

City of Coral Gables City Commission Meeting
Agenda Item H-3
November 14, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Frank Quesada
Commissioner Michael Mena

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Planning and Zoning Director, Ramon Trias

Public Speaker(s)

Agenda Item H-3 [2:03:09 p.m.]

A discussion regarding site specific zoning regulations in the Coral Gables Zoning Code
(Sponsored by Vice Mayor Keon)

Mayor Valdes-Fauli: The next item is discussion regarding site specific zoning regulations in the Coral Gables Zoning Code, Vice Mayor.

Vice Mayor Keon: I'd like Ramon to come up please. There are a number of instances in our code where the site specifics are not aligned with the Underline Comp Plan and I think that in addition to the other things that we have charged you with the Zoning Code, the residential and then you move to the commercial and I know that we are looking at a contract to have someone come in and really assist you with it, but there are many, many instances, some in the residential areas, more likely in the commercial areas where the site specifics do not and the Comp Plan are not aligned and you need to specifically look at that, because it is very problematic when people are proposing and people are purchasing land and purchasing sites and relying on the site specifics and not the Comp Plan or not everything in combination, because as well as the site

specifics and you need to look at the underlying Comp Plan and everything too and they are not well aligned in some instances, so if you could note those.

Zoning Director Trias: Vice Mayor, I think we are aware of the five or six issues that are more typical and those certainly should be something that we review with our consultant as we go through the zoning review. It should have been done 10-15 years ago perhaps, but now we have a chance to do it so that's a good thing. I would also say that not all site specifics are created equal, some of them are actually pretty good and some go back to Merrick actually.

Vice Mayor Keon: But, it's weird that the site specific and the Comp Plan don't align are the ones that are particularly problematic.

Zoning Director Trias: Absolutely.

City Attorney Leen: If I can add. We have 57 pages of site specific zoning regulations, which typically when you have a zoning code, you zone based on areas or maybe you zone based on form, but you don't typically have zoning for each individual lot that's different. A lot of this comes from, my understanding and I think we need to do a historical review too, but some of this comes from the fact that this used to be private land and it was not incorporated that's where the Coral Gables corporation came from before it was City and that some of these requirements are in restricted covenants or in deed restrictions that were put into the code to protect those rights, and you know over time the City, I will give this recommendation, over time the City should look at trying to address these in a way that a number of years from now maybe these will no longer have to be used, that you just have to be careful and I've asked Craig Collar to help Mr. Trias and also to brief each of you individually about it, you just have to be careful that you don't create, it's not just liability, but like you don't want to have a taking or inverse condemnation or something like that, but you're right. In terms of planning, you plan something for a certain area and then you have this one property based on a site specific that's been approved that's different and people don't think that's fair and a lot of people don't understand that.

Vice Mayor Keon: But, that's when we get an outcry from residents about how could you allow that to go there and how could that be, it's because of the site specific, which is peculiar to that piece of property which isn't to the neighboring property and then it creates a lot of discourse.

City Attorney Leen: And, two other points I wanted to make to you was that there are also sometimes situations where the site specific, I think it was mentioned earlier today when we talked about it, sometimes there is less development rights by the site specific. So, if you wanted to increase the development rights like the lot coverage, you could do that, that doesn't cause any liability because you are granting rights, so that's one point; and the other point that concerns me

about site specifics is that to some extent they limit your governing authority. One idea is that we always want the Commission – there is this concept in municipal law that one Commission doesn't bind the future Commission, but there is always the ability for the law to develop and for people to come and apply for changes, so I think over time it makes a lot of sense that we should address this. I would recommend that, based on my six and-a-half years here, I do think we should address this over time.

Vice Mayor Keon: Right. So, the allocation that we made in this budget year to address the code, do we need additional funds to expand that or is there enough there to do it?

Zoning Director Trias: The way I understand it, the Commission is going to look at this issue in the December meeting, in terms of selecting a consultant, at that point we will negotiate a contract with them. That was one of the issues that I thought would be addressed, so I assumed that we will have enough funding for that.

Vice Mayor Keon: I think addressing the site specifics in addition to the other things is really making it a much bigger project. Maybe you can just speak with the Manager about it and you all can figure it out, OK, but we should address the site specifics. Thank you.

[End: 2:08:23 p.m.]