



# City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables  
Application: **Zoning Code Update: Technical Changes**  
Public Hearing: Planning and Zoning Board  
Date & Time: **September 11, 2019; 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 is requesting review and consideration of 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 (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," Division 13, "Concurrency Review," Article 4, "Zoning Districts," Section 4-414, "Wild animals and reptiles, keeping," Article 5, "Development Standards," Division 12, "Lighting," 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.*
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 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Parking;" Article 8 "Definitions;" and Appendix A - "Site Specific Zoning Regulations" removing conflicting and outdated provisions regarding the DRI process, miscellaneous submittal requirements, city-initiated standards for review, BIOD process, clarifying prohibited uses on certain streets, visibility triangles, remote parking, certain definitions, and conflicting site specifics from the Zoning Code; providing for severability, repealer, codification, and an effective date.*

## 3. BACKGROUND INFORMATION

At the request of the City Commission, the Zoning Code is currently being updated to be reorganized and streamlined.

The existing Zoning Code has been amended multiple times, and was last reviewed comprehensively a decade ago. On January 23, 2018, the City Commission approved Procurement Division's recommendation to award planning services to update the Zoning Code to DPZ CoDesign, a nationally recognized planning and urban design firm with over 36 years of experience in sustainable placemaking.

***Project Overview in Three Parts:***

**Part 1: Table of Contents Reorganization** (No substance changes) - *in adoption, March 26 First Reading*

**Part 2: Technical Corrections** (Inconsistency adjustments) - *in progress, May 8 PZB Discussion, Sept PZB*

**Part 3: Potential Substance Updates** - *in progress*

- Open Space / Downtown - *June 24, 3pm, 427 Biltmore Way, Commission Workshop*
- Multi-Family 2 / North Ponce - *September 4, 3pm, 427 Biltmore Way, Commission Workshop*
- Zoning Process - *September 16, 3pm, 427 Biltmore Way, Commission Workshop*
- Site Specifics
- Miscellaneous

***Working Group***

A Working Group was created with individuals from the Coral Gables community that are familiar with the current achievements and inconsistencies in the existing Zoning Code. The Working Group met with the consultants, DPZ, on four occasions: June 1; June 15; August 10, 2018; and April 22, 2019. Feedback was received from the below Working Group members:

- Taciana Amador, Business Improvement District (BID)
- Robert Behar, Architect
- Marshall Bellin, Architect
- Judy Carty, Architect
- Mari Gallet, Communications
- Mario Garcia-Serra, Attorney
- Jorge Navarro, Attorney
- Laura Russo, Attorney
- Venny Torre, Builder
- Barbara Tria, Realtor

***Staff Committee***

A committee of City Staff was formed to work with the consultants, DPZ, to provide input and review preliminary proposed changes. A Director or representative from City departments was included in the Staff Committee to give feedback from various disciplines. The committee met with the consultants for three workshops: May 14; June 11; and August 6, 2018.

***Business Improvement District***

On May 11, 2018, the consultants, DPZ, met with representatives from the downtown Business Improvement District (BID) to discuss current issues and goals related to Miracle Mile and Downtown Coral Gables. Following this meeting, the Giralda Plaza Overlay District was adopted in June as a text amendment to the Zoning Code to maintain the human scale character of Restaurant Row and limit building height, bulk, mass, and intensity of large scale developments.

***Assessment and Analysis***

Meetings with the two groups have provided input for and reviewed preliminary results of the consultant's assessment and analysis. It was generally agreed that the Zoning Code Update would focus primarily on those parts of the Code related to open space, mixed-use projects, and various densities of residential, commercial

and industrial uses - outside of single-family residential zoning, which already has recent text amendments following a process guided by an advisory panel and adopted in April 2018. The result of the Steering and Staff Committees meetings can be summarized as follows:

- clarify the organization of the Code
  - **Implemented as the re-organized Table of Contents**
- make the Code easier to use
  - **Implemented as the re-organized Table of Contents**
  - **Including a “How to Use This Code” section in the introduction of the Zoning Code for all users**
- address particular Site Specifics
- update MF2, MFSA and Mixed-Use District categories
- clarify height and FAR regulations
- consider parking reductions
- clarify open space requirements
- consider relief for small site development (below 20,000SF)

The first part of the Zoning Code Update is the reorganization of the Table of Contents which was reviewed by the Planning and Zoning Board in February and by the City Commission in March 2019. The new Table of Contents will be adopted at the same Commission meeting as First Reading of the Technical Changes.

The second part consists of technical changes to either remove outdated information from the Zoning Code or transfer unnecessary information to the City Code.

The third part of the update process will focus on one aspect or topic at a time. Topics of focus will generally include: Open Space, Multi-Family 2, Site Specifics, Mixed-Use, and miscellaneous issues. These topics are currently being presented in various City Commission Workshops and will be brought to the Planning and Zoning Board in sections for review.

### ***Planning and Zoning Board***

Following initial meetings with the Working Group and Staff Committee, DPZ began to update the Zoning Code by addressing the structure of the Zoning Code, followed by a review of the content. The Planning and Zoning Board discussed the Zoning Code Update at the September 21, 2018, Public Workshop and at the regularly scheduled monthly meeting of October 17, 2018. The Board recommended approval of the reorganization of the Zoning Code on February 13, 2019.

### ***Project Webpage***

All the Zoning Code Update process and background information including meeting/workshop agendas, presentations, public notices, minutes, attendance, etc, have been available for public review on the City webpage at [www.coralgables.com/zoningupdate](http://www.coralgables.com/zoningupdate).

Type of Review	Date
Business Improvement District (BID) meeting	05.11.18
Staff Committee meeting	05.14.18
Steering Committee meeting	06.01.18
Staff Committee meeting	06.11.18
Steering Committee meeting	06.15.18

Staff Committee meeting	08.06.18
Steering Committee meeting	08.10.18
Planning and Zoning Board Public Workshop	09.21.18
Planning and Zoning Board meeting	10.17.18
Planning and Zoning Board meeting (Reorganization)	02.13.19
City Commission meeting (Reorganization – First Reading)	03.26.19
Planning and Zoning Board meeting discussion (Technical Changes)	05.08.19
City Commission Workshop (Downtown and Open Space)	06.24.19
City Commission Workshop (North Ponce and Multi-Family 2)	09.04.19
Planning and Zoning board meeting (Technical Changes)	09.11.19

#### 4. PROPOSED ZONING CODE UPDATE TECHNICAL CHANGES

The proposed items below to be transferred from the Zoning Code to the City Code are provided in Attachment A.

1. Concurrency Review (Article 3, Division 13) will be moved in a new chapter in the City Code.
2. Wild animals and reptiles, keeping. (Section 4-414) will be moved to Chapter 10 Animals.
3. Lighting (Article 5, Division 12) will be moved to Subpart B – Land Development Regulations, Chapter 105 – Buildings and Building Regulations, Article V. – Minimum Housing Code, Division 9. – Light and Ventilation Standards.
4. Standards for subdivision improvements (Section 5-1510) will be moved to Subpart B – Land Development, Chapter 62.
5. Underground Utilities (Article 5, Division 22) will be moved to Subpart B – Land Development, Chapter 70.

The proposed items below to be removed from the Zoning Code are provided in Attachment B in ~~strikethrough~~/underline format.

1. Developments of Regional Impact (DRI) Process and references
2. Miscellaneous submittal requirements and city-initiated standards for review
3. Visibility triangles for properties without sidewalks
4. BIOD outdoor seating expedited process and permit expirations
5. Prohibited uses, certain streets
6. Remote parking
7. Definitions
8. Site Specific that conflicts existing site specific

#### 5. 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, as the proposed changes are outdated provisions.

## 6. 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.

## 7. PUBLIC NOTIFICATION

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

Type	Date
Legal advertisement for PZB Zoning Code Update workshop	09.12.18
Legal advertisement for October PZB meeting	10.05.18
Legal advertisement for February PZB meeting	02.01.19
Legal advertisement for September PZB meeting	08.30.19
Posted agenda on City web page/City Hall	08.30.19
Posted Staff report on City web page	09.06.19

## 8. STAFF RECOMMENDATION

The Planning and Zoning Division recommends approval.

## 9. ATTACHMENTS

- A. Proposed text to be transferred to City Code.
- B. Proposed text to be removed from Zoning Code.
- C. Excerpts from 05.08.19 PZB meeting.
- D. 08.30.19 Legal advertisement published.

Please visit the City's webpage at [www.coralgables.com](http://www.coralgables.com) to view all materials, notices, applicable public comments, minutes, etc. The complete 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

## **Zoning Code Update – Technical Corrections**

### **Transfer to City Code (draft 05 01 19)**

There are currently many items and regulations that exist in the Zoning Code that pertain to the public right of way and are proposed to be relocated from the Zoning Code to the City Code. The new locations in the City Code with the below information are currently being finalized. At the beginning of each relocated section in the City Code, a clarification will be added to reference the “Definitions” of the Zoning Code.

The items to be transfer from the Zoning Code to the City Code include:

1. Concurrency Review (Article 3, Division 13) will be moved in a new chapter in the City Code
2. Wild animals and reptiles, keeping. (Section 4-414) will be moved to Chapter 10 Animals
3. Lighting (Article 5, Division 12) will be moved to Subpart B – Land Development Regulations, Chapter 105 – Buildings and Building Regulations, Article V. – Minimum Housing Code, Division 9. – Light and Ventilation Standards
4. Standards for subdivision improvements (Section 5-1510) will be moved to Subpart B – Land Development, Chapter 62
5. Underground Utilities (Article 5, Division 22) will be moved to Subpart B – Land Development, Chapter 70

#### **ARTICLE 3 – DEVELOPMENT REVIEW**

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#### **Division 13. Concurrency Review**

##### **Section 3-1301. Purpose and applicability.**

It is the purpose of this Division to provide a process for ensuring that the public facilities and services needed to support development are available concurrent with the impacts of such development.

##### **Section 3-1302. General procedures for concurrency review.**

##### **Section 3-1303. Concurrency review required.**

- A. Pursuant to Florida Statutes and the City’s comprehensive plan, concurrency review is required for all applications for development approval in order to identify and address the impacts of new development on the levels of service for various public facilities and services, except as exempted under the provisions of Sections 3-1303(B) and (C) below.
- B. Concurrency review is not required for the following:
  1. Applications for single-family residential development platted prior to December 8, 1992.
  2. Applications for additions, renovations, or reconstruction of residential dwellings which do not increase the number of dwelling units placed on the premises or approved for the property.

3. Additions, renovations, or reconstruction of uses accessory to residential dwellings.
  4. Sign permits.
  5. Applications which will not result in a development order.
  6. Applications requesting modifications of previously approved development orders where it is determined that the impacts on the prescribed levels of service imposed by the requested modifications will be no greater than the impacts posed by the previously approved development order or the previously existing use.
  7. Vested projects.
- C. Certificates of use and occupancy may be issued without the requirement for further concurrency review where the applicant for the certificate of use and occupancy holds a valid, unexpired building permit for the identical use of the subject structure or site or pertinent portion thereof; provided said building permit is not subject to a development agreement of other conditions requiring the applicant, successors, or assigns to provide or contract for the construction of necessary public services and facilities or other appropriate service impact mitigation measures. Where the building permit is subject to such development agreement or appropriate conditions, no certificate of use and occupancy shall be issued until the Development Review Official determines that all agreements and conditions have been satisfied.

**Section 3-1304. Public School Concurrency review required.**

- A. In addition to the provisions in Section 3-1303 above, pursuant to Florida Statutes and the City's comprehensive plan public school concurrency review is required for all applications for development approval in order to identify and address the impacts of new residential development on the levels of service for public school facilities, except as exempted under the provisions of Section 3-1304(B) below.
- B. Concurrency review is not required for the following:
1. Applications for one (1) unit single-family homes.
  2. Assisted Living Facilities, as defined in Article 8.
  3. Non-residential development.
  4. Any Development of Regional Impact (DRI) for which a development order was issued, pursuant to Chapter 380, F.S., prior to July 1, 2005.
  5. Applications for which preliminary Board of Architects approval was secured prior to January 1, 2008.

**Section 3-1305. Application.**

All applications for concurrency review shall accompany all applications for development approval, unless otherwise exempt under the provisions of this Division. Such applications shall be made in writing upon an application form approved by the City and shall be accompanied by applicable fees.

**Section 3-1306. City review and determination.**

- A. The Development Review Official shall review each application for a development order and shall determine whether the request would have no impact or would have impacts on levels of service that fall below thresholds for public facilities and services prescribed in the Concurrency Manual.S
- B. In the event that the Development Review Official determines that there is no impact, a statement of no impact shall be issued to the applicant and the Board of Architects or other decision maker responsible for the issuance of the development order. Such statement of no impact shall be valid for

a period not to exceed one (1) year from issuance.

C. Concurrency Impact Statement.

1. Prior to final Board of Architects review and approval, the applicant, its successors, or assigns shall secure a written Concurrency Impact Statement from the Development Review Official, who shall determine the impacts to levels of service for public facilities and services, pursuant to concurrency review criteria contained in Section 3-1307.
2. If the concurrency impact statement indicates that the proposed development satisfies the adopted levels of service, the applicant shall secure the statement, furnish it to the Board of Architects and other decision makers, and reserve capacity for all applicable public facilities and services within the timeframes prescribed in the City's Concurrency Manual. An applicant's failure to successfully reserve capacity for all applicable public facilities and services within the timeframes prescribed in the City's Concurrency Manual will render a final Board of Architects approval and/or final development order null and void.
3. If the concurrency impact statement indicates that the approval cannot be issued because the proposed development would result in a reduction in adopted levels of service, the applicant may modify the application, or come to an acceptable mitigation agreement with the City and/or other appropriate entity responsible for the public service or facility in question, subject to the City's final review and approval. Such modifications, agreements or conditions shall ensure that the necessary public facilities and services shall be available concurrent with the impacts of development. The concurrency impact statement shall be secured by the applicant and furnished to the Board of Architects and/or other decision-makers responsible for the issuance of the development order, and shall specify the modifications, agreements or conditions which shall be satisfied prior to the issuance a final Board of Architects approval and/or final development order.

D. Reservation of capacity.

1. Upon payment of a fee prescribed in the City of Coral Gables Concurrency Manual, or other fee schedule, as amended, an applicant, its successors, or assigns may reserve capacity for up to twelve (12) months from the date of capacity reservation for the project. An applicant's failure to successfully reserve capacity for all applicable public facilities and services within the timeframes prescribed in the City's Concurrency Manual will render a final Board of Architects approval and/or final development order null and void. An applicant, its successors, or assigns may secure an extension of capacity reservations for an additional twelve (12) months, subject to the terms prescribed in the Concurrency Manual, and the payment of all applicable fees.
2. A Public School Concurrency Certificate issued by Miami-Dade County Public Schools to the applicant, its successors, or assigns, shall be valid for the following time periods, unless otherwise provided for in the Proportionate Share Mitigation Agreement:
  - a. Twelve (12) months from the issuance of a document signifying public school capacity reservation.
  - b. Twenty-four (24) months from the date of issuance of a final Board of Architects approval and/or final development order. However, with one hundred twenty (120) days advance notice, up to three (3) twelve (12) month extensions of the Public School Concurrency Certificate may be granted by Miami-Dade County Public Schools. In no event shall a Public School Concurrency Certificate be valid for more than six (6) years.
  - c. Extensions will only be granted when Miami-Dade County Public Schools receives documentation that the applicant, its successors, or assigns are progressing in good faith through the City's review process. Once the City issues the final Board of Architects approval and/or final development order, the Public School Concurrency Certificate shall remain valid pursuant to the timeframes prescribed herein.
  - d. The applicant, its successors, or assigns shall be responsible for all coordination, monitoring, payments, and notification associated with the Public School Concurrency Certificate, and shall advise the City of any associated agreements with Miami-Dade County Public Schools.



Section 3-1307. Concurrency review criteria.

- A. The public facilities and services needed to support development shall be deemed to be available concurrent with the impacts of development if the following criteria are satisfied:
1. The necessary public facilities and services are in place at the time a final Board of Architects approval and/or final development order is issued; or
  2. A final Board of Architects approval and/or final development order is issued subject to the condition that the required public facilities and services will be in place when the impacts of the development occur; or
  3. The necessary public facilities are under construction at the time the final Board of Architects approval and/or final development order is issued and such construction is the subject of enforceable assurance that it shall be completed and serviceable without unreasonable delay; or
  4. The necessary public facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the final Board of Architects approval and/or final development order is issued; or
  5. The necessary public facilities are funded and programmed for implementation in year one (1) of the City's adopted capital budget, or similarly adopted budget of other government agencies; or
  6. The necessary traffic circulation, mass transit, or public school facilities or services are programmed for implementation in or before year three (3) of the city's adopted budget or similarly adopted budget of other governmental agencies including the county's capital budget, the School Board's Facilities Work Plan, or the state agency having operational responsibility for affected facilities; in all cases, such facilities must be committed for construction in or before year three (3); or
  7. The necessary public facilities and services are guaranteed in a development agreement to be provided by the developer, pursuant to Section 163.3220, Florida Statutes, or Chapter 380, Florida Statutes; or
  8. Timely provision of the necessary public facilities and services will be guaranteed by some other means or instrument providing substantially equivalent assurances, subject to City review and approval; and
  9. In all instances where a decision to issue a building permit is based on the foregoing provision (5), (6), (7), or (8), all of the following conditions shall apply:
    - a. The necessary public facilities and services shall not be deferred or deleted from the adopted capital budget unless the dependent final development order expires or is rescinded prior to the issuance of a certificate of use and occupancy; and
    - b. Implementation of the necessary public facilities and services must proceed to completion with no unreasonable delay or interruption.
- B. In determining the availability of public facilities and services, the applicant may propose and the City may approve development in stages or phases so that the public facilities and services needed for each stage or phase will be available in accordance with the criteria required by this chapter.

Section 3-1308. Concurrency manual.

The City shall promulgate and maintain a Concurrency Manual which shall contain the administrative procedures to be applied in the implementation of this Division, as determined by the Director of the responsible department.

Section 3-1309. Appeals.

An appeal from a negative concurrency determination may be taken to the City Commission by an aggrieved party in accordance with the provisions of Article 3, Division 6 of these regulations.

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**Section 4-414. Wild animals and reptiles, keeping.**

Except as provided herein, it shall be unlawful for any person or persons to keep any wild animal within the City of Coral Gables provided, however, this section shall not apply to zoos, pet shops, medical or scientific institutions, or other places licensed for the showing or keeping of wild animals.

A. Standards for issuance of permit:

1. In the City Manager's consideration of permits for animals subject to the provisions of this section, there shall be a presumption against the issuance of a permit for any animal or reptile falling within the following classifications:
  - a. Any lizard normally capable of inducing toxic effects through biting, including the Gila monster and the Mexican beaded lizard.
  - b. Any lizard in excess of eight (8) feet in length or of a weight in excess of twenty-five (25) pounds.
  - c. Any alligator, caiman, or crocodile in excess of four (4) feet in length.
  - d. Any ape, including the chimpanzee, gorilla, orangutan, gibbon, or simian.
  - e. Any true monkey but not including the smaller lower primates, such as lemurs, marmosets, etc., provided, however, it shall be unlawful to keep any monkey in such a place so as to be exposed to the public view.
  - f. All members of the flesh-eating order of Carnivore, including non-domestic dogs, cats, foxes, seals, raccoons, coatamundis, bears, civets, skunks, and related forms.
  - g. All horned or hoofed mammals.
  - h. Elephants.
2. There shall be a presumption in favor of the issuance of a permit to keep animals which do not fall within the classifications set forth in Section 4-414(A)(1) above; provided, however, the City Manager may still in the exercise of discretion deny a permit where the keeping of such animal is dangerous and harmful to human safety.

**Section 4-415. Domestic animal and fowl.**

It shall be unlawful for any person to keep, harbor, breed or feed any horses, ponies, cattle, goats, pigs or other livestock, or any pigeons, peacocks, chickens, ducks or roosters, or other fowl.

**Section 4-416. Possession, harboring, sheltering or keeping of cats and dogs.**

- A. It shall be unlawful for any person to possess, harbor, shelter, or keep more than four (4) adult cats or four (4) adult dogs at any one time, except veterinary hospitals properly licensed by the City.
- B. It shall be unlawful to maintain any cat or dog so as to create a nuisance by way of noise, odor, menace to health, or otherwise.

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**ARTICLE 5 – DEVELOPMENT STANDARDS**

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## **Division 12. Lighting**

### **Section 5-1201. Purpose and applicability.**

It is the purpose of this Division to establish minimum standards for the provision and use of outdoor lighting in order to provide for the safe and secure night time use of public and private property while at the same time protecting adjacent land uses from intrusive light conditions.

### **Section 5-1202. Outdoor lighting permitted with standards.**

Outdoor lighting for areas such as but not limited to, tennis courts, golf courses, sporting grounds, outside lighting for security purposes and night lighting of commercial buildings, any of which abut residential areas shall be permitted under the following conditions:

- A. A permit for outdoor lighting may be issued if, after review of the plans and after consideration of the adjacent area and residential uses, the proposed lighting will be deflected, shaded and focused away from adjacent properties and will not be a nuisance to such adjacent properties.
- B. Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half ( $\frac{1}{2}$ ) foot-candle (vertical) and one-half ( $\frac{1}{2}$ ) foot candle (horizontal) illumination on adjacent properties.

\* \* \*

### **Section 5-1510. Standards for subdivision improvements.**

The following design and construction standards shall apply:

- A. Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the Director of Public Works. The monuments shall be of such material, size and length as may be approved by the Public Works Director.
- B. Streets. Streets, alleys and appurtenances thereto shall conform to the following:
  - 1. All streets and alleys shall be constructed and surfaced in accordance with the standard specifications of the Public Works Department. Such construction shall be subject to inspection and approval by the Public Works Director.
  - 2. Drainage and drainage structures shall be provided on all streets and alleys in accordance with the standard specifications of the Public Works Department. In addition, curbs and gutters shall be provided in all commercial, apartment, hotel, industrial and similar districts. Such construction shall be subject to the inspection and approval by the Public Works Director.
- C. Sidewalks. In all commercial, multi-family, industrial and similar districts concrete sidewalks shall be constructed along each side of every street shown on the plat in accordance with the standard specifications of the Public Works Department.
- D. Street name signs. Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the City, and shall be placed in accordance with the standard specifications of the Public Works Department.
- E. Street lighting. Street-lighting facilities shall be provided and installed in all subdivisions. The minimum

requirement for such lighting facilities shall be one (1) foot candle average maintained. However, no luminance ratio shall exceed twelve-to-one (12:1). A detailed plan showing the light standards, the locations of the light, wiring diagram and construction details, for the system shall be submitted to the Public Works Director for approval.

- F. Water supply. The subdivider shall furnish the public works director a plan showing all proposed and existing water mains, and give sufficient proof that arrangements have been completed to insure installation of such water system. The water main plan shall be subject to approval by the Public Works Director.
- G. Fire hydrants. Fire hydrants shall be installed in all subdivisions. Evidence shall be submitted to give proof that arrangements have been made to complete installation of such hydrants. The plan for hydrant locations shall be subject to approval by the Public Works Director.
- H. Sanitary sewer. Where a public sanitary sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the Public Works Director.
- I. Parkway landscaping. All parkways shall be properly treated with topsoil, sprigged, landscaped, and maintained until growth is relatively permanent. The plan for such landscaping shall be equal to the established standards of the City, and subject to the approval of the Public Service Director.
- J. Land filling. All land within subdivisions shall be filled to minimum average settled elevation of plus six (6) feet above the national geodetic vertical datum (N.G.V.D.) or mean sea level (M.S.L.), and no elevation shall be less than plus five and five-tenths (5.5) feet above the national geodetic vertical datum (N.G.V.D.) or mean sea level (M.S.L.); provided, however, that where bulkheads are provided on waterfront property, the land within a distance of ten (10) feet from the bulkheads may gradually slope to the minimum required elevation of such bulkheads. The plan and additional documents showing proposed elevations, test borings, sources and types of fill, methods of filling, and method of disposal of vegetation and undesirable materials shall be subject to approval by the Public Works Director. After completion of land filling, the subdivider shall submit to the city a topographical survey prepared by a registered land surveyor or engineer to assure compliance with the minimum standards of this Subsection.
- K. Bulkheads. When contour of the land is changed, bulkheads shall be required on all waterfront property. The minimum elevation of such bulkheads shall be plus four and five-tenths (4.5) feet national geodetic vertical datum (N.G.V.D.) or mean sea level (M.S.L.), and the type and design shall conform to the public works department standards and shall be subject to the approval by the Public Works Director and the City's Structural Engineer.
- L. Bridges. Bridges shall be provided by the subdivider across all canals and waterways to provide adequate ingress and egress to all areas. The design of such bridges shall be in accordance with the Public Works Department standards and shall be subject to approval by the Public Works Director.
- M. Underground utilities. All utility lines shall be installed in conformance with the requirements of Article 5, Division 22.

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## **Division 22.      Underground Utilities**

**Section 5-2201. Requirement for underground utilities.**

- A. Purpose. The purpose of this Division is to require the installation of utility service facilities underground to assure the public safety, foster tree preservation, and improve and protect the aesthetic character of the City.
- B. Applicability. Except as expressly provided hereinafter, all utility lines, including but not limited to those required for electrical power, distribution, telephone, and communication, street lighting, and television signal service shall be installed underground. This Section shall apply to all cables, conduits or wires forming part of an electrical distribution system including service lines to individual properties and main distribution feeder electric lines delivering power to local distribution systems, provided that it shall not apply to wires, conductors or associated apparatus and supporting structures whose exclusive function is in transmission of electrical energy between generating stations, substations and transmission lines of other utility systems. Appurtenances such as transformer boxes, pedestal mounted terminal boxes, and meter cabinets may be placed above ground but shall be located in conformance with the requirements of the Manual of Public Works Construction. This Section shall be applicable to the following uses:
  - 1. Except for rehabilitation of structures of less than fifty (50%) percent of value, all new construction and utility installations shall be required to be underground.
  - 2. When a structure undergoes a rehabilitation wherein the cost of the rehabilitation is fifty (50%) percent or more of the replacement value of the existing structure as determined by the Miami-Dade County Property Appraiser, utility service facilities for that structure shall be converted from overhead to underground.
- C. Conversion of overhead to underground facilities. Whenever overhead utility distribution facilities have been converted to underground facilities, the property owners in the area to be served by the new facilities shall be required to arrange for the conversion of their existing service facilities in accordance with these regulations and, where applicable, utility company specifications for underground service. For electric service facilities, such conversion shall include but shall not be limited to rearranging existing electric service entrance facilities and necessary facilities within buildings and structures to accommodate the undergrounding of utilities. The property owner shall be responsible for all costs associated with the modification of service facilities for the affected property to accommodate underground utility service.
- D. Notice of conversion requirement. The City shall notify each property owner when conversion from overhead to underground utility distribution service is complete. The notice shall be served by registered mail, addressed to the owner or owners of the property described as they are known to the City Manager or as their names and addresses are shown upon the records of the County Tax Assessor, or other public records of the City or County, and shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. All necessary modifications and arrangements for use of underground facilities shall be completed within ninety (90) days of receipt of such notification.
- E. Notice of property owner's failure to convert facilities.
  - 1. If the City Manager determines that a building has not completed conversion to underground utility service facilities, he or she shall notify the owner of that building in writing and demand that the owner cause the conversion to be made within sixty (60) days of the date of service of the notice. The notice shall be by registered mail and in the form set forth in Subsection (2) of this Section. If

such notice is returned by postal authorities, the City Manager shall cause a copy of the notice to be served by a law enforcement officer upon the occupant of the land or upon any agent of the owner thereof.

2. If personal service upon the occupant of the land or upon any agent of the owner thereof cannot be performed after reasonable search by a law enforcement officer, the notice shall be served by physical posting on the property, and by publication in a newspaper of general circulation at least twice, seven days between publications, and thirty (30) days before the date the conversion is required. The notice shall be in substantially the following form:

*“NOTICE REQUIRING CONVERSION OF UTILITY SERVICE FACILITIES*

*Name of Owner \_\_\_\_\_*

*Address of Owner \_\_\_\_\_*

*Our records indicate that you are the owner(s) of the following land in the City of Coral Gables, Florida: (describe property).*

*An inspection of this land discloses, and I have found and determined, that a building is located thereon which has not converted its (state type of utility) service facilities from overhead to underground service.*

*You are hereby notified that unless this building converts its (state type of utility) service facility from overhead to underground service within thirty (30) days of personal service upon you of this notice, or of the second publication hereof, the City will proceed to cause the conversion of these facilities and the cost of the work, including advertising costs and all other expenses necessary to complete the conversion will be imposed as a lien on the land if not otherwise paid within ninety (90) days after the conversion has been completed and the cost thereof ascertained by the City of Coral Gables.”*

F. Conversion of facilities by City; Lien; Recording; Redemption.

1. If within sixty (60) days after service of the notice as set forth in Subsection (E) above, or by physical posting of the notice on the property, or within thirty (30) days of notice by publication in a newspaper the required conversion of service of facility has not been effected, the City Manager shall cause the conversion to be made by the City at the expense of the property owner. The cost of the conversion shall constitute a lien upon the real estate served thereby. Upon ordering a conversion of service facilities to be made by the City, the City Manager shall cause to be recorded in the public records a notice of utility service conversion lien pending, which shall include a description of the property and a statement that a conversion has been ordered, the cost of which shall under this Section constitute a lien. The notice of pending lien shall, eight (8) months after the date thereof, be null and void and constitute no record notice of a pending lien.
2. After causing the conversion of service facilities to be done, the City Manager shall certify to the Finance Director the expenses as may have been approved by the appropriate City Department incurred in effecting the conversion and shall include a copy of the notice set forth in Section (E) above, whereupon such expense shall become payable within ninety (90) days, after which a special assessment lien and charge will be made upon the property, which shall be payable in ten (10) equal annual installments together with costs of recordation of all documents required to be

recorded hereby and with interest to be determined by the City Finance Director on the unpaid balance from the date of such certification until paid; however, the lien may be satisfied at any time by the payment of the entire sum due plus accrued interest, recordation costs, and such expenses and penalties as may result from the advertisement and sale of certificates for delinquent liens as hereinafter set out. The Finance Director shall file for record a notice of such lien in the office of the clerk of the circuit court, and shall keep complete records relating to the amount payable thereon. One-tenth (0.1) of the amount of liens accruing during any year ending on June 1 shall be billed and mailed in the fall of the same year to the owners of land subject to such liens at the same time as tax statements for ad valorem taxes are mailed; and if the amount shall not be paid on or before April 1 of the following year, the entire lien and all annual installments thereof shall be delinquent, overdue and in default.

3. The entire amount of the lien may be foreclosed by the City, or in the alternative may be collected by any other legal means, including the advertisement and sale of certificates. Upon full payments of liens provided by this Section or through foreclosure on tax sale certificates, the director of finance shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the public records. The cost of recordation of the notice of lien pending, the notice of lien, and the satisfaction of lien shall be secured by the lien hereby provided.
- G. Underground facilities to remain underground. Wherever utility service facilities are located underground, such facilities must remain underground and may not thereafter be converted to overhead facilities.

**Section 5-2202. Utility poles and underground utilities in SFR, MF1, MF2, and MFSA Districts.**

The following provisions shall apply to utility poles and underground utilities on private property for all new construction and for existing construction. For the purpose of this section “service to the building” shall include electrical service, telephone service and television service to the building.

- A. In SFR, MF1, MF2, and MFSA Districts, all utility poles and lines shall be placed in rear yard areas reserved for utility uses by easements granted for that purpose.
- B. The service lines for all utilities for new buildings and or structures on private property shall be placed underground.
- C. The lines for all utilities for existing buildings or structures on private property shall be placed underground when any of the following occur:
  1. The service to the building or structure is replaced;
  2. The service to the building or structure must be relocated due to an addition or alteration to the building or structure;
  3. The service to the building or structure must be upgraded; or
  4. An alteration to a building or structure is an Alteration-Level 3 pursuant to the Florida Building Code.

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## Zoning Code Update – Technical Corrections

### Removal from Zoning Code (draft 09 11 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. Miscellaneous submittal requirements and city-initiated standards for review
3. Visibility triangles for properties without sidewalks
4. BIOD outdoor seating expedited process and permit expirations
5. Prohibited uses, certain streets
6. Remote Parking
7. Definitions
8. Site Specific that conflicts existing site specific

### ARTICLE 3 – DECISION MAKING AND ADMINISTRATIVE BODIES

\* \* \*

#### **Division 3. Uniform Notice and Procedures for Public Hearing**

\* \* \*

#### **Section 3-302. Notice.**

\* \* \*

<i>Zoning District Map Amendment</i>				
Initiated by other than the City	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	
< 10 contiguous acres; City initiated	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	
> 10 contiguous acres; <del>City initiated</del>	Publication	10 days	7 days	5 days
	Mail	13 days	13 days	

\* \* \*

A. Publication. The requirements for public notice provided by publication shall be as follows:

\* \* \*

4. Comprehensive Plan, Zoning Code text amendments and Zoning District map amendments >10 acres. Notice for ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category/use district, or ordinances ~~initiated by the City~~ that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be published



at least ten (10) days prior to the Planning and Zoning Board public hearing, again at least seven (7) days prior to the first City Commission public hearing and again at least five (5) days prior to the second City Commission adoption hearing. Public notice shall be provided as described in the following subsections.

\* \* \*

5. Zoning District map amendment. Ordinances ~~initiated by any person other than the City~~ that change the actual zoning map designation of a parcel of land or parcels of land shall be read by title, in full, at two (2) separate City Commission hearings, and shall be published at least ten (10) days before the Planning and Zoning Board public hearing, and again at least ten (10) days before the City Commission adoption hearing.
6. Comprehensive Plan small-scale map amendments. Notice of small scale development amendments to the Comprehensive Plan, ~~initiated by other than the City~~, shall be published at least ten (10) days before the Planning and Zoning Board public hearing, and again at least five (5) days before the City Commission adoption hearing.
9. Comprehensive Plan text and map amendments, other than small-scale. All Comprehensive Plan amendments, other than small-scale amendments, shall be published at least ten (10) days before the Planning and Zoning Board public hearing, and again at least seven (7) days before the first City Commission public hearing, and again at least five (5) days before the City Commission adoption hearing.

\* \* \*

## **Division 5.       Planned Area Development**

\* \* \*

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

A.       Application. The applicant for a Planned Area Development shall file a written application therefore with the Planning Department on forms prepared by such department. ~~Such application shall be accompanied by fifteen (15) sets of required plans, technical reports, update reports and/or exhibits. All plans shall have the details needed to enable the department heads, Fire Chief, Boards and City Commission to determine whether the proposed development complies with this section and all other applicable ordinances and regulations of the City. The plans shall have the preliminary approval of the Board of Architects as provided for under Section 3-506(C) herein. Upon receipt of such completed application, all supporting data and exhibits and payment of the required costs and fees, the time periods established in this subsection shall commence. 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 14.     Zoning Code Text and Map Amendments**

### **Section 3-1404.   Standards for review of applicant-initiated district boundary changes.**

A. ~~An applicant-initiated~~ district boundary change shall be approved if it is demonstrated that the application satisfies all of the following:

1. It 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 or more of the following objectives:
  - a. Improve mobility by reducing vehicle miles traveled for residents within a one-half (1/2) mile radius by:
    - i. Balancing land uses in a manner that reduces vehicle miles traveled.
    - ii. Creating a mix of uses that creates an internal trip capture rate of greater than twenty (20%) percent.
    - iii. Increasing the share of trips that use alternative modes of transportation, such as transit ridership, walking, or bicycle riding.
  - 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. 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.

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 3-1404(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 3-1405. Standards for review of text amendments to these regulations and for City-initiated district boundary changes.**

The Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt, text amendments to these land development regulations ~~or City-initiated district boundary changes~~ unless the text amendment ~~or City-initiated district boundary change~~:

- 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.

\* \* \*

**Section 3-1408. City Commission review and decision.**

- A. For ~~applicant-initiated district boundary changes~~, text amendments to these regulations, and ~~City-initiated district boundary changes~~ that affect ten (10) or more contiguous acres of property, the City Commission shall hold two (2) public hearings, as follows:
  - 1. At the first public hearing, the City Commission shall read the proposed ordinance by title only.
  - 2. At the second public hearing, the City Commission shall:
    - ~~a. If the proposed ordinance is applicant initiated, review the application for compliance with the standards set out in Section 3-1404 and decide whether to adopt, adopt with conditions, or reject the proposed ordinance; or~~
    - ~~b. If the proposed ordinance is City initiated, review the application for compliance with the standards set out in Section 3-1405 and decide whether to adopt, adopt with conditions, or reject the ordinance.~~
  - 3. If the proposed amendment is a district boundary change, changes the list of permitted, conditional, or prohibited uses in a use district, then one (1) of the public hearings shall be held after 5:00 p.m. on a weekday, unless the City Commission, by a majority plus one (1) vote, elects to conduct that hearing at another time of day.
- ~~B. For City-initiated district boundary changes that affect less than ten (10) contiguous acres of property, the City Commission shall hold one (1) public hearing, at which it shall:~~
  - ~~1. Review the proposed ordinance for compliance with the standards set out in Section 3-1405; and~~
  - ~~2. Adopt, adopt with conditions, or reject the proposed ordinance.~~

\* \* \*

**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) (e), 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.

\* \* \*

4. 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.

\* \* \*

~~d. A permit used for Outdoor Dining in the public right of way shall be issued for a period of two (2) years, renewable biannually by the Division of Planning and Zoning. Such permit shall be paid on a bi-annual basis.~~

\* \* \*

### Section 4-402. Prohibited uses, certain streets.

- A. Except as provided in Section 4-403~~(F)~~(C) and (E), 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.
- B. No driveway for use by motor vehicles or any other purpose shall be permitted to be constructed across the sidewalks on properties abutting Miracle Mile from Douglas Road to LeJeune Road and/or on properties abutting Ponce de Leon Boulevard from Minorca Avenue to University Drive.
- C. No off-street parking shall be permitted to be located on the grade level of buildings constructed on properties abutting Miracle Mile from Douglas Road to LeJeune Road and/or on properties abutting Ponce de Leon Boulevard from Minorca Avenue to University Drive.
- D. No driveway for motor vehicle purposes or any other purposes shall be constructed across the sidewalk or in such yard areas of property abutting both sides of Ponce de Leon Boulevard from Malaga Avenue to Bird Road; driveways existing as of February 26, 1981 may be permitted to remain.

#### **Section 4-403. Business outside a building.**

No business shall be permitted unless such business is carried on within and under cover of a building or buildings according to the provisions of this and other ordinances of the City of Coral Gables; provided, however, that this section shall not apply to the following:

- A. Automobile service stations.
- B. Commercial nurseries for the growth and sale of trees, plants and flowers.
- C. Open-air cafes and/or restaurants when approved in accordance with the provisions of Article 5, Division 1.
- D. Open-lot Christmas tree sales, as provided in Article 5, Division 21.
- E. Restaurant drive-in service windows or walk-up counters and bank drive-in or walk-up tellers when approved in accordance with the provisions of Article 5, Division 1.
- F. Used-car lots, when located in accordance with the provisions of Section 4-404.

#### **Section 4-404. Used car lots.**

The business or occupation of used car lot shall not be conducted anywhere within the City of Coral Gables except upon premises in an Industrial District or as accessory use in C districts in association with a new car dealership.

\* \* \*

### **ARTICLE 5 – DEVELOPMENT STANDARDS**

\* \* \*

#### **Section 5-119. Restaurant, open air.**

\* \* \*

- B. Open-air dining on public property, as accessory to a restaurant, provided that:

- ~~1. A permit issued for an open-air dining located on public property shall be issued for a period of one (1) year, renewable annually by the Planning and Zoning Division. Such permit shall not be transferable in any manner.~~
- ~~2.~~ Open-air dining area shall be restricted to the length of the sidewalk or public right-of-way immediately fronting the cafe and/or restaurant. The utilization of space extending no more than twenty-five (25) linear feet on either side beyond the subject property frontage may be authorized subject to annual written consent provided by tenants in front of whose businesses the outdoor dining service would occur.
- ~~32.~~ Walk-up counters for the purpose of serving patrons shall require conditional use review and approval pursuant to Article 3, Division 4, Conditional Uses. The service of patrons for walk-up counters shall not encroach into the public right-of-way and shall not interfere with pedestrian circulation on adjacent public sidewalks.
- ~~43.~~ There shall be maintained a minimum of five (5) foot clear distance of public sidewalk, free of all obstructions, in order to allow adequate pedestrian movement. The minimum distance shall be



measured from the portion of the open-air dining area nearest either the curb-line or the nearest obstruction.

- 54. No awning, canopy or covering of any kind, except individual table umbrellas, shall be allowed over any portion of the open-air dining area located on public property except as allowed under separate covenant process.
- 65. No perimeter structures such as fences, railings, planters or other such barriers shall surround the open-air dining area which would restrict the free and unobstructed pedestrian flow or discourage the free use of the tables or chairs by the general public.
- 76. No signage shall be permitted on the public portion of the property.
- 87. All open-air dining areas shall be at the same elevation as the adjoining sidewalk or public right-of-way.
- 98. Under no circumstances shall any open-air dining interfere with the free and unobstructed public access to any bus stop, crosswalks, public seating areas and conveniences, street intersections, alley, service easements, handicap facilities or access to adjacent commercial establishments.
- 109. The property owner/operator shall be responsible for maintaining the outdoor dining area in a clean and safe condition. All trash, litter and chewing gum shall be removed daily.
- 140. The hours of operation shall coincide with that of the primary restaurant. Tables, chairs and all other furniture used in the operation of an outdoor dining area shall not be anchored or restrained in any visible manner as with a chain, rope or wire.
- 121. The standards for nighttime uses in Article 4, Division 3 are met.
- 132. Open-air dining may be suspended by the City Manager for community or special events, utility, sidewalk or road repairs, or emergency situations or violations of provisions contained herein. The length of suspension shall be for duration as determined necessary by the City Manager. Removal of all street furniture and related obstructions shall be the responsibility of the cafe and/or restaurant owner/operator.

\* \* \*

#### **Section 5-1406. Visibility triangles.**

\* \* \*

B. Ingress and egress driveways. All ingress and egress driveways in residential districts and Special Use Districts that connect to streets shall provide triangles of visibility as follows:

- 1. ~~If a sidewalk is located between the property line and the street (see Figure B.1), then the~~ legs of the triangle of visibility shall:
  - a. Be ten (10) feet long; and
  - b. Meet at the point of intersection of the driveway and the ~~edge of the sidewalk that is closest to or on the property line.~~
- 2. ~~If there is no sidewalk located between the property line and the street (see Figure B.2), then the~~ legs of the triangle of visibility shall:

- ~~a. Be ten (10) feet long; and~~
- ~~b. Meet at the point of intersection of a line that extends from the edge of the driveway and a line that extends from the edge of pavement of the abutting street (flare outs are included within the triangle of visibility).~~

\* \* \*

#### **Section 5-1408. Common driveways and remote off-street parking.**

\* \* \*

B. Remote off-street parking. As an alternative to, or in conjunction with providing required parking onsite or through payment in-lieu of providing required parking pursuant to City Code Section 74-201(d), an applicant may apply to use remote off-street parking to meet the off-street parking requirements of the Zoning Code ~~for an expansion or change in use of an existing project~~. The ability to use remote parking may be granted in the reasonable discretion of the City in compliance with the terms of this subsection. The Development Services Director shall approve an application to provide remote off-street parking that is located in the City within one thousand (1,000) feet of the site of the applicant's proposed project, upon finding that all of the requirements of this subsection have been satisfied.

1. Definition. For purposes of this subsection, the "applicant" is defined as the owner(s) of the land on which the uses(s) seeking to utilize remote parking is located. The owner of the land on which the remote parking is located may not apply for remote parking, unless that owner also owns the property on which the use seeking to utilize remote parking is located.

2. Applicability.

a. Location of project and of remote parking spaces. Applications for remote parking shall only be accepted in association with a ~~proposal to expand, or change the use of, an existing~~ project located in the CBD. The remote parking spaces shall be located in the CBD, unless waived pursuant to subsection B.11, but regardless of whether a waiver is obtained, must always be located in the City.

b. Infeasibility or impracticability of providing required parking. Applications may be approved if the physical layout of the project, as determined in the reasonable discretion of the Director of Development Services, cannot reasonably be altered to provide the Zoning Code-required parking onsite ~~as part of the proposed expansion or change of use~~.

c. Applicability not a basis for later enforcement. Notwithstanding anything to the contrary herein, the initial determination of applicability under this subsection B.2 is final, and the City may not later determine that an approved remote parking arrangement is out of compliance based on applicability requirements of this subsection B.2.

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#### **ARTICLE 8 – DEFINITIONS**

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~~**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.~~

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**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.

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

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**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.

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

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**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.

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## APPENDIX A – SITE SPECIFIC ZONING REGULATIONS

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### **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.

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1 THE SECRETARY: Maria Velez?  
 2 MS. VELEZ: Yes.  
 3 THE SECRETARY: Rhonda Anderson?  
 4 MS. ANDERSON: Yes.  
 5 THE SECRETARY: Julio Grabiell?  
 6 MR. GRABIEL: Yes.  
 7 THE SECRETARY: Maria Menendez?  
 8 MS. MENENDEZ: Yes.  
 9 THE SECRETARY: Eibi Aizenstat?  
 10 CHAIRMAN AIZENSTAT: Yes.  
 11 Thank you very much.  
 12 MS. RUSSO: Thank you very much.  
 13 CHAIRMAN AIZENSTAT: Let us take just a  
 14 five-minute recess so the room clears and we'll  
 15 take the next items under discussion.  
 16 (Short recess taken.)  
 17 MR. COLLIER: The discussion items, I don't  
 18 think it's necessary to read in the titles,  
 19 because they are discussion items. They're  
 20 going to come back to you again as more  
 21 official items. So that will save us a little  
 22 time and save my breath a little bit.  
 23 CHAIRMAN AIZENSTAT: Okay.  
 24 MR. TRIAS: I think that's a great idea,  
 25 Mr. Attorney.

1 the language.  
 2 MR. TRIAS: That's not what I said. I said  
 3 we have two memos.  
 4 MS. MENENDEZ: I'm talking about the first  
 5 one. I'm not talking about them.  
 6 MR. TRIAS: Okay.  
 7 MS. MENENDEZ: I'm talking about the very  
 8 first one, which is F-1. My question is, I  
 9 thought you had made a statement that this is  
 10 only being transferred to another section. Why  
 11 are you rolling your eyes, Mr. Planning  
 12 Director? Why are you rolling your eyes?  
 13 MR. TRIAS: Because I made a statement that  
 14 we have two Ordinances, two Ordinances, and,  
 15 yes, maybe the first one deals with only the  
 16 transfer.  
 17 We have two memos before you for  
 18 information. One of them, one of the memos,  
 19 deals with removal from the Zoning Code.  
 20 MS. MENENDEZ: Okay. Can we just take one  
 21 at a time, would be my suggestion?  
 22 MR. TRIAS: Which one would you like to take?  
 23 MS. MENENDEZ: The first one, the F-1. I  
 24 have to go like this. I don't know why. It's  
 25 something I have --

1 There are two discussion items. There are  
 2 three Ordinances, but there are actually two  
 3 topics. The first two deal with some of the  
 4 changes that we have been working on on the  
 5 Zoning Code. And there are two memos that were  
 6 provided to you. One is the memo that is  
 7 titled Removal from the Zoning Code. That's  
 8 basically a strike-through memo. The other one  
 9 is a memo that transfers certain text to the  
 10 City Code.  
 11 MS. MENENDEZ: So you're saying it's only a  
 12 transfer? Is there any changes to the Code?  
 13 MR. TRIAS: No, not at all. I mean, no  
 14 additions. It's simply removals.  
 15 MR. GRABIEL: Is this a result of the study  
 16 being done by outside consultants?  
 17 MR. TRIAS: Yes. And it is presented to  
 18 you, just so you see where we are and see if  
 19 you have any ideas or any thoughts or anything  
 20 that is missing. It's for discussion. It  
 21 gives you an opportunity to get an update on  
 22 the process.  
 23 MS. MENENDEZ: I'm sorry, I might not have  
 24 understood it. You're saying that this is just  
 25 a transfer. You're not removing anything from

1 MS. ANDERSON: Which is F-1?  
 2 MS. MENENDEZ: F-1 is the one that deals  
 3 with the BIOD district, the Business  
 4 Improvement Overlay District.  
 5 MR. TRIAS: This deals with removing  
 6 certain outdated conflicting regulations from  
 7 the Zoning Code. So this is the memo that is  
 8 titled, Removal from Zoning Code.  
 9 MS. MENENDEZ: Right.  
 10 MR. TRIAS: And this one is just  
 11 strike-throughs. There's no additions.  
 12 There's nothing new. There's no transfer of  
 13 any text to any other place. It's simply the  
 14 removal.  
 15 MS. MENENDEZ: Okay. So this isn't a  
 16 transfer? This is a removal?  
 17 MR. TRIAS: Yes.  
 18 MS. MENENDEZ: Thank you, sir.  
 19 CHAIRMAN AIZENSTAT: Is that because it's  
 20 obsolete or is that because --  
 21 MR. TRIAS: Generally. Like, for example,  
 22 DRIs, they don't exist anymore. So that's  
 23 obsolete. So we're taking that out.  
 24 There are some things that really -- yes,  
 25 the answer is, yes, it's basically obsolete.

<p style="text-align: right;">Page 133</p> <p>1 MS. ANDERSON: So the outdoor dining is</p> <p>2 covered somewhere else?</p> <p>3 MR. TRIAS: Yes.</p> <p>4 MS. MENENDEZ: Where is it covered?</p> <p>5 MR. TRIAS: Which item exactly are you</p> <p>6 asking about? Which page and which line?</p> <p>7 MS. ANDERSON: I'm on Page 4 of 5, Section</p> <p>8 4-206.</p> <p>9 CHAIRMAN AIZENSTAT: Item Number 2, Outdoor</p> <p>10 Seating Expedited Process.</p> <p>11 MR. TRIAS: Oh, yeah. It's just that we're</p> <p>12 just removing the title. Yeah, that's all</p> <p>13 there is.</p> <p>14 MS. ANDERSON: You're just removing the</p> <p>15 title?</p> <p>16 MR. TRIAS: Yeah. I don't want you to</p> <p>17 overthink this. I mean, all we're doing is</p> <p>18 making some corrections. We're not changing</p> <p>19 anything in any major way.</p> <p>20 MS. ANDERSON: As long as we don't have all</p> <p>21 of the tables and chairs blocking all of the</p> <p>22 pedestrian area.</p> <p>23 MR. TRIAS: No. No. We won't do any of that.</p> <p>24 CHAIRMAN AIZENSTAT: So, Ramon, what are</p> <p>25 you looking at from us, basically? In other</p>	<p style="text-align: right;">Page 134</p> <p>1 words, you come to us and you say, we're just</p> <p>2 removing stuff. What is it that we have --</p> <p>3 MR. TRIAS: You may recall that the</p> <p>4 consultant said that we were going to do Phase</p> <p>5 2 of this process and Phase 2 was going to be</p> <p>6 corrections, et cetera. So I wanted to give</p> <p>7 you an early draft, just to see if there was</p> <p>8 anything obviously wrong or anything obviously</p> <p>9 missing or anything obviously that you would</p> <p>10 prefer, just to set some policy. And then it</p> <p>11 will come back to you as an Ordinance,</p> <p>12 hopefully soon, hopefully soon.</p> <p>13 CHAIRMAN AIZENSTAT: A lot of items here</p> <p>14 seem to be regarding Planning and Zoning Board</p> <p>15 review, from what I'm seeing. Am I correct?</p> <p>16 MR. TRIAS: I wouldn't say that, no. I</p> <p>17 don't think that's really the case, no.</p> <p>18 Although some things may apply, but like, for</p> <p>19 example, we're taking some definitions out. I</p> <p>20 mean, that doesn't have to do with anything.</p> <p>21 And some of the definitions are simply not</p> <p>22 effective, and we're trying to make them</p> <p>23 better.</p> <p>24 MR. COLLIER: Mr. Chairman, I think what</p> <p>25 you're looking at the Standards for Development</p>
<p style="text-align: right;">Page 135</p> <p>1 of Regional Impact, and there's a role that the</p> <p>2 Planning and Zoning Board had in that process,</p> <p>3 and I believe what the Director was saying is</p> <p>4 that, since DRIs don't exist anymore, there's</p> <p>5 no reason to have the Planning and Zoning Board</p> <p>6 review.</p> <p>7 We're here to help each other out, Ramon,</p> <p>8 right?</p> <p>9 CHAIRMAN AIZENSTAT: That makes sense.</p> <p>10 MR. TRIAS: Thank you. Thank you.</p> <p>11 You know, back in the day, when I was a</p> <p>12 rookie planner, I used to work in the Regional</p> <p>13 Planning Council, all of the Regional Planning</p> <p>14 Council work was DRI work, but that was then.</p> <p>15 That doesn't exist anymore. The DRIs were</p> <p>16 taken out of the process. So now we're taking</p> <p>17 it out from the Code.</p> <p>18 MS. ANDERSON: Okay.</p> <p>19 MS. MENENDEZ: And then the one that refers</p> <p>20 to Development Review, that's transferred to</p> <p>21 the City Code?</p> <p>22 MR. TRIAS: Are we going to talk about the</p> <p>23 second memo now?</p> <p>24 MS. MENENDEZ: Yeah. I think we're done</p> <p>25 with the first one, right?</p>	<p style="text-align: right;">Page 136</p> <p>1 MR. TRIAS: So the second memo is</p> <p>2 transferred to the City Code, and that has to</p> <p>3 do with some topics that we believe would work</p> <p>4 better in the City Code, just concurrency, for</p> <p>5 example, the review of concurrency.</p> <p>6 Yes?</p> <p>7 MS. ANDERSON: I just made notations of a</p> <p>8 couple of things. Sidewalk, street lighting,</p> <p>9 utility poles and underground utilities, does</p> <p>10 that mean that Planning and Zoning wouldn't</p> <p>11 look at those issues anymore?</p> <p>12 MR. TRIAS: No. What that means is that</p> <p>13 the standard of the technical requirements for</p> <p>14 lighting and paving and so on are really a</p> <p>15 Public Works type of review. We review things</p> <p>16 conceptually, for lack of a better word, so we</p> <p>17 do look that -- we have sidewalks, that the</p> <p>18 sidewalks have lighting, but we don't</p> <p>19 necessarily look at the technical standards</p> <p>20 that are required to get a permit for those</p> <p>21 things.</p> <p>22 So some of that is being relocated better</p> <p>23 for the City Code.</p> <p>24 MS. ANDERSON: But Planning and Zoning</p> <p>25 could still hear from residents that we need</p>

