



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
 Application: **Dispute Resolution - Zoning Code Text Amendment**
 Public Hearing: Planning and Zoning Board
 Date & Time: **February 9, 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 a text amendment to Article 14 "Process," Section 14-214 "Protection of Landowners' Rights; Relief from Inordinate Burdens" of the City of Coral Gables Official Zoning Code to clarify procedures to resolve disputes and provide relief from the application of the Zoning Code, including the granting of variances; providing for severability, repealer, codification, and an effective date.

2. APPLICATION SUMMARY

The City is proposing a Zoning Code text amendment to clarify procedures to resolve disputes and provide relief from the application of the Zoning Code, including the granting of variances.

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	02.09.22
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	01.28.22
Posted agenda and Staff report on City web page/City Hall	02.04.22

4. FINDINGS OF FACT

The request is a Text Amendment to Section 14-214 “Protection of Landowners’ Rights” in Article 14 “Process.” The amendment will clarify procedures to resolve disputes and provide relief from the application of the Zoning Code, including the granting of variances.

The proposed changes are provided in Attachment A in ~~striketrough~~ / 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 text amendment is to resolve legal disputes for the welfare and protection of the landowners.
b. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed text amendment will not permit or affect any uses, since a variance cannot be granted that would allow a use not permitted by 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 permit densities or intensities inconsistent with the 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 will not cause a decline in the level of service less than the minimum public infrastructure requirements.
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 Section 14-214 of the Zoning Code clarifies procedures to resolve disputes and provide relief from the application of the Zoning Code, including the granting of variances. The proposed text amendment further protects the rights of landowners, which fulfil many goals, objectives, and policies of the Comprehensive Plan. 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 Article 14 "Process," Section 14-214 "Protection of Landowners' Rights; Relief from Inordinate Burdens" of the City of Coral Gables Official Zoning Code to clarify procedures to resolve disputes and provide relief from the application of the Zoning Code, including the granting of variances; providing for severability, repealer, codification, and an effective date.

Staff recommends **Approval**.

6. ATTACHMENTS

- A. Draft Ordinance.
- 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. 2022-___

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR A TEXT AMENDMENT TO ARTICLE 14 “PROCESS,” SECTION 14-214 “PROTECTION OF LANDOWNERS’ RIGHTS; RELIEF FROM INORDINATE BURDENS” OF THE CITY OF CORAL GABLES OFFICIAL ZONING CODE TO CLARIFY PROCEDURES TO RESOLVE DISPUTES AND PROVIDE RELIEF FROM THE APPLICATION OF THE ZONING CODE, INCLUDING THE GRANTING OF VARIANCES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Staff has drafted Zoning Code text amendments based on a recent court ruling to clarify procedures to resolve disputes and provide relief from the application of the Zoning Code, including the granting of variances; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on February 9, 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/denial (vote: _ to _) of the text amendment; and

WHEREAS, a public hearing was held before the City Commission on March 8, 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, after notice was duly published, a public hearing for Second Reading was held before the City Commission, at which hearing all interested parties were afforded the opportunity to be heard.

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 as follows¹.

Article 14. Process

Section 14-214. Protection of Landowners' Rights; Relief from Inordinate Burdens.

Section 14-214.3. Guidelines.

A. If the City Commission finds that an applicant has demonstrated that it has suffered an unfair, disproportionate or inordinate burden as a result of the application of these regulations to its property, the City Commission may grant appropriate relief. Likewise, if the City demonstrates that a settlement would avoid, mitigate, or remedy an unfair, disproportionate, or inordinate burden to a property owner, the City Commission may grant appropriate relief. Proposed terms may include, but are not limited to:

1. Relief from the application of particular provisions of these regulations, including the granting of variances.
2. The transfer of developmental rights from one (1) parcel to another within the City.
3. Approval of the original application with conditions; or modifications to any previously imposed conditions of approval.
4. Any of the remedies listed in section 70.001(4)(c) of the Florida Statutes.

Section 14-214.5. City Commission review and decision; Execution of Dispute Resolution Agreement.

A. The City Commission shall review the application or proposed settlement at a public hearing (noticed in accordance with the provisions of Article 15, and shall decide whether to make an offer to resolve the dispute with the applicant, or to approve a settlement proposed by the City, which shall be in the form of a dispute resolution agreement. ~~The hearing is not quasi-judicial, and is not subject to rules of quasi-judicial procedures.~~

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.

¹ Deletions are indicated by ~~striketrough~~. Insertions are indicated by underline.

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 - FEB.
9, 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

01/27/2022

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
27 day of JANUARY, A.D. 2022

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 Dates/Times	Local Planning Agency / Planning and Zoning Board Wednesday, February 9, 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 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 that the maximum number of floors in the Comprehensive Plan shall not apply to any Planned Area Development (PAD) upon City Commission approval, and to allow an additional height bonus in return for limiting density for qualifying PADs within the Central Business District (CBD); providing for a severability clause, repealer provision, and providing for an effective date.
2. An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 2, "Zoning Districts" Section 2-500 "Planned Area Development," (PAD) to provide that upon City Commission approval, the maximum number of stories in any PAD shall not apply; and to create a "Height Bonus to PAD Minimum Development Standards in the Central Business District (CBD)" providing additional height with a limit of density for qualifying properties upon City Commission approval; providing for severability clause, repealer provision, codification, and providing 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 amending Article 14, "Process", Section 14-200, "Procedures", Section 14-202, "General Development Review Procedures", Section 14-202.9, "Certificate of Use", to provide the City Manager or designee with authority to deny, suspend, or revoke a certificate of use under specific circumstances; providing for severability, repealer, codification, and an effective date.

city of Coral Gables

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 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.
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 14, "Process," Section 14-103.2, "Membership; Terms; Vacancies; Removal," to allow a certain percentage of the Board of Architects members to not be residents or have their principal place of business in the City of Coral Gables; providing for severability, repealer codification, and an effective date.
6. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to Article 14 "Process," Section 14-214 "Protection of Landowners' Rights; Relief from Inordinate Burdens" of the City of Coral Gables Official Zoning Code to clarify procedures to resolve disputes and provide relief from the application of the Zoning Code, including the granting of variances; providing for severability, repealer, codification, and an effective date.
7. An Ordinance of the City Commission of Coral Gables, Florida granting approval of a Planned Area Development (PAD) pursuant to Zoning Code Article 14, "Process," Section 14-206, "General Procedures for Planned Area Development" for a multi-family project referred to as "301-341 Madeira" on the property legally described as Lots 4 thru 24, Block 1 of Revised Plat of Coral Gables Section K (341, 335, 331, 325, 321, 317, 301 Madeira Avenue), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date.
8. A Resolution of the City Commission of Coral Gables, Florida granting Conditional Use approval pursuant to Zoning Code Section 2-400, "District Overlays," Section 2-405, "Residential Infill Regulations (RIR)," for a multi-family project referred to as "301-341 Madeira" located on property zoned Multi-Family 2 (MF2) legally described as Lots 4 thru 24, Block 1 of Revised Plat of Coral Gables Section K (341, 335, 331, 325, 321, 317, 301 Madeira Avenue), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date.
9. An Ordinance of the City Commission of Coral Gables, Florida granting approval of a Planned Area Development (PAD) pursuant to Zoning Code Article 14, "Process," Section 14-206, "General Procedures for Planned Area Development" for a mixed-use project referred to as "Alexan Crafts" on property legally described as lots 5 thru 27, Block 28, Coral Gables Crafts Section (340, 330, 322, 314, 310, 300 Catalonia Avenue, 301, 309, 317, 323, 325, 333, 341 Malaga Avenue), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date.
10. A Resolution of the City Commission of Coral Gables, Florida granting approval for Conditional Use Mixed-Use Site Plan pursuant to Zoning Code Section 2-200 "Mixed Use Districts" for a mixed-use project referred to as "Alexan Crafts" on property legally described as lots 5 thru 27, Block 28, Coral Gables Crafts Section (340, 330, 322, 314, 310, 300 Catalonia Avenue, 301, 309, 317, 323, 325, 333, 341 Malaga Avenue), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date.

The Planning and Zoning Board will be holding its regular board meeting on Wednesday, February 9, 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/cqtv) as well as Channel 77 on Comcast.

Sincerely,
Ramon Trias
Assistant Director of Planning and Zoning
City of Coral Gables, Florida
1/27

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