

# City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables

Application: Zoning Code Text Amendment: Board of Architects Membership

Public Hearing: Planning and Zoning Board

Date & Time: April 13, 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 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 14-103.2, "Membership; Terms; Vacancies; Removal," to allow a percentage of the Board of Architects members to not be residents or have their principal place of business in the City of Coral Gables; providing for severability, repealer codification, and an effective date.

#### 2. APPLICATION SUMMARY

The City is proposing a Zoning Code text amendment to increase the options of architects to serve on the Board of Architects by allowing some board members to live or have their principal place of business outside of the City of Coral Gables. Currently all members of the Board of Architects are required to be residents or have a Coral Gables-based business. The proposed text amendment is now only requiring no less than 50% of the board members to have this qualification.

#### Background

On March 1, 2022, the Planning & Zoning Board reviewed a similar proposed text amendment that required a least 5 board members to be residents or Coral Gables-based businesses. The Board discussed if the regulation should be a percentage instead and what that percentage should be. After the discussion, the Planning & Zoning Board decided to recommend approval (vote: 6-0).

After the March Planning & Zoning Board, Staff revised the proposed text amendment to require that no less than 50 percent of the Board's membership be composed of residents.

#### 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	03.01.22
Planning and Zoning Board	04.13.22
City Commission – 1 <sup>st</sup> Reading	TBD
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 (January PZB)	12.30.21
Posted agenda and Staff report on City web page/City Hall	01.07.22
Legal advertisement (February PZB)	01.28.22
Posted agenda and Staff report on City web page/City Hall	02.04.22
Legal advertisement (March PZB)	02.18.22
Posted agenda and Staff report on City web page/City Hall	02.25.22
Legal advertisement (April PZB)	04.01.22
Posted agenda and Staff report on City web page/City Hall	04.08.22

#### 4. FINDINGS OF FACT

The request is a Text Amendment to Section 14-103.2 "Membership; Terms; Vacancies; Removal" in Article 14 "Process." The proposed changes are provided in Attachment A in strikethrough / 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 a greater pool of architects to serve on the Board of Architects which will lessen the burden of commitment of the resident architects.
b. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed amendment does not affect any uses permitted 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 any 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 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 is to allow a larger selection of architects that may be willing to donate time and serve on the Board of Architects, which may result in quality design as set forth in the Design Element.

#### Staff comments:

The proposed text amendment to Section 14-103.2 of the Zoning Code provides for the ability of architects that do not live or practice within the city limits of Coral Gables to serve on the Board of Architects. This expansion of the qualifications fulfils the many goals, objectives, and policies of the Comprehensive Plan that promote quality design principles. 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 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 14-103.2, "Membership; Terms; Vacancies; Removal," to allow a percentage of the Board of Architects members to not be residents or have their principal place of business in the City of Coral Gables; providing for severability, repealer codification, and an effective date.

#### Staff recommends **Approval**.

#### 6. ATTACHMENTS

- A. Draft Ordinance with proposed text amendment.
- B. Excerpt from 03.01.22 PZB meeting.
- C. 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 & Zoning

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 14-103.2, "MEMBERSHIP; TERMS; VACANCIES; REMOVAL," TO ALLOW A PERCENTAGE OF THE BOARD OF ARCHITECTS MEMBERS TO NOT BE RESIDENTS OR HAVE THEIR PRINCIPAL PLACE OF BUSINESS IN THE CITY OF CORAL GABLES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Staff has drafted a Zoning Code text amendment to increase the options of architects to serve on the Board of Architects by allowing some board members to live or have their principal place of business outside of the City of Coral Gables; and

WHEREAS, currently all members of the Board of Architects are required to be residents or have a Coral Gables-based business; and

**WHEREAS**, after notice was duly published, the January 12, 2022, Planning and Zoning Board meeting was cancelled due to lack of quorum; and

**WHEREAS**, after notice was duly published, a public hearing was held before the Planning and Zoning Board on February 9, 2022, at which hearing the Board deferred the item to the next Board meeting; and

**WHEREAS**, after notice was duly published, a public hearing was held before the Planning and Zoning Board on March 1, 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: 6 to 0) of the text amendment; and

**WHEREAS**, Staff has revised the proposed Zoning Code text amendments to limit the composition of the board members by percentages; and

**WHEREAS**, after notice was duly published, a public hearing was held before the Planning and Zoning Board on April 13, 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; 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 14. Process**

#### Section 14-103.2. Membership; Terms; Vacancies; Removal.

#### A. Membership.

- 1. The Board of Architects shall be composed of at least seven (7) members who serve as either regular or alternate members, depending on their designation at appointment.
- 2. The City Manager, subject to the approval of the City Commission, shall appoint all regular and alternate members of the Board of Architects, considering the following qualifications:
  - a. Each member shall have been a registered architect or landscape architect responsible for the design and construction of projects within the City of Coral Gables during the last five (5) years and shall have a minimum of ten (10) years experience in their profession.
  - b. Each member No less than fifty percent (50%) of the members shall either be a resident or have their principal place of business in the City of Coral Gables.

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### 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.

<u>SECTION 5.</u> 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.

MIRIAM SOLER RAMOS

**CITY ATTORNEY** 

	AND ADOPTED THIS _	DAY OF	_, A.D., 2022.
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`	Vote)		
(,	voic)		
		APPROVED:	
		VINCE LAGO	
		MAYOR	
		WATOK	
ATTEST:		APPROVED AS	TO FORM
		AND LEGAL SU	JFFICIENCY:

BILLY Y. URQUIA

CITY CLERK

	Page 113		Page 114
1	MR. TORRE: Here's where I'm lost, okay.	1	CHAIRMAN AIZENSTAT: We have a motion.
2	There's a Noise Ordinance that applies in	2	MS. MIRO: I just wanted to put on the
3	certain places of the City. I know a place,	3	record that I'm all for giving the City more
4	that sits next to another place, and the noise	4	tools to be able to do their job, but I would
5	is very objectionable to one party, totally a	5	have felt more comfortable if they had a
6	problem. The police gets called. Finally the	6	laundry list of, hey, this is an issue. But
7	Chief comes by and says, "You either be quiet	7	you're coming to me and you're telling me this
8	or I'm going to shut you down." Under what	8	is a once in a blue moon, and, then, you
9	terms can he shut them down? It's Zoning. All	9	know you should have had that information to
10	he can do is say, you're not following the	10	be ready to answer those questions as to why,
11	Zoning Code, I'm going to shut you down.	11	you know, we're doing this, so that we don't
12	What does that mean? Until I know what	12	have to ask the City Attorney why she's, you
13	that means, I can't tell you I'm going to go	13	know, asking for this.
14	beyond that and give more power or less power.	14	CHAIRMAN AIZENSTAT: We have a motion. Is
15	What does that mean?	15	a there a second?
16	MR. TRIAS: You may recall the noise	16	
17	discussion. We had a scientist here playing		MR. WITHERS: I'll second it.
18	noise and explaining, this is noise, et cetera.	17	CHAIRMAN AIZENSTAT: Chip seconds. Any
19	You can endlessly micromanage. I think that,	18	further discussion?
20	at the end of the day, you know, my only advice	19	MR. WITHERS: Oh, one last thing, I think
21	to you is that we need a document that is	20	it's a good idea what Venny said, though, of
22	practical and can be used. We cannot list	21	the City Attorney coming and saying what was
23	it's impossible to list all of the possible	22	the impetus to move this forward, is there an
24	uses. That's just not realistic.	23	issue out there that we're not aware of. I
25	MR. BEHAR: You can't.	24	mean, I don't know how the rest of you feel.
	Tou cant.	25	MR. COLLER: A motion to defer is always in
	Page 115		Page 116
1	Page 115 order, that's the choice of the Board.	1	Page 116 Article 14, "Process," Section 14-103.2,
1 2		1 2	
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2	order, that's the choice of the Board.  MR. BEHAR: There's a motion to deny and a	2	Article 14, "Process," Section 14-103.2, "Membership; Terms; Vacancies; Removal," to
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1	CHAIRMAN AIZENSTAT: Do we have any	1	the City Manager. That's the process.
2	speakers?	2	CHAIRMAN AIZENSTAT: Understood.
3	THE SECRETARY: No.	3	MR. BEHAR: If you close the public
4	CHAIRMAN AIZENSTAT: No speakers? I'll	4	CHAIRMAN AIZENSTAT: I already did.
5	close it for public comment.	5	MR. BEHAR: I'll make a motion to approve
6	Chip.	6	it.
7	MR. WITHERS: I'm going to defer it to the	7	MR. WITHERS: Second.
8	distinguished colleagues to my right that deal	8	MS. MIRO: I didn't get a chance to say
9	with this day to day, because I have really no	9	anything.
10	opinion on this, because I don't know what the	10	MR. TORRE: So we want to remove the
11	advantages or disadvantages are. I understand	11	provision of the City Manager being allowed
12	the advantage, that bringing in outside views	12	MR. BEHAR: That's the way it is today.
13	is good. I understand that we might need more	13	CHAIRMAN AIZENSTAT: We have a motion by
14	physical bodies. That's good.	14	Robert. Who made the second?
15	MR. BEHAR: And, Chip, I think that's	15	Venny made the second.
16	probably one of the reasons, to be able to	16	MR. BEHAR: I'm going to accept
17	bring more, you know, opportunities, that not	17	MR. REVUELTA: I don't know. Wait. Is
18	to just limit because you have the same	18	this going to be open for discussion?
19	Board Member year after year to serve, because	19	CHAIRMAN AIZENSTAT: Yes. Claudia.
20	there's not a bigger pool.	20	MS. MIRO: Okay.
21	MR. TRIAS: And the members are appointed	21	MR. REVUELTA: Go ahead.
22	by the City Manager, by the way.	22	Venny seconded it.
23	CHAIRMAN AIZENSTAT: Say that again,	23	CHAIRMAN AIZENSTAT: Claudia, you wanted
24	please.	24	to
25	MR. TRIAS: The members are appointed by	25	MS. MIRO: Oh, yeah, I just wanted to say
			Page 120
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1 2	something. So I hear what you're saying about, you know, opening up the pool to a larger, I	1 2	
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	Page 121		Page 122
1	MS. MIRO: Right, but he's saying, what if	1	MR. WITHERS: So is there going to be
2	we have a hundred architects and only five are	2	restrictions on the three? Does it have to be
3	from here.	3	one of the three?
4	MR. REVUELTA: Then there is an automatic	4	MR. TRIAS: I don't think so, at this
5	cap.	5	point.
6	MR. TRIAS: Right.	6	MR. WITHERS: So it could be, two of the
7	MR. REVUELTA: Five have to be from here	7	three can be out of town?
8	and two	8	MR. TRIAS: Possibly, foreigners from other
9	MR. TRIAS: You could have a hundred	9	countries. Who knows. Maybe Robert Stern
10	members, yes, that is true. So we don't have	10	comes from New York over the weekend.
11	that, and the idea is that right now I think we	11	CHAIRMAN AIZENSTAT: Any other discussion?
12	have eight. I think that's the number. I	12	We have a motion and a second. No?
13	mean, it's never been more than that. So we	13	MR. BEHAR: I made a motion.
14	could change that if	14	CHAIRMAN AIZENSTAT: Right. We have a
15	MR. BEHAR: To fifty percent.	15	motion and a second.
16	MR. REVUELTA: I could see 50 percent	16	
17	MR. TRIAS: Yeah. It's just that it was	17	MR. REVUELTA: Is your motion saying that
18	easier to say, five, so we can count, as	18	at least a certain percentage of the Board needs to be residents or we're leaving it up
19	opposed to fifty percent, because, oh, two of		·
20	them resigned, so now it's not 50 percent	19	to
21	anymore, so	20	MR. TORRE: It says, "Five minimum."
22	MR. WITHERS: The Board of Architects has,	21	MS. MIRO: But then you guys just said 50
23	what, a three person hearing and then a full	22	percent.
24	Board hearing? Is that how it works?	23	MR. REVUELTA: Sometimes it's seven and
25	MR. TRIAS: Yes.	24	sometimes it's eight. There will never be a
		25	case that there's ten members.
	Page 123		Page 124
1	I'm in agreement with Robert, that it	1	CHAIRMAN AIZENSTAT: Yes.
2	shouldn't be fifty percent, but I think a	2	MR. BEHAR: Then, for the record, I want to
3	percentage, between 25 and 30	3	nominate Mr. Revuelta to serve on the Board of
4	MR. BEHAR: Listen	4	Architects.
5	MR. TRIAS: When I bring something to you,	5	MR. REVUELTA: What? There are no
6	it's from a point of view of making it easy to	6	vacancies.
7	implement. That's why it's written that way.	7	MR. TRIAS: What a great idea that is,
8	MR. BEHAR: I will go ahead for	8	Robert.
9	clarification, make a motion for approval with	9	CHAIDMAN AIZENGTATE OL . I
_		1 -	CHAIRMAN AIZENSTAT: Okay. Let's go on to
10	a condition as presented to us.	10	the next item. The next item is E-6. Mr.
			,
10	a condition as presented to us.	10	the next item. The next item is E-6. Mr.
10 11	a condition as presented to us.  MR. TORRE: Second.	10 11	the next item. The next item is E-6. Mr. Coller.
10 11 12	a condition as presented to us.  MR. TORRE: Second.  CHAIRMAN AIZENSTAT: We have a second.	10 11 12	the next item. The next item is E-6. Mr. Coller. MR. COLLER: Item E-6, an Ordinance of the
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#### 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 - HYBRID
MEETING ON ZOOM PLATFORM - LOCAL PLANNING AGENCY
/ PLANNING AND ZONING BOARD - APR. 13, 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

04/01/2022

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

Sworn o and subscribed before me this

1 day of APRIL, A.D. 2022

(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 Location Local Planning Agency / Planning and Zoning Board Wednesday, April 13, 2022, 6:00 p.m. 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 amending Article 14, "Process", Section 14-200, "Procedures", Section 14-202, "General Development Review Procedures", Section 14-202, "Certificate of Use", to provide the City Manager or designee with authority to deny, suspend, or revoke a certificate of use under specific circumstances; providing for severability, repealer, codification, and an effective date.
- 2. 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 14-103.2, "Membership; Terms; Vacancies; Removal," to allow a certain percentage of the Board of Architects members to not be residents or have their principal place of business in the City of Coral Gables; providing for severability, repealer, codification, and 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 14-204, "Transfer of Development Rights (TDRs)" to allow the City Commission to designate a TDR receiving site when located in a Planned Area Development (PAD); providing for severability, repealer, codification, and an effective date.
- 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 striking Appendix E "Business Improvement Overlay District (BIOD)," Section E1 "Business Improvement Overlay District (BIOD)," Subsection B(1)(D) "Temporary Window Signs/Wraps", and creating Article 11 "Signs", Section 11-101 "Purpose and Applicability", Subsection C(9) "Temporary Window Wraps", to uniformly regulate temporary window wraps within the City; providing for severability, repealer, codification, and an effective date.

## Hybrid Meeting on Zoom Platform

The Planning and Zoning Board will be holding its regular board meeting on Wednesday, April 13, 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 <a href="https://zoom.us//83788709513">https://zoom.us//83788709513</a>). 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: <a href="https://www.coralgables.com/pzb">(www.coralgables.com/pzb</a>) once the meeting's agenda is published, or by sending an email to <a href="mailto:planning@coralgables.com">planning@coralgables.com</a> prior to the meeting.

The meeting will also be broadcasted live for members of the public to view on the City's website (<a href="https://www.coralgables.com/cgtv">www.coralgables.com/cgtv</a>) 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 4/1

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