

# City of Coral Gables Proposed Zoning Code 2006 Executive Summary

## *Introduction*

The re-write of the City of Coral Gables Zoning Code is primarily directed at the organization and usefulness of the Code and the procedures for development review. There are several important substantive improvements which are proposed, however, the vast majority of the changes are non-substantive. The major areas of change are:

1. Re-organization. The re-write reorganizes the Code so that the Code is more user friendly, e.g. a comprehensive set of definitions located in one place in the Code.
2. Re-formatting. The re-write presents the Code in a more useful and understandable form through editing, use of graphics and flow charts and “way-finding” headers and footers.
3. Simplification. The re-write simplifies the Code by better integrating related regulations, e.g. all regulations related in any way to setbacks are collected in a single location in each zoning district, or elimination of the use of multiple terms to refer to the same thing.
4. Modernization. The re-write eliminates obsolete zoning concepts, such as uses that are no longer in existence and use lists which are so broad that exclusion of unlisted uses could not be defended.
5. Streamlining and Improving the Development Review Process. The re-write reorganizes the development review process to eliminate multiple reviews and to delegate as many decisions as possible to the City’s professional staff, reserving the Planning and Zoning Board and Board of Architect’s reviews for non-routine proposals and issues.
6. Substantive Improvements. The re-write includes modified or new provisions dealing with emerging problems and provisions that provide for continued preservation/protection of the character of the residential neighborhoods in concert with commercial uses.

## **Overview of the Re-Write Process**

The draft re-write was prepared by Siemon & Larsen after extensive research with regard to the history, practice and use of the existing Zoning Code. As a part of their research, the principals of Siemon & Larsen met with each of the City Commissioners, the City Manager, Department Heads, City Staff, the Planning and Zoning Board,

property owners, developers, architects and many interested persons in the community. In addition, the principals of Siemon & Larsen reviewed the recommendations that were produced through the City's "Discovery" workshops with the City Commission and Planning and Zoning Board, Charrette 2002, previously completed City studies, conducted field surveys of the City and visited the sites of various development approvals and uses.

As a part of its research, Siemon & Larsen conducted a detailed assessment of the existing City Zoning Code and compiled a series of questions about the Code and how particular sections were administered. At the conclusion of the review, Siemon & Larsen prepared a list of areas of concern. These were presented in the form of a "policy matrix" including things such as inconsistent terminology in various parts of the existing Code, organizational problems – related regulations scattered throughout the Code, Code language which was ambiguous or misleading, and long, uninterrupted paragraphs which are difficult to read and make it hard to find a particular provision that the reader knows is there but is not obvious from the formatting. The identified areas of concern also included concerns about the effectiveness and appropriateness of some of the existing development review procedures, the utility of long commercial use lists, the necessity or value of more than 21 single family residential districts, and the lack of residential design standards related to the neighborhood context of a particular dwelling.

After the research and assessment phase of the re-write was completed, Siemon & Larsen prepared a proposed table of contents for the re-write of the Code. The proposed table of contents reorganized the Code into groupings, which Siemon & Larsen believed would enhance the readability and utility of the Code. The major headings of the table of contents are as follows:

- Article 1: General Provisions
- Article 2: Decision making and Administrative Bodies
- Article 3: Development Review
- Article 4: Zoning Districts
- Article 5: Development Standards
- Article 6: Nonconformities
- Article 7: Violations, Enforcement and Penalties
- Article 8: Definitions

The re-write of the Code actually involved several different efforts. The first involved editing of the existing text to simply and unify the language used in the Code. Over the years, layers of new provisions had combined to make the language difficult to comprehend and in some cases ambiguous and inconsistent. The editing component of the work did not involve modifications to the substance of the provisions, except where a choice had to be made between two inconsistent provisions. The re-write proposes to relocate these location specific provisions which are the result of a prior site-specific governmental action to be presented in an Appendix.

The second effort related to substantive modifications which were made to improve the effectiveness of the Code with regard to particular subjects or to eliminate potential legal challenges to particular provisions, e.g. edits to the sign provisions to replace language which could be interpreted to not be “content neutral.” All the definitions in the existing Code have been relocated to Article 8 and many additional definitions have been suggested, along with the elimination of definitions that are either not used or which are otherwise duplicated. The source of every definition in the left column is identified in parenthesis.

The third effort addressed particular areas of substance including the commercial and residential districts. Analysis of the commercial districts revealed several areas of particular concern: lack of a material distinction between the CA and CB districts and broad, lengthy lists of uses, some of which are now obsolete, some which no one knew what the use was, and some of which were so broad that any attempt to exclude other non-listed uses could not be rationally justified.<sup>1</sup> It is important when reviewing the new districts to use the proposed definitions of the use classifications as well. Without the definitions, it would be difficult to differentiate some of the uses. New performance standards have been included in the Commercial Districts which control “night time uses” which are adjacent to residential areas.

With regard to the residential districts, the re-write addressed several major topics. The first was the existence of 21 single-family residential districts, which differ only in regard to the required minimum floor area of a single-family dwelling. The re-write eliminates the requirement for a minimum floor area – an antiquated concept which was originally employed to ensure that new dwellings did not diminish the value of existing homes and is probably legally problematic unless tied to the expected occupancy of the home. In addition, the re-write consolidates the single-family districts into a single district. A definition of townhouse was included to prevent over the curb driveways and individual garages fronting on public roads.

Additionally, the parking requirements in the Code were modified to increase the required number spaces in a number of circumstances. The position and responsibilities of a city architect are established, as are new regulations governing the University of Miami. Stricter landscape standards have been included, however, no changes are proposed with regard to the building site determinations.

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<sup>1</sup> *Although this issue has not been expressly addressed in Florida, courts in several states have over-turned local zoning decisions for the reason that use lists were so broad that it was not reasonable for the local government to try to exclude uses, which were not listed.*

### ***The Staff Review Process***

Numerous drafts of the Zoning Code have been prepared and submitted to the City. The first complete draft was in October 2005. Many meetings with the City Commission, the Planning and Zoning Board, other Boards, along with numerous meetings with staff and other individuals have resulted in the draft which is dated June 2006.

A tracking matrix was prepared, using the table of contents of the existing Code, to show the detailed reviewer where the new draft contains the old sections. The October 2005 draft was presented in columnar format with the proposed draft language on the left and the right column containing comments, questions and other explanatory matters. Interim drafts used the strikeout underline format. The June 2006 draft includes comments received from numerous sources without underlining and strikeout.

This June 2006 draft incorporates “user friendly” formatting techniques:

- Flow charts, which generally describe the new procedures in Article 3.
- Comprehensive use chart for all the districts at the beginning of Article 4.
- Comprehensive chart of notice provisions for public hearings in Article 3, Division 3.
- Comprehensive overview of the procedures and decision makers at the beginning of Article 3, Division 1.