



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
Application: **Zoning Code Text Amendment: Certificate of Use**
Public Hearing: Planning and Zoning Board
Date & Time: **January 12, 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 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.

2. APPLICATION SUMMARY

The City is proposing a Zoning Code text amendment to provide the City Manager or designee with the authority to deny, suspend, or revoke a Certificate of Use for good cause.

Currently, the City Manager already has the authority to revoke a Certificate of Use under specific circumstances in multiple sections of the Zoning Code, such as Section 3-611 for Covid-19 Recovery Temporary Use Permits and Section 3-312 for drive-throughs. The proposed text amendment will provide this authority to any Certificate of Use.

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	01.12.22
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	12.30.21
Posted agenda and Staff report on City web page/City Hall	01.07.22

4. FINDINGS OF FACT

The request is a Text Amendment to Section 14-202.9. “Certificate of Use” in Article 14 “Process.” 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 proposed amendment provides the authority for the City Manager to revoke a Certificate of Use for good cause, which would be in the best interest of the public health, safety, and welfare.
b. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed amendment does not permit any additional uses permitted in the Comprehensive Plan, but allows for better enforcement of the use.
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 affect the densities nor intensities any land uses.
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 affect the level of service for public infrastructure.
e. Does not directly conflict with any objective or policy of the Comprehensive Plan.	The proposed amendment is to provide stricter enforcement of any non-residential use to the benefit of the community, which promotes many objectives of the Comprehensive Plan.

Staff comments:

The proposed text amendment to Section 14-202.9 of the Zoning Code provides for the authority to revoke a Certificate of Use for good cause. This granted authority to further enforce non-residential uses fulfils the many goals, objectives, and policies of the Comprehensive Plan that protect the quality of life in Coral Gables. 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 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.

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. _____

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 THE AUTHORITY TO DENY, SUSPEND, OR REVOKE A CERTIFICATE OF USE UNDER SPECIFIC CIRCUMSTANCES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Coral Gables Zoning Code provides for a Certificate of Use process whereby the City has the authority to review and approve all uses except single family and multi-family uses; and

WHEREAS, this amendment grants the City Manager or designee the express authority to deny, suspend, or revoke a Certificate of Use for good cause; and

WHEREAS, the City Manager already has the authority to revoke a Certificate of Use under specific circumstances in multiple sections of the Zoning Code, such as Section 3-611 “Covid-19 Emergency Business Recovery Temporary Use Permit” and Section 3-312 “Drive-throughs, walk-up windows, and automated teller machines (ATM)”; and

WHEREAS, an applicant may appeal a denial, suspension, or revocation of a Certificate of Use pursuant to the appeals process outlined in this amendment; 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:

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

Section 14-202.9. Certificate of use.

- A. Except for single family and multi-family uses, no person shall commence any use of any property, nor shall an occupational license or building permit be issued until an application for a Certificate of Use therefore has been filed with and approved by the Development Services Department on a form provided by the Department.
- B. Any use of a property under and pursuant to any Certificate of Use shall conform to the Certificate of Use. Any use for which a Certificate of Use has been issued must commence within one hundred and eighty (180) days of the issuance of the Certificate of Use, and is valid for a period not to exceed one (1) year from the date of the issuance. All Certificates of Use shall be renewed by the applicant each year.
- C. The City Manager or designee may deny, suspend, or revoke a Certificate of Use for good cause, including but not limited to one of the following reasons:
 1. The applicant provided false or misleading information in the application or in the supplemental or additional statements of fact or studies required by the City.
 2. There is a failure to comply with the terms or conditions of the Certificate of Use.
 3. There is a violation of these regulations or of the Code of the City of Coral Gables, Florida.
 4. The premises is allowed to be utilized for illegal criminal activity or activity not permitted under the Zoning Code or City Code.
 5. The Business Tax Receipt ("BTR") for the Certificate of Use holder has been denied, suspended, or revoked.
- D. A denial, issuance, revocation, or suspension of a Certificate of Use may be appealed pursuant to Section 14-208 of the Zoning Code.
- E. There shall also be an alternative expedited appeal process whereby an appellant may choose to appeal a denial, issuance, revocation, or suspension of a Certificate of Use to a special magistrate. Such process shall require the appeal to be submitted in writing to the City Clerk within ten (10) business days of the denial, issuance, revocation, or suspension. The City Manager or designee shall have five (5) business days to respond in writing. A special magistrate appointed by the City will review the filings and render a written order within ten (10) business days of receipt of the appeal.

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 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 intention.

SECTION 6. If the Official Zoning Code of the City of Coral Gables Tables of

Contents or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This ordinance shall become effective _____, 2022.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2022.

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

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PLANNING AGENCY / PLANNING AND ZONING BOARD - JAN.
12, 2022

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

12/30/2021

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
30 day of DECEMBER, 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 Dates/Times

**Local Planning Agency /
Planning and Zoning Board
Wednesday, January 12,
2022, 6:00 p.m.
City Commission Chamber,
City Hall 405 Biltmore Way,
Coral Gables, FL 33134**

Location

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. (On 12 08 2021, PZB deferred this item to January's meeting.)
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. (On 12 08 2021, PZB deferred this item to January's meeting.)
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. (On 12 08 2021, PZB deferred this item to January's meeting.)
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 the principal place of business in the City of Coral Gables; providing for severability, repealer codification, and an effective date.

The Planning and Zoning Board will be holding its regular board meeting on Wednesday, January 12, 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
Ramon Trias
Assistant Director of Planning and Zoning
City of Coral Gables, Florida
12/30

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