

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2024-13

AN ORDINANCE OF THE CITY COMMISSION PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE (ZONING CODE), AMENDING ARTICLE 1, “GENERAL PROVISIONS,” SECTION 1-104 “JURISDICTION AND APPLICABILITY,” AMENDING PROVISIONS FOR THE SITING OF CITY FACILITIES TO INCLUDE FACILITIES FOR WORKFORCE HOUSING THAT ARE OWNED, FINANCED, OR OPERATED BY THE CITY, THE COUNTY, OR OTHER PUBLIC (GOVERNMENTAL) ENTITY AS REQUIRED BY THE CODE OF MIAMI-DADE COUNTY SECTION 33-193.7 “APPLICABILITY IN THE INCORPORATED AND UNINCORPORATED AREAS; MINIMUM STANDARDS; EXEMPTIONS,,” PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Miami-Dade County has adopted pursuant to Section 33-193.7 (C), a requirement that municipalities have an expedited process to decide applications for workforce housing for qualifying residential developments that are owned, financed, or operated by the County, municipality, or other public (governmental) entity; and

WHEREAS, the County’s requirement for an expedited process provides that municipalities are deemed to have complied with this requirement if they use a process similar to the governmental facilities process that the County uses pursuant to Section 33-303, Code of Miami-Dade County; and

WHEREAS, the City has an expedited process for its own governmental facilities patterned after the County’s process; and

WHEREAS, the City intends to comply with this expedited workforce application process by modifying its government facility procedures; and

WHEREAS, on January 9, 2024, the City Commission was presented with text amendments to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote: 5-0); and

WHEREAS, after notice of public hearing duly published, a public hearing was held before the Planning and Zoning Board on February 20, 2024, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at a public hearing held on February 20, 2024, the Planning and Zoning Board made no recommendation (vote: 3 to 2), as the motion for approval did not obtain four affirmative votes; and

WHEREAS, after the Planning & Zoning Board meeting, Staff clarified the proposed text amendment to require workforce housing to comply with all Zoning Code requirements; and

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission, at which hearing all interested parties were afforded the opportunity to be heard;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

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 follows¹:

ARTICLE 1 - GENERAL PROVISIONS

Section 1-104. Jurisdiction and applicability.

- A. These regulations shall govern the development and use of land, buildings and structures within the corporate limits of the City.
- B. No building, structure, water or land shall be used or occupied, and no building, structure or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all other applicable regulations and all development approvals.
- C. Notwithstanding any other provision of this code to the contrary, the City of Coral Gables shall not be bound by the procedures or provisions contained in the zoning code in the construction, modification, or operation any city facility listed below, and the provisions of this subsection shall control.
 1. *City facilities enumerated.* The City Commission may establish or modify by resolution any of the following city facilities operated by or on behalf of the City of Coral Gables, where the City Commission may direct without regard to the zoning or use classification of any particular site or location: public parks, playgrounds and buildings, and structures supplementary and incidental to such uses; fire stations; police stations; public water and sewer treatment and distribution facilities; public libraries; public buildings and centers; public auditoriums, arenas, museums, art galleries and convention halls solid-waste collection and disposal facilities; public maintenance and equipment yards; public bus stations and other governmental facility uses as determined by the City Commission. It is further provided, that in addition to the City facilities listed in this subsection, the procedures set forth herein shall also apply to applications for workforce housing as that term is defined in Article XIIA, “WORKFORCE HOUSING DEVELOPMENT PROGRAM,” of the Code of Miami-Dade County for qualifying residential developments that are owned, fully financed, or operated by the County, City, or other public

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

(governmental) entity. It is provided, however, that while workforce housing as set forth herein shall be subject to the procedures set forth in this section, workforce housing shall nonetheless be subject to the substantive zoning provisions of the Code.

2. *Notice and public hearing required.* The City Commission may only authorize the construction, modification or operation of the City facilities or workforce housing as enumerated in paragraph 1 above by resolution following public hearing.
 - a. Notice of the above public hearing shall be published in newspaper of general circulation published in the City of Coral Gables or in Miami-Dade County, Florida at least ten (10) days prior to the date of the public hearing before the City Commission, which publication shall include the time and place of the hearing before the City Commission.
 - b. A courtesy notice containing general information as to the date, time and place of the hearing, the property location and the general nature of the application may be mailed to property owners of record within a radius of 1000 feet of the property described in the application or a greater distance as the Development Review Official may prescribe, provided, however, the failure to mail or receive such courtesy notice shall not affect any action taken hereunder.
 - c. To provide additional notice to the public, the property shall be posted by a sign or signs indicating the action desired and the time and place of the public hearing. Failure to post such property shall not affect any action taken hereunder.
 - d. At the public hearing, the City Commission shall consider, among other factors, the type of function involved, the public need therefor, the existing land use pattern in the area, alternative locations for the facility and the nature of the impact of the facility on the surrounding property. After considering these factors, the City Commission shall take such action as is necessary to provide for and protect the public health, safety and welfare of the citizens and residents of the City of Coral Gables.
3. *Administrative Approval of Non-Substantial Change.* For governmental facilities or workforce housing plans approved in accordance with this section, the Development Review Official is hereby authorized to approve changes that the Development Review Official determines to be non-substantial, as demonstrated by the following factors:
 - a. Development density and intensity have not materially changed;
 - b. Design has not materially changed, provided that:
 - i. Relocation of roadways, including ingress and egress, is determined not to create traffic obstructions and is approved by the Public Works Department;
 - ii. Relocation, reconfiguration, or reduction of the parking area and its spaces does not impact adjoining properties, and the Development Review Official determines that sufficient spaces for the use are retained;
 - iii. Modification of building setbacks from perimeter property lines does not negatively impact adjoining properties, or the modification is mitigated to minimize the impact;
 - iv. Reconfiguration of the landscaped open space does not diminish any previously approved buffering or separation from surrounding properties;
 - v. Modification to walls or fences does not diminish previously approved buffering or separation from surrounding properties;

- vi. Conversion of a use, facility, or element to another use, facility, or element remains within the scope of the previously approved plan;
- vii. Addition of uses, facilities, or elements not shown in the previously approved plans either: do not increase lot coverage, or decrease required open space, by greater than 10 percent;
- viii. Relocation or modification of signage remains consistent with the intent of the approved plan in size, height

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 City Commission of the City of Coral Gables, Florida that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Zoning Code, and that the sections of this “Ordinance” may be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. If the 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 passage and adoption herein.

PASSED AND ADOPTED THIS TWELFTH DAY OF MARCH, A.D., 2024.


(Moved: Menendez / Seconded: Anderson)

(Yeas: Castro, Fernandez, Menendez, Anderson, Lago)

(Unanimous: 5-0 Vote)

(Agenda Item: E-3)


APPROVED:

DocuSigned by:

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VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

DocuSigned by:

358417D2FA884FF...

BILLY Y. URQUIA
CITY CLERK

DocuSigned by:

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CRISTINA M. SUÀREZ
CITY ATTORNEY