



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
Application: **Zoning Code Text Amendments – Building Site Determination**
Public Hearing: Planning and Zoning Board
Date & Time: **June 12, 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 providing for a text amendment to the City of Coral Gables Official Zoning Code, amending Section 14-202.6 “Building Site Determination” to facilitate building site determination applications by removing redundant criterion; providing for severability, repealer, codification, and for an effective date.

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 Commission desires to streamline the conditional use application process for building site determinations and support homeowners in their efforts to seek City Commission approvals. The Commission wishes to simplify the process for building site determinations by removing redundant regulatory language that is already comprehensively addressed elsewhere in the Zoning Code.

Per the Zoning Code, Section 14-202.6, building site determination requires that all applications for single-family dwelling or duplex building shall be reviewed to determine if there is a buildable lot prior to building permit issuance. An application for building site determination is submitted to Development Services and the Development Review Official (DRO) reviews the application.

- If the DRO determines the parcel proposed for development is a lawful building site, a written site determination is issued to the applicant.
- If the DRO denies the application, the applicant may submit an application for Conditional Use approval with a proposed site plan, to be reviewed by staff, the Board of Architects, considered by the Planning and Zoning Board and approved or denied by the City Commission.

When reviewing and providing a recommendation on an application for conditional use for a building site determination, the Planning and Zoning Division, Planning and Zoning Board and the City Commission considers and evaluates the request together with a proposed site plan and provides findings that the application satisfies the criteria set forth in Section 14-202.6.F(1-4) which Staff is proposing to amend as directed by the City Commission.

Currently an application to separate a building site must meet 3 of the 4 criteria of Section 14-202.6(F)(4):

- a. Building site(s) created would have a street frontage equal to or larger than the majority of the building sites within 1,000' of the subject property;
- b. Building site(s) separated or established would not result in any non-conforming existing structures;
- c. No restrictive covenants, encroachments, easements, or the like exist which would prevent the separation of the site. The voluntary demolition of a building or structure within the last ten (10) years which eliminates any of the conditions identified in this criterion shall result in non-compliance with this criterion;
- d. Building site(s) created has been owned by the current owner at least 10 years.

The City Commission discussed that the removal of the redundant criteria at First Reading, specifically criterion “c.” under Section 14-202.6(F)(4), which does not alter the requirement that any release of unity of title or covenant must still be reviewed and approved by the City Commission as a condition of the conditional use approval process per Section 14-205.2 and 14-205.3. Therefore, at the request of the Commission, Staff has prepared a Zoning Code text amendment to remove criterion “c” of Section 14-202.6(F)(4).

3. PROPOSED TEXT AMENDMENTS

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

Article 14. Process

Section 14-202.6. Building site determination.

- F. When reviewing and providing a recommendation on an application for conditional use for a building site determination, the Planning and Zoning Division, Planning and Zoning Board and the City Commission shall consider and evaluate the request together with a proposed site plan and provide findings that the application satisfies the following criteria:
 1. That the building site(s) created would have a lot area equal to or larger than the majority of the existing building sites of the same zoning designation within a minimum of one thousand (1,000) feet of the perimeter of the subject property. The Development Review Official may determine that the comparison of building sites within one thousand (1,000) feet of the subject property shall be based on one (1) or more of the following: building sites located on the same street as the subject property; building sites with similar characteristics such as golf course frontage, water frontage, cul-de-sac frontage; and, building sites within the same platted subdivision.
 2. That exceptional or unusual circumstances exist, that are site specific such as unusual site configuration or partially platted lots, or are code specific such as properties having two (2) or more zoning or land use designations, multiple facings or through block sites, which would warrant the separation or establishment of a building site(s).
 3. That the proposed building site(s) maintains and preserves open space and specimen trees, promotes neighborhood compatibility, preserves historic character, maintains property values and enhances visual attractiveness of the area.
 4. That the application satisfies at least ~~three (3)~~ two (2) of the following ~~four (4)~~ three (3) criteria:
 - a. That the building site(s) created would have a street frontage, golf course frontage (if applicable), and water frontage (if applicable) equal to or larger than the majority of the existing building sites of the same zoning designation within a minimum of one thousand (1,000) feet of the perimeter of the subject property. For a cul-de-sac building site(s), the

comparison of street frontages and water frontages (if applicable) shall include those similarly situated cul-de-sac building sites within one thousand (1,000) feet. If no cul-de-sac building sites exist within one thousand (1,000) feet then the comparison may be expanded to include all cul-de-sac building sites within the platted subdivision and any adjacent platted subdivision.

- b. That the building site(s) separated or established would not result in any existing structures becoming non-conforming as it relates to setbacks, lot area, lot width and depth, ground coverage and other applicable provisions of the Zoning Code, Comprehensive Plan and City Code. The voluntary demolition of a building or structure within the last ten (10) years which eliminates any of the conditions identified in this criterion shall result in non-compliance with this criterion.
- ~~c. That no restrictive covenants, encroachments, easements, or the like exist which would prevent the separation of the site. The voluntary demolition of a building or structure within the last ten (10) years which eliminates any of the conditions identified in this criterion shall result in non-compliance with this criterion.~~
- d. That the building site(s) created has been owned by the current owner continuously for a minimum of ten (10) years prior to an application submittal for conditional use for a building site determination.

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 | 06.12.24 |
| City Commission – First Reading | 05.21.24 |
| City Commission – Second Reading | TBD |

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

| PUBLIC NOTICE | DATE |
|---|----------|
| Legal advertisement | 05.27.24 |
| Posted agenda and Staff report on City web page/City Hall | 06.07.24 |

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 Zoning Code text amendment is to remove an additional requirement for conditional use review for building site determination applications. This initiative promotes public health, safety, and welfare as it does not change the |

| | |
|--|---|
| | requirement that any release of unity of title or covenant must still be reviewed and approved by the City Commission as a requirement of the conditional use approval process. |
| 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. |
| 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. | The proposed text amendment will not affect the level of service for public infrastructure. |
| 5. Does not directly conflict with any objective or policy of the Comprehensive Plan. | The proposed amendment does not directly conflict with any goal, objective or policy of the Comprehensive Plan. |

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. | Policy FLU-1.3.2. 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 |
| 2. | Objective FLU-1.11. 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 |
| 3. | Policy FLU-1.11.1. Maintain and enforce effective development and maintenance regulations through site plan review, code enforcement, and design review boards and committees. | Complies |
| 4. | Policy FLU-1.12.1. Maintain and enforce effective development and maintenance regulations. | Complies |
| 5. | Objective FLU-1.14. The City shall enforce Zoning Code provisions which continue to preserve and improve the character of neighborhoods. | Complies |
| 6. | Objective DES-1.1. 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 |

| Ref. No. | CP Goal, Objective and Policy | Basis for Consistency |
|----------|--|-----------------------|
| 7. | 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 |
| 8. | Policy DES-1.1.5. 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 |
| 9. | Policy DES-1.1.6. Maintain the character of the residential and nonresidential districts, and their peculiar suitability for particular uses. | Complies |
| 10. | Policy DES-1.1.7. Preserve residential properties to assure that future development will be in conformity with the foregoing distinctive character, with respect to type, intensity, design and appearance. | Complies |
| 11. | Objective PRP-1.3. Provide planning processes that are reliable and predictable to support sound land development regulations that promotes long-term investments in the community. | Complies |
| 12. | Policy HOU-1.2.6. New development shall be compatible with adjacent established residential areas. | Complies |

Staff comments: The proposed text amendment complies with the Future Land Use, Design, Property Rights, and Housing goals, objectives and policies of the Comprehensive Plan listed above. The proposed text amendment to Section 14-202.6 aims to modify the conditional use applications for building site determination applications by removing criteria c, that is a condition elsewhere in the Zoning Code. The amendment aims to simplify the requirements and assist homeowners in obtaining a building site determination. Overall, the amendment is an attempt to simplify the Zoning Code, provide for improved development standards, and effective review by applicable boards and committees.

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
The City of Coral Gables, Florida
June 12, 2024

in the XXXXX Court, was published in said newspaper in the issue of
May 27, 2024

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

PROOF OF PUBLICATION -

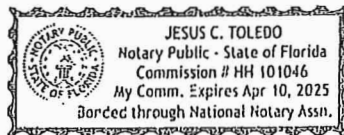
AFFIANT

27 day of May 2024.

JESUS TOLEDO

(Print or type or Stamp Commissioned name of Notary Public)

(SEAL)



My Commission Expires: _____

X

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



City of Coral Gables, Florida
Notice of Public Hearing
HYBRID MEETING on Zoom platform

Local Planning Agency / Planning and Zoning Board
Wednesday, June 12, 2024, 6:00 p.m.

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. A Resolution of the City Commission of Coral Gables, Florida approving Conditional Use Review of a Site Plan pursuant to Zoning Code Article 14, "Process" Section 14-203, "Conditional Uses," for a proposed townhouse development referred to as "The George" on the property legally described as Lots 29 through 41, Block 10, Coral Gables Biltmore Section (717, 729, 737 and 741 Valencia Avenue), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and an effective date.
2. A Resolution of the City Commission of Coral Gables, Florida approving the Tentative Plat entitled "The George" pursuant to Zoning Code Article 14, "Process," Section 14-210, "Platting/Subdivision," being a re-plat of 36,634 square feet (0.84 acres) into thirteen (13) platted lots for thirteen (13) residential townhouses on property assigned Multi-Family 4 District (MF4) zoning the property legally described as Lots 29 through 41, Block 10, Coral Gables Biltmore Section (717, 729, 737 and 741 Valencia Avenue), Coral Gables, Florida; providing for a repealer provision, severability clause, and an effective date.
3. An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 5, "Architecture," Section 5-200, "Mediterranean Standards;" Article 3, "Uses," Section 3-402, "Restrictions related to location;" and Article 16, "Definitions;" to enhance the quality of Coral Gables Mediterranean design by requiring a conceptual design review; removing duplicative criteria; relocating inapplicable standards; supplementing existing criteria; and including additional Mediterranean building examples; providing for severability, repealer, codification, and for 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 15, "Notices," Section 15-102, "Notice," to require mailed notice for Mediterranean Bonus applications before the Board of Architects, providing for repealer provision, severability clause, codification, and providing for an effective date.
5. An Ordinance of the City Commission providing for a text amendment to the City of Coral Gables Official Zoning Code, amending Section 14-202.6 "Building Site Determination" to facilitate building site determination applications; providing for severability, repealer, codification, and for an effective date.

The Planning and Zoning Board will be holding its board meeting on Wednesday, June 12, 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://coralgables.unicusidens.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/cgtv) as well as Channel 77 on Comcast.