

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

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 4-207, "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.

**WHEREAS**, the City Commission and the Coral Gables community has expressed a strong interest in the conservation and enhancement of the North Ponce area, Coral Gables' garden apartment district; and,

**WHEREAS**, encouraging reinvestment in the North Ponce area through preservation and rehabilitation of existing buildings and compatible redevelopment of small parcels is an important goal expressed by the Coral Gables community during the 2015 North Ponce Community Visioning Workshop and the 2016 North Ponce Community Planning Meeting; and,

**WHEREAS**, open landscaped front yards were identified by the Coral Gables community during the 2015 North Ponce Community Visioning Workshop and the 2016 North Ponce Community Planning Meeting as a feature of the North Ponce neighborhood that should be protected and encouraged in future development; and,

**WHEREAS**, during the 2015 North Ponce Community Visioning Workshop and the 2016 North Ponce Community Planning Meeting, the community identified the North Ponce neighborhood as an area that offers attainable workforce housing in the City of Coral Gables due to the building types that are currently in the area, and that preservation and maintenance of these building types can result in continued provision of attainable housing in the City of Coral Gables; and,

**WHEREAS**, Zoning Code text amendments are necessary in order to further encourage preservation of historic buildings, conservation of the traditional garden apartment fabric of the North Ponce neighborhood, and compatible new construction on small parcels; and,

**WHEREAS**, Zoning Code text amendments for landscape standards, driveways and parking are necessary in order to preserve and enhance the open landscaped character of this garden apartment district; and,

**WHEREAS**, after notice was duly published, a public hearing was held before the Planning and Zoning Board on July 13, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and,

**WHEREAS**, the Board was presented with the text amendment to the Official Zoning Code, and after due consideration and discussion, recommended approval of the amendment (vote: 7 - 0); and,

**WHEREAS**, after notice duly published, a public hearing for First Reading was held before the City Commission on October 25, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and,

**WHEREAS**, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote: 7-0); and,

**WHEREAS**, after notice duly published, a public hearing for Second Reading was held before the City Commission on May 30, 2017, at which hearing all interested parties were afforded the opportunity to be heard; and,

**WHEREAS**, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, (\_\_\_\_) the amendment on Second Reading (vote: \_\_-\_\_).

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

**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.** Section 4-207 of the Official Zoning Code of the City of Coral Gables is hereby amended to read as set forth in “Exhibit A” to this ordinance.

**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 City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the “Zoning Code” of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

**SECTION 6.** If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

**SECTION 7.** This ordinance shall become effective \_\_\_\_\_, 2017.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2017.

APPROVED:

RAUL VALDES-FAULI  
MAYOR

ATTEST:

WALTER FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN  
CITY ATTORNEY

Exhibit "A"

Article 4 - Zoning Districts

Division 2.

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Section 4-207. North Ponce Neighborhood Conservation Overlay District

- A. Purpose. The purpose of this District is to:
1. Preserve and enhance the garden apartment character of the North Ponce neighborhood's Multi-Family 2 – zoned properties.
  2. Encourage Workforce Housing compatible with established neighborhood and historic building fabric.
- B. Applicability. The North Ponce Neighborhood Conservation Overlay District applies to properties that meet all of the following standards:
1. Multi-Family 2 (MF2) or Special (S) Zoning District.
  2. Generally located in the area bounded by Navarre Avenue to the south, Douglas Road to the east, LeJeune Road to the west, and SW 8<sup>th</sup> Street to the north.
  3. Identified as "North Ponce Neighborhood Conservation Overlay District" on the official Zoning Map.
- C. Uses. All uses provided for in the underlying MF2 Zoning District shall be permitted in the North Ponce Neighborhood Conservation Overlay District. Additional uses shall be permitted for locally-designated historic buildings as provided in Section 4-207.D., and buildings constructed prior to 1964 as provided in Section 4-207.E.
- D. Historic Preservation Benefits Program.
1. Purpose. The purpose of the Historic Preservation Benefits Program is to provide incentives for property owners to reinvest in historic buildings in order to preserve and enhance the character of the neighborhood, and maintain workforce housing options. The Historic Preservation Benefits Program incentivizes the preservation and rehabilitation of existing garden apartment buildings.

\*Amendments to the Zoning Code are indicated with deletions indicated by ~~strikethrough~~, and insertions by underline.

2. Applicability. The Historic Preservation Benefits Program is available for locally-designated historic properties that are zoned MF2.
3. Additional Permitted Uses.
  - i. Home Office.
    1. A Home Office shall be defined as a space and activity within a dwelling unit devoted to a non-retail business activity carried on by a permanent domiciliary resident thereof, which use is secondary to the use of the dwelling for dwelling purposes as customarily found in the home, that does not alter the exterior of the property or affect the residential character of the neighborhood, and that meets all legal requirements of the business.
    2. Home Office shall not include personal services, medical uses, retail uses, repair or service, or manufacturing uses.
    3. The Home Office shall not exceed twenty-five percent of the gross floor area of the dwelling unit.
    4. No additional on-site parking shall be permitted for the Home Office.
    5. The resident shall not receive clients/customers at the residence in order to conduct business.
    6. The resident is not advertising the residence as the place of business.
    7. The resident is not receiving material amounts of business-related deliveries at the residence.
  - ii. Live-work.
4. Additional Conditional Uses.
  - i. Bed and Breakfast Establishments.
  - ii. Museum.
  - iii. School.
5. Parking Incentive Program for Properties Designated Historic.
  - i. The Historic Preservation Board shall have the authority to grant a Variance to reduce or waive parking requirements for historically-designated MF2 properties, in accordance with Section 3-1113 of the Zoning Code.
  - ii. Irrespective of the provisions provided in Section 5-1408.B. of the Zoning Code, historically-designated properties shall be eligible to use remote

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parking within 1000' of the subject property, if the location of the parking area is zoned Commercial, subject to approval by the Development Review Official.

iii. Historically-designated properties shall be eligible to lease evening parking spaces in City-owned parking lots.

6. Economic Incentive Program.

i. Transfer of Development Rights. In accordance with Section 3-1004 of the Zoning Code, historically-designated properties shall be eligible to sell unused development rights in order to fund the on-going maintenance and preservation of the property.

ii. Tax Exemptions.

1. Ad Valorem Tax Exemption for Rehabilitation. In accordance with Section 3-1118.A. of the Zoning Code, historically-designated properties shall be eligible for tax exemptions of 100% of the assessed value of appropriate improvements.

2. Ad Valorem Tax Exemption for Commercial and Non-Profit Properties. In accordance with Section 3-1118.B. of the Zoning Code, historically-designated commercial or non-profit properties (such as a rental apartment building, bed and breakfast, museum, or school) shall be eligible for a tax exemption of 50% of the assessed value of the property.

7. Signage.

i. Free-standing commercial signs shall be permitted for schools, bed and breakfast establishments, live-work, and museums, in accordance with the following standards:

1. Maximum sign area shall be 3 square feet.

2. Maximum height, measured from the sidewalk elevation to the top of the sign, shall be 3 feet.

3. A Certificate of Appropriateness shall be required for all signs in accordance with Section 3-1106 of the Zoning Code.

4. All signs are subject to Board of Architects approval.

E. Garden Apartment Conservation Program.

1. Purpose. The purpose of the Garden Apartment Conservation Program is to protect and provide incentives for property owners to reinvest in pre-1964 garden apartment buildings that are not currently locally designated as a historic

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property, but contribute to the overall character and urban fabric of the North Ponce neighborhood. The Program offers methods of preserving and appropriately expanding these properties to enhance the unique character of the neighborhood and maintain workforce housing options. The Garden Apartment Conservation Program is offered as an economic incentive for the preservation and rehabilitation of existing garden apartment buildings.

2. Applicability. The Garden Apartment Conservation Program applies to all properties that were constructed prior to 1964 and that are zoned MF2.

3. Additional Permitted Uses.

i. Home Office.

1. A Home Office shall be defined as a space and activity within a dwelling unit devoted to a non-retail business activity carried on by a permanent domiciliary resident thereof, which use is secondary to the use of the dwelling for dwelling purposes as customarily found in the home, that does not alter the exterior of the property or affect the residential character of the neighborhood, and that meets all legal requirements of the business.

2. Home Office shall not include personal services, medical uses, retail uses, repair or service, or manufacturing uses.

3. The Home Office shall not exceed twenty-five percent of the gross floor area of the dwelling unit.

4. No additional on-site parking shall be permitted for the Home Office.

5. The resident shall not receive clients/customers at the residence in order to conduct business.

6. The resident is not advertising the residence as the place of business.

7. The resident is not receiving material amounts of business-related deliveries at the residence.

4. Staff Review. All permits for additions, exterior alterations, site work, and demolition of buildings constructed prior to 1964 shall be approved by the Historic Preservation Officer or designee. Applications shall be reviewed for appropriateness to the original style and character of the subject property, as well as neighborhood compatibility, with emphasis on those facades and those portions of the site that are visible from the street, including:

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- i. Exterior Architectural Features: Roofs, Windows, Doors, Porches, Stucco, Decorative Features
  - ii. Open Space: Courtyards, Exterior Stairs, Breezeways, Porches, Patios
  - iii. Site Work – Landscape, Hardscape, Driveways, Walkways, Parking areas, Fences, and Walls
- 5. Conservation Incentive Program – Rear and Side Additions; Variances.
  - i. Rear and side additions and new construction of auxiliary buildings at the rear and side of the property shall be permitted subject to approval by the Historic Preservation Officer or designee.
    - 1. Density, floor area ratio, open space percentages, and setback requirements for approved additions and new construction of auxiliary buildings may be modified from the underlying MF2 Zoning, as a Variance subject to the provisions of Section 3-806. Variances for building height shall not be permitted.
    - 2. Variances granted for density and floor area ratio shall comply with applicable Comprehensive Plan requirements.
    - 3. Additional required parking for approved additions and new construction of auxiliary buildings shall be provided where applicable.
    - 4. In lieu of providing all required parking on site, a parking management plan may be provided, subject to approval by the Development Review Official.

F. New Construction – Multi-Family 2 District.

- 1. Large-scale new construction. Performance Standards for parcels of 20,000 square feet or greater shall be in accordance with Section 4-103.D.
- 2. Small-scale new construction. Performance Standards for parcels of less than 20,000 square feet shall be modified from the underlying MF2 Zoning District as follows. Performance Standards not specifically addressed below shall be in accordance with Section 4-103.D.
  - i. Setback requirements.
    - 1. Front Setback. Ten (10) feet.
    - 2. Side Street Setback. Ten (10) feet.
  - ii. Ground Area Coverage.
    - 1. There shall be no maximum ground area coverage.
  - iii. Building Height.

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1. Maximum building height shall be three (3) Stories and forty-five (45) feet.

G. Landscape Standards.

1. Purpose. The purpose of the Landscape Standards is to preserve and enhance the existing landscaped “garden district” character of North Ponce, by requiring open lawns in the front yard, requiring the planting of trees in the front yard for new construction projects to provide a more comfortable pedestrian experience in the neighborhood, preserving existing specimen trees, and locating driveways, parking areas, and paved areas to the side and rear of the property.
2. Applicability. The Landscape Standards shall be mandatory for all properties in the North Ponce Neighborhood Conservation Overlay District, whether existing buildings or new construction.
3. Front Yards and Courtyards. The Front Yard shall be defined as that area located between the front facade of the building and the front property line, and extending the entire width of the property.
  - i. No fences, walls, or hedges are permitted in the Front Yard, unless a contributing feature of a historically-designated property.
  - ii. Front Yards shall be landscaped with the exception of driveway areas and walkways.
  - iii. Open-air, landscaped courtyards that front the street are encouraged.
  - iv. A minimum of one (1) shade tree shall be planted in the Front Yard for every fifty (50) feet of street frontage.
4. Tree Protection.
  - i. Specimen trees shall be protected, incorporated into new site plans, or relocated on site whenever possible.
  - ii. Removal of trees shall be subject to Chapter 82 of the City Code.
5. Driveway / Parking Placement.
  - i. A maximum of twenty (20) percent of the front setback may be used for driveway placement. For instance, for 50 (fifty) foot wide lot, a maximum of one (1) ten (10) foot wide driveway may be provided through the front yard.
  - ii. For corner lots, driveways shall be located off of the side street.
  - iii. Off-street parking shall be set back a minimum of forty (40) feet from the front property line and shall be screened with habitable liner space or landscaping.

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