



# City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables  
 Application: **Zoning Code Text Amendment - Historic Preservation Regulations**  
 Public Hearing: Planning and Zoning Board  
 Date & Time: **July 13, 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 11, "Historic Preservation: Designations and Certificates of Appropriateness;" Article 5, "Development Standards," Division 24, "Walls and fences;" and, Article 8, "Definitions" amending criteria for designating historic landmarks and districts, clarifying wood fence requirements, and adding a definition for historic integrity; providing for repealer provision, severability clause, codification, and providing for an effective date.*

## 2. BACKGROUND INFORMATION

City Staff, at the request of the Historic Preservation Board (see Attachment A), has prepared a Zoning Code text amendment to regulations pertaining to historic preservation.

The proposed Zoning Code text amendments will reinsert wording clarifying that the integrity of the historic resource is necessary for designation, provide clarification regarding wood fences, and add a definition for historic integrity.

At their meeting on January 11, 2016 the Historic Preservation Board recommended approval (vote: 8-0) of the proposed Zoning Code text amendments.

### 3. PROPOSED ZONING CODE TEXT AMENDMENT

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

#### Article 3 - Development Review

#### Division 11. Historic Preservation: Designations and Certificates of Appropriateness

#### Section 3-1103. Criteria for designation of historic landmarks or historic districts.

Districts, sites, buildings, structures and objects of national, state and local importance are of historic significance if they possess integrity of location, design, setting, materials, workmanship, or association.

In order to qualify for designation as a local historic landmark or local historic landmark district, individual properties must have significant character, interest or value as part of the historical, cultural, archaeological, aesthetic, or architectural heritage of the City, state or nation. For a multiple property nomination, eligibility will be based on the establishment of historic contexts, of themes which describe the historical relationship of the properties. The eligibility of any potential local historic landmark or local historic landmark district shall be based on meeting one (1) or more of the following criteria:

#### Section 3-1107. Demolition.

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 ~~six (6)~~ 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. 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 preliminary in nature and the final public hearing before the Historic Preservation Board on Local Historic Designation shall be within sixty (60) 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 but are not limited to the following: property appraisals; archeological assessments; and historic assessments.

## Article 5 - Development Standards

### Division 24. Walls and fences

#### Section 5-2401. Materials and specifications.

~~D. Wood fences shall be permitted on Santa Maria Street.~~

ED. Wood picket fences shall be permitted on Santa Maria Street and residential lots in Golden Gate, MacFarlane Homestead, and Coconut Grove Warehouse Subdivision, subject to the following conditions:

1. Such fences shall be no more than four (4) feet high and of cedar, cypress, or redwood, with four (4) inch by four (4) inch terminal posts, two (2) inch by four (4) inch intermediate posts, wood rails and pickets one (1) inch thick. Pickets shall be placed so as to provide a space between of not less than one-half (½) the width of the picket. These specifications do not apply if the fence is a recreation of a historic fence that was demolished.
2. All such fences shall be painted on each side with an appropriate and harmonious color, and shall be maintained and kept in repair by replacing all rotting wood. Construction and painting shall be completed within a reasonable time after issuance of permit therefore, to be determined by the Building Official.

## Article 8 - Definitions

Historic integrity is the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period. Historic integrity enables a property to illustrate significant aspects of its past. Not only must a property resemble its historic appearance, but it must also retain physical materials, design features, and aspects of construction dating from the period when it attained significance. The integrity of archaeological resources is generally based on the degree to which remaining evidence can provide important information. All seven qualities (integrity of location, design, setting, materials, workmanship, feeling and association) do not need to be present for eligibility as long as the overall sense of past time and place is evident.

**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.

**6. PUBLIC NOTIFICATION**

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

Type	Date
Posted agenda on City web page/City Hall	07.01.16
Legal advertisement	07.01.16
Posted Staff report on City web page	07.08.16

## 7. STAFF RECOMMENDATION

The Planning and Zoning Division recommends approval.

## 8. ATTACHMENTS

- A. June 13, 2016 Memorandum from Dona Spain, Historic Preservation Officer.
- B. 07.01.16 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,



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

CITY OF CORAL GABLES

- MEMORANDUM -

TO: RAMON TRIAS  
PLANNING AND ZONING DIRECTOR

DATE: JUNE 13, 2016

FROM:   
DONA M. SPAIN  
HISTORIC PRESERVATION OFFICER

SUBJECT: ZONING CODE TEXT AMENDMENTS

---

Please place the following proposed text amendments on a future Planning and Zoning Board agenda. These are recommendations from the Historic Preservation Board. Deletions are indicated with ~~strikeouts~~ and additions are indicated by underlines.  
(HPB vote recommending approval: 8-0)

**ARTICLE 3 – DEVELOPMENT REVIEW**

**Division 11. Historic Preservation: Designations and Certificates of Appropriateness  
Section 3-1103. Criteria for designation of historic landmarks or historic districts.**

**Districts, sites, buildings, structures and objects of national, state and local importance are of historic significance if they possess integrity of location, design, setting, materials, workmanship, or association.** In order to qualify for designation as a local historic landmark or local historic landmark district, individual properties must have significant character, interest, or value as part of the historical, cultural, archaeological, aesthetic, or architectural heritage of the City, state or nation. For a multiple property nomination, eligibility will be based on the establishment of historic contexts, of themes which describe the historical relationship of the properties. The eligibility of any potential local historic landmark or local historic landmark district shall be based on meeting one (1) or more of the following criteria:

This wording was in Ordinance No. 2050, the City's first historic preservation ordinance, which was passed and adopted October 23, 1973. However the wording was removed in 1984 when Ordinance No. 2508 was enacted. Staff recommends that the wording be put back into the criteria in order to clarify that the integrity of the historic resource is necessary for designation. It is consistent with wording in the National Historic Landmark criteria.

**ARTICLE 3 - DEVELOPMENT REVIEW**

**Division 11. Historic Preservation: Designations and Certificates of Appropriateness  
Section 3-1107. Demolition**

G. All demolition permits for non-designated buildings and/or structures must be approved by the Historic Preservation Officer of designee. The approval is valid for ~~six (6)~~ **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. 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. This determination of eligibility is preliminary in nature and the final public hearing before the Historic Preservation Board on Local Historic Designation shall be within sixty (60) 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 but are not limited to the following: property appraisals; archeological assessments; and historic assessments.

The reason for the expiration is in case there is a change in the material facts upon which the determination was made. It is cumbersome for property owners to apply every six months for Historic Significance Determinations.

## **ARTICLE 5 – DEVELOPMENT STANDARDS**

### **Division 24. Walls and Fences**

#### **Section 5-2401. Materials and specifications.**

~~**D. Wood fences shall be permitted on Santa Maria Street.**~~

~~**E.**~~

**D.** Wood picket fences shall be permitted on Santa Maria Street and residential lots in Golden Gate, MacFarlane Homestead, and Coconut Grove Warehouse Subdivision, subject to the following conditions:

1. Such fences shall be **no more than four (4) feet high and** of cedar, cypress, or redwood, with four (4) inch by four (4) inch terminal posts, two (2) inch by four (4) inch intermediate posts, wood rails and pickets one (1) inch thick. Pickets shall be placed so as to provide a space between of not less than one-half (1/2) the width of the picket. **These specifications do not apply if the fence is a recreation of a historic fence that was demolished.**
2. All such fences shall be painted on each side with an appropriate and harmonious color, and shall be maintained and kept in repair by replacing all rotting wood. Construction and painting shall be completed within a reasonable time after issuance of permit therefore, to be determined by the Building Official

This amendment is for clarification.

## ARTICLE 8 – DEFINITIONS

**Historic integrity is the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period. Historic integrity enables a property to illustrate significant aspects of its past. Not only must a property resemble its historic appearance, but it must also retain physical materials, design features, and aspects of construction dating from the period when it attained significance. The integrity of archeological resources is generally based on the degree to which remaining evidence can provide important information. All six qualities (integrity of location, design, setting, materials, workmanship, or association) do not need to be present for eligibility as long as the overall sense of past time and place is evident.**



**MIAMI DAILY BUSINESS REVIEW**

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, 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

NOTICE OF PUBLIC HEARING  
CITY OF CORAL GABLES - LOCAL PLANNING AGENCY /  
PLANNING AND ZONING BOARD - JULY 13, 2016

in the XXXX Court,  
was published in said newspaper in the issues of

07/01/2016

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this  
1 day of JULY, A.D. 2016

*[Handwritten Signature]*

(SEAL)

MARIA MESA personally known to me



**CITY OF CORAL GABLES, FLORIDA  
NOTICE OF PUBLIC HEARING**

CITY PUBLIC HEARING LOCAL PLANNING AGENCY / PLANNING  
AND ZONING BOARD  
DATES/TIMES WEDNESDAY, JULY 13, 2016,  
6:00 - 9:00 P.M.  
LOCATION CITY COMMISSION CHAMBERS, CITY  
HALL, 405 BILTMORE WAY, CORAL  
GABLES, FLORIDA, 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 Hearings on the following:

Items 1 and 2 are related.

1. 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," adding Section 4-206, "Giralda Plaza Overlay" to modify and supplement the existing Commercial District standards and criteria to allow appropriate infill and redevelopment that enhances the character of Restaurant Row; providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date. (This item was continued from the June 8, 2016 Planning and Zoning Board meeting)
2. 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-2. Commercial Land Uses", pursuant to expedited state review procedures (S.183.3184, Florida Statutes) and Zoning Code Article 3, "Development Review", Division 15, "Comprehensive Plan Text and Map Amendments," amending the "Commercial Low-Rise Intensity" Land Use Classification to permit residential use in the Giralda Plaza Overlay District when expressly permitted by the Zoning Code; providing for a repealer provision, providing for a severability clause, and providing for an effective date. (LPA review)

Items 3 through 7 are related.

3. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 3, "Development Review", Division 15, "Comprehensive Plan Text and Map Amendments", and Small Scale amendment procedures (ss. 163.3187, Florida Statutes), from "Residential Multi-Family Medium Density" to "Commercial Mid-Rise Intensity" for the property legally described as all of Block 15, Coral Gables Section "L" (20 and 42 Navarre Avenue, 33, 43 and 47 Alhambra Circle and 2001 Galiano Street), Coral Gables, Florida; and, providing for severability, repealer and an effective date. (LPA Review)

4. An Ordinance of the City Commission of Coral Gables, Florida requesting a change of zoning pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments", from Multi-Family 2 District (MF2) to Commercial District (C) for the property legally described as all of Block 15, Coral Gables Section "L" (20 and 42 Navarre Avenue, 33, 43 and 47 Alhambra Circle and 2001 Galiano Street), Coral Gables, Florida; and providing for severability, repealer and an effective date.

5. A Resolution of the City Commission of Coral Gables, Florida requesting mixed use site plan review pursuant to Zoning Code Article 4, "Zoning Districts", Division 2, "Overlay and Special Purpose Districts", Section 4-201, "Mixed Use District (MXD)", for the mixed use project referred to as "33 Alhambra" on the property legally described as all of Block 15, Coral Gables Section "L" (20 and 42 Navarre Avenue, 33, 43 and 47 Alhambra Circle and 2001 Galiano Street), Coral Gables, Florida; including required conditions; providing for an effective date.

6. An Ordinance of the City Commission of Coral Gables, Florida requesting Conditional Use Review for a Building Site Determination pursuant to Zoning Code Article 3, "Development Review", Section 3-206, "Building Site Determination" to separate into two (2) single-family building sites the property zoned Single-Family Residential (SFR) District and legally described as Lots 8-10 and the east 15 Feet of Lot 7, Block 25, Coral Gables Section "B" (728 Navarre Avenue), Coral Gables, Florida; one (1) building site consisting of Lot 8 and the west half of Lot 9 and one (1) building site consisting of Lot 10 and the east half of Lot 9 with the remaining east 15 feet of Lot 7 to be included as a part of the property to the west legally described as the east 25-feet of Lot 6 and Lot 7 less east 15 feet, Block 25, Coral Gables Section "B" (734 Navarre Avenue); including required conditions; providing for a repealer provision, providing for a severability clause, and providing for an effective date.

7. 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 11, "Historic Preservation: Designations and Certificates of Appropriateness;" Article 5, "Development Standards," Division 24, "Walls and fences;" and, Article 8, "Definitions" amending criteria for designating historic landmarks and districts, clarifying wood fence requirements, and adding a definition for historic integrity; providing for repealer provision, severability clause, codification, and providing for an effective date.

Items 8 through 10 are related.

8. 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 4-207, "North Ponce Neighborhood Conservation Overlay District" to modify and supplement the existing Multi-Family 2 standards and criteria to allow appropriate infill and redevelopment that preserves and enhances the character of the neighborhood; providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

9. 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 5, "Development Standards," amending Section 5-2601, "Bed and breakfast establishments" to modify the existing Bed and breakfast establishments standards and criteria to allow for viable Bed and Breakfast establishments while protecting the character of the surrounding neighborhood; providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

10. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Zoning Map pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments", to create the "North Ponce Neighborhood Conservation Overlay District" for portions of the Douglas Section, Section K, and Section L, Coral Gables, Florida; and providing for severability, repealer and an effective date. (Legal Description on file with the City)

**Discussion Item - Planning and Zoning Board**

**11. Landscape Provisions for the Best Practices Manual.**

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](http://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 Blithmore Way, Suite 201, Coral Gables, Florida, 33134. Questions and written comments can be directed to the Planning and Zoning Division at [planning@coralgables.com](mailto: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 Dona Spain, ADA Coordinator, at 305.460.5095, no less than three working days prior to the meeting. All meetings are telecast live on Coral Gables TV Channel 77.