

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2019-15

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE (ZONING CODE), AMENDING ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 3, "UNIFORM NOTICE AND PROCEDURES FOR PUBLIC HEARING," SECTION 3-302 "NOTICE," DIVISION 5, "PLANNED AREA DEVELOPMENT," SECTION 3-506 "APPLICATION AND REVIEW PROCEDURES FOR APPROVAL OF PLANS," DIVISION 6, "APPEALS," SECTION 3-606 "PROCEDURE FOR APPEALS," DIVISION 7 "MORATORIUM," SECTION 3-708 "CITY COMMISSION REVIEW AND DECISION," DIVISION 10 "TRANSFER OF DEVELOPMENT RIGHTS," SECTION 3-1006 "REVIEW AND APPROVAL OF USE OF TDRS ON RECEIVER SITES," DIVISION 12 "ABANDONMENT AND VACATIONS," SECTION 3-1205 "CITY COMMISSION REVIEW AND DECISION," DIVISION 15 "COMPREHENSIVE PLAN TEXT AND MAP AMENDMENTS," SECTION 3-1509 "TRANSMITTAL HEARING," AND ARTICLE 5 "DEVELOPMENT STANDARDS," DIVISION 6 "DESIGN REVIEW STANDARDS," SECTION 5-604 "CORAL GABLES MEDITERRANEAN STYLE DESIGN STANDARDS," PROVIDING FOR REQUIRED MAILED NOTICE FOR CERTAIN ACTIONS UNDERTAKEN PURSUANT TO THE ZONING CODE, PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Commission to give its citizens additional notice for certain actions undertaken pursuant to the City of Coral Gables Zoning Code (Zoning Code); and

WHEREAS, providing required mailed notice for certain actions undertaken pursuant to the Zoning Code will provide City of Coral Gables citizens with additional information of its government actions; and

WHEREAS, the Planning and Zoning Board was presented with text amendments to the Official Zoning Code, and after due consideration, recommended (approval) (vote: 7 to 0) of the text amendment; and

WHEREAS, on February 26, 2019 the City Commission was presented with text amendments to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote: 4-0); and

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on March 12, 2019, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with text amendments to the Zoning Code, and after due consideration and discussion, approved 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. The Official Zoning Code of the City of Coral Gables is hereby amended to read as follows¹:

ARTICLE 3-GENERAL PROVISIONS

Division 3. Uniform Notice and Procedures for Public Hearing

Section 3-301. Applicability.

The procedures set out in this Division shall be applicable to all public hearings required by any provision of these regulations.

Section 3-302. Notice.

In every case where a public hearing is required pursuant to the provisions of these regulations and other applicable Florida Statute requirements, the City shall provide a Notice of Hearing in the manner set out in this section and as summarized in the following table:

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

Types of Public Notices ^{1, 2, 4, 5}

Type of Application	Type of Notice	Timing of Notice Before ...		
		Board Public Hearing (if required)	First Commission Public Hearing (if required)	Second Commission Public Hearing (if required)
<i>Abandonment and Vacations</i> ³	Publication	10 days		10 days
	Posting	10 days		
	Mail	40 13 days	40 13 days	
<i>Annexation</i>	Publication	10 days		10 days
	Mail	40 13 days		
<i>Appeals</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	40 13 days	40 13 days	
<i>Board of Architects</i>	Posting	5 days		
<i>Comprehensive Plan Amendments</i>				
Small Scale Map Amendments; city initiated	Publication	10 days		10 days
	Posting	10 days		
	Mail	40 13 days	40 13 days	
Small Scale Map Amendments; initiated by other than the City	Publication	40 days		5 days
	Posting	40 days		
	Mail	40 days		
Compliance Agreement with the State	Publication	10 days	10 days	10 days
Comprehensive Plan Map and Text, other than Small Scale	Publication	10 days	7 days	5 days
Comprehensive Plan Text Amendments, affecting specific properties	Mail	40 13 days	40 13 days	
<i>Conditional Use</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	40 13 days	40 13 days	
<i>Coral Gables Mediterranean Architectural Design Special Location Site Plan Review</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	40 13 days	40 13 days	

<i>Timing of Notice Before ...</i>				
<i>Type of Application</i>	<i>Type of Notice</i>	<i>Board Public Hearing (if required)</i>	<i>First Commission Public Hearing (if required)</i>	<i>Second Commission Public Hearing (if required)</i>
<i>Development Agreement</i>				
General	Publication	7 days	7 days	7 days
	Posting	10 days		
	Mail	40 13 days		40 13 days
40 13 days				
<i>Development of Regional Impact and Notice of Proposed Change</i>	Publication	10 days	60 days	5 days
	Posting	10 days		
	Mail	40 13 days	40 13 days	
<i>Historic Preservation: Designations and Certificate of Appropriateness</i>				
Designation of Landmark or District	Publication	10 days		
	Posting	10 days		
	Mail	40 13 days		
Certificate of Appropriateness (Special)	Publication	10 days		
	Posting	10 days		
Certificate of Appropriateness (Special) with Variance	Publication	10 days		
	Posting	10 days		
	Mail	40 13 days		
<i>Moratorium and Zoning in Progress</i>				
Moratorium	Publication	40 days	7 days	5 days
	Posting	10 days	7 days	5 days
	Mail	40 13 days	40 13 days	
Zoning in Progress	Publication	10 days	7 days	5 days
<i>Planned Area Development Designation</i>				
	Publication	10 days		10 days
	Posting	10 days		
	Mail	40 13 days	40 13 days	
<i>Separation/Establishment of a Building Site</i>				
Administrative Building Site Determination	Post DRO determination			
Conditional Use	Publication	10 days		10 days
	Posting	10 days		

Timing of Notice Before ...				
Type of Application	Type of Notice	Board Public Hearing (if required)	First Commission Public Hearing (if required)	Second Commission Public Hearing (if required)
	Mail	40 <u>13</u> days	40 <u>13</u> days	
<i>Site Plan (MXD, PAD, other)</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	40 <u>13</u> days	40 <u>13</u> days	
<i>Subdivision Review for a Tentative Plat and Variances</i>	Publication	10 days		
	Posting	10 days		
	Mail	40 <u>13</u> days		
<i>Subdivision Review for a Final Plat and Variances (Resolution)</i>	Publication		10 days	
	Mail		40 <u>13</u> days	
<i>Transfer of Development Rights</i>				
Sending Site Plan Application	Publication	10 days		
	Posting	10 days		
	Mail	40 <u>13</u> days		
Receiving Site Plan Application	Publication	10 days		10 days
	Posting	10 days		
	Mail	40 <u>13</u> days	40 <u>13</u> days	
<i>University Campus District Modification to the Adopted Campus Master Plan</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	40 <u>13</u> days	40 <u>13</u> days	
<i>Variances</i>	Publication	10 days		
	Posting	10 days		
	Mail	40 <u>13</u> days		

Type of Application	Timing of Notice Before ...			
	Type of Notice	Board Public Hearing (if required)	First Commission Public Hearing (if required)	Second Commission Public Hearing (if required)
<i>Zoning Code Text Amendment</i> (if affecting a limited number of property owners within an area)	Publication	10 days		10 days
	Mail	10 13 days		10 13 days
<i>Zoning Code Text Amendment (Use Changes)</i> - Amendment to text that changes actual list of permitted, conditional, or prohibited uses within a zoning category	Publication	10 days	7 days	5 days
Zoning District Map Amendment				
Initiated by other than the City	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 13 days	10 13 days	
< 10 contiguous acres; City initiated	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 13 days	30 13 days	
> 10 contiguous acres; City initiated	Publication	10 days	7 days	5 days
	Mail	10 13 days	10 13 days	

¹ Applications which are not listed do not have public hearing notice requirements.

² The City may announce time and dates of future proceedings in notices or at noticed meetings.

³ See City Code for additional advertising requirements per the City Code proceedings.

⁴ Where the table differs from the substantive provisions within the zoning code the substantive provisions shall prevail.

⁵ All mailed notice in this table include an additional 3 days to allow for mailing, only 10 days are required if notice is hand delivered.

C. Mail notices

1. Except for public hearings before the Board of Architects, or as otherwise provided in the Coral Gables Zoning Code (“Zoning Code”), a required courtesy notice of public hearings affecting specific properties containing general information as to the date, time, place of the hearing, property location and general nature of the application shall ~~may~~ be mailed to the property that is the subject of the application, and to the property owners whose addresses are known by reference to the latest ad valorem tax record, within a one thousand (1,000) foot radius. It is provided, however, that the radius for a courtesy notice of public hearings for site specific applications for change in land use before the Planning and Zoning Board and City Commission shall be one-thousand five-hundred (1,500) feet. This notification requirement is measured in feet from the perimeter boundaries of the subject property.

The Development Review Official may require an additional area to receive a courtesy notice on any application. If a public hearing application before the Planning and Zoning Board is continued for more than ninety (90) days then re-notification shall be required. Continued public hearing applications that have incurred substantial changes may require re-notification, as determined by the Development Review Official. The Development Review Official may also require courtesy notices on applications that are not typically required to be noticed if it is determined that such notification is desirable.

2. Courtesy Required notice, unless otherwise provided in this Zoning Code, shall be mailed at least ~~ten (10)~~ thirteen (13) days prior to the date of the public hearing. It is provided, however, where action is required to be taken by the City Commission by ordinance affecting a limited number of parcels in a specific area in the sole determination of the Development Review Official, mailed notice shall only be required for the first public hearing/First Reading of such ordinance. For applications filed pursuant to this Zoning Code, before the Planning and Zoning Board the applicant, which term shall include the Development Review Official or other city official when such official is the applicant under these regulations, shall be responsible for both mailing the required notice and any courtesy notice, as well as any re-notice, and such applicant is required to provide a sworn affidavit indicating completion in accordance with this section.
3. Zoning District map amendments <10 acres. When a proposed ordinance is initiated by the City that changes the actual zoning map designation for a parcel or parcels of land less than ten (10) acres, the Secretary of the Planning and Zoning Board shall notify notice by mail shall be in accordance with the provisions of C. 1 and 2 above. each real property owner whose land the City will be redesignated by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance

~~of the proposed ordinance as it affects that property owner and shall set a time and place for the public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the Planning and Zoning Board public hearing, and again at least thirty (30) days prior to the date of the City Commission public hearing.~~

4. Comprehensive Plan small-scale map amendments. Notice of small-scale development amendments to the Comprehensive Plan, ~~initiated by the City,~~ shall be mailed to each property owner of record in the current tax rolls that is the subject of the small-scale map amendment. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for the public hearing on such ordinance. Such notice shall be given at least ~~ten (10)~~ thirteen (13) days prior to the date of the Planning and Zoning Board public hearing, and again at least ~~thirty (30)~~ thirteen (13) days prior to the date of the City Commission ~~public hearing~~ second public hearing/Second Reading. Additionally, courtesy mailed notice shall also be made on surrounding properties in the same manner as required notices as set forth in C. 1 and 2 above.
5. ~~Comprehensive Plan and Zoning District map amendments >10 acres. Notice for ordinances initiated by the City that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be mailed in accordance with the provisions of C. 1 and 2 above.~~ at least ten (10) days prior to the Planning and Zoning Board public hearing, again at least seven (7) days prior to the first City Commission public hearing and again at least five (5) days prior to the second City Commission adoption hearing. However, the City at its sole discretion may require a mail notification of a Zoning Code text amendment as prescribed by this subsection if it serves a public benefit to notify affected property owners.
6. Comprehensive Plan map amendments > 10 acres. Notice for ordinances shall provide courtesy mailed notice in the same manner as required notices as set forth in C. 1 and 2 above at least thirteen (13) days prior to the date of the Planning and Zoning Board public hearing, at least thirteen (13) days prior to the City Commission's transmittal hearing and at least thirteen (13) days prior to the City Commission's second public hearing/Second Reading.
7. Zoning Code Text Amendments. The Development Review Official at such Official's sole discretion may require a mail notification of a Zoning Code text amendment as prescribed by this subsection if it serves a public benefit to notify affected property owners. It is provided, however, where in the sole determination of the Development Review Official, a Zoning Code text amendment affects a limited number of property owners within an area, such property owners and surrounding property owners shall receive notice in accordance with C.1 and C. 2 above.
8. Comprehensive Plan Text Amendments. Where a Comprehensive Plan Text Amendment, in the sole determination of the Development Review Official, affects a limited number of properties within an area, such property owners and surrounding property owners shall be provided courtesy notice in the same manner as required notices as set forth in C. 1 and 2 above at least thirteen (13) days prior to the date of the Planning and Zoning Board public hearing, at least thirteen (13)

days prior to the City Commission's transmittal hearing and at least thirteen (13) days prior to the City Commission's second public hearing/Second Reading.

9 6. Development agreements. Notice of a proposed Development Agreement shall be mailed to all affected property owners at least ~~ten (10)~~ thirteen (13) days prior to the first public hearing and to surrounding property owners in accordance with the provisions of C.1 and C. 2 above.

10 7. A copy of mailed notices shall be available for public inspection during the regular business hours of the City Clerk and/or the City Department that is responsible for the required reviews provided for herein.

118. Failure to mail or receive courtesy notice shall not affect any action or proceeding taken under these regulations. ~~Where T the applicant shall be is~~ required to provide mailed notice a mailing list and labels of the area within the radius prescribed above to the City and provides a sworn affidavit certifying compliance with the mailed noticed requirements as set forth in this section, there shall be a rebuttable presumption that the required notice provided by the section was properly mailed and received. The failure to receive such required notice where properly mailed pursuant to this Section shall not affect any action or proceeding taken under these regulations. Individual courtesy notices are not required when the property being considered constitutes more than ten (10) contiguous acres.

12. All mailed notice under this section include an additional 3 days to allow for mailing, only 10 days are required if notice is hand delivered.

Division 5. Planned Area Development

Section 3-506. Application and review procedures for approval of plans.

E. Notice of hearings before the Planning and Zoning Board and City Commission for PADs shall be in accordance with the provisions of Article 3 Division 3 of these regulations.

Division 6. Appeals

Section 3-606. Procedures for appeals.

The following procedures shall govern the filing of appeals:

B. Appeals of Board of Adjustment, Board of Architects, Historic Preservation Board, and Planning and Zoning Board. Any aggrieved party desiring to appeal a decision of the Board of Adjustment, Board of Architects or Historic Preservation Board, or a tentative plat decision of the Planning and Zoning Board, shall, within ten (10) days from the date of such decision, file a written Notice of Appeal with the City Clerk, whose duty it shall then become to send a written notice of such appeal to all persons previously notified by the Board in the underlying matter. The appeal shall then be heard by the City Commission at its next meeting, provided at least ~~ten (10)~~ thirteen (13) days has intervened between the time of the filing of the Notice of Appeal, as well as at least thirteen (13) days from the date of mailed notice as required pursuant to subsection E below and the date of such meeting; if ~~ten (10)~~ thirteen (13) days shall not intervene between the time of the filing of the notice and the date of the next meeting or thirteen (13) days shall not intervene between the sending of the mailed notice and the date of the next meeting, then the appeal shall be heard at the next regular meeting of the City Commission and the City Commission shall render a decision, without any unnecessary or undue delay, unless application for deferral has been made as permitted in Section 3-608 of this Division.

E. Notice of hearings of appeals before the Board of Adjustment, Board of Architects, or City Commission shall be in accordance with the provisions of Article 3 Division 3 of these regulations; provided however, notice shall be mailed at least thirteen (13) days prior to the date of such public hearing.

Division 7. Moratorium

Section 3-708. City Commission review and decision.

F. The City staff shall provide notice of hearing of the City Commission meeting in accordance with the provisions of Article 3 Division 3 of these regulations.

Division 10. Transfer of Development Rights

Section 3-1006 Review and approval of use of TDRs on receiver sites.

- A. An application to transfer development rights to a receiver site shall be reviewed subject to all of the following:

5. Notice of hearings provided in accordance with the provisions of Article 3, Division 3 of these regulations.

The Planning and Zoning Board and City Commission may recommend conditions of approval that are necessary to ensure compliance with the standards set out herein.

Division 12. Abandonment and Vacations

Section 3-1205. City Commission review and decision.

The City Commission in its sole discretion, after notice of hearing in accordance with Article 3 Division 3, may approve, approve with conditions or deny an application for the abandonment or vacation of city streets, alleys, easement and other non-fee interests which the City may have in real property.

Division 15. Comprehensive Plan Text and Map Amendments

Section 3-1509. Transmittal hearing.

D. City Commission transmittal hearing shall be noticed in accordance with the provisions of Article 3 Division 3.

ARTICLE 5-DEVELOPMENT STANDARDS

Division 6. Design Review Standards

Section 5-604. Coral Gables Mediterranean Style Design Standards.

A. Purpose and applicability.

7. Special location site plan review. Properties in the MF2, C, CL and I Districts which are adjacent to or across public rights-of-way or waterways from an SFR District or MF1 District shall comply with the following requirements to secure bonuses:

c. Review criterion. Applications considered pursuant to these regulations must demonstrate that they have satisfied all of the below listed criterion. The Planning Department shall evaluate the application with reference to each of the below criteria and provide a recommendation to the Planning and Zoning Board and City Commission. The Planning Department, Planning and Zoning Board and City Commission, after notice in accordance with the provisions of Article 3 Division 3 shall make specific findings of fact that all of the below listed criterion are satisfied. The criterion is as follows:

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 the date of its adoption herein.

PASSED AND ADOPTED THIS TWELFTH DAY OF MARCH, A.D. 2019.

(Moved: Quesada / Seconded: Mena)

(Yeas: Keon, Lago, Mena, Quesada, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: F-5)

APPROVED:

RAUL VALDES-FAULI
MAYOR

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY

ATTEST:

BILLY Y. URQUIA
CITY CLERK