

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2017-XXX

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING THE CITY OF CORAL GABLES CODE BY:

- **CREATING SECTION 62-137 “PRIVATE SIDEWALKS ADJOINING STREETSCAPE IMPROVEMENTS ALONG MIRACLE MILE AND GIRALDA AVENUE” IN CHAPTER 62, ARTICLE IV.**

PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Miracle Mile and Giralda Avenue Streetscape Project (the “Streetscape Project”) is a public streetscape improvement project that will provide a public benefit; and

WHEREAS, in furtherance of achieving that public benefit, the City determined it was in the best interest of the City to maintain the consistency and continuity of the streetscape improvements by including as part of the Streetscape Project, the installation of pavers on those private sidewalk areas adjoining Miracle Mile and Giralda Avenue; and

WHEREAS, the City is entering into grant of easement agreements with the owners of those properties adjoining Miracle Mile and Giralda Avenue to provide for the installation and subsequent maintenance and repair of the private sidewalks; and

WHEREAS, the City Commission desires that the private sidewalks remain consistent with the adjoining Streetscape Project improvements, namely that that the pavers must not be removed or changed, beyond the termination date of any grant of easement agreements, but without limiting the development rights of the property owners; and

WHEREAS, Section 62-131 of the City Code provides that property owners “shall maintain their property in a clean, litter-free and mowed condition, including sidewalks, grass strips, alleys up to and including the median point of the alley, curbs, swale areas, or rights-of-way up to the edge of the pavement of any public street. Maintenance shall include but not be limited to mowing the grass and performing general edging, trimming and cleanup activities;” and

WHEREAS, the City Commission finds that this Ordinance is in the best interests of the City.

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

SECTION 1. That the foregoing recitals 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. That Chapter 62, Article IV “Maintenance of Sidewalks and Swale Areas,” of the Code of the City of Coral Gables, Florida, be hereby amended to add Section 62-137 as follows:

Sec. 62-137. – Private Sidewalks Adjoining Streetscape Improvements Along Miracle Mile and Giralda Avenue

- (a) Any private sidewalks along Miracle Mile and Giralda Avenue that were improved by the City as part of the Miracle Mile and Giralda Avenue Streetscape Project must remain in the same manner as the adjoining streetscape improvements. Specifically, the pavers installed as part of the Miracle Mile and Giralda Avenue Streetscape Project must not be removed or changed.
- (b) A property owner’s obligations under Sections 62-131 and 62-133 to maintain their property in a clean and litter-free condition and to remove any obstructions shall apply to all such private sidewalks improved pursuant to the Miracle Mile and Giralda Avenue Streetscape Project, including general cleanup activities such as daily sweeping, except that the City will provide extensive maintenance on a periodic basis, at the City’s discretion. If any additional extensive maintenance of or any repair to a private sidewalk becomes necessary, the property owner must contact the Director of Public Works to coordinate such maintenance or repair and must obtain a no-fee permit before performing any such maintenance or repair. The City retains the authority to make any repairs to the pavers as necessary to maintain a safe and walkable surface on the private sidewalks. In addition, the City will comply with any obligations contained in any agreements with property owners.
- (c) Notwithstanding the requirements of subsection (a) or (b), a property owner whose property was improved with a private sidewalk as part of the Miracle Mile and Giralda Streetscape Project who wishes to develop the property onto the private sidewalk, thus requiring the removal of any of the pavers, may do so, subject to all applicable building and zoning codes and administrative reviews by the City and provided there is no easement agreement or other restriction preventing the property owner from undertaking such development onto the private sidewalk. All pavers that are removed in connection with such development must be returned to the City’s Public Works Department and the property owner is responsible for the reasonable protection and careful removal, storage, and transport of all such pavers in order to avoid any damage to the pavers.

SECTION 5. 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 6. REPEALER. All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 7. 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 immediately upon the signing of the Ordinance; 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 8. EFFECTIVE DATE. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2017.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY