



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
Application: **Zoning Code Text Amendment – Waterways**
Public Hearing: Planning and Zoning Board
Date & Time: **May 9, 2018; 6:00 – 9:00 p.m.**
Location: City Commission Chambers, City Hall,
405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

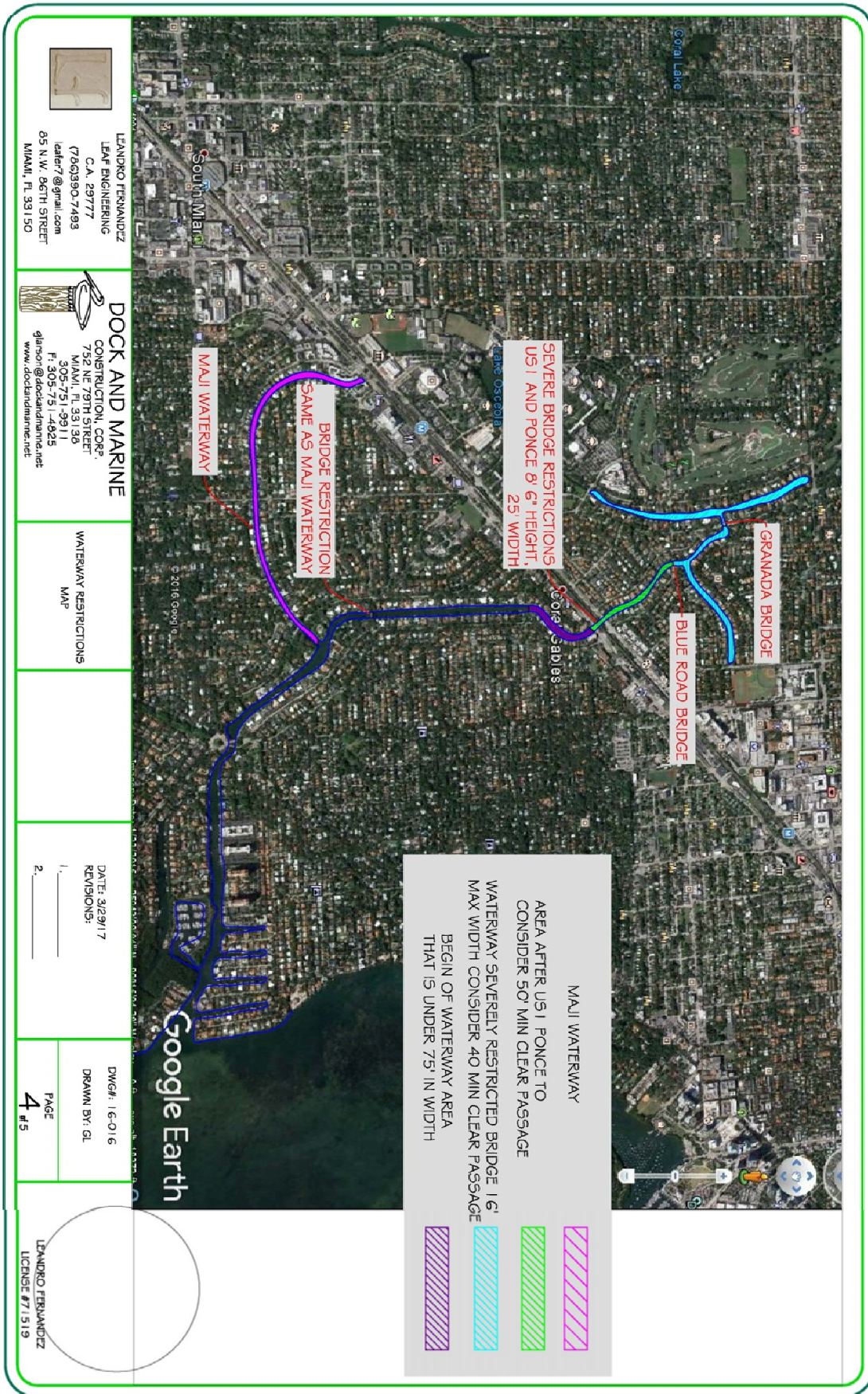
The City of Coral Gables is requesting review and consideration of the following:

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 5, "Development Standards," Division 8, "Docks, Wharves, Mooring Piles and Watercraft Moorings," clarifying the distance of unobstructed navigable water, providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

2. BACKGROUND INFORMATION

As directed by the City Commission and at the recommendation of the Waterway Advisory Board, Staff has prepared Zoning Code text amendments to refine the distance of open unobstructed navigable water in the Coral Gables Waterways.

At their February 7, 2018 meeting, the Waterway Advisory Board members unanimously recommended that the existing regulation of 75 feet of open unobstructed navigable water was too restrictive in the canals north of Ponce de Leon / US-1. The existing 75-foot regulation was originally created to allow two 20-foot wide boats to navigate simultaneously in opposite directions with safe clearance. However, the bridges at Ponce de Leon and Granada are narrower than bridges south of US-1, physically limiting 20-foot wide boats to pass, and therefore access the canals. To allow owners of properties in smaller canals to enjoy boating, the Waterways Advisory Board recommends a Zoning Code amendment to the existing regulation for open unobstructed navigable water to allow a navigable space of forty-five feet north of US-1. Minutes from the February 7, 2018, are included as Attachment A.



3. PROPOSED ZONING CODE TEXT AMENDMENT

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

ARTICLE 5 – Development Standards

Division 8. Docks, Wharves, Mooring Piles and Watercraft Moorings

Section 5-802. Docks, wharves and mooring piles – canals, lakes, or waterways.

The construction, erection or installation of mooring piles and/or watercraft docks or similar landing facilities for watercraft, in any water body, or on land abutting thereon, shall be subject to the following conditions and restrictions:

- A. No dock, wharf or similar structure shall be constructed over or in any canal, lake or bay more than five (5) feet outward from the bank except as described for specific properties and the Mahi Canal in Appendix A.
- B. No mooring piles shall be placed or set in the water bodies which shall be located at a greater distance than twenty-five (25) feet from the bank of such water or waterways.
- ~~C. Except as described for specific properties and the Mahi Canal in Appendix A, no dock or mooring piles shall be placed in any waterway within the City at a greater distance from the bank thereof, which, when allowance is made for the erection or placing of a dock or mooring piles on the opposite bank at a similar distance from the bank, will leave less than seventy-five (75) feet of open unobstructed navigable water between such piles, docks and similar structures on the opposite bank.~~
- C. Docks and mooring piles may be placed on both sides of the waterways at similar distances from the bank. Open unobstructed navigable water between such piles, docks, and similar structures shall maintain a clear distance as set forth below for the following geographic areas:
 - a. Seventy-five (75) feet south of US-1.
 - b. Forty-five (45) feet north of US-1.
 - c. Thirty (30) feet in the Mahi Canal.
- D. No dock extending outward over or in the water from the bank shall be permitted in connection with any lot which a reasonable area along the shore thereof shall be at such level as to provide a natural landing stage or platform for persons embarking on or debarking from watercrafts.
- E. All mooring piles, docks and/or similar structures shall maintain the same minimum setback from the adjacent owner's property line extended as established for the main structure permitted on each building site, except as described for specific properties and the Mahi Canal in Appendix A.

- F. Except as described for specific properties and the Mahi Canal in Appendix A, and as provided for under Section 5-802(C) above, the mooring of watercraft in water bodies shall be forbidden unless such moorings, and similar mooring on the opposite bank, shall leave unobstructed passageway in the water body of at least seventy-five (75) feet in width.
- G. Where the width of the water body permits mooring of watercraft parallel to the banks, but does not permit the erection of docks or the placing of outer mooring piles, fender or mooring piles may be placed at a distance not greater than eighteen (18) inches from the bank or shore, and such piles shall be Venetian type, painted and ornamentally capped

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	04.27.18
Courtesy Notice mailed to residents along affected waterways	04.27.18
Posted agenda on City web page/City Hall	05.01.18
Posted Staff report on City web page	05.04.18

7. STAFF RECOMMENDATION

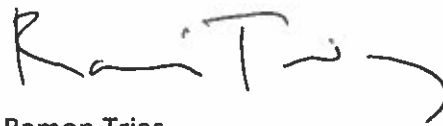
The Planning and Zoning Division recommends approval.

8. ATTACHMENTS

- A. 02.07.18 Waterways Advisory Board Meeting Minutes.
- B. 04.27.18 Courtesy Notice mailed to residents along affected waterways.
- C. 04.27.18 Legal advertisement published.
- D. 05.09.18 PowerPoint Presentation.

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 WATERWAY ADVISORY BOARD
 427 BILTMORE WAY – 1ST FLOOR
 WEDNESDAY, FEBRUARY 7, 2018 - 5:30 P.M.

- MEETING MINUTES -

MEMBERS	M	A	M	J	S	O	N	D	J	F	APPOINTED BY:
	17	17	17	17	17	17	17	17	18	18	
Lisette Stancioff	-	-	-	-	*	P	P	E	P	P	Raul Valdes-Fauli
Hector Fortun	A	P	A	P	*	P	P	A	A	A	Frank C. Quesada
Juan A. Galan Jr	A	P	P	A	*	A	P	P	P	P	Patricia Keon
Manny Chamizo	P	A	P	A	*	A	P	P	P	P	Vince Lago
Mario Lamar	-	-	-	-	*	P	P	P	P	E	Michael Mena
Douglas Yoder	P	P	P	P	*	A	P	P	P	P	Cathy Swanson-Rivenbark
Bertham Goldsmith	-	-	-	-	*	P	P	E	E	P	Commission-As-A-Whole
John Swain	-	-	-	-	-	-	-	-	-	P	Board-As-A-Whole
Vacant	-	-	-	-	-	-	-	-	-	-	Commission-As-A-Whole

P – Present
E – Excused Absence
A – Absent
(-) – No Appointment
(*) – No Meeting

STAFF:

Jose Saucedo (acting for Jorge Acevedo, Board Secretary)
 Sargent Randy Hoff, CG Marine Patrol
 Officer Chris Challenger, CG Marine Patrol
 Officer Ray Toledo, CG Marine Patrol

GUESTS:

Glen Larson (Dock & Marine)

CALL TO ORDER:

The meeting was called to order at 5:30p.m. The roll was taken and a quorum was present. Board members welcomed Mr. John Swain to the Board.

MEETING MINUTES APPROVAL:

A motion was made to “Approve the minutes of January 10, 2017.” The motion was seconded, voted upon and adopted unanimously.

PRESENTATIONS/DISCUSSIONS:


- Board members discussed on the Mahi Canal, District 2, its location and width; there are some areas with very narrow access.
- Discussion on the request made by the City Commission for Board's opinion to evaluate the existing Rule of 75ft of open unobstructed navigable water and/or to propose a new rule.
Rule of 75ft was created with the idea to allow two (2) 20ft wide boats to navigate simultaneously in opposite directions with safety clearance. Any request affecting the 75ft width needs a variance and is granted by the City Commission.
Board agreed that Rule of 75ft does not make sense as US1, Ponce de Leon and Granada bridges are very narrow, not allowing any 20ft boat to pass through canal. Sargent Hoff indicated that Marine Patrol prefers to apply Rule of 75ft based on percentages because width of the canal varies and proposing a specific dimension would not be applicable to all areas.
- Discussion on Section XXXXX Beyond Ponce US 1 bridge
C. Except as described in section 5-802, and for specific properties and the Mahi Canal in Appendix A, no dock or mooring piles shall be placed in the portion of waterway extending past the US1 Ponce De Leon bridge system at a greater distance from the bank thereof, which, when allowance is made for the erection or placing of a dock or mooring piles on the opposite bank at a similar distance from the bank, will leave less than fifty (50) feet of open unobstructed navigable water between such piles, docks and similar structures on the opposite bank
A motion was made to “For the specific canal beyond Ponce-US1 bridge, will leave less than forty-five (45) feet of open unobstructed navigable water.”
The motion was seconded, voted upon and adopted unanimously.
- Chairman Chamizo announced that he will present Board's report to the City Commission meeting on February 13th at 10:00am. He will send information to be presented to Board members.
- Mr. Galan requested Glen Larson from Dock & Marine to maintain illumination at his barge to avoid any accident. Mr. Chamizo informed that any debris found in the canal can be reported using City's phone application (Customer Connect).

ADJOURNMENT:

The meeting adjourned at 6:30p.m.

NEXT MEETING:

Wednesday, March 7, 2018 at 5:30 p.m. at 427 Biltmore Way, 1st Floor - Coral Gables, FL

	<p>City of Coral Gables Courtesy Public Hearing Notice</p> <p>April 27, 2018</p>	
<p>Applicant:</p>	<p>City of Coral Gables</p>	
<p>Application:</p>	<p>Zoning Code Text Amendment</p>	
<p>Property:</p>	<p>Coral Gables and Mahi Waterways, Coral Gables, Florida</p>	
<p>Public Hearing - Date/Time/ Location:</p>	<p>Planning and Zoning Board May 9, 2018, 6:00 – 9:00 p.m. City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida, 33134</p>	

PUBLIC NOTICE is hereby given that the City of Coral Gables, Florida, Planning and Zoning Board (PZB) will conduct a Public Hearing on May 9, 2018 on the following application at the Coral Gables City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida.

Amendments to the Coral Gables Zoning Code are proposed to refine the distance of open unobstructed navigable water throughout the Coral Gables Waterways. With recommendations from the Waterway Advisory Board and Staff, the proposed amendments allow 75 feet of navigable waterway south of US-1, 45 feet north of US-1, and 30 feet in the Mahi Canal.

The request requires three public hearings, including review and recommendation by the Planning and Zoning Board, and approval 1st and 2nd Reading before the City Commission.

The Ordinance under consideration is as follows:

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 5, "Development Standards," Division 8, "Docks, Wharves, Mooring Piles and Watercraft Moorings," clarifying the distance of unobstructed navigable water, providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

All interested parties are invited to attend and participate. Please visit the City webpage at www.coralgables.com to view information concerning the application. The complete application is on file and available for examination during business hours at the Planning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134. Questions and written comments regarding the application can be directed to the Planning and Zoning Division at planning@coralgables.com, Fax: 305.460.5327 or Phone: 305.460.5211. Please forward to other interested parties.

Sincerely,

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 JOHANA OLIVA, 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 - MAY 9, 2017

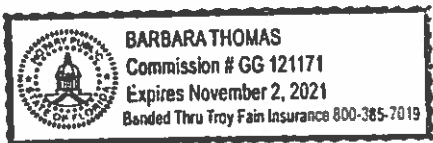
in the XXXX Court,
was published in said newspaper in the issues of

04/27/2018

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.

Johana Oliva
Sworn to and subscribed before me this
27 day of APRIL, A.D. 2018
Barbara Thomas

(SEAL)
JOHANA OLIVA 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, MAY 9, 2017, 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. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 5, "Development Standards," Division 8, "Docks, Wharves, Mooring Piles and Watercraft Moorings," clarifying the distance of unobstructed navigable water, providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.
- 2. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Section 4-102, "Multi-Family 1 Duplex (MF1) District," to modify and clarify provisions regulating duplex standards related to setbacks, heights, and ground area coverage, providing for a repealer provision, providing for a 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

Local Planning Agency / Planning and Zoning

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.

4/27



18-99/0000314597M



Zoning Code Text Amendment
Waterways

ZONING CODE, ARTICLE 5,
“DEVELOPMENT STANDARDS,”
DIVISION 8,
“DOCKS, WHARVES, MOORING PILES
AND WATERCRAFT MOORINGS”

PLANNING AND ZONING BOARD
MAY 9, 2018

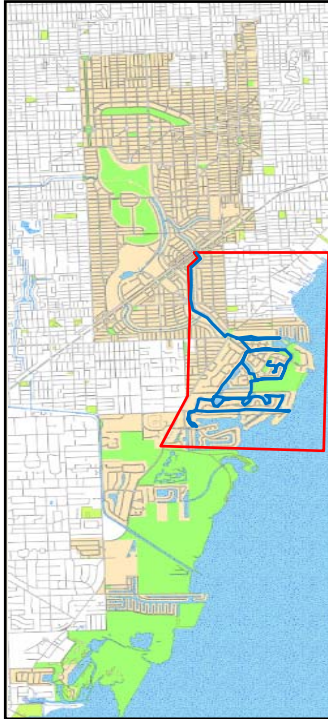


Canals North of US 1

Docks and mooring piles may be placed on both sides of the waterways at similar distances from the bank.

Open unobstructed navigable water between such piles, docks, and similar structures shall maintain a clear distance of **forty-five (45) feet north of US-1,**

2



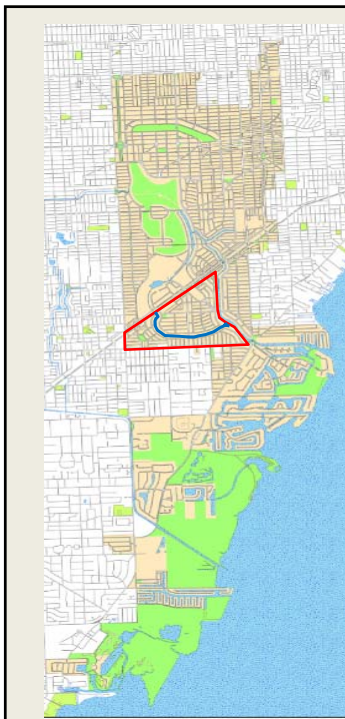
Canals South of US 1

Docks and mooring piles may be placed on both sides of the waterways at similar distances from the bank.

Open unobstructed navigable water between such piles, docks, and similar structures shall maintain a clear distance of :

seventy-five (75) feet south of US-1

3



Mahi Canal

Docks and mooring piles may be placed on both sides of the waterways at similar distances from the bank.

Open unobstructed navigable water between such piles, docks, and similar structures shall maintain a clear distance of :

thirty feet (30) in the Mahi Canal

4

REQUEST: TEXT AMENDMENT

Text amendments to the City of Coral Gables Official Zoning Code, Article 5, “Development Standards,” Division 8, “Docks, Wharves, Mooring Piles and Watercraft Moorings,” clarifying the distance of unobstructed navigable water, providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

5

BACKGROUND INFORMATION

The Waterway Advisory Board members unanimously agreed that the existing 75 ft. of open unobstructed navigable water did not make sense in all canals of the City of Coral Gables.

The Existing 75 ft. rule was made to allow 40 ft. boats yet these boats cannot not navigate in the smaller canals north of US1.

To allow owners of properties in smaller canals to enjoy boating, they proposed a new rule allowing a navigable waterway.

6

PROPOSED TEXT AMENDMENT

Section 5-802. Docks, wharves and mooring piles – canals, lakes, or waterways.

~~D. Except as described for specific properties and the Mahi Canal in Appendix A, no dock or mooring piles shall be placed in any waterway within the City at a greater distance from the bank thereof, which, when allowance is made for the erection or placing of a dock or mooring piles on the opposite bank at a similar distance from the bank, will leave less than seventy five (75) feet of open unobstructed navigable water between such piles, docks and similar structures on the opposite bank.~~

D. Docks and mooring piles may be placed on both sides of the waterways at similar distances from the bank. Open unobstructed navigable water between such piles, docks, and similar structures shall maintain a clear distance of (i) seventy-five (75) feet south of US-1, (ii) forty-five feet north of US-1, and (iii) thirty (30) feet in the Mahi Canal.

7

PUBLIC NOTIFICATIONS

THE FOLLOWING HAS BEEN COMPLETED TO SOLICIT INPUT AND PROVIDE NOTICE OF THE APPLICATION:

TYPE	DATE
COURTESY NOTIFICATION – MAILED TO PROPERTY OWNERS ADJACENT TO WATERWAYS	04.27.18
LEGAL ADVERTISEMENT	04.27.18
POSTED AGENDA ON CITY WEB PAGE/CITY HALL	05.01.18
POSTED STAFF REPORT ON CITY WEB PAGE	05.04.18

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:

- Promotes the public health, safety, and welfare.
- Does not permit uses the Comprehensive Plan prohibits in the area affected by the district boundary change or text amendment.
- 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.
- 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.
- Does not directly conflict with an objective or policy of the Comprehensive Plan.

STAFF FINDS THAT ALL CRITERIA ARE SATISFIED.

9

COMPREHENSIVE PLAN CONSISTENCY

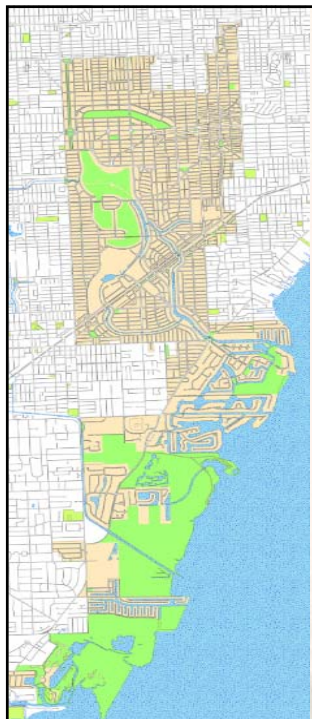
In accordance with Section 3-1407 of the Zoning Code, the Planning and Zoning Board shall determine whether the Zoning Code text amendment is consistent with the Comprehensive Plan.

STAFF FINDS THAT THE PROPOSED TEXT AMENDMENT IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

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STAFF RECOMMENDATION

THE PLANNING AND ZONING DIVISION
RECOMMENDS APPROVAL



*Zoning Code Text Amendment
Waterways*

—————
ZONING CODE, ARTICLE 5,
“DEVELOPMENT STANDARDS,”
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“DOCKS, WHARVES, MOORING PILES
AND WATERCRAFT MOORINGS”

PLANNING AND ZONING BOARD
MAY 9, 2018

