



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
Application: **Zoning Code Text Amendments – Basketball Poles**
Public Hearing: Planning and Zoning Board
Date & Time: **October 16, 2019; 6:00 – 9:00 p.m., deferred from September 11, 2019**
Location: City Commission Chambers, City Hall,
405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

The City of Coral Gables is requesting review and consideration of the following:

An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 5, "Development Standards," Division 1, "Accessory Uses," Section 5-109, "Recreational Equipment" to allow non-movable basketball poles to be appropriately located in the front yard under certain circumstances; providing for a repealer provision, severability clause, codification, and providing for an effective date.

2. BACKGROUND INFORMATION

At the recommendation of the City Commission, Staff has prepared Zoning Code text amendments to the provisions for Basketball Poles in residential districts.

Per Section 5-109 of the Zoning Code, non-movable recreational equipment is permitted to be placed in any interior side or rear yard only. It is proposed to allow non-movable basketball poles in the front yard as long as it complies with the proposed conditions.

The proposed text amendments will also be reviewed by the Board of Architects prior to consideration by the City Commission.

3. PROPOSED ZONING CODE TEXT AMENDMENT

The proposed Zoning Code text amendment is provided in Attachment A in ~~striketrough~~/underline format.

4. FINDINGS OF FACT

In accordance with Section 3-1405 of the Zoning Code, the Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt, text amendments to these land Zoning Code unless the text amendment:

- A. Promotes the public health, safety, and welfare.
- B. Does not permit uses the Comprehensive Plan prohibits in the area affected by the district boundary change or text amendment.

- 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.
- 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 the minimum requirements of the Comprehensive Plan.
- E. Does not directly conflict with an objective or policy of the Comprehensive Plan.

Staff finds that all five of these criteria are satisfied.

5. COMPREHENSIVE PLAN CONSISTENCY

In accordance with Section 3-1407 of the Zoning Code, the Planning and Zoning Board shall determine whether the Zoning Code text amendment is consistent with the Comprehensive Plan. Staff finds that the proposed text amendment is consistent with the Comprehensive Plan, as follows:

6. PUBLIC NOTIFICATION

The following has been completed to provide notice of the request:

| Type | Date |
|--|----------|
| Legal advertisement September PZB | 08.30.19 |
| Posted agenda on City web page/City Hall | 09.30.19 |
| Posted Staff report on City web page | 09.06.19 |
| Legal advertisement and posted agenda on City Hall for October PZB | 10.04.19 |
| Posted Staff Report on City web page | 10.11.19 |

7. STAFF RECOMMENDATION

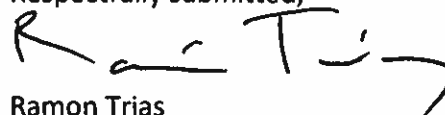
The Planning and Zoning Division recommends approval.

8. ATTACHMENTS

- A. Draft Ordinance - Basketball Poles.
- B. 10.04.19 Legal Advertisement.

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
Assistant Director of Development Services
for Planning and Zoning
City of Coral Gables, Florida

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

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 5, "DEVELOPMENT STANDARDS," DIVISION 1, "ACCESSORY USES," SECTION 5-109, "RECREATIONAL EQUIPMENT" TO ALLOW NON-MOVABLE BASKETBALL POLES TO BE APPROPRIATELY LOCATED IN THE FRONT YARD UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, City Staff is requesting a Zoning Code text amendment to Section 5-109 "Recreational Equipment" to allow non-movable basketball poles to be appropriately located in the front yard so long as it is located within a side setback, abutting to a driveway, and screened from abutting lot with landscaping approved by City Landscape Architect; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board ("Board") on _____, 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 and discussion, recommended approval (vote: -); and,

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on _____, 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/denied) the amendment on First Reading (vote: -).

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on (month) (day), 2019, 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/denied) the amendment on Second Reading (vote: __ - __).

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:

ARTICLE 5 – DEVELOPMENT STANDARDS

Division 1. Accessory Uses.

Section 5-109. Recreational equipment.

Non-movable recreational equipment including swing sets, jungle gyms, basketball poles, etc., are permitted to be placed, kept or maintained in any interior side or rear yard ~~only~~. Non-movable basketball poles may also be permitted in the front yard so long as it is located within a side setback, abutting to a driveway, and screened from abutting lot with landscaping approved by City Landscape Architect.

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 _____, 2019.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2019.

APPROVED:

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

RAUL VALDES-FAULI
MAYOR

ATTEST:

BILLY URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY

DRAFT

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

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

NOTICE OF PUBLIC HEARING
CITY OF CORAL GABLES - LOCAL PLANNING AGENCY /
PLANNING AND ZONING BOARD - OCT. 16, 2019

in the XXXX Court,
was published in said newspaper in the issues of

10/04/2019

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

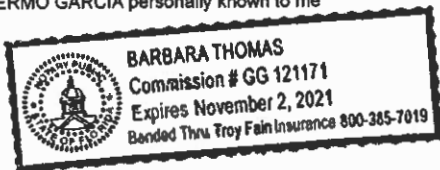
Guillermo Garcia

Sworn to and subscribed before me this
4 day of OCTOBER, A.D. 2019

Barbara Thomas

(SEAL)

GUILLERMO GARCIA personally known to me



**CITY OF CORAL GABLES, FLORIDA
NOTICE OF PUBLIC HEARING**

CITY PUBLIC HEARING LOCAL PLANNING AGENCY / PLANNING
AND ZONING BOARD

DATES/TIMES WEDNESDAY, OCTOBER 16, 2019, 6:00-9:00 P.M.
LOCATION CITY COMMISSION CHAMBERS, CITY HALL,
405 BILTMORE WAY, CORAL GABLES,
FLORIDA, 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 text amendments to the City of Coral Gables Official Zoning Code, Article 5, "Development Standards," Division 8, "Docks, Wharves, Mooring Piles and Watercraft Moorings," updating side setback requirements and allowing multi-level docks below established grade, providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date. (ZC Text Amendment re docks)
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 4, "Zoning Districts," Section 4-101, Single-Family Residential (SFR) District, and Section 4-102, "Multi-Family 1 Duplex (MF1) District," to modify and clarify provisions related to driveways; providing for severability, repealer, codification, and an effective date. (ZC Text Amendment re driveways)
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 5, "Development Standards," Division 21, "Temporary Uses," Section 5-2107, "Temporary use of construction office" to allow temporary construction office for multi-family projects in Multi-Family 2 (MF2) and Multi-Family Special Area (MFSA) districts; providing for severability, repealer, codification, and an effective date. (ZC Text Amendment re field office)
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 amending Article 5, "Development Standards," Division 1, "Accessory Uses," Section 5-109, "Recreational equipment" to allow non-movable basketball poles to be appropriately located in the front yard under certain circumstances; providing for severability, repealer, codification, and an effective date. (ZC Text Amendment re recreational equipment)

City of Coral Gables - Local Planning Agency

5. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 2, "Decision Making and Administrative Bodies," Division 3, "Board of Architects," Section 2-302, "Membership; Terms; Vacancies; Removal" removing the term limitations for members of the Board of Architects; providing for severability, repealer, codification, and an effective date. (*ZC Text Amendment re removing term limitation BOA*)
6. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code (Zoning Code) and the City of Coral Gables Code (City Code) transferring the following divisions and sections from the Zoning Code to the City Code: Article 3, "Development Review," Article 4, "Zoning Districts," Section 4-414, "Wild animals and reptiles, keeping," Article 5, "Development Standards," Division 15, "Platting Standards" Section 5-1510, "Standards for Subdivision Improvements," and Division 22, "Underground Utilities"; providing for severability, repealer, codification, and an effective date. (*Zoning Code Update: Transferring Certain Provisions from the Zoning Code to the City Code*)
7. 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 3, "Development Review," Division 3, "Uniform Notice and Procedures for Public Hearing," Section 3-302 "Notice," Division 5, "Planned Area Development," Section 3-506 "Application and review procedures for approval of plans;" Division 14, "Zoning Code Text and Map Amendments," Section 3-1404 "Standards for review of applicant-initiated district boundary changes," Section 3-1405 "Standards for review of text amendments to these regulations and for City-initiated district boundary changes," Section 3-1408 "City Commission review and decision," Division 16, "General Procedures for Developments of Regional Impact;" Article 4, "Zoning Districts," Section 4-206 "Business Improvement Overlay (BIOD) District;" Section 4-402 "Prohibited uses, certain streets;" Article 5, Section 5-1406 "Visibility Triangles;" Section 5-1408 "Common Driveways and Remote Off-Street Parking;" Article 8 "Definitions;" and Appendix A - "Site Specific Zoning Regulations;" clarifying prohibited uses on certain streets; removing conflicting and outdated provisions regarding the DRI process, miscellaneous submittal requirements, city-initiated standards for review, BIOD process, visibility triangles, remote parking, certain definitions, and conflicting site specifics from the Zoning Code; providing for severability, repealer, codification, and an effective date. (*Zoning Code Update: Removing certain outdated or conflicting regulations in the Zoning Code*)

All interested parties are invited to attend and participate. Upon recommendation by the Board, the applications will be scheduled for City Commission consideration. Please visit the City webpage at www.coralgables.com to view information concerning the applications. The complete applications are on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134. Questions and written comments can be directed to the Planning and Zoning Division at planning@coralgables.com (FAX: 305.460.5327) or 305.460.5211.

Ramon Trias
Director of Planning and Zoning
Planning & Zoning Division
City of Coral Gables, Florida

Any person, who acts as a lobbyist pursuant to the City of Coral Gables Ordinance No. 2006-11, as amended, must register with the City Clerk prior to engaging in lobbying activities before City Staff, Boards, Committees or City Commission. A copy of the Ordinance is available in the Office of the City Clerk, City Hall. If a person decides to appeal any decision made by a Board, Committee or City Commission with respect to any matter considered at a meeting or hearing, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). Any meeting may be opened and continued and, under certain circumstances, additional legal notice will not be provided. Any person requiring special accommodations in order to attend or participate in the meeting should contact the City's ADA Coordinator, Raquel Elejabarrieta (Email: relejabarrieta@coralgables.com), Telephone: 305-722-8686, TTY/TDD: 305-442-1600, at least three (3) working days prior to the meeting. All meetings are telecast live on Coral Gables TV Channel 77.