

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 1-108, "TRANSITIONAL RULES," TO CLARIFY THAT ALLOWED EXISTING USES OF PROPERTY OR PERMITTED AS A CONDITIONAL USE OF PROPERTY WITHIN THE CITY PRIOR TO THE EFFECTIVE DATE OF THE ZONING CODE UPDATE ORDINANCE NO. 2021-07 SHALL REMAIN IN EFFECT AS A PERMITTED USE OF PROPERTY OR A CONDITIONAL USE OF PROPERTY UPON THE ADOPTION OF ORDINANCE NO. 2021-07; PROVIDING FOR RETROACTIVE APPLICATION; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on February 9, 2021, the City Commission adopted a Zoning Code update pursuant to Ordinance 2021-07; and

WHEREAS, updating the City of Coral Gables Zoning Code was a lengthy and exhaustive process; and

WHEREAS, it was the intent of the City Commission that the update would not impact allowed existing uses of property or permitted as a conditional use of property upon the effective date of Ordinance No. 2021-07; and

WHEREAS, it was the desire of the City Commission in the update of its Zoning Code to avoid potential liability that the City might incur as a result of application of Bert J. Harris Act Chapter 70, Florida Statutes; and

WHEREAS, it has come to the attention of the City Commission that the adoption of; Ordinance No. 2021-07 could be interpreted to inadvertently remove allowed existing uses of property or permitted as a conditional use of property, which was not the original intent of the City Commission; and

WHEREAS, it is appropriate for the City Commission to clarify the "Transitional Rules" to reflect its original intent that Ordinance No. 2021-07 not be interpreted to impact allowed existing uses of property or permitted as a conditional use of property.

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: 6-0);

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 1-108. Construction Rules.

B. Existing approved uses. An existing use which is lawful on the date of adoption of these regulations, whether permitted as a “permitted use”, a “special use”, an “X use” or a “conditional use” in the zoning district in which it is located, shall not be deemed nonconforming solely because the procedure for approval has changed through the adoption of these regulations and shall hereafter be deemed a permitted conditional use in the district in which it is located. In the event the use was approved subject to one or more conditions, those conditions shall continue in full force and effect unless a new approval is obtained. If the existing use is nonconforming under either the prior Zoning Code or these regulations, then such use shall come into conformance with these regulations if required by the provisions of Article 13. Notwithstanding the provisions set forth herein, allowed existing uses of property or permitted as a conditional use that were in effect prior to the adoption of Ordinance No. 2021-07 on February 9, 2012 shall remain in effect as of the adoption of that Ordinance. The provisions of this amendment shall be made retroactive to the adoption of Ordinance No. 2021-07.

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 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

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

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 _____, 2022.

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