



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
 Application: Zoning Code Text Amendment - Notice of Public Hearing
 Public Hearing: Planning and Zoning Board
Date & Time: May 11, 2016; 6:00 – 9:00 p.m.
 Location: City Commission Chambers, City Hall,
 405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

The City of Coral Gables is requesting review and consideration of the following:

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, "Development Review," Division 3, "Uniform Notice and Procedures for Public Hearing," Section 3-302, "Notice" expanding the notice area and revising procedural requirements for public hearing notifications; providing for repealer provision, severability clause, codification, and providing for an effective date.

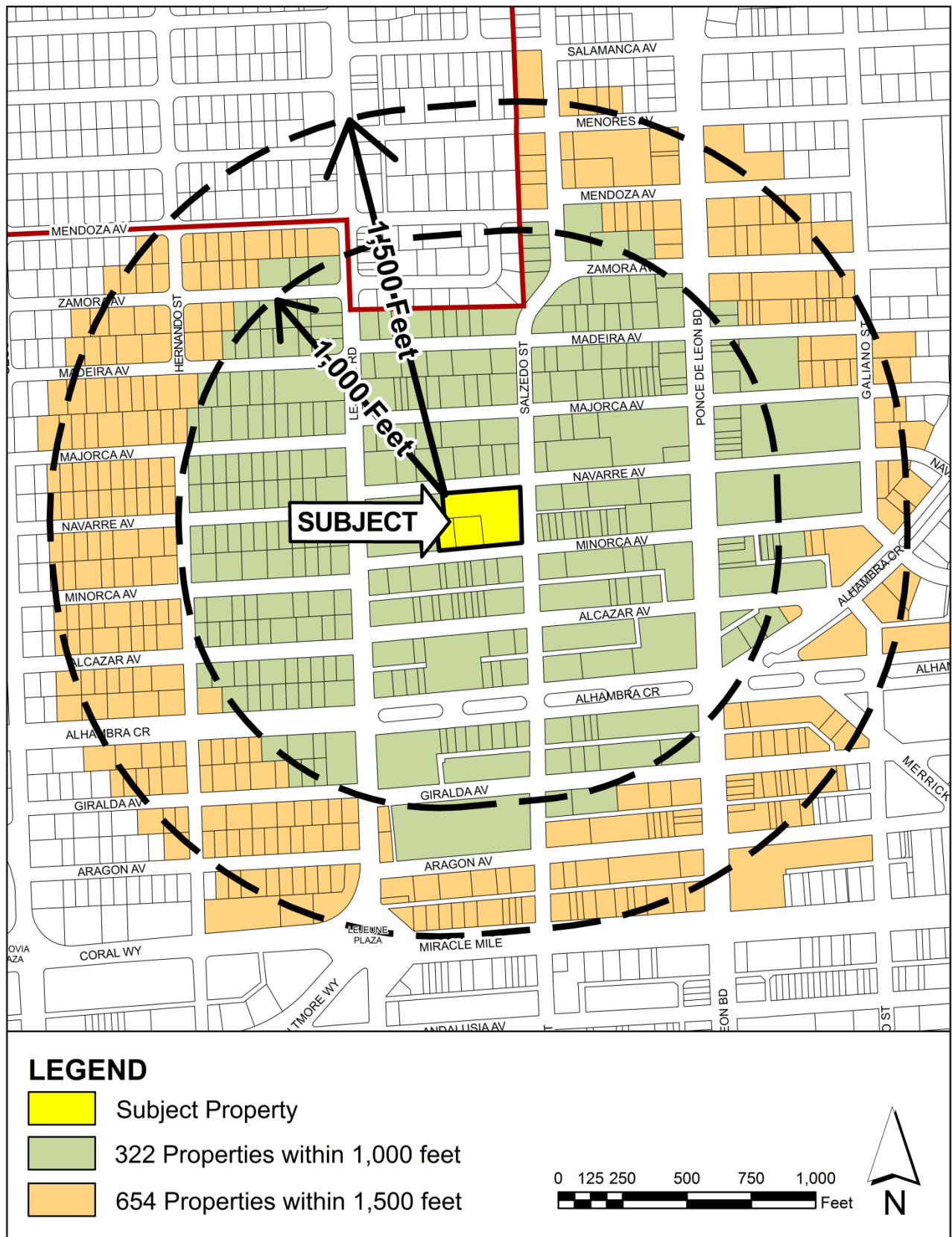
2. BACKGROUND INFORMATION

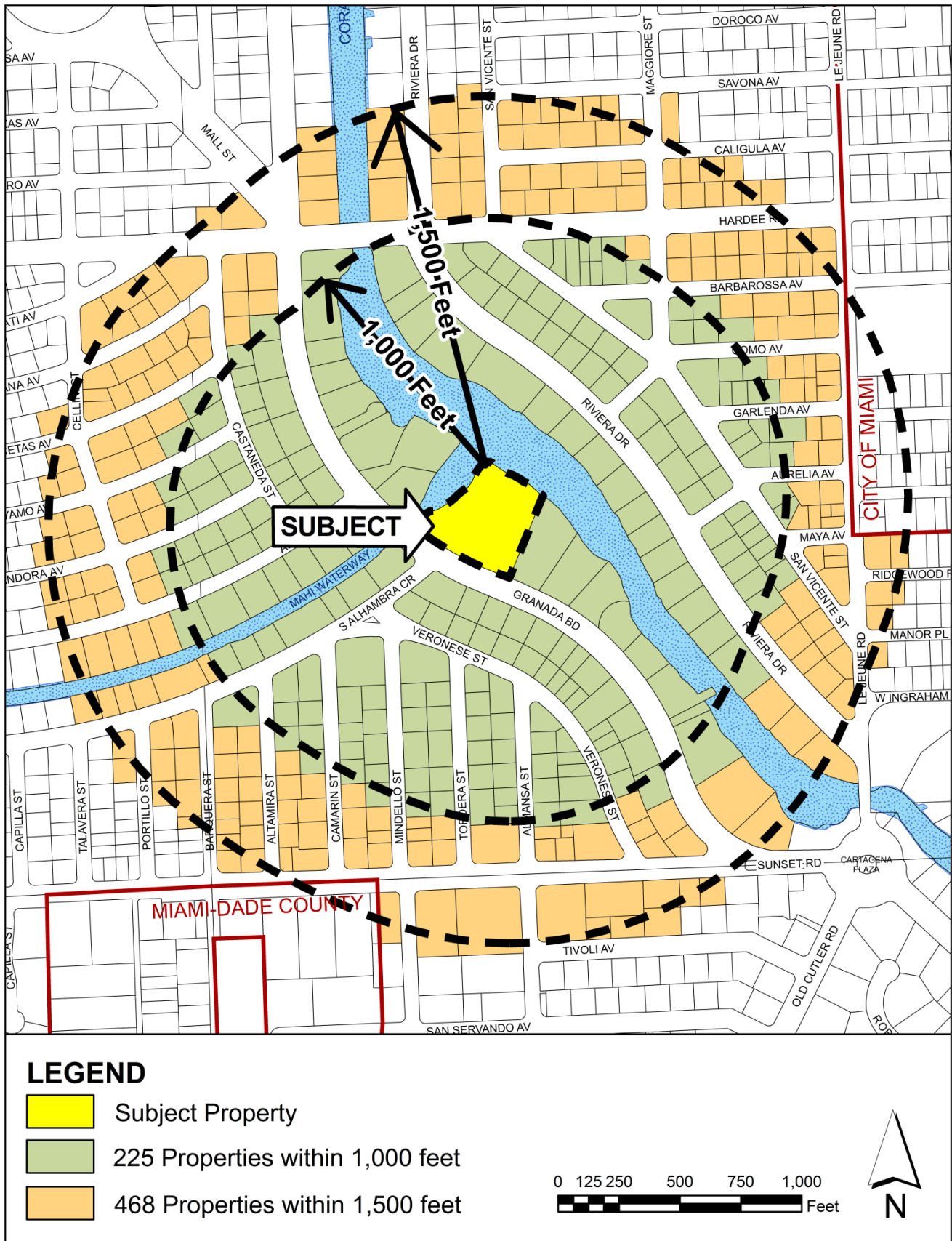
City Staff, at the request of the City Commission (see Attachment A), has prepared a Zoning Code text amendment to expand the City’s current public hearing notification area and procedural requirements. The proposed Zoning Code text amendment expands the radius for a courtesy notice of public hearings affecting specific properties before the Planning and Zoning Board from 1,000 feet to 1,500 feet, requires notifications be provided to tenants in addition to property owners, and provides language allowing for the Development Review Official to require re-notification for continued public hearings before the Planning and Zoning Board. Staff has researched the notice requirements for municipalities located within Miami-Dade County and compared them to the City of Coral Gables current noticing requirements (see Attachment B).

The Zoning Code provides for courtesy notification for public hearings and every effort is made to reach all property owners. However, the Zoning Code states that failure to mail or receive a courtesy notice shall not affect any action or proceeding that takes place under the regulations of the Zoning Code. Additionally, the notice requirements provided for within the Zoning Code apply to various other boards and committees. The proposed changes will only affect the noticing requirements for the Planning and Zoning Board.

Staff completed research to determine how many additional properties would be noticed under the new requirements. Staff conducted a study on a property located within the Central Business District and found that 322 properties fall within a 1,000 foot radius of the subject property and 654 properties fall within a 1,500 foot radius. A study was also completed within a single-family residential area and the results were that 225 properties fell within the 1,000 foot radius and that 468 properties fell within the 1,500 foot radius. In both instances the amount of properties more than doubled when the radius was

increased from 1,000 feet to 1,500 feet. This study did not include the number of tenants. The results of Staff's research are shown on the following maps:





3. PROPOSED ZONING CODE TEXT AMENDMENT

The proposed Zoning Code text amendment is provided below in ~~striketrough~~/underline format.

Article 3 - Development Review

Division 3. Uniform Notice and Procedures for Public Hearing

Section 3-302. Notice.

C. Mail notices.

1. Except for public hearings before the Board of Architects, a courtesy notice of public hearings affecting specific properties containing general information as to the date, time, place of the hearing, property location and general nature of the application may be mailed to the property owners and tenants, if such name is indicated in the current tax rolls, whose addresses are known by reference to the latest ad valorem tax record, within a one thousand (1,000) foot radius. It is provided, however, that the radius for a courtesy notice of public hearings affecting specific properties before the Planning and Zoning Board shall be one thousand five hundred (1,500) feet. This notification requirement is measured in feet from the perimeter boundaries of the subject property.

The Development Review Official may require an additional area to receive a courtesy notice on any application. If a public hearing before the Planning and Zoning Board is continued the Development Review Official may require re-notification. The Development Review Official may also require courtesy notices on applications that are not typically required to be noticed if it is determined that such notification is desirable.

2. Courtesy notice shall be mailed at least ten (10) days prior to the date of the public hearing. Applicants shall be responsible for mailing the courtesy notice and are required to provide an affidavit indicating completion.
3. Zoning District map amendments <10 acres. When a proposed ordinance is initiated by the City that changes the actual zoning map designation for a parcel or parcels of land less than ten (10) acres, the Secretary of the Planning and Zoning Board shall notify by mail each real property owner and tenant, if such name is indicated in the current tax rolls, whose land the City will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for the public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the Planning and Zoning Board public hearing, and again at least thirty (30) days prior to the date of the City Commission public hearing.

4. Comprehensive Plan small-scale map amendments. Notice of small-scale development amendments to the Comprehensive Plan, initiated by the City, shall be mailed to each property owner and tenant of record in the current tax rolls. The notice shall state the substance of the proposed ordinance as it affects that property owner and tenant, if such name is indicated in the current tax rolls, and shall set a time and place for the public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the Planning and Zoning Board public hearing, and again at least thirty (30) days prior to the date of the City Commission public hearing.
5. Comprehensive Plan, Zoning Code text amendments and Zoning District map amendments >10 acres. Notice for ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category/use district, or ordinances initiated by the City that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be mailed at least ten (10) days prior to the Planning and Zoning Board public hearing, again at least seven (7) days prior to the first City Commission public hearing and again at least five (5) days prior to the second City Commission adoption hearing.
6. Development agreements. Notice of a proposed Development Agreement shall be mailed to all affected property owners and tenants, if such names are indicated in the current tax rolls, at least ten (10) days prior to the first public hearing.
7. A copy of mailed notices shall be available for public inspection during the regular business hours of the City Clerk and/or the City Department that is responsible for the required reviews provided for herein.
8. Failure to mail or receive courtesy notice shall not affect any action or proceeding taken under these regulations. The applicant shall be required to provide a mailing list and labels of the area within the radius prescribed above to the City. Individual courtesy notices are not required when the property being considered constitutes more than ten (10) contiguous acres.

4. FINDINGS OF FACT

In accordance with Section 3-1405 of the Zoning Code, the Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt, text amendments to these land Zoning Code unless the text amendment:

- A. Promotes the public health, safety, and welfare.
- B. Does not permit uses the Comprehensive Plan prohibits in the area affected by the district boundary change or text amendment.
- C. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property.
- D. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less the minimum requirements of the Comprehensive Plan.
- E. Does not directly conflict with an objective or policy of the Comprehensive Plan.

Staff finds that all five of these criteria are **satisfied**.

5. COMPREHENSIVE PLAN CONSISTENCY

In accordance with Section 3-1407 of the Zoning Code, the Planning and Zoning Board shall determine whether the Zoning Code text amendment is consistent with the Comprehensive Plan. Staff finds that the proposed text amendment **is consistent** with the Comprehensive Plan overall, particularly with the following Goals, Objectives and Policies:

- Objective GOV-1.1. Provide ample and effective opportunities for public participation at all levels of City of Coral Gables governance and decision-making.
- Policy GOV-1.1.1. Strengthen strategies and processes to promote effective opportunities for public participation at all levels of City governance and decision-making.
- Policy GOV-1.1.2. Promote public outreach and participation including but not limited to the following: workshops; public meetings; public hearings; neighborhood meetings; electronic mailings; regular mailing; newspaper advertisements; property posting; City webpage posting; cable TV; city radio; E-News electronic newsletter; citizen boards and committees.
- Policy GOV-1.1.3. Enhance communication between residents, civic and cultural organizations, and the City Boards/Committees and City Commission beyond legal requirements and beyond traditional mediums, specifically by electronic media, and other easily accessible methods.

- Objective GOV-1.2. Provide clearly defined procedures, standards and expectation for development review.
- Policy GOV-1.2.1. Maintain and strengthen strategic management strategies that promote transparency, efficiency, effectiveness, ethics, accessibility and accountability in all of the City’s functions.

6. PUBLIC NOTIFICATION

The following has been completed to provide notice of the request:

Type	Date
Posted agenda on City web page/City Hall	04.29.16
Legal advertisement	04.29.16
Posted Staff report on City web page	05.06.16

7. STAFF RECOMMENDATION

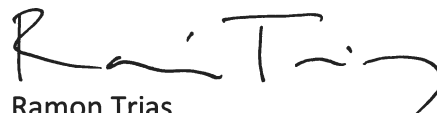
The Planning and Zoning Division recommends **approval**.

8. ATTACHMENTS

- A. Draft Resolution passed by the City Commission.
- B. Notification requirements for municipalities within Miami-Dade County.
- C. 04.29.16 Legal advertisement published.

Please visit the City’s webpage at www.coralgables.com to view all Application plans and materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida 33134.

Respectfully submitted,



Ramon Trias
 Director of Planning and Zoning
 City of Coral Gables, Florida

**CITY OF CORAL GABLES, FLORIDA
RESOLUTION NO. 2016-__**

RESOLUTION REQUESTING THAT THE CITY ATTORNEY AND PLANNING AND ZONING STAFF PREPARE AN ORDINANCE EXPANDING THE NOTICE AREA AND REVISING PROCEDURAL REQUIREMENTS IN ZONING CODE, FOR CONSIDERATION BY PLANNING AND ZONING BOARD AND CITY COMMISSION. (Sponsored by Commissioner Slesnick).

WHEREAS, the City Commission has received resident concerns regarding certain City policies, including notice area and certain procedural requirements; and

WHEREAS, the City Commission wishes to direct City Staff to review said City Policies to ensure that the City is providing its residents with the best and most effective policies and procedures; and

WHEREAS, the City Commission requests that the City Planning and Zoning Board consider the recommendations made by City staff, given their expertise and first-hand knowledge of City practices and their application.

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

SECTION 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the City Commission does hereby direct the City Attorney and City Planning and Zoning Staff to prepare an ordinance expanding the City's current notice area and procedural requirements. In preparing said ordinance, the City Commission would like City Staff to consider the following: (1) expanding notice requirements to 1,500 feet; (2) requiring a hearing to be re-noticed when it is continued; and (3) requiring that notices be issued to any and all tenants as well as property owners for structures that are leased.

SECTION 3. That Staff shall present the proposed Ordinance to the City Planning and Zoning Board for comments before presentation to the City Commission.

SECTION 4. That said Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FIFTEENTH DAY OF MARCH, A.D., 2016.

(Moved By)

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK


APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY

Notification requirements for municipalities within Miami-Dade County

Municipality	Required or Courtesy	Radius of Notice	Mailers
Aventura	Required	330 Ft.	Staff
Bal Harbour	Courtesy	300 Ft.	Staff
Coral Gables	Courtesy	1,000 Ft.	Staff
Doral	Required	300 Ft.	Staff
Homestead	Courtesy	500 Ft.	Staff
Key Biscayne	Courtesy	300 Ft.	Staff
Miami	Required	500 Ft.	Applicant
Miami Beach	Required	375 Ft.	Staff
Miami Lakes	Required	500 Ft. - 2,500 Ft.*	Staff
Miami Shores	Required	500 Ft.	Staff
North Miami	Required	500 Ft.	Staff
Opa-locka	Courtesy	300 Ft.	Staff
Palmetto Bay	Required	500 Ft. - 2,500 Ft. *	Staff
Pinecrest	Required	1,000 Ft. - 2,500 Ft.*	Staff
South Miami	Required	500 Ft.	Applicant
Surfside	Courtesy	300 Ft.	Staff

*Increased radius based on land use or zoning map change

	<p align="center">City of Coral Gables, Florida Notice of Public Hearing</p>
<p>City Public Hearing Dates/Times</p>	<p>Local Planning Agency / Planning and Zoning Board Wednesday, May 11, 2016, 6:00 – 9:00 p.m.</p>
<p>Location</p>	<p>City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida, 33134</p>

PUBLIC NOTICE is hereby given that the City of Coral Gables, Florida, Local Planning Agency (LPA)/ Planning and Zoning Board (PZB) will conduct Public Hearings on the following:

Items 1 through 3 are related.

1. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the text of the City of Coral Gables Comprehensive Plan, Future Land Use Element, Policy FLU-1.1.2, "Table FLU-1. Residential Land Uses", pursuant to expedited state review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 3, "Development Review", Division 15, "Comprehensive Plan Text and Map Amendments;" amending the "Residential Multi-Family Medium Density" Land Use Classifications to provide a maximum 100 units/acre density and a maximum 120' height for towers for projects developed in accordance with the Mediterranean Design Transitional Overlay District Zoning Code Regulations; providing for a repealer provision, providing for a severability clause, and providing for an effective date. (LPA review) (This item was continued from the April 13, 2016 Planning and Zoning Board meeting)
2. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 4, "Zoning Districts," Section 4-104, "Multi-Family Special Area District" to allow for a "Mediterranean Design Transitional Overlay District" Conditional Use with form-based development standards that modify and supplement the existing Multi-Family Special Area District standards and criteria to allow appropriate infill and redevelopment in transition areas between lower density residential development and high intensity commercial and residential development if certain minimum requirements are met; providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date. (This item was continued from the April 13, 2016 Planning and Zoning Board meeting)
3. A Resolution of the City Commission of Coral Gables, Florida requesting Conditional Use Site Plan Review pursuant to Zoning Code Article 3, "Development Review", Division 4, "Conditional Uses", Article 4, "Zoning Districts," Division 4, "Multi-Family Special Area District," Section 4-104.C., "Conditional Uses," and Appendix D, "Mediterranean Design Transitional Overlay District" for the proposed project referred to as "Villa Valencia" on the property legally described as Lots 24-38, Block 7, Biltmore Section (501 - 525 Valencia Avenue), Coral Gables, Florida; including required conditions; providing for a repealer provision, providing for a severability clause, and providing for an effective date. (This item was continued from the April 13, 2016 Planning and Zoning Board meeting)

4. A Resolution of the City Commission of Coral Gables, Florida granting conditional use approval pursuant to Zoning Code Article 3, "Development Review," Division 4, "Conditional Uses," for a day care within a mixed use development on the property legally described as the East 12.64 feet of Lot 3, all of Lots 7-45 and alley lying between, Block 35, Coral Gables Section K (320 Giralda Avenue), Coral Gables, Florida; including required conditions; providing for a repealer provision, providing for a severability clause, and providing for an effective date.
5. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, "Development Review," Division 3, "Uniform Notice and Procedures for Public Hearing," Section 3-302, "Notice" expanding the notice area and revising procedural requirements for public hearing notifications; providing for repealer provision, severability clause, codification, and providing for an effective date.

All interested parties are invited to attend and participate. Upon recommendation by the Board, the applications will be scheduled for City Commission consideration. Please visit the City webpage at www.coralgables.com to view information concerning the applications. The complete applications are on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134. Questions and written comments can be directed to the Planning and Zoning Division at planning@coralgables.com (FAX: 305.460.5327) or 305.460.5211.

Ramon Trias
Director of Planning and Zoning
Planning & Zoning Division
City of Coral Gables, Florida

Any person, who acts as a lobbyist pursuant to the City of Coral Gables Ordinance No. 2006-11, as amended, must register with the City Clerk prior to engaging in lobbying activities before City Staff, Boards, Committees or City Commission. A copy of the Ordinance is available in the Office of the City Clerk, City Hall. If a person decides to appeal any decision made by a Board, Committee or City Commission with respect to any matter considered at a meeting or hearing, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). Any meeting may be opened and continued and, under certain circumstances, additional legal notice will not be provided. Any person requiring special accommodations for participation in the proceedings or the materials in accessible format should contact Ernesto Pino, Assistant Public Works Director at 305.460.5004, no less than three working days prior to the meeting. All meetings are telecast live on Coral Gables TV Channel 77.

(PUBLISH DATE: April 29, 2016)