



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 March 12, 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 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 up to 50% of required parking through the use of remote parking if all of the following are met:

- located in the CBD,
- on a project site smaller than 20,000 square feet in area,
- no building taller than four stories, and
- the Director of Development Services determines that it is infeasible to provide the Code-required parking onsite.

The remote parking must meet the following requirements:

- is within 1,000 feet of the use (previously 500 feet),
- is within the City,
- is not located within a single family zoning district,
- is owned by the same party who owns the use being served by the remote parking, and
- is not used for retail or restaurant customer parking.

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 sets out the following application requirements:

- 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 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 (all of the reporting and plan submittal deadlines 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.
- Authorize the City to inspect the premises of the parking facilities at will to assure continued compliance;
- Acknowledge that the applicant must annually submit documentation 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
- Acknowledging the right to appeal administrative decisions pursuant to the procedures of the Zoning Code, but waiving the right to appeal of final City action.

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.

Finally, 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.

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 8, 2014.

Public Notification.

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

Public Notice	
Type	Date
Legal advertisement	02.28.14
Posted agenda on City web page/City Hall	03.07.14
Posted Staff report on City web page	03.07.14

Staff Recommendation.

The Planning Division in association with the City Attorney’s Office recommends approval of the following:

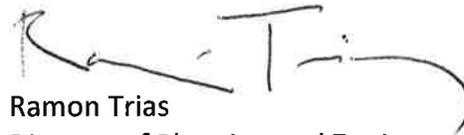
An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code: amending Article 5, “Development Standards”, Section 5-1408, “Common driveways and remote off-street parking”, by providing regulations, restrictions and procedures for the use of remote parking in 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,

A handwritten signature in black ink, appearing to read "R. Trias", with a large, sweeping flourish extending to the right.

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

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

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 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.

WHEREAS, City Staff is requesting a Zoning Code text amendment to provide detailed regulations, standards and procedures for the use of remote parking; and

WHEREAS, remote parking is presently permitted when the parking is located within 500 feet of the primary use in the CBD with few restrictions and limited guidance; and

WHEREAS, remote parking provides additional redevelopment opportunities and tools that advance the public welfare if regulated and secured in a manner which ensures the preservation and continued maintenance of parking over time; and

WHEREAS, after notice being duly published, a public hearing was held before the Planning and Zoning Board on _____, 2014, at which hearing all interested persons were afforded the opportunity to be heard; and,

WHEREAS, at the _____, 2014 Planning and Zoning Board meeting, the Board recommended (approval/denial) (vote: __ - __) of the text amendment; and,

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on _____, 2014 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, (approved/denied) the amendment on First Reading (vote: __ - __).

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The Official Zoning Code of the City of Coral Gables is hereby amended as follows (changes in ~~strike-through~~ / underline format):

Section 5-1408. Common driveways and remote off-street parking.

A. *Common driveways.* Adjacent properties are permitted to share a common driveway, provided:

1. The property owner(s) submit an appropriate restrictive covenant or access easement in recordable form acceptable to the City Attorney; and
2. The restrictive covenant or access easement provides for the continued existence of the shared driveway until such time as the City Manager releases the obligation of the restrictive covenant or access easement.

~~B. *Remote off street parking.* Remote off street parking is permitted, provided:~~

- ~~1. The perimeter of the remote off street parking facilities is located within five hundred (500) feet of the perimeter of the building site;~~
- ~~2. The remote parking facilities are not located in a single family zoning district;~~
- ~~3. The property owner(s) submit an appropriate restrictive covenant or parking easement in recordable form acceptable to the City Attorney; and~~
- ~~4. The restrictive covenant or parking easement provides for the continued use of the remote parking until such time as the City Manager releases the obligation of the restrictive covenant or parking easement.~~

B. Remote off-street parking within 1,000 feet. As an alternative to or in conjunction with providing required parking onsite or through payment in-lieu, an applicant may apply to provide remote off-street parking. The ability to utilize remote parking constitutes exceptional relief, which may be granted in the discretion of the City and only in compliance with the terms of this subsection. The Development Services Director shall approve an application to provide remote off-street parking that is located in the City within one thousand (1,000) feet of the applicant’s proposed use, upon finding that all of the requirements of this subsection have been satisfied.

1. *Definition.* For purposes of this subsection, the “applicant” is defined as the owner(s) of the land on which the use(s) seeking to utilize remote parking is located.

2. *Applicability.* Applications for remote parking shall only be accepted in association with a proposal to expand or change the use of an existing project located in the CBD. Applications may be approved only if the project site is smaller than 20,000 square feet, no building is taller than four stories, and the Director of Development Services determines that it is infeasible to provide the Zoning Code-required parking onsite as part of the proposed expansion or change of use.

3. *Distance measurement.* The remote off-street parking facilities must be located within one thousand (1,000) feet of the project site. The distance shall be measured using airline

measurement from the property line of the project site to the property line of the off-street parking facility(ies) containing the remote parking spaces.

4. Zoning of remote parking. The remote parking facilities must not be located in a single-family zoning district.

5. Maximum remote parking. Remote parking spaces may comprise up to fifty (50%) percent of the required parking spaces, as provided in Section 5-1409.E.3. of the Zoning Code.

6. Use supported by remote parking. The property owner(s) shall not use the remote parking facilities for retail or restaurant customer parking.

7. Application. The applicant shall file an application in the form specified by the City, including all of the following at a minimum:

a. a survey showing the exact location, traffic flow and current physical layout of the proposed remote parking spaces;

b. documentation demonstrating and certifying that the remote parking spaces are:

i. in excess of those parking spaces required to serve any onsite development, which requirement shall be measured based on the square footage and parking demand of each approved onsite use assuming 100% occupancy, and

ii. are owned by the applicant;

c. copies of the approved plans for the remote parking spaces, as they may have been amended to date;

d. sworn affidavits from the applicant 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;

e. the application fee in the amount of \$2,000; and

f. an appropriate unity of title (or if the spaces are not owned by fee simple title, then a covenant in lieu of unity of title and declaration of restrictions) for the remote parking spaces in recordable form acceptable to the City Attorney providing assurances for the continued ownership of the remote parking spaces until such time as the City Manager or designee releases the obligation, and including at least all of the following:

i. that the applicant shall submit an application to amend the remote parking approval promptly to reflect any planned relocation of the remote parking spaces in the future to another location that meets the requirements of this subsection. Such amendment shall be 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;

ii. that the applicant shall report to the Director of Development Services any unplanned changes in the facts related to the application or approved remote parking arrangement within 2 business days of the occurrence of the change and shall submit a remedial plan

consistent with the requirements of subsection 8. below, together with the review fee, within 10 business days of the occurrence of the change. The Development Services Director shall have the sole discretion to approve the remedial plan and set the timing of implementation, and may extend the above deadlines if good cause is shown;

iii. that the applicant authorizes the City to enter the premises of the facility(ies) housing the remote parking spaces at will to inspect the continuing adequacy of the parking arrangements;

iv. that the applicant shall annually submit renewed documentation and affidavits under subsections 7.b. and 7.d. above, at the time of renewal of the certificate(s) of use for the applicant's property(ies);

v. that the applicant recognizes and accepts that remote parking is a revocable privilege, not a right, and any failure to meet the requirements of this subsection or the requirements of the related agreements, covenants or conditions that is not cured as provided herein will immediately subject the applicant to the original and full parking requirements of the Zoning Code; and

vi. that the applicant, in exchange for this privilege, acknowledges that he or she may appeal any determinations made by the Development Services Director under this subsection through the process set forth in Article 3, Division 6 of the Zoning Code, but otherwise waives any right to appeal or challenge any final action of the City and its officials under this subsection.

8. Remedial plan. The submittal of a remedial plan, whether required pursuant to subsection 7 above or subsection 10 below, shall be accompanied by a review fee which shall be the same as the application fee. The remedial plan shall provide that the parking requirements for the remaining uses and square footages are fully met, utilizing any combination of alternatives permitted by the City Code and Zoning Code in effect at the time, as the Development Services Director finds appropriate. The remedial plan may include any or all of the following options, and shall be implemented according to the timing and schedule established in the individual remedial plan:

a. provide a payment in lieu of required parking in accordance with Section 74-201(d) of the Code of Ordinances, or

b. modify the use of the applicant's property(ies) so that the remote parking spaces are no longer required to be provided to meet the Code parking standards (for example, by reducing the square footage of uses, or changing one or more uses to a use(s) with a lower parking requirement). Such modifications shall remain in effect for the life of the use giving rise to the need for remote parking; or

c. secure alternate remote parking spaces or provide additional onsite parking meeting all of the requirements of this subsection, including execution of any required agreements and affidavits.

9. Renewal. The applicant shall, prior to the annual renewal of the certificate(s) of use for the applicant's property(ies), submit renewed documentation and affidavits under subsections 7.b. and 7.d. above which shall be reviewed by the Development Services Director. The certificate(s) of use shall not be issued unless all the requirements of this subsection are met.

10. Noncompliance. If the Development Services Director discovers at any time, including during a renewal review, that the requirements of this subsection are not met in any way or that the remote parking is not maintained continually as described in the application and provided in the recorded covenant, he or she shall notify the applicant and require the applicant either to demonstrate that the violation has been cured or did not exist, or to provide a remedial plan meeting the requirements of subsection 8. above, together with the review fee, to be reviewed and approved in the sole discretion of the Development Services Director. The Development Services Director shall set the deadline for the applicant to develop and submit the remedial plan and may extend it if good cause is shown. If the Development Services Director determines that the applicant has failed to do any of the following, the applicant's remote parking approval shall be void and the applicant shall not again seek to use remote parking until six months have elapsed from the date that the approval is deemed void:

- a. notify the City of changes pursuant to 7.ii. above within the required time frame;
- b. submit a remedial plan by any deadline set or extended by the Development Services Director;
- c. implement the remedial plan according to the implementation schedule approved or extended by the Development Services Director; or
- d. comply in any other regard with all of the requirements of this subsection, including failure to comply with the recorded covenants as required herein.

5-1409. Amount of required parking.

* * *

E. Calculation of compliance with parking requirement.

* * *

3. *Remote parking spaces.* In the CBD District, remote parking spaces may comprise up to fifty (50%) percent of the required parking spaces ~~for residential uses.~~

* * *

SECTION 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and that the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 6. If the Official Zoning Code of the City of Coral Gables Table of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This ordinance shall become effective _____, 2014.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2014.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY

DRAFT