

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2024-26

AN ORDINANCE OF THE CITY COMMISSION PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, AMENDING SECTION 14-202.6 “BUILDING SITE DETERMINATION” TO FACILITATE BUILDING SITE DETERMINATION APPLICATIONS BY REMOVING REDUNDANT CRITERION; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables recognizes the need to streamline the conditional use application process for building site determinations and support homeowners in their efforts to seek City Commission approvals; and

WHEREAS, the City of Coral Gables seeks to simplify the process for building site determinations by removing redundant regulatory language that is already comprehensively addressed elsewhere in the Zoning Code; and

WHEREAS, the City Commission emphasizes that the removal of the redundant criterion, specifically criteria “c.” under Section 14-202.6(F)(4), does not alter the requirement that any release of unity of title or covenant must still be reviewed and approved by the City Commission as a condition of the conditional use approval process; and

WHEREAS, the City Commission held a public hearing on May 21, 2024 at which hearing all interested persons were afforded an opportunity to be heard, and the item was approved on first reading (vote: 5 to 0); and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on June 12, 2024, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Planning and Zoning Board was presented with the text amendments to the Official Zoning Code, and after due consideration, the Board recommended denial (vote: 6 to 1); and

WHEREAS, after notice was duly published, a public hearing for Second Reading was held before the City Commission, at which hearing all interested parties were afforded the opportunity to be heard, and the item was approved 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 14-202.6. Building site determination.

F. When reviewing and providing a recommendation on an application for conditional use for a building site determination, the Planning and Zoning Division, Planning and Zoning Board and the City Commission shall consider and evaluate the request together with a proposed site plan and provide findings that the application satisfies the following criteria:

1. That the building site(s) created would have a lot area equal to or larger than the majority of the existing building sites of the same zoning designation within a minimum of one thousand (1,000) feet of the perimeter of the subject property. The Development Review Official may determine that the comparison of building sites within one thousand (1,000) feet of the subject property shall be based on one (1) or more of the following: building sites located on the same street as the subject property; building sites with similar characteristics such as golf course frontage, water frontage, cul-de-sac frontage; and, building sites within the same platted subdivision.
2. That exceptional or unusual circumstances exist, that are site specific such as unusual site configuration or partially platted lots, or are code specific such as properties having two (2) or more zoning or land use designations, multiple facings or through-block sites, which would warrant the separation or establishment of a building site(s).
3. That the proposed building site(s) maintains and preserves open space and specimen trees, promotes neighborhood compatibility, preserves historic character, maintains property values and enhances visual attractiveness of the area.
4. That the application satisfies at least ~~three (3)~~ two (2) of the following ~~four~~ three (3) criteria:
 - a. That the building site(s) created would have a street frontage, golf course frontage (if applicable), and water frontage (if applicable) equal to or larger than the majority of the existing building sites of

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

the same zoning designation within a minimum of one thousand (1,000) feet of the perimeter of the subject property. For a cul-de-sac building site(s), the comparison of street frontages and water frontages (if applicable) shall include those similarly situated cul-de-sac building sites within one thousand (1,000) feet. If no cul-de-sac building sites exist within one thousand (1,000) feet then the comparison may be expanded to include all cul-de-sac building sites within the platted subdivision and any adjacent platted subdivision.

- b. That the building site(s) separated or established would not result in any existing structures becoming non-conforming as it relates to setbacks, lot area, lot width and depth, ground coverage and other applicable provisions of the Zoning Code, Comprehensive Plan and City Code. The voluntary demolition of a building or structure within the last ten (10) years which eliminates any of the conditions identified in this criterion shall result in non-compliance with this criterion.
- c. ~~That no restrictive covenants, encroachments, easements, or the like exist which would prevent the separation of the site. The voluntary demolition of a building or structure within the last ten (10) years which eliminates any of the conditions identified in this criterion shall result in non-compliance with this criterion.~~
- d. That the building site(s) created has been owned by the current owner continuously for a minimum of ten (10) years prior to an application submittal for conditional use for a building site determination.

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.

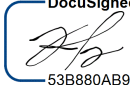
SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the “City Code” and “Zoning Code” of the City of Coral Gables, Florida; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Official Zoning Code or the Official City 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.

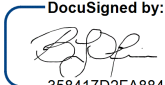
SECTION 7. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS NINTH DAY OF JULY, A.D., 2024.
(Moved: Castro / Seconded: Fernandez)
(Yeas: Fernandez, Menendez, Castro)
(Nays: Anderson, Lago)
(Majority: (3-2) Vote)
(Agenda Item: E-1)


APPROVED:

DocuSigned by:

53B880AB93824A5...
VINCE LAGO
MAYOR

ATTEST:

DocuSigned by:

358417D2FA884FF...
BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

9A595ED64D304E8...
CRISTINA M. SUÀREZ
CITY ATTORNEY