

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING ARTICLE 1, "GENERAL PROVISIONS," SECTION 1-109, "CONSTRUCTION RULES," TO CLARIFY THAT WHERE THE PROVISIONS OF THIS ZONING CODE VARY FROM THE APPLICABLE REQUIREMENTS OF ANY LAW, STATUTE, RULE, REGULATION, ORDINANCE, OR CODE, THE MOST RESTRICTIVE PROVISIONS WHICH SHALL BE DEEMED TO BE THE HIGHER STANDARD OF ZONING SHALL GOVERN, INCLUDING PROVISIONS OF ZONING WITHIN THE MIAMI-DADE COUNTY RAPID TRANSIT ZONE; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 6.02 of the Miami-Dade County Charter, as amended ("County Charter"), provides that each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with the County Charter and each municipality may provide for higher standards of zoning, service, and regulation than those provided by the County in order that the municipality's individual character and standards may be preserved for the municipality's residents; and

WHEREAS, in essence, Section 6.02 allows Miami-Dade County to set minimum countywide standards while providing cities the option of setting higher standards within their boundaries, an option the City of Coral Gables ("City") has exercised countless times in the past; and

WHEREAS, there are many examples of the City imposing higher standards of zoning, service, and regulation than the County in areas generally regulated by Miami-Dade County, such as the creation of play streets and reduced speed limits on local roads; and

WHEREAS, this Zoning Code amendment clarifies a basic but important legal principal that the City has applied consistently for decades; and

WHEREAS, the City Commission finds that it is in the best interest of the City and its residents to amend the Coral Gables Zoning Code for the purpose stated herein; and

WHEREAS, the Planning and Zoning Board was presented with this text amendment to the Official Zoning Code, and after due consideration and discussion, recommended approval (vote: 5-2);

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:

ARTICLE 1 – GENERAL USES

Section 1-109. Construction Rules.

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

- A. In interpreting and applying the provisions of these regulations, 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 regulations shall be construed to achieve the purposes and intent for which they are adopted.
- C. Nothing in these regulations is intended to abrogate any easement, covenant, deed restriction or other private agreement; however, where the regulations of these regulations are more restrictive or impose higher standards or requirements than such easement, covenant, deed restriction or other private agreement, the requirements of these regulations shall govern.
- D. In the event of a conflict between the text of these regulations and any caption, figure, illustration, table, or map, the text of these regulations shall control. In the event of a conflict between a chart and an illustration, the chart shall control. All illustrations included in these regulations 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 regulations and any federal, state, or county statute or provision, which pre-empt local regulation, the federal, state, or county statute or provision shall apply.~~
- F. Where the requirements of this Code otherwise vary from the applicable requirements of any law, statute, rule, regulation, ordinance, or code, the most restrictive requirement, which shall be deemed to be the higher standard, shall govern. Properties located within the Miami-Dade County Rapid Transit System Development Zone or within a Rapid Transit Zone District, as set forth in Chapter 33C of the Miami-Dade County Code, as amended, shall remain subject to all of the provisions of the Coral Gables Zoning Code when those provisions are considered to be more restrictive, which shall be deemed to be the higher standard.
- 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.
- I. The word “may” is permissive in nature.

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

- 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 utilizing the masculine gender include the feminine gender and use of the feminine gender includes the masculine.
- 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 “herein” means “these regulations.”
- O. Any act authorized by these regulations to be carried out by a specific official or agency of the City is authorized to be carried out by a designee of such official or agency.
- P. 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.
- Q. Any words and terms not defined herein shall have the meaning indicated by common dictionary definition.
- R. Any reference to Federal Statutes, Florida Statutes, Florida Administrative Code, Miami-Dade County Code, or any other official code shall be construed to be a reference to the most recent enactment of such statute, code or rule, and shall include any amendments as may, from time to time, be adopted.
- S. 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:
 - 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.
 - 5. Whenever any street, alley or other public way is vacated by official action of the City Commission of the City of Coral Gables, the zoning district of the property abutting upon each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included within the vacation shall thereafter be subject to all appropriate regulations of the extended districts.
 - 6. Where land is built-up by fill upon areas formerly submerged under water, the district regulations applying to the land immediately adjoining such built-up land shall be automatically extended thereto.

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 _____, 2021.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2022.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

BILLY URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY