



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
 Application: **Zoning Code Text Amendments – Shutters**
 Public Hearing: Planning and Zoning Board
 Date & Time: **February 20, 2024; 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 a text amendment to the City of Coral Gables Official Zoning Code, creating Section 5-314 “Window hurricane shutters” to regulate the closure of window hurricane shutters and amending the City Code, Chapter 1 - General Provisions, Section 1-7 entitled “Penalties” to provide a penalty for the closure of window hurricane shutters outside of the hurricane season.

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

2. BACKGROUND INFORMATION

The City provides rigorous design guidelines, standards, and review processes in efforts to maintain and enhance the aesthetic quality of its neighborhoods. Although the City recognizes the importance of protecting homes during the Atlantic hurricane season, hurricane shutters have an undesirable visual impact on the community. The City seeks to strike a balance between ensuring the safety of residents during hurricane events and preserving the overall aesthetic character of the community.

At the request of a Commissioner, Staff has prepared a text amendment to limit the closure of window and hurricane shutters to the 6-month Atlantic hurricane season, which lasts from June 1st to November 30th. Currently, the Zoning Code and City Code do not restrict the amount of time shutters may be installed. The proposed text amendment provides the time period in which homeowners and tenants can install shutters, and provides enforcement action and fines if violation were to occur. The City Manager or designee may determine cases of exceptions.

The proposed text amendment was approved (vote: 5-0) on 1st Reading by the City Commission on January 9, 2024.

3. PROPOSED TEXT AMENDMENTS

The proposed Zoning Code text amendments are provided below in ~~striketrough~~/underline format.

Article 5. Architecture

Section 5-314: Window hurricane Shutters

- a. The closure of windows and hurricane shutters for the purpose of protecting property from potential hurricane events is permitted during the six-month Atlantic hurricane season, which runs from June 1 until November 30.
- b. Properties with closed windows or hurricane shutters outside of the hurricane season will be given a 30-day warning before any further enforcement action, including but not limited to fines pursuant to Section 1-7 of the City Code.
- c. Exceptions to this regulation may be granted by the City Manager or designee in cases where unique circumstances or emergencies necessitate the closure of window and hurricane shutters outside the hurricane season.

4. REVIEW TIMELINE / PUBLIC NOTICE

City Review Timeline. The submitted application has undergone the following City meetings to solicit input and reviews:

MEETINGS, REVIEW COMMITTEES, AND BOARDS	DATE
Planning and Zoning Board	02.20.24
City Commission – First Reading	01.09.24
City Commission – Second Reading	TBD

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

PUBLIC NOTICE	DATE
Legal advertisement	02.05.24
Posted agenda and Staff report on City web page/City Hall	02.15.24

5. FINDINGS OF FACT

In accordance with Section 14-212.5 of the Zoning Code, the Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt, text amendments to the Zoning Code or City Code unless the text amendment:

Standard	Staff Evaluation
1. Promotes the public health, safety, and welfare.	The intent of the proposed amendment is to provide a solution that both maintains the safety of residents during hurricane season and preserves the overall aesthetic of residential neighborhoods. The amendment restricts use of hurricane shutters during the Atlantic hurricane period. This initiative promotes public health, safety, and welfare as its purpose is to minimize an undesirable visual impact, while also providing residents ample amount of time to protect their homes.
2. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed text amendment does not permit uses the Comprehensive Plan prohibits in the City.
3. 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.	The proposed text amendment does not impact densities or intensities.

<p>4. 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.</p>	<p>The proposed text amendment will not affect the level of service for public infrastructure.</p>
<p>5. Does not directly conflict with any objective or policy of the Comprehensive Plan.</p>	<p>The proposed amendment does not directly conflict with any goal, objective or policy of the Comprehensive Plan.</p>

Staff comments: Staff finds that all five of these criteria are satisfied.

Consistency Evaluation of the Comprehensive Plan (CP) Goals, Objectives and Policies

The Planning and Zoning Division has reviewed the CP and finds the following CP Goals, Objectives and Policies are applicable. Consistent CP Goals & Objectives and Policies are as follows:

Ref. No.	CP Goal, Objective and Policy	Basis for Consistency
1.	Goal DES-1. Maintain the City as a livable city, attractive in its setting and dynamic in its urban character.	Complies
2.	Policy DES-1.1.2. Provide for rigorous design guidelines, standards, and review processes via the City’s Zoning Code that ensure high quality design of buildings and spaces.	Complies
3.	Policy DES-1.1.6. Maintain the character of the residential and nonresidential districts, and their peculiar suitability for particular uses.	Complies

Staff comments: The proposed text amendment to Article 5 “Architecture” warrants the safety of residents during hurricane season, as well as commits to preserving the aesthetic quality of residential neighborhoods. The proposed text amendment satisfies the Design goal and policies listed above as it provides a time period in which residents can keep their shutters for safety during the entirety of hurricane season. At the same time, it provides a solution to the undesirable aesthetics of shutters by requiring removal during the hurricane off-season.

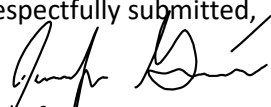
6. STAFF RECOMMENDATION

The Planning and Zoning Division recommends approval.

7. ATTACHMENTS

- A. Legal Advertisement.

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,

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

A FREE AND INDEPENDENT NEWSPAPER VOICE

COMMUNITY NEWSPAPERS
PUBLISHED MONDAY
MIAMI, MIAMI-DADE, FLORIDA

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GEORGIA GRIFFIN who on oath says she is OFFICE MANAGER of Legal Advertising of Community Newspapers, published Monday at Miami-Dade, Florida; that the attached copy of advertisement, published on the publicly accessible website of Miami-Dade County, Florida and/or in a newspaper in print, being a Legal Advertisement of Notice in the Matter of

Notice of Public Hearing
City of Coral Gables, FL
Planning & Zoning Division
February 20, 2024

in the XXXXX Court, published in said newspaper in the issue of

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

PROOF OF PUBLICATION -

AFFIANT
[Signature of Georgia Griffin]
05 day of February 2024.

JESUS TOLEDO
(Print or type or stamp commissioned name of Notary Public)

(SEAL)
JESUS C. TOLEDO
Notary Public - State of Florida
Commission # HH 101046
My Comm. Expires Apr 10, 2025
Bonded through National Notary Assn.

X

Community Newspapers
6796 S.W. 62nd Avenue
South Miami, Florida 33143
305-669-7355 Ext. 2226

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 Article 9 "Art in Public Space" of the City Zoning Code in order to amend certain procedures related to the Art in Public Places waiver process and options; providing for a repealer provision, severability clause, codification, enforceability, and providing for an effective date. (Item deferred at PZB Meeting of 01/10/24)
2. An Ordinance of the City Commission of Coral Gables, Florida amending the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 14, "Process," Section 14-213, "Comprehensive Plan Text and Map Amendments," and Small Scale amendments procedures. (Iss. 1/23/24)
3. An Ordinance of the City Commission of Coral Gables, Florida, including required conditions; providing for a repealer provision, severability clause, and an effective date.
4. A Resolution of the City Commission of Coral Gables, Florida approving a Mixed-Use District for Lots 1 through 9 and from Single Family High-Rise Intensity" for Lots 1 through 9 and Lots 39 through 42 and from "Commercial High-Rise Intensity" for Lots 1 through 9 and Lots 39 through 42 and from "Single-Family Residential District" to Mixed Use 1 District for Lots 17 through 21, Block 14, Coral Gables Cratts Section (130 Almeria Avenue, 152 Almeria Avenue, 160 Almeria Avenue, 152 Almeria Avenue, 2701 Ponce de Leon Boulevard, and 103 Sevilla Avenue), Coral Gables, Florida, including required conditions; providing for a repealer provision, severability clause, and an effective date.
5. An Ordinance of the City Commission providing for a text amendment to the City of Coral Gables Official Zoning Code, Creating Section 5-314, "Window and Hurricane Shutters" to regulate the closure of window and hurricane shutters and amending the City Code, Chapter 1-General Provisions, Section 1-7 entitled "Penalties" for a repealer provision, to provide a penalty for the closure of window and hurricane shutters outside of the hurricane season, providing for severability clause, repealer provision, codification, and providing for an effective date.
6. An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, amending Article 1, "General Provisions," Section 1-104, "Jurisdiction and Applicability," amending provisions for the siting of city facilities to include facilities for workforce housing that are owned, financed, or operated by the City, the County, or other public (governmental) entity as required by the Code of Miami-Dade County Section 33-193.7, "Applicability in the Incorporated Areas: Unincorporated Areas: Exemptions," providing for repealer provision, severability clause, codification, and providing for an effective date.
The Planning and Zoning Board will be holding its board meeting on Tuesday, February 20, 2024, commencing at 6:00 p.m. Pursuant to Resolution No. 2021-118, the City of Coral Gables has returned to traditional in-person meetings. However, the City Commission has established the ability for the public to virtually provide sworn testimony or public comments (non-sworn and without evidentiary value). Any individual who wishes to provide sworn testimony virtually must have their video on and must be sworn in. 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://coral.gables.granicusideas.com/meetings) once the meeting's agenda is published, or by sending an email to 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/city) as well as Channel 77 on Comcast. Sincerely,
City of Coral Gables, Florida
(PUBLISH DATE: February 5th)