

Article 3 DEVELOPMENT REVIEW
Division 10 - Transfer of Development Rights

Section 3-1001. Purpose and Applicability. It is the purpose of this Division to allow the transfer of unused development rights or undeveloped floor area from sending sites and for those rights to be used in specific receiving areas of the City in order to encourage historic preservation and to provide an economic incentive to property owners to designate, protect, enhance and preserve historic properties.

Section 3-1002. Certificate of Transferable Development Rights. The Historic Preservation Officer shall have the authority to grant Certificates of Transferable Development Rights (TDR) to property owner(s) of designated historic landmarks, either including both individual sites or buildings.

- A. A property may be eligible for a Certificate of Transferable Development Rights if the sending site satisfies one (1) of the following criteria: is met:
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 of these LDRs; or and
 2. The sending site is located within the boundaries of the Central Business District; or
 3. The A sending site is a designated historic building in the North Ponce area; or
 4. The sending site is Any commercially zoned property which is designated historic.
- B. In considering a Certificate of Transferable Development Rights, the Historic Preservation Officer shall review a preservation plan which sets forth a maintenance schedule and/or rehabilitation treatment for those architectural elements that are deemed "character-defining" features. Those features are identified in part by the "Review Guide," a section of the local designation report produced by the Historical Resources Department, and will be further identified through an on-site inspection of the property prior to issuance of a Certificate of Transferable Development Rights.
- C. The Certificate of Transferable Development Rights shall identify the 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.
- D. Following the granting of a Certificate of Transferable Development Rights, an annual schedule will be established for the submission of the maintenance/preservation plan. A certified report, submitted by a certified architect of the State of Florida, shall be submitted, and representatives of the City of Coral Gables shall be allowed the opportunity for an on-site inspection of the property to ensure compliance with the approved plan and/or schedule.

Section 3-1003. Use of Transferred Development Rights (TDR) on receiving properties.

- A. The City Commission may grant the use of transferred development rights as described on a Certificate of Transferable Development Rights in accordance with Section 3-1004.
- B. Eligible Receiving Areas: The following areas in the City are eligible to receive rights transferred pursuant to this Division: provided the criteria in subsection C are met:
1. The Central Business District.
 2. The North Ponce Area.
 3. Historically designated properties.

C. Criteria for development of receiving sites.

1. To be eligible for use of TDRs, the proposed development must comply with the applicable requirements of the Mediterranean design standards in Article 5 Division 7. The FAR of a receiving site may be increased by a maximum of 25% and the height of the building may be increased up to ~~two (2) stories~~ twenty (20) feet through the use of TDRs.
2. Provided that the sending site for TDRs is a ~~A~~ receiving site in the North Ponce Area, a receiving site in the North Ponce Area:
 - a. may expand the depth of a commercial property by 100'.
 - b. ~~TDRs used on a receiving site adjacent to Ponce de Leon within the North Ponce Area~~ may be used at a ratio of two (2) dwelling units per TDR for a receiving site adjacent to Ponce de Leon within the North Ponce Area.
 - c. ~~TDRs used on a receiving site in the North Ponce Area but not adjacent to Ponce de Leon~~ may be used at a ratio of one (1) dwelling unit per TDR for a receiving site in the North Ponce Area but not adjacent to Ponce de Leon.

Section 3-1004. Approval of use of TDRs on receiver sites as major conditional use.

- A. An application for use of TDRs on a Receiver Site shall be reviewed and approved in accordance with the procedures required for major conditional uses in Article 3, Division 4 and in addition, the Historic Preservation Board shall review all receiving sites within 500' of a historically designated building and the following ~~the~~ required findings in subsection B shall be met.
- B. Required findings ~~No application for use of TDRs on a receiver site shall be approved unless the City Commission determines that the application satisfies the following standards:~~
 1. ~~In what respects t~~ he proposed plan is ~~or is not~~ consistent with the stated purpose and intent of the Transfer of Development Rights regulations, and ~~the extent in which the proposed plan meets~~ the requirements and standard of the Transfer of Development Rights regulations.
 2. The extent ~~in to~~ which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, size, area, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
 3. The physical design of the proposed Transfer of Development Rights and the manner in which said design ~~does or does not makes~~ use of adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open areas, and furthers the amenities of light and air, recreation and visual enjoyment.
 4. ~~The compatibility of the proposed Transfer of Development Rights with the goals and objectives of the City of Coral Gables Central Business District (CBD) Plan.~~
 5. ~~The conformity of the proposed Transfer of Development Rights with the goals and objectives of the City of Coral Gables Central Business District (CBD) Plan.~~
 - 6.4. The conformity of the proposed Transfer of Development Rights with the goals and objectives of the City's Comprehensive Land Use Plan.
 5. The proposed bulk and mass with the additional TDRs is generally consistent with the adjacent existing buildings.

Section 3-1005. Approval of transfers, restrictions on affected properties.

| The use of all ~~transferable development rights~~-TDRs approved by the City Commission together with the restrictions imposed on the sending and receiving sites (affected properties) as approved by the City Attorney shall be recorded by the City Clerk, and shall be registered as a restriction on the affected properties' deeds. The Historical Resources Department shall maintain an ~~an accounting~~ chart detailing available development rights for all designated historic properties ~~within the CBD~~.