

**CITY OF CORAL GABLES**

**CITY ATTORNEY'S OFFICE**

**M E M O R A N D U M**

**TO:** Mayor and City Commissioners  
**FROM:** Miriam Soler Ramos, City Attorney  
**RE:** Concerns regarding 10/12/2021 version of:

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 5, "ARCHITECTURE," SECTION 5-200, "MEDITERRANEAN STANDARDS" INCLUDING REPRIORITIZING THE PURPOSE OF THE MEDITERRANEAN BONUS, ENCOURAGING CORAL GABLES MEDITERRANEAN ARCHITECTURAL STYLE, EXPANDING REVIEW PROCESS, REINFORCING COMPATIBILITY AND CONTEXT REVIEW STANDARDS, AND REDUCING EXTRANEIOUS CRITERIA AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND FOR AN EFFECTIVE DATE

**DATE:** October 6, 2021

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This memo is intended to memorialize concerns, for the City Commission's consideration, relating to certain aspects of the Ordinance, scheduled to be considered on first reading at the October 12, 2021 Commission meeting, providing for text amendments to Section 5-200, "Mediterranean Standards," of the City's Zoning Code, as proposed by the Blue Ribbon Committee established for said purpose. (Exhibit A)

1. In subsection A(1)(a), the term "special allowances" is problematic because it is not defined. The subsection already contains the term "bonuses," therefore, the recommendation is to either strike the term "special allowances," as it is likely not necessary, or define it.
2. In subsection A(6), the new language is problematic because it does not set forth a list of factors or criteria to be used in order to establish the level of proportionality. The language is set forth below:  
"Application for new construction and conversions of existing non-Coral Gables Mediterranean Style shall be eligible for development bonuses in proportion to the extent of said changes as determined by the Board of Architects."
3. In subsection A(8)(b)(i) and (v), the addition of "conceptual" and "preliminary" review by the Board of Architects is problematic. It is unclear what "conceptual" review is supposed to entail, and it is unclear what an additional "preliminary" review means, when there is already a preliminary Board of Architects review existing in the current process.

4. In subsection A(8)(c)(i), the words “compatibility with the zoning regulations” are problematic because projects should not be “compatible” with zoning regulations; instead, projects should “comply” with zoning regulations.
5. In subsection A(9)(d), the new language is problematic because it does not establish a process for review. The language states:

“Compatibility with the Historic City Plan shall be reviewed by the Planning Department in consultation with the Historic Resources Department and the Board of Architects.”

The preferred language would provide for a review and recommendation by the departments to the Board of Architects.

6. In Table 1, No. 2, it would be beneficial to have “Pedestrian Architectural Feature” defined by example so as to provide clarity to applicants.
7. In subsections (C) and (F), the new language is confusing as the Comprehensive Plan is the ceiling and the Zoning Code is the floor. The Zoning Code must be consistent with the Comprehensive Plan and, indeed, implements the Comprehensive Plan.
8. In subsections (D) and (G), a reduction in height is proposed. An explanation of how the currently allowed height was arrived at is set forth in the memo prepared by Mr. Trias and attached hereto as Exhibit B.
9. In subsection (E)(2)(a), the phrase “substantially comply with all qualifications in Table 2,” is problematic because it sets forth no objective standard or criteria. If the concern is that full compliance may not be possible in certain cases, then a preferred option is to set forth a list of criteria and supply an alternative for compliance with certain criteria.
10. In Table 2, No. 3, the new language results in the Board of Architects having the authority to grant a variance without any standards.
11. In Table 2, No. 9, the removal of review of types of pavers by the Public Works Department is problematic because it does not allow for required technical review to ensure compliance with FDOT and other traffic standards.
12. In Table 3, No. 1, the removal of objective standards is problematic.