



**City of Coral Gables
CITY COMMISSION MEETING
October 17, 2006**

ITEM TITLE:

Ordinances on First Reading and Resolution. Zoning Code and Zoning Map Amendments. Consideration of the FINAL Zoning Code (item 1), City Zoning Map amendments, including change of zoning for existing inconsistent properties and adoption of FINAL Zoning Map designations (items 2 and 3 – two part process), and a “time certain” Resolution (item 4), as follows:

1. An Ordinance repealing the Zoning Code, referenced as Ordinance Number 1525, as amended, of the City of Coral Gables, Florida, 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, private yacht basins, bed and breakfasts, family day care, 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 and a foundation 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.
4. Resolution authorizing the Zoning Code rewrite and associated Zoning Maps at time certain 9:00 A.M. at the Coral Gables City Commission meeting of _____, 2006.

PLANNING DEPARTMENT RECOMMENDATION:

Recommendation for approval of the Final Zoning Code and Zoning Map amendments, including change of zoning for existing inconsistent properties and adoption of FINAL Zoning Map designations, and approval of a Resolution authorizing a time certain for 2nd Reading of the Zoning Code. Refer to Exhibit A (Staff report) for additional information.

The draft Ordinances and Resolution are attached as Exhibits B, C, D, and O, respectively.

The FINAL Zoning Code is provided in a separate binder as Exhibit P. The FINAL Zoning Map is provided with this package as Exhibit L.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board unanimously recommended approval of the FINAL Zoning Code and associated maps at its public hearing of 09.27.06 (vote: 6-0), with the following conditions:

1. All revisions recommended by Staff at the public hearing shall be incorporated into the Code; and
2. Detached garages on 50-foot lots, should be counted at fifty (50%) percent of floor area towards the calculation of FAR; and
3. The applicability of design review standards in Article 5 shall be clarified.

Those conditions have been incorporated into the FINAL Zoning Code.

The 09.27.06 Planning and Zoning Board minutes are attached as Exhibit E.

At its 10.11.06 meeting, the Planning and Zoning Board also recommended that the University of Miami Campus Area Development (UMCAD) regulations in the existing Zoning Code (Sections 9-4 thru 9-6, 9-8 thru 9-10, and 9-12 thru 9-29) be included in the FINAL Zoning Code as is (vote: 7-0).

These regulations have been incorporated into the FINAL Zoning Code.

Included in the FINAL Zoning Code binder is an Addendum that lists a series of revisions to the FINAL Zoning Code since its initial publication on 09.06.06. As indicated in the addendum, the text in white indicates items recommended by the Planning and Zoning Board on 09.27.06. The text in yellow indicates Planning and Zoning Board recommendations and minor revisions that City Staff and the City Attorney deem as "minor" (i.e. typos, etc.), and are included in the new Zoning Code. The text in blue indicates major revisions and are included in the new Zoning Code, however these will be forwarded to the Planning and Zoning Board for recommendation on 11.08.06. The new Zoning Code and the major revisions will then proceed to 2nd Reading in January 2007.

BRIEF HISTORY:

Zoning Code Rewrite Process

Over forty-five (45) public hearings and workshops (including the Economic Development Board, Historic Preservation Board, Parking Advisory Board, Landscaping Advisory Board, Board of Architects, and Board of Adjustment) have been completed since the Zoning Code rewrite process began. Those public meetings included the “Discovery” phase, policy direction, Planning and Zoning Board public hearings and workshops, City staff study sessions, and City Commission updates. Since the Zoning Code rewrite process has begun, over 195⁺ written comments have been received by the City, the most recent of which have been summarized and provided with this report (see Exhibit G). The Planning Department provides updates and notification to these public hearings by email to more than 200 interested parties.

The Planning and Zoning Board’s actions and recommendations throughout the rewrite process are summarized and documented on a tracking chart entitled “Planning and Zoning Board Recommendation Tracking Chart” (see Exhibit M). This chart lists the Board’s recommendation, including public hearing date and vote, for each Article and Division of the FINAL Zoning Code.

Zoning Map Inconsistencies and FINAL Zoning Map

As a part of the Zoning Code rewrite process, the City Commission directed Staff to correct “inconsistencies” between the Zoning Map and CLUP Map for publicly owned properties and for scrivener’s errors. This includes the nineteen (19) inconsistent properties identified in Exhibit H. Privately owned properties will be addressed through applications by private parties to redevelop their properties.

In order to “correct” the City’s existing Zoning Map and adopt the FINAL Zoning Map, a two-part process is required:

Part 1 – Amend Zoning Map designation for 18 public properties and 1 private property (scrivener’s error) to be consistent with the CLUP Map designation; and,

Part 2 - Adopt new Zoning classifications and map.

The assignment of the FINAL Zoning Map designations is to be consistent with and reflect the new categories in the FINAL Zoning Code. A copy of the existing Zoning Map and FINAL Zoning Map are provided for comparison purposes (see Exhibits K and L). The following chart provides the existing Zoning Map districts in comparison to the FINAL 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 2 (MF2) District
D-Use Districts	Multi-family 1 Duplex (MF1) District and Multi-family Special Area (MFSA) District
A-Use Districts	Multi-family 2 (MF2) District and Multi-family Special Area (MFSA) District
Mixed Use Districts 1, 2 and 3	Mixed Use (MXD) District
CA-Use Districts	Commercial Limited (CL) District
CB* & CC-Use Districts	Commercial (C) District
M-Use Districts	Industrial (I) District
Downtown Overlay District	Downtown Overlay (DO) District
Planned Area Development (PAD) District	Planned Area Development (PAD) District
University of Miami Campus Area Development (UMCAD)	University of Miami Campus Area Development (UMCAD)
P-Use Districts	Preservation (P) District

S-Use District	Special Use (S) District
X-Uses	Conditional uses in various districts

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

Staff’s assumptions and criteria used in the assignment of the FINAL Zoning Map designations are 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 current “R”, Single Family zoned properties shall be designated the new “CL”, Commercial Limited.
3. All current “CB”, Commercial zoned properties not adjoining current “R”, Single Family zoned properties shall be designed the new “C”, Commercial zoning.
4. All current “CC”, Commercial zoned properties shall be designated the new “C”, Commercial zoning.
5. Both the site specific zoning regulations and the zoning districts regulations are in effect, 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.

City Commission Policy Direction

During the Zoning Code rewrite process, the City Commission requested further study on various issues, which include the following:

Issue	Proposed Action and Timeframe
Metal roofs	Proposed metal roofs provisions will be presented to the Commission between 1 st and 2 nd Reading of the Zoning Code rewrite. Staff recommends merging the provisions with the rewrite at that time, if and as approved.
Affordable housing	Proposed affordable housing provisions will be presented to the PZB and City Commission as part of the CLUP rewrite in early-to-mid 2007.
Transfer of Development Rights (TDRs)	TDRs will be revisited as part of the North Ponce Area Study following completion of the CLUP rewrite in mid-to-late 2007.
Townhouses	Townhouses will be revisited as part of the North Ponce Area Study following completion of the CLUP rewrite in mid-to-late 2007.

Next Steps

Following adoption of the FINAL Zoning Code and Map, Staff intends to work on the following issues, which may result in future amendments to the Zoning Code:

1. A complete rewrite of the City’s Comprehensive Land Use Plan (CLUP), to include proposed regulations for affordable housing.
2. A continuation of the North Ponce Area Study, to include potential regulations for townhouses and “transfer of development rights” (TDRs).

The following background documents are attached to supplement this request:

- Exhibit A: 09.27.06 Staff report with attachments.
- Exhibit B: Ordinance – FINAL Zoning Code.

Exhibit C:	Ordinance – Inconsistent Zoning Map.
Exhibit D:	Ordinance – FINAL Zoning Map.
Exhibit E:	09.27.06 Planning and Zoning Board Zoning Code Rewrite Verbatim Meeting Minutes.
Exhibit F:	10.05.06 Zoning Code Rewrite Question & Answer Verbatim Workshop Minutes.
Exhibit G:	Synopsis of Public Comments received Parts 5 and 6 (05.26.06. through 10.11.06).
Exhibit H:	Inconsistent Properties w/background materials.
Exhibit I:	Copy of published newspaper notifications for FINAL Zoning Code and associated maps.
Exhibit J:	Copy of City web page.
Exhibit K:	Existing Zoning Map.
Exhibit L:	FINAL Zoning Map.
Exhibit M:	Planning and Zoning Board Recommendation Tracking Chart.
Exhibit N:	Final Summary of Major Policy Issues.
Exhibit O:	Resolution – Date and time certain for public hearing.
Exhibit P:	10.17.06 FINAL Zoning Code with an addendum of changes from 09.27.06 Planning and Zoning Board meeting shown in double strike through / <u>underline</u> format. (see Binder 2).

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments

ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
09.27.06	Planning and Zoning Board	Unanimously recommended approval of the FINAL Zoning Code and associated maps, with conditions (vote: 6-0).
10.11.06	Planning and Zoning Board	Unanimously recommended approval of the existing UMCAD regulations as part of the FINAL Zoning Code (vote: 7-0).

FINANCIAL INFORMATION: (If Applicable) N/A

No.	Amount	Account No.	Source of Funds
1.	N/A		
Total:		APPROVED BY:	

PUBLIC NOTIFICATION(S):

Date	Form of Notification
09.18.06	Newspaper ad published for FINAL Zoning Code (see Exhibit I)
09.18.06	Newspaper ad published for rezoning of inconsistent properties and FINAL Zoning Map (see Exhibit I)
10.13.06	Newspaper ad published for 10.17.06 City Commission agenda (see Exhibit I)
08.25.06	Inconsistent properties posted
08.25.06	Certified notification letter mailed to inconsistent property owners
09.12.06 and 10.10.06	Email notification sent to interested individuals
09.19.06 and 10.13.06	Posted agendas on City web page/City Hall

09.19.06 and 10.13.06	Posted FINAL Zoning Code, Staff report, maps, and background materials on City web page (see Exhibit J)
Refer to previous reports for all other notifications.	

APPROVED BY:

Department Director	City Attorney (If Applicable)	City Manager
Eric Riel, Jr. Planning Director		

EXHIBIT(S):

- Exhibit A: 09.27.06 Staff report with attachments.
- Exhibit B: Ordinance – FINAL Zoning Code.
- Exhibit C: Ordinance – Inconsistent Zoning Map.
- Exhibit D: Ordinance – FINAL Zoning Map.
- Exhibit E: 09.27.06 Planning and Zoning Board Zoning Code Rewrite Verbatim Meeting Minutes.
- Exhibit F: 10.05.06 Zoning Code Rewrite Question & Answer Verbatim Workshop Minutes.
- Exhibit G: Synopsis of Public Comments received Parts 5 and 6 (05.26.06. through 10.11.06).
- Exhibit H: Inconsistent Properties w/background materials.
- Exhibit I: Copy of published newspaper notifications for FINAL Zoning Code and associated maps.
- Exhibit J: Copy of City web page.
- Exhibit K: Existing Zoning Map.
- Exhibit L: FINAL Zoning Map.
- Exhibit M: Planning and Zoning Board Recommendation Tracking Chart.
- Exhibit N: Final Summary of Major Policy Issues.
- Exhibit O: Resolution – Date and time certain for public hearing.
- Exhibit P: 10.17.06 FINAL Zoning Code with an addendum of changes from 09.27.06 Planning and Zoning Board meeting shown in double ~~strike through~~ / underline format. (see Binder 2).

I:\City Commission\Cover Memos 2006\10 17 06 final zoning code 1st Reading.DOC