



City of Coral Gables Planning and Zoning Staff Report

Applicant:	City of Coral Gables
Application:	<u>Multi-Family 3 (MF3) Side Setback Zoning Code Text Amendment</u>
Public Hearing:	Planning and Zoning Board
Date & Time:	March 9, 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 of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Section 2-100, "Residential Districts," to increase the interior side setback of certain Multi-Family 3 (MF3) properties; providing for severability, repealer, codification, and for an effective date.

2. APPLICATION SUMMARY

As requested by the City Commission, the City is proposing a Zoning Code text amendment to increase the interior side setback of townhouses and rowhouses to 5 feet when abutting a developed property. There is currently no interior side setback for townhouses, unless abutting a designated historic building. The proposed text amendment is requiring a 5-foot interior side setback when abutting any developed property. The text amendment also allows the Board of Architects to recommend a variance to the Board of Adjustment for the 5-foot interior side setback requirement when found compatible with the surrounding buildings.

BACKGROUND

The Multi-Family 3 (MF3) is a townhouse zoning district that was created from the Zoning Code Update to reflect the development rights of the Multi-Family Low Density land use designation of the Comprehensive Plan. Many regulations in the MF3 zoning district were transferred from the former Multi-Family Special Area (MFSA), including the interior side setback of 0 feet. However, there have been issues constructing townhouses with a 0-foot setback next to existing multi-family buildings. Therefore, the text amendment proposed is to require a 5-foot interior side setback when abutting a developed property but allowing the Board of Architects to recommend a variance to the Board of Adjustment when needed to assure compatibility.

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	03.09.22
City Commission – 1 st Reading	TBD
City Commission – 2 nd Reading	TBD

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

PUBLIC NOTICE	DATE
Legal advertisement	02.25.22
Posted agenda and Staff report on City web page/City Hall	03.04.22

4. FINDINGS OF FACT

The requests are Text Amendments to Section 2-104 “Multi-Family 3 (MF3) District” in Article 2 “Zoning Districts.” 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 promote the welfare and safety of the abutting properties of developing townhouse projects. The additional space on the interior side will allow construction of the townhouses without needing temporary access of the abutting property.
b. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed amendment does not directly impact the residential use which is allowed 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 does not affect the densities nor intensities of the residential land uses.
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 of a 5-foot interior side setback 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 of an interior setback does not directly conflict with the objectives and policies of the Comprehensive Plan.

Staff comments:

The proposed text amendments to Section 2-104 “Multi-Family 3 (MF3) District” in Article 2 “Zoning Districts” of the Zoning Code requires a 5-foot interior side setback. The additional side setback will allow the space necessary to construct the side of the townhouses without the temporary access from the abutting property. This proposed addition further protects the integrity of residential neighborhoods, which fulfils many goals, objectives, and policies of the Comprehensive Plan. 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 of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, “Zoning Districts,” Section 2-100, “Residential Districts,” to increase the interior side setback of certain Multi-Family 3 (MF3) properties; providing for severability, repealer, codification, and for an effective date.

Staff recommends Approval.

6. ATTACHMENTS

- A. Proposed text amendment.
- B. Legal advertisement 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, Ph.D., AIA, AICP, LEED AP
Assistant Director of Development Services
for Planning and Zoning
City of Coral Gables, Florida

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 4, “ZONING DISTRICTS,” SECTION 2-100, “RESIDENTIAL DISTRICTS,” TO INCREASE THE INTERIOR SIDE SETBACK OF CERTAIN MULTI-FAMILY 3 (MF3) PROPERTIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, at the request of the City Commission, Staff has drafted a Zoning Code text amendment to require an interior side setback for townhouses abutting a developed property in a Multi-Family 3 (MF3) zoning district subject to the Board of Architects recommending a variance to the interior side setback when needed for compatibility with surrounding buildings; and

WHEREAS, the former Multi-Family Special Area (MFSA) did not require an interior side setback for townhouses; and

WHEREAS, many provisions in the recently-adopted Multi-Family 3 (MF3) zoning district were transferred from the former MFSA zoning district for townhouses, including the interior side setback of zero; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on March 9, 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 of interior side setbacks for certain MF3 properties as directed by the City Commission; 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, included below:

Article 2. Zoning Districts

Section 2-100. Residential Districts.

Section 2-104. Multi-Family 3 (MF3) District.

D. Performance standards. The following performance standards shall govern the general development of structures in this District. Where there are specific standards for properties that are specifically set forth in Appendix A. Site Specific Zoning Regulations, the regulations in Appendix A shall apply.

4. Setback and stepback requirements. To create high quality public spaces and promote neighborhood character, all buildings setbacks shall be as per Section 2-100, Residential Districts Table and shall meet the following minimum requirements:

a. Front setback.

- i. Townhouses/row houses and multi-family buildings. Ten (10) feet.
- ii. Stoops and porches: Five (5) feet.

b. Side setbacks.

i. Townhouses/rowhouses. None, at interior property line, five (5) feet if abutting any parcel developed property with designated historic building. The Board of Architects may recommend a variance to the Board of Adjustment for the interior side setback when needed for compatibility with surrounding buildings. Ten (10) feet abutting a street.

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.

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 - MAR
. 9, 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

02/25/2022

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
25 day of FEBRUARY, A.D. 2022

Christina Lynn Ravix

(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, March 9, 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 1, "General Provisions," Section 1-108, "Transitional Rules," to clarify that allowed existing uses of property or permitted as a conditional use of property within the city prior to the effective date of the Zoning Code Update Ordinance No. 2021-07 shall remain in effect as a permitted use of property or a conditional use of property upon the adoption of Ordinance No. 2021-07; providing for retroactive application; providing for severability, repealer, codification, and an effective date.
2. An Ordinance of the City of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Section 2-100, "Residential Districts," to increase the interior side setback of certain Multi-Family 3 (MF3) properties; providing for severability, repealer, codification, and for an effective date.
3. An Ordinance of the City Commission of Coral Gables approving the vacation of a public alleyway pursuant to Zoning Code Article 14, "Process," Section 14-211, "Abandonment and Vacations" and City Code Chapter 62, Article 8, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process," providing for the vacation of the east-west public alleyway lying between lots 1-12 and lots 35-46, Block 10, Coral Gables Crafts Section, according to the plat thereof recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida; providing for substitute perpetual access and utility easement, setting forth terms and conditions; providing for an effective date. (LEGAL DESCRIPTION ON FILE) Alley Vacation.

Local Planning Agency/ Planning And Zoning Board

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 amending Appendix A, "Site Specific Zoning Regulations," Section A-36, "Crafts Section," by removing the number of stories and height limitations for the property legally described as Lots 1-12 and lots 35-46, Block 10, Coral Gables Crafts Section, Coral Gables, Florida; providing for a repealer provision, severability clause, codification, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) Text Amendment.
5. An Ordinance of the City Commission of Coral Gables, Florida granting approval of a Planned Area Development (PAD) pursuant to Zoning Code Article 14, "Process," Section 14-206, "General Procedures for Planned Area Development" for a mixed-use project referred to as "Regency Tower" on property legally described as Lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, and lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) PAD
6. A Resolution of the City Commission of Coral Gables, Florida approving receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 14, "Process," Section 14-204.6, "Review and approval of use of TDRs on receiver sites," for the receipt and use of TDRs for the Mixed-Use project referred to as "Regency Tower", on property legally described as Lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) TDRs
7. A Resolution of the City Commission of Coral Gables, Florida granting approval for Conditional Use Mixed-Use Site Plan pursuant to Zoning Code Section 2-200 "Mixed Use Districts" for a mixed-use project referred to as "Regency Towers" on property legally described as Lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, and lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) Conditional Use Site Plan

The Planning and Zoning Board will be holding its regular board meeting on Wednesday, March 9, 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) once the meeting's agenda is published, or by sending an email to 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) 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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