

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE REPEALING THE ZONING CODE, ADOPTED AS ORDINANCE NO. 1525, AS AMENDED, OF THE CITY OF CORAL GABLES, FLORIDA, AND ALL OTHER CITY CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE, AND ADOPTING A NEW ZONING CODE TO BE KNOWN AS THE ZONING CODE OF THE CITY OF CORAL GABLES, FLORIDA, WHICH PERTAINS TO THE GENERAL PROVISIONS OF THE ZONING CODE; THE ESTABLISHMENT OF THE DECISION MAKING AND ADMINISTRATIVE POWERS AND DUTIES OF THE CITY COMMISSION, PLANNING AND ZONING BOARD, BOARD OF ARCHITECTS, BOARD OF ADJUSTMENT, HISTORIC PRESERVATION BOARD, CODE ENFORCEMENT BOARD, TICKET HEARING OFFICERS, ENFORCEMENT OFFICERS, DEVELOPMENT REVIEW COMMITTEE AND PLANNING AND ZONING ADMINISTRATORS; THE ESTABLISHMENT OF DEVELOPMENT REVIEW PROCEDURES, INCLUDING NOTICE AND HEARING REQUIREMENTS RELATED TO BUILDING SITE APPROVALS, CONDITIONAL USES, PLANNED AREA DEVELOPMENTS, MORATORIUMS, VARIANCES, SUBDIVISIONS, TRANSFER OF DEVELOPMENT RIGHTS, HISTORIC PRESERVATION AND PROCEDURES, ABANDONMENT AND VACATIONS, CONCURRENCY REVIEW, ZONING CODE AMENDMENTS, ZONING MAP AND LAND USE PLAN AMENDMENTS, DEVELOPMENTS OF REGIONAL IMPACT, THE PROTECTION OF LANDOWNERS' RIGHTS, VESTED RIGHTS DETERMINATIONS, UNITY OF TITLE AND DECLARATION OF RESTRICTIVE COVENANTS, DEVELOPMENT AGREEMENTS AND APPEALS PROCEDURES; THE ESTABLISHMENT OF ZONING DISTRICTS APPLICABLE TO ALL LAND WITHIN THE CORPORATE LIMITS OF THE CITY, INCLUDING RESIDENTIAL, OVERLAY AND SPECIAL PURPOSE, AND NON-RESIDENTIAL DISTRICTS, AND PROVIDING AUTHORIZED AND PROHIBITED USES WITHIN EACH ZONING DISTRICT; THE ESTABLISHMENT OF DEVELOPMENT STANDARDS, INCLUDING THOSE RELATED TO DESIGN, LANDSCAPING, LIGHTING, PARKING AND LOADING, CONSTRUCTION, PLATTING, ROOFS, SANITATION SYSTEMS, SCREENING, SIGNS, AND WALLS AND FENCES, WHICH ARE APPLICABLE TO USES PERMITTED WITHIN THE VARIOUS ZONING DISTRICTS AND ALL OTHER DEVELOPMENT ACTIVITIES SUCH AS ACCESSORY USES, AUTOMOBILE SERVICE STATIONS, AWNINGS AND CANOPIES, CLEARING, FILLING, AND EXCAVATION ACTIVITIES, COTTAGES, DOCKS AND OTHER WATERCRAFT MOORINGS, PRIVATE YACHT BASINS, BED AND BREAKFAST, FAMILY DAY CARE, GROUP HOMES, ASSISTED LIVING AND CHILD CARE FACILITIES,

HELIPORTS AND HELISTOPS, TELE-COMMUNICATION FACILITIES, UNDERGROUND UTILITIES AND TEMPORARY USES; THE ESTABLISHMENT OF REGULATIONS CONCERNING NONCONFORMING USES, STRUCTURES, SIGNS AND LAWFULLY EXISTING USES; THE ESTABLISHMENT OF PROVISIONS GOVERNING THE ADMINISTRATION, INTERPRETATION AND ENFORCEMENT OF THE NEW ZONING CODE; PROVIDING FOR DEFINITIONS APPLICABLE TO THE ZONING CODE; PROVIDING APPENDICES IN SUPPORT OF THE ZONING CODE, INCLUDING SITE SPECIFIC ZONING REGULATIONS, AND FOUNDATION MAP, PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; PROVIDING FOR THE PROPER NOTICE OF PROPOSED ENACTMENT AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ZONING CODE; AND PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State Legislature passed the Local Government Comprehensive Planning and Land Development Regulation Act requiring all counties and cities to prepare a Comprehensive Land Use Plan and land development regulations also known as Zoning Codes; and,

WHEREAS, the City of Coral Gables (“City”) Commission commenced a comprehensive rewrite of the City’s Zoning Code to reorganize, reformat, simplify, modernize, streamline and improve the development process and provide improvements; and,

WHEREAS, the City in 2002 conducted the “City of Coral Gables Charrette,” where the entire community was invited to participate in a comprehensive visioning process to provide input for the future development and growth of the City. The result of the Charrette included various recommendations for possible amendments to the Zoning Code; and

WHEREAS, a subsequent “Discovery” process was initiated prior to undertaking of the rewrite to provide further opportunities for input. This outreach included interviews with citizens, stakeholders, interested parties, property owners, City Commission workshops, Planning and Zoning Board public hearings, City Boards and committees, City staff study sessions; and,

WHEREAS, the City’s existing Zoning Code, adopted via Ordinance No. 1525, as amended, consists of a series of ordinances which are referenced and on file in the Office of the City Clerk and Planning Department; and,

WHEREAS, the new Zoning Code and all background information including but not limited to agendas, staff reports, public notices, minutes, etc., have been available for public review and inspection throughout the entire process on the City web page at www.coralgables.com and at the Planning Department Office; and,

WHEREAS, the City Commission desires to adopt the new Zoning Code and repeal the existing Zoning Code, adopted via Ordinance No. 1525, in its entirety; and,

WHEREAS, the required notice was published pursuant to Florida Statutes advising of the public hearings and the opportunity to provide input; and,

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board has conducted numerous public hearings throughout the entire process and invited and secured public input and testimony; and,

WHEREAS, other City Boards and Committees including but not limited to the Economic Development Board, Board of Architects, Board of Adjustment, Historic Preservation Board, and Landscape Advisory Board conducted public hearings and meetings to provide valuable input in association with providing for additional opportunities for public input and testimony; and,

WHEREAS, the City Commission has conducted public hearings and workshops to provide policy direction on various issues, providing for additional opportunities for public input and testimony, and updates as to the progress of the rewrite; and,

WHEREAS, the purpose of the Zoning Code is to implement the Comprehensive Land Use Plan (CLUP) of the City pursuant to Chapter 163, Florida Statutes for the protection and promotion of the safety, health, comfort, morals, convenience, peace, prosperity, appearance and general welfare of the City and its inhabitants, and more specifically for the following purposes:

- A. To protect the distinctive historic and architectural character of the City which is unique throughout South Florida and the world.
- B. Continue to foster community pride and a sense of stewardship that have motivated the property owners and residents of the City in the improvement and maintenance of property in the City.
- C. To preserve the basic comprehensive land use plan and layout of the City by its forefathers, more specifically George Merrick.
- D. Insure the application and administration of these regulations imposed herein continue to improve the overall quality of life and promote development of the City as has been guided since its establishment.
- E. To preserve residential properties to assure that future development will be in conformity with the foregoing distinctive character, with respect to type, intensity, design, and appearance.
- F. Provide for the preservation and protection of flora and fauna, more specifically the City's lush tree canopy.
- G. 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 while protecting property values.
- H. Promote 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 CLUP.
- I. Provide for adequate and efficient public utilities and facilities for the preservation and promotion of the natural and civic amenities of beauty and visual interest.
- J. Establish zoning districts as a means of achieving unified civic design and proper relationship between the uses of land by regulating the location and use of buildings, signs and other structures, and land or water for trade, agriculture, industry and residence, by providing adequate buffers, 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, to maintain 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.

- K. To protect property values and the enjoyment of property rights by minimizing and reducing conflicts among various land uses through the application of regulations designed to assure harmonious relationships among land uses.

WHEREAS, the new Zoning Code is attached hereto as Exhibit A and incorporated herein by reference (collectively, the “Zoning Code”); and,

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on September 27, 2006 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, determined that the new Zoning Code is consistent with the City’s Comprehensive Land Use Plan as it is to be amended, and recommended approval of the new Zoning Code to the City Commission (vote: 6-0); and,

WHEREAS, after notice of a public hearing being duly published, the City Commission on October 17, 2006 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, determined that the new Zoning Code is consistent with the City’s Comprehensive Land Use Plan as it is to be amended, and approved this Ordinance on First Reading (vote: 5 - 0); and,

WHEREAS, the City Commission as a part of its October 17, 2006 meeting requested additional review and input from the Planning and Zoning Board on specific issues to be considered by the City Commission for First Reading on December 12, 2006; and,

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on November 8, 2006 conducted a public hearing as requested by the City Commission, secured public input and testimony, allowed all interested persons the opportunity to be heard, determined that the additional items presented in conjunction with the new Zoning Code is consistent with the City’s Comprehensive Land Use Plan as it is to be amended, and recommended approval to the City Commission (vote: 6-0); and,

WHEREAS, after notice of a public hearing being duly published, the City Commission on December 12, 2006 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, determined that the new Zoning Code is consistent with the City’s Comprehensive Land Use Plan as it is to be amended, with reference to the additional items and approved this Ordinance on First Reading (vote: __-__); and,

WHEREAS, after notice of a public hearing being duly published, the City Commission on January 9, 2007 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, determined that the new Zoning Code is consistent with the City’s Comprehensive Land Use Plan as it is to be amended, and approved this Ordinance on Second Reading (vote: __ - __).

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES AS FOLLOWS:

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

SECTION 2. Adoption of Zoning Code. The Zoning Code of the City of Coral Gables attached hereto as Exhibit “A” is hereby adopted by the City and is in full force and effect 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, 380 and 823, as amended, Florida Statutes.

SECTION 3. Repeal of Existing Zoning Code. The existing Zoning Code adopted via Ordinance number 1525, as amended, on file in the Office of the City Clerk and Planning Department is hereby repealed in its entirety, except as to those provisions the City Commission sets aside for future consideration, and is of no further force and effect.

SECTION 4. Acknowledgement and Direction to Archive. For archival and historic reference, the existing Zoning Code is acknowledged and ratified as being the effective Zoning Code for the City as of and until the effective date of this Ordinance. Following adoption of this Ordinance, the City Clerk is directed to place the existing Zoning Code and associated maps, use and area maps/plates in the City’s archives for historic reference.

SECTION 5. Applicability/Vesting. Applications for review under these regulations that have received preliminary Board of Architects approval by January 9, 2007 shall be vested applications. Applications securing preliminary Board of Architects approval after January 9, 2007 shall satisfy these regulations. Refer to the attachment, Article 1, Section 1-108, Transition Rules for all transition period provisions.

SECTION 6. Severability. It is the intention of the Commission that each provision hereof be considered severable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other portion of this Ordinance, the Coral Gables Comprehensive Land Use Plan and Maps, or the Coral Gables Zoning Code.

SECTION 7. Enforcement. All rights, actions, proceedings and contracts of the City, including the City Commissioners, the City Manager, or any of its departments, boards, or officers undertaken pursuant to the existing code provisions, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

SECTION 8. Conflicts. It is the intention of the Commission that to the extent any provision of this Ordinance conflicts with or is inconsistent with any other provision of the City’s Code, laws, or regulations, that the terms of this Ordinance shall control.

SECTION 9. Savings. If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 10. Codification. It is the intent of the City Commission that the provisions of this Ordinance (including, but not limited to, the new Zoning Code) shall become and are part of the Code of the City of Coral Gables, Florida, as amended, which provisions may be renumbered or relettered and that the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 11. Effective Date. This ordinance shall become effective January 9, 2007.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2007.

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ELIZABETH HERNANDEZ
CITY ATTORNEY

Attachment: New Zoning Code.

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