



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
Application: Zoning Code Text Amendment – Building Site Determination
Public Hearing: Planning and Zoning Board
Date & Time: February 10, 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 a text amendment to the City of Coral Gables Official Zoning Code by amending Article 3, "Development Review," Division 2, "General Development Review Procedures," Section 3-206, "Building site determination"; and, Article 8, "Definitions," amending the requirements for applications for a building site separation and creating a definition for voluntary demolition; providing for repealer provision, severability clause, codification, and providing for an effective date.

2. BACKGROUND INFORMATION

City Staff is requesting a Zoning Code text amendment to the provisions for approving an application for a building site separation, also referred to as a lot split. The proposed amendment is the result of previous comments by City Staff, the Planning and Zoning Board and the City Commission which have been incorporated into the proposed changes.

On October 13, 2015 these proposed changes were presented to the City Commission in draft form as a discussion item. At that meeting the City Commission welcomed the proposed changes and directed Staff to finalize and prepare the amendment for Planning and Zoning Board review and recommendation.

This text amendment addresses legal concerns raised by the City Attorney, removes double-negative language identified by the City Commission, and provides greater certainty as to whether specific requirements are being met. The amendment also codifies language that was typically included as conditions of approval with previous applications for building site separation such as: limiting the total square footage of the new residences allowed the existing site; new residences must meet all requirements of the Zoning Code; and, requiring site plans for new residences to be submitted and tied to the approval.

3. PROPOSED ZONING CODE TEXT AMENDMENT

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

ARTICLE 3 - DEVELOPMENT REVIEW

Division 2. General Development Review Procedures

Section 3-206. Building site determination.

F. When reviewing and providing a recommendation on an application for conditional use for a building site determination, the Planning ~~Department~~ and Zoning Division, Planning and Zoning Board and the City Commission shall consider and evaluate the request together with a proposed site plan and provide findings that the application satisfies ~~at least four (4)~~ of the following ~~six (6)~~ criteria:

- ~~1. That exceptional or unusual circumstances exist, that are site specific such as unusual site configuration or partially platted lots, or are code specific such as properties having two (2) or more zoning and/or land use designations, multiple facings or through block sites, which would warrant the separation or establishment of a building site(s).~~
- ~~2. That the building site(s) created would be equal to or larger than the majority of the existing building site frontages of the same zoning designation within a minimum of one thousand (1,000) foot radius of the perimeter of the subject property or extending no farther than the immediate vicinity, whichever is less. "Immediate vicinity" shall be defined as an area in which a parcel of land is located, that is physically, functionally or geographically identifiable as a distinct realm, place or neighborhood, or an area within a radius of not more than one half (1/2) mile from the subject property, whichever is smaller.~~
- ~~3. That the building site(s) separated or established would not result in any existing structures becoming non-conforming as it relates to setbacks, lot area, lot width and depth, ground coverage and other applicable provisions of the Zoning Code, CP and City Code. The voluntary demolition of a building which eliminates any of the conditions identified in this criterion shall not constitute or result in compliance with this criterion.~~
- ~~4. That no restrictive covenants, encroachments, easements, or the like exist which would prevent the separation of the site. The voluntary demolition of a building which eliminates any of the conditions identified in this criterion shall not constitute or result in compliance with this criterion.~~
- ~~5. That the proposed building site(s) maintains and preserves open space, promotes neighborhood compatibility, preserves historic character, maintains property values and enhances visual attractiveness of the area.~~
- ~~6. That the building site(s) created was purchased as a separate building(s) by the current owner prior to September 17, 1977.~~

1. That the building site(s) created would have a lot area equal to or larger than the majority of the existing building sites of the same zoning designation within a minimum of one thousand (1,000) feet of the perimeter of the subject property.
2. That the application satisfies at least four (4) of the following six (6) criteria:
 - a. That exceptional or unusual circumstances exist, that are site specific such as unusual site configuration or partially platted lots, or are code specific such as properties having two (2) or more zoning and/or land use designations, multiple facings or through-block sites, which would warrant the separation or establishment of a building site(s).
 - b. That the building site(s) created would have a street frontage, golf course frontage (if applicable), and water frontage (if applicable) equal to or larger than the majority of the existing building sites of the same zoning designation within a minimum of one thousand (1,000) feet of the perimeter of the subject property. For a cul-de-sac building site(s), the comparison of street frontages and water frontages (if applicable) shall include those similarly situated cul-de-sac building sites within one thousand (1,000) feet.
 - c. That the building site(s) separated or established would not result in any existing structures becoming non-conforming as it relates to setbacks, lot area, lot width and depth, ground coverage and other applicable provisions of the Zoning Code, Comprehensive Plan and City Code. The voluntary demolition of a building or structure within the last ten (10) years which eliminates any of the conditions identified in this criterion shall result in non-compliance with this criterion.
 - d. That no restrictive covenants, encroachments, easements, or the like exist which would prevent the separation of the site. The voluntary demolition of a building or structure within the last ten (10) years which eliminates any of the conditions identified in this criterion shall result in non-compliance with this criterion.
 - e. That the proposed building site(s) maintains and preserves open space and specimen trees, promotes neighborhood compatibility, preserves historic character, maintains property values and enhances visual attractiveness of the area.
 - f. That the building site(s) created has been owned by the current owner continuously for a minimum of ten (10) years prior to an application submittal for conditional use for a building site determination.
- G. Conditions of approval (if applicable). If an application is recommended for approval, the Planning Department and Zoning Division, Planning and Zoning Board, and City Commission may prescribe conditions, restrictions or safeguards deemed necessary to satisfy the provisions within this Section. The following conditions are the minimum required for an approval:

1. The total square footage of the residences allowed on the separated building sites shall be equal to or less than the total square footage that could be constructed on the property if developed as a single building site.
2. The new single-family residences constructed on the separated building sites shall meet all applicable requirements of the Zoning Code, and no variances shall be required or requested.
3. The plans depicting the site plans and elevations of the residences on the separated building sites and submitted as part of the conditional use application shall be made part of the approval. Any changes to the plans are subject to Sec. 3-410 of the Zoning Code.
4. A bond shall be required to ensure the timely removal of any non-conformities as a result of the building site separation approval.

ARTICLE 8 - DEFINITIONS

Demolition, voluntary means the act or process of wrecking, destroying or removing any building or structure or any part thereof that has not occurred as a result of natural disaster.

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

- Goal FLU-1. Protect, strengthen, and enhance the City of Coral Gables as a vibrant community ensuring that its neighborhoods, business opportunities, shopping, employment centers, cultural activities, historic value, desirable housing, open spaces, and natural resources make the City a very desirable place to work, live and play.
- Objective FLU-1.9. Encourage sound innovation in the development standards of the City's Zoning Code which provides a continuing process to respond to community needs.
- Objective FLU-2.1. The City shall develop, maintain, and implement land development regulations that serve to regulate the form, function, and interplay of land use, development, and associated activities, further the City's Comprehensive Plan, and are consistent and compatible with County, State, and Federal plans and regulations.

- Goal DES-1. Maintain the City as a livable city, attractive in its setting and dynamic in its urban character.
- Objective DES-1.1. Preserve and promote high quality, creative design and site planning that is compatible with the City's architectural heritage, surrounding development, public spaces and open spaces.
- Policy DES-1.1.1. Promote and support George Merrick's vision consistent with the established historic and cultural fabric of the City.
- Policy DES-1.1.2. Provide for rigorous design guidelines, standards, and review processes via the City's Zoning Code that ensure high quality design of buildings and spaces.
- Policy DES-1.1.3. Ensure that the design of buildings and spaces in historic areas of the City complements, is compatible with, does not attempt to imitate and does not undermine the City's historic character.
- Policy DES-1.1.5. Promote the development of property that achieves unified civic design and proper relationship between the uses of land both within zoning districts and surrounding districts, by regulating, limiting and determining the location, height, density, bulk and massing, access to light and air, area of yards, open space, vegetation and use of buildings, signs and other structures.
- Policy DES-1.1.6. Maintain the character of the residential and nonresidential districts, and their peculiar suitability for particular uses.
- Policy DES-1.1.7. Preserve residential properties to assure that future development will be in conformity with the foregoing distinctive character, with respect to type, intensity, design and appearance.
- Objective HOU-1.2. Promote sound, aesthetically pleasing housing.
- Policy HOU-1.2.3. Aesthetic compatibility and visual harmony shall be considered as bona fide criteria in reviewing requests for residential housing.
- Policy HOU-1.2.6. New development shall be compatible with adjacent established residential areas.
- Policy HOU-1.2.7. New housing shall be designed and located that ensures the preservation of the unique character of the City's existing neighborhoods.

6. PUBLIC NOTIFICATION

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

Type	Date
Posted agenda on City web page/City Hall	01.29.16
Legal advertisement	01.29.16
Posted Staff report on City web page	02.05.16

7. STAFF RECOMMENDATION

The Planning and Zoning Division recommends approval.

8. ATTACHMENTS

A. 01.29.16 Legal notice 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, FLORIDA - LOCAL PLANNING
AGENCY / PLANNING AND ZONING BOARD - FEB. 10, 2016

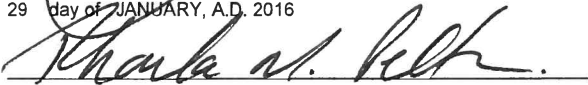
in the XXXX Court,
was published in said newspaper in the issues of

01/29/2016

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
29 day of JANUARY, A.D. 2016



(SEAL)

MARIA MESA personally known to me



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

**CITY PUBLIC HEARING
DATES / TIMES**

**LOCAL PLANNING AGENCY / PLANNING
AND ZONING BOARD WEDNESDAY, FEB
RUARY 10, 2016, 6:00 - 9:00 P. M.**

LOCATION

**CITY COMMISSION CHAMBERS,
CITY HALL, 405 BILTMORE WAY, COR
AL GABLES, FLORIDA, 3313 4**

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:

Items 1 through 3 are related.

1. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the text of the City of Coral Gables Comprehensive Plan, Future Land Use Element, Policy FLU-1.1.2, "Table FLU-1. Residential Land Uses", pursuant to expedited state review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 3, "Development Review", Division 15, "Comprehensive Plan Text and Map Amendments;" amending the "Residential Multi-Family Medium Density" Land Use Classifications to provide a maximum 100 units/acre density and a maximum 120' height for towers for projects developed in accordance with the Mediterranean Design Transitional Overlay District Zoning Code Regulations; providing for a repealer provision, providing for a severability clause, and providing for an effective date. (LPA review) (This item was continued from the January 13, 2016 Planning and Zoning Board meeting)
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 4, "Zoning Districts," Section 4-104, "Multi-Family Special Area District" to allow for a "Mediterranean Design Transitional Overlay District" Conditional Use with form-based development standards that modify and supplement the existing Multi-Family Special Area District standards and criteria to allow appropriate infill and redevelopment in transition areas between lower density residential development and high intensity commercial and residential development if certain minimum requirements are met; providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date. (This item was continued from the January 13, 2016 Planning and Zoning Board meeting)

3. A Resolution of the City Commission of Coral Gables, Florida requesting Conditional Use Site Plan Review pursuant to Zoning Code Article 3, "Development Review", Division 4, "Conditional Uses", Article 4, "Zoning Districts," Division 4, "Multi-Family Special Area District," Section 4-104.C., "Conditional Uses," and Appendix D, "Mediterranean Design Transitional Overlay District" for the proposed project referred to as "Villa Valencia" on the property legally described as Lots 24-38, Block 7, Biltmore Section (510 - 525 Valencia Avenue), Coral Gables, Florida; including required conditions; providing for a repealer provision, providing for a severability clause, and providing for an effective date. (This item was continued from the January 13, 2016 Planning and Zoning Board meeting)
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 5, "Development Standards," Division 14, "Parking, Loading, and Driveway Requirements," Section 5-1410, "Shared parking reduction standards" creating provisions for shared parking reductions as a part of a mixed use site plan or planned area development; providing for repealer provision, severability clause, codification, and providing for an effective date. (This item was continued from the October 14, 2015 Planning and Zoning Board meeting)
5. 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 4, "Zoning Districts," adding Section 4-206, "Giralda Restaurant Row Overlay" to allow for modified requirements with form-based development standards that modify and supplement the existing Commercial District standards and criteria for the 100 block of Giralda Avenue, legally described as Lots 21-37, Block 29, and Lots 3-24, Block 33, Section L, to allow appropriate infill and redevelopment that enhances the character of Restaurant Row; providing for a repealer provision, providing for a severability clause, providing for codification, and providing for an effective date.
6. 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 3, "Development Review," Division 2, "General Development Review Procedures," Section 3-206, "Building, site determination"; and, Article 8, "Definitions," amending the requirements for applications for a building site separation and creating a definition for voluntary demolition; providing for repealer provision, severability clause, codification, and providing for an effective date.
7. 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 2, "Decision Making and Administrative Bodies"; Article 3, "Development Review"; Article 4, "Zoning Districts"; Article 5, "Development Standards"; and, Article 8, "Definitions" to address tie vote, Transfer of Development Rights, garage facades, restaurant walk-up windows, parking and bay windows; providing for repealer provision, severability clause, codification, and providing for an effective date.

8. 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 adding Article 5, "Development Standards", Division 13 "Miscellaneous Construction Requirements", Section 5-1302, "Sustainability Standards", to incorporate "green" building standards on certain new construction projects in excess of 20,000 square feet; 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 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 for participation in the proceedings or the materials in accessible format should contact Ernesto Pino, Assistant Public Works Director at 305.460.5004, no less than three working days prior to the meeting. All meetings are telecast live on Coral Gables TV Channel 77.

1/29

16-85/0000074459M