

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-45

AN ORDINANCE OF THE CITY COMMISSION PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING ARTICLE 14, "PROCESS," SECTION 14-205.3, "DECLARATION OF RESTRICTIVE COVENANT IN LIEU OF A UNITY OF TITLE" TO ENCOURAGE THE CREATION OF CITY PARKS BY ALLOWING NON-CONTIGUOUS BUILDING SITES WITH DEDICATED PARK SPACES; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has consistently stressed the importance of open spaces such as public parks and therefore seeks to promote and incentivizes the establishment of additional public park space for the use and enjoyment of its residents and visitors; and

WHEREAS, parks and recreational spaces have often been proffered by applicants but are only permitted when directly abutting a proposed development; and

WHEREAS, the City Commission believes that allowing the creation of non-contiguous building sites for the purpose of incentivizing the creation of more public park spaces is valuable and in the public interest; and

WHEREAS, on July 25, 2022 the City Commission was presented on first reading the proposed text amendments; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on August 10, 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Planning and Zoning Board was presented with text amendments to the Official Zoning Code, and after due consideration, recommended approval (vote: 4-0) of the text amendment; and

WHEREAS, the City staff incorporated changes from first reading, and recommendations from the Planning and Zoning Board, and the City Commission was presented with a final text amendment 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 14-205.3. Declaration of Restrictive Covenant in Lieu of a Unity of Title

A. General Requirements. In the case of separate but contiguous and abutting parcels proposed for development located in ~~Commercial or Industrial Districts~~ Mixed Use Districts owned by one (1) separate or multiple owners wishing to use said property as one (1) parcel, the Building and Zoning Director may approve a Declaration of Restrictive Covenant in Lieu of a Unity of Title together with a Reciprocal Easement and Operating Agreement approved for legal form and sufficiency by the City Attorney. The Declaration of Restrictive Covenant shall run with the land and be binding upon the heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property. In such instances, the property owner(s) shall agree that in the event that ownership of the subject properties comes under a single ownership, the applicants, successors and assigns, shall file a Declaration of Restrictive Covenant covering the subject properties.

E. Dedication of Public Park Space

1. The general requirement in subsection (A) that parcels be contiguous and abutting for development located in Mixed Use Districts shall not apply when a non-contiguous or non-abutting parcel is dedicated for public park space and satisfies all of the following:
 - a. The applicant shall submit an application for conditional use approval together with a proposed site plan.
 - b. The dedicated public park parcel is of equal or lower density and intensity than the development parcel(s) where the project will be located.
 - c. The dedicated public park parcel is located within 1,000 ft. from the development parcel.

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

- d. The dedicated public park parcel is a minimum of 5,000 sq. ft. and no more than forty-five percent (45%) of the development parcel.
 - e. Use of Transfer of Development Rights (TDRs) are prohibited.
 - f. ~~The total FAR of the parcel(s) proposed for development cannot exceed 4.375. (Increased of FAR Limited to 25%)~~
 - g. There is a demonstrated public benefit found in the dedicated public park parcel.
 - h. The potential impacts of the development parcel are studied.
 - i. A separate covenant on the dedicated public park parcel will be recorded in the public records of Miami-Dade County outlining any/all applicable conditions of approval pursuant to these provisions and dedicating the parcel for public use in perpetuity.
2. The Parks and Recreation Advisory Board shall review all requests to create a single building site with non-contiguous or non-abutting parcels for the creation of dedicated public park space.

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 “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 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 TWENTY-FOURTH DAY OF AUGUST,
A.D., 2022.

(Moved: Anderson / Seconded: Menendez)
(Yeas: Menendez, Anderson, Fors, Jr., Lago)
(Absent: Mena)
(Unanimous: 4-0 Vote)
(Agenda Item: F-3)

APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

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MIRIAM SOLER RAMOS
CITY ATTORNEY