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THIS DRAFT INDICATES CHANGES
BY STRIKE THROUGHS AND
UNDERLINING. CHANGES
REFERENCED ARE TO THE PRIOR
DRAFT DATED OCTOBER 7, 2004.

IF THERE ARE NO SUCH MARKINGS,
NO CHANGES HAVE BEEN MADE TO
PRIOR DRAFT.

1 **ARTICLE 1 - GENERAL PROVISIONS**

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3
4 **Section 1-101. Title.**

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6 This Code shall be known as and referred to as the Zoning Code ("Zoning Code" or "these regulations")
7 of the City of Coral Gables, Florida.
8

9 **Section 1-102. Authority.**

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11 These regulations are enacted pursuant to the requirements and authority of Section 163.3161 et seq.,
12 Florida Statutes (the Local Government Comprehensive Planning and Land Development Regulation
13 Act), the Charter of the City of Coral Gables, and the powers and authority in Chapters 60, 162, 166, 171,
14 177, 286 and 823, Florida Statutes.
15

16 **Section 1-103. Purpose of the Zoning Code.**

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18 The purpose of the Zoning Code is to implement the Comprehensive Land Use Plan (CLUP) of the City,
19 to improve the overall quality of life in Coral Gables, Florida; to preserve residential properties; and to
20 provide for efficiency and economy in the process of stable and orderly development, for the appropriate
21 and best use (not necessarily the most economic use) of land in accordance with standards established
22 by the will of the residents, for preservation, protection, development, and conservation of the natural
23 resources of land, water and air, for convenience of traffic and circulation of people and goods, for the
24 use and occupancy of buildings, for healthful and convenient distribution of population, in accordance with
25 maximum densities of the Plan, for adequate public utilities and facilities, for the preservation and
26 promotion of the natural and civic amenities of beauty and visual interest, for promotion of large scale
27 developments as a means of achieving unified civic design, and by establishing zoning districts with
28 adequate buffers between and confining high density development to areas which are feasible for mass
29 transportation of high employment potential, and by regulating the location and use of buildings, signs
30 and other structures, and land or water for trade, agriculture, industry and residence, by regulating and
31 limiting or determining the height, bulk and access to light and air of buildings and structures, the area of
32 yards, and other open spaces, and the density of use. To accomplish these objectives, the regulations
33 and districts and accompanying maps have been designed with reasonable consideration, among other
34 things, for the character of the districts, and their peculiar suitability for particular uses, and they are to be
35 regularly reevaluated in order to best accomplish the above objectives.
36

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

- 38
39 A. These regulations shall govern the development and use of land, buildings and structures within the
40 corporate limits of the City.
41
42 B. No building, structure, water or land shall be used or occupied, and no building, structure, or land
43 shall be developed unless in conformity with all of the provisions of the zoning district in which it is
44 located, all other applicable regulations and all development approvals.
45

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

47
48 All lands which may be hereafter annexed to the City of Coral Gables shall be automatically zoned as SF-
49 2 District until otherwise changed in accordance with the provisions of Article 3, Division 14.
50

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

52
53 The Comprehensive Land Use Plan and Map of the City of Coral Gables are the official statements of
54 policy of the City in regard to the use of land and all use or development of land undertaken pursuant to
55 these regulations shall be consistent with the Comprehensive Land Use Plan and the Comprehensive
56 Land Use Plan Map.

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Section 1-107. Official Zoning Map.

The Official Zoning District 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 complete application for development approval is pending 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 Deleted: six (6)

2. Construction begins within eighteen (18) months of the issuance of such approval and is diligently pursued to completion. Deleted: six (6)

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 to these regulations. In the event the Site Specific Standards and these regulations conflict, the Site Specific Standards shall control.

E. Previously granted variances.

1. All variances granted 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.

2. Any variance granted which is not subject to a timeframe for construction, where the development proposal to which the variance related has not been commenced prior to 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 fails to commence construction within six (6) months of the adoption of these regulations, the provisions of these regulations shall govern and the variance shall have no further force and effect.

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2 F. Previously approved conditional uses. All Conditional Uses approved prior to the adoption of these
3 regulations, and any conditions attached thereto, shall remain in full force and effect, and the recipient
4 of the approved Conditional Use may proceed to develop the property in accordance with the previous
5 approval and shall hereafter be deemed a conditional use in the district in which it is located.
6 However, if the recipient of the approved Conditional Use has failed to commence construction before
7 the approval expires or if the approval is abandoned, the provisions of these regulations shall govern.
8 No Conditional Use approved prior to the adoption of these regulations but where no certificate of
9 occupancy has been granted shall not be extended.
- 10
11 G. Previously approved special uses. All Special Uses approved prior to the adoption of these
12 regulations, and any conditions attached thereto, shall remain in full force and effect, and the recipient
13 of the approved Special Use may proceed to develop the property in accordance with the previous
14 approval and shall hereafter be deemed to be a Special Use District. However, if the recipient of the
15 approved Special Use has failed to commence construction before the approval expires or if the
16 approval is abandoned, the provisions of these regulations shall govern. No Special Use approved
17 prior to the adoption of these regulations but not constructed shall be extended.
- 18
19 H. Approved "X" uses. Any lawfully established permitted "X" use shall be considered to be an approved
20 conditional use under the provisions of these regulations, unless abandoned.
- 21
22 I. Prior zoning districts. Unless provided otherwise on the official zoning map, upon the adoption of
23 these regulations, land which is presently zoned within an existing zoning classification shall be
24 classified within one of the zoning classifications set forth in Article 2 of these regulations, as follows:
25
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Deleted: U

OLD DISTRICT	NEW DISTRICT
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	SF1
R-3, R-4, R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-16, R-17, R-18, R-19	SF2
R-TH Use Districts	Multi-family District - 1
D-Use Districts	Multi-family District - 1
A-Use Districts	Multi-family District - 2
Mixed Use Districts Regulations (3)	Mixed Use District
CA & CB-Use Districts	Commercial Limited District
CC-Use Districts	Commercial District
M-Use Districts	Industrial District
Downtown Overlay District	Downtown Overlay District
PAD Districts	Conditional uses
P-Use Districts	Preservation District
S-Use District	Special Use District

X-Uses	Conditional uses in various districts
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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 or state statute, which pre-empt local regulation, the federal or state statute 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.
- 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 use of the masculine gender includes the feminine gender and word 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 “lot” shall include the words “plot,” “parcel,” “site,” or “tract” of land.
- O. The word “herein” means “these regulations.”
- P. Any act authorized by these regulations to be carried out by a specific official or agency of the City is impliedly authorized to be carried out by a designee of such official or agency.

- 1 Q. The time within which an act is to be done shall be computed by excluding the first and including the
2 last day; if the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded.
3
- 4 R. Any words and terms not defined herein shall have the meaning indicated by common dictionary
5 definition.
6
- 7 S. Any reference to Federal, Florida Statutes, Florida Administrative Code, or any other official code
8 shall be construed to be a reference to the most recent enactment of such statute or rule, and shall
9 include any amendments as may from time to time be adopted.
10
- 11 T. Zoning district boundaries are usually along streets, alleys, property lines or extensions thereof.
12 Where an uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning
13 Map, the following rules shall apply:
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- 15 1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys
16 shall be construed to follow such centerlines.
17
 - 18 2. Boundaries indicated as approximately following platted lot lines shall be construed as following
19 such lot lines.
20
 - 21 3. Boundaries indicated as approximately following city limits shall be construed as following city
22 limits.
23
 - 24 4. Boundaries indicated as following shorelines shall be construed to follow such shorelines. In the
25 event of a change in the shoreline, the zoning district boundary shall be construed as moving with
26 the actual shoreline. Boundaries indicated as approximately following the centerline of streams,
27 rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
28

29 **Section 1-110. Severability.**
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31 Should any section or provision of these regulations be declared to be unconstitutional or invalid by a
32 court of competent jurisdiction, such decision shall not affect the validity of these regulations as a whole
33 or any part thereof other than the part so declared to be unconstitutional or invalid.
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