



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
 Application: **Stricter Standards - Code Text Amendment**
 Public Hearing: Planning and Zoning Board
 Date & Time: **November 10, 2021; 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 a text amendment to the City of Coral Gables Official Zoning Code by amending Article 1, “General Provisions,” Section 1-109, “Construction Rules,” to clearly state that where the provisions of this Zoning Code vary from the applicable requirements of any law, statute, rule, regulation, ordinance, or code, the most restrictive or that imposing the higher standard shall govern, including within the Miami-Dade County Rapid Transit Zone; providing for severability, repealer, codification, and an effective date.

2. BACKGROUND

As directed by the City Commission, Staff has prepared a Zoning Code text amendment to clearly state that where the provisions of the Coral Gables Zoning Code vary from an applicable requirement of any law (including statute, rule, regulation, ordinance, or code), the most restrictive or that imposing the higher standard shall govern.

Section 6.02 of the Miami-Dade County Charter provides municipalities with the authority to exercise all powers relating to local affairs that are not inconsistent with the County Charter. Under this Charter provision, each municipality may provide for higher standards of zoning, service, and regulation than those provided by Miami-Dade County (“County”), so that municipalities can preserve their individual characters and standards for the benefit of municipal residents.

There are many examples of the City of Coral Gables imposing higher standards of zoning, service, and regulation than the County in areas generally regulated by the County. This Zoning Code amendment codifies a basic but important legal principal that the City has applied consistently and successfully countless times in the past.

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 | 11.10.21 |
| City Commission – 1 st Reading | TBD |
| 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 | 10.29.21 |
| Posted agenda and Staff report on City web page/City Hall | 10.05.21 |

4. FINDINGS OF FACT

The requests are Text Amendments to Section 1-109 “Construction Rules” in Article 1 “General Provisions.” The proposed changes are provided in ~~striketrough~~ / underline format in Attachment A.

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 clearly state that the law or ordinance with most restrictive or that imposing higher standards shall govern, which would promote the public health and welfare of the residents. |
| b. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment. | The proposed amendment is intended to allow the current City of Coral Gables’ limited permitted uses govern over any other municipality’s laws. |
| 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 is intended to supersede any other municipality’s changes in density, as to remain consistent with the Coral Gables’ future land use categories. |
| 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 than the minimum requirements of the Comprehensive Plan. | The proposed text amendment does not impact the public infrastructure. |
| e. Does not directly conflict with any objective or policy of the Comprehensive Plan. | The proposed amendment is to fulfill the objectives and policies of the Comprehensive Plan to protect residential neighborhoods. |

Staff comments:

The proposed text amendments to Section 1-109 of the Zoning Code provides for reassurance that the most restrictive regulation – no matter the municipality – shall apply and protect the residential 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 the following:

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 1, "General Provisions," Section 1-109, "Construction Rules," to clearly state that where the provisions of this Zoning Code vary from the applicable requirements of any law, statute, rule, regulation, ordinance, or code, the most restrictive or that imposing the higher standard shall govern, including within the Miami-Dade County Rapid Transit Zone; providing for severability, repealer, codification, and an effective date.

Staff recommends Approval.

6. ATTACHMENTS

- A. Draft Ordinance with proposed text amendments.
- 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,



Ramon Trias, Ph.D., AIA, AICP, LEED AP
Assistant Director of Development Services
for Planning & Zoning
City of Coral Gables, Florida

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

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 1, "GENERAL PROVISIONS," SECTION 1-109, "CONSTRUCTION RULES," TO CLARIFY THAT WHERE THE PROVISIONS OF THIS ZONING CODE VARY FROM THE APPLICABLE REQUIREMENTS OF ANY LAW, STATUTE, RULE, REGULATION, ORDINANCE, OR CODE, THE MOST RESTRICTIVE PROVISIONS WHICH SHALL BE DEEMED TO BE THE HIGHER STANDARD OF ZONING SHALL GOVERN, INCLUDING PROVISIONS OF ZONING WITHIN THE MIAMI-DADE COUNTY RAPID TRANSIT ZONE; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 6.02 of the Miami-Dade County Charter, as amended ("County Charter"), provides that each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with the County Charter and each municipality may provide for higher standards of zoning, service, and regulation than those provided by the County in order that the municipality's individual character and standards may be preserved for the municipality's residents; and

WHEREAS, in essence, Section 6.02 allows Miami-Dade County to set minimum countywide standards while providing the City the option of setting higher standards within its boundaries, an option it has exercised countless times in the past; and

WHEREAS, there are many examples of the City imposing higher standards of zoning, service, and regulation than the County in areas generally regulated by Miami-Dade County, such as the creation of play streets and reduced speed limits on local roads; and

WHEREAS, the City Commission has considered the need to clarify this legal principal in the Zoning Code and justification for the proposed text amendments is stated herein; and

WHEREAS, the City Commission finds that it is in the best interest of the City and its residents to amend the Coral Gables Zoning Code for the purpose stated herein; and

WHEREAS, the Planning and Zoning Board was presented with this text amendment to the Official Zoning Code, and after due consideration and discussion, recommended approval/denial (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. The Official Zoning Code of the City of Coral Gables is hereby amended as follows¹:

ARTICLE 1 – GENERAL USES

Section 1-109. Construction Rules.

For the purposes of these regulations, the following rules of construction apply:

- A. In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, order, convenience and general welfare of the community.
- B. The provisions of these regulations shall be construed to achieve the purposes and intent for which they are adopted.
- C. Nothing in these regulations is intended to abrogate any easement, covenant, deed restriction or other private agreement; however, where the regulations of these regulations are more restrictive or impose higher standards or requirements than such easement, covenant, deed restriction or other private agreement, the requirements of these regulations shall govern.
- D. In the event of a conflict between the text of these regulations and any caption, figure, illustration, table, or map, the text of these regulations shall control. In the event of a conflict between a chart and an illustration, the chart shall control. All illustrations included in these regulations are for illustrative purposes only.
- E. In the event of any conflict in limitations, restrictions, or standards applying to an individual use or structure, the more restrictive provisions shall apply.
- ~~F. In the event of a conflict between these regulations and any federal, state, or county statute or provision, which pre-empt local regulation, the federal, state, or county statute or provision shall apply.~~
- F. Where the requirements of this Code otherwise vary from the applicable requirements of any law, statute, rule, regulation, ordinance, or code, the most restrictive requirement, which shall be deemed to be the higher standard, shall govern. Properties located within the Miami-Dade County Rapid Transit System Development Zone or within a Rapid Transit Zone District, as set forth in Chapter 33C of the Miami-Dade County Code, as amended, shall remain subject to all of the provisions of the Coral Gables Zoning Code when those provisions are considered to be more restrictive, which shall be deemed to be the higher standard.
- G. The words “shall,” “must,” and “will” are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- H. The word “or” is alternative in nature.
- I. The word “may” is permissive in nature.

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

- J. Words used in the present tense include the future tense.
- K. The singular number includes the plural number and the plural, the singular.
- L. Words utilizing the masculine gender include the feminine gender and use of the feminine gender includes the masculine.
- M. The words used and occupied as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
- N. The word “herein” means “these regulations.”
- O. Any act authorized by these regulations to be carried out by a specific official or agency of the City is authorized to be carried out by a designee of such official or agency.
- P. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded.
- Q. Any words and terms not defined herein shall have the meaning indicated by common dictionary definition.
- R. Any reference to Federal Statutes, Florida Statutes, Florida Administrative Code, Miami-Dade County Code, or any other official code shall be construed to be a reference to the most recent enactment of such statute, code or rule, and shall include any amendments as may, from time to time, be adopted.
- S. Zoning district boundaries are usually along streets, alleys, property lines or extensions thereof. Where an uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 - 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - 3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
 - 4. Boundaries indicated as following shorelines shall be construed to follow such shorelines. In the event of a change in the shoreline, the zoning district boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
 - 5. Whenever any street, alley or other public way is vacated by official action of the City Commission of the City of Coral Gables, the zoning district of the property abutting upon each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included within the vacation shall thereafter be subject to all appropriate regulations of the extended districts.
 - 6. Where land is built-up by fill upon areas formerly submerged under water, the district regulations applying to the land immediately adjoining such built-up land shall be automatically extended thereto.

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 _____, 2021.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2021.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

BILLY URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY

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 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 - NOV
. 10, 2021

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

10/29/2021

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.

Guillermo Garcia

Sworn to and subscribed before me this
29 day of OCTOBER A.D. 2021

C. Ravix

(SEAL)

GUILLERMO GARCIA personally known to me



**CITY OF CORAL GABLES, FLORIDA
NOTICE OF PUBLIC HEARING
HYBRID MEETING ON ZOOM PLATFORM**

City Public Hearing **Local Planning Agency / Planning and Zoning Board**
Dates/Times **Wednesday, November 10, 2021, 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 text amendments to the City of Coral Gables Official Zoning Code, Article 5, "Architecture," Section 5-200, "Mediterranean Standards;" to limit the Mediterranean Bonus program to Coral Gables Mediterranean Architectural Style and expand the Board of Architects review process to include an optional conceptual review; providing for severability, repealer, codification, and for 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, Article 4, "Zoning Districts," Section 2-100, "Residential Districts" and Article 5, "Architecture," Section 5-200, "Mediterranean Standards;" to remove the Mediterranean Bonus of height for Multi-Family 4 (MF4) properties; 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 1, "General Provisions," Section 1-109, "Construction Rules," to clearly state that where the provisions of this Zoning Code vary from the applicable requirements of any law, statute, rule, regulation, ordinance, or code, the most restrictive or that imposing the higher standard shall govern, including within the Miami-Dade County Rapid Transit Zone; providing for severability, repealer, codification, and an effective date.
4. 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 3, "Uses," Section 3-206, "Home Office," to provide additional requirements and allowances for a Home Office consistent with the requirements of Chapter 2021-202, Laws of Florida; providing for severability, repealer, codification, and an effective date. (ON 10 13 21 ITEM WAS DEFERRED TO THE NOVEMBER MEETING.)

Local Planning Agency

5. 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 10, "Parking," Section 10-110, "Amount of required parking" and Article 16, "Definitions," to clarify parking requirements related to single-family building alterations and update the definition for a single-family residence regarding the use of covered open air walkways, and location of porte-coches and carports; providing for severability, repealer codification, and an effective date. (ON 10 13 21 ITEM WAS DEFERRED TO THE NOVEMBER MEETING.)
6. An Ordinance of the City Commission of Coral Gables, Florida granting approval of proposed amendments to the text of the City of Coral Gables Comprehensive Plan, pursuant to expedited state review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 14, "Process," Section 14-213, "Comprehensive Plan Text and Map Amendments;" to provide for a Property Rights Element with Goals, Objectives, and Policies; 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 granting approval of proposed amendments to the text and maps of the City of Coral Gables Comprehensive Plan, pursuant to expedited state review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 14, "Process," Section 14-213, "Comprehensive Plan Text and Map Amendments;" to provide updates to the Recreation and Open Space Element and all corresponding map series; providing for a repealer provision, providing for a severability clause, and providing for an effective date.
8. An Ordinance of the City Commission of Coral Gables, Florida granting approval of proposed amendments to the Mixed-Use Overlay District Map of the City of Coral Gables Comprehensive Plan, pursuant to expedited state review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 14, "Process," Section 14-213, "Comprehensive Plan Text and Map Amendments;" to update the Mixed-Use Overlay District Map (FLU-2) to be consistent with the Future Land Use Map; providing for a repealer provision, providing for a severability clause, and providing for an effective date.

The Planning and Zoning Board will be holding its regular board meeting on Wednesday, November 10, 2021, 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/cqtv) as well as Channel 77 on Comcast.

Sincerely,
Ramon Trias
Assistant Director of Planning and Zoning
City of Coral Gables, Florida
10/29

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