

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY COMMISSION PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING ARTICLE 3, “USES,” SECTION 3-206, “HOME OFFICE,” TO PROVIDE ADDITIONAL REQUIREMENTS AND ALLOWANCES FOR A HOME OFFICE CONSISTENT WITH THE REQUIREMENTS OF CHAPTER 2021-202, LAWS OF FLORIDA; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, during the 2021 legislative session, the State Legislature enacted Chapter 2021-202, Laws of Florida (“Chapter 2021-202”), which imposes certain requirements and allowances on home-based businesses throughout the state; and

WHEREAS, it is necessary to amend Article III, Section 3-206 “Home Office” of the Zoning Code to comply with Chapter 2021-202; and

WHEREAS, a home office, as are all uses in the Zoning Code, is subject to the noise and nuisance provisions of Article VI and Article XI of the City Code; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on December 8, 2021, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Board was presented with the text amendment to the Official Zoning Code, and after due consideration and discussion, recommended denial (vote: 7–0);

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

SECTION 1. 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. The Official Zoning Code of the City of Coral Gables is hereby amended as follows¹:

¹ Deletions are indicated by ~~striketrough~~. Insertions are indicated by underline.

ARTICLE 3 – USES

Section 3-206. Home Office.

A. Home office use may be permitted subject to the following restrictions:

1. A Home Office shall be defined as a space and activity within a dwelling unit devoted to a ~~non-retail~~ business activity carried on by a permanent domiciliary resident thereof, which use is secondary to the use of the dwelling for dwelling purposes as customarily found in the home, that does not alter the exterior of the property or affect the residential character of the neighborhood, and that meets all legal requirements of the business.
2. ~~Home Office shall not include personal services, medical uses, retail uses, repair or service, or manufacturing uses.~~ A Home Office shall be subject to applicable Business Taxes and must obtain a no-fee Certificate of Use. The Home Office must comply with all applicable local, state, and federal laws.
3. ~~The Home Office shall not exceed twenty five percent of the gross floor area of the dwelling unit. Parking related to the Home Office must comply with the City Code and Zoning Code and must meet the following additional criteria: the Home Office may not generate a greater demand for parking than a residential dwelling that is not used as a Home Office; vehicles used in connection with the Home Office must be parked in the driveway of a single-family or duplex residence, or in a legal parking space for a multi-family residence; parking on the City's Rights of Way including swales is prohibited.~~
4. ~~No additional on-site parking shall be permitted for the Home Office.~~ The business owner and employees must reside in the dwelling except that up to two employees or independent contractors who do not reside in the dwelling may work on premises.
5. ~~The resident shall not receive clients/customers at the residence in order to conduct business.~~ A Home Office may not display commercial signage of any kind.
6. ~~The resident is not advertising the residence as the place of business.~~ This section shall not apply to short term rentals, boarding houses, hotels, motels, or bed and breakfasts.
7. ~~The resident is not receiving material amounts of business related deliveries at the residence.~~ Use of the Home Office shall not create a nuisance as set forth in Article VI or Article XI of the City Code.

SECTION 3. All Ordinances or parts of Ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. 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 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the “Zoning Code” of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word Ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.


SECTION 6. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FIFTH DAY OF JANUARY, A.D., 2022.


(Moved: Anderson / Seconded: Menendez)
(Yeas: Menendez, Anderson, Fors, Jr., Mena, Lago)
(Unanimous: 5-0 Vote)
(Agenda Item: F-2)

APPROVED:

DocuSigned by:

53B880AB93824A5...


VINCE LAGO
MAYOR

ATTEST:

DocuSigned by:

358417D2FA884FF...

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

03A0CB1421E64AC...

MIRIAM SOLER RAMOS
CITY ATTORNEY