

Zoning Code Update – Technical Corrections

Removal from Zoning Code (draft 05 01 19)

There are currently items and regulations that exist in the Zoning Code that are unnecessary or currently outdated.

These items include:

1. Developments of Regional Impact (DRI) Process and references
2. BIOD outdoor seating expedited process
3. Prohibited uses, certain streets
4. Definitions
5. Site Specific that conflicts existing site specific

ARTICLE 3 – DECISION MAKING AND ADMINISTRATIVE BODIES

* * *

Division 5. Planned Area Development

* * *

Section 3-506. Application and review procedures for approval of plans.

* * *

~~Any application for approval of a plan for a Planned Area Development which meets the definition of a development of regional impact under Chapter 28 of the Florida Administrative Code and/or Development of County Impact as defined under Chapter 33A of the Code of Metropolitan Dade County must be accompanied by the reports, studies and recommendations required for Developments of Regional Impact and/or Development of County Impact provided, however, that the provisions of Development of County Impact does not apply where the development meets the requirement of a Development of Regional Impact.~~

* * *

~~**Division 16. General Procedures for Developments of Regional Impact**~~

~~**Section 3-1601. Purpose and applicability.**~~

~~The purpose of this Division is to establish uniform procedures for the City Commission to issue development orders for developments of regional impact as authorized by Chapter 380, Florida Statutes. Where provisions of this Division directly conflict with provisions of Chapter 380, Florida Statutes, the provisions of Chapter 380, Florida Statutes shall control.~~

~~**Section 3-1602. General procedures for Developments of Regional Impact.**~~

~~**Section 3-1603. Application.**~~

~~A. All applications for development orders with regard to a development of regional impact shall be made~~

~~in writing upon an application form approved by the City, and shall be accompanied by the applicable fees.~~

- ~~B. If implementation of the proposed development of regional impact requires a comprehensive plan amendment, an application for a comprehensive plan amendment shall be filed concurrently with the application for development of regional impact approval. The application shall be considered concurrently filed if it is received no later than:~~
- ~~1. For a new development of regional impact, the pre-application conference required by Chapter 380.06(7) (a), Fla. Statutes; or~~
 - ~~2. For modification of an approved development of regional impact, the submission of an application to modify the development of regional impact.~~

~~Section 3-1604. Standards for review of Developments of Regional Impact.~~

- ~~A. An application for a development of regional impact shall be approved if it is demonstrated that the development of regional impact:~~
- ~~1. Is consistent with the Comprehensive Plan in that it:~~
 - ~~a. Does not permit uses which are prohibited in the future land use category of the parcel proposed for development.~~
 - ~~b. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use category of the parcel proposed for development.~~
 - ~~c. Will not cause a decline in the level of service for public infrastructure to a level of service which is less than the minimum requirements of the Comprehensive Plan.~~
 - ~~d. Does not directly conflict with any objective or policy of the Comprehensive Plan.~~
 - ~~2. Will provide a benefit to the City in that it will achieve two (2) or more of the following objectives:~~
 - ~~a. Improve mobility by reducing vehicle miles traveled for residents within a one-half mile radius.~~
 - ~~b. Promote high-quality development or redevelopment in an area that is experiencing declining or flat property values.~~
 - ~~c. Create affordable housing opportunities for people who live or work in the City of Coral Gables.~~
 - ~~d. Provide a net benefit to the long-term fiscal position of the City of Coral Gables.~~
 - ~~e. Implement specific objectives and policies of the Comprehensive Plan.~~
 - ~~3. Will not cause a substantial diminution of the market value of adjacent property or materially diminish the suitability of adjacent property for its existing or approved use.~~
 - ~~4. Is consistent with these regulations.~~
 - ~~5. Is consistent with the report and recommendations of the South Florida Regional Planning Council.~~
 - ~~6. Is consistent with the South Florida Regional Planning Council Strategic Regional Policy Plan for South Florida.~~
 - ~~7. Is consistent with the State Comprehensive Plan. In consistency determinations the plan shall be~~

~~construed and applied in accordance with s. 187.101(3), F.S.~~

~~B. An applicant may propose limitations regarding the use, density or intensity which will be permitted on the parcel proposed for development in order to achieve compliance with the standards of Section 3-1703(A). Such limitation(s) shall be offered by a restrictive covenant or declaration of use that is provided to the City in a recordable form acceptable to the City Attorney.~~

~~Section 3-1605. City review, report and recommendation.~~

~~A. Upon receipt of an application pursuant to this Division, the Development Review Official shall review the application in accordance with the provisions of Article 3, Division 2.~~

~~B. Upon completion of review of an application, the Development Review Official shall:~~

- ~~1. Provide the Planning and Zoning Board with a report with regard to the application's compliance with the standards set out in Section 3-1604;~~
- ~~2. Provide the Planning and Zoning Board with a recommendation as to whether the application should be approved, approved with conditions, or denied;~~
- ~~3. Provide a copy of the Development Review Official report and recommendations available to the applicant; and~~
- ~~4. Schedule hearings before the Planning and Zoning Board and the City Commission.~~

~~C. After the Planning and Zoning Board hearing, the Development Review Official shall forward the staff report and recommendation (with revisions, if appropriate) and the findings and recommendation of the Planning and Zoning Board to the City Commission.~~

~~D. The City shall provide notice of public hearings in accordance with the requirements of Article 3, Division 3. In addition to the requirements in Article 3, Division 3, such notice shall state that the proposed development is undergoing development of regional impact review.~~

~~E. In addition to the notice requirements of Article 3, Division 3, notice of public hearings shall be promptly mailed to DCA, the South Florida Regional Planning Council, any state or regional permitting agency participating in a conceptual agency review process pursuant to Section 380.06(9), F.S., and to such other persons as may have been designated by DCA as entitled to receive such notices.~~

~~F. If the application is being processed concurrently with a Comprehensive Plan amendment, Staff shall, unless the applicant agrees otherwise in writing:~~

- ~~1. Provide notice of the transmittal hearing on the Comprehensive Plan amendment pursuant to Article 3, Division 3 within thirty (30) days of the date the application for the amendment is filed; and~~
- ~~2. Schedule the public hearing on the transmittal for no later than sixty (60) days after the application for the amendment is filed.~~

~~Section 3-1606. Planning and Zoning Board review and recommendation.~~

~~A. The Planning and Zoning Board, sitting as the Local Planning Agency, shall hold a public hearing on the application after:~~

- ~~1. Notice from the South Florida Regional Planning Council that the application is complete; or~~
- ~~2. Notice from the applicant that additional information requested by the South Florida Regional~~

~~Planning Council will not be supplied.~~

~~B. The Planning and Zoning Board shall:~~

- ~~1. Make written findings with respect to whether the proposed development of regional impact is consistent with the Comprehensive Plan; and~~
- ~~2. Make a written recommendation to the City Commission with regard to whether the application should be approved, approved with conditions, or denied.~~

~~**Section 3-1607. City Commission review and decision.**~~

~~A. A public hearing date shall be set by the appropriate local government at the first scheduled meeting after:~~

- ~~1. Notice from the South Florida Regional Planning Council that the application is complete; or~~
- ~~2. Notice from the applicant that additional information requested by the South Florida Regional Planning Council will not be supplied.~~

~~B. The public hearing date shall be no later than sixty (60) days after the notices set out in Section 3-1607(A)(1) or (2), unless an extension is requested by the applicant and granted by the City Commission.~~

~~C. The City Commission shall hold two (2) public hearings after the public hearing of the Planning and Zoning Board.~~

~~D. If an application for a development of regional impact development order or modification to a development of regional impact development order was filed concurrently with an application for a comprehensive plan amendment, the City shall hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However action on each application shall be taken separately.~~

~~E. At the second public hearing, the City Commission shall decide whether to approve, approve with conditions, or deny the application. If the City Commission decides to approve with conditions, said conditions shall be in accordance with the requirements of Chapter 380.06(15) (d) and (e), F.S.~~

~~F. The City Commission shall render its order within thirty (30) days of the public hearing, unless the applicant requests an extension in writing. If the order approves the application or approves the application with conditions, the order shall meet the minimum requirements of Chapter 380.06(15) (c), F.S.~~

~~G. The applicant shall record notice of the development order in accordance with Chapter 380.06(15) (f), F.S.~~

~~H. Administration of the development of regional impact development order shall be in accordance with the requirements of Chapter 380, F.S.~~

* * *

ARTICLE 4 – ZONING DISTRICTS

* * *

Section 4-206. Business Improvement Overlay (BIOD) District.

* * *

- 1. Outdoor Dining – Pre-approved outdoor dining locations and design for restaurants fronting Miracle Mile and Giralda Plaza; ~~expedited process.~~
 - a. ~~Miracle Mile and Giralda Plaza Expedited Approval Process. The Development Review Official shall serve as a point of contact for applicants for the Miracle Mile and Giralda Plaza. Applications that meet the Pre-Approved Design Standards below shall be subject of Expedited Review and shall be processed within one (1) month of receipt.~~
 - i. Location. ~~Expedited~~ Review will be provided for outdoor dining for the Pre-Approved Design Standards below on both private property and public right-of-way for properties abutting the following streets:
 - (a) Miracle Mile.
 - (b) Giralda Plaza.

* * *

Section 4-402. Prohibited uses, certain streets.

- A. ~~Except as provided in Section 4-403(F), no service station, public garage, auto repair shop, machine shop, used car lot, or any business conducted outside a building shall be permitted on any lots or premises abutting Coral Way (a portion of which is known as Miracle Mile), or Biltmore Way, or upon lots or premises abutting Ponce De Leon Boulevard between Southwest 8th Street and Bird Road.~~

* * *

ARTICLE 8 – DEFINITIONS

~~**Fortuneteller** means a business primarily engaged in providing advice, predictions, or interpretations of planetary effects, tarot cards or other media on or about future events or human affairs in exchange for financial or other valuable consideration.~~

~~**Interior courtyard** is a courtyard that is enclosed on at least two sides with building walls and enclosed on all of the other sides with walls that exceed four feet in height, a trellis, or covered terrace or any combination thereof.~~

~~**Parking lot** means an unenclosed area reserved for and improved for the temporary storage of motor vehicles.~~

~~**Office** means a use involving a business, profession, service or government activity including laboratories which do not involve retail activities on site and not including veterinary offices and problematic uses.~~

~~**Parking garage** means an above ground or below ground multi-level parking structure.~~



~~**Problematic uses** means commercial retail and service uses which are typically characterized by poorly maintained facilities, loitering and other indices of neighborhood deterioration or urban blight, including but not limited to, day labor agencies, tattoo parlors, body piercing, pawn shops, check cashing centers and blood plasma centers.~~

~~***~~

~~**APPENDIX A – SITE SPECIFIC ZONING REGULATIONS**~~

~~* * *~~

~~**Section A-94-2. Snapper Creek Lakes Sub.**~~

~~Refer to section A-56 Hammock Lakes for applicable site specific requirements in addition to general code requirements.~~

