



# City of Coral Gables Planning and Zoning Staff Report

Applicant: David Cabarrocas

Application: **Marin Boat Slips - Zoning Code Text Amendment**

Property: 11093 Marin Street, Coral Gables, Florida

Public Hearing: Planning and Zoning Board

Date & Time: **October 14, 2020 6:00 – 9:00 p.m.**

Location: Hybrid Format via Zoom  
City Commission Chambers, City Hall  
405 Biltmore Way, Coral Gables, Florida 33134

## 1. APPLICATION REQUEST

An application has been submitted for a Zoning Code Text Amendment Marin Boat Slips located at 11093 Marin Street. The request is for 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, Appendix A, "Site Specific Zoning Regulations," by amending "Section A-58 – Hammock Oaks Harbor Section 2 (F)," amending provisions governing the use of the private yacht basin facility, increasing the number of dock slips from eight (8) to nine (9), on property legally described as A portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida; providing for severability, repealer, codification, and an effective date.*

## 2. APPLICATION SUMMARY

On October 9, 2018, the City Commission approved a Text Amendment to the Zoning Code (Ordinance No. 2018-42), by creating a subsection for Hammock Oaks Harbor, providing provisions for a private yacht basin facility located on this long and narrow strip of land at the southern boundary of Lake "B" within Hammock Oaks Harbor. A Conditional Use approval was also granted (Ordinance No. 2018-43) to allow a private yacht basin that includes eight (8) boat slips.

At this time the Applicant is requesting to amend the Zoning Code to increase the number of boat slips from eight (8) to nine (9) slips. The Conditional Use amendment will be presented at a later time.

Zoning Code text amendment applications require review and recommendation by the Planning and Zoning Board at one (1) advertised public hearing, and consideration by the City Commission at two (2) advertised public hearings (Ordinance format).

The subject property is a long narrow strip that is located at the southern boundary of Lake B on Tract E, Hammock Oaks Harbor, Section #2 at the end of the Marin Street cul de sac.

### Location Map



### Aerial



### Site Data and Surrounding Uses

The following tables provide the subject property’s designations and surrounding land uses:

#### Existing Property Designations

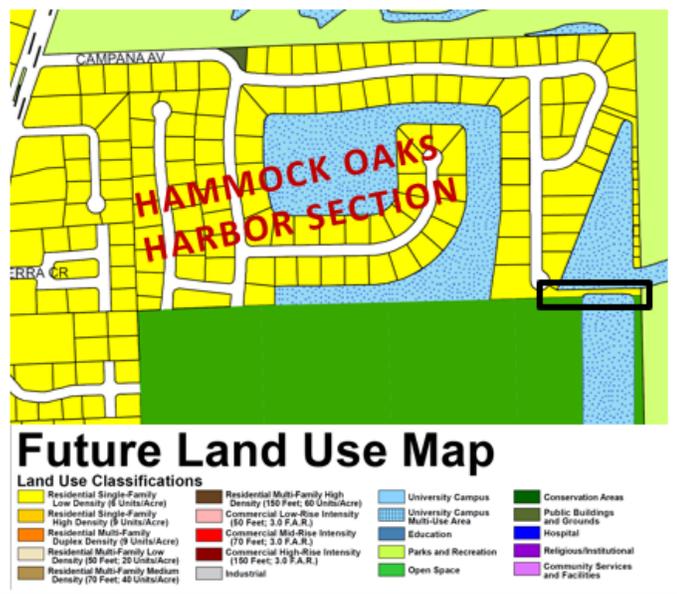
Comprehensive Plan Map designation	Residential Single-Family Low Density
Zoning Map designation	Single-Family Residential (SFR)

#### Surrounding Land Uses

Location	Existing Land Uses	Comprehensive Plan Designations	Zoning Designations
North	Single-family residences	Residential Single-Family Low Density	Single-Family Residential (SFR)
South	Matheson Hammock Park	Conservation Area	Preservation (P)
East	Vacant Land	Park and Recreation Use	Special Use (S)
West	Single-family residences	Residential Single-Family Low Density	Single-Family Residential (SFR)

The Applicant proposes no changes to the property’s existing land use and zoning designations, as illustrated in the following maps:

#### EXISTING FUTURE LAND USE MAP



#### EXISTING ZONING MAP



### City Review Timeline

The submitted Applications have undergone the following City reviews:

Types of Review	Dates
Development Review Committee	N/A
Courtesy Notice	10.01.20
Planning and Zoning Board	10.14.20
City Commission, 1 <sup>st</sup> reading and 2 <sup>nd</sup> reading	To be determined

### City Legislative History

The following is a chronology of previous approvals/legislation affecting the subject property:

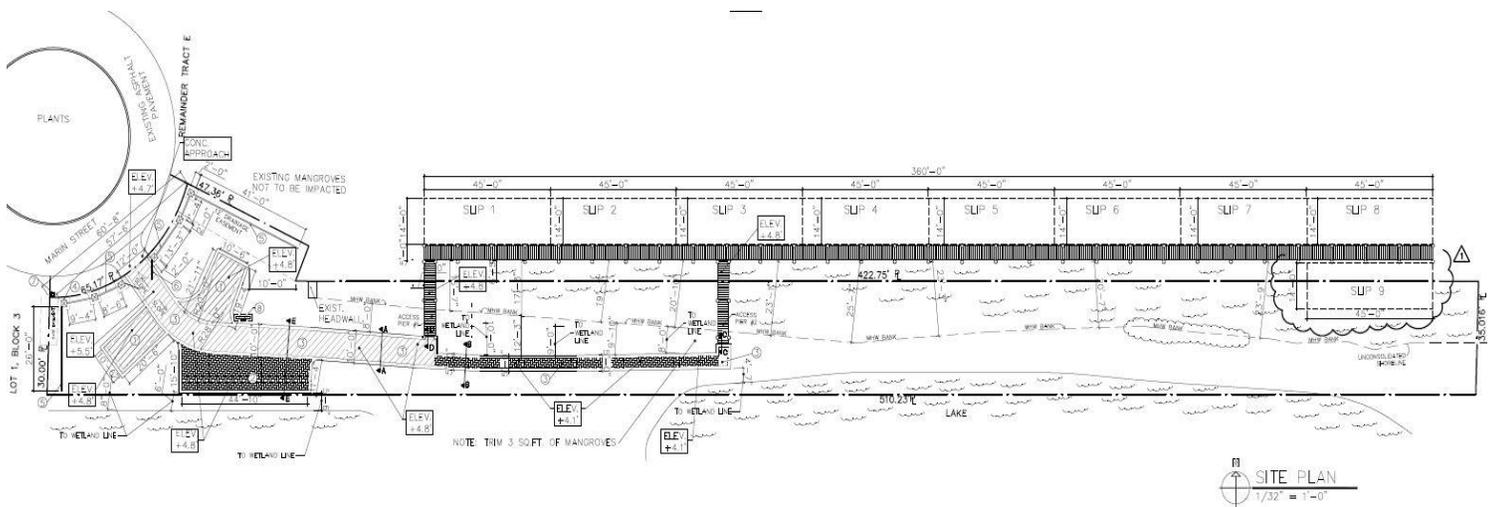
- Ordinance 1128 approved plat Hammock Oaks Harbor – adopted May 5, 1959.
- Ordinance 1249 approved plat Hammock Oaks Harbor Section #2 - adopted May 7, 1961.
- Ordinance 2315 zoning to revert to single family residential use - adopted August 28, 1979.
- Ordinance 2018-42 Zoning Text Amendment to allow private yacht basin – adopted October 9, 2018
- Ordinance 2018-43 – Conditional Use for private yacht basin with 8 boat slips – adopted October 9, 2018

### 3. PROPOSAL - Zoning Code Text Amendments

In 2018, the Commission approved by Ordinance No. 2018-42 an amendment to the Zoning Code creating subsection in Site Specific Zoning Regulations for Hammock Oaks Harbor, providing provisions for private yacht basin with 8 dock slips, spells out prohibited uses, sets forth an ownership and use restriction to property owners or residents in Hammock Oaks Harbor Subdivision and establishes the location for docks from Lake Bank to protect the existing mangroves.

As this time, the proposal is to amend that section of the Zoning Code to increase the number of dock slips from eight (8) to nine (9) slips.

Site plan



**Section A-58- Hammock Oak Harbor Section 2**

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F. The following provisions shall apply exclusively to Hammock Oak Harbor Section 2. Subdivision - A portion of Tract E, Block 4, except as specified in the following provisions, all requirements of this section and all other applicable requirements of the City of Coral Gables Zoning Code and City Code and federal, state, county governments shall apply.

1. Permitted use: Private yacht basin containing ~~8~~ 9 dock slips pursuant to Section 5-2501.

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3. Yacht Basin: The number of dock slips shall be ~~8~~ 9. The private yacht basin shall satisfy all applicable local, county, state, and federal requirements for the operations permitted pursuant to the approvals granted by the City of Coral Gables. A dock as referenced herein is defined as that portion of a pier where a boat is moored for berthing, embarking or disembarking.

**4. FINDINGS OF FACT**

This section of the report presents City Staff’s evaluation of the Applications and Findings of Facts. The City’s responsibility is to review the Applications for consistency with the City’s Comprehensive Plan (CP) Goals, Objectives and Policies and compliance with the Zoning Code and City Code.

Zoning Code Section 3-1405, “Standards for review of text amendments to these regulations and for City-initiated district boundary changes” requires that the Planning and Zoning Board shall recommend approval of Zoning Code text amendments if the amendments satisfy the below standards. Staff evaluation of each standard is provided below.

- A. *“Promotes the public health, safety, and welfare.”*

*Staff comments:* The Applicant has proffered Site Specific Standards that are more restrictive than current Zoning Code provisions governing boating facilities. Proposed prohibited uses and operations limit uses maintaining the welfare, safety of the proposed docks which was already approved by Ordinance No. 2018-43. The current proposal is just increasing the number of dock slips from eight (8) to nine (9) slips.

- B. *“Does not permit uses the Comprehensive Plan prohibits in the area affected by the district boundary change or text amendment.”*

*Staff comments:* The use of the property as a private yacht basin is allowed under conditional use approval by Zoning Code in Single Family Residential Districts and Comprehensive Plan. The Conditional Use for private yacht basin with eight (8) boat slips was approved in October 9, 2018 by Ordinance No. 2018-43. The Conditional Use approval will also be amended at a later time.

- 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.”*

*Staff comments:* This application does involve densities and intensities. Restrictions to the use and prohibited activities of the previously approved private yacht basin are already in place.

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 minimum requirements of the Comprehensive Plan.”*

*Staff comments:* The Application shall have no substantial impact on public infrastructure.

D. *“Does not directly conflict with an objective or policy of the Comprehensive Plan.”*

*Staff comments:* Based on the proffered operation limitations of the private yacht basin, restrictions, and the statement that boat slips shall be only for Hammock Oak Harbor property owners or residents, Staff finds the Application does not conflict with the Comprehensive Plan which is provided below.

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

This section provides those CP Goals, Objectives and Policies applicable to the Application and the determination of consistency:

Ref. No.	CP Goal, Objective and Policy	Staff Review
1.	<b>Goal FLU-1.</b> Protect, strengthen, and enhance the City of Coral Gables as a vibrant community ensuring that its neighborhoods, business opportunities, shopping, employment centers, cultural activities, historic value, desirable housing, open spaces, and natural resources make the City a very desirable place to work, live and play.	Complies
2.	<b>Objective FLU-1.1.</b> Preserve Coral Gables as a “placemaker” where the balance of existing and future uses is maintained to achieve a high quality living environment by encouraging compatible land uses, restoring and protecting the natural environment, and providing facilities and services which meet or exceed the minimum Level of Service (LOS) standards and meet the social and economic needs of the community through the Comprehensive Plan and Future Land Use Classifications and Map (see FLU-1: Future Land Use Map).	Complies
3.	<b>Policy FLU-1.1.1.</b> The City’s Future Land Use Classifications and Map shall describe, assign, and depict the future land uses found to be in the public interest and to be the basis for regulations, programs, actions and rules of the City and other affected agencies.	Complies
4.	<b>Policy FLU-1.3.2.</b> All development applications in residential neighborhoods shall continue to be reviewed by applicable boards and committees to ensure the protection from intrusion by incompatible uses that would disrupt or degrade the health, safety, tranquility, aesthetics and welfare of the neighborhood by noise, light, glare, odor, vibration, dust, hazardous materials or traffic. The City will continue to enforce the adopted restrictive design standards; historic preservation policies and the applicable performance standards of the Commercial Limited designation in the Zoning Code.	Complies

Ref. No.	CP Goal, Objective and Policy	Staff Review
5.	<b>Policy FLU-1.3.3.</b> Non-residential uses designated in the Comprehensive Plan which cause significant noise, light, glare, odor, vibration, dust, hazardous conditions or industrial traffic, shall provide buffering such as landscaping, walls and setbacks, when located adjacent to or across the street from incompatible uses such as residential uses.	Complies
6.	<b>Objective FLU-1.11.</b> Maintain a pattern of overall low density residential use with limited medium and high density residential uses in appropriate areas to preserve the low intensity and high quality character of the residential neighborhoods.	Complies
7.	<b>Policy FLU-1.11.1.</b> Maintain and enforce effective development and maintenance regulations through site plan review, code enforcement, and design review boards and committees.	Complies
8.	<b>Policy FLU-1.12.1.</b> Maintain and enforce effective development and maintenance regulations.	Complies
9.	<b>Objective FLU-1.13.</b> The City shall enforce the recently adopted Zoning Code which creates, preserves and maintains scenic vistas in keeping with the classic traditions as embodied in the original city plan.	Complies
10.	<b>Objective FLU-1.14.</b> The City shall enforce Zoning Code provisions which continue to preserve and improve the character of neighborhoods.	Complies
11.	<b>Policy FLU-1.14.1.</b> The City shall enforce Zoning Code provisions which continue to address the location and extent of residential and non-residential land uses consistent with the Future Land Use Map in order to preserve the character of existing neighborhoods.	Complies
12.	<b>Goal FLU-3.</b> The City as a part of its development review process shall engage public/community participation and collaboration to provide for a transparent development review process.	Complies
13.	<b>Objective FLU-3.1.</b> The City shall continue its efforts to notify stakeholders, residents, property owners and neighborhood associations of pending development reviews to provide transparency within the development process.	Complies
14.	<b>Policy FLU-3.1.1.</b> The Planning Department shall, when necessary, assist in the dissemination of information of applications to surrounding properties with the intent of supporting all the goals, objective and policies of the Comprehensive Plan. Specifically as it relates to ensuring residential areas are protected from potential impacts which may include noise, light, traffic, and vehicular access.	Complies
15.	<b>Policy FLU-3.2.2.</b> The Planning Department, when receiving a development proposal for property that adjoins a single-family residential district, shall facilitate the contact and discussion between applicants and known organized neighborhood groups and neighborhood associations to provide the opportunity to resolve potential neighborhood issues prior to City review at public hearings. The necessity to complete further collaboration and consensus decision making to mitigate or resolve identified issues may be conducted by the City’s Planning Department or outside mediation services such as the South Florida Regional Planning Council, Institute for Community Collaboration.	Complies
16.	<b>Goal DES-1.</b> Maintain the City as a livable city, attractive in its setting and dynamic in its urban character.	Complies

Ref. No.	CP Goal, Objective and Policy	Staff Review
17.	<b>Objective DES-1.1.</b> Preserve and promote high quality, creative design and site planning that is compatible with the City’s architectural heritage, surrounding development, public spaces and open spaces.	Complies
18.	<b>Policy DES-1.1.5.</b> Promote the development of property that achieves unified civic design and proper relationship between the uses of land both within zoning districts and surrounding districts, by regulating, limiting and determining the location, height, density, bulk and massing, access to light and air, area of yards, open space, vegetation and use of buildings, signs and other structures.	Complies
19.	<b>Policy DES-1.1.6.</b> Maintain the character of the residential and nonresidential districts, and their peculiar suitability for particular uses.	Complies
20.	<b>Policy MOB-1.1.8.</b> Protect residential areas from parking impacts of nearby nonresidential uses and businesses and discourage parking facilities that intrude, impact and increase traffic into adjacent residential areas.	Complies
21.	<b>Policy MOB-2.7.1.</b> The City shall, via the review of development projects and city transportation improvement projects, conserve and protect the character and livability of all residential neighborhoods by preventing the intrusion of through vehicles on local and collector streets. The City shall discourage through traffic in neighborhoods and may incorporate traffic management and calming measures including, but not limited to, signage, landscape design, traffic calming devices and roadway design.	Complies
22.	<b>Policy MOB-2.8.1.</b> The City shall continue implementation and further strengthen the City’s existing land development regulations requiring the placement of landscaping within rights-of-way to complete the following: <ul style="list-style-type: none"> <li>•Promote expansion of the City’s existing tree canopy.</li> <li>•Provide screening of potentially objectionable uses.</li> <li>•Serve as visual and sound buffers.</li> <li>•Provide a comfortable environment for pedestrian walking (walkability) and other activities.</li> <li>•Improve the visual attractiveness of the urban and residential areas (neighborhoods).</li> </ul>	Complies
23.	<b>Goal NAT-1.</b> The City is an environmentally sustainable entity containing a healthy ecosystem in which natural resources are conserved, protected, maintained, enhanced, and restored.	Complies
24.	<b>Objective NAT-1.4.</b> The City shall conserve and protect the remaining natural systems of the City in recognition of the inherent values of these areas left in their natural state, through appropriate land use designations and implementation of protective development regulations.	Complies
25.	<b>Policy NAT-1.6.2.</b> Require site-plan review and approval of all proposed development and redevelopment to prevent unnecessary destruction or inappropriate use of existing natural resources and natural sites.	Complies
26.	<b>Policy NAT-1.6.3.</b> Continue to enforce landscaping standards that require the preservation of existing natural growth where practical, and the removal of invasive, exotic plant species.	Complies
27.	<b>Policy NAT-1.7.1.</b> Ensure the preservation of trees during development or redevelopment wherever possible, and consistent with the tree preservation	Complies

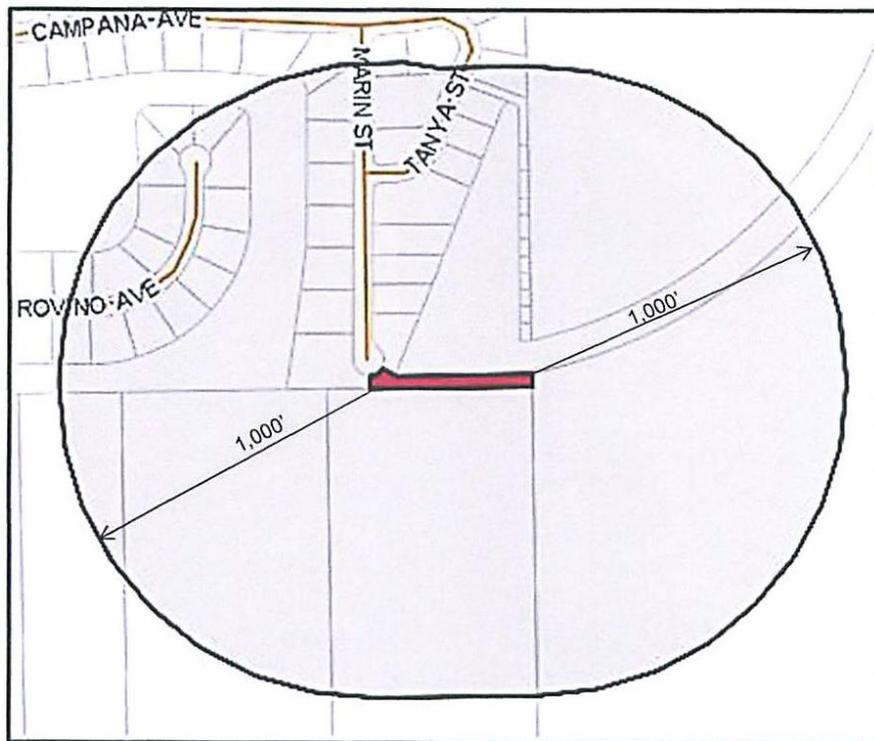
Ref. No.	CP Goal, Objective and Policy	Staff Review
	ordinance and landscape ordinance. Where trees approved for removal as a last resort, require that they be replaced with quality trees of equal or greater canopy.	
28.	<b>Goal NAT-2.</b> The City shall conserve, manage, use and protect natural and environmental resources and maintain and enhance the natural balance of ecological functions in the coastal area.	Complies

Staff’s Findings of Facts has determined that the Application is “consistent” with the Zoning Code via the establishment of new Site Specific Standards that shall be codified into the Zoning Code. The provisions exceed comparable regulations in the Zoning Code that govern the use of similar boating facilities. Staff has also determined the Application is consistent with the Comprehensive Plan, more specifically, the Goals, Objectives and Policies identified above.

**5. PUBLIC NOTIFICATION**

The Zoning Code requires that a courtesy notification be provided to all property owners within 1,000 feet of the subject property. A total of 41 notices were mailed within 1000 ft of property as required by City of Coral Gables Zoning Code.

**Courtesy Notification Radius Map**



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

**Public Notice**

Type	Date
Neighborhood meeting.	09.21.20, 10.05.20
Courtesy notification of all property owners within 1,000 feet of Subject site.	10.01.20
Posting of property.	10.01.20
Legal advertisement.	10.02.20
Posted agenda on City web page/City Hall.	10.09.20
Posted Staff report and the Application on City web page.	10.09.20

**6. STAFF RECOMMENDATION**

The Planning and Zoning Division based upon the complete Findings of Fact contained within this Report recommends **approval, with conditions** of the proposed Zoning Code text amendment.

**Conditions of Approval**

1. The Applicant shall submit an amendment to the Conditional Use Ordinance No. 2018-43.
2. The number of dock slips shall not increase until the Conditional Use Ordinance No. 2018-43 is amended.

**7. ATTACHMENTS**

- A. Applicant’s Plan Submittal Package.
- B. Legal notice and courtesy notice mailed to all property owners.
- C. Power Point presentation

Please visit the City’s webpage at [www.coralgables.com](http://www.coralgables.com) to view all application materials. The complete Application is also 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,



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 for Planning and Zoning  
 City of Coral Gables, Florida