

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-49

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; PROVIDING FOR A REPEALER PROVISION, PROVIDING FOR A SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables currently allows Bed and Breakfast establishments on property zoned MF2 within the district bounded by Southwest Eighth Street to the north, Navarre Avenue to the south, Douglas Road to the east, and LeJeune Road to the west; and

WHEREAS, the current Bed and Breakfast regulations include provisions that hinder the opening of a Bed and Breakfast establishment in eligible existing buildings, including off-street parking requirements for each bedroom; and

WHEREAS, the current Bed and Breakfast regulations include provisions that hinder the opening of a Bed and Breakfast establishment in eligible existing buildings, including a multi-step approval process that requires review and approval by multiple review committees, boards and the City Commission, and associated time, preparation, and application fees; and

WHEREAS, the current Bed and Breakfast regulations include provisions that create uncertainty for the Bed and Breakfast owner/operator, including an imprecise annual revocation provision that provides little protection for the owner/operator; and

WHEREAS, the current Bed and Breakfast regulations were adopted in 1993 by Ordinance 3023, and since that time, a Bed and Breakfast has not been opened or operated in the City of Coral Gables in accordance with those regulations; and

WHEREAS, the City Commission and the Coral Gables community has expressed a strong interest in the conservation and enhancement of the North Ponce area, which includes the area in which Bed and Breakfast establishments are permitted and desired; and

WHEREAS, encouraging the preservation and rehabilitation of historic buildings in the North Ponce area 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, encouraging reinvestment in the North Ponce area through uses such as Bed and Breakfast establishments 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, providing clear and attainable guidelines for Bed and Breakfast Establishments in the North Ponce area will allow these establishments to be operated in an area of the City where this type of use is desired; and

WHEREAS, Zoning Code text amendments are necessary in order to allow Bed and Breakfast Establishments to be opened and operated in the North Ponce area in a manner consistent with the community vision, including but not limited to: clear guidance on eligible properties, attainable parking requirements, an attainable City approval process, and greater assurance for the owner / operator that their approval cannot be revoked annually based on any neighborhood complaint; and

WHEREAS, in order to encourage high quality Bed and Breakfast operations, the Conditional Use application process will not include a processing fee at this time; 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 September 28, 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: 5-0); and

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on October 11, 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, passed the amendment on Second Reading (vote: 5-0);

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 5-2601 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 is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This ordinance shall become effective upon passage and adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF OCTOBER, A.D., 2016.

(Moved: Lago / Seconded: Slesnick)
(Yeas: Lago, Quesada, Slesnick, Keon, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-2)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOLMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY

“Exhibit A”

Division 26. Bed and Breakfast Establishments
Section 5-2601. Bed and breakfast establishments.

Bed and Breakfast (B & B) establishments may be permitted as a Conditional Use subject to the following restrictions:

A. B & B establishments may be operated on property zoned MF2 within the district bounded by Southwest Eighth Street (Tamiami Trail) to the north, Navarre Avenue to the south, Douglas to the east, and LeJeune Road to the west.

B. Structures shall be a locally designated historic landmark in order to be eligible for operation as a B&B.

C. In accordance with Article 3, Division 11: Historic Preservation, a Certificate of Appropriateness shall be required for any exterior alterations to the historically-designated B&B property.

D. Notwithstanding the Conditional Use provisions provided in Section 3-402 through Section 3-407, a Conditional Use for a Bed and Breakfast that meets all of the requirements of Article 5, Division 26, shall be reviewed as follows:

1. A pre-application conference shall be held with Historical Resources Department staff.
2. A complete Conditional Use site plan approval application shall be submitted to Historical Resources Department staff.
3. Prior to a public hearing before the Historic Preservation Board, departments including but not limited to the Fire Department, Parking Department, and Development Services Department shall review the Conditional Use site plan application and provide written comments.
4. Public notification of the Conditional Use application shall be the same as that for a Special Certificate of Appropriateness.
5. City staff shall prepare a staff report that summarizes the application and indicates whether the application complies with each of the standards for granting conditional use approval in Section 3-408.
6. Staff will provide written recommended findings of fact regarding the standards for granting conditional use approval in Section 3-408.
7. Staff shall provide a recommendation as to whether the application should be approved, approved with conditions, or denied.

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~~5.~~ A public hearing shall be held before the Historic Preservation Board, where a final decision shall be made.
9. 6. Any appeal of a decision of the Historic Preservation Board may be brought to the City Commission in accordance with Article 3, Division 6.
10. 7. Section 3-408 through Section 3-411 shall apply to Conditional Uses for a Bed and Breakfast Establishment.

E. The following design requirements shall be incorporated to minimize the impact on surrounding residential areas:

1. Appearance of structure shall remain residential;
2. Outdoor activity areas for B & B residents use shall be visually buffered from adjacent residential uses;
3. Vehicle ingress and on-site parking shall be screened from adjacent residential properties.

F. One wall-mounted sign shall be permitted designating the property as a B & B, and shall not exceed one-hundred sixty (160) square inches in size.

G. Property owner or manager must reside on property and be available on a daily basis.

H. The sale of alcohol shall not be permitted on premises.

I. Food service shall be limited to B & B residents.

J. Owner/Operator must comply with the following operational requirements:

1. No weekly rates shall be offered;
2. No hourly rates shall be offered;
3. The owner/manager shall maintain a current guest register.

K. All B & B requests shall be required to submit the following floor and site plans for Administrative Approval:

1. Floor plans.
2. Parking plan.
3. Landscaping plan.
4. Lighting and signage plan.
5. Building elevations.
6. Survey.

L. For those buildings constructed prior to 1964, no additional on-site parking will be required beyond that which exists prior to the Bed and Breakfast Certificate of Use application. In lieu of the parking provision pertaining to Bed and Breakfast Establishments in Section 5-1409 of the Zoning Code, a parking management plan for guests and the owner/manager may be submitted to the Planning and Zoning Director and the Parking Director for review and approval. The parking management plan may include a combination of remote parking, valet parking, and leasing of public parking spaces and will be reviewed based on proximity to transit, number of guest rooms, number of staff, availability of public parking and on-street parking, and other relevant factors.

M. Parking credit may be granted by the Planning and Zoning Director for parallel parking spaces in the roadway immediately in front of the subject property where such parking will not be hazardous or obstruct access.

N. Each B&B shall be subject to code enforcement measures in the same manner as any other business or residence in the City of Coral Gables.

O. The Certificate of Use for the Bed and Breakfast Establishment shall be renewed annually to ensure compliance with all applicable city regulations and conditions that may be imposed as part of the Conditional Use approval.