

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-__

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 14, "PROCESS," SECTION 14-204.9, "EXPIRATION OF APPROVALS; TO ELIMINATE THE EXPIRATION OF CERTIFICATES OF TDR; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, section 14-204 of the City's Zoning Code sets forth the process for transfer, receipt, and use of Transfer Development Rights ("TDRs"); and

WHEREAS, specifically, section 14-204.4 sets forth the process for sending development rights and for the issuance of a certificate of TDRs; and

WHEREAS, separately, sections 14-204.5 through 14-204.7 set forth the process for use of TDRs at receiver sites; and

WHEREAS, while there are valid reasons for having approvals on receiver sites expire after a certain period of time, the City Commission wishes for certificates of TDR to be transferrable on the open market, therefore they should not have an expiration date as the conditions for their sending do not change; and

WHEREAS, the City Commission wishes to amend section 14-204.9 to eliminate the two (2) year expiration date for certificates of TDR while keeping the expiration date for approvals on the use of TDRs on a particular receiving site; and

WHEREAS, a public hearing was held before the City Commission on September 28, 2022, at which hearing all interested parties were afforded the opportunity to be heard and the City Commission adopted the ordinance on First Reading; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on November 1, 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Planning and Zoning Board was presented with text amendments to the Official Zoning Code, and after due consideration, recommended approval/denial (vote: _ to _) of the text amendment; and

WHEREAS, the Historic Preservation Board was presented with text amendments to the Official Zoning Code, and after due consideration, recommended approval/denial (vote: _ to _) of the text amendment; and

WHEREAS, after notice was duly published, another public hearing was held before the City Commission on November 9, 2022, at which hearing all interested parties were afforded the opportunity to be heard and the City Commission voted to adopt the ordinance on Second Reading.

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT:

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 to read as follows¹:

Article 14. Process

Section 14-204.9. Expiration of approvals.

- A. ~~Certificates of TDRs~~ Approvals for use of TDRs on receiver sites, shall be valid for up to two (2) years from date of issuance, in accordance with Section 1-111, Time limitation of approvals. Certificates of TDR, regardless of the date of issuance, shall have no expiration date.

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 Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the “Zoning Code” of the City of Coral Gables, Florida; 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 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.

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

SECTION 7. This Ordinance shall become effective upon the date of its adoption.

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

(Moved: / Seconded:)

(Yeas:)

(; Vote)

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

BILLY Y. URQUIA
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY