

**City of Coral Gables City Commission Meeting**  
**Agenda Item E-6**  
**March 29, 2016**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Jim Cason**  
**Commissioner Pat Keon**  
**Commissioner Vince Lago**  
**Vice Mayor Frank Quesada**  
**Commissioner Jeannett Slesnick**

**City Staff**

**City Manager, Cathy Swanson-Rivenbark**  
**City Attorney, Craig E. Leen**  
**City Clerk, Walter J. Foeman**  
**Deputy City Clerk, Billy Urquia**

**Public Speaker(s)**

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Agenda Item E-6 [12:10:58 p.m.]

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 3, "Development Review," Division 2, "General Development Review Procedures," Section 3-206, "Building Site Determination"; and Article 8, "Definitions," amending the requirements for applications for a building site separation and creating a definition for voluntary demolition; providing for a repealer provision, severability clause, codification, and providing for an effective date.

Mayor Cason: Let's do E-6, E-7 and then we'll do E-5.

City Attorney Leen: Yes Mr. Mayor. Item E-6 is an Ordinance on First Reading, it's a Zoning Code Text Amendment, 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 3, "Development Review," Division 2, "General Development Review Procedures," Section 3-206, "Building Site Determination"; and Article 8, "Definitions," amending the requirements for applications for a building site separation and creating a definition for voluntary

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Agenda Item E-6 – Ordinance on First Reading, Zoning Code Text Amendment  
Providing for text amendments to CCG Official Zoning Code...Article 3...Article 8

demolition; providing for a repealer provision, severability clause, codification, and providing for an effective date. There are a couple of changes. One is the definition of voluntary demolition would be broadened to apply to any disaster, not just a natural disaster. Two, this is more for Commission discussion, the Mayor raised the issue, which I can raise now because we are in a group – on page 3, Item 2(b), what if there is no cul-de-sac within 1,000 feet, could staff look beyond 1,000 square feet to a similar cul-de-sac and so that's something, I thought that that was a good idea from a legal perspective, because it's not helpful to have provisions which can't be applied in certain circumstances. So I know that Zoning Staff is going to look at that between First and Second Reading. With that I would just briefly say from a legal perspective, we've had several lot split applications come before the Commission and there has always been issues with how do we interpret the provision related to frontages?- does that apply to water frontages? What sort of condition should the Commission supply? You have generally supplied or imposed the condition that the two lots have houses when added together don't have more square footage than what one house could have on the larger lot. I know staff has done and I would defer to staff to talk about these from a more substantive context is, they tried to listen to the Commission over the last several years and put together a lot split ordinance that addresses all the concerns that have been raised. I would just point to one issue that's legal in nature. Presently, the conditions, there are six conditions, 3-206 you can look on page 2. You have to have four of those six conditions to be met, four of the six criteria in order to be approved for a lot split. Now it's going to be a little different. First you always have to satisfy Condition 1, that the building sites created would have a lot area equal or larger than the majority of the existing building site of the same zoning designation within a minimum of 1,000 feet of the perimeter of the subject property. That's always going to have to be satisfied under this Code provision. Then, assuming you satisfy that, you would need to satisfy four of the remaining six criteria; and one other thing you should notice is that for voluntary demolition, as you might recall, it used to be or it presently is, I should say under the Code, that if you, if a property owner does a voluntary demolition in order to remove an encroachment or in order to satisfy restrictive covenant, or any sort of thing, there are two conditions that prohibit that. Now those are being changed to ten years, so within the last ten years. What that was taken from was the Commission seems to have the perspective or the view that if it was done a few months before or a couple of years before, that could be used for speculation or property flipping or things like that, and that was not the intent of the lot split ordinance. But if the property has been like that for over ten years, it may affect people's expectations regarding those lots.

Mayor Cason: It stems from the Wackenhut house.

City Attorney Leen: Yes, this came from the Wackenhut house. One other thing you should know is, it used to be one of the six provisions and this came up a lot and there was concern by the Commission regarding it, that one of the conditions used to say that the building site created

was purchased as a separate building by the current owner prior to September 17, 1977, and so this greatly favored the very few properties which have been owned since before 1977 continuously. That has not been changed to a ten year period, and so will be more available to property owners. So ten years is the key amount of time in this ordinance is mentioned in three provisions. With that everything else would be substantive and I would defer to the City Manager and staff.

City Manager Swanson-Rivenbark: Just as clarification. In the section under 2(b), where it says, for cul-de-sac building sites the comparison of street frontages and water frontages, if applicable shall include those similarly situated cul-de-sac building sites. We have with 1,000 feet, but because very few cul-de-sacs exist, we are going to put within the adjoining neighborhood. I think that's the best kind of flexibility, and so you'll see that change between First and Second Reading, but otherwise this is really in response to the questions that you all had with lot splits in the past, that the wording wasn't clear, calculations were uncertain, and so I think the City Attorney did an excellent job building clarity to an otherwise complicated situation.

Mayor Cason: We've also got preservation of specimen trees which is clear in here.

Commissioner Keon: I have one question. It actually starts with the first one, the existing building sites with the same zoning designation with 1,000 feet. We have had a great deal of discussion when the lot is being split along the waterway or one of the major corridors of our City that tend to have much larger lots, like along Granada and Alhambra, but when they go 1,000 feet and you go back into a neighborhood where it's often platted at, could be platted at 50 feet or there are maybe 100 foot lot at the most, it changes. I don't know how you put in words that retain the character of the corridor that the home is on, because it dilutes the square footage so much as you go back into a neighborhood, depending on what the neighborhood would be like. Yet the particular street that it's on is one that you would like to maintain those larger homes. So I don't know if we could find some language about retaining the character of the corridor that it's on.

City Attorney Leen: It would probably go into either (e) or (a), which are more normative in nature where you are making evaluations. Some of the other ones are more based on the size within 1,000 feet.

Mayor Cason: You've got to find a way that it's not "beauty in the eye of the beholder" kind of thing.

Commissioner Keon: Right. But I'd like to see it even in one, because I think that's the entry level into it that says, everybody has to meet that one, because I don't want to affect the character of those corridors that we have.

Commissioner Lago: A perfect example of that would be that property that came from a lot split which was denied adjacent to Ingraham Park, remember?

Commissioner Keon: Right.

Commissioner Slesnick: On Como?

Commissioner Lago: On Como, yes. The decision that we made to not allow that property to be split, one of the main factors, for me, moving in that direction, was that the adjacent pieces of property were of the same magnitude of the piece that was before us. But if you listen to what Commissioner Keon is saying, if you go one block away, not even 200 feet away, you have lots that are in the 8,000 square foot range, even 5,000 square foot range. I agree with Commissioner Keon in regards to her statement. I think we can clarify that a little bit, because if you can immediately check item one off, because you meet that prerequisite even though the adjacent property on all sides could be the same size or magnitude, as the piece of property in question. I think to me, we may be sending, not the wrong message, but we may not be sending the most clear message.

Mayor Cason: How about something like 1,000 feet along the same street? Something like that.

Commissioner Keon: But receiving along the lot split, we did approve on Granada of that, the one parcel there...

City Attorney Leen: I remember the two with all the trees.

Commissioner Keon:...with all the trees, they could have, I think theoretically they were asking at one point to split it into three lots?- is that right?

City Attorney Leen: I don't remember.

Commissioner Keon: Well, I think at one point it was asked to be split into even smaller segments, but at least when we split it in two lots it was at least still consistent with the homes along those major corridors. It's different, I think, maybe in the interior of the City; I'm not sure, but particularly along those...

Commissioner Slesnick: Granada.

Commissioner Keon: You know Granada and some points of Riviera, but some of the corridors in Alhambra or whatever, that you are going to retain that aesthetic.

Commissioner Slesnick: Just like on Country Club Prado, you have 150-foot wide lots, but directly behind that on Red Road you have all 50-foot lots. So if you were talking about Country Club Prado, you could divide that up into three lots...

Commissioner Keon: [Inaudible...smaller parcels so...

Mayor Cason: Maybe you could specify on certain streets that are the ones that we are talking about, it's that street, 1,000 feet or something, rather than to go back...

City Attorney Leen: I would recommend that Planning take a look at it and see what they can do. All I would say from a legal perspective is that right now, one is basically a gatekeeper. You have to satisfy one to get to the other four to six. But the issue that would come up is, we have to make it specific enough, particularly if it's one that has to be met, that a court will say, if this is ever appealed, that a court would say, this is specific enough that it could be applied in a non-arbitrary manner. So we just have to make sure that the words that we use are somewhat specific, maybe 1,000 feet along this street, maybe designating specific streets, maybe giving an example, but I would recommend that because if we just say context, which we do in other parts of the Code, but that's typically with architecture and they are experts, architectural experts are applying.

Commissioner Lago: I just think the purpose of bringing this back today after having this discussion on multiple occasions, because I think that we've had probably since I've been here, in April it would be three years, I think we've probably had four or five lot splits, and I think we've approved one, I think one or two maybe.

Commissioner Keon: Two maybe.

Commissioner Lago: And they met basically all the six or seven. I just think that if we move forward today with the language the way it is, I think we are still leaving a little bit of...

Mayor Cason: Well we have a Second Reading. Why don't we vote on it today and then come back to us and see if you can find a way to "skin the cat".

City Attorney Leen: So you would prefer it to be in the mandatory one as opposed to the four out of the six?

Commissioner Keon: Yes, I'd like to see the mandatory, because I think then it's easier to find three others out of the six, it's easier to find those; and I don't know if it's a linear calculation as well as 1,000 feet of the perimeter, but also some linear measurement too.

City Attorney Leen: But there is certainly a way to do it, there is certainly a way to do it. It could either be doing a quantitative analysis, or putting too some sort of normative, basically where you are evaluating the standard with some specific language. I'm sure the Planning staff will take a look at it. So you want that incorporated that has to be there every time.

Commissioner Keon: I would like to see that every time because I wouldn't like to see them be able to change that so easily.

City Attorney Leen: Mr. Wu, are you able to work with that?

Commissioner Keon: Thank you.

Mayor Cason: Alright, do we have any speaker cards on this?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: Close the public hearing. Want to vote on this and let's come back on Second Reading with --- OK. Do we have a motion on E-6?

Commissioner Keon: I'll move it.

Mayor Cason: Commissioner Keon makes the motion.

Commissioner Slesnick: Second.

Mayor Cason: Commissioner Slesnick seconds. City Clerk.

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 4-0)

Absent: Vice Mayor Quesada

[End: 12:23:51 p.m.]