



**City of Coral Gables
Planning and Zoning Staff Recommendation**

Applicant:	City of Coral Gables
Application:	Zoning Code Text Amendment- Article 5, "Development Standards", Section 5-1408, "Common driveways and remote off-street parking", and Section 5-1409, "Amount of required parking"
Public Hearing - Dates/Time/ Location:	Local Planning Agency(LPA)Planning and Zoning Board April 9, 2014, 6:00 – 9:00 p.m., City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida, 33134

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: amending Article 5, "Development Standards", Section 5-1408, "Common driveways and remote off-street parking", by providing regulations, restrictions and procedures for the use of remote parking in and near the Central Business District ("CBD"); amending the reference to remote parking in Article 5, "Development Standards", Section 5-1409, "Amount of required parking" to match the changes to Section 5-1408; providing for severability, repealer, codification, and an effective date.

Background Information.

Section 5-1408 of the Zoning Code creates the concept of remote off-street parking in the CBD, a mechanism to provide Code-required parking off the premises of the use being served by the parking. It states that remote parking may be used when the off-street parking facilities are located within 500 feet of the perimeter of the building site and are not located in a single family zoning district, and when a restrictive covenant or parking easement is provided. Other than capping the use of remote parking at 50% of required parking spaces for residential uses, there is no restriction on the amount of parking which may be provided remotely. Other than these few general requirements, there is no additional detail or guidance provided regarding the requirements, procedure, or preservation of the City's interests in the provision of the required parking spaces.

City Staff offers the proposed text amendment to clarify and improve the remote off-street parking provisions, and recommends that the procedure should only be used in conformance with the amendment. The proposed amendment allows proposals to change or expand an existing use to provide required parking through the use of remote parking if both of the following are met:

- The project using the remote spaces must be located in the CBD or within 1,000 feet of the CBD, and
- The Director of Development Services determines that the physical layout of the proposal cannot reasonably be altered to provide the Zoning Code-required parking onsite as part of the proposed expansion or change of use.

Once a remote parking arrangement has been approved, the City may not base any enforcement action on the above requirements.

The remote parking spaces must:

- be located within 1,000 feet of the use (previously 500 feet),
- if serving a restaurant or retail use, then they must be located within 500 feet of the use,
- be located within the City (can be outside the CBD),
- not be located within a single family zoning district, and
- be owned by the same party who owns the use being served by the remote parking.

Projects constructed after March 11, 1964 may apply to use remote parking spaces for up to 50% of the required parking for an expansion or change of use under the Zoning Code. Projects constructed before that date may apply to use up to 100% remote parking spaces for expansion or change of use.

As proposed, the distance calculation (which is undefined in the current Code) will be measured property line to property line based on airline measurement.

The Draft Ordinance requires the following as part of the application for remote parking:

- Survey showing exact location, traffic flow and current physical layout of the remote parking spaces.
- Documentation demonstrating ownership and availability of the remote parking spaces (that they are not being used to support other uses).
- Copies of approved plans for the remote parking spaces.
- Sworn affidavits establishing that no leases, approved plans or other commitments exist or will be entered into for the life of the remote parking approval that would interfere with the proposed use of the remote parking spaces for remote parking.
- An application fee in the amount of \$2,000.
- A unity of title (or based on the type of ownership of the remote spaces, a covenant in lieu of unity of title with declaration of restrictions).

The unity of title is proposed to protect the City's interest in the maintenance and availability of the remote parking spaces in order to meet the Zoning Code requirements. The unity of title (or covenant in lieu of unity of title) must:

- Provide assurances for the continued ownership of the remote parking spaces until such time as the City Manager (or designee) releases the obligation;
- Acknowledge that a planned amendment of the remote parking approval is subject to the same application requirements, procedure, and fee as a new application, and shall be implemented in a manner that assures the continuous availability of the remote parking;
- Acknowledge the applicant's duty to report any unplanned changes related to the remote parking, application, approval or compliance with the recorded agreement within 2 business days of the occurrence of the change;
- Provide a remedial plan to the Development Services Director within 10 business days of the occurrence of the unplanned change.
- Authorize the City to inspect the premises of the parking facilities at will to assure continued compliance;
- Acknowledge that the applicant must annually submit renewed documentation and affidavits showing compliance with the Code and the agreements, at the time of certificate of use renewal;
- Acknowledge that the remote parking is a revocable privilege, not a right, and an uncured failure to comply with the related Code requirements and agreements will subject the applicant to the original and full parking requirements of the Zoning Code (on-site); and
- Acknowledge the right to appeal administrative decisions pursuant to the procedures of the Zoning Code, but waive the right to appeal of final City action related to this privilege.

All of the reporting and plan submittal deadlines detailed above may be extended by the Director for good cause.

The remedial plan provisions and the timing of their implementation may be approved in the sole discretion of the Director, and may include any or all of the following options:

- Provide a payment in lieu of required parking (which, pursuant to section 74-201(d), can only be used when the applicant's property is located in the CBD or within 100 feet of the Ponce de Leon right-of-way);
- Modify the use of the applicant's property so that the parking spaces are no longer required (such as change of use, reduction in square footage); and
- Secure alternate remote parking spaces meeting all the code requirements, including execution of any new agreements or affidavits.

The Draft Ordinance also provides for annual renewal of the remote parking as a condition of the renewal of the certificate of use for the applicant's property.

The Draft Ordinance provides procedures in the event of noncompliance, which include notice of noncompliance, an opportunity to cure through development and implementation of a remedial plan approved by the Development Services Director, and for the remote parking approval to be deemed void in the event the applicant is determined by the Director to have failed to:

- notify the City of changes to the remote parking, application, or agreement;
- submit a remedial plan by any deadline set or extended by the Director;
- implement the remedial plan according to the implementation schedule approved or extended by the Director; or
- comply in any other regard with all of the related requirements of the Zoning Code, including failure to comply with the recorded covenants required as part of the approval.

An applicant may not reapply for the use of remote parking for a period of 6 months after the remote parking approval is deemed void.

Finally, if the Development Services Director reviews and rejects an application for remote parking on any of the following bases:

- the 1,000 foot maximum distance between the remote parking spaces and the applicant's project;
- the 500 foot maximum distance between the remote parking spaces and an applicant's project containing retail or restaurant uses;
- the 50% cap on the use of remote parking spaces for projects constructed after March 11, 1964; or
- the requirement that the applicant must own the remote parking spaces;

then the applicant may ask the City Commission to waive one or more of these four requirements.

The standard for approval of such a waiver is that the waiver will not harm the public interest or create parking problems in the area surrounding the project site. Waiver of the ownership requirement also requires that:

- The applicant submits a lease for the remote parking spaces with a term of 5 years, or a lease as long as the lease of the use being served by the remote parking, whichever is shorter, and
- Documentation of the remote parking lease arrangement is acceptable to the City Attorney and Development Services Director, and is recorded in the public records of Miami-Dade County against both the applicant's project site and the property housing the remote parking spaces, and
- The lease for the remote parking spaces can be terminated on no less than 180 days advance notice, which shall be provided to both the Development Services Director and the parties.

If the City Commission decides to waive the requirement to own the remote spaces, it can also decide to waive the minimum lease term (the lesser of 5 years or the length of the lease for the use being served by the remote parking) as long as the lease term is at least one year.

The Draft Ordinance also revises Section 5-1409. "Amount of Required Parking," Subsection E.

“Calculation of compliance with parking requirement,” to match the amendment to Section 5-1408.

Proposed Zoning Code Amendments.

Draft Ordinance in ~~strike-through~~/underline format showing the proposed amendments is provided as Attachment A.

Public Hearing Timetable.

Consideration of the proposed Zoning Code amendments by the City Commission has been tentatively scheduled for Tuesday, April 22, 2014.

Public Notification.

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

Public Notice

Type	Date
Legal advertisement	03.27.14
Posted agenda on City web page/City Hall	04.04.14
Posted Staff report on City web page	04.04.14

Staff Recommendation.

The Planning and Zoning Division recommends approval of the following:

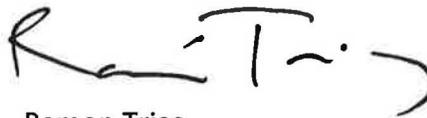
An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code: amending Article 5, “Development Standards”, Section 5-1408, “Common driveways and remote off-street parking”, by providing regulations, restrictions and procedures for the use of remote parking in and near the Central Business District (“CBD”); amending the reference to remote parking in Article 5, “Development Standards”, Section 5-1409, “Amount of required parking” to match the changes to Section 5-1408; providing for severability, repealer, codification, and an effective date.

Attachments.

A. Draft Ordinance in ~~strike-through~~/underline format.

Please visit the City's webpage at www.coralgables.com to view all Application 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
Director of Planning and Zoning
City of Coral Gables, Florida