

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING THE ZONING CODE, ARTICLE 8, ENTITLED "DEFINITIONS" TO AMEND THE DEFINITION OF "FAMILY" TO REFLECT THE APPROPRIATE CONSTITUTIONAL REQUIREMENTS; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables Zoning Code currently disallows more than two unrelated people to reside in single-family residences; and

WHEREAS, the City of Coral Gables former Zoning Code prohibited three or more unrelated persons to reside in a single-family residence; and

WHEREAS, the City Commission of Coral Gables desires to abide by the United States Supreme Court by not being exclusionary by restricting certain groups from residing in single-family residences (Village of Belle Terre v. Boraas, 416 U.S. 1 (1974) and Moore v. City of East Cleveland, 431 U.S. 494 (1977)); and

WHEREAS, the City Commission also wishes to follow the dictates of the Court in the Village of Belle Terre, *supra* when restricting the amount of unrelated persons living in single-family residences.

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

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The Zoning Code of the City of Coral Gables, Florida is hereby amended as to Article 8, entitled "Definitions", to amend the definition of "family", and to read as follows:

ARTICLE 8. DEFINITIONS

Family means one (1) or more persons occupying a single residential unit when all members are related by blood, adoption, marriage, foster care, or three (3) or less persons unrelated to any other occupant (excluding servants). The term "family" shall not be construed to mean fraternity, sorority, club, institutional group, student housing or more than three (3) unrelated persons. relationship under Florida Statutes Chapter 409.

Section 3. Severability.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. Repealer.

All ordinances or parts of ordinances in conflict herewith, be and the same, are hereby repealed.

Section 5. Codification.

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 a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Effective Date.

This ordinance shall become effective immediately upon the date of its adoption by the City Commission.

PASSED AND ADOPTED this _____ day of _____ 2009.

DONALD D. SLESNICK II, MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY