

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2016-45 (AS AMENDED)**

**AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING ARTICLE V, TO ADD SECTION 105-250 TO THE CITY OF CORAL GABLES CODE TO ALLOW FOR THE CITY TO TAKE REMEDIAL MEASURES TO ADDRESS POOLS AND OTHER OPENINGS WITH STAGNANT WATER THAT CAUSE A PUBLIC SAFETY CONCERN; PROVIDING FOR REMEDIAL MEASURES AND COST ASSESSEMENT; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, it has come to the attention of the City Commission that, from time to time, properties in the City have pools or other openings with stagnant water; and

**WHEREAS**, the properties where this issue occurs are typically abandoned, vacant or under construction; and

**WHEREAS**, according to the World Health Organization, stagnant water provides a breeding ground for many insects, including mosquitos; and

**WHEREAS**, mosquitos are known to carry various dangerous viruses and bacteria that cause serious conditions such as Encephalitis, West Nile Disease, Chikungunya, Zika Virus and others; and

**WHEREAS**, specifically Zika Virus, has become a serious public health concern in Miami-Dade County; and

**WHEREAS**, in these circumstances, the City's Building Official may take emergency action under the Florida Building Code; and

**WHEREAS**, pursuant to Section 105-86 of the City of Coral Gables Code, a swimming pool with stagnant water is one of the criteria for declaring a structure unsafe; and

**WHEREAS**, the City Commission finds that the proliferation of mosquitos in standing water is a serious public safety concern and therefore the elimination of stagnant water constitutes an emergency.

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

**SECTION 1.** That 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.** Article V of the Code of the City of Coral Gables pertains to “Minimum Housing Code” and reads as follows:

**ARTICLE V.**

**DIVISION 1. – GENERALLY**

\* \* \* \* \*

**Sec. 105-250. – Swimming pools, ponds, basins, grottos, fountains, etc.; stagnant water.**

- (1) **Stagnant water prohibited.** Every property in the City that has a swimming pool, pond, basin, grotto, fountain or other body of water shall maintain that body of water in a clean and sanitary fashion. Bodies of water containing stagnant water are prohibited.
- (2) **Definition(s).** “*Stagnant water*” is defined as water that appears dirty or murky or emits a foul odor and has no current or flow.
- (3) **Properties on the City’s Abandoned Property Registry.** If a property on the City’s Abandoned Property Registry is found to have stagnant water on its premises, the City may immediately take any and all remedial measures available to it, including, but not limited to, draining the area, puncturing holes in the bottom of the pool, pond, basin, grotto, fountain or other opening, in order to avoid the future collection of stagnant water, or placing a solid cover over the area. The cost of said measures shall be assessed to the property owner, mortgage holder or other responsible party under the City’s Abandoned Real Property Ordinance.
- (4) **Other vacant properties.** If a property is vacant (due to major construction or remodeling, for example) and not on the City’s Abandoned Property Registry, the property owner must drain the opening and cover it with a solid cover before vacating the property. If the property owner fails to do so and stagnant water is found on the property, the City shall provide the property owner with a warning giving him/her forty-eight (48) hours to drain the stagnant water and either puncture holes in the bottom of the pool, pond, basin, grotto, fountain or other opening, or place a solid cover over the area. If the property owner does not comply within the forty-eight (48) hour period, the City may

take any and all remedial measures available to it, as set out in subsection (3) above, and assess the cost of the measures to the property owner.

- (5) **Temporarily vacant properties.** If a property owner intends to leave the property continuously vacant for a period longer than three (3) months, and the body of water on the property will not be serviced regularly to prevent stagnant water, the property owner must drain the opening and cover it with a solid cover before departing. If property owner fails to do so and stagnant water is found on the property, the City shall provide the property owner with a warning giving him/her forty-eight (48) hours to drain the stagnant water and either puncture holes in the bottom of the pool, pond, basin, grotto, fountain or other opening, or place a solid cover over the area. If the property owner does not comply within the forty-eight (48) hour period, the City may take any and all remedial measures available to it, as set out in subsection (3) above, and assess the cost of the measures to the property owner.
- (6) **Occupied Properties.** Any occupied property with stagnant water in a pool, pond, basin, grotto, fountain or other opening will be given twenty-four (24) hours to drain the stagnant water and replace it with fresh water or place a solid cover over the area. If the property owner replaces the stagnant water with fresh water, it must be maintained in that fashion. If the property owner does not drain the water and either replace it with fresh water or place a solid cover over the area, within the twenty-four (24) hour period, the City may take any and all remedial measures available to it, as set out in subsection (3) above, and assess the cost of the measures to the property owner.

### **SECTION 3. SEVERABILITY**

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

### **SECTION 4. REPEALER.**

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

### **SECTION 5. CODIFICATION.**

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 a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

### **SECTION 6. COMPLIANCE.**

For the purpose of protecting the peace, health and safety of the citizens of the City of Coral Gables, Florida, in this time of increased concern over the viruses and illnesses carried by

mosquitos, which breed in stagnant water, this ordinance is hereby declared an emergency measure, waiving second reading and pre-publication and requiring a 4/5<sup>th</sup> vote.


**SECTION 7. EFFECTIVE DATE.**

This ordinance shall become effective upon adoption.

2016. PASSED AND ADOPTED THIS THIRTEENTH DAY OF SEPTEMBER A.D.,

(Moved: Keon / Seconded: Lago)  
(Yeas: Keon, Lago, Slesnick, Cason)  
(Absent: Quesada)  
(Majority: (4-0 Vote)  
(Agenda Item: E-1)

APPROVED:



JIM CASON  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY



August 30, 2016

**VIA ELECTRONIC MAIL**

Craig E. Leen, Esq.  
City Attorney  
City of Coral Gables  
405 Biltmore Way, 2nd Floor  
Coral Gables, Florida 33134

**Re: Gables Station / Motion to Amend Ordinances and Resolution Regarding  
Land Use and Zoning Approvals**

Dear Mr. Leen:

On behalf of NP International, LLC, the developer of the Gables Station project, I have reviewed Ordinance Nos. 2016-40, 2016-41, 2016-42, 2016-43 and Resolution No. 2016-172 (all collectively, the "Approvals") against the record of the proceedings. While the Approvals attempt to memorialize the various land use and zoning approvals that were granted for Gables Station, there are certain omissions and corrections that are necessary to ensure their accuracy. Because the City of Coral Gables adopts the Florida Rules of Appellate Procedure, *see* Zoning Code § 3-607(A), I hereby make a motion, pursuant to Florida Rule of Appellate Procedure 9.020(i), to amend these Ordinances and Resolution as further detailed below so as to correct clerical errors regarding several substantive matters. In particular, the errors requiring correction are summarized below:

1. Ordinance No. 2016-42 incorrectly recorded the vote of the City Commission at the First Reading of that Ordinance. Ordinance No. 2016-42 was approved by a vote of 4-1, not 4-0, on First Reading.
2. Ordinance No. 2016-43 and Resolution No. 2016-172 incorrectly reference the final site plan submittal package which was reviewed and approved by the City Commission which included an Addendum dated July 20, 2016, which is not referenced in either document.
3. Ordinance No. 2016-43 and Resolution No. 2016-172 incorrectly reference the final traffic impact study which was reviewed and approved by the City Commission

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which included an Addendum dated July 15, 2016, which is not referenced in either document.

4. Conditions 4(c)(i) of Ordinance No. 2016-43 and Resolution No. 2016-172 fail to mention that the additional review required of the Board of Architects encompasses the entire project.
5. Conditions 4(x) of Ordinance No. 2016-43 and Resolution No. 2016-172 fail to provide that the bond, or other surety, required to restore the project site shall be released upon commencement of vertical construction.

Enclosed as Exhibit "A" to this motion are blackline versions of the relevant Ordinances and Resolutions which indicate the revisions which we respectfully submit are appropriate to address the substantive scrivener's errors mentioned above as well as some other minor typographical errors. If you would like to discuss this motion further, please contact me at [mgarcia-serra@gunster.com](mailto:mgarcia-serra@gunster.com) or 305-376-6061. Thank you for your attention to this matter.

Sincerely,








Mario J. Garcia-Serra

MGS

MIA\_ACTIVE 4516544.1

Document comparison by Workshare Compare on Tuesday, August 30, 2016  
7:32:46 PM

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Redline Summary		
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2-3	Change	"amendment on First Reading (vote: 4 -0); and" changed to "amendment on First Reading (vote: 4 -1); and"
4	Insertion	GABLES, FLORIDA ORDINANCE...NO. 2016-43 (AS AMENDED)
5-6	Change	"July 14, 2016, prepared by Gensler." changed to "July 14, 2016, prepared...dated July 20, 2016."
7	Change	"April 2016 and updated on... by David Plummer" changed to "April 2016 and updated on... by David Plummer"
8-9	Change	"1." changed to "i."

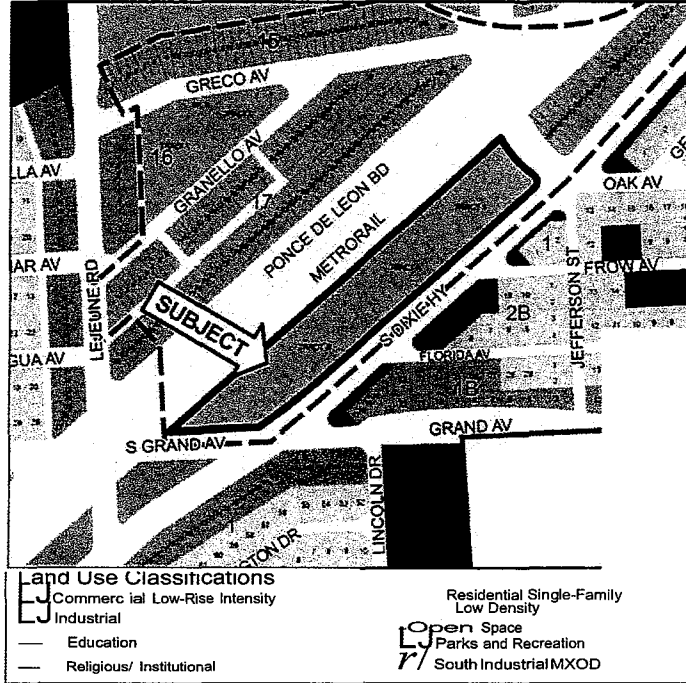
10	Change	"Architects. Additional... ground level courtyard" changed to "Architects. Additional... ground level courtyard"
11-12	Change	"111. Zoning Review. The Applicant" changed to "iii. Zoning Review. The Applicant"
13-14	Change	"1. Prior to issuance of the first building" changed to "i. Prior to issuance of the first building"
15-16	Change	"11. Secure a County permit for the driveways" changed to "ii. Secure a County permit for the driveways"
17-18	Change	"111. Coordinate design and location of" changed to "iii. Coordinate design and location of"
19	Change	"any other potential... for maximum safety" changed to "any other potential... for maximum safety"
20-21	Change	"1v." changed to "iv."
22-23	Change	"v1. Internal Driveway. Coordinate with" changed to "vi. Internal Driveway. Coordinate with"
24-25	Change	"v11. Design, funding and construction" changed to "vii. Design, funding and construction"
26-27	Change	"1x." changed to "ix."
28	Change	"months have passed since...application for building" changed to "months have passed since...application for building"
29	Insertion	MIA_ACTIVE 4517438.1

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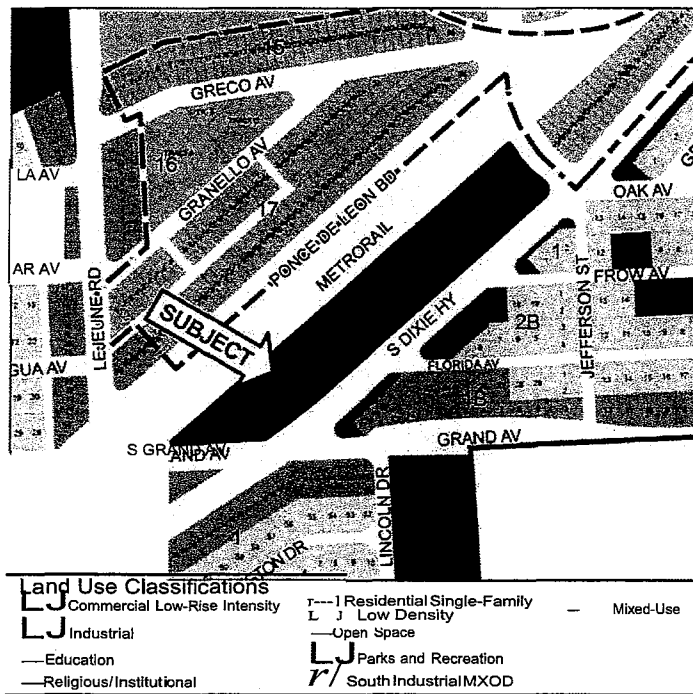


## Exhibit "B"

### Future Land Use Map Prior to Commission Approval of MXD Land Use and Removal of the Mixed Use Overlay District








### Approved Future Land Use Map with MXD Land Use and Removal of the Mixed Use Overlay District



Document comparison by Workshare Compare on Tuesday, August 30, 2016  
7:11:47 PM

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Legend	
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Redline Summary		
No.	Change	Text
1	Insertion	RESOLUTION NO. 2016-172 (AS AMENDED)
2-3	Change	"July 14, 2016, prepared by Gensler." changed to "July 14, 2016, prepared...dated July 20, 2016."
4	Change	"April 2016 and updated on...by David Plummer" changed to "April 2016 and updated on...by David Plummer"
5	Change	"Architects. Additional...ground level courtyard" changed to "Architects. Additional...ground level courtyard"
6-7	Change	"1. Prior to issuance of the first building" changed to "i. Prior to issuance of the first building"
8-9	Change	"11. Secure a County permit for the driveways" changed to "ii. Secure a County permit for the"

		driveways"
10-11	Change	"111. Coordinate design and location of" changed to "iii. Coordinate design and location of"
12	Change	"any other potential...for maximum safety" changed to "any other potential...for maximum safety"
13-14	Change	"iv." changed to "iv."
15-16	Change	"v1. Internal Driveway. Coordinate with" changed to "vi. Internal Driveway. Coordinate with"
17-18	Change	"v11. Design, funding and construction" changed to "vii. Design, funding and construction"
19-20	Change	"v111. Provide a pedestrian crosswalk across" changed to "vii. Provide a pedestrian crosswalk across"
21-22	Change	"1x. Maximize the number of parallel" changed to "ix. Maximize the number of parallel"
23	Change	"months have passed since...application for building" changed to "months have passed since...application for building"
24	Insertion	MIA_ACTIVE 4517432.1

Statistics	
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