



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
Application: **Zoning Code Text Amendment - TDRs for Creating City Parks**
Public Hearing: Planning and Zoning Board
Date & Time: **November 9, 2016; 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:

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 10, "Transfer of Development Rights;" modifying the provisions for transfer development rights; providing for repealer provision, severability clause, codification, and providing for an effective date.

2. BACKGROUND INFORMATION

City Staff is requesting a Zoning Code text amendment to allow transfer development rights (TDRs) to be utilized for the purpose of creating City parks. The proposed amendment introduces regulations that would allow for the deeding of private property over to the City in order to create a City park in exchange for allowing the development rights of the private property to be transferred from that sending site to a receiving site. The receiving sites must comply with the current TDR provisions requiring the receiving site to be located within the Central Business District (CBD) and commercially zoned. The regulations are intended to encourage new development to provide parks and open space areas necessary to accommodate the demands generated by new development.

Provisions already exist for the transfer of development rights from historic properties to receiving sites. In those cases the maximum increase in FAR for the receiving site is twenty-five (25%) percent with additional Mediterranean architectural style bonuses permitted. This allows for a maximum 4.375 FAR on receiving sites which is calculated by multiplying the maximum permitted FAR plus architectural bonuses, which is 3.5 FAR, times twenty-five (25%) percent. The same maximum FAR would be permitted for receiving sites utilizing the proposed TDR provisions.

3. PROPOSED ZONING CODE TEXT AMENDMENT

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

Article 3 - Development Review

Division 10. Transfer of Development Rights

Section 3-1004. Transfer/sending of TDRs and issuance of a Certificate of TDRs.

- A. Transfer/sending of TDRs. The TDRs rights eligible to be transferred from the property calculated as follows: the difference between the existing gross floor area on the property and the maximum floor area permitted on the property by the applicable zoning district, including any available development bonuses.
- B. Transfer/sending of TDRs from a historic sending site. The Historic Preservation Officer shall have the authority to grant approval to transfer/send TDRs if all of the following are satisfied:
1. The sending site has been designated as a local historic landmark or a contributing property within a local historic district pursuant to Article 3, Division 11.
 2. The sending site is (i) located within the boundaries of the CBD and designated commercial zoning or (ii) located north of Navarre Avenue, east of LeJeune Road, west of Douglas Road, and south of SW 8th Street, is zoned MF2, and is developed with one of the following MF2 permitted land uses: duplex dwelling, multi-family dwelling, or bed and breakfast establishment.
 3. The Development Services Department has calculated the unused development rights or TDRs eligible to be transferred from the property per Section 3-1004.A.
 4. The property owner(s) have provided a maintenance/preservation plan prepared by a certified architect or engineer of the State of Florida, which sets forth a maintenance schedule and/or rehabilitation treatment if applicable for those architectural elements that contribute the historic integrity of the property or restoration of original features. Those features are identified by the "Review Guide," a section of the local designation report produced by the Historical Resources Department.
 5. Inspection of the property may be completed by the Historic Resources Department to determine compliance with the above criteria.
 6. Historic Preservation Board review and approval of the maintenance/preservation plan to determine compliance with Article 3, Division 11.
 7. A property must not be subject to any Code Enforcement violations, City-imposed liens, unpaid fines, or overdue assessments or fees. The City Attorney, in consultation with City staff, may waive this requirement through a stipulation providing for correction of the Code Enforcement violation under appropriate conditions and settlement of the amounts due.

The approval to transfer/send shall be via the issuance of a Certificate of TDRs. The Historic Preservation Officer may recommend conditions of approval that are necessary to ensure compliance with the standards set out herein.

C. Transfer/sending of TDRs from a sending site for the purpose of creating a City Park. The City Commission shall have the authority to grant approval to transfer/send TDRs if all of the following are satisfied:

1. The sending site is located within the City of Coral Gables.
2. Ownership of the sending site shall be transferred to the City of Coral Gables as a part of the application to transfer development rights to the receiver site.
3. The Development Services Department has calculated the unused development rights or TDRs eligible to be transferred from the property per Section 3-1004.A.
4. The sending site must not be subject to any Code Enforcement violations, City-imposed liens, unpaid fines, or overdue assessments or fees. The City Attorney, in consultation with City staff, may waive this requirement through a stipulation providing for correction of the Code Enforcement violation under appropriate conditions and settlement of the amounts due.

The approval to transfer/send shall be via Resolution. The Planning and Zoning Board and City Commission may recommend conditions of approval that are necessary to ensure compliance with the standards set out herein.

4. FINDINGS OF FACT

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

- A. Promotes the public health, safety, and welfare.
- B. Does not permit uses the Comprehensive Plan prohibits in the area affected by the district boundary change or text amendment.
- C. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property.
- D. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less the minimum requirements of the Comprehensive Plan.

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

Staff finds that all five of these criteria are **satisfied**.

5. COMPREHENSIVE PLAN CONSISTENCY

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

6. PUBLIC NOTIFICATION

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

Type	Date
Legal advertisement	10.28.16
Posted agenda on City web page/City Hall	11.04.16
Posted Staff report on City web page	11.04.16

7. STAFF RECOMMENDATION

The Planning and Zoning Division recommends **approval**.

8. ATTACHMENTS

A. 10.28.16 Legal advertisement published.

Please visit the City’s webpage at www.coralgables.com to view all Application plans and materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida 33134.

Respectfully submitted,



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

MIAMI DAILY BUSINESS REVIEW

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

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

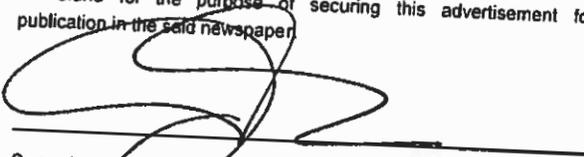
Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NOTICE OF PUBLIC HEARING
CITY OF CORAL GABLES - NOV. 9, 2016

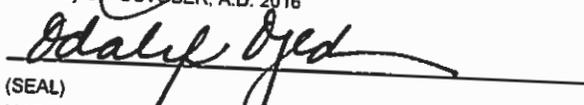
in the XXXX Court,
was published in said newspaper in the issues of

10/28/2016

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



Sworn to and subscribed before me this
28 day of OCTOBER, A.D. 2016



(SEAL)
MARIA MESA personally known to me



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

CITY PUBLIC HEARING LOCAL PLANNING AGENCY / PLANNING ZONING BOARD
DATES/TIMES WEDNESDAY, NOVEMBER 9, 2016, 6:00 – 9:00 P.M.
LOCATION CITY COMMISSION CHAMBERS, CITY HALL, 405 BILTMORE WAY, CORAL GABLES FLORIDA, 33134

PUBLIC NOTICE is hereby given that the City of Coral Gables, Florida, Local Planning Agency (LPA)/ Planning and Zoning Board (PZB) will conduct Public Hearings on the following:

Items 1 through 5 are related.

1. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments," and Small Scale Amendment procedures (S.163.3187, Florida Statutes), providing for the "North Ponce de Leon Boulevard Mixed-Use Overlay District;" providing for severability, repealer and an effective date. (Legal description on file with the City) (LPA review)
2. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the text of the City of Coral Gables Comprehensive Plan, Future Land Use Element, Policy FLU-1.1.3, "Table FLU-4. Mixed-Use Land Use," pursuant to expedited State review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments;" amending the "MXOD, Mixed-Use Overlay Districts" Land Use Classification to provide that a Mixed-Use Overlay District may be permitted as an overlay in the Multi-Family Medium Density and the Multi-Family High Density Land Uses; providing for severability, repealer and an effective date. (LPA review)
3. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Zoning Map pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments", to create the "North Ponce de Leon Boulevard Mixed Use District" for portions of the Douglas Section, Section K, and Section L, Coral Gables, Florida; providing for severability, repealer and an effective date. (Legal description on file with the City)

4. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 4, "Zoning Districts," Section 4-201, "Mixed Use District (MXD)" to allow an MXD Overlay District to be assigned in a Multi-Family 2 Zoning District under certain conditions, and to include provisions for the "North Ponce de Leon Boulevard Mixed Use District" to modify and supplement the existing Commercial and Multi-Family 2 standards and criteria to allow appropriate redevelopment that promotes walkability, enhances Ponce de Leon Boulevard, and provides a transition to the North Ponce Neighborhood Conservation District; providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

5. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 3, "Development Review," Division 10, "Transfer of Development Rights" to modify criteria for sending sites north of Navarre Avenue, and to allow for Commercial zoned properties with the "North Ponce Mixed Use District" overlay to be receiving sites subject to certain criteria; providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

Items 6 through 8 are related.

6. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the text of the City of Coral Gables Comprehensive Plan, Future Land Use Element, Policy FLU-1.1.3, "Table FLU-1. Residential Land Uses," pursuant to expedited State review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments," amending the "Multi-Family Medium Density" Land Use Classification to provide that a maximum density of 60 units/acre, or 75 units/acre with architectural incentives per the Zoning Code, shall be permitted for development within designated Residential Infill Districts; providing for severability, repealer and an effective date. (LPA review)

7. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Zoning Map pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments", to create the "East Ponce de Leon Boulevard Residential Infill District" for portions of the Douglas Section, Coral Gables, Florida; providing for severability, repealer and an effective date. (Legal description on file with the City)

8. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 4, "Zoning Districts," adding Section 4-208, "East Ponce de Leon Boulevard Residential Infill District" to modify and supplement the existing Multi-Family 2 standards and criteria to allow appropriate redevelopment that promotes walkability, enhances East Ponce de Leon Boulevard, and provides a visual connection between the Douglas Entrance and Ponce de Leon Boulevard; providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

9. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 4, "Zoning Districts," Division 3, "Nonresidential Districts," Section 4-302, "Commercial District;" and, Article 5, "Development Standards," Division 1, "Accessory Uses," Section 5-115, "Drive-throughs, walk-up windows, and automated teller machines (ATM)" requiring conditional use review for drive through facilities; providing for repealer provision, severability clause, codification, and providing for an effective date.

10. 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 10, "Transfer of Development Rights;" modifying the provisions for transfer development rights; providing for repealer provision, severability clause, codification, and providing for an effective date.

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

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

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