

**CITY OF CORAL GABLES**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 58, "SPECIAL ASSESSMENTS," ARTICLE III, "REPAIR OR CONSTRUCTION OF STREETS AND SIDEWALKS", BY ELIMINATING SECTION 58-57 "WORK REQUIRED IN NEW BUILDING CONSTRUCTION AND/OR ALTERATIONS EXCEEDING \$15,000.00 IN VALUE OR EXCEEDING 600 SQUARE FEET IN FLOOR AREA," IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY, REPEALER, AND EFFECTIVE DATE.**

**WHEREAS**, on January 26<sup>th</sup>, 1988, the City of Coral Gables Commission adopted Ordinance No. 2765, amending the City Code to include Sec. 28-25.1 titled "Construction, reconstruction or repair of sidewalks, curbs and/or gutters required in new building construction and/or alterations exceeding fifteen thousand dollars in value or exceeding six hundred square feet in floor area," which required the construction of sidewalks in conjunction with new construction or renovations above a certain threshold in order to increase the availability of sidewalks throughout the City; and

**WHEREAS**, the City Commission continues to support increased sidewalks throughout the City in order to encourage pedestrian activity, improve mobility for persons with disabilities, to provide safe routes to schools for all children in the City, and to promote and encourage walkable neighborhoods and parks, but does not believe the existing mechanism is the most equitable or efficient in achieving that goal; and

**WHEREAS**, the City Commission believes that any future sidewalks will require further discussions and planning which would be better managed on a case-by-case basis and not a one-size-fits-all approach affecting all properties within the City; and

**WHEREAS**, the City Commission desires to amend the City Code by removing Section 58-57 "Work required in new building construction and/or alterations exceeding \$15,000.00 in value or exceeding 600 square feet in floor area" to eliminate the existing sidewalk requirements.

**WHEREAS**, the City Commission recognizes that property owners who have previously signed covenants running with the land in compliance with Section 58-57, should have the option of terminating such covenants through an administrative process, provided certain conditions are met; and

**WHEREAS**, Section 58-48 remains in force and requires the abutting property owner to maintain sidewalks in a condition that presents a smooth, continuous surface and to remedy defective conditions, further stating that broken or cracked sidewalks constitute a nuisance; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** That the City Attorney shall have the authority to release covenants running with the land signed in compliance with Section 58-57, at the request of property owners and provided certain conditions are met.

**SECTION 3.** Chapter 58, Article III, Section 58-57 of the City of Coral Gables Code of Ordinances, is hereby entirely stricken from the code<sup>1</sup>:

~~Sec. 58-57. Work required in new building construction and/or alterations exceeding 15,000.00 in value or exceeding 600 square feet in floor area.~~

- ~~(a) Sidewalks, curbs and/or gutters shall be constructed, reconstructed or repaired when any property located within the corporate limits improved, altered or modified by the construction, reconstruction, renovation, remodeling or repair of any type of building, structure, or parking facility exceeding 15,000.00 in value, or when such building to be constructed, reconstructed, renovated, remodeled or repaired exceeds 600 square feet in floor area, for which a building permit is required.~~
- ~~(b) The public works director shall notify the applicant/qualifier for the building permit by noting on the approved plans that all sidewalks, curbs, and/or gutters adjacent to the lot or parcel to be improved, altered or modified, shall be constructed, reconstructed or repaired. Sidewalks, curbs and gutters shall be constructed in accordance with public works department standards. In the event that the surface of any sidewalk, curb and/or gutter is uneven, cracked, broken or marred, these portions of the sidewalk, curb and/or gutter shall be replaced by the applicant/qualifier.~~
- ~~(c) The public works director is hereby directed to withhold or withdraw the certificate of occupancy or use until such sidewalk, curb and/or gutter are properly constructed, reconstructed or repaired as provided in subsections (a) and (b) of this section.~~
- ~~(d) The public works director is hereby authorized to approve deferment of construction and allow variations and deviations from the above requirements of constructing, reconstructing or repairing the sidewalks, curbs and/or gutters, as he/she determines necessary, based on the conditions of the terrain and the existing sidewalk, curb and/or gutter, immediately adjacent to the property involved; provided that the property owner furnished the city with a properly executed covenant to run with the land in which the property owner agrees to construct or pay the cost of constructing the sidewalk, curb and/or gutter construction when such construction is required by the department of public works.~~

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<sup>1</sup> Words and figures underscored are additions to existing code; words and figures ~~struck through~~ are deletions.

~~(e) If the property owner fails to construct, reconstruct or repair the sidewalks, curbs and/or gutters as required by the public works department, the director of public works shall notify the applicant in writing that the applicant has 30 days in which to construct the sidewalks, curbs and/or gutters. If the sidewalk, curb and/or gutters are not constructed within the 30 day period, the public works director is authorized to cause the construction of the sidewalk, curb and/or gutter by either city personnel or by award of a contract under the provisions of this Code. An accounting of the total cost of sidewalks, curbs and/or gutters, certified by the director of public works, shall be recorded in the public records and thereafter shall constitute a lien against the property involved. The total cost shall include the construction cost, a ten percent fee for engineering services for the public works department, and any incidental expenses.~~

**SECTION 4.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 5.** 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 6.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, 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 City Code’s Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

**SECTION 7.** This ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2020.

APPROVED:

RAUL VALDES-FAULI  
MAYOR

ATTEST:

BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS  
CITY ATTORNEY