



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
Application: **Retaining Allowed Uses or Conditional Uses Zoning Code Text Amendment**
Public Hearing: Planning and Zoning Board
Date & Time: **March 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 the City of Coral Gables Official Zoning Code by amending Article 1, "General Provisions," Section 1-108, "Transitional Rules," to clarify that allowed existing uses of property or permitted as a conditional use of property within the city prior to the effective date of the Zoning Code Update Ordinance No. 2021-07 shall remain in effect as a permitted use of property or a conditional use of property upon the adoption of Ordinance No. 2021-07; providing for retroactive application; providing for severability, repealer, codification, and an effective date.

2. APPLICATION SUMMARY

The City is proposing a Zoning Code text amendment to clarify that any permitted use or conditional use that was allowed on a given property prior to the adoption of the Zoning Code Update in 2021 remains in effect as a permitted use or a conditional use for that property.

BACKGROUND

The Zoning Code Update of 2021 both organized a more user-friendly framework of zoning provisions and also created a few new zoning districts that reflected the allowed development rights from the Comprehensive Plan's future land use designations. Many additional limitations for the location of certain uses were added to restrict these uses from abutting and impacting single-family properties to mimic the former Commercial Limited zoning district. Similarly, certain uses were limited to only be allowed within the appropriate district overlays. However, the streamlined permitted and conditional use table as adopted with the Zoning Code Update could be interpreted to inadvertently remove some allowed uses or conditional uses for properties. Therefore, the proposed text amendment clarifies that formerly permitted and conditional uses of any property apply to the new zoning districts as formerly allowed on the property.

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	03.09.22
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	02.25.22
Posted agenda and Staff report on City web page/City Hall	03.04.22

4. FINDINGS OF FACT

The requests are Text Amendments to Section 1-108 “Construction Rules” in Article 1 “General Provisions.” 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 proposed amendment allows the permitted and conditional uses prior to the Zoning Code Update adoption which promotes the welfare of property owners in the city to not inadvertently remove any allowed uses.
b. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed amendment to allow the former permitted and conditional uses of all properties does not permit any uses that is prohibited in Comprehensive Plan as all former uses were also consistent with 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 affect the densities nor intensities of future 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 does not directly conflict with any objective and policy of the Comprehensive Plan.

Staff comments:

The proposed text amendment to Section 1-108 “Construction Rules” in Article 1 “General Provisions” of the Zoning Code allows all permitted uses and conditional uses of the former Zoning Code to be applied to the new district of a given property. The streamlining of the zoning districts to reflect the allowed development rights of the Comprehensive Plan’s land use designations may be interpreted as inadvertently removing allowed permitted uses and conditional uses. This proposed text amendment protects the property rights of landowners, which fulfills 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 the City of Coral Gables Official Zoning Code by amending Article 1, “General Provisions,” Section 1-108, “Transitional Rules,” to clarify that allowed existing uses of property or permitted as a conditional use of property within the city prior to the effective date of the Zoning Code Update Ordinance No. 2021-07 shall remain in effect as a permitted use of property or a conditional use of property upon the adoption of Ordinance No. 2021-07; providing for retroactive application; providing for severability, repealer, codification, and an effective date.

Staff recommends Approval.

6. ATTACHMENTS

- A. Proposed Text Amendment.
- 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 and 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 BY AMENDING ARTICLE 1, "GENERAL PROVISIONS," SECTION 1-108, "TRANSITIONAL RULES," TO CLARIFY THAT ALLOWED EXISTING USES OF PROPERTY OR PERMITTED AS A CONDITIONAL USE OF PROPERTY WITHIN THE CITY PRIOR TO THE EFFECTIVE DATE OF THE ZONING CODE UPDATE ORDINANCE NO. 2021-07 SHALL REMAIN IN EFFECT AS A PERMITTED USE OF PROPERTY OR A CONDITIONAL USE OF PROPERTY UPON THE ADOPTION OF ORDINANCE NO. 2021-07; PROVIDING FOR RETROACTIVE APPLICATION; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on February 9, 2021, the City Commission adopted a Zoning Code update pursuant to Ordinance 2021-07; and

WHEREAS, updating the City of Coral Gables Zoning Code was a lengthy and exhaustive process; and

WHEREAS, it was the intent of the City Commission that the update would not impact allowed existing uses of property or permitted as a conditional use of property upon the effective date of Ordinance No. 2021-07; and

WHEREAS, it was the desire of the City Commission in the update of its Zoning Code to avoid potential liability that the City might incur as a result of application of Bert J. Harris Act Chapter 70, Florida Statutes; and

WHEREAS, it has come to the attention of the City Commission that the adoption of; Ordinance No. 2021-07 could be interpreted to inadvertently remove allowed existing uses of property or permitted as a conditional use of property, which was not the original intent of the City Commission; and

WHEREAS, it is appropriate for the City Commission to clarify the "Transitional Rules" to reflect its original intent that Ordinance No. 2021-07 not be interpreted to impact allowed existing uses of property or permitted as a conditional use of property.

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:

ARTICLE 1 – GENERAL USES

Section 1-108. Construction Rules.

B. Existing approved uses. An existing use which is lawful on the date of adoption of these regulations, whether permitted as a “permitted use”, a “special use”, an “X use” or a “conditional use” in the zoning district in which it is located, shall not be deemed nonconforming solely because the procedure for approval has changed through the adoption of these regulations and shall hereafter be deemed a permitted conditional use in the district in which it is located. In the event the use was approved subject to one or more conditions, those conditions shall continue in full force and effect unless a new approval is obtained. If the existing use is nonconforming under either the prior Zoning Code or these regulations, then such use shall come into conformance with these regulations if required by the provisions of Article 13. Notwithstanding the provisions set forth herein, allowed existing uses of property or permitted as a conditional use that were in effect prior to the adoption of Ordinance No. 2021-07 on February 9, 2012 shall remain in effect as of the adoption of that Ordinance. The provisions of this amendment shall be made retroactive to the adoption of Ordinance No. 2021-07.

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 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

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

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 _____, 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-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 - MAR
. 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

02/25/2022

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
25 day of FEBRUARY, A.D. 2022

Christina Lynn 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, March 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 of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 1, "General Provisions," Section 1-108, "Transitional Rules," to clarify that allowed existing uses of property or permitted as a conditional use of property within the city prior to the effective date of the Zoning Code Update Ordinance No. 2021-07 shall remain in effect as a permitted use of property or a conditional use of property upon the adoption of Ordinance No. 2021-07; providing for retroactive application; providing for severability, repealer, codification, and an effective date.
2. An Ordinance of the City of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Section 2-100, "Residential Districts," to increase the interior side setback of certain Multi-Family 3 (MF3) properties; providing for severability, repealer, codification, and for an effective date.
3. An Ordinance of the City Commission of Coral Gables approving the vacation of a public alleyway pursuant to Zoning Code Article 14, "Process," Section 14-211, "Abandonment and Vacations" and City Code Chapter 62, Article 8, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process," providing for the vacation of the east-west public alleyway lying between lots 1-12 and lots 35-46, Block 10, Coral Gables Crafts Section, according to the plat thereof recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida; providing for substitute perpetual access and utility easement, setting forth terms and conditions; providing for an effective date. (LEGAL DESCRIPTION ON FILE) Alley Vacation.

Local Planning Agency/ Planning And Zoning Board

4. 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 Appendix A, "Site Specific Zoning Regulations," Section A-36, "Crafts Section," by removing the number of stories and height limitations for the property legally described as Lots 1-12 and lots 35-46, Block 10, Coral Gables Crafts Section, Coral Gables, Florida; providing for a repealer provision, severability clause, codification, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) Text Amendment.
5. 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 "Regency Tower" on property legally described as Lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, and lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) PAD
6. A Resolution of the City Commission of Coral Gables, Florida approving receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 14, "Process," Section 14-204.6, "Review and approval of use of TDRs on receiver sites," for the receipt and use of TDRs for the Mixed-Use project referred to as "Regency Tower", on property legally described as Lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) TDRs
7. 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 "Regency Towers" on property legally described as Lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, and lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) Conditional Use Site Plan

The Planning and Zoning Board will be holding its regular board meeting on Wednesday, March 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/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
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