



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
 Application: **Zoning Code Text Amendment: Building Site Separation**
 Public Hearing: Planning and Zoning Board
 Date & Time: **August 10, 2022; 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 has initiated a request for a Zoning Code Text Amendment as follows:

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 14, "Process," Section 14-200 "Procedures," Section 14-202.6, "Building Site Determination" by eliminating size restrictions on residences in a separated building site based on what was permitted as a single building site; providing for severability, repealer, codification, and for an effective date.

2. APPLICATION SUMMARY

A Zoning Code text amendment is proposed that eliminates the current size restrictions on residences in a separated building site based on what was permitted as a single building site. The proposed amendment is the result of recent comments by the City Commission regarding a proposed building site separation, also referred to as a lot split.

The building site separation criteria and requirements were re-written and adopted in 2016 via Ordinance No. 2016-26. At this time, the Commission requested to codify the language that was typically included as conditions of approval with previous applications for building site separation. This included the common condition of approval to limit the total square footage of new residences in a separated building site based on the square footage that was permitted on the single building site.

In Section 2-101(D)(6), the maximum building floor area of a single-family home depends on the size of the property. Below is the table:

Square feet of building site area	Maximum building floor area as a percentage of lot area
5,000 sq. ft. or less	48%
Next 5,000 sq. ft.	35%
Remainder of the building site area	30%

Therefore, smaller building sites allow a higher percentage of building floor area; and as such, newly separated lots would permit additional floor area than what would otherwise be allowed with the larger single building site.

The proposed text amendment would allow a separated building site the maximum building floor area based on the new subdivided lots, by eliminating condition 1 of 4 that are the minimum required for an approval of a building site that currently reads:

“The total square footage of the residences allowed on the separated building sites shall be equal to or less than the total square footage that could be constructed on the property if developed as a single building site.”

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	08.10.22
City Commission – 1 st Reading	08.24.22
City Commission – 2 nd Reading	TBD

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

PUBLIC NOTICE	DATE
Legal advertisement	07.29.22
Posted agenda and Staff report on City web page/City Hall	08.05.22

4. FINDINGS OF FACT

The request is a Text Amendment to Article 14, “Process,” Section 14-202.6, “Building Site Determination.” The proposed changes are provided in Attachment A 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 allow a separated building site to construct a home based on the new square footage of the subdivided lot.
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 future land use categories of the affected property.	The proposed text amendment does not allow densities or intensities in excess of what are permitted by the future land uses.
d. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency	The proposed text amendment will not affect the level of service for public infrastructure.

requirement to a level of service which is less than the minimum requirements of the Comprehensive Plan.

- 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 of the Comprehensive Plan.
-

Staff comments:

The proposed text amendment to the Zoning Code deletes the current limitation of restricting the total square footage of the new residences to the former total square footage of the property before it was separated or subdivided. That provision effectively reduces the size of the new houses on the separated building sites as compared to other properties in a neighborhood that can utilize a higher percentage of building floor area and therefore build larger houses. The current City Commission finds this restriction unnecessary when the building site separation process is already cumbersome. The first criterion to satisfy when reviewing a proposed building site separation application is that the new building sites be equal or larger than the majority of the existing building sites within 1,000 feet of the new building sites. This review criterion is to create new houses that are consistent with the character of the neighborhood. The proposed text amendment would be consistent with the intent of this criterion as it will allow the construction of houses of similar size in the neighborhood. The removal of this limitation to the total square footage fulfills the goals, objectives, and policies of the Comprehensive Plan to design and locate new housing that ensures the preservation of the unique character of the City’s existing neighborhoods. 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 with proposed text amendment.
- B. Legal advertisement published.

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
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 TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, BY AMENDING ARTICLE 14, "PROCESS", SECTION 14-200 "PROCEDURES", SECTION 14-202.6, "BUILDING SITE DETERMINATION" BY ELIMINATING SIZE RESTRICTIONS ON RESIDENCES IN A SEPARATED BUILDING SITE BASED ON WHAT WAS PERMITTED AS A SINGLE BUILDING SITE; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, Staff is requesting a Zoning Code Text Amendment eliminating condition one (1) of four (4) that are the minimum required for an approval of a building site, specifically eliminating the limitation of total square footage of the residences allowed on the separated building sites; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on August 10, 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 (vote: _ to _) of the text amendment; and

WHEREAS, the City staff incorporated changes from first reading, and recommendations from the Planning and Zoning Board, and the City Commission was presented with a final text amendment 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:

ARTICLE 14. PROCESS

Section 14-200. Procedures

Section 14-202.6 Building site determination

G. Conditions of approval (if applicable). If an application is recommended for approval, the Planning and Zoning Division, Planning and Zoning Board, and City Commission may prescribe conditions, restrictions or safeguards deemed necessary to satisfy the provisions within this Section. The following conditions are the minimum required for an approval:

- ~~1. The total square footage of the residences allowed on the separated building sites shall be equal to or less than the total square footage that could be constructed on the property if developed as a single building site.~~
- ~~2.~~ The new single-family residences constructed on the separated building sites shall meet all applicable requirements of the Zoning Code, and no variances shall be required or requested.
- ~~3.~~ 2. The plans depicting the site plans and elevations of the residences on the separated building sites and submitted as part of the conditional use application shall be made part of the approval with any instructions or exceptions provided by the City Commission. Any changes to the plans are subject to Sec. 14-203.10 of the Zoning Code.
- ~~4.~~ 3. A bond shall be required, as determined by the building official, to ensure the timely removal of any non-conformities as a result of the building site separation approval.

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 - AUG
. 10, 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

07/29/2022

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

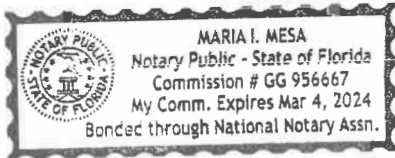
Guillermo Garcia

Sworn to and subscribed before me this
29 day of JULY A.D. 2022

[Signature]

(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
Wednesday, August 10, 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 of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 14, "Process," Section 14-202.6, "Building Site Determination" to exempt platted lots within Snapper Creek Lakes from the Building Site Determination process; providing for severability, repealer, codification, and an effective date.
2. 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 14, "Process", Section 14-200 "Procedures", Section 14-202.6, "Building Site Determination" by eliminating size restrictions on residences in a separated building site based on what was permitted as a single building site; providing for severability, repealer, codification, and for an effective date.
3. 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 14-205, "Declaration of Restrictive Covenant in Lieu of a Unity of Title" to encourage the creation of City Parks by allowing non-contiguous building sites with dedicated park spaces; providing for severability, repealer, codification, and an effective date.
4. 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, "Uses", Section 3-317, "Permanently installed stand-by generators" removing the distance requirement of ten (10) feet from any opening in a building or structure; providing for severability, repealer, codification, and for an effective date.

CITY OF CORAL GABLES (AUG 10, 2022)

5. An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 2, "Zoning Districts," Section 2-101, "Single-Family Residential (SFR) District," Section 2-102, "Multi-Family 1 Duplex (MF1)," Section 2-104, "Multi-Family 4 (MF4)," Article 3, "Uses," Section 3-316, "Flagpoles," Section 3-702, "Docks, wharves, and mooring piles - canals, lakes, or waterways," Article 5, "Architecture," Section 5-305, "Dormer windows," Section 5-312, "Fountains and reflecting pools," Section 5-313, "Planters," Section 5-403, "Height of walls and fences," and Section 5-606, "Mechanical equipment location and aesthetics standards;" to remove the discretionary review by the Board of Architects for setbacks, ground area coverage, building floor area, driveways, dormer windows, wing walls, fences, fountains, planters, flagpoles, and mechanical equipment requirements; providing for severability, repealer, codification, and for an effective date.

The Planning and Zoning Board will be holding its regular board meeting on Wednesday, August 10, 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: (www.coralgables.com/pzb) 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/cgtv) as well as Channel 77 on Comcast.

Sincerely,
City of Coral Gables, Florida
7/29

22-94/0000611170M

e/a