



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
Application: **Zoning Code Text Amendment - Public Hearing Notification Requirements**
Public Hearing: Planning and Zoning Board
Date & Time: September 14, 2016; 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 Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, "Development Review," Division 3, "Uniform Notice and Procedures for Public Hearing," Section 3-302, "Notice" amending the public hearing notification requirements for Zoning Code Text Amendments that change the actual list of permitted, conditional, or prohibited uses within a zoning category; providing for repealer provision, severability clause, codification, and providing for an effective date.

2. BACKGROUND INFORMATION

City Staff has prepared a Zoning Code text amendment to amend the public hearing notification requirements for Zoning Code text amendments that change the actual list of permitted, conditional, or prohibited uses within a zoning category. The proposed amendment removes the mail notice requirement while maintaining the publication notice requirements. Florida Statutes Chapter 166.041.3.c.2 provides for the requirements of the display advertisement and allows for the option of mailing a notice to each person owning real property affected by the ordinance in lieu of publishing the advertisement. The proposed Zoning Code text amendment is in compliance with the public hearing notification requirements provided within Florida Statutes Chapter 166.041.3.c.2.

3. PROPOSED ZONING CODE TEXT AMENDMENT

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

Article 3 - Development Review

Division 3. Uniform Notice and Procedures for Public Hearing

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 Public Hearing in the manner set out in this section and as summarized in the following table:

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)

Zoning Code Text Amendment (Use Changes) - Amendment to text that changes actual list of permitted, conditional, or prohibited uses within a zoning category	Publication	10 days	7 days	5 days
	Mail	10 days		

C. Mail notices.

5. Comprehensive Plan, ~~Zoning Code text amendments~~ and Zoning District map amendments >10 acres. Notice for ~~ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category/use district, or~~ 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 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.

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 the 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 overall, particularly with the following Goals, Objectives and Policies:

- Objective GOV-1.1. Provide ample and effective opportunities for public participation at all levels of City of Coral Gables governance and decision-making.
- Policy GOV-1.1.1. Strengthen strategies and processes to promote effective opportunities for public participation at all levels of City governance and decision-making.
- Policy GOV-1.1.2. Promote public outreach and participation including but not limited to the following: workshops; public meetings; public hearings; neighborhood meetings; electronic mailings; regular mailing; newspaper advertisements; property posting; City webpage posting; cable TV; city radio; E-News electronic newsletter; citizen boards and committees.
- Policy GOV-1.1.3. Enhance communication between residents, civic and cultural organizations, and the City Boards/Committees and City Commission beyond legal requirements and beyond traditional mediums, specifically by electronic media, and other easily accessible methods.

- Objective GOV-1.2. Provide clearly defined procedures, standards and expectation for development review.
- Policy GOV-1.2.1. Maintain and strengthen strategic management strategies that promote transparency, efficiency, effectiveness, ethics, accessibility and accountability in all of the City's functions.

6. PUBLIC NOTIFICATION

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

Type	Date
Legal advertisement	09.01.16
Posted agenda on City web page/City Hall	09.09.16
Posted Staff report on City web page	09.09.16

7. STAFF RECOMMENDATION

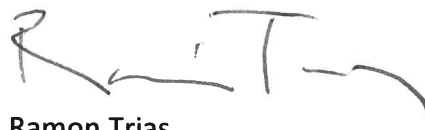
The Planning and Zoning Division recommends **approval**.

8. ATTACHMENTS

A. 09.01.16 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
 Director of Planning and Zoning
 City of Coral Gables, Florida

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE:**

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, 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

NOTICE OF PUBLIC HEARING
CITY OF CORAL GABLES - LOCAL PLANNING AGENCY /
PLANNING AND ZONING BOARD - SEPT. 14, 2016

in the XXXX Court,
was published in said newspaper in the issues of

09/01/2016

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this
1 day of SEPTEMBER, A.D. 2016

B. Thomas

(SEAL)

MARIA MESA personally known to me



**CITY OF CORAL GABLES, FLORIDA
NOTICE OF PUBLIC HEARING**

CITY PUBLIC HEARING LOCAL PLANNING AGENCY / PLANNING
AND ZONING BOARD
DATES/TIMES WEDNESDAY, SEPTEMBER 14, 2016,
6:00 - 9:00 P.M.
LOCATION CITY COMMISSION CHAMBERS, CITY HALL,
405 BILTMORE WAY, CORAL GABLES,
FLORIDA, 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 Hearings on the following:

1. A Resolution of the City Commission of Coral Gables, Florida requesting mixed use site plan review pursuant to Zoning Code Article 4, "Zoning Districts", Division 2, "Overlay and Special Purpose Districts", Section 4-201, "Mixed Use District (MXD)", for the mixed use project referred to as "The Henry" on the property legally described as Lots 22-38, Block 2, Industrial Section (4105 - 4131 Laguna Street), Coral Gables, Florida; including required conditions and providing for an effective date.

Items 2 and 3 are related.

2. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 3, "Development Review", Division 15, "Comprehensive Plan Text and Map Amendments", and Small Scale amendment procedures (ss. 163.3187, Florida Statutes), from "Public Buildings and Grounds" to "Commercial High-Rise Intensity" for the property legally described as Lots 1-12 and 27-38, Block 18, Coral Gables Crafts Section (2801 Salzedo Street), Coral Gables, Florida; and, providing for severability, repealer and an effective date.

3. An Ordinance of the City Commission of Coral Gables, Florida requesting a change of zoning pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments", from Special Use District (S) to Commercial District (C) for the property legally described as Lots 1-12 and 27-38, Block 18, Coral Gables Crafts Section (2801 Salzedo Street), Coral Gables, Florida; and providing for severability, repealer and an effective date.

4. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, "Development Review," Division 3, "Uniform Notice and Procedures for Public Hearing," Section 3-302, "Notice" amending the public hearing notification requirements for Zoning Code Text Amendments that change the actual list of permitted, conditional, or prohibited uses within a zoning category; providing for repealer provision, severability clause, codification, and providing for an effective date.

All interested parties are invited to attend and participate. Upon recommendation by the Board, the applications will be scheduled for City Commission consideration. Please visit the City webpage at www.coralgables.com to view information concerning the applications. The complete applications are on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134. Questions and written comments can be directed to the Planning and Zoning Division at planning@coralgables.com (FAX: 305.460.5327) or 305.460.5211.

Ramon Trias
Director of Planning and Zoning
Planning & Zoning Division
City of Coral Gables, Florida

Any person, who acts as a lobbyist pursuant to the City of Coral Gables Ordinance No. 2006-11, as amended, must register with the City Clerk prior to engaging in lobbying activities before City Staff, Boards, Committees or City Commission. A copy of the Ordinance is available in the Office of the City Clerk, City Hall. If a person decides to appeal any decision made by a Board, Committee or City Commission with respect to any matter considered at a meeting or hearing, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). Any meeting may be opened and continued and, under certain circumstances, additional legal notice will not be provided. Any person requiring special accommodations in order to attend or participate in the meeting should contact the City's ADA Coordinator, Raquel Elejabarrieta (Email: relejabarrieta@coralgables.com, Telephone: 305-722-8686, TTY/TDD: 305-442-1600, at least three (3) working days prior to the meeting. All meetings are telecast live on Coral Gables TV Channel 77.