

## ARTICLE 1 - GENERAL PROVISIONS

### Section 1-101. Title.

This Code shall be known as and referred to as the Zoning Code (“Zoning Code” or “these regulations”) of the City of Coral Gables, Florida.

### Section 1-102. Authority.

These regulations are enacted pursuant to the requirements and authority of Section 163.3161 et seq., Florida Statutes (the Local Government Comprehensive Planning and Land Development Regulation Act), the Charter of the City of Coral Gables, and the powers and authority in Chapters 60, 162, 166, 171, 177, 286, 380 and 823, Florida Statutes.

### Section 1-103. Purpose of the City of Coral Gables Zoning Code.

The purpose of the City of Coral Gables, Florida Zoning Code is to implement the Comprehensive Land Use Plan (CLUP) of the City pursuant to Chapter 163, Florida Statutes for the protection and promotion of the safety, health, comfort, morals, convenience, peace, prosperity, appearance and general welfare of the City and its inhabitants, and more specifically for the following purposes:

- A. To protect the distinctive historic and architectural character of the City which is unique throughout South Florida and the world.
- B. Continue to foster community pride and a sense of stewardship that have motivated the property owners and residents of the City in the improvement and maintenance of property in the City.
- C. To preserve the basic comprehensive land use plan and layout of the City by its forefathers, more specifically George Merrick.
- D. Insure the application and administration of these regulations imposed herein continue to improve the overall quality of life and promote development of the City as has been guided since its establishment.
- E. To preserve residential properties to assure that future development will be in conformity with the foregoing distinctive character, with respect to type, intensity, design and appearance.
- F. Provide for the preservation and protection of flora and fauna, more specifically the City’s lush tree canopy.
- G. Provide for efficiency and economy in the process of stable and orderly development, for the appropriate and best use (not necessarily the most economic use) of land in accordance with standards established by the will of the residents while protecting property values.
- H. Promote preservation, protection, development and conservation of the natural resources of land, water and air, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, in accordance with maximum densities of the CLUP.
- I. Provide for adequate and efficient public utilities and facilities for the preservation and promotion of the natural and civic amenities of beauty and visual interest.
- J. Establish zoning districts as a means of achieving unified civic design and proper relationship between the uses of land by regulating the location and use of buildings, signs and other structures, and land or water for trade, agriculture, industry and residence, by providing adequate buffers, by regulating and limiting or determining the height, bulk and access to light and air of buildings and structures, the area of yards, and other open spaces, and the density of use. To accomplish these objectives, the regulations and districts and accompanying maps have been designed with

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reasonable consideration, among other things, to maintain the character of the districts, and their peculiar suitability for particular uses, and they are to be regularly reevaluated in order to best accomplish the above objectives.

- K. To protect property values and the enjoyment of property rights by minimizing and reducing conflicts among various land uses through the application of regulations designed to assure harmonious relationships among land uses.

### **Section 1-104. Jurisdiction and applicability.**

- A. These regulations shall govern the development and use of land, buildings and structures within the corporate limits of the City.
- B. No building, structure, water or land shall be used or occupied, and no building, structure or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all other applicable regulations and all development approvals.

### **Section 1-105. Annexed lands.**

All lands which may be hereafter annexed to the City of Coral Gables shall be automatically zoned as a Single Family Residential District (SFR) until otherwise changed in accordance with the provisions of Article 3, Division 14.

### **Section 1-106. Comprehensive Land Use Plan and Map.**

The Comprehensive Land Use Plan and Map of the City of Coral Gables are the official statements of policy of the City in regard to the use of land and all use or development of land undertaken pursuant to these regulations shall be consistent with the Comprehensive Land Use Plan and the Comprehensive Land Use Plan Map.

### **Section 1-107. Official Zoning Map.**

The Official Zoning Map is established and incorporated into these regulations by this reference. The Official Zoning Map shows the boundaries of all Zoning Districts as adopted by the City Commission pursuant to the procedures of these regulations. The Official Zoning Map, as amended from time to time, shall be kept on file and made available for public reference in the Office of the City Clerk.

### **Section 1-108. Transitional rules.**

- A. Transition period. Where a preliminary approval of the Board of Architects is received on the adoption of these regulations, the provisions of the regulations in effect when the application was filed shall govern the review and approval of the application for development approval, provided that:
  - 1. The application is approved within eighteen (18) months of the date of adoption of these regulations; and
  - 2. Construction begins within eighteen (18) months of the issuance of such approval and is diligently pursued to completion.

Prior to July 9, 2008, applicants who have satisfied Section 1-108 (A), may be granted one (1), six (6) month extension to the provisions of Section 1-108 (A) (1) if the City Manager determines that the applicant is showing "good cause" with due diligence towards securing Board of Architects final approval and/or City Commission final approval (as applicable). Requests for extensions shall be in writing to the City Manager by the end of July 9, 2008 accompanied by a \$2500.00 nonrefundable administrative fee.

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- B. Existing unlawful uses and structures. A structure or use not lawfully existing at the time of the adoption of these regulations is lawful only if it conforms with all of the requirements of these regulations.
- C. Existing approved uses. An existing use which is lawful on the date of adoption of these regulations, whether permitted as a “permitted use”, a “special use”, an “X use” or a “conditional use” in the zoning district in which it is located, shall not be deemed nonconforming solely because the procedure for approval has changed through the adoption of these regulations and shall hereafter be deemed a permitted conditional use in the district in which it is located. In the event the use was approved subject to one or more conditions, those conditions shall continue in full force and effect unless a new approval is obtained. If the existing use is nonconforming under either the prior Zoning Code or these regulations, then such use shall come into conformance with these regulations if required by the provisions of Article 6.
- D. Existing site-specific standards. There are certain properties which are subject to prior governmental approvals which have established standards which deviate from the basic standards in these regulations. Properties which are subject to those prior approvals are identified on the Official Zoning Map and the Site Specific Standards are set out in Appendix A of these regulations. In the event the Site Specific Standards and these regulations conflict, the Site Specific Standards shall control.
- E. Previously granted variances. All variances granted under this, or any prior edition of the Zoning Code subject to a timeframe for construction which are still in effect on the adoption of these regulations shall remain in full force and effect, including any conditions attached thereto, and the recipient of the variance may proceed to develop the property in accordance with the plans previously approved. However, if the recipient of the variance has failed to commence construction before the variance expires, the provisions of these regulations shall govern and the variance shall have no further force and effect.
- F. Previously approved conditional uses. All conditional uses approved prior to the adoption of these regulations, and any conditions attached thereto, shall remain in full force and effect, and the recipient of the approved conditional use may proceed to develop the property in accordance with the previous approval and shall hereafter be deemed a conditional use in the district in which it is located. However, if the recipient of the approved conditional use has failed to commence construction before the approval expires or if the approval is abandoned, the provisions of these regulations shall govern. No conditional use approved prior to the adoption of these regulations where no certificate of occupancy has been granted shall not be extended.
- G. Previously approved special uses. All special uses approved prior to the adoption of these regulations, and any conditions attached thereto, shall remain in full force and effect, and the recipient of the approved special use may proceed to develop the property in accordance with the previous approval and shall hereafter be deemed to be a Special Use District. However, if the recipient of the approved special use has failed to commence construction before the approval expires or if the approval is abandoned, the provisions of these regulations shall govern. No Special Use approved prior to the adoption of these regulations but not constructed shall be extended.
- H. Approved “X” uses. Any lawfully established permitted “X” use shall be considered to be a non-conforming approved conditional use under the provisions of these regulations, unless abandoned.
- I. Prior zoning districts. Unless provided otherwise on the Official Zoning Map, upon the adoption of these regulations, land which is presently zoned within an existing zoning classification shall be classified within one of the zoning classifications set forth in Article 4 of these regulations, as follows:

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<i>Archived zoning districts</i>	<i>New zoning districts</i>
R-1-2, R-3, R-4, R-5, R-6, R-6-7, R-7, R-8, R-9, R-9-10, R-11, R-12, R-14, R-14-15, R-16, R-17, R-18, R-19	Single Family Residential (SFR) District
R-TH Use Districts	Multi-Family 2 (MF2) District
D-Use Districts	Multi-Family 1 Duplex (MF1) District and Multi-Family Special Area (MFSA) District
A-Use Districts	Multi-family Special Area (MFSA) District and Multi-family 2 (MF2) District
Mixed Use District 1, 2 and 3	Mixed Use (MXD) District
CA-Use Districts	Commercial Limited (CL) District
CB* and CC-Use Districts	Commercial (C) District
M-Use Districts	Industrial (I) District
Downtown Overlay District	Downtown Overlay (DO) District
Planned Area Development (PAD) District	Planned Area Development (PAD) District
University of Miami Campus Area Development (UMCAD) District	University of Miami Campus Area Development (UMCAD) District
P-Use Districts	Preservation (P) District
S-Use District	Special Use (S) District
X-Uses	Conditional uses in various districts

\*Prior CB zoning districts adjoining SFR districts shall be designated as new CL district.

### **Section 1-109. Construction rules.**

For the purposes of these regulations, the following rules of construction apply:

- A. In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, order, convenience and general welfare of the community.
- B. The provisions of these regulations shall be construed to achieve the purposes and intent for which they are adopted.
- C. Nothing in these regulations is intended to abrogate any easement, covenant, deed restriction or other private agreement; however, where the regulations of these regulations are more restrictive or impose higher standards or requirements than such easement, covenant, deed restriction or other private agreement, the requirements of these regulations shall govern.
- D. In the event of a conflict between the text of these regulations and any caption, figure, illustration, table, or map, the text of these regulations shall control. In the event of a conflict between a chart and an illustration, the chart shall control. All illustrations included in these regulations are for illustrative purposes only.
- E. In the event of any conflict in limitations, restrictions, or standards applying to an individual use or structure, the more restrictive provisions shall apply.
- F. In the event of a conflict between these regulations and any federal, state, or county statute or provision, which pre-empts local regulation, the federal, state, or county statute or provision shall apply.
- G. The words “shall,” “must,” and “will” are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- H. The word “or” is alternative in nature.

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- I. The word “may” is permissive in nature.
- J. Words used in the present tense include the future tense.
- K. The singular number includes the plural number and the plural, the singular.
- L. Words utilizing the masculine gender include the feminine gender and use of the feminine gender includes the masculine.
- M. The words used and occupied as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
- N. The word “herein” means “these regulations.”
- O. Any act authorized by these regulations to be carried out by a specific official or agency of the City is authorized to be carried out by a designee of such official or agency.
- P. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded.
- Q. Any words and terms not defined herein shall have the meaning indicated by common dictionary definition.
- R. Any reference to Federal Statutes, Florida Statutes, Florida Administrative Code, Miami-Dade County Code, or any other official code shall be construed to be a reference to the most recent enactment of such statute, code or rule, and shall include any amendments as may, from time to time, be adopted.
- S. Zoning district boundaries are usually along streets, alleys, property lines or extensions thereof. Where an uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
  - 1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
  - 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - 3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
  - 4. Boundaries indicated as following shorelines shall be construed to follow such shorelines. In the event of a change in the shoreline, the zoning district boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
  - 5. Whenever any street, alley or other public way is vacated by official action of the City Commission of the City of Coral Gables, the zoning district of the property abutting upon each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included within the vacation shall thereafter be subject to all appropriate regulations of the extended districts.
  - 6. Where land is built-up by fill upon areas formerly submerged under water, the district regulations applying to the land immediately adjoining such built-up land shall be automatically extended thereto.

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### **Section 1-110. Severability.**

- A. It is the intent of the City Commission of the City of Coral Gables that the articles, divisions, sections, subsections, paragraphs, sub-paragraphs, sentences, clauses and phrases of this Code are severable, and if any of the articles, divisions, sections, subsections, paragraphs, sub-paragraphs, sentences, clauses and phrases of this Code are declared invalid or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the balance of these regulations.
- B. It is the further intent of the City Commission of the City of Coral Gables that all property within the City be regulated by these regulations. Therefore, if the zoning district of a particular parcel of land is declared invalid or unconstitutional, either on its face or as-applied, it is the intent of the City Commission that the zoning district applied to the parcel of land shall be the next more restrictive zoning district that is consistent with the future land use district within which the parcel of land is located.

### **Section 1-111. Time limitation of approvals.**

- A. Unless specified otherwise herein, approvals granted pursuant to these regulations shall submit an application for a building permit within eighteen (18) months from time of the approval. Failure to submit for a building permit shall render the approval null and void. Permitted time frames do not change with successive owners, provided however, one (1), six (6) month extension of time may be granted by the Development Review Official.