

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 58--“SPECIAL ASSESSMENTS”, ARTICLE III – “REPAIR OR CONSTRUCTION OF STREETS AND SIDEWALKS”, BY EXEMPTING SINGLE FAMILY RESIDENTIAL AND DUPLEX PROPERTIES FROM THE SIDEWALK, CURB, AND GUTTER CONSTRUCTION REQUIREMENTS SET FORTH IN SECTION 58-57, REVISING THE SQUARE FOOTAGE AND VALUE THRESHOLDS OF CONSTRUCTION, PROVIDING FOR AUTOMATIC ANNUAL ADJUSTMENTS BASED ON THE ENGINEERING NEWS-RECORD CONSTRUCTION COST INDEX, AND AUTHORIZING THE CITY ATTORNEY TO RELEASE COVENANTS RUNNING WITH THE LAND EXECUTED BY EXEMPTED PROPERTY OWNERS PRIOR TO THE ADOPTION OF THIS ORDINANCE, PROVIDING FOR IMMUNITY, SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, on January 26<sup>th</sup>, 1988, the City of Coral Gables Commission adopted Ordinance No. 2765, amending the City Code to include Sec. 28-25.1 titled “Construction, reconstruction or repair of sidewalks, curbs and/or gutters required in new building construction and/or alterations exceeding fifteen thousand dollars in value or exceeding six hundred square feet in floor area,” which required the construction of sidewalks in conjunction with new construction or renovations above a certain threshold in order to increase the availability of sidewalks throughout the City; and

**WHEREAS**, the City Commission continues to support increased sidewalks throughout the City in order to encourage pedestrian activity, improve mobility for persons with disabilities, provide safe routes to schools for children, and promote walkable neighborhoods and parks; and

**WHEREAS**, the City Commission believes commercial, multi-family, mixed use, and industrial properties should continue to be subject to the requirements of Section 58-57 and should continue to contribute to the City’s pedestrian infrastructure; and

**WHEREAS**, the City Commission does not believe permitted work on single family residential and duplex properties should trigger the new sidewalk, gutter, and/or curb construction requirements set forth in Section 58-57; and

**WHEREAS**, increasing the value and square footage thresholds in Section 58-57, further narrows the applicability of Section 58-57, consistent with the Commission’s desire to exclude common place building improvements from triggering the new sidewalk, gutter, and/or curb construction requirements set forth in Section 58-57; and

**WHEREAS**, the City Commission desires to ensure the cost threshold in Section 58-57 reflects industry standards and annual inflation and therefore provides for an automatic annual adjustment based on the Engineering-News Record, Construction Cost Index; and

**WHEREAS**, the City Commission recognizes that single family residential and duplex homeowners who have previously signed covenants running with the land in compliance with Section 58-57, should have the option of terminating such covenants through the City Attorney; and

**WHEREAS**, Section 58-48 remains in force and requires the abutting property owner to maintain sidewalks in a condition that presents a smooth, continuous surface and to remedy defective conditions, further stating that broken or cracked sidewalks constitute a nuisance; and

**WHEREAS**, the city and its officers, employees, and agents have immunity for any actions taken in accordance with this amendment.

**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.** Chapter 58 “Special Assessments” Article III. “Repair or Construction of Streets and Sidewalks” of the Official Code of the City of Coral Gables is hereby amended in Attachment A, deletions are indicated by strikethrough and insertions indicated by underline.

**SECTION 3.** At the request of an owner of single family residential or duplex property that would no longer be subject to the requirements of Section 58-57, the City Attorney is authorized to take the necessary steps to release a previously executed covenant that was furnished by such owner in connection with the deferment of construction of the sidewalks.

**SECTION 4.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 5.** 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 6.** It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 7.** If the Official 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 8.** This ordinance shall become effective \_\_\_\_\_, 2020.

PASSED AND ADOPTED THIS 25th DAY OF FEBRUARY A.D. 2020.

APPROVED:

RAUL VALDES-FAULI  
MAYOR

ATTEST:

BILLY URQUIA  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS  
CITY ATTORNEY