

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE ZONING CODE OF THE CITY CORAL GABLES, FLORIDA (ZONING CODE), ADOPTED AS ORDINANCE NO. 2007-01, AS AMENDED, REORGANIZING THE ZONING CODE, REVISING AND RENUMBERING ARTICLE AND SECTION NUMBERS, TRANSFERRING CERTAIN DIVISIONS AND SECTIONS FROM THE ZONING CODE TO THE CODE OF THE CITY OF CORAL GABLES (CITY CODE), UPDATING CERTAIN DEPARTMENT NAMES, BUT PROVIDING NO SUBSTANTIVE CHANGES TO THE ZONING CODE, PROVIDING FOR A REPEALER PROVISION, A SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables (“City”) Commission determined that the City’s Zoning Code, adopted pursuant to Ordinance No. 2007-01, needed to be revised to be more usable to the citizens; and

WHEREAS, the City Commission commenced a comprehensive update to the City’s Zoning Code to reorganize, reformat, simplify, modernize, streamline and provide improvements; and

WHEREAS, the City Commission awarded the Planning Services for Zoning Code Update contract on January 23, 2018, to DPZ CoDesign, a nationally recognized planning and urban design firm with over 36 years of experience in sustainable placemaking; and

WHEREAS, the initial stage of this revision is to reorganize the Zoning Code; and

WHEREAS, in reorganizing the Zoning Code it is determined that certain provisions in the Zoning Code should be transferred to the City Code; and

WHEREAS, the provisions of Developments of Regional Impact (DRI) in the Zoning Code are obsolete and existing DRIs in the City are expired; and

WHEREAS, reorganizing the Zoning Code gives the City the opportunity to update certain outdated City department names; and

WHEREAS, this reorganization was done in such a manner so that no substantive changes be made to the Zoning Code; and

WHEREAS, in order to conserve resources, the substantive provisions of the Code under each of the sections have been omitted, but it is the intent of this ordinance that the substantive provisions be included in the codification of this Ordinance; and

WHEREAS, it is the intent of the City Commission that the Zoning Code reorganized as set forth below be submitted to a codification service for publication; and

WHEREAS, the Zoning Code Update process and all background information including but not limited to agendas, presentations, public notices, minutes, etc., have been available for public review and inspection throughout the entire process on the City web page at www.coralgables.com/zoningupdate and at the Planning Division Office; and

WHEREAS, the Business Improvement District (BID) met on May 11, 2018, to discuss current issues and goals related to Miracle Mile and Downtown Coral Gables; and

WHEREAS, a Working Group was formed with multiple individuals with varying professions and backgrounds to provide input and review preliminary proposed updates to the Zoning Code; and

WHEREAS, the Working Group convened on June 1, June 15, and August 10, 2018, to provide input for and review preliminary results of the assessment and analysis of the Zoning Code; and

WHEREAS, the Staff Committee comprised of various City Departments convened on May 14, June 11, and August 6, 2018, to provide input for and review preliminary results of the assessment and analysis of the Zoning Code; and

WHEREAS, the required notice was published pursuant to Florida Statutes advising of the public hearings and the opportunity to provide input; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on September 21, 2018 conducted a public workshop to seek input from the Board prior to drafting update proposals; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on October 17, 2018 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, discussed the presented draft of the Assessment and Analysis and reorganization; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on February 13, 2019 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and recommended approval of the re-organized Zoning Code to the City Commission (vote: 5-0); and

WHEREAS, the City Commission on March 26, 2019 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and approved this Ordinance on First Reading (vote: 4 - 0); and

WHEREAS, the Working Group convened on April 22, 2019, to provide input for

proposed updates to the Zoning Code; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on May 8, 2019 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and discussed proposed technical corrections to the Zoning Code; and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on June 24, 2019, allowed all interested persons the opportunity to be heard, and reviewed proposed updates to open space and downtown provisions in the Zoning Code; and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on September 4, 2019, allowed all interested persons the opportunity to be heard, and reviewed proposed updates and improvements to proposed provisions for Multi-Family 2 (MF2) / North Ponce area in the Zoning Code; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on September 11, 2019 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and deferred review of the proposed technical corrections to the Zoning Code; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on October 16, 2019 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and recommended approval of the proposed technical corrections of the Zoning Code to the City Commission (vote: 6-0); and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on January 13, 2020, allowed all interested persons the opportunity to be heard, and discussed updates to remote parking and payment-in-lieu provisions in the Zoning Code; and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on March 5, 2020, allowed all interested persons the opportunity to be heard, and reviewed a preliminary draft of proposed updates to the entire Zoning Code; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on July 29, 2020 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and recommended approval of the re-organized Zoning Code to the City Commission (vote: 7-0); and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on August 20, 2020 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and recommended approval of the proposed updates of the Zoning Code to the City Commission (vote:7-0); and

WHEREAS, due to the length of time that this Ordinance was pending after First Reading it was determined to have another First Reading on this Ordinance and the City Commission on (month) (day), 2020, conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and approved this Ordinance on First Reading (vote: _ - _); and

WHEREAS, after notice of a public hearing being duly published, the City Commission on (month) (day), 2020 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and approved this Ordinance on Second Reading (vote: __ - __); and

WHEREAS, the new Zoning Code Table of Contents is attached hereto as Exhibit “A” and incorporated herein by reference.

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 reorganized Zoning Code Table of Contents of the City of Coral Gables attached hereto as Exhibit “A” along with the substantive provisions of the Zoning Code, which shall conform to the reorganized Zoning Code Table of Contents is hereby adopted by the City and is in full force and effect pursuant to the requirements and authority of Section 163.3161 et seq., Florida Statutes (the Local Government Comprehensive Planning and Land Development Regulation Act), and the Charter of the City of Coral Gables.

SECTION 3. City Staff is hereby directed to prepare the newly adopted Zoning Code which shall be submitted to a codification service for publication and consist of the reorganized Zoning Code Table of Contents along with the substantive provision of the Zoning Code which shall remain unchanged with the exception of modifications of any cross-references and flow charts and other minor corrections as noted necessitated because of this reorganization.

SECTION 4. The process, requirements, and any references to Developments of Regional Impact (DRI) in the Zoning Code are hereby repealed because these provisions are obsolete and any existing DRIs in the City have expired.

SECTION 5. The following Zoning Code sections are hereby transferred to the City Code and the City Code Table of Contents is amended accordingly and reflected in Exhibit “B” of this Ordinance:

- (1) “Wild animals and reptiles” [formerly Sec 4-414] shall be transferred to Chapter 10, Section 10-8.
- (2) “Domestic animal and fowl” [formerly Sec 4-415] shall be transferred to Chapter 10, Section 10-9.

- (3) “Possession, harboring, sheltering or keeping of cats and dogs” [formerly Sec 4-416] shall be transferred to Chapter 10, Section 10-10.
- (4) “Standards for subdivision improvements” [formerly Sec 5-1510] shall be transferred to Subpart B – Land Development Regulations Chapter 117 “Subdivisions,” Section 117-5.
- (5) “Underground Utilities” [formerly Article 5, Division 22] shall be transferred to Chapter 78 – Utilities Article VI, Sections 78-273 and 78-274.

SECTION 6. City Staff is hereby directed in the compilation of the reorganized substantive provisions of the Zoning Code pursuant to Section 2 of this Ordinance to update the following City Department names as follows:

- (1) “Public Service Department” shall be updated to “Public Works Landscape Division.”
- (2) “Building and Zoning Department” shall be updated to “Development Services Department.”
- (3) “Planning Department” shall be updated to “Planning and Zoning Division.”

SECTION 7. The Zoning Code Table of Contents adopted via Ordinance number 2007-01, as amended, on file in the Office of the City Clerk and Planning Division is hereby repealed in its entirety and is of no further force and effect.

SECTION 8. The City Clerk is directed to place the Zoning Code prior to the adoption of this ordinance in the City’s archives for historic reference.

SECTION 9. It is the intention of the Commission that each provision hereof be considered severable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other portion of this Ordinance, the Coral Gables Comprehensive Land Use Plan and Maps, or the Coral Gables Zoning Code or the City Code.

SECTION 10. It is the intention of the Commission that to the extent any provision of this Ordinance conflicts with or is inconsistent with any other provision of the City’s Code, laws, or regulations, that the terms of this Ordinance shall control.

SECTION 11. 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 12. It is the intent of the City Commission that the provisions of this Ordinance shall either become and are part of the Official Zoning Code of the City of Coral Gables, Florida, as amended, or for those transferred provisions set forth in Section 5 of this Ordinance become and are made part of the City Code, which provisions may be renumbered or relettered and that the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 13. This ordinance shall become effective upon the date of its adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2020.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY

Exhibit “A”

CITY OF CORAL GABLES, FLORIDA ZONING CODE UPDATE

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Administrative Orders 3. Board of Architects Approved Construction Materials

ITEMS TO BE TRANSFERRED TO CITY CODE:

Wild animals and reptiles – formerly 4-414

Domestic animal and fowl – formerly 4-415

Possession, harboring, sheltering or keeping of cats and dogs – formerly 4-416

Standards for Subdivision Improvements – formerly 5-1510

Underground utilities – formerly Art 5, Division 22

Exhibit “B”

ARTICLE 4 – ZONING DISTRICTS¹

* * *

~~Section 4-414.~~ Chapter 10 Section 10-8. Wild animals and reptiles, keeping.

Except as provided herein, it shall be unlawful for any person or persons to keep any wild animal within the City of Coral Gables provided, however, this section shall not apply to zoos, pet shops, medical or scientific institutions, or other places licensed for the showing or keeping of wild animals.

A. Standards for issuance of permit:

1. In the City Manager's consideration of permits for animals subject to the provisions of this section, there shall be a presumption against the issuance of a permit for any animal or reptile falling within the following classifications:
 - a. Any lizard normally capable of inducing toxic effects through biting, including the Gila monster and the Mexican beaded lizard.
 - b. Any lizard in excess of eight (8) feet in length or of a weight in excess of twenty-five (25) pounds.
 - c. Any alligator, caiman, or crocodile in excess of four (4) feet in length.
 - d. Any ape, including the chimpanzee, gorilla, orangutan, gibbon, or simian.
 - e. Any true monkey but not including the smaller lower primates, such as lemurs, marmosets, etc., provided, however, it shall be unlawful to keep any monkey in such a place so as to be exposed to the public view.
 - f. All members of the flesh-eating order of Carnivore, including non-domestic dogs, cats, foxes, seals, raccoons, coatamundis, bears, civets, skunks, and related forms.
 - g. All horned or hooped mammals.
 - h. Elephants.
2. There shall be a presumption in favor of the issuance of a permit to keep animals which do not fall within the classifications set forth in Section 4-414 ~~10-8(A)(1)~~ above; provided, however, the City Manager may still in the exercise of discretion deny a permit where the keeping of such animal is dangerous and harmful to human safety.

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

Section 4-415. Chapter 10 Section 10-9. Domestic animal and fowl.

It shall be unlawful for any person to keep, harbor, breed or feed any horses, ponies, cattle, goats, pigs or other livestock, or any pigeons, peacocks, chickens, ducks or roosters, or other fowl.

Section 4-416. Chapter 10 Section 10-10. Possession, harboring, sheltering or keeping of cats and dogs.

- A. It shall be unlawful for any person to possess, harbor, shelter, or keep more than four (4) adult cats or four (4) adult dogs at any one time, except veterinary hospitals properly licensed by the City.
- B. It shall be unlawful to maintain any cat or dog so as to create a nuisance by way of noise, odor, menace to health, or otherwise.

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ARTICLE 5 – DEVELOPMENT STANDARDS

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Section 5-1510. Subpart B – Land Development Regulations Chapter 117 – Subdivisions Section 117-5. Standards for subdivision improvements.

The following design and construction standards shall apply:

- A. Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the Director of Public Works. The monuments shall be of such material, size and length as may be approved by the Public Works Director.
- B. Streets. Streets, alleys and appurtenances thereto shall conform to the following:
 - 1. All streets and alleys shall be constructed and surfaced in accordance with the standard specifications of the Public Works Department. Such construction shall be subject to inspection and approval by the Public Works Director.
 - 2. Drainage and drainage structures shall be provided on all streets and alleys in accordance with the standard specifications of the Public Works Department. In addition, curbs and gutters shall be provided in all commercial, apartment, hotel, industrial and similar districts. Such construction shall be subject to the inspection and approval by the Public Works Director.
- C. Sidewalks. In all commercial, multi-family, industrial and similar districts concrete sidewalks shall be constructed along each side of every street shown on the plat in accordance with the

standard specifications of the Public Works Department.

- D. Street name signs. Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the City, and shall be placed in accordance with the standard specifications of the Public Works Department.
- E. Street lighting. Street-lighting facilities shall be provided and installed in all subdivisions. The minimum requirement for such lighting facilities shall be one (1) foot candle average maintained. However, no luminance ratio shall exceed twelve-to-one (12:1). A detailed plan showing the light standards, the locations of the light, wiring diagram and construction details, for the system shall be submitted to the Public Works Director for approval.
- F. Water supply. The subdivider shall furnish the public works director a plan showing all proposed and existing water mains, and give sufficient proof that arrangements have been completed to insure installation of such water system. The water main plan shall be subject to approval by the Public Works Director.
- G. Fire hydrants. Fire hydrants shall be installed in all subdivisions. Evidence shall be submitted to give proof that arrangements have been made to complete installation of such hydrants. The plan for hydrant locations shall be subject to approval by the Public Works Director.
- H. Sanitary sewer. Where a public sanitary sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the Public Works Director.
- I. Parkway landscaping. All parkways shall be properly treated with topsoil, sprigged, landscaped, and maintained until growth is relatively permanent. The plan for such landscaping shall be equal to the established standards of the City, and subject to the approval of the Public Service Director.
- J. Land filling. All land within subdivisions shall be filled to minimum average settled elevation of plus six (6) feet above the national geodetic vertical datum (N.G.V.D.) or mean sea level (M.S.L.), and no elevation shall be less than plus five and five-tenths (5.5) feet above the national geodetic vertical datum (N.G.V.D.) or mean sea level (M.S.L.); provided, however, that where bulkheads are provided on waterfront property, the land within a distance of ten (10) feet from the bulkheads may gradually slope to the minimum required elevation of such bulkheads. The plan and additional documents showing proposed elevations, test borings, sources and types of fill, methods of filling, and method of disposal of vegetation and undesirable materials shall be subject to approval by the Public Works Director. After completion of land filling, the subdivider shall submit to the city a topographical survey prepared by a registered land surveyor or engineer to assure compliance with the minimum standards of this Subsection.

- K. Bulkheads. When contour of the land is changed, bulkheads shall be required on all waterfront property. The minimum elevation of such bulkheads shall be plus four and five-tenths (4.5) feet national geodetic vertical datum (N.G.V.D.) or mean sea level (M.S.L.), and the type and design shall conform to the public works department standards and shall be subject to the approval by the Public Works Director and the City's Structural Engineer.
- L. Bridges. Bridges shall be provided by the subdivider across all canals and waterways to provide adequate ingress and egress to all areas. The design of such bridges shall be in accordance with the Public Works Department standards and shall be subject to approval by the Public Works Director.
- M. Underground utilities. All utility lines shall be installed in conformance with the requirements of ~~Article 5, Division 22~~ Chapter 78 – Utilities.

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~~Division 22. Chapter 78 – Utilities~~ Article VI. Underground Utilities

~~Section 5-2201. Section 78-273. Requirement for underground utilities.~~

- A. Purpose. The purpose of this Division is to require the installation of utility service facilities underground to assure the public safety, foster tree preservation, and improve and protect the aesthetic character of the City.
- B. Applicability. Except as expressly provided hereinafter, all utility lines, including but not limited to those required for electrical power, distribution, telephone, and communication, street lighting, and television signal service shall be installed underground. This Section shall apply to all cables, conduits or wires forming part of an electrical distribution system including service lines to individual properties and main distribution feeder electric lines delivering power to local distribution systems, provided that it shall not apply to wires, conductors or associated apparatus and supporting structures whose exclusive function is in transmission of electrical energy between generating stations, substations and transmission lines of other utility systems. Appurtenances such as transformer boxes, pedestal mounted terminal boxes, and meter cabinets may be placed above ground but shall be located in conformance with the requirements of the Manual of Public Works Construction. This Section shall be applicable to the following uses:
 - 1. Except for rehabilitation of structures of less than fifty (50%) percent of value, all new construction and utility installations shall be required to be underground.
 - 2. When a structure undergoes a rehabilitation wherein the cost of the rehabilitation is fifty (50%) percent or more of the replacement value of the existing structure as determined by the Miami-Dade County Property Appraiser, utility service facilities for that structure shall be converted from overhead to underground.

- C. Conversion of overhead to underground facilities. Whenever overhead utility distribution facilities have been converted to underground facilities, the property owners in the area to be served by the new facilities shall be required to arrange for the conversion of their existing service facilities in accordance with these regulations and, where applicable, utility company specifications for underground service. For electric service facilities, such conversion shall include but shall not be limited to rearranging existing electric service entrance facilities and necessary facilities within buildings and structures to accommodate the undergrounding of utilities. The property owner shall be responsible for all costs associated with the modification of service facilities for the affected property to accommodate underground utility service.

- D. Notice of conversion requirement. The City shall notify each property owner when conversion from overhead to underground utility distribution service is complete. The notice shall be served by registered mail, addressed to the owner or owners of the property described as they are known to the City Manager or as their names and addresses are shown upon the records of the County Tax Assessor, or other public records of the City or County, and shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. All necessary modifications and arrangements for use of underground facilities shall be completed within ninety (90) days of receipt of such notification.

- E. Notice of property owner's failure to convert facilities.
 - 1. If the City Manager determines that a building has not completed conversion to underground utility service facilities, he or she shall notify the owner of that building in writing and demand that the owner cause the conversion to be made within sixty (60) days of the date of service of the notice. The notice shall be by registered mail and in the form set forth in Subsection (2) of this Section. If such notice is returned by postal authorities, the City Manager shall cause a copy of the notice to be served by a law enforcement officer upon the occupant of the land or upon any agent of the owner thereof.

 - 2. If personal service upon the occupant of the land or upon any agent of the owner thereof cannot be performed after reasonable search by a law enforcement officer, the notice shall be served by physical posting on the property, and by publication in a newspaper of general circulation at least twice, seven days between publications, and thirty (30) days before the date the conversion is required. The notice shall be in substantially the following form:

“NOTICE REQUIRING CONVERSION OF UTILITY SERVICE FACILITIES

Name of Owner _____

Address of Owner _____

Our records indicate that you are the owner(s) of the following land in the City of Coral Gables, Florida: (describe property).

An inspection of this land discloses, and I have found and determined, that a building is located thereon which has not converted its (state type of utility) service facilities from overhead to underground service.

You are hereby notified that unless this building converts its (state type of utility) service facility from overhead to underground service within thirty (30) days of personal service upon you of this notice, or of the second publication hereof, the City will proceed to cause the conversion of these facilities and the cost of the work, including advertising costs and all other expenses necessary to complete the conversion will be imposed as a lien on the land if not otherwise paid within ninety (90) days after the conversion has been completed and the cost thereof ascertained by the City of Coral Gables.”

F. Conversion of facilities by City; Lien; Recording; Redemption.

1. If within sixty (60) days after service of the notice as set forth in Subsection (E) above, or by physical posting of the notice on the property, or within thirty (30) days of notice by publication in a newspaper the required conversion of service of facility has not been effected, the City Manager shall cause the conversion to be made by the City at the expense of the property owner. The cost of the conversion shall constitute a lien upon the real estate served thereby. Upon ordering a conversion of service facilities to be made by the City, the City Manager shall cause to be recorded in the public records a notice of utility service conversion lien pending, which shall include a description of the property and a statement that a conversion has been ordered, the cost of which shall under this Section constitute a lien. The notice of pending lien shall, eight (8) months after the date thereof, be null and void and constitute no record notice of a pending lien.
2. After causing the conversion of service facilities to be done, the City Manager shall certify to the Finance Director the expenses as may have been approved by the appropriate City Department incurred in effecting the conversion and shall include a copy of the notice set forth in Section (E) above, whereupon such expense shall become payable within ninety (90) days, after which a special assessment lien and charge will be made upon the property, which shall be payable in ten (10) equal annual installments together with costs of recordation of all documents required to be recorded hereby and with interest to be determined by the City Finance Director on the unpaid balance from the date of such certification until paid; however, the lien may be satisfied at any time by the payment of the entire sum due plus accrued interest, recordation costs, and such expenses and penalties as may result from the advertisement and sale of certificates for delinquent liens as hereinafter set out. The Finance Director shall file for record a notice of such lien in the office of the clerk of the circuit court, and shall keep complete records relating to the

amount payable thereon. One-tenth (0.1) of the amount of liens accruing during any year ending on June 1 shall be billed and mailed in the fall of the same year to the owners of land subject to such liens at the same time as tax statements for ad valorem taxes are mailed; and if the amount shall not be paid on or before April 1 of the following year, the entire lien and all annual installments thereof shall be delinquent, overdue and in default.

3. The entire amount of the lien may be foreclosed by the City, or in the alternative may be collected by any other legal means, including the advertisement and sale of certificates. Upon full payments of liens provided by this Section or through foreclosure on tax sale certificates, the director of finance shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the public records. The cost of recordation of the notice of lien pending, the notice of lien, and the satisfaction of lien shall be secured by the lien hereby provided.

- G. Underground facilities to remain underground. Wherever utility service facilities are located underground, such facilities must remain underground and may not thereafter be converted to overhead facilities.

~~Section 5-2202~~ Section 78-274. Utility poles and underground utilities in SFR, MF1, MF2, and MFSA Districts.

The following provisions shall apply to utility poles and underground utilities on private property for all new construction and for existing construction. For the purpose of this section “service to the building” shall include electrical service, telephone service and television service to the building.

- A. In SFR, MF1, MF2, and MFSA Districts, all utility poles and lines shall be placed in rear yard areas reserved for utility uses by easements granted for that purpose.
- B. The service lines for all utilities for new buildings and or structures on private property shall be placed underground.
- C. The lines for all utilities for existing buildings or structures on private property shall be placed underground when any of the following occur:
 1. The service to the building or structure is replaced;
 2. The service to the building or structure must be relocated due to an addition or alteration to the building or structure;
 3. The service to the building or structure must be upgraded; or
 4. An alteration to a building or structure is an Alteration-Level 3 pursuant to the Florida Building Code.