



# City of Coral Gables Planning and Zoning Staff Report

Applicant:	City of Coral Gables
Application:	<b><u>Zoning Code Text Amendment: TDRs and Historical Determinations</u></b>
Public Hearing:	Planning and Zoning Board
<b>Date &amp; Time:</b>	<b>November 1, 2022; 6:00 – 9:00 p.m.</b>
Location:	City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida 33134

## 1. APPLICATION REQUEST

The City of Coral Gables has initiated a request for Zoning Code Text Amendments as follows:

1. *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 14-204.9, "Expiration of Approvals; to eliminate the expiration of Certificates of TDR; providing for severability clause, repealer provision, codification, and providing for an effective date.*
2. *An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 15, "Notices" to require online publication of historical determination letters and Article 8, "Historic Preservation" revising the process of historical determination letters; providing for severability clause, repealer provision, codification, and providing for an effective date.*

The requests require three public hearings, including review and recommendation by the Planning and Zoning Board, and 1st and 2nd Reading before the City Commission.

## 2. APPLICATION SUMMARY

As requested by the City Commission, text amendments are proposed related to historic preservation.

**Expiration of Transfer of Development Rights (TDRs).** The first proposed text amendment removes the expiration for certificates of TDRs. Section 14-204 of the City's Zoning Code sets forth the process for transfer, receipt, and use of TDRs. Specifically, Section 14-204.4 sets forth the process for sending development rights and for the issuance of a certificate of TDR. Separately, Sections 14-204.5 through 14-204.7 set forth the process for use of TDRs at receiver sites. While there are valid reasons for having approvals on receiver sites expire after a certain period of time, if the City Commission wishes for certificates of TDR to be transferrable in the open market, they should not have an expiration date, as the conditions for their sending do not change. Accordingly, the proposed text amendment amends Section 14-204.9 to eliminate the two (2) year expiration date for certificates of TDR while keeping the expiration date for approvals on the use of TDRs on a particular receiving site.

**Historical Determination Letters.** The other proposed text amendment is to provide additional transparency for historic designation determinations. Currently in Section 8-107, whenever a demolition permit or preliminary development proposal are received, the Historic Preservation Officer must review and provide a determination if the affected structure(s) are eligible for designation as a local historic landmark. If the Historic Designation Officer does not require further review by the Historic Preservation Board, then he/she will issue a determination to the applicant. The proposed amendment will require both an online publication of the historical determination letters so that interested community members may be notified, and a clarification that anyone that appeals a determination can then prepare their own designation report for public hearing.

**3. REVIEW TIMELINE / PUBLIC NOTICE**

**City Review Timeline**

The submitted applications have undergone the following City reviews:

REVIEW COMMITTEES AND BOARDS	DATE
Planning and Zoning Board	11.01.22
City Commission – 1 <sup>st</sup> Reading (TDRs)	09.28.22
City Commission – 1 <sup>st</sup> Reading (Historic Determinations)	TBD
City Commission – 2 <sup>nd</sup> Reading	TBD

The following has been completed to solicit input and provide notice of the Application:

PUBLIC NOTICE	DATE
Legal advertisement	10.21.22
Posted agenda and Staff report on City web page/City Hall	10.28.22

**4. FINDINGS OF FACT**

The request is a Text Amendment to the Zoning Code. The proposed changes are provided in Attachment A and Attachment B in ~~strike through~~ / underline format.

Zoning Code Section 14-212.5 provides review standards for Zoning Code text amendments:

Standard	Staff Evaluation
a. Promotes the public health, safety, and welfare.	The intent of the proposed amendment is to provide more transparency with historical determinations and a clear appeal process for the benefit of the community.
b. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed amendment does not affect any uses permitted in the Comprehensive Plan.
c. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the	The proposed text amendment does not allow densities or intensities in excess of what are permitted by the future land uses.

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 than the minimum requirements of the Comprehensive Plan.	The proposed text amendment will not cause a decline on the level of service for public infrastructure.
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e. Does not directly conflict with any objective or policy of the Comprehensive Plan.	The proposed amendment does not conflict with any objective or policy.
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*Staff comments:*

The proposed text amendments to the Zoning Code both removes the expiration of unused transfer of development rights (TDRs) and provides additional transparency and revisions to the process of historical determination letters. The removal of the unused TDRs expiration improves the transfer of development rights (TDRs) process, as outlined in Policy HIS-5.1.2. of the Comprehensive Plan to continue the city’s current use and documentation of Transfer of Development Rights to provide for the preservation and protection of historic landmarks, properties or areas. The policy continues with the encouragement to examine other possible amendments to the program that provides for additional incentives to promote historic and cultural preservation. The second text amendment to require an online posting of historical determination letters is consistent with the Property Rights Element of the Comprehensive Plan; specifically fulfilling Objective PRP-1.2. to provide transparency in the decision-making processes and procedures so that all people may reasonably participate in decisions that affect their lives and property. The standards identified in Section 14-212.5 for the proposed Zoning text amendment are **satisfied**.

**5. STAFF RECOMMENDATION**

Based upon the complete Findings of Fact contained within this report, staff recommends **Approval**.

**6. ATTACHMENTS**

- A. Draft Ordinance - TDRs.
- B. Draft Ordinance – Historical Determinations.
- C. Legal advertisement published.

Please visit the City’s webpage at [www.coralgables.com](http://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,



Jennifer Garcia, AICP, CNU-A  
City Planner  
City of Coral Gables, Florida

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2022-\_\_**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING ARTICLE 14, "PROCESS," SECTION 14-204.9, "EXPIRATION OF APPROVALS; TO ELIMINATE THE EXPIRATION OF CERTIFICATES OF TDR; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, Section 14-204 of the City's Zoning Code sets forth the process for transfer, receipt, and use of Transfer Development Rights ("TDRs"); and

**WHEREAS**, specifically, section 14-204.4 sets forth the process for sending development rights and for the issuance of a certificate of TDRs; and

**WHEREAS**, separately, sections 14-204.5 through 14-204.7 set forth the process for use of TDRs at receiver sites; and

**WHEREAS**, while there are valid reasons for having approvals on receiver sites expire after a certain period of time, the City Commission wishes for certificates of TDR to be transferrable on the open market, therefore they should not have an expiration date as the conditions for their sending do not change; and

**WHEREAS**, the City Commission wishes to amend section 14-204.9 to eliminate the two (2) year expiration date for certificates of TDR while keeping the expiration date for approvals on the use of TDRs on a particular receiving site; and

**WHEREAS**, a public hearing was held before the City Commission on September 28, 2022, at which hearing all interested parties were afforded the opportunity to be heard and the City Commission adopted the ordinance on First Reading; and

**WHEREAS**, after notice was duly published, a public hearing was held before the Planning and Zoning Board on November 1, 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/denial (vote: \_ to \_) of the text amendment; and

**WHEREAS**, the Historic Preservation Board was presented with text amendments to the Official Zoning Code, and after due consideration, recommended approval/denial (vote: \_ to \_) of the text amendment; and

**WHEREAS**, after notice was duly published, another public hearing was held before the City Commission on November 9, 2022, at which hearing all interested parties were afforded the opportunity to be heard and the City Commission voted to adopt the ordinance 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 follows<sup>1</sup>:

**Article 14. Process**

**Section 14-204.9. Expiration of approvals.**

A. ~~Certificates of TDRs~~ Approvals for use of TDRs on receiver sites, shall be valid for up to two (2) years from date of issuance, in accordance with Section 1-111, Time limitation of approvals. Certificates of TDR shall have no expiration date.

**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.

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<sup>1</sup> Deletions are indicated by strikethrough. Insertions are indicated by underline.

**SECTION 7.** The provisions of this Ordinance shall also apply to all previously issued Certificates of Transfer of Development Rights (TDRs).

**SECTION 8.** This Ordinance shall become effective upon the date of its adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2022.

(Moved: / Seconded:)

(Yeas: )

(; Vote)

APPROVED:

VINCE LAGO  
MAYOR

ATTEST:

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

BILLY Y. URQUIA  
CITY CLERK

MIRIAM SOLER RAMOS  
CITY ATTORNEY

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2022-\_\_\_**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING ARTICLE 15, "NOTICES" TO REQUIRE ONLINE PUBLICATION OF HISTORICAL DETERMINATION LETTERS AND ARTICLE 8, "HISTORIC PRESERVATION" REVISING THE PROCESS OF HISTORICAL DETERMINATION LETTERS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, Section 8-107 of the City's Zoning Code sets forth the process for historical determination by the Historic Preservation Officer when a demolition permit is requested for a non-designated building; and

**WHEREAS**, the City Commission wishes to provide more transparency to interested parties when a Historical Determination Letter is issued by providing the letters online; and

**WHEREAS**, Staff has prepared Zoning Code text amendments to require Historical Determination Letters online and provide a clear process for an appellant to prepare a designation report for public hearing; and

**WHEREAS**, after notice was duly published, a public hearing was held before the Planning and Zoning Board on November 1, 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/denial (vote: \_ to \_) of the text amendment; and

**WHEREAS**, the Historic Preservation Board was presented with text amendments to the Official Zoning Code, and after due consideration, recommended approval/denial (vote: \_ to \_) of the text amendment; and

**WHEREAS**, a public hearing for First Reading was held before the City Commission, at which hearing all interested parties were afforded the opportunity to be heard; and

**WHEREAS**, after notice was duly published, a public hearing for Second Reading was held before the City Commission, at which hearing all interested parties were afforded the opportunity to be heard.

**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 follows<sup>1</sup>:

**Article 15. Notices**

**Section 15-102. Notice**

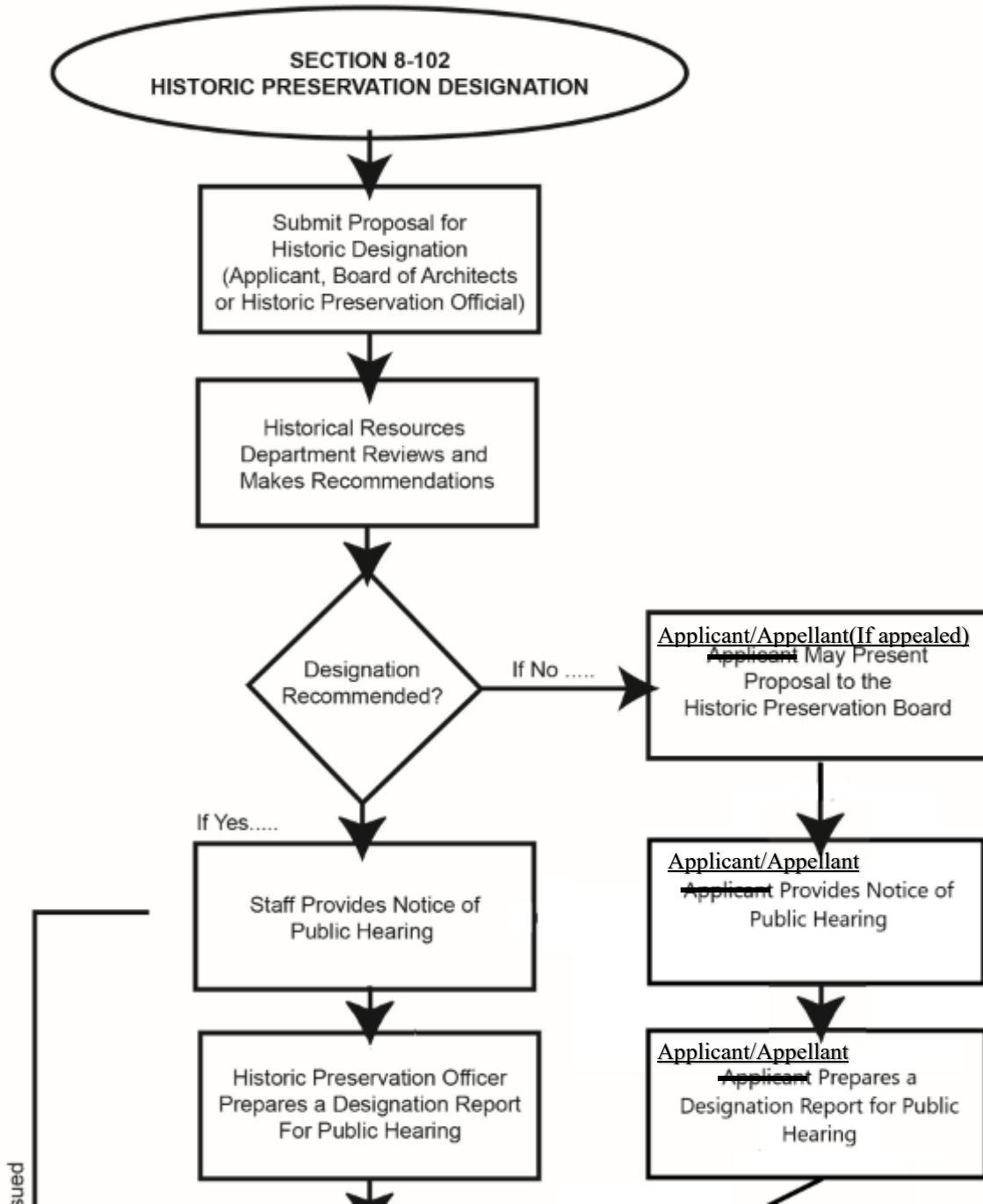
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<i>Historic Preservation: Designations and Certificate of Appropriateness</i>			
Designation of Landmark or District	Publication	10 days	
	Posting	10 days	
	Mail	13 days	
Certificate of Appropriateness (Special)	Publication	10 days	
	Posting	10 days	
Certificate of Appropriateness (Special) with Variance	Publication	10 days	
	Posting	10 days	
	Mail	13 days	
<u>Historical Significance Determination Letter</u>	<u>Online</u>		

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<sup>1</sup> Deletions are indicated by strikethrough. Insertions are indicated by underline.





**Article 8. HISTORIC PRESERVATION**

**Section 8-107. Demolition.**

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(G) All demolition permits for non-designated buildings and/or structures must be approved by the Historic Preservation Officer or designee. The approval is valid for eighteen (18) months from issuance and shall thereafter expire and the approval is deemed void

unless the demolition permit has been issued by the Development Services Department. Any citizen may appeal the approval within 10 days of online posting. A completed designation report, as determined by the Historic Preservation Officer, must be submitted within 21 days of filing the notice of intent to appeal. The Historic Preservation Officer may require review by the Historic Preservation Board if the building and/or structure to be demolished is eligible for designation as a local historic landmark or as a contributing building, structure or property within an existing local historic landmark district. This determination of eligibility is completed by Historic Preservation Officer within 45 days of submittal and is preliminary in nature. The determination of eligibility will include criteria that was considered in the preliminary determination but is not included as an exhaustive list. The final report may include additional criteria or exclude others after further research is completed. The final public hearing before the Historic Preservation Board on Local Historic Designation shall be held as soon as practically possible and no later than within ninety (90) days from the Historic Preservation Officer determination of “eligibility.” Consideration by the Board may be deferred by mutual agreement by the property owner and the Historic Preservation Officer. The Historic Preservation Officer may require the filing of a written application on the forms prepared by the Department and may request additional background information to assist the Board in its consideration of eligibility. Independent analysis by a consultant selected by the City may be required to assist in the review of the application. All fees associated with the analysis shall be the responsibility of the applicant. The types of reviews that could be conducted may include the following: property appraisals; archeological assessments; and historic assessments.

**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 adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2022.

(Moved: / Seconded:)

(Yeas: )

( ; Vote)

APPROVED:

VINCE LAGO  
MAYOR

ATTEST:

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

BILLY Y. URQUIA  
CITY CLERK

MIRIAM SOLER RAMOS  
CITY ATTORNEY

MIAMI-DADE

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF CORAL GABLES - PUBLIC HEARING - LOCAL  
PLANNING AGENCY / PLANNING AND ZONING BOARD - NOV  
. 1, 2022

in the XXXX Court,  
was published in said newspaper by print in the issues of  
and/or by publication on the newspaper's website, if  
authorized, on

10/21/2022

Affiant further says that the newspaper complies with all  
legal requirements for publication in chapter 50, Florida  
Statutes.

*Guillermo Garcia*

Sworn to and subscribed before me this  
21 day of OCTOBER, A.D. 2022

*C. Ramo*

(SEAL)

GUILLERMO GARCIA personally known to me



**CITY OF CORAL GABLES, FLORIDA  
NOTICE OF PUBLIC HEARING  
HYBRID MEETING ON ZOOM PLATFORM**

City Public Hearing  
Dates/Times

Local Planning Agency/Planning and Zoning Board

Tuesday, November 1, 2022, 6:00 p.m.

Location City Commission Chamber, City Hall  
405 Biltmore Way, Coral Gables, FL 33134

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

1. An Ordinance of the City Commission amending the City of Coral Gables Zoning Code, Article 6 "Landscape," Section 6-104 "Landscape Requirements for Public Rights-of-Way: to amend planting height and various other provisions, providing for a repealer provision, severability clause, codification, and providing for an effective date. (This item was discussed and deferred from the September 14th PZB Meeting.)
2. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 2, "Zoning Districts," Section 2-402, "Zain/Friedman Miracle Mile Downtown District Overlay" to promote quality design and amend the property size requirements that require Conditional Use review and approval for properties facing Miracle Mile; providing for severability, repealer, codification, and an effective date.
3. An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 10, "Parking," Section 10-109, "Payment in Lieu and Remote Off- Street Parking;" to clarify remote parking processes and fee structure; providing for severability, repealer, codification, and for an effective date.
4. 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 14-204.9, "Expiration of Approvals; to eliminate the expiration of Certificates of TDR; providing for severability clause, repealer provision, codification, and providing for an effective date.

# Local Planning Agency/ Planning And Zoning Board

5. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 15, "Notices" to include mailed notice to all properties within the applicable mailing distance; providing for severability clause, repealer provision, codification, and providing for an effective date.
6. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 15, "Notices" to require online publication of historical determination letters and Article 8, "Historic Preservation" revising the process of historical determination letters; providing for severability clause, repealer provision, codification, and providing for an effective date.

The Planning and Zoning Board will be holding its regular board meeting on Tuesday, November 1, 2022, commencing at 6:00 p.m. Pursuant to Resolution No. 2021-118, the City of Coral Gables has returned to traditional in-person meetings. Accordingly, any individual wishing to provide sworn testimony shall be present physically in the City Commission Chambers.

However, the City Commission has established the ability for the public to provide comments (non-sworn and without evidentiary value) virtually. Accordingly, only individuals who wishes to provide public comment in this format, may appear and provide those comments via Zoom.

Members of the public may join the meeting via Zoom at (<https://zoom.us/j/83788709513>). In addition, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom may listen to and participate in the meeting by dialing: (305) 461-6769 Meeting ID: 837 8870 9513. The public may comment on an item using the City's E-Comment function which may be found on the City's website at: (<https://coralgables.granicusideas.com/meetings>) once the meeting's agenda is published, or by sending an email to [planning@coralgables.com](mailto:planning@coralgables.com) prior to the meeting.

The meeting will also be broadcasted live for members of the public to view on the City's website ([www.coralgables.com/cgtv](http://www.coralgables.com/cgtv)) as well as Channel 77 on Comcast.

Sincerely,  
City of Coral Gables, Florida  
10/21

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