



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
Application: **Zoning Code Text Amendment – Historic Preservation Board Appeals**
Public Hearing: Planning and Zoning Board
Date & Time: **January 8, 2020; 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 is requesting review and consideration of the following:

An Ordinance of The City of Coral Gables, Florida, providing for text amendments to The City of Coral Gables Official Zoning Code, Article 3, "Development Review", Section 3-606 to include Dade Heritage Trust Inc as party that may appeal decisions of The Historic Preservation Board; providing for a repealer provision, severability clause, codification, and providing for an effective date.

2. BACKGROUND INFORMATION

As directed by the City Commission, Staff has prepared Zoning Code text amendments to the provisions for Article 3, Section 3-606 (B), "Procedures for Appeals" to expand the definition of aggrieved party for appeals from the Historic Preservation Board to include Dade Heritage Trust.

The City of Coral Gables considers its historic architecture one of the most notable characteristics of the City and considers the preservation of the historic fabric of the City to be of the utmost importance. The City Commission desires to expand the definition of aggrieved party so as to ensure that decisions by the Historic Preservation Board could be appealed by said groups who dedicate their time to conserving and protecting historical properties.

A similar proposed Zoning Code text amendment was presented to the City Commission on December 10, 2019. The proposed text amendment has since been modified as directed by the Commission.

3. PROPOSED ZONING CODE TEXT AMENDMENT

The proposed Zoning Code text amendment is provided in Attachment A in ~~striketrough~~/underline format.

4. FINDINGS OF FACT

In accordance with Section 3-1405 of the Zoning Code, the Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt, text amendments to these land Zoning Code unless the text amendment:

- A. Promotes the public health, safety, and welfare.
- B. Does not permit uses the Comprehensive Plan prohibits in the area affected by the district boundary change or text amendment.
- 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.

- 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 the minimum requirements of the Comprehensive Plan.
- E. Does not directly conflict with an objective or policy of the Comprehensive Plan.

Staff finds that all five of these criteria are **satisfied**.

5. COMPREHENSIVE PLAN CONSISTENCY

In accordance with Section 3-1407 of the Zoning Code, the Planning and Zoning Board shall determine whether the Zoning Code text amendment is consistent with the Comprehensive Plan. Staff finds that the proposed text amendment **is consistent** with the Comprehensive Plan.

6. PUBLIC NOTIFICATION

The following has been completed to provide notice of the request:

Type	Date
Legal advertisement	12.27.19
Posted agenda on City Hall	12.27.19
Posted Staff report on City web page	01.03.20

7. STAFF RECOMMENDATION

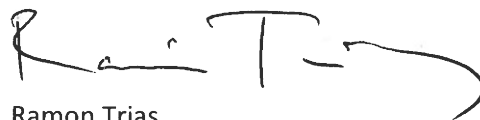
The Planning and Zoning Division recommends **approval**.

8. ATTACHMENTS

- A. Draft Ordinance – Article 3 Section 3-606 - Procedures for appeals.

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
 Assistant Director of Development Services
 for Planning and Zoning
 City of Coral Gables, Florida

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2020-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 3, “DEVELOPMENT REVIEW”, SECTION 3-606 TO INCLUDE DADE HERITAGE TRUST INC AS PARTY THAT MAY APPEAL DECISIONS OF THE HISTORIC PRESERVATION BOARD; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables considers its historic architecture one of the most notable characteristics of the City and considers the preservation of the historic fabric of the City to be of the utmost importance; and

WHEREAS, Dade Heritage Trust, Inc. was founded in 1972 and is Miami-Dade County’s largest preservation organization comprised of paid professional staff in addition to volunteers from throughout the community; and

WHEREAS, Dade Heritage Trust’s mission is to preserve Miami-Dade County’s architectural, environmental, and cultural heritage through preservation, education and advocacy efforts; and

WHEREAS, in order to assure that historical buildings throughout the City are thoroughly protected, the City Commission desires to expand the definition of aggrieved party for appeals from the Historic Preservation Board to include Dade Heritage Trust Inc. to ensure that decisions by the Historic Preservation Board are properly reviewed by those within the City and those outside the City with a vested interest in conserving and protecting historical properties.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. That 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 3 – DEVELOPMENT REVIEW

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

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. For the purpose of appeals from the Historic Preservation Board only, Dade Heritage Trust, Inc. is included as a party that may file an appeal of a decision of the Historic Preservation Board. The appeal shall then be heard by the City Commission at its next meeting, provided at least ten (10) days has intervened between the time of the filing of the Notice of Appeal, as well as at least ten (10) days from the date of mailed notice as required pursuant to subsection E below, and the date of such meeting. If ten (10) days shall not intervene between the time of the filing of the notice and the date of the next meeting or (10) 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.

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 Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of Ordinance No. 2007-01 as amended and known as 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. 2020.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY