

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2020-31

AN ORDINANCE OF THE CITY COMMISSION RELATING TO THE ZONING CODE OF THE CITY CORAL GABLES, FLORIDA (ZONING CODE), ADOPTED AS ORDINANCE NO. 2007-01, AS AMENDED, REORGANIZING THE ZONING CODE, REVISING AND RENUMBERING ARTICLE AND SECTION NUMBERS, TRANSFERRING CERTAIN DIVISIONS AND SECTIONS FROM THE ZONING CODE TO THE CODE OF THE CITY OF CORAL GABLES (CITY CODE), UPDATING CERTAIN DEPARTMENT NAMES, BUT PROVIDING NO SUBSTANTIVE CHANGES TO THE ZONING CODE, PROVIDING FOR A REPEALER PROVISION, A SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables (“City”) Commission determined that the City’s Zoning Code, adopted pursuant to Ordinance No. 2007-01, needed to be revised to be more usable to the citizens; and

WHEREAS, the City Commission commenced a comprehensive update to the City’s Zoning Code to reorganize, reformat, simplify, modernize, streamline and provide improvements; and

WHEREAS, the City Commission awarded the Planning Services for Zoning Code Update contract on January 23, 2018, to DPZ CoDesign, a nationally recognized planning and urban design firm with over 36 years of experience in sustainable placemaking; and

WHEREAS, the initial stage of this revision is to reorganize the Zoning Code; and

WHEREAS, in reorganizing the Zoning Code it is determined that certain provisions in the Zoning Code should be transferred to the City Code; and

WHEREAS, the provisions of Developments of Regional Impact (DRI) in the Zoning Code are obsolete and existing DRIs in the City are expired; and

WHEREAS, reorganizing the Zoning Code gives the City the opportunity to update certain outdated City department names; and

WHEREAS, this reorganization was done in such a manner so that no substantive changes be made to the Zoning Code; and

WHEREAS, in order to conserve resources, the substantive provisions of the Code under each of the sections have been omitted, but it is the intent of this ordinance that the substantive provisions be included in the codification of this Ordinance; and

WHEREAS, it is the intent of the City Commission that the Zoning Code reorganized as set forth below be submitted to a codification service for publication; and

WHEREAS, the Zoning Code Update process and all background information including but not limited to agendas, presentations, public notices, minutes, etc., have been available for public review and inspection throughout the entire process on the City web page at www.coralgables.com/zoningupdate and at the Planning Division Office; and

WHEREAS, the Business Improvement District (BID) met on May 11, 2018, to discuss current issues and goals related to Miracle Mile and Downtown Coral Gables; and

WHEREAS, a Working Group was formed with multiple individuals with varying professions and backgrounds to provide input and review preliminary proposed updates to the Zoning Code; and

WHEREAS, the Working Group convened on June 1, June 15, and August 10, 2018, to provide input for and review preliminary results of the assessment and analysis of the Zoning Code; and

WHEREAS, the Staff Committee comprised of various City Departments convened on May 14, June 11, and August 6, 2018, to provide input for and review preliminary results of the assessment and analysis of the Zoning Code; and

WHEREAS, the required notice was published pursuant to Florida Statutes advising of the public hearings and the opportunity to provide input; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on September 21, 2018 conducted a public workshop to seek input from the Board prior to drafting update proposals; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on October 17, 2018 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, discussed the presented draft of the Assessment and Analysis and reorganization; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on February 13, 2019 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and recommended approval of the re-organized Zoning Code to the City Commission (vote: 5-0); and

WHEREAS, the City Commission on March 26, 2019 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and approved this Ordinance on First Reading (vote: 4 - 0); and

WHEREAS, the Working Group convened on April 22, 2019, to provide input for proposed updates to the Zoning Code; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on May 8, 2019 conducted a public hearing, secured public input and testimony, allowed all

interested persons the opportunity to be heard, and discussed proposed technical corrections to the Zoning Code; and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on June 24, 2019, allowed all interested persons the opportunity to be heard, and reviewed proposed updates to open space and downtown provisions in the Zoning Code; and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on September 4, 2019, allowed all interested persons the opportunity to be heard, and reviewed proposed updates and improvements to proposed provisions for Multi-Family 2 (MF2) / North Ponce area in the Zoning Code; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on September 11, 2019 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and deferred review of the proposed technical corrections to the Zoning Code; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on October 16, 2019 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and recommended approval of the proposed technical corrections of the Zoning Code to the City Commission (vote: 6-0); and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on January 13, 2020, allowed all interested persons the opportunity to be heard, and discussed updates to remote parking and payment-in-lieu provisions in the Zoning Code; and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on March 5, 2020, allowed all interested persons the opportunity to be heard, and reviewed a preliminary draft of proposed updates to the entire Zoning Code; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on July 29, 2020 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and recommended approval of the re-organized Zoning Code to the City Commission (vote: 7-0); and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on August 20, 2020 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and recommended approval of the proposed updates of the Zoning Code to the City Commission (vote:7-0); and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on September 9, 2020 conducted a public hearing, secured public input and testimony, and allowed all interested persons the opportunity to be heard; and

WHEREAS, due to the length of time that this Ordinance was pending after First Reading it was determined to have another First Reading on this Ordinance and the City Commission on September 15, 2020 conducted a public hearing, secured public input and testimony, and allowed all interested persons the opportunity to be heard; and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on October 19, 2020, allowed all interested persons the opportunity to be heard, and reviewed a preliminary draft of proposed updates to the entire Zoning Code; and

WHEREAS, the City Commission on October 27, 2020, conducted a public hearing to take action on proposed updates to the entire Zoning Code, secured public input and testimony, and allowed all interested persons the opportunity to be heard; and

WHEREAS, the new Zoning Code Table of Contents is attached hereto as Exhibit “A” and incorporated herein by reference;

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 reorganized Zoning Code Table of Contents of the City of Coral Gables attached hereto as Exhibit “A” along with the substantive provisions of the Zoning Code, which shall conform to the reorganized Zoning Code Table of Contents is hereby adopted by the City and is in full force and effect pursuant to the requirements and authority of Section 163.3161 et seq., Florida Statutes (the Local Government Comprehensive Planning and Land Development Regulation Act), and the Charter of the City of Coral Gables.

SECTION 3. City Staff is hereby directed to prepare the newly adopted Zoning Code which shall be submitted to a codification service for publication and consist of the reorganized Zoning Code Table of Contents along with the substantive provision of the Zoning Code which shall remain unchanged with the exception of modifications of any cross-references and flow charts and other minor corrections as noted necessitated because of this reorganization.

SECTION 4. The process, requirements, and any references to Developments of Regional Impact (DRI) in the Zoning Code are hereby repealed because these provisions are obsolete and any existing DRIs in the City have expired.

SECTION 5. The following Zoning Code sections are hereby transferred to the City Code and the City Code Table of Contents is amended accordingly and reflected in Exhibit “B” of this Ordinance:

- (1) “Wild animals and reptiles” [formerly Sec 4-414] shall be transferred to Chapter 10, Section 10-8.
- (2) “Domestic animal and fowl” [formerly Sec 4-415] shall be transferred to Chapter 10, Section 10-9.
- (3) “Possession, harboring, sheltering or keeping of cats and dogs” [formerly Sec 4-416] shall be transferred to Chapter 10, Section 10-10.
- (4) “Standards for subdivision improvements” [formerly Sec 5-1510] shall be transferred to Subpart B – Land Development Regulations Chapter 117 “Subdivisions,” Section 117-5.
- (5) “Underground Utilities” [formerly Article 5, Division 22] shall be transferred to Chapter 78 – Utilities Article VI, Sections 78-273 and 78-274.

SECTION 6. City Staff is hereby directed in the compilation of the reorganized substantive provisions of the Zoning Code pursuant to Section 2 of this Ordinance to update the following City Department names as follows:

- (1) “Public Service Department” shall be updated to “Public Works Landscape Division.”
- (2) “Building and Zoning Department” shall be updated to “Development Services Department.”
- (3) “Planning Department” shall be updated to “Planning and Zoning Division.”

SECTION 7. The Zoning Code Table of Contents adopted via Ordinance number 2007-01, as amended, on file in the Office of the City Clerk and Planning Division is hereby repealed in its entirety and is of no further force and effect.

SECTION 8. The City Clerk is directed to place the Zoning Code prior to the adoption of this Ordinance in the City’s archives for historic reference.

SECTION 9. It is the intention of the Commission that each provision hereof be considered severable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other portion of this Ordinance, the Coral Gables Comprehensive Land Use Plan and Maps, or the Coral Gables Zoning Code or the City Code.

SECTION 10. It is the intention of the Commission that to the extent any provision of this Ordinance conflicts with or is inconsistent with any other provision of the City’s Code, laws, or regulations, that the terms of this Ordinance shall control.

SECTION 11. 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 12. It is the intent of the City Commission that the provisions of this Ordinance shall either become and are part of the Official Zoning Code of the City of Coral Gables, Florida, as amended, or for those transferred provisions set forth in Section 5 of this Ordinance become and are made part of the City Code, which provisions may be renumbered or relettered and that the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 13. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TENTH DAY OF NOVEMBER, A.D., 2020.
(Moved: Lago / Seconded: Keon)
(Yeas: Keon, Lago, Mena, Fors, Jr., Valdes-Fauli)
(Unanimous: 5-0: Vote)
(Agenda Item: F-2)

APPROVED:

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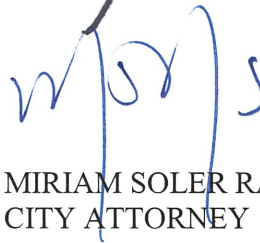
RAUL VALDES-FAULI
MAYOR

ATTEST:

A handwritten signature in black ink, appearing to be 'B. Urquia' with a large flourish.

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

A handwritten signature in blue ink, appearing to be 'M. Soler Ramos' with a large flourish.

MIRIAM SOLER RAMOS
CITY ATTORNEY