

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2015-11

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-1.1.3, "TABLE FLU-2. COMMERCIAL 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 "COMMERCIAL HIGH-RISE INTENSITY," "COMMERCIAL MID-RISE INTENSITY," AND "COMMERCIAL LOW-RISE INTENSITY" LAND USE CLASSIFICATIONS TO PROVIDE THAT (A) RESIDENTIAL USE SHALL BE PERMITTED AND (B) INTENSITY SHALL BE CONTROLLED BY A PLANNED AREA DEVELOPMENT PLAN INSTEAD OF BY FLOOR AREA RATIO, IN A PROJECT DEVELOPED IN ACCORDANCE WITH THE MEDITERRANEAN VILLAGE FORM-BASED PLANNED AREA DEVELOPMENT; AND FURTHER AMENDING THE "COMMERCIAL HIGH-RISE INTENSITY" AND "COMMERCIAL MID-RISE INTENSITY" LAND USE CLASSIFICATIONS TO PROVIDE THAT, IN SUCH A MEDITERRANEAN VILLAGE PROJECT, ADDITIONAL HEIGHT MAY BE GRANTED FOR SPECIFIED USES OR ARCHITECTURAL EMBELLISHMENT; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, an application has been received to amend the text of the Comprehensive Plan, Policy FLU-1.1.3; and

WHEREAS, the City of Coral Gables, pursuant to Florida Statutes and the City of Coral Gables Zoning Code, has designated the Planning and Zoning Board as the Local Planning Agency; and

WHEREAS, to promote public outreach and participation in the public hearing process, the City has provided the following notice: 1) required advertising per State Statutes and Department of Economic Opportunity guidelines; 2) City web page posting of the public hearing agendas; and 3) electronic mailing to interested parties; and

WHEREAS, to provide ample and effective opportunities for public participation in the City of Coral Gables governance and decision making process pursuant to the City's administrative procedures and Comprehensive Plan Goals, Objectives and Policies of the "Governance Element", the City requires the applicant to conduct a neighborhood meeting in advance of public hearings to disseminate information of the application and allow neighborhood and interested party input; and

WHEREAS, the applicant has provided courtesy notification mailing to all property owners of record within one thousand (1,000) feet of the property and conducted a neighborhood meeting on September 17, 2014 to disseminate information of the application and allow neighborhood and interested party input; and

WHEREAS, the application, legal description, ordinances, mapping, legal advertising, notices, public comments and all other supporting documentation were available for inspection and review at the City of Coral Gables Planning Department and City Clerk's office; and

WHEREAS, in advance of public hearing consideration, the City's staff analysis and recommendation are available for inspection at City of Coral Gables Planning Department and City Clerk's office and available on the City's Web page at www.coralgables.com for easy retrieval; and

WHEREAS, the applicant, Agave Ponce, LLC, has proposed Comprehensive Plan text amendments and revised them following First Reading as follows:

Amendment A.

Policy FLU-1.1.3, "Table FLU-2. Commercial Land Uses," "Commercial High-Rise Intensity"

Within a Mediterranean Village development:

1. residential use shall be permitted, and
2. the intensity of the project shall be regulated by a maximum Floor Area Ratio ("F.A.R.") of four (4.0), and shall be controlled by an approved Mediterranean Village Planned Area Development ("PAD") Plan, and
3. additional height may be granted for specified uses or provide architectural embellishment

Amendment B.

Policy FLU-1.1.3, "Table FLU-2. Commercial land uses," "Commercial Mid-Rise Intensity" and "Commercial Low-Rise Intensity"

Within a Mediterranean Village development:

1. residential use shall be permitted, and
2. the intensity of the project shall be regulated by a maximum F.A.R. of four (4.0), and shall be controlled by an approved Mediterranean Village PAD Plan; and,

WHEREAS, a public hearing was held before the Local Planning Agency (Planning and Zoning Board) of the City of Coral Gables on December 10, 2014, and February 11, 2015 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at a public hearing held on December 10, 2014, and February 11, 2015 the Local Planning Agency (Planning and Zoning Board) recommended approval (vote: 7 – 0), finding that the proposed amendments are in furtherance of the Comprehensive Plan (CP) Goals, Objectives and Policies and the Zoning Code provisions as subject to all plans, exhibits and descriptions submitted

by the applicant; and

WHEREAS, the City Commission held a public hearing on March 25, 2015 at which hearing all interested persons were afforded an opportunity to be heard, and the item was continued to a special City Commission hearing on April 2, 2015 and this application was approved on first reading (vote: 3 – 2); and

WHEREAS, amendments to the Comprehensive Plan Text are subject to Expedited State Review and are required to be transmitted to the Department of Economic Opportunity, South Florida Regional Planning Council and other review agencies for review prior to consideration by the City Commission on second reading; and

WHEREAS, after notice was duly published, a public hearing for Second Reading on the amendments to the Comprehensive Plan Text was held before the City Commission on May 26, 2015 and was continued to a special City Commission hearing on June 10, 2015, at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission, after due consideration and discussion, passed and adopted the Comprehensive Plan Text Amendments on Second Reading (vote: 3-2 Majority);

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

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The requested amendments to the City of Coral Gables Comprehensive Plan as provided below are hereby approved:¹

Policy FLU-1.1.3.

Table FLU-2. Commercial Land Uses

Classification	Description	Density/Intensity	Height
Commercial High-Rise Intensity.	This category is oriented to the highest intensity commercial uses, including residential, retail, services, office, and mixed use.	Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs). Residential use shall only be permitted as part of a mixed-use development as provided herein, <u>or a Mediterranean Village.</u> <u>The density and intensity of a project located in a Mediterranean Village is controlled by an approved Mediterranean Village PAD Plan that cannot exceed a maximum F.A.R. of 4.0 and a maximum density of 125 units per acre.</u>	Up to 150' maximum (no limitation on floors), or 190.5' maximum (with a maximum 3 additional floors) with architectural incentives per the Zoning Code. <u>The heights of structures located in a project located in a Mediterranean Village may exceed the applicable maximum, to the extent approved by the City, for those areas containing only (a) architectural embellishment or (b) a top floor (one or two level) dining and entertainment destination use open to the public.</u>

¹ Additions to Comprehensive Plan Text are shown in underline.

Commercial Mid-Rise Intensity.	This category is oriented to medium intensity pedestrian and neighborhood commercial uses, including residential, retail, services, office, and mixed use.	<p>Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs).</p> <p>Residential use shall only be permitted as part of a mixed-use development as provided herein, <u>or a Mediterranean Village.</u></p> <p><u>The density and intensity of a project located in a Mediterranean Village is controlled by an approved Mediterranean Village PAD Plan that cannot exceed a maximum F.A.R. of 4.0 and a maximum density of 125 units per acre.</u></p>	Up to 70' maximum (no limitation on floors), or 97' maximum (with a maximum 2 additional floors) with architectural incentives per the Zoning Code.
Commercial Low-Rise Intensity.	This category is oriented to low intensity pedestrian and neighborhood commercial uses, including residential, retail, services, office, and mixed use.	<p>Maximum F.A.R. of 3.0, or 3.5 with architectural incentives. Up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs).</p> <p>Residential use shall only be permitted as part of a mixed-use development as provided herein, <u>or a Mediterranean Village.</u></p> <p><u>The density and intensity of a project located in a Mediterranean Village is controlled by an approved Mediterranean Village PAD Plan that cannot exceed a maximum F.A.R. of 4.0 and a maximum density of 125 units per acre.</u></p>	Up to 50' maximum (no limitation on floors), or up to 77' maximum (with a maximum of 2 additional floors) with architectural incentives per the Zoning Code.

SECTION 3. The City Commission, pursuant to First Reading approval of the Ordinance transmitted the request, as required by State Statutes, to the Department of Economic Opportunity, South Florida Regional Planning Council and other review agencies for review prior to consideration by the City Commission on second reading. No objections were received from the review agencies.

SECTION 4. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 5. 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 6. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the City of Coral Gables, Florida, as amended.

SECTION 7. This Ordinance shall become effective 31 days after the Department of Economic Opportunity determines the amendment submittal package is complete and no petition is

filed by an affected party. If the Department of Economic Opportunity requests a hearing by the Division of Administrative Hearings, this Ordinance shall become effective upon the issuance of a final order by the Division of Administrative Hearings determining the amendment is in compliance.

PASSED AND ADOPTED THIS TENTH DAY OF JUNE, A.D., 2015.

(Moved: Quesada / Seconded: Lago)

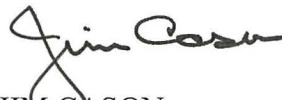
(Yeas: Keon, Quesada, Cason)

(Majority: (3-2) Vote)

(Nays: Slesnick, Lago)

(Agenda Item: A-2)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY