

**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, AMENDING ARTICLE 1, “GENERAL PROVISIONS,” SECTION 1-104, “JURISDICTION AND APPLICABILITY,” PROVIDING EXCEPTION FROM ZONING FOR CITY OF CORAL GABLES FACILITIES; PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Coral Gables, siting or modifying its facilities is acting in its proprietary capacity and not exercising its zoning authority over private property; and

**WHEREAS**, the City of Coral Gables should not be subject to the zoning code when siting or modifying its own facilities; and

**WHEREAS**, it has been a long-standing opinion of the Coral Gables City Attorney that the City is not subject to its zoning code when siting its own facilities; and

**WHEREAS**, other jurisdictions such as Miami-Dade County does not subject its governmental facilities to its zoning code; but rather provides for a separate procedure for siting or modifying its government facilities; and

**WHEREAS**, it is in the public interest of the City of Coral Gables to provide flexibility in siting or modifying its own facilities; and

**WHEREAS**, on February 26, 2019, 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: 5-0); and

**WHEREAS**, after notice duly published, a public hearing for Second Reading was held before the City Commission on \_\_\_\_\_, 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 Second 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<sup>1</sup>:

## **ARTICLE 1 – GENERAL PROVISIONS**

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### **Section 1-104 Jurisdiction and applicability.**

- A. These regulations shall govern the development and use of land, building and structures within the corporate limits of the City.
- B. No building, structure, water or land shall be used or occupied, and no building, structure or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all other applicable regulations and all other development approvals.
- C. Notwithstanding any other provision of this code to the contrary, the City of Coral Gables shall not be bound by the procedures or provisions contained in the zoning code in the construction, modification, or operation any city facility listed below, and the provisions of this subsection shall control.

1. City facilities enumerated. The City Commission may establish or modify by resolution any of the following city facilities operated by or on behalf of the City of Coral Gables, where the City Commission may direct without regard to the zoning or use classification of any particular site or location: public parks, playgrounds and buildings, and structures supplementary and incidental to such uses; fire stations; police stations; public water and sewer treatment and distribution facilities; public libraries; public buildings and centers; public auditoriums, arenas, museums, art galleries and convention halls solid-waste collection and disposal facilities; public maintenance and equipment yards; public bus stations and other governmental facility uses as determined by the City Commission.

2. Notice and public hearing required. The City Commission may only authorize the construction, modification or operation of the City facilities enumerated in paragraph 1 above by resolution following public hearing.

a. Notice of the above public hearing shall be published in newspaper of general circulation published in the City of Coral Gables or in Miami-Dade County, Florida at least ten (10) days prior to the date of

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<sup>1</sup> Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

the public hearing before the City Commission, which publication shall include the time and place of the hearing before the City Commission.

b. A courtesy notice containing general information as to the date, time and place of the hearing, the property location and the general nature of the application may be mailed to property owners of record within a radius of 1000 feet of the property described in the application or a greater distance as the Development Review Official may prescribe, provided, however, the failure to mail or receive such courtesy notice shall not affect any action taken hereunder.

c. To provide additional notice to the public, the property shall be posted by a sign or signs indicating the action desired and the time and place of the public hearing. Failure to post such property shall not affect any action taken hereunder.

d. At the public hearing, the City Commission shall consider, among other factors, the type of function involved, the public need therefor, the existing land use pattern in the area, alternative locations for the facility and the nature of the impact of the facility on the surrounding property. After considering these factors, the City Commission shall take such action as is necessary to provide for and protect the public health, safety and welfare of the citizens and residents of the City of Coral Gables.

3. *Administrative Approval of Non-Substantial Change.* For governmental facilities plans approved in accordance with this section, the Development Review Official is hereby authorized to approve changes that the Development Review Official determines to be non-substantial, as demonstrated by the following factors:

a. Development density and intensity have not materially changed;

b. Design has not materially changed, provided that:

i. Relocation of roadways, including ingress and egress, is determined not to create traffic obstructions and is approved by the Public Works Department;

ii. Relocation, reconfiguration, or reduction of the parking area and its spaces does not impact adjoining properties, and the Development Review Official determines that sufficient spaces for the use are retained;

iii. Modification of building setbacks from perimeter property lines does not negatively impact adjoining properties, or the

modification is mitigated to minimize the impact;

iv. Reconfiguration of the landscaped open space does not diminish any previously approved buffering or separation from surrounding properties;

v. Modification to walls or fences does not diminish previously approved buffering or separation from surrounding properties;

vi. Conversion of a use, facility, or element to another use, facility, or element remains within the scope of the previously approved plan;

vii Addition of uses, facilities, or elements not shown in the previously approved plans either: do not increase lot coverage, or decrease required open space, by greater than 10 percent;

viii. Relocation or modification of signage remains consistent with the intent of the approved plan in size, height

**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 upon the date of its adoption herein.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2019.

APPROVED:

\_\_\_\_\_  
RAUL VALDES-FAULI  
MAYOR

ATTEST:

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BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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MIRIAM SOLER RAMOS  
CITY ATTORNEY