

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 5, "DEVELOPMENT STANDARDS", DIVISION 19, "SIGNS", SECTION 5-1911, "ENCROACHMENTS OVER PUBLIC RIGHTS-OF-WAY", BY ELIMINATING THE REQUIREMENT FOR A RESTRICTIVE COVENANT FOR SIGNS WHICH ENCROACH NINE (9) INCHES OR LESS INTO THE PUBLIC RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, City Staff is requesting a Zoning Code text amendment to eliminate the requirement for a restrictive covenant for signs which encroach nine (9) inches or less into the public right-of-way; and,

WHEREAS, presently all signs which encroach into the public right-of-way are required to execute a restrictive covenant prepared by the City Attorney; and,

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on January 8, 2014, at which hearing all interested parties were afforded the opportunity to be heard; and,

WHEREAS, the Board was presented with the text amendment to the Official Zoning Code, and after due consideration, recommended approval (vote: 5-1) of the text amendment; and,

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on February 12, 2014, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, (approved/denied) the amendment on First Reading (vote: __ - __).

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 follows (changes in ~~strike-through~~ / underline format):

Division 19. Signs

Section 5-1911. Encroachments over public rights-of-way.

Signs which encroach greater than nine (9) inches over public rights-of-way shall be subject to the following conditions and restrictions:

- A. The property owner shall execute a restrictive covenant prepared by the City Attorney, which shall run with the title of the land, agreeing to provide public liability insurance coverage for the encroachment in the minimum limits required by the City, and naming the City as additional insured under the policy.
- B. An executed copy of the restrictive covenant, together with certificate of required insurance, shall be presented to the Building Official, prior to the issuance of any permits for such work.
- C. Signs must be in accordance with the provisions of this section and the Florida Building Code, and maintained in good condition at all times at the property owner's expense.
- D. The City of Coral Gables reserves the right to remove, add, maintain or have the owner remove any sign within the right-of-way at the owner's expense.
- E. The property owner shall be legally responsible for the encroachment, and shall defend, indemnify, and hold harmless the City against any claims for damages or injuries resulting in any manner from the encroachment.

Signs which encroach nine (9) inches or less may be administratively approved by the City Architect and must comply with, and are subject to items C, D and E as specified in this section.

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 Ordinance No. 2007-01 as amended and known as 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 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 _____, 2014.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2014.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

1st reading
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY

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