

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

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 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.

WHEREAS, City Staff is requesting a Zoning Code text amendment to amend the requirements for applications for a building site separation and creating a definition for voluntary demolition; and,

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on February 10, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and,

WHEREAS, the Board was presented with the text amendment to the Official Zoning Code, and after due consideration, recommended approval (vote: 4-1) of the text amendment; and,

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on March 29, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and,

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote: 4-0).

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

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 as follows¹:

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

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. The Development Review Official may determine that the comparison of building sites within one thousand (1,000) feet of the subject property shall be based on one (1) or more of the following: building sites located on the same street as the subject property; building sites with similar characteristics such as golf course frontage, water frontage, cul-de-sac frontage; and, building sites within the same platted subdivision.
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 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. If no cul-de-sac building sites exist within one thousand (1,000) feet then the comparison may be expanded to include all cul-de-sac building sites within the platted subdivision and any adjacent platted subdivision.
 - 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, as determined by the building official, to ensure the timely removal of any non-conformities as a result of the building site separation approval.

~~H. Application review criteria for annexed areas. In reviewing an application for a property or properties located within an area annexed by the City after January 1, 1995, the Planning Department, Planning and Zoning Board and the City Commission shall consider and evaluate the request and provide findings whether the application satisfies at least three (3) of the first five (5) criteria identified in Subsection F of this Section.~~

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 any disaster.

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 City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

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 _____, 2016.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2016.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY