

City of Coral Gables
Planning Department Staff Report

To: Planning and Zoning Board Members

From: Planning Department

Date: September 6, 2006

Subject: **Presentation of proposed Zoning Code and Zoning Map Amendments.**

Consideration and recommendation on the new Zoning Code (item 1) and City Zoning Map amendments including change of zoning for existing inconsistent properties and adoption of new Zoning Map designations (items 2 and 3 – two part process), as follows:

1. AN ORDINANCE REPEALING THE ZONING CODE OF THE CITY OF CORAL GABLES, FLORIDA, AS AMENDED, AND ALL OTHER CITY CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE, AND ADOPTING A NEW ZONING CODE TO BE KNOWN AS THE ZONING CODE OF THE CITY OF CORAL GABLES, FLORIDA, WHICH PERTAINS TO THE GENERAL PROVISIONS OF THE ZONING CODE; THE ESTABLISHMENT OF THE DECISION MAKING AND ADMINISTRATIVE POWERS AND DUTIES OF THE CITY COMMISSION, PLANNING AND ZONING BOARD, BOARD OF ARCHITECTS, BOARD OF ADJUSTMENT, HISTORIC PRESERVATION BOARD, CODE ENFORCEMENT BOARD, TICKET HEARING OFFICERS, ENFORCEMENT OFFICERS, DEVELOPMENT REVIEW COMMITTEE AND PLANNING AND ZONING ADMINISTRATORS; THE ESTABLISHMENT OF DEVELOPMENT REVIEW PROCEDURES, INCLUDING NOTICE AND HEARING REQUIREMENTS RELATED TO BUILDING SITE APPROVALS, CONDITIONAL USES, PLANNED AREA DEVELOPMENTS, MORATORIUMS, VARIANCES, SUBDIVISIONS, TRANSFER OF DEVELOPMENT RIGHTS, HISTORIC PRESERVATION AND PROCEDURES, ABANDONMENT AND VACATIONS, CONCURRENCY REVIEW, ZONING CODE AMENDMENTS, ZONING MAP AND LAND USE PLAN AMENDMENTS, DEVELOPMENTS OF REGIONAL IMPACT, THE PROTECTION OF LANDOWNERS' RIGHTS, VESTED RIGHTS DETERMINATIONS, UNITY OF TITLE AND DECLARATION OF RESTRICTIVE COVENANTS, DEVELOPMENT AGREEMENTS AND APPEALS PROCEDURES; THE ESTABLISHMENT OF ZONING DISTRICTS APPLICABLE TO ALL LAND WITHIN THE CORPORATE LIMITS OF THE CITY, INCLUDING RESIDENTIAL, OVERLAY AND SPECIAL PURPOSE, AND NON-RESIDENTIAL DISTRICTS, AND PROVIDING AUTHORIZED AND PROHIBITED USES WITHIN EACH ZONING DISTRICT; THE ESTABLISHMENT OF DEVELOPMENT STANDARDS, INCLUDING THOSE RELATED TO DESIGN, LANDSCAPING, LIGHTING, PARKING AND LOADING, CONSTRUCTION, PLATTING, ROOFS, SANITATION SYSTEMS,

SCREENING, SIGNS, AND WALLS AND FENCES, WHICH ARE APPLICABLE TO USES PERMITTED WITHIN THE VARIOUS ZONING DISTRICTS AND ALL OTHER DEVELOPMENT ACTIVITIES SUCH AS ACCESSORY USES, AUTOMOBILE SERVICE STATIONS, AWNINGS AND CANOPIES, CLEARING, FILLING, AND EXCAVATION ACTIVITIES, COTTAGES, DOCKS AND OTHER WATERCRAFT MOORINGS, GROUP HOMES, ASSISTED LIVING AND CHILD CARE FACILITIES, HELIPORTS AND HELISTOPS, TELE-COMMUNICATION FACILITIES, UNDERGROUND UTILITIES AND TEMPORARY USES; THE ESTABLISHMENT OF REGULATIONS CONCERNING NONCONFORMING USES, STRUCTURES, SIGNS AND LAWFULLY EXISTING USES; THE ESTABLISHMENT OF PROVISIONS GOVERNING THE ADMINISTRATION, INTERPRETATION AND ENFORCEMENT OF THE NEW ZONING CODE; PROVIDING FOR DEFINITIONS APPLICABLE TO THE ZONING CODE; PROVIDING APPENDICES IN SUPPORT OF THE ZONING CODE, INCLUDING SITE SPECIFIC ZONING REGULATIONS, A FOUNDATION MAP, AND CAMPUS PERIMETER MAP; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; PROVIDING FOR THE PROPER NOTICE OF PROPOSED ENACTMENT AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ZONING CODE; AND PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

2. AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES APPROVING A CHANGE OF ZONING TO THE OFFICIAL ZONING MAP OF THE CITY OF CORAL GABLES, FLORIDA FOR VARIOUS PROPERTIES REFERENCED HEREIN FOR THE PURPOSE OF CORRECTING INCONSISTENCIES BETWEEN COMPREHENSIVE LAND USE PLAN MAP AND ZONING MAP CLASSIFICATIONS , REFERENCED HEREIN AS THE "INCONSISTENCIES LOCATION MAP" AND LEGALLY DESCRIBED IN THE "INCONSISTENT USES TABLE"; AND PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.
3. AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES APPROVING AN UPDATE AND REVISION OF THE ZONING MAP CLASSIFICATIONS PURSUANT TO THE ZONING CODE REWRITE AND CITYWIDE CHANGE OF ZONING AND ASSIGNMENT OF THE NEW ZONING MAP CLASSIFICATIONS TO THE OFFICIAL ZONING MAP OF THE CITY OF CORAL GABLES, FLORIDA FOR ALL PROPERTIES LOCATED WITHIN THE CITY, WHICH IS PART TWO OF A TWO PART PROCESS, AND PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Recommendation

The Planning Department recommends the Planning and Zoning Board based upon the findings of fact herein recommends approval of the following:

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1. Recommendation for adoption of proposed new Zoning Code including all Articles and Sections.
2. Recommendation for adoption of the Inconsistent Property Map Ordinance. Change of existing Zoning Map classifications on specific inconsistent properties to provide for the correct Zoning Map classification to be consistent with the current/correct Comprehensive Land Use Plan (CLUP) Map classification.
3. Recommendation for adoption of the new Zoning classifications and Map Ordinance per the Zoning Code rewrite.

Request

The Planning Department is requesting the Planning and Zoning Board consider and provide a recommendation on the final Zoning Code and Zoning Map amendments. All Articles and Sections are attached as Attachment A.

A location map, tabled information (chart) and property data regarding the proposed change of zoning for the nineteen (19) inconsistent properties proposed to be rezoned are provided in Attachment B. A copy of the existing Zoning Map and new Zoning classifications and Zoning Map are provided in Attachment C. These documents are available on the City web page at www.coralgables.com.

The Code and Zoning Map amendments are scheduled to return to the Board on 09.27.06. The Board's recommendations shall be presented to the City Commission at a public hearing scheduled for 10.17.06 (9:00 a.m.). It is anticipated that the second and final public hearing before the Commission will occur in November.

Background

Zoning Code Rewrite Process

Over thirty (30) public hearings and workshops have been held since the Zoning Code rewrite and review process began. Those public meetings included the "discovery" phase of the process, policy direction, Planning and Zoning Board public hearings and workshops on a variety of issues regarding the rewrite, and City Commission updates. Since the Zoning Code rewrite process has begun, over 200 written comments have been received by the City, which have been summarized and provided with this report in Attachment D. The Planning Department provides updates and notification these public hearings by email to more than 200 interested individuals.

The Board's actions and recommendations through out the rewrite process are summarized and documented on a tracking chart entitled "Planning and Zoning Board Recommendation Tracking Chart" (see attachment E). This chart records for the Board's reference the Board's recommendation, including public hearing date and vote, for each Article and Division of the proposed Zoning Code.

Zoning Map Inconsistencies and New Zoning Map

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As a part of the Zoning Code rewrite process, the Planning Department is required to correct “inconsistencies” between existing Zoning Map classifications and the existing CLUP Map classifications and provide for new Zoning Map classifications. Originally, in August 2005, Staff identified forty-six (46) public and privately owned parcels with inconsistent zoning designations. Since then, the City’s policy to address all inconsistent parcels has been re-evaluated. Only publicly owned properties and zoning map scrivener’s errors shall proceed forward at this time. All other inconsistent privately owned properties will be addressed if and when any future application to redevelop the property is submitted to the City.

Nineteen (19) inconsistent properties, including eighteen (18) publicly owned properties and one (1) privately owned property are now included on the list of inconsistent properties proposed for rezoning. These inconsistent properties were presented to the Board for discussion purposes on 06.07.06, and are located on a map and individually described in Attachment B.

In order to “correct” the City’s existing Zoning Map and to adopt the new Zoning Map, the following two-part process is required as proposed herein:

Part 1 - Identify/correct inconsistent existing Zoning Map classifications to be consistent with the correct CLUP Map classifications; and,

Part 2 - Recommendation and adopt new Zoning classifications and map.

No change to the status of the permitted development rights of properties within the City would result from the adoption of the new zoning designations. The assignment of the new zoning designations is to be consistent and reflect the terminology and categories in the final Zoning Code. A copy of the existing Zoning Map and new Zoning classifications and Zoning Map are provided in Attachment C. The following chart provides the existing Zoning Map districts in comparison to the new zoning map districts:

Old Districts	New Districts
R-1-1, R-3, R-4, R-5, R-6, R-6-7, R-7, R-8, R-9, R-9-10, R-11, R-12, R-14, R-14-15, R-16, R-17, R-18, R-19	SF-R
R-TH Use Districts	Multi-family District - 2
D-Use Districts	Multi-family District - 1
A-Use Districts	Multi-family District - 2, Multi-family Special Area District
Mixed Use District Regulations (3)	Mixed Use District
CA-Use Districts	Commercial Limited District
CB* & CC-Use Districts	Commercial District
M-Use Districts	Industrial District
Downtown Overlay District	Downtown Overlay District
PAD Districts	PAD District
UMCAD	UMC
P-Use Districts	Preservation District
S-Use District	Special Use District
X-Uses	Conditional uses in various districts

* CB-Use Districts adjoining R-Use Districts shall be designated CL, Commercial Limited.

Staff’s assumptions and criteria used in the assignment of the new Zoning Map designations are

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as follows:

1. All current “CA”, Commercial zoned properties shall be designated the new “CL”, Commercial Limited zoning.
2. All current “CB”, Commercial zoned properties adjoining “R”, Single Family zoned properties shall be designated the new “CL”, Commercial Limited.
3. All current “CB”, Commercial zoned properties not adjoining “R”, Single Family zoned properties shall be designated the new “C”, Commercial zoning.
4. All current “CC”, Commercial zoned properties shall be designated the new “C”, Commercial zoning.
5. Site specific zoning regulations override zoning districts regulations, with the more restrictive of the two governing.
6. Height of “CL”, Commercial Limited properties that do not adjoin “R”, Single Family zoned properties shall be regulated by the Comprehensive Land Use Plan, zoning district regulations or site specific regulations, which ever are more restrictive.
7. All properties with previously approved DRI’s, PAD, etc shall remain valid.
8. All “X” uses shall remain as non-conforming uses.

Public Notification/Comments

The following has been completed to solicit input and provide notice of this public hearing:

Type	Explanation
Newspaper ad published for proposed Zoning Code	Completed 08.25.06
Newspaper ad published for rezoning of inconsistent properties and new Zoning Map	Completed 08.25.06
Inconsistent properties posted	Completed 08.25.06
Certified notification letter mailed to inconsistent property owners	Completed 08.25.06
Email notification sent to interested individuals	Completed 09.01.06
Posted agenda on City web page/City Hall	Completed 08.28.06
Posted Staff report on City web page	Completed 09.01.06

A copy of the certified notification letter mailed to inconsistent property owners (see Attachment F) and copies of the published newspaper notifications (see Attachments G and H).

Respectfully submitted,

Eric Riel, Jr.
Planning Director

Attachments:

- A. New Zoning Code document.
- B. Inconsistent properties location map, tabled information (chart) and property data.
- C. Existing and New Zoning Map.
- D. Synopsis of comments received.
- E. Planning and Zoning Board Recommendation Tracking Chart.

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- F. Copy of certified notification letter mailed to inconsistent property owners.
- G. Copy of published newspaper notification for proposed Zoning Code (advertisement).
- H. Copy of published newspaper notification for rezoning of inconsistent properties and new Zoning Map.

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