recipient of the approved Special Use has failed to commence construction before the approval expires or if the approval is abandoned, the provisions of these LDRs shall govern. No Special Use approved prior to the adoption of these LDRs but not constructed shall be extended.
- H. Approved "X" Uses. Any lawfully established permitted "X" use shall be considered to be an approved conditional use under the provisions of these LDRs, unless abandoned.
- I. Prior Zoning Districts. Upon the adoption of these LDRs, land

Official Zoning Map to be amended after these LDRs are adopted. Some Comp. Plan changes required so those related zoning map changes will lag after the Comprehensive Plan is amended.

which is presently zoned within an existing zoning classification shall be classified within one of the zoning classifications set forth in Article 2 of these LDRs, as follows:

OLD DISTRICT	NEW DISTRICT
R-1-2, R-3, R-4, R-5, R-6, R-6-7, R-7, R-8, R-9, R-9-10, R-11, R-12, R-14, R-14-15, R-16, R-17, R-18, R-19	SF1
R-3, R-4, R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-16, R-17, R-18, R-19	SF2
R-TH Use Districts	Multi-family District - 1
D-Use Districts	Multi-family District - 1
A-Use Districts	Multi-family District - 2
Mixed Use Districts Regulations (3)	Mixed Use District
CA & CB-Use Districts	Commercial Limited District
CC-Use Districts	Commercial District
M-Use Districts	Industrial District
Downtown Overlay District	Downtown Overlay District
PAD Districts	Conditional uses
P-Use Districts	Preservation District
S-Use District	Special Use District
X-Uses	Conditional uses in various districts

NOTE: SF districts in new districts relate to location: "old" Coral Gables and "new" Coral Gables.

CL on Federal Highway should be in CD District.

Section 1-109. Construction Rules.

For the purposes of these LDRs, the following rules of construction apply:

- A. In interpreting and applying the provisions of these LDRs, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, order, convenience and general welfare of the community.
- B. The provisions of these LDRs shall be construed to achieve the purposes and intent for which they are adopted.
- C. Nothing in these LDRs is intended to abrogate any easement, covenant, deed restriction or other private agreement; however, where the regulations of these LDRs are more restrictive or impose higher standards or requirements than such easement, covenant, deed restriction or other private agreement, the requirements of these LDRs shall govern.
- D. In the event of a conflict between the text of these LDRs and any caption, figure, illustration, table, or map, the text of these LDRs shall control. In the event of a conflict between a chart and an illustration, the chart shall control. All illustrations included in these LDRs are for illustrative purposes only.
- E. In the event of any conflict in limitations, restrictions, or standards applying to an individual use or structure, the more restrictive provisions shall apply.
- F. In the event of a conflict between these LDRs and any federal or state statute, which pre-empts local regulation, the federal or state statute shall apply.
- G. The words "shall," "must," and "will," are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- H. The word "or" is alternative in nature.

This section 1-109 is new but picks up prior provisions in Article 2-1.

- I. The word “may” is permissive in nature.
- J. Words used in the present tense include the future tense.
- K. The singular number includes the plural number and the plural, the singular
- L. Words uses in the masculine gender include the feminine gender.
- M. The words used and occupied as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
- N The word “lot” shall include the words “plot,” “parcel,” “site,” or “tract” of land.
- O. The word “herein” means “these LDRs.”
- P. Any act authorized by these LDRs to be carried out by a specific official or agency of the City is impliedly authorized to be carried out by a designee of such official or agency.
- Q. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded.
- R. Any words and terms not defined herein shall have the meaning indicated by common dictionary definition.
- S. Any reference to Federal, Florida Statutes, Florida Administrative Code, or any other official code shall be construed to be a reference to the most recent enactment of such statute or rule, and shall include any amendments as may from time to time be adopted.
- T. Zoning district boundaries are usually along streets, alleys, property lines or extensions thereof. Where an uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

Subsection P eliminates the need for saying “or his/her designee” throughout the code.

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following shorelines shall be construed to follow such shorelines. In the event of a change in the shoreline, the zoning district boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

Section 1-110. Severability.

Should any section or provision of these LDRs be declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of these LDRs as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1-110 is new.