



# City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables  
Application: **Zoning Code Text Amendment: Receiving Transfer of Development Rights (TDRs) in Planned Area Developments (PADs)**  
Public Hearing: Planning and Zoning Board  
Date & Time: **April 13, 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 14, "Process," Section 14-204, "Transfer of Development Rights (TDRs)" to allow the City Commission to designate a TDR receiving site when located in a Planned Area Development (PAD) and zoned MX2 or MX3; providing for severability, repealer, codification, and an effective date.*

## 2. APPLICATION SUMMARY

As requested by the City Commission, a Zoning Code text amendment is proposed to allow the City Commission to designate a Transfer of Development Rights (TDR) receiving site when located in a Planned Area Development (PAD) and zoned Mixed Use 2 (MX2) or Mixed-Use 3 (MX3). Currently there are 3 receiving sites in Coral Gables: Central Business District (CBD), North Ponce Mixed Use District Overlay, and the Design & Innovation District Overlay. The proposed text amendment would allow the City Commission to designate a TDR receiving site outside of these 3 boundaries when the site is a Planned Area Development (PAD) and zoned mixed-use (MX2 or MX3). The receiving site would be subject to the review criteria in Section 14-204.6.

## 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	04.13.22
City Commission – 1 <sup>st</sup> Reading	TBD
City Commission – 2 <sup>nd</sup> Reading	TBD

The following has been completed to solicit input and provide notice of the Application:

PUBLIC NOTICE	DATE
Legal advertisement (April PZB)	04.01.22
Posted agenda and Staff report on City web page/City Hall	04.08.22

**4. FINDINGS OF FACT**

The request is a Text Amendment to Section 14-204, “Transfer of Development Rights (TDRs)” in Article 14 “Process.” 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 is to allow the City Commission to designate a building site to receive Transfer of Development Rights (TDRs) when part of a Planned Area Development (PAD) and zoned MX2 or MX3, which allows for a more creative and imaginative development that may provide an additional substantial public benefit.
b. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed amendment does not affect any uses permitted in 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 allows the Commission to allow a Planned Area Development (PAD) to qualify to receive the additional 25% FAR of Transfer of Development Rights (TDRs) in mixed-use zoning districts. The additional FAR of 25% for TDRs is currently allowed in the Commercial land uses for properties qualifying as receiving sites.
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 or policy. It is implementing and expanding the current policy to grant an additional 25% FAR for properties qualifying as receiving sites for Transfer of Development Rights (TDRs).

*Staff comments:*

The proposed text amendment to Section 14-204 of the Zoning Code provides for the ability for the City Commission to qualify properties as receiving sites for Transfer of Development Rights (TDRs) when the property is a Planned Area Development (PAD) and zoned mixed-use. This proposed text amendment to allow the Commission to grant the additional 25% FAR for TDR receiving sites fulfils the goals, objectives,

and policies of the Comprehensive Plan that promote historic preservation and transfer of development rights for qualifying properties. 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 14, "Process," Section 14-204, "Transfer of Development Rights (TDRs)" to allow the City Com-mission to designate a TDR receiving site when located in a Planned Area Development (PAD) and zoned MX2 or MX3; providing for severability, repealer, codification, and an effective date.*

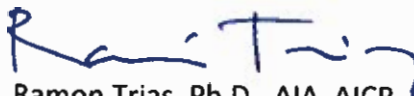
Staff recommends Approval.

**6. ATTACHMENTS**

- A. Draft Ordinance with proposed text amendment.
- B. Legal advertisement published.

Please visit the City’s webpage at [www.coralgables.com](http://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 & Zoning  
City of Coral Gables, Florida

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-\_\_

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 14, "PROCESS," SECTION 14-204, "TRANSFER OF DEVELOPMENT RIGHTS (TDRS)" TO ALLOW THE CITY COMMISSION TO DESIGNATE A TDR RECEIVING SITE WHEN LOCATED IN A PLANNED AREA DEVELOPMENT (PAD) AND ZONED MX2 OR MX3; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, Staff has drafted a Zoning Code text amendment to allow the City Commission to approve a Transfer of Development Rights (TDRs) to allow the City Commission to designate a TDR receiving site when located in a Planned Area Development (PAD) and zoned MX2 or MX3; and

**WHEREAS**, Planned Area Developments (PADs) currently provide a substantial public benefit which may be appropriate to receive Transfer of Development Rights (TDRs); and

**WHEREAS**, after notice was duly published, a public hearing was held before the Planning and Zoning Board on (month) (day), 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

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

**WHEREAS**, on (month) (day), 2022 the City Commission was presented on first reading the proposed text amendments; and

**WHEREAS**, the City staff incorporated changes from first reading, and recommendations from the Planning and Zoning Board, and the City Commission was presented with a final text amendment on Second reading.

**NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT:**

**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 follows:

**Article 14. Process**

**Section 14-204.5. Use of TDRs on receiver sites.**

A. Use of TDRs on receiver sites. The receiving sites shall be:

1. ~~(i)~~ 1 Located within the boundaries of the CBD and designated mixed-use zoning, or
2. ~~(ii)~~ 1 Located within the boundaries of the North Ponce de Leon Boulevard Mixed Use District and designated mixed-use zoning, or
3. ~~(iii)~~ 1 Located within the boundaries of the Design & Innovation District and designated mixed-use zoning, or
4. Designated by the City Commission when located in a Planned Area Development (PAD) and zoned MX2 or MX3.

Use of TDRs as receiver sites are prohibited on properties within the Zain/Friedman Miracle Mile Downtown District Overlay facing Miracle Mile.

B. Maximum TDR floor area ratio (FAR) increase on receiver sites. An increase of up to twenty-five (25%) percent of permitted gross FAR and approved Mediterranean architectural style bonuses gross FAR may be permitted.

**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 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., 2022.

(Moved: / Seconded:)

(Yeas: )

(; Vote)

APPROVED:

VINCE LAGO  
MAYOR

ATTEST:

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

BILLY Y. URQUIA  
CITY CLERK

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 - HYBRID MEETING ON ZOOM PLATFORM - LOCAL PLANNING AGENCY / PLANNING AND ZONING BOARD - APR. 13, 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

04/01/2022

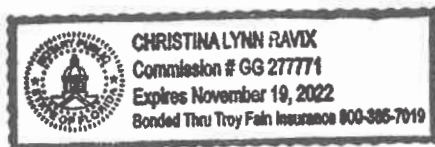
Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

*Guillermo Garcia*

Sworn to and subscribed before me this  
1 day of APRIL, A.D. 2022

*C. Ramm*

(SEAL)  
GUILLERMO GARCIA personally known to me



**CITY OF CORAL GABLES, FLORIDA  
NOTICE OF PUBLIC HEARING  
HYBRID MEETING ON ZOOM PLATFORM**

**City Public Hearing** Local Planning Agency / Planning and Zoning Board  
**Dates/Times** Wednesday, April 13, 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 amending Article 14, "Process", Section 14-200, "Procedures", Section 14-202, "General Development Review Procedures", Section 14-202.9, "Certificate of Use", to provide the City Manager or designee with authority to deny, suspend, or revoke a certificate of use under specific circumstances; providing for severability, repealer, codification, and an effective date.
2. 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 14, "Process," Section 14-103.2, "Membership; Terms; Vacancies; Removal," to allow a certain percentage of the Board of Architects members to not be residents or have their principal place of business in the City of Coral Gables; providing for severability, repealer, codification, and an effective date.
3. 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 14, "Process," Section 14-204, "Transfer of Development Rights (TDRs)" to allow the City Commission to designate a TDR receiving site when located in a Planned Area Development (PAD); providing for severability, repealer, codification, and an effective date.
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 striking Appendix E "Business Improvement Overlay District (BIOD)," Section E1 "Business Improvement Overlay District (BIOD)," Subsection B(1)(D) "Temporary Window Signs/Wraps", and creating Article 11 "Signs", Section 11-101 "Purpose and Applicability", Subsection C(9) "Temporary Window Wraps", to uniformly regulate temporary window wraps within the City; providing for severability, repealer, codification, and an effective date.

# Hybrid Meeting on Zoom Platform

The Planning and Zoning Board will be holding its regular board meeting on Wednesday, April 13, 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](http://www.coralgables.com/pzb)) once the meeting's agenda is published, or by sending an email to [planning@coralgables.com](mailto: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](http://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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