



## City of Coral Gables Planning and Zoning Staff Report

Applicant:	City of Coral Gables
Application:	<b><u>Zoning Code Text Amendment: Non-Contiguous/Non-Abutting Unity of Title</u></b>
Public Hearing:	Planning and Zoning Board
<b>Date &amp; Time:</b>	<b>August 10, 2022; 6:00 – 9:00 p.m.</b>
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 14-205.3, "Declaration of Restrictive Covenant in Lieu of a Unity of Title" to encourage the creation of City Parks by allowing non-contiguous building sites with dedicated park spaces; providing for severability, repealer, codification, and an effective date.*

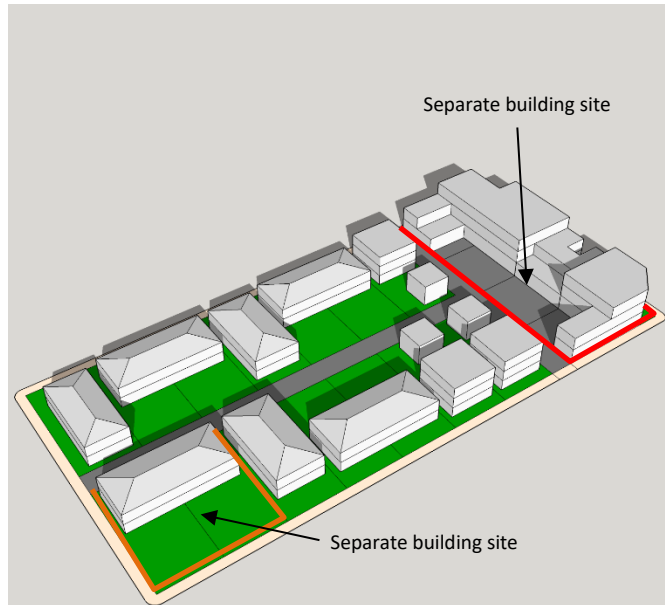
### 2. APPLICATION SUMMARY

As requested by the City Commission, a Zoning Code text amendment is proposed that allows non-contiguous building sites if the site includes the dedication of a new park space.

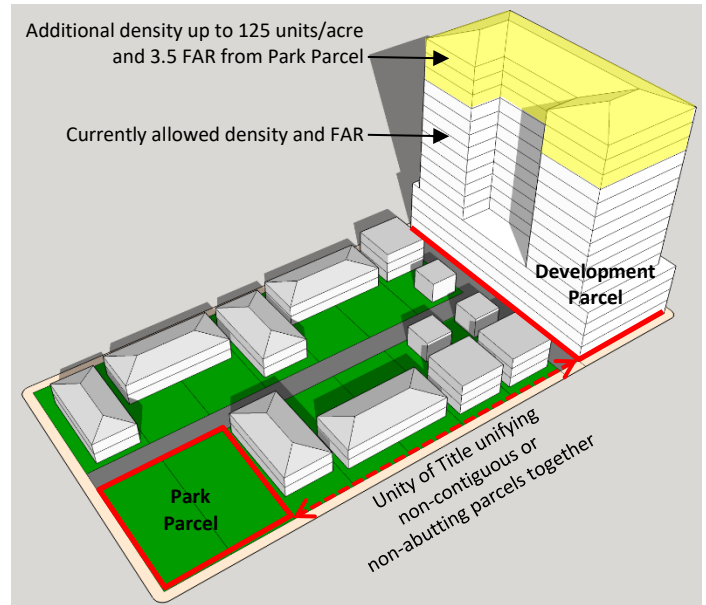
In recent years, parks have normally been proffered by developers only when directly abutting a proposed development. However, the Commission believes that allowing flexibility with the building site requirements and allow it to be non-contiguous and non-abutting will encourage the creation of more public park spaces.

The City Commission voted in favor of a similar version of the proposed text amendment on First Reading at their July 25, 2022, City Commission meeting. This initial draft Ordinance only allowed a maximum of 4.375 FAR on the developed parcel. This maximum was initially proposed to control the mass and bulk of the new building to be visually consistent with the maximum size of a building in Coral Gables with Transfer of Development Rights (TDRs). The Ordinance's sponsor has since requested to remove this limitation from the proposed text amendment after discussions with stake holders in the community and realizing the limitation would limit the use of this text amendment. This change would allow all the potential development of 3.5 FAR and density of 125 units per acre from the park parcel to be added to the development parcel. The development parcel itself could therefore be developed beyond the 4.375 FAR, subject to Commission approval through the conditional use process, and would be dependent on the size of the provided open space(s), including the park parcel. The maximum building height will still apply, as it is part of the development envelope, as regulated by the Comprehensive Plan and Zoning Code.

Below are diagrams that illustrate the current Unity of Title requirements (left diagram) of abutting or contiguous parcels that would create separate building sites when other parcels are between the subject properties. The proposed text amendment to the Unity of Title requirements (right diagram) would allow multiple non-contiguous/non-abutting parcels to redevelop as a single building site with the dedication of a park and all of the development on one parcel.



Current Unity of Title (separate building sites)



Proposed Unity of Title (unified non-contiguous/non-abutting)

The proposed text amendment to the Unity of Title requirements would allow the dedicated public park space to be non-contiguous or non-abutting if it meets the following:

- Conditional Use approval with the proposed site plan
- Park parcel is 5,000 square feet minimum
- Park parcel is within 1,000 feet from the development parcel
- Park parcel is equal or lower density and intensity than the development parcel
- Provide public benefit and study potential impacts of development parcel
- Separate covenant on park parcel with any applicable conditions of approval
- Review by the Parks and Recreation Advisory Board

### 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	08.10.22

REVIEW COMMITTEES AND BOARDS	DATE
City Commission – 1 <sup>st</sup> Reading	08.24.22
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	07.29.22
Posted agenda and Staff report on City web page/City Hall	08.05.22

**4. FINDINGS OF FACT**

The request is a Text Amendment to Article 14, “Process,” Section 14-205.3, “Declaration of Restrictive Covenant in Lieu of a Unity of Title.” The proposed changes are provided in Attachment A in ~~strike through~~ / 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 a building site to be comprised of multiple non-contiguous and non-abutting parcels to encourage the dedication of public parks to promote active living and public health.
b. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed amendment would allow park uses on parcels with commercial land use classifications. The commercial land use classifications of the Comprehensive Plan do not prohibit park or open space uses.
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 would allow non-abutting and non-contiguous parcels to be considered a single building site for the purpose of transferring both density and intensity within the entire building site. While the development parcel itself would exceed the allowed density and intensity of the land use classifications, the building site as-a-whole - which would include the non-adjacent park parcels - would not allow densities or intensities more than what are permitted by the future land use classifications.
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. The building site containing non-abutting and non-contiguous parcels would still satisfy the level of service requirements.
e. Does not directly conflict with any objective or policy of the Comprehensive Plan.	The proposed amendment does not conflict with any objective or policy.

*Staff comments:*

As requested by the Commission, the proposed text amendment to the Zoning Code allows a building site

to be non-abutting and non-contiguous if providing a dedicated public park space. The encouragement of dedicated public park space fulfills the goals, objectives, and policies of the Comprehensive Plan to continue the City's dedication of land for parks and recreation via the development review process. 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 **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,



Jennifer Garcia, AICP, CNU-A  
City Planner  
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 14-205.3, "DECLARATION OF RESTRICTIVE COVENANT IN LIEU OF A UNITY OF TITLE" TO ENCOURAGE THE CREATION OF CITY PARKS BY ALLOWING NON-CONTIGUOUS BUILDING SITES WITH DEDICATED PARK SPACES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the City has consistently stressed the importance of open spaces such as public parks and therefore seeks to promote and incentivizes the establishment of additional public park space for the use and enjoyment of its residents and visitors; and

**WHEREAS**, parks and recreational spaces have often been proffered by applicants but are only permitted when directly abutting a proposed development; and

**WHEREAS**, the City Commission believes that allowing the creation of non-contiguous building sites for the purpose of incentivizing the creation of more public park spaces is valuable and in the public interest; and

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

**WHEREAS**, after notice was duly published, a public hearing was held before the Planning and Zoning Board on \_\_\_\_\_, 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/denial (vote: \_ to \_) of the text amendment; 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<sup>1</sup>:

## Article 14. Process

### Section 14-205.3. Declaration of Restrictive Covenant in Lieu of a Unity of Title

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A. General Requirements. In the case of separate but contiguous and abutting parcels proposed for development located in ~~Commercial or Industrial Districts~~ Mixed Use Districts owned by one (1) separate or multiple owners wishing to use said property as one (1) parcel, the Building and Zoning Director may approve a Declaration of Restrictive Covenant in Lieu of a Unity of Title together with a Reciprocal Easement and Operating Agreement approved for legal form and sufficiency by the City Attorney. The Declaration of Restrictive Covenant shall run with the land and be binding upon the heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property. In such instances, the property owner(s) shall agree that in the event that ownership of the subject properties comes under a single ownership, the applicants, successors and assigns, shall file a Declaration of Restrictive Covenant covering the subject properties.

#### E. Dedication of Public Park Space

1. The general requirement in subsection (A) that parcels be contiguous and abutting for development located in Mixed Use Districts shall not apply when a non-contiguous or non-abutting parcel is dedicated for public park space and satisfies all of the following:
  - a. The applicant shall submit an application for conditional use approval together with a proposed site plan.
  - b. The dedicated public park parcel is a minimum of 5,000 sq. ft.
  - c. The dedicated public park parcel is located within 1,000 ft. from the parcel proposed for development.
  - d. The dedicated public park parcel is of equal or lower density and intensity than the parcel(s) proposed for development.
  - e. ~~The total FAR of the parcel(s) proposed for development cannot exceed 4.375. (Increased of FAR Limited to 25%)~~
  - f. There is a demonstrated public benefit found in the dedicated public park parcel.

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<sup>1</sup> Deletions are indicated by strikethrough. Insertions are indicated by underline.

- g. The potential impacts of the parcel proposed for development are studied.
  - h. A separate covenant on the dedicated public park parcel will be recorded in the public records of Miami-Dade County outlining any/all applicable conditions of approval pursuant to these provisions and dedicating the parcel for public use in perpetuity.
2. The Parks and Recreation Advisory Board shall review all requests to create a single building site with non-contiguous or non-abutting parcels for the creation of dedicated public park space.

**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 - LOCAL  
PLANNING AGENCY / PLANNING AND ZONING BOARD - AUG  
. 10, 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

07/29/2022

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

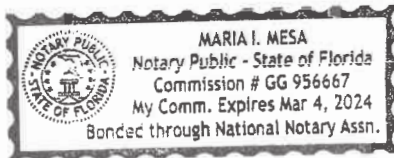
*Guillermo Garcia*

Sworn to and subscribed before me this  
29 day of JULY A.D. 2022

*[Signature]*

(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, August 10, 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 14, "Process," Section 14-202.6, "Building Site Determination" to exempt platted lots within Snapper Creek Lakes from the Building Site Determination process; providing for severability, repealer, codification, and 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, by amending Article 14, "Process", Section 14-200 "Procedures", Section 14-202.6, "Building Site Determination" by eliminating size restrictions on residences in a separated building site based on what was permitted as a single building site; providing for severability, repealer, codification, and for 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 14-205, "Declaration of Restrictive Covenant in Lieu of a Unity of Title" to encourage the creation of City Parks by allowing non-contiguous building sites with dedicated park spaces; providing for severability, repealer, codification, 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, "Uses", Section 3-317, "Permanently installed stand-by generators" removing the distance requirement of ten (10) feet from any opening in a building or structure; providing for severability, repealer, codification, and for an effective date.

CITY OF CORAL GABLES (AUG 10, 2022)

5. An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 2, "Zoning Districts," Section 2-101, "Single-Family Residential (SFR) District," Section 2-102, "Multi-Family 1 Duplex (MF1)," Section 2-104, "Multi-Family 4 (MF4)," Article 3, "Uses," Section 3-316, "Flagpoles," Section 3-702, "Docks, wharves, and mooring piles - canals, lakes, or waterways," Article 5, "Architecture," Section 5-305, "Dormer windows," Section 5-312, "Fountains and reflecting pools," Section 5-313, "Planters," Section 5-403, "Height of walls and fences," and Section 5-606, "Mechanical equipment location and aesthetics standards;" to remove the discretionary review by the Board of Architects for setbacks, ground area coverage, building floor area, driveways, dormer windows, wing walls, fences, fountains, planters, flagpoles, and mechanical equipment requirements; providing for severability, repealer, codification, and for an effective date.

The Planning and Zoning Board will be holding its regular board meeting on Wednesday, August 10, 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  
7/29

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