

ARTICLE 3 - DEVELOPMENT REVIEW
Division 1 - Purpose and Applicability

Section 3-101. General.

The purpose of this Article is to establish the requirements for each type of development approval, beginning with general procedures which are applicable to all levels of approval and followed by specific procedures which are applicable to each process, including a graphic describing the process for each type of approval.

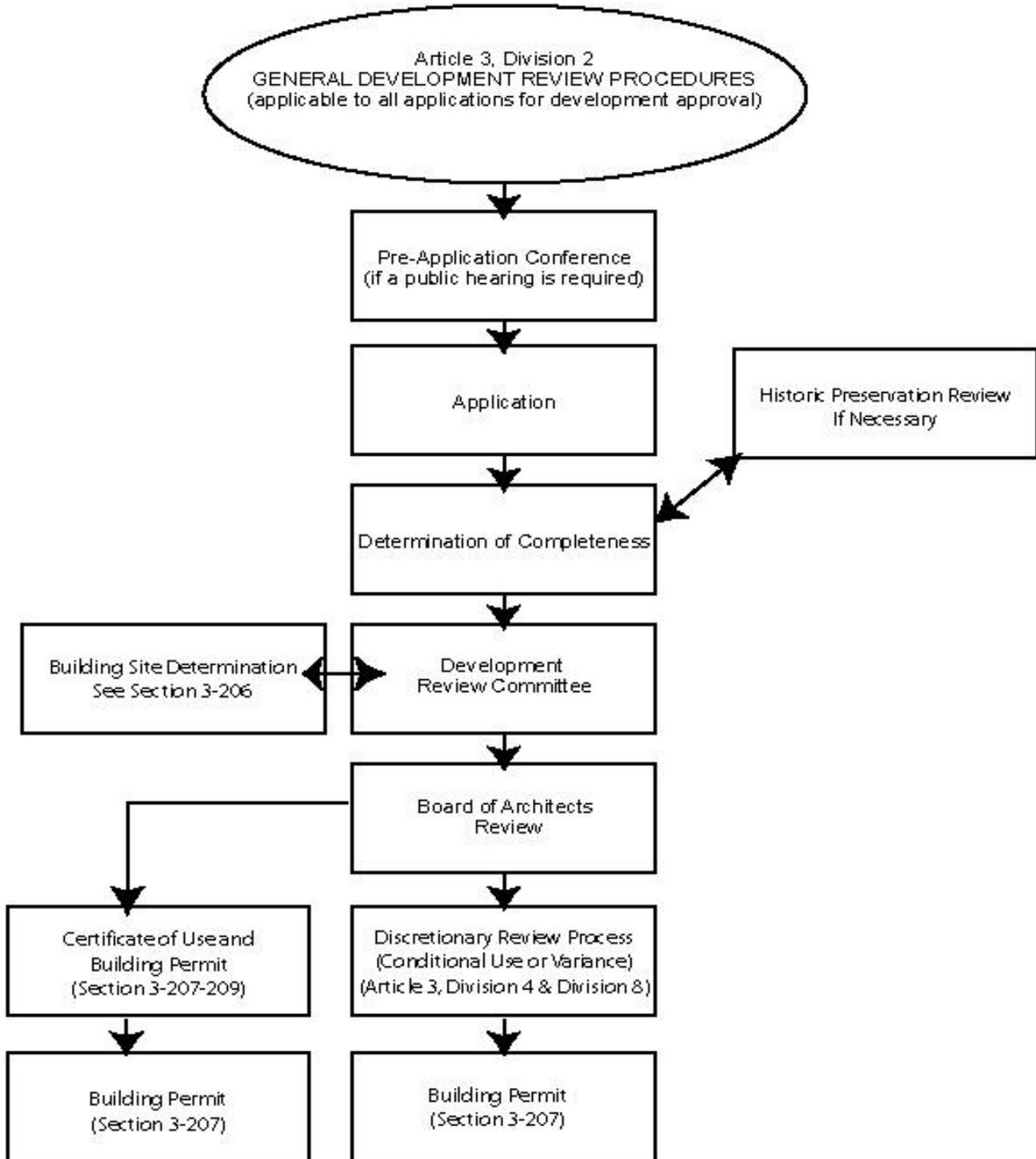
These regulations establish the following types of procedures required to obtain development approval:

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DEVELOPMENT APPROVALS	REFER TO ARTICLE 3, DIVISIONS 2 and 3 SEE ALSO ...	PRELIMINARY REVIEW	RECOMMENDATION AFTER PUBLIC HEARING OF ...	FINAL DECISION MADE BY ...
Abandonment/Vacations	Division 12	Development Review Committee	Planning and Zoning Board	City Commission
Appeals				
Appeals from City Architect	Division 6		Not Required	Board of Architects
Appeals from City Officials (other than HPO)	Division 6		Not Required	Board of Adjustment
Appeals from Decisions of the Board of Architects	Division 6		Not Required	City Commission
Appeals from Decisions of the Board of Adjustment, and Historic Preservation Board	Division 6		Not Required	City Commission
Appeals from Historic Preservation Board	Divisions 6 & 11		Not Required	City Commission
Appeals from Historic Preservation Officer	Divisions 6 & 11			Historic Preservation Board
Comprehensive Land Use Plan				
Map Change	Division 15		Planning and Zoning	City Commission
Text Change	Division 15		Planning and Zoning	City Commission
			Planning and Zoning Board	City Commission
Conditional Uses	Division 4	Development Review Committee, Board of Adjustment	Board of Architects, Planning and Zoning Board	City Commission
Development Agreement	Division 19		Board of Architects, Planning and Zoning Board	City Commission
Development of Regional Impact	Division 16	Development Review Official	Planning and Zoning Board	City Commission
Historic Preservation				
Historic Designation	Division 11	Historical Resources Department, Historic Preservation Officer	NA	Historic Preservation Board
Standard Certificate of Appropriateness	Division 11	Historic Preservation Officer	NA	Historic Preservation Officer
Special Certificate of Appropriateness	Division 11	HPO, Building and Zoning Department	NA	Historic Preservation Board
PAD	Division 5			
Separation or Establishment of a Building Site	Section 3-206; Article 3, Division 4	DRO	Planning and Zoning Board	City Commission
				Development Review Official
Subdivision/Platting	Division 9	Development Review Official	Planning and Zoning Board	City Commission
Transfer of Development Rights	Division 10	Development Review Committee, Board of Adjustment	Planning and Zoning Board & Historic Preservation Board	City Commission
Variances	Division 8	Historical Resources Department or Department of Building and Zoning	Not Required	Board of Adjustment or Historic Preservation Board
Vested Rights	Division 18	DRO	Planning and Zoning Board	City Commission
Zoning in Progress / Moratorium	Division 7	Department of Planning		
Zoning Code				
Map Amendment	Division 14	Development Review Official	Planning and Zoning Board	City Commission
Text Amendment	Division 14	Development Review Official	Planning and Zoning Board	City Commission

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ARTICLE 3 - DEVELOPMENT REVIEW
Division 2 - General Development Review Procedures



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1 **Section 3-201. Pre-application conference.**
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- 3 A. All applicants for development review when the applications require a public hearing for approval, shall
4 schedule a pre-application conference with appropriate City staff to discuss the nature of the application,
5 applicable standards, application information requirements, application format requirements, and the timing of
6 review and approval. Such required pre-application conference may be conducted after the submittal of an
7 initial application. Any other applicant for development approval may request a pre-application conference with
8 the appropriate City staff.
9
- 10 B. Prior to the scheduling of the pre-application conference, the applicant shall provide information requested on a
11 pre-application form provided by City staff.
12
- 13 C. At the pre-application conference, City staff shall determine whether the proposed application contains a parcel
14 with a buildable lot, provide the applicant with all required application forms and a checklist that sets forth all of
15 the information that will be required of the applicant in order to review the application for compliance with these
16 regulations. This determination by City staff shall not constitute a development order.
17

18 **Section 3-202. Application.**
19

- 20 A. Form of application. All applications for development approval shall be submitted on a form approved by City
21 staff and as provided by the applicable Department's "Development Review Handbook."
22
- 23 B. Payment of application fee. The application fee required by City Code shall accompany all applications.
24
- 25 C. Proof of ownership or authorized agency. All applications shall include sworn proof of ownership of the property
26 in question or sworn proof that they are the owner's agent on a form approved by City staff.
27
- 28 D. All applications for single-family dwellings shall be reviewed to determine if there is a buildable lot.
29
- 30 E. Plans and specifications. Such plans and specifications as are required by City staff shall be prepared by a
31 registered architect, registered landscape architect and/or registered engineer, qualified under the laws of the
32 State of Florida to prepare such plans and specifications.
33
- 34 F. Simultaneous applications. If more than one approval is requested for a particular development proposal, with
35 the exception of an application for a building permit, certificate of completion/occupancy or certificate of use, an
36 applicant is required to submit all applications for development review at the same time.
37

38 **Section 3-203. Determination of completeness.**
39

- 40 A. Upon receipt of the application, the designated Development Review Official shall review the application to
41 determine whether:
42
43 1. All required information is provided in an acceptable format;
44
45 2. The required fee is paid;
46
47 3. Whether the information is technically competent to proceed forward with additional City review; and
48
49 4. Whether the application needs to be initially reviewed by the Historic Preservation Officer in accordance
50 with the provisions of Article 3 Division 11.
51
- 52 B. If any required information is not provided, the applicable fee not paid and/or if the application or any part of the
53 application is determined not technically competent, then:
54
55 1. The Development Review Official shall notify the applicant of the specific deficiency in the application; and
56

- 1
2 2. The applicant shall either:
3
4 a. Submit the specifically identified information in a technically competent form; or
5 b. Withdraw the application.
6

7 Failure to comply with either 2 a. or b. above within 120 days of the date of notification of the deficiencies by the
8 DRO, shall constitute a withdrawal.
9

10 **Section 3-204. Review by Development Review Committee.**
11

12 After an application for development approval is determined to be complete and technically competent, the
13 Development Review Committee (DRC) shall review the application in accordance with procedures adopted by the
14 Committee and any procedures applicable to the application for development approval. The Development Review
15 Official will coordinate the DRC review identify concerns, and inform the applicant of any changes that need to be
16 made to the applications to allow further review of the application to proceed.
17

18 **Section 3-205. Permitted uses.**
19

- 20 A. Except as provided in Article 3, Division 11, for historic properties, any use listed as a permitted use in a single-
21 family residential district and duplexes may be permitted subject to City Architect or Board of Architect's review
22 and subject to obtaining a certificate of use and a building permit.
23
24 B. Prior to the issuance of a building permit, the Board of Architects shall review plans for additions, exterior
25 alterations and/or all new construction, except for the following which shall be reviewed and approved by the
26 City Architect or the assigned Development Review Official.
27
28 1. All fences.
29
30 2. Awnings.
31
32 3. Awning recovers.
33
34 4. Demolition of entire structures.
35
36 5. Door replacement.
37
38 6. Driveway replacement with different materials.
39
40 7. Fountains.
41
42 8. Hurricane shutters.
43
44 9. Landscaping.
45
46 10. Miscellaneous minor revisions to permits.
47
48 11. Painting (using colors on Board of Architects' approved color pallet).
49
50 12. Patio.
51
52 13. Re-roofs.
53
54 14. Screen enclosure.
55
56 15. Screen walls for mechanical equipments.

- 1
- 2 16. Tiling.
- 3
- 4 17. Trellis.
- 5
- 6 18. Walkways.
- 7
- 8 19. Window replacement.
- 9
- 10 20. Wood decks.
- 11
- 12 21. Any other matter, as determined by the Board of Architects.
- 13

14 The City Architect or assigned DRO may refer any items provided in this section to the Board of Architects for
15 review.

16
17 C. Duplications of elevations and/or exterior architectural design.

- 18
- 19 1. Except as provided in subsection 2 hereof, no duplication of elevations and/or exterior architectural design
20 shall be permitted in any residential area. Architects, in submitting plans for consideration the Board of
21 Architects shall, as part of said plan, and as a prerequisite to approval thereof, sign a certificate reading as
22 follows: To the best of my knowledge and belief, the within plans and specifications do not duplicate the
23 elevations and/or exterior architectural design of any buildings in the residential area of the City of Coral
24 Gables, previously submitted by me or by my office; that to the best of my knowledge and belief these
25 plans and specifications are not a duplication of elevations and/or exterior architectural design of any
26 building constructed, or for which a permit has been issued, in the City of Coral Gables; I further certify that
27 I am fully familiar with the ordinance under which this certificate is required. (seal)
- 28
- 29 2. The provisions of this subsection shall not apply in the following cases:
 - 30 a. The units of a single-housing project.
 - 31 b. The interior design or floor plan of any structure.
 - 32
 - 33

34 D. Preparation, approval and revision of architectural drawings. The following procedures shall be followed in
35 preparing, obtaining approval and revising preliminary and final working drawings:

- 36
- 37 1. Architectural drawings. All architectural drawings for new residential buildings or alterations or additions to
38 existing residential structures shall be prepared by and bear an impression seal of a registered architect
39 qualified under the laws of the State of Florida to prepare such plans and specifications. All other
40 architectural drawings shall be prepared by and bear an impression seal of a registered architect or
41 registered engineer qualified under the laws of the State of Florida to prepare such drawings.
- 42
- 43 2. Approval in principle. Preliminary approval in principle shall be obtained from the Board of Architects before
44 proceeding with the final working drawings. The drawings for approval in principal shall preferably be
45 single-line plan or plans and shall have a plot plan, floor plan and shall show all affected elevations.
46 Photographs of adjoining properties shall be presented with the preliminary plans. Plans for additions or
47 exterior alterations to existing buildings shall show all elevations of all facades of the building where the
48 alterations occur, or to which the addition is attached. Whenever the estimated cost of construction of any
49 addition, exterior alteration and/or new construction will exceed twenty-five-thousand (25,000) dollars, such
50 preliminary plans shall be submitted in duplicate.
- 51
- 52 3. Revisions to preliminary plans. When the designing architect and/or engineer revises preliminary plans in
53 accordance with the suggestions of the Board of Architects, the applicant shall present the original
54 drawings showing the Board's suggestions with the revised drawings.
- 55

1 4. Revisions to final working drawings. After plans have been approved, no deviations from the approved
2 design shall be permitted without the approval of the Board of Architects except for properties designated
3 historic which shall require Historic Preservation Board review and approval in accordance with the
4 provisions of Article 3, Division 11.
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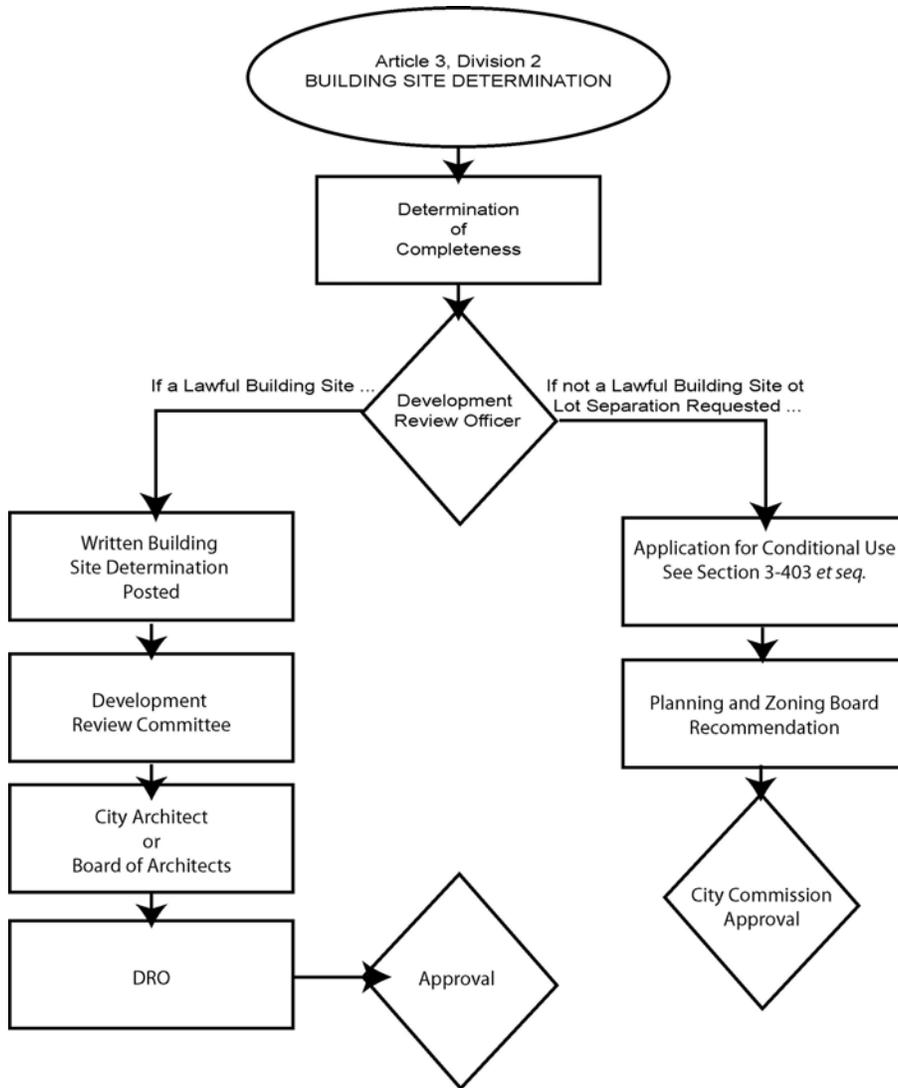
6 **Section 3-206. Building site determination.**
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- 8 A. Except as provided in G below, prior to the issuance of a building permit for a single-family dwelling, an
9 application for a building site determination shall be submitted in writing upon an application form approved by
10 the City and shall be accompanied by applicable fees.
11
- 12 B. An application for building site determination shall be reviewed in accordance with the provisions of Sections 3-
13 202 and 3-205 of these regulations.
14
- 15 C. If the Development Review Official determines that the parcel proposed for development is a lawful building
16 site, a written site determination shall be issued to the applicant and posted in the Office of the City Clerk and
17 on the property which is the subject of the determination and the application for development approval shall
18 proceed to be reviewed in accordance with the procedures established in Sections 3-203-205.
19
- 20 D. In the event that an application for a building site determination is denied by the Development Review Official
21 or any change is proposed for the purpose of creating a new a building site, the applicant shall submit an
22 application for conditional use approval and such application shall be reviewed in accordance with the
23 procedures established in Article 3 Division 4 of these regulations and the applicable standards in subsection F
24 below.
25
- 26 E. Standards for approval.
27
- 28 1. All buildings or structures located in Districts shall be constructed or erected upon a building site containing
29 at least one platted lot and such building site shall have a minimum street frontage of fifty (50) feet.
30
- 31 2. Building site requirements. Wherever there may exist a single-family residence(s), duplex buildings(s) or
32 any lawful accessory building(s) or structure(s) which was heretofore constructed on property containing
33 one or more platted lots or portions thereof, such lot or lots shall thereafter constitute only one building site
34 and no permit shall be issued for the construction of more than one single-family residence or duplex
35 building. Such structures shall include but not be limited to swimming pools, tennis courts, walls, fences or
36 other at grade and above ground improvements. Only one single-family residence or duplex shall be
37 constructed upon any one building site having not less than the minimum street frontage required by this
38 code.
39
- 40 3. Removal of buildings. If a single-family residence or duplex building is demolished or removed, whether
41 voluntarily or involuntarily or by an act of God or casualty, no permit shall be issued for the construction of
42 more than one building on the building site.
43
- 44 4. Any application which meets all of the following criteria shall be deemed a lawful building site:
45
- 46 a. That no more than one building or structure is located on a building site, except as may be Provided for
47 herein concerning lawful accessory buildings for accessory use.
48
- 49 b. That no building site shall be reduced or diminished such that the street frontage of the parcel is less
50 than prescribed by the Zoning Code.
51
- 52 c. That no encroachments including but not limited to fences, walls and other associated improvements
53 (excluding primary and accessory habitable structures) occupy the site or tie any site together. For
54 purposes of determining whether a lawful building site exists, the Department may advise a property
55 owner of an encroachment by an abutting property, but shall only consider encroachments created by
56 the current property owner of their predecessor interest.

- 1 5. That the proposed building site(s) maintains and preserves open space, promotes neighborhood
2 compatibility, preserves historic character, maintains property values and enhances visual attractiveness of
3 the area and approval of the request is in the best interest of the public.
- 4
- 5 6. That the building site(s) created was purchased as a separate building(s) by the current owner prior to
6 September 17, 1977.
- 7
- 8 7. Conditions of approval (if applicable). If an application is recommended for approval, the Planning
9 Department, Planning and Zoning Board, and City Commission may prescribe conditions, restrictions or
10 safeguards deemed necessary, to satisfy the provisions within this Section.
- 11
- 12 8. Application review criteria for annexed areas. In reviewing an application for a property or properties
13 located within an areas annexed by the City after January 1, 1995, the Planning Department, Planning and
14 Zoning Board and the City Commission shall consider and evaluate the request and provide findings
15 whether the application satisfies at least three (3) of the first (5) criteria identified in Subsection F of this
16 section.

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18 G. Exemptions.

- 19
- 20 1. Construction of a new building(s) on an existing building site. Property owners who demolish an existing
21 lawful building shall be presumed to have a lawful building site and may build on such site improvements
22 permitted by the current Code provisions for such site.
- 23
- 24 2. Involuntary destruction of building(s). Parcels which are occupied with existing lawful and/or legally
25 nonconforming building and accessory structure(s) on platted parcels or partially platted parcels if
26 involuntarily destroyed either by an act of God or casualty shall not be required to undergo the building site
27 determination process but shall be presumed to have a lawful building site provided the following are
28 satisfied:
 - 29
 - 30 a. The property owner provides evidence in the form of a survey, aerial, etc. to substantiate
31 existence of a building or accessory structure(s) prior to the event.
 - 32
 - 33 b. The Department after reviewing the evidence provided determined that the property was a lawful
34 building site.
 - 35
- 36 3. Sale of the property to adjoining property owner. The sale of property between two previously lawfully
37 established building sites which results in an increase/decrease of the size of the properties shall be
38 determined to be lawfully established building sites if all existing structures do not become nonconforming
39 as they relate to all applicable provisions of the Zoning Code for the zoning district in which the property is
40 located and all other applicable Comprehensive Land Use Plan and City Code provisions.
- 41
- 42 4. Involuntary destruction of building(s) in association with the sale of property to adjoining property owner.
43 When a parcel that at one time complied with the laws governing building sites, is diminished by the
44 property owner thru the sale of a portion or portions of the building site thus creating a nonconforming
45 parcel, the property owner may only rebuild the structure(s) previously located on the property if said
46 destruction was involuntary. All new improvements shall be required to comply with all applicable codes in
47 effect at the time.
- 48
- 49 H. A determination that a parcel is a lawful building site by the DRO shall be effective for a period of one (1) year.
50 If a building permit is not obtained in this such one year period, such determination shall be null and void.
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Section 3-207. Building permit.

A. Permit required.

1. No person shall commence any construction, demolition, modification or renovation of a building or structure, the value of which exceeds \$500 in labor and materials, without first obtaining a building permit.
2. All building permits and sign permits shall be in conformity with these regulations and any applicable development approval related to the parcel proposed for development.
3. Application for permits will be accepted only from persons currently licensed in their respective fields and for whom no revocation or suspension of license is pending, provided, however, a sole owner may make application, and if approved, obtain a permit and supervise the work in connection with the construction, maintenance, alteration or repair of a single-family residence or duplex for his own use and occupancy and not intended for sale and may make application for, and if approved, obtain a permit for maintenance and minor repairs on any type building. The construction of more than one residence or duplex by an individual owner in any twelve (12) month period shall be construed as contracting, and such owner shall then be required to be licensed as a contractor. Such licensed contractor or owner shall be held responsible to the Building Official for the proper supervision and conduct of all work covered thereby.

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2 4. All general contractors, or owner/builders shall submit a list of all subcontractors to be employed on the
3 project. The Building and Zoning Department will review the list to insure that all subcontractors are
4 properly certified, licensed, and insured. Should the general contractor or owner/builder change
5 subcontractors during the project, it will be necessary for the Building and Zoning Department to be notified
6 prior to permitting the new subcontractor to commence work on the project. Any project found to be using
7 unauthorized subcontractors is subject to a stop work order until the Building Official is satisfied that proper
8 conditions exist and all permitting conditions are met.
9

10 B. Procedure. All applications for building permits shall be submitted to the Building and Zoning Department.
11 Upon receipt of an application, the Development Review Official shall determine whether the application
12 conforms to these regulations and any applicable development approval. If the Development Review Official
13 determines that the application does not conform, the Development Review Official shall inform the applicant of
14 the decision. If the Building Official determines that the application does conform, the building permit may be
15 issued. If the Building Official determines that the application does not conform, he shall identify the
16 application's deficiencies and deny the application.
17

18 C. Posting of bond. Before any building permit shall be issued, the owner of the affected property of the contractor
19 shall deposit with the city that amount which in the opinion of the Building Official and/or the City Manager shall
20 be adequate to reimburse the City, or any neighboring property owner, for damage which may result to
21 sidewalks, parkways, parkway trees and shrubs, street pavement of other municipal or private property, or
22 improvement from such work and the equipment and materials used in connection therewith, and for the
23 removal of debris or excess material upon the completion of said work, and shall sign an undertaking to the City
24 to pay the amount of any deficiency between the amount of said deposit and the cost of repairing any such
25 damage or removal of any such debris or excess materials. Upon completion of the work, the Building Official,
26 or such other person as may be designated by the City Manager, shall make final inspection and if the person
27 shall find that no damage has resulted, and no debris or material remains on the site, the said deposit shall be
28 returned to the depositor, or, if any damage shall be repaired by the City, or any debris or excess material be
29 removed by the City, and the cost thereof shall be less than the deposit, then the difference between such cost
30 and the amount of the deposit shall be returned to the depositor. Such bonds shall not be refunded until all
31 code requirements are completed including necessary driveways and sidewalks.
32

33 D. Incomplete buildings. No building not fully completed in substantial compliance with plans and specifications
34 upon which a building permit was issued, shall be permitted to be maintained on any land for more than one
35 year after the commencement of erection of any building, addition or renovation. A building site inspection shall
36 be conducted six (6) months after the commencement of construction at which time evidence that work is
37 proceeding shall be provided by the contractor. Work shall be considered to have commenced and be in active
38 progress when, in the opinion of the Building and Zoning Director, a full complement of workmen and
39 equipment is present at the site to diligently incorporate materials and equipment into the structure throughout
40 the day on each full working day, weather permitting. This provision shall not be applicable in case of civil
41 commotion or strike or when the building work is halted due to legal action.
42

43 **Section 3-208. Zoning permit.**
44

45 No person shall commence or cause to be commenced any miscellaneous work, which does not otherwise require
46 a building permit, which affects the aesthetics, appearance, or architectural design of any structure, site or site
47 improvements until an application for a zoning permit therefore has been previously filed with the Building and
48 Zoning Department. No such miscellaneous work which affects the aesthetics, appearance, or architectural design
49 of any structure, site or site improvements shall commence until a permit has been issued by the City in every case
50 where the cost of such proposed work exceeds five hundred dollars (\$500.00) in labor and materials. All work done
51 under and pursuant to any zoning permit shall conform to the approved plans and/or specifications.
52

53 **Section 3-209. Certificate of use.**
54

55 Except for single family and multi-family uses, no person shall commence any use of any property, nor shall an
56 occupational license or building permit be issued until an application for a Certificate of Use therefore has been filed

1 with and approved by the Building and Zoning Department on a form provided by the Department. Any use of a
2 property under and pursuant to any Certificate of Use shall conform to the Certificate of Use. Any use for which a
3 Certificate of Use has been issued must commence within one-hundred and eighty (180) days of the issuance of
4 the Certificate of Use, and is valid for a period not to exceed one year from the date of the issuance. All Certificates
5 of Use shall be renewed by the applicant each year.

6
7 **Section 3-210. Resubmission of application affecting same property.**

8
9 No application shall be accepted during the following time periods after the denial of a substantially similar
10 application affecting the same property or any portion thereof:

- 11 A. Conditional uses and variances: 6 months
- 12 B. Change in zoning map, zoning text amendments, comprehensive land use plan text, comprehensive land use
13 plan map, amendments and application for abandonment and vacation of non-fee interests: 12 months
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ARTICLE 3 - DEVELOPMENT REVIEW

Division 3 - Uniform Notice and Procedures for Public Hearing

Section 3-301. Applicability.

The procedures set out in this Division shall be applicable to all public hearings required by any provision of these regulations.

Section 3-302. Notice.

In every case where a public hearing is required pursuant to the provisions of these regulations, City staff and the City Clerk shall provide a Notice of Public Hearing in the manner set out in this section and as summarized in the following graphic:

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TYPES OF PUBLIC NOTICES¹

NATURE OF APPLICATION	Type of Notice	Timing of Notice Before ...		
		Advisory Board Hearing (if required)	First Commission Meeting (if required)	Second Commission Meeting (if required)
ABANDONMENT AND VACATIONS				
	Publication	10 days	10 days	10 days
	Posting	10 days	10 days	10 days
	Mail	10 days	10 days	10 days
APPEALS				
	Mail	10 days	10 days	10 days
BOARD OF ARCHITECTS				
	Posting	5 days		
BUILDING SITE DETERMINATION				
	Administrative	Posting		
	Conditional Use	(see below)		
COMPREHENSIVE PLAN				
	Small Scale Development Amendments; city initiated	Mail	10 days	30 days
	Small Scale Development Amendments; initiated by other than the City	Publication	10 days	5 days
	Compliance Agreement with DCA	Publication	10 days	10 days
	Comprehensive Plan Amendment, other than Small Scale	Publication	10 days	7 days
CONDITIONAL USE				
	Conditional Use	Publication	10 days	10 days
		Posting	10 days	10 days
		Mail	10 days	10 days
DEVELOPMENT OF REGIONAL IMPACT				
	Publication	10 days	60 days	5 days
HISTORIC PRESERVATION				
	Notification to Owners Regarding Designation of Landmark or District	Mail	10 days	
	Notification of Public Hearing Regarding Designation of Landmark or District	Posting	10 days	
		Publication	10 days	
	Certificate of Appropriateness (Special)	Publication	10 days	
		Posting	10 days	
	If a variance	Mail	10 days	
MORATORIA				
	Publication	10 days	7 days	5 days
REZONING (MAP AMENDMENT)				
	Initiated by other than the City	Publication	10 days	No Notice Required
	< 10 contiguous acres; city initiated	Mail	10 days	30 days
		Posting	10 days	10 days
	> 10 contiguous acres; city initiated	Publication	10 days	7 days
		Mail	10 days	7 days

¹ Applications which are not listed do not have public hearing notice requirements.

SUBDIVISION / PLATTING					
		Mail	10 days	10 days	10 days
TRANSFER OF DEVELOPMENT RIGHTS					
		Publication	10 days	10 days	10 days
		Posting	10 days	10 days	10 days
		Mail	10 days	10 days	10 days
VARIANCES					
		Publication	10 days		
		Posting	10 days		
		Mail	10 days		
ZONING CODE TEXT AMENDMENT					
	Amendment to Text that changes actual list of permitted, conditional, or prohibited uses within a zoning category	Publication	10 days	7 days	5 days
		Mail	10 days	7 days	10 days

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2 A. Publication. The requirements for public notice provided by publication shall be as follows:
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- 4 1. Notice shall be published at least one time in a newspaper of general circulation published in the
5 City of Coral Gables, or in Miami-Dade County, Florida, at least ten (10) days prior to the date of
6 any required public hearing.
7
- 8 2. The notice shall state the date, time, and place of the meeting; the title or titles of the proposed
9 ordinances or a description of the substance of the matter being considered; and the place within
10 the City where the proposed ordinances or other materials may be inspected by the public. The
11 notice shall also advise that interested parties may appear at the meeting and be heard with
12 respect to the matter.
13
- 14 3. A copy of the notice shall be available for public inspection at City Hall during the regular
15 business hours of the City.
16
- 17 4. Notice for ordinances that change the actual list of permitted, conditional, or prohibited uses
18 within a zoning category/use district, or ordinances initiated by the City that change the actual
19 zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more,
20 shall be published at least ten (10) days prior to the Planning and Zoning Board public hearing,
21 again at least seven (7) days prior to the first City Commission public hearing and again at least
22 five (5) days prior to the second City Commission adoption hearing. Public notice shall be
23 provided as described in the following subsections.
24
- 25 a. The required advertisements shall be no less than two columns wide by ten inches long in a
26 standard size or tabloid size newspaper, and the headline in the advertisement shall be in a
27 type no smaller than 18 point. The advertisement shall not be placed in that portion of the
28 newspaper where legal notices and classified advertisements appear. The advertisement
29 shall be placed in a newspaper of general paid circulation in the municipality, not one of
30 limited subject matter, pursuant to Chapter 50 of the Florida Statutes. Whenever possible,
31 the advertisement shall appear in a newspaper that is published at least five (5) days a week
32 unless the only newspaper in the City is published less than five (5) days a week.
33
- 34 b. The advertisement shall be in substantially the following form:
35
- “Notice of (Type Of) Change**
- 36 The City of Coral Gables proposes to adopt the following ordinance: (title of ordinance)...
- 37 A public hearing on the ordinance will be held ...(date and time)... at ...(meeting place)...”
- 38 Except for amendments which change the actual list of permitted, conditional, or prohibited
39 uses within a zoning category, the advertisement shall also contain a geographic location
40 map which clearly indicates the area covered by the proposed ordinance. The map shall
41 include major street names as a means of identification of the general area.
- 42 c. In lieu of publishing the advertisement set out in this section, the City may mail a notice to
43 each person owning real property within the area covered by the ordinance. Such notice
44 shall clearly explain the proposed ordinance and shall notify the persons of the time, place,
45 and location of any public hearing on the proposed ordinance.
- 46 5. Ordinances initiated by any person other than the City that change the actual zoning map
47 designation of a parcel of land or parcels of land shall be read by title, in full, at two separate City
48 Commission hearings, and shall be published at least ten (10) days before the Planning and

1 Zoning Board public hearing, and again at least ten (10) days before the City Commission
2 adoption hearing.

3 6. Notice of small scale development amendments to the Comprehensive Land Use Plan, initiated
4 by other than the City, shall be published at least ten (10) days before the Planning and Zoning
5 Board public hearing, and again at least five (5) days before the City Commission adoption
6 hearing.

7 7. All Comprehensive Land Use Plan amendments, other than small-scale amendments, shall be
8 published at least ten (10) days before the Planning and Zoning Board public hearing, and again
9 at least seven (7) days before the first City Commission meeting, and again at least five (5) days
10 before the City Commission adoption hearing.

11
12 8. Failure to provide advertised notice as set forth in the foregoing notice requirements shall not
13 affect any action or proceedings taken under this section, unless such notice is required by
14 Florida Statutes.

15
16 **B. Posting of property.**

17
18 1. Except as provided in Subsection B2, all specific property being considered at a public hearing
19 shall be posted at least ten (10) days in advance of the public hearing, provided, however, that
20 the posting of specific property shall not be required when the property subject to change
21 constitutes more than ten contiguous acres. Such posting shall consist of a sign, the face surface
22 of which shall not be larger than forty (40) square inches in area:

23 **NOTICE**

24 **OF**

25 **PUBLIC HEARING**

26 **BY [ENTER NAME OF DECISIONMAKING BODY]**

27 **PHONE: _____**

28 **CITY E-MAIL ADDRESS**

29 **HEARING DATE: _____**

30 **APPLICATION NO.: _____**

31
32 2. No posting shall be required for public hearings before the Board of Architects, unless the value
33 of the proposed development exceeds \$25,000.

34
35 3. The sign shall be erected in full view of the public on each street side of such property. Where
36 large parcels of property are involved with street frontages extending over considerable
37 distances, additional signs may be erected on the street frontage as may be deemed adequate
38 by the Development Review Official to inform the public.

39
40 4. If such sign is placed on a vacant lot or parcel of land, it shall be securely nailed or otherwise
41 fastened securely to a stake or post which itself shall be fastened securely into the ground. Said
42 sign shall not be located nearer than ten (10) feet nor more than fifteen (15) feet from the street
43 property line, provided, however, that where said property is improved by a building, the main part
44 of which is less than ten (10) feet from said street property line, the sign may be placed upon the
45 front and/or side of the building, or upon a front and/or side door and/or window of the building.

1 Whenever a building on improved property is located more than ten (10) feet from the street
2 property line, the sign shall be erected as provided for on vacant property.
3

4 5. The height of such sign shall be erected to project not more than three (3) feet above the surface
5 of the ground.
6

7 6. Failure to post specific property shall not affect any action or proceeding taken hereunder.
8

9 C. Mail notices.

10 1. Except for public hearings before the Board of Architects, a courtesy notice of public hearings
11 affecting specific properties containing general information as to the date, time, place of the
12 hearing, property location and general nature of the application may be mailed to the property
13 owners whose addresses are known by reference to the latest ad valorem tax record, within a
14 1,000' radius. This notification requirement is measured in feet from the perimeter boundaries of
15 the subject property.
16

17 The Development Review Official may require an additional area to receive a courtesy notice on
18 any application. The Development Review Official may also require courtesy notices on
19 applications that are not typically required to be noticed if it is determined that such notification is
20 desirable.
21

22 2. Courtesy notice shall be mailed at least ten (10) days prior to the date of the public hearing.
23

24 3. When a proposed ordinance is initiated by the City that changes the actual zoning map
25 designation for a parcel or parcels of land less than ten (10) acres, the Secretary of the Planning
26 and Zoning Board shall notify by mail each real property owner whose land the City will
27 redesignate by enactment of the ordinance and whose address is known by reference to the
28 latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as
29 it affects that property owner and shall set a time and place for the public hearing on such
30 ordinance. Such notice shall be given at least ten (10) days prior to the date of the Planning and
31 Zoning Board public hearing, and again at least thirty (30) days prior to the date of the City
32 Commission public hearing.
33

34 4. Notice of small-scale development amendments to the Comprehensive Land Use Plan, initiated
35 by the City, shall be mailed to each property owner of record in the current tax rolls. The notice
36 shall state the substance of the proposed ordinance as it affects that property owner and shall set
37 a time and place for the public hearing on such ordinance. Such notice shall be given at least ten
38 (10) days prior to the date of the Planning and Zoning Board public hearing, and again at least
39 thirty (30) days prior to the date of the public hearing.
40

41 5. Notice for ordinances that change the actual list of permitted, conditional, or prohibited uses
42 within a zoning category/use district, or ordinances initiated by the City that change the actual
43 zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more,
44 shall be mailed at least ten (10) days prior to the Planning and Zoning Board public hearing,
45 again at least seven (7) days prior to the first City Commission public hearing and again at least
46 five (5) days prior to the second City Commission adoption hearing.
47

48 6. A copy of mailed notices shall be available for public inspection during the regular business hours
49 of the City Clerk.
50

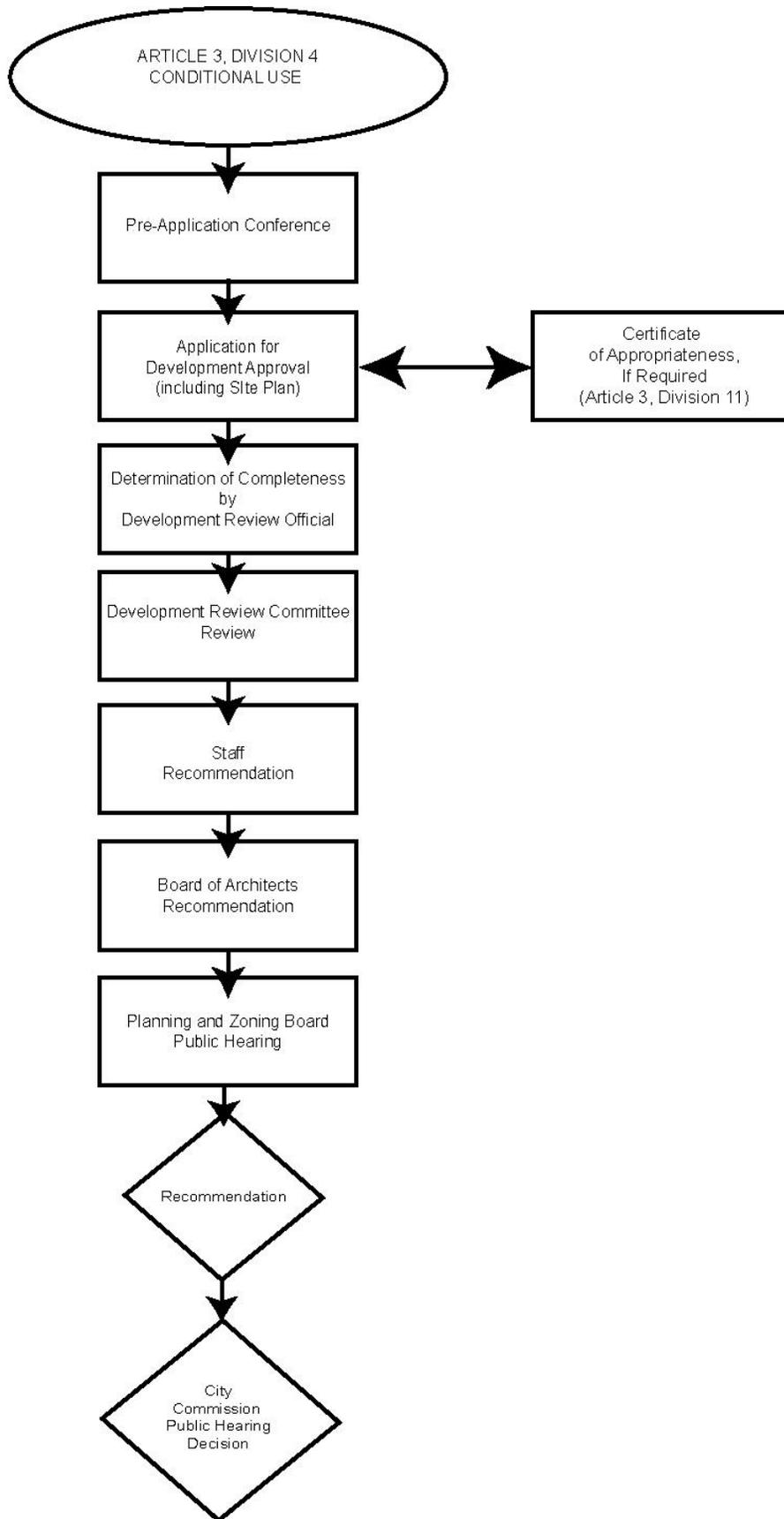
51 6. Failure to mail or receive courtesy notice shall not affect any action or proceeding taken under
52 these regulations. The applicant shall be required to provide a mailing list and labels of the area
53 within the radius prescribed above to the City. Individual courtesy notices are not required when
54 the property being considered constitutes more than ten contiguous acres.
55
56

1 **Section 3-303. Panel Review by Board of Architects.**
2

- 3 A. An applicant for review by the Board of Architects may request review by a panel of the Board of
4 Architects as provided for in Section 2-303B. The panel may grant approval of the application, with or
5 without conditions or deny the application.
6
7 B. In the event that an applicant who has received a decision of a panel of the Board of Architects or the
8 City Manager objects to the decision of the panel, the applicant may within thirty (30) days of the
9 panel's decision request a formal review of the application by the Board of Architects pursuant to the
10 provisions of Section 3-304 governing quasi-judicial proceedings.
11

12 **Section 3-304. Quasi-judicial procedures.**
13

- 14
15 A. Purpose and applicability. The provisions of this Section apply to all quasi-judicial hearings held
16 pursuant to these regulations.
17
18 B. Order of presentation. Quasi-judicial hearings shall be conducted generally in accordance with the
19 following order of presentation:
20
21 1. Disclosure of ex parte communications and personal investigations.
22
23 2. Presentation by City Staff.
24
25 3. Presentation by the applicant.
26
27 4. Public comment in favor of the application.
28
29 5. Public comment in opposition to the application.
30
31 6. Cross-examination by City Staff.
32
33 7. Cross-examination by applicant.
34
35 8. Cross-examination by decision-making body.
36
37 9. Motion by decision-making body with explanation of positions of negative or denial.
38
39 10. Discussion among members of decision-making body.
40
41 11. Action by decision-making body and entry of specific findings.
42



1 **Section 3-403. Application.**

2
3 An application for conditional use approval shall be made in writing upon form approved by the City,
4 including a site plan, and shall be accompanied by applicable fees.
5

6 **Section 3-404. Staff review, report and recommendation.**

7
8 A. City staff shall review the application for conditional use approval in accordance with the provisions of
9 Article 3 Division 2 of these regulations and this Division. In the event that such application involves
10 historic properties, it shall be referred to the Historic Resources Department for review and approval
11 in accordance with Article 5, Division 11 prior to any further review under the provisions of this
12 Division.
13

14 B. Upon completion of review of an application, City staff shall:

- 15 1. Provide a report that summarizes the application, including whether the application complies with
16 each of the standards for granting conditional use approval in Section 3-408
- 17 2. Provide written recommended findings of fact regarding the standards for granting conditional
18 use approval in Section 3-408.
- 19 3. Provide a recommendation as to whether the application should be approved, approved with
20 conditions, or denied.
- 21 4. Provide the report and recommendation, with a copy to the applicant, to the Board of Architects
22 for review.
- 23 5. Schedule the application for hearing before the Planning and Zoning Board upon completion of
24 the Board of Architect's review.
- 25 6. Provide notice of the hearing of a conditional use application before the Planning and Zoning
26 Board in accordance with the provisions of Article 3 Division 3 of these regulations.
- 27 7. Schedule and provide notice before the City Commission of a conditional use application in
28 accordance with the provisions of Article 3 Division 3 of these regulations.
29
30
31
32
33
34
35
36

37 **Section 3-405. Board of Architects review and recommendation.**

38
39 Upon receipt of the recommendation of City staff, the Board of Architects shall review the application and
40 the recommendation of staff to determine if the application is consistent with the standards of these
41 regulations and any design requirements set out in the zoning district in which the parcel is located. The
42 Board of Architects approval is required prior to Planning and Zoning Board's consideration of an
43 application for conditional use approval.
44

45 **Section 3-406. Planning and Zoning Board recommendation – conditional uses.**

46
47 The Planning and Zoning Board shall review the application for conditional use approval, the
48 recommendations of staff and Board of Architects, conduct a quasi-judicial public hearing on the
49 application and recommend to the City Commission whether they should grant the approval, grant the
50 approval subject to specified conditions or deny the application. The Planning and Zoning Board may
51 recommend such conditions to the approval that are necessary to ensure compliance with the standards
52 set out in Section 3-408.
53

54 **Section 3-407. City Commission decision – conditional uses.**

55
56 The City Commission shall review the application, the recommendations of staff and the Board of

1 Architects and the recommendation of the Planning and Zoning Board and shall conduct a quasi-judicial
2 public hearing and grant the approval, grant the approval subject to specified conditions or deny the
3 application. The City Commission may attach such conditions to the approval that are necessary to
4 ensure compliance with the standards set out in Section 3-408.
5

6 **Section 3-408. Standards for review.**
7

8 The Planning and Zoning Board and the City Commission shall provide findings of fact that a conditional
9 use complies with the following standards and the criteria applicable to each conditional use:
10

- 11 A. The proposed conditional use is consistent with and furthers the goals, policies and objectives of the
12 Comprehensive Land Use Plan and furthers the purposes of these regulations and other City
13 ordinances and actions designed to implement the Plan.
14
- 15 B. The available use to which the property may be put is appropriate to the property that is subject to the
16 proposed conditional use and compatible with existing and planned uses in the area.
17
- 18 C. The proposed conditional use does not conflict with the needs and character of the neighborhood and
19 the City.
20
- 21 D. The proposed conditional use will not adversely or unreasonably affect the use of other property in
22 the area.
23
- 24 E. The proposed use is compatible with the nature, condition and development of adjacent uses,
25 buildings and structures and will not adversely affect the adjacent uses, buildings or structures.
26
- 27 F. The parcel proposed for development is adequate in size and shape to accommodate all
28 development features.
29
- 30 G. The nature of the proposed development is not detrimental to the health, safety and general welfare
31 of the community.
32
- 33 H. The design of the proposed driveways, circulation patterns and parking is well defined to promote
34 vehicular and pedestrian circulation.
35
- 36 I. The proposed conditional use satisfies the concurrency standards of Article 3, Division 13 and will not
37 adversely burden public facilities, including the traffic-carrying capacities of streets, in an
38 unreasonably or disproportionate manner.
39

40 **Section 3-409. Effect of decision.**
41

42 Approval of a conditional use shall be deemed to authorize only the particular use for which it is issued
43 and shall entitle the recipient to apply for a certificate of use or building permit or any other approval that
44 may be required by these regulations, the City or regional, state or federal agencies. In the event an
45 approval of a conditional use changes the design of the proposed building, final review of the design shall
46 be conducted by the Board of Architects.
47

48 **Section 3-410. Changes to conditional use approvals.**
49

- 50 A. Minor Revisions. The Development Review Official is authorized to allow minor revisions to an
51 approved conditional use after receipt of comments from the Development Review Committee. A
52 minor revision is one which:
53
 - 54 1. Does not affect the conditional use criteria applicable to the conditional use.
 - 55 2. Does not alter the location of any road or walkway by more than five (5) feet.
56

ARTICLE 3 – DEVELOPMENT REVIEW
Division 5 – Planned Area Development

Section 3-501. Purpose and applicability.

- A. Purpose. The purpose of this Division is to encourage the construction of Planned Area Developments (PAD) by providing greater opportunity for construction of quality development on tracts and/or parcels of land through the use of flexible guidelines which allow the integration of a variety of land uses and densities in one development. Furthermore it is the purpose of the PAD to:
 - 1. Allow opportunities for more creative and imaginative development than generally possible under the strict applications of these regulations so that new development may provide substantial additional public benefit.
 - 2. Encourage enhancement and preservation of lands which are unique or of outstanding scenic, environmental, cultural and historical significance.
 - 3. Provide an alternative for more efficient use and, safer networks of streets, promoting greater opportunities for public and private open space, and recreation areas and enforce and maintain neighborhood and community identity.
 - 4. Encourage harmonious and coordinated development of the site, through the use of a variety of architectural solutions to promote Mediterranean architectural attributes, promoting variations in bulk and massing, preservation of natural features, scenic areas, community facilities, reduce land utilization for roads and separate pedestrian and vehicular circulation systems and promote urban design amenities.
 - 5. Require the application of professional planning and design techniques to achieve overall coordinated development eliminating the negative impacts of unplanned and piecemeal developments likely to result from rigid adherence to the standards found elsewhere in these regulations.
- B. Applicability. A PAD may be approved as a conditional use in any zoning district, except single family residential, in accordance with the standards and criteria of this Division, the procedures of Article 3 Division 4 and other applicable regulations.

Section 3-502. Standards and criteria.

The City Commission may approve a conditional use for the construction of a PAD subject to compliance with the development criteria and minimum development standards set out in this Division.

- A. Uses permitted. Unless approved as a mixed use development, the uses permitted within a PAD shall be those uses specified and permitted within the underlying District in which the PAD is located.
- B. Relation to general zoning, subdivision, or other regulations. Where there are conflicts between the PAD provisions and general zoning, subdivision or other regulations and requirements, these regulations shall apply, unless the Planning and Zoning Board recommends and the City Commission finds, in the particular case:
 - 1. That the PAD provisions do not serve public benefits to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements, or

1 2. That actions, designs, construction or other solutions proposed by the applicant, although not
2 literally in accord with these PAD regulations, satisfy public benefits to at least an equivalent
3 degree.
4

5 C. Minimum development standards. Any parcel of land for which a PAD is proposed must conform to
6 the following minimum standards:
7

8 1. Minimum site area. The minimum site area required for a PAD shall be not less than one (1) acre
9 for residentially or commercially designated property.
10

11 2. Configuration of land. The parcel of land for which the application is made for a PAD shall be a
12 contiguous unified parcel with sufficient width and depth to accommodate the proposed use. The
13 minimum average width and or depth for any PAD shall be two hundred (200) feet.
14

15 3. Floor area ratio for a PAD. The floor area ratio for a PAD shall conform to the requirements for
16 each intended use in the underlying zoning districts; provided, however, that the total combined
17 floor area ratio for all uses within the PAD shall be allowed to be distributed throughout the PAD.
18

19 4. Density for multi-family dwellings and overnight accommodations. The density requirements for
20 multi-family dwellings and overnight accommodations shall be in accordance with the provisions
21 of the applicable zoning district.
22

23 5. Transfer of density within a PAD. The density within a PAD may be permitted to be transferred
24 throughout the development site provided that such transfer is not intrusive on abutting single
25 family residential areas.
26

27 6. Landscaped open space. The minimum landscaped open space required for a PAD shall be not
28 less than twenty percent (20%) of the PAD site. Landscaped or urban open space which is
29 located on elevated portions of the site may count toward this requirement.
30

31 7. Height of buildings. The maximum height of any building in a PAD shall conform to the provisions
32 of the underlying zoning district.
33

34 8. Design requirements. All buildings within a PAD shall conform to the following:

35 a. Architectural relief and elements (i.e. windows, cornice lines, etc.) shall be provided on all
36 sides of buildings, similar to the architectural features provided on the front façade;

37 b. Facades in excess of 150 feet in length shall incorporate design features such as: staggering
38 of the façade, use of architectural elements such as kiosks, overhangs, arcades, etc.;

39 c. Parking garages shall include architectural treatments compatible with buildings and
40 structures which occupy the same street;

41 d. Where necessary and appropriate to enhance public pedestrian access, no block face shall
42 have a length greater than 250 feet without a public pedestrian passageway or alley providing
43 through access;

44 e. all buildings, except accessory buildings, shall have their main pedestrian entrance oriented
45 towards the front or side property line.
46

47 9. Perimeter and transition. Any part of the perimeter of a PAD which fronts on an existing street or
48 open space shall be so designed as to complement and harmonize with adjacent land uses with
49 respect to scale, density, setback, bulk, height, landscaping and screening. Properties which are
50 adjacent to residentially zoned or used land shall be limited to a maximum height of 45 feet within
51 100 feet of the adjacent right-of-way.
52

53 10. Minimum street frontage; building site requirement, number of buildings per site, lot coverage and
54 all setbacks. There shall be no specified minimum requirements for street frontage, building
55 sites, number of buildings within the development, or lot coverage.
56

- 1 11. Platting and/or replatting of development site. Nothing contained herein shall be construed as
2 requiring the platting and/or replatting of a development site for a PAD provided, however, that
3 the Planning and Zoning Board and City Commission may require the platting or replatting of the
4 development site when it determines that the platting or replatting would be in the best interest of
5 the community.
6
- 7 12. Facing of buildings. Nothing in this Division shall be construed as prohibiting a building in a PAD
8 from facing upon a private street when such buildings are shown to have adequate access in a
9 manner which is consistent with the purposes and objectives of these regulations and such
10 private street has been recommended for approval by the Planning and Zoning Board and
11 approved by the City Commission.
12
- 13 13. Off-street parking and off-street loading standards and requirements. The off-street parking and
14 off-street loading standards and requirements for a PAD shall conform to the requirements of the
15 applicable zoning district. Off-street parking for bicycles shall be provided as may be required by
16 the Planning and Zoning Board and approved by the City Commission. Where the parking for the
17 development is to be located within a common parking area or a parking garage, a restrictive
18 covenant shall be filed reserving within the parking area or the parking garage the required off-
19 street parking for each individual building and/or use and such off-street parking spaces shall be
20 allocated proportionately.
21
- 22 14. Boats and recreational vehicle, parking. No boats and/or recreational vehicles shall be parked on
23 the premises of a PAD unless such boats and/or recreational vehicles are located within an
24 enclosed garage.
25
- 26 15. Accessory uses and structures. Uses and structures which are customarily accessory and clearly
27 incidental to permitted uses and structures are permitted in a PAD subject to the provisions of
28 Article 5 Division 1. Any use permissible as a principal use may be permitted as an accessory
29 use, subject to limitations and requirements applying to the principal use.
30
- 31 16. Signs. The number, size, character, location and orientation of signs and lighting for signs for a
32 PAD shall be in accordance with Article 5 Division 23.
33
- 34 17. Refuse and service areas. Refuse and service areas for a PAD shall be so designed, located,
35 landscaped and screened and the manner and timing of refuse collection and deliveries,
36 shipment or other service activities so arranged as to minimize impact on adjacent or nearby
37 properties or adjoining public ways, and to not impede circulation patterns.
38
- 39 18. Minimum design and construction standards for private streets and drainage systems. The
40 minimum design and construction standards for private streets in a PAD shall meet the same
41 standards as required for public streets as required by the Public Works Department of the City of
42 Coral Gables. The minimum construction standards for drainage systems shall be in accordance
43 with the Florida Building Code.
44
- 45 19. Ownership of PAD. All land included within a PAD shall be owned by the applicant requesting
46 approval of such development, whether that applicant be an individual, partnership or corporation,
47 or groups of individuals, partnerships or corporations. The applicant shall present proof of the
48 unified control of the entire area within the proposed PAD and shall submit an agreement stating
49 that if the owner(s) proceeds with the proposed development they will:
50 a. Develop the property in accordance with:
51 i. The final development plan approved by the City Commission for the area.
52 ii. Regulations existing when the PAD ordinance is adopted.
53 iii. Such other conditions or modifications as may be attached to the approval of the special-
54 use permit for the construction of such PAD.
55 b. Provide agreements and declarations of restrictive covenants acceptable to the City
56 Commission for completion of the development in accordance with the final development plan

1 as well as for the continuing operation and maintenance of such areas, functions and facilities
2 as are not to be provided, operated or maintained at general public expense.
3 c. Bind the successors and assigns in title to any commitments made under the provisions of
4 the approved PAD.
5

6 20. Compatibility with historic landmarks. Where an historic landmark exists within the site of a PAD
7 the development shall be required to be so designed as to insure compatibility with the historic
8 landmark.
9

10 21. Easements. The City Commission may, as a condition of PAD approval, require that suitable
11 areas for easements be set aside, dedicated and/or improved for the installation of public utilities
12 and purposes which include, but shall not be limited to water, gas, telephone, electric power,
13 sewer, drainage, public access, ingress, egress, and other public purposes which may be
14 deemed necessary by the City Commission.
15

16 22. Installation of utilities. All utilities within a PAD including but not limited to telephone, electrical
17 systems and television cables shall be installed underground.
18

19 23. Mixed-uses within a PAD. A PAD may be so designed as to include the establishment of
20 complementary and compatible combinations of office, hotel, multi-family and retail uses which
21 shall be oriented to the development as well as the district in which the development is located.
22

23 24. Common areas for PADs. Any common areas established for the PAD shall be subject to the
24 following:

25 a. The applicant shall establish a property owner's association for the ownership and
26 maintenance of all common areas, including open space, recreational facilities, private
27 streets, etc. Such association shall not be dissolved nor shall it dispose of any common
28 areas by sale or otherwise (except to an organization conceived and established to own and
29 maintain the common areas), however, the conditions of transfer shall conform to the
30 Development Plan.

31 b. Membership in the association shall be mandatory for each property owner in the PAD and
32 any successive purchaser that has a right of enjoyment of the common areas.

33 c. The association shall be responsible for liability insurance, local taxes, and the maintenance
34 of the property.

35 d. Property owners that have a right of enjoyment of the common areas shall pay their pro rata
36 share of the cost, or the assessment levied by the association shall become a lien on the
37 property.

38 e. In the event that the association established to own and maintain commons areas or any
39 successor organization, shall at any time after the establishment of the PAD fail to maintain
40 the common areas in reasonable order and condition in accordance with the Development
41 Plan, the City Commission may serve written notice upon such association and/or the owners
42 of the PAD and hold a public hearing. If deficiencies of maintenance are not corrected within
43 thirty (30) days after such notice and hearing the City Commission shall call upon any public
44 or private agency to maintain the common areas for a period of one year. When the City
45 Commission determines that the subject organization is not prepared or able to maintain the
46 common areas such public or private agency shall continue maintenance for yearly periods.

47 f. The cost of such maintenance by such agency shall be assessed proportionally against the
48 properties within the PAD that have a right of enjoyment of the common areas and shall
49 become a lien on said properties.

50 g. Land utilized for such common areas shall be restricted by appropriate legal instrument
51 satisfactory to the City Attorney as common areas in perpetuity in accordance with the
52 provisions of Article 5, Division 23. Such instrument shall be recorded in the Public Records
53 of Dade County and shall be binding upon the developer, property owners association,
54 successors, and assigns and shall constitute a covenant running with the land.
55
56

1 **Section 3-503. Required findings.**

2
3 The Planning and Zoning Board shall recommend to the City Commission the approval, approval with
4 modifications, or denial of the plan for the proposed PAD and shall include not only conclusions but also
5 findings of fact related to the specific proposal and shall set forth with particularity in what respects the
6 proposal would or would not be in the public interest. These findings shall include, but shall not be limited
7 to the following:
8

- 9 A. In what respects the proposed plan is or is not consistent with the stated purpose and intent of the
10 PAD regulations.
11
12 B. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise
13 applicable to the subject property, including but not limited to density, size, area, bulk and use, and
14 the reasons why such departures are or are not deemed to be in the public interest.
15
16 C. The extent to which the proposed plan meets the requirements and standards of the PAD regulations.
17
18 D. The physical design of the proposed PAD and the manner in which said design does or does not
19 make adequate provision for public services, provide adequate control over vehicular traffic, provide
20 for and protect designated common open areas, and further the amenities of light and air, recreation
21 and visual enjoyment.
22
23 E. The compatibility of the proposed PAD with the adjacent properties and neighborhood as well as the
24 current neighborhood context including current uses.
25
26 F. The desirability of the proposed PAD to physical development of the entire community.
27
28 G. The conformity of the proposed PAD with the goals and objectives and Comprehensive Land Use
29 Plan Maps of the City of Coral Gables Comprehensive Land Use Plan.
30

31 **Section 3-504. Binding nature of approval for a PAD.**

32
33 All terms, conditions, restrictive covenants, safeguards and stipulations made at the time of approval of
34 the Development Plan for a PAD shall be binding upon the applicant or any successors in interest.
35 Deviations from approved plans or failure to comply with any requirements, conditions, restrictions or
36 safeguards imposed by the City Commission shall constitute a violation of these regulations.
37

38 **Section 3-505. Time limit on approval.**

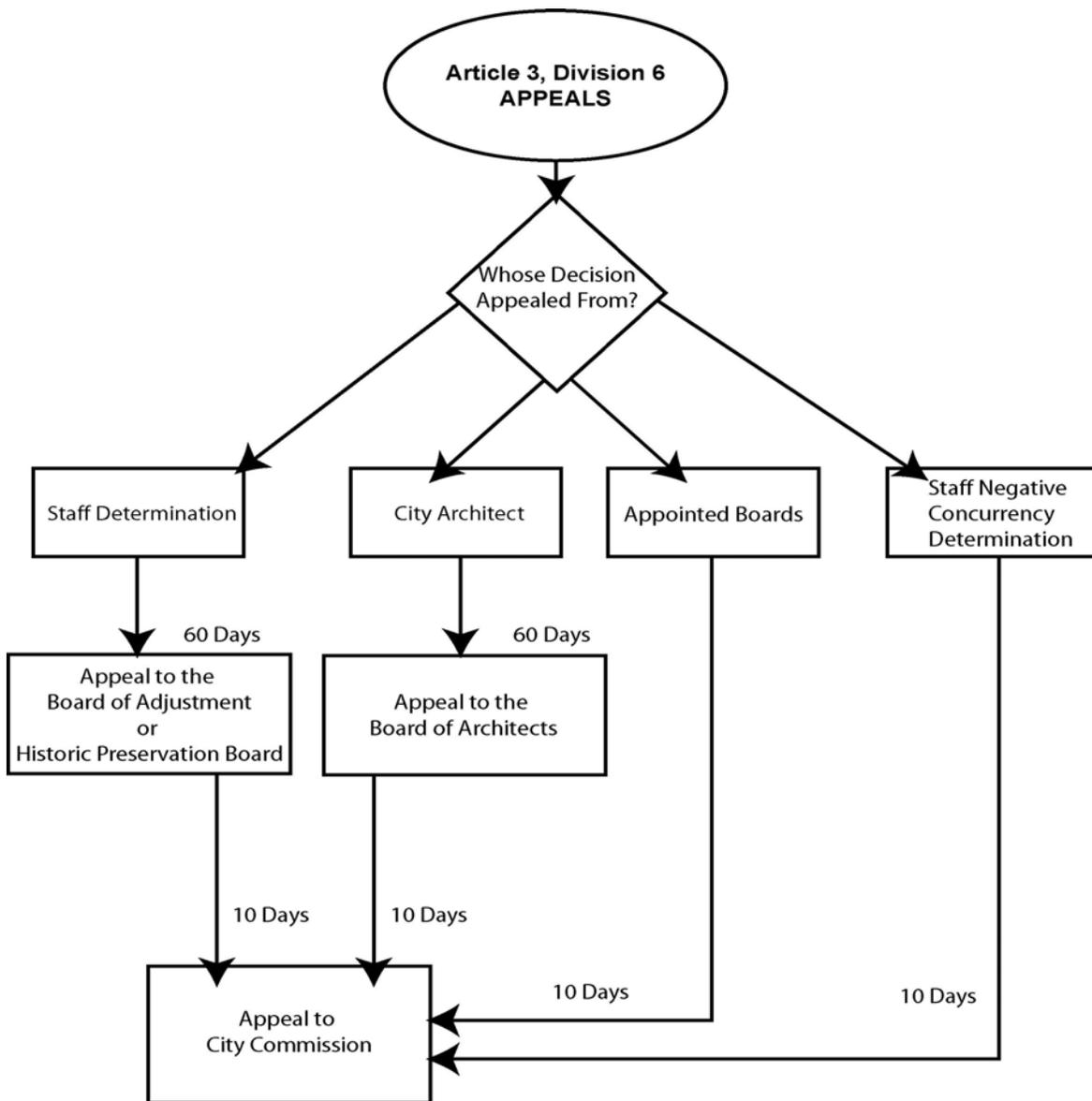
- 39
40 A. The developer shall obtain a building permit and begin construction of the improvements within the
41 PAD within eighteen (18) months from the effective date of the ordinance approving the Development
42 Plan (or subsequent updates). If the developer fails to commence construction of the PAD within the
43 specified time period, the approval of the PAD shall expire.
44
45 B. If the PAD is to be developed in stages, the developer must begin construction of each stage within
46 the time limits specified in the approved Plan (or subsequent updates). Construction in each phase
47 shall include all the elements of that phase specified in the approved Plan.
48

ARTICLE 3 – DEVELOPMENT REVIEW
Division 6 – Appeals

Section 3-601. Purpose and applicability.

The purpose of this Division is to set forth procedures for appealing the decisions of City staff where it is alleged that there is an error in any order, requirement, decision or interpretation made in the enforcement or interpretation of these regulations and to set forth standard procedures for appealing the decisions of the City's decisionmaking bodies.

Section 3-602. General procedures.



16
17
18

1 **Section 3-603. Appeals from negative concurrency determinations.**
2

3 An appeal from a negative concurrency determination shall be taken to the City Commission by any
4 aggrieved party in accordance with the procedures of Section 3-606.
5

6 **Section 3-604. Appeals from decisions of City Staff.**
7

8 Other than an appeal from a decision of the City Architect, where it is alleged that there is an error in any
9 order, requirement, decision or interpretation made in the enforcement or interpretation of these
10 regulations by City staff, an appeal shall be taken by an aggrieved party to the Board of Adjustment or the
11 Historic Preservation Board, in the case of an appeal from a decision of the Historic Preservation Officer,
12 no later than sixty (60) days after the decision has been made. Application for postponement of the
13 public hearing of an appeal shall be considered according to the provisions stated in Sections 3-606 and
14 608A.
15

16 **Section 3-605. Appeals from decisions of the Board of Adjustment, Board of Architects and
17 Historic Preservation Board.**
18

19 An appeal from any decision of the Board of Adjustment, Board of Architects or Historic Preservation
20 Board may be taken to the City Commission by any aggrieved party in accordance with the provisions of
21 Section 3-606B.
22

23 **Section 3-606. Procedures for appeals**
24

25 The following procedures shall govern the filing of appeals:
26

- 27 A. Appeals from City Staff, other than the City Architect. An aggrieved party may file a written Notice of
28 Appeal to the Board of Adjustment or the Historic Preservation Board with the Development Review
29 Official or Historic Preservation Officer, as provided in Section 3-604, within sixty (60) days of the
30 administrative decision being appealed from. The appeal should be accompanied by any relevant
31 documents related to the appeal. The appeal shall be considered by the Board of Adjustment, or
32 Historic Preservation Board within fourteen (14) days after receipt of the notice. The Board of
33 Adjustment, the Planning and Zoning Board or Historic Preservation Board shall grant the appeal,
34 with or without conditions, deny the appeal, or respond for further proceedings.
35
- 36 B. Appeals from the City Architect. An aggrieved party may file a written Notice of Appeal to the Board
37 of Architects from a decision of the City Architect within ten (10) days of the decision being appealed
38 from. The appeal shall be considered by the Board of Architects within fourteen (14) days after
39 receipt of the notice. The Board shall grant the appeal, with or without conditions or deny the appeal.
40
- 41 C. Appeals of Board of Adjustment, Board of Architects and Historic Preservation Board. Any aggrieved
42 party desiring to appeal a decision of the Board of Adjustment, Board of Architects or Historic
43 Preservation Board shall, within ten (10) days from the date of such decision, file a written Notice of
44 Appeal with the City Clerk, whose duty it shall then become to send a written notice of such appeal to
45 all persons previously notified by the Board in the underlying matter. The appeal shall then be heard
46 by the City Commission at its next meeting, provided at least ten (10) days has intervened between
47 the time of the filing of the Notice of Appeal and the date of such meeting; if ten (10) days shall not
48 intervene between the time of the filing of the notice and the date of the next meeting, then the appeal
49 shall be heard at the next regular meeting of the City Commission and the City Commission shall
50 render a decision, without any unnecessary or undue delay, unless application for deferral has been
51 made as permitted in Section 3-608 of this Division.
52
- 53 D. Stay of proceedings. An appeal shall stay all proceedings in the matter appealed from until the final
54 disposition of the appeal by the City Commission or other Board with jurisdiction.
55

1 E. City Commission decision. The City Commission shall conduct a de novo review of the decision of
2 the Board of Adjustment, Board of Architects or the Historic Preservation Board. The property
3 owners, objectors or interested parties may offer or submit additional evidence and testimony at the
4 hearing before the City Commission. Any documents or exhibits, including the names and
5 qualifications of any expert witnesses expected to testify, to be introduced at the hearing shall be
6 submitted to the City Clerk no later than five (5) days before the City Commission meeting with a
7 sufficient number of copies for the City Commission, the City Attorney, the City Manager and the
8 affected department. The City Commission is authorized to affirm, affirm with conditions, override the
9 decision of the Board of Adjustment, Board of Architects or the Historic Preservation Board, or
10 remand for further proceedings to the applicable Board. Any decision by the Board of Adjustment,
11 Board of Architects or Historic Preservation Board can only be reversed by a majority vote of the City
12 Commission. The granting of any appeal by the City Commission shall be by resolution.
13

14 **Section 3-607. Appeals from decision of the City Commission.**
15

16 An action to review any decision of the City Commission under these regulations may be taken by any
17 person or persons, jointly or severally, aggrieved by such decision by presenting to the Circuit Court a
18 petition for issuance of a Writ of Certiorari, duly certified, setting forth that such decision is illegal, in whole
19 or in part, certifying the grounds of the illegality, provided same is done in the manner and within the time
20 provided by Florida Rules of Appellate Procedure.
21

22 Challenges to development order decisions based on consistency or inconsistency of the development
23 order with the City of Coral Gables Comprehensive Plan shall be governed by the provisions of Section
24 163.3215, Florida Statutes (1995).
25

26 The record of the Commission or any board or official from which appeal is taken shall include any
27 application, exhibits, appeal papers, written objections, waivers or consents, considered by the
28 Commission, or such board, as well as transcripts or stenographic notes taken at a hearing held before
29 the Commission or any such board, the City Commission minutes or the board's minutes and resolution
30 showing its decision or action, and if the record of a lower board is transmitted to the City Commission,
31 the record of the City Commission shall include the record of the lower board. The record shall also
32 include any and all applicable portions of these regulations and where applicable the City Code, the
33 report and recommendations of City staff, the City's Comprehensive Land Use Plan, as well as applicable
34 district boundary maps, aerial photographs and final zoning resolutions or ordinances. It shall also
35 include the record made as a result of any prior applications for development approval on the same
36 property. The City Clerk shall identify all exhibits used at the hearing. All exhibits so identified or
37 introduced shall be a part of the City's record.
38

39 **Section 3-608. Postponement of appeals from the Board of Adjustment, Historic Preservation**
40 **Board or Board of Architects.**
41

42 A. Applicants and/or aggrieved parties desiring postponement of an appeal before the City Commission
43 on an application from the Board of Adjustment or Board of Architects or an appeal to the Board of
44 Adjustment on an application from a decision of City Staff shall adhere to the following provisions for
45 postponement:
46

- 47 1. First postponement must be requested in writing to the Office of the City Manager for items being
48 considered by the City Commission, or to the Building and Zoning Director for items being
49 considered by the Board of Adjustment, which will be automatically granted, upon payment of a
50 fee established by City Code. The item will then be placed on the next month's agenda.
51
- 52 2. Second postponement by the same party must be requested in the same manner as the first
53 postponement, which will be automatically granted upon payment of a fee established by City
54 Code.
55

1 3. Except as provided in subsection C below, following two postponements, the item will then be
2 placed on the next month's agenda and there shall be no further postponements absent approval
3 of the reviewing body. The third and each additional postponement, if approved, shall only be
4 granted upon payment of a fee established by City Code.
5

6 B. Applicants and/or aggrieved parties desiring postponement of an appeal before the City Commission
7 on an application from the Historic Preservation Board, shall adhere to the following provisions for
8 postponements:
9

10 1. First postponement. Requests for initial postponement must be requested in writing to the Office
11 of the City Manager. A copy of the request shall be forwarded to the Board Secretary and the
12 City Clerk. The request shall include a specific time frame for postponement. No more than 90
13 calendar days may be requested and will be automatically granted.
14

15 2. Second postponement. Requests for second postponement must be requested in writing to the
16 Office of the City Manager. A copy of the request shall be forwarded to the Board Secretary and
17 the City Clerk. The second postponement request may not exceed 30 calendar days. The City
18 Manager's Office shall evaluate the request and may administratively grant the request or
19 schedule the request for City Commission review and approval.
20

21 3. Third postponement. If the appeal is not considered by the City Commission within the 120
22 calendar days as provided above, the application shall be scheduled for City Commission
23 consideration at the next available City Commission meeting. The City Commission shall
24 evaluate the application and determine if additional postponement are warranted. The maximum
25 time frame an appeal can be postponed from the initial date the application was scheduled for
26 City Commission consideration is 180 days.
27

28 4. Appeal postponement fees. Applicants and/or aggrieved parties shall be required to pay all
29 applicable costs for all postponement requests including applicable fees established by City
30 Code. If the City Commission requests adjacent property owners be notified or advertised, all
31 costs shall be the responsibility of the applicant or aggrieved party.
32

33 5. Applicant responsibility. It shall be the responsibility of the applicant to adhere to the
34 requirements provided in this Division, which shall include monitoring and insuring the application
35 proceeds forward for City Commission consideration. Failure of the applicant to follow the above
36 provisions shall terminate the appeal.
37

38 6. Appeal review expiration. Appeals which do not secure City Commission consideration as
39 provided in the above sections or are not considered by the City Commission within six (6)
40 months shall be deemed abandoned and void.
41

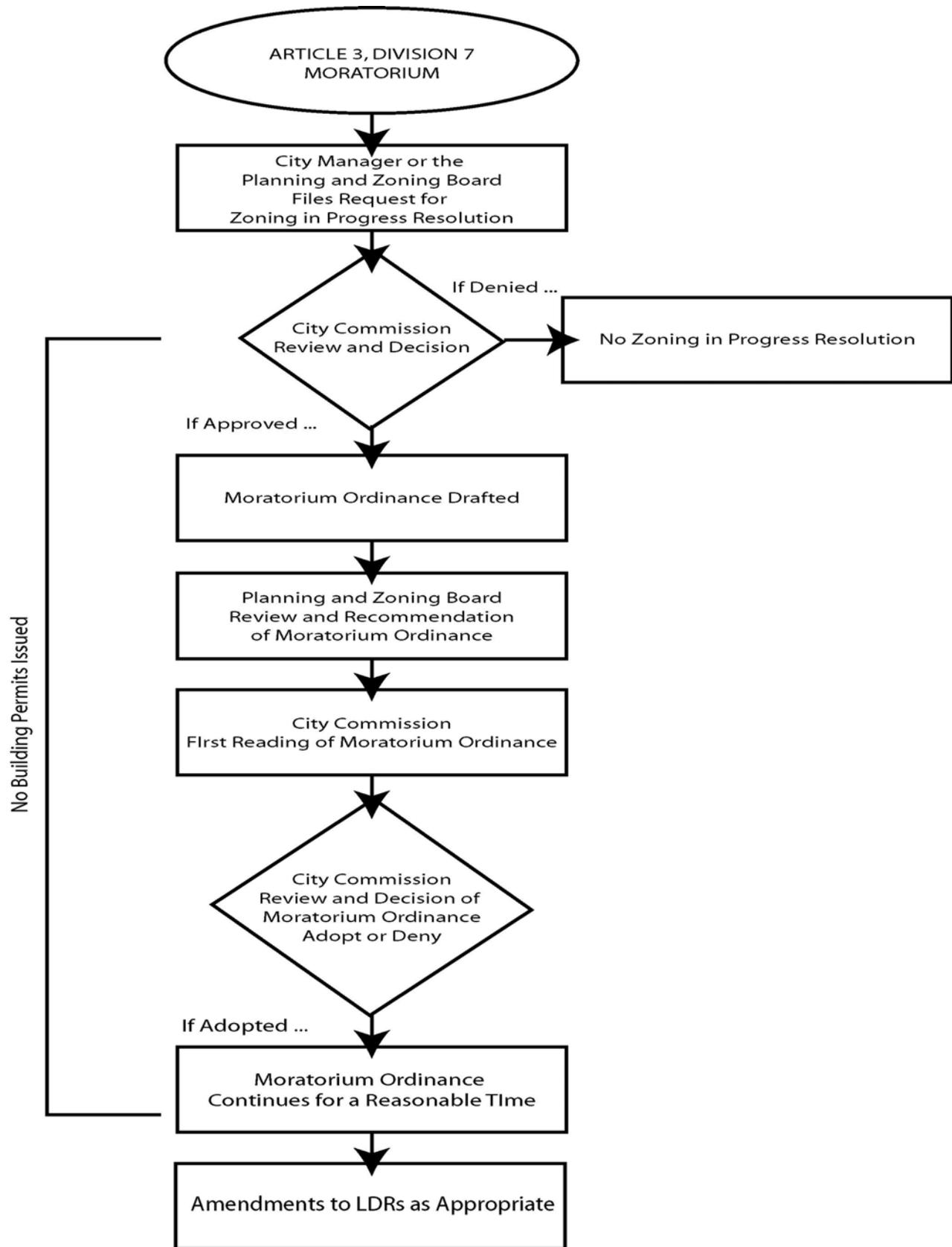
42 C. The City Manager may postpone an appeal whenever it is deemed necessary to ascertain a complete
43 record, to maintain an orderly hearing or in the best interests of the City but avoiding any
44 unnecessary or undue delay.
45

ARTICLE 3 – DEVELOPMENT REVIEW
Division 7– Moratorium

Section 3-701. Purpose and applicability.

The purpose of providing for a moratorium on development is to preserve the status quo for a reasonable time while the City develops and adopts a land use strategy to respond to new or recently perceived problems. The moratorium, initiated by the adoption of a zoning in progress resolution, prevents developers and property owners from developing land under current land use rules that the community is in the process of changing. By so doing, a moratorium helps to accomplish the purpose of the new rules by preventing outdated development and allowing time to conduct a comprehensive growth management study which will be used to assist the City Commission in implementing needed changes to these regulations.

Section 3-702. General Procedures



1
2

1 **Section 3-703. Zoning in progress request.**
2

3 The City Manager or the Planning and Zoning Board may file a request with the City Commission for a
4 Zoning in Progress Resolution. The request shall be made in writing and shall be accompanied by a City
5 staff report summarizing the need for a revision to these regulations and the area or areas within the City
6 that will be affected. Such report shall contain a determination concluding the need for a resolution of the
7 City Commission declaring Zoning in Progress and for the adoption of a formal moratorium. The City
8 Commission may consider a Zoning in Progress Resolution on its own initiative.
9

10 **Section 3-704. City Commission zoning in progress resolution review and decision.**
11

- 12 A. The City Commission shall review the Zoning in Progress Resolution at the next available regularly
13 scheduled meeting following the submittal of the Zoning in Progress request.
14
15 B. The City Commission shall make preliminary findings and accordingly approve or deny the proposed
16 Zoning in Progress Resolution.
17
18 C. Should the City Commission determine that a moratorium pending the preparation of a detailed and
19 comprehensive analysis of the area in question is reasonably necessary or desirable, it shall:
20
21 1. Approve the Zoning in Progress Resolution; and
22
23 2. Order a fixed time, not to exceed 90 days, within which City staff shall report to the Planning and
24 Zoning Board and the City Commission with its report, a proposed ordinance amending these
25 regulations, and recommendations relating to a potential moratorium.
26
27 D. The Zoning in Progress Resolution shall be for a period not to exceed the first regularly scheduled City
28 Commission meeting after one hundred twenty (120) days, unless an extension not exceeding forty
29 (40) days is ordered pursuant to section F below.
30
31 E. The City Commission on its own motion or otherwise may extend any Zoning in Progress Resolution
32 for a longer period of time if reasonably necessary and the public interest requires.
33
34 F. Should City staff be unable to report back to the City Commission within the time prescribed by its
35 order, upon timely request by City staff and after public hearing on the need, the City Commission may
36 extend the time limitation one time for a period not to exceed forty (40) days.
37
38 G. Upon adoption of the Zoning in Progress Resolution, the City Clerk shall publish the adopted resolution
39 in a newspaper of general circulation published in the City of Coral Gables, or in Dade County, Florida,
40 within ten (10) days following the date of adoption.
41

42 **Section 3-705. Effect of zoning in progress resolution.**
43

- 44 A. During the period of time that the Planning and Zoning Board and City Commission are considering a
45 moratorium ordinance, no permit(s) or development order(s) of any kind shall be issued if issuance
46 would result in the nonconforming or unlawful use of the subject property should the moratorium or text
47 amendment or zoning district change be finally enacted by the City Commission.
48
49 B. During the period of time that the Planning and Zoning Board and City Commission are considering a
50 moratorium ordinance, no permit(s) or development order(s) of any kind shall be issued if issuance
51 would result in the nonconforming or unlawful use of the subject property should a moratorium
52 ordinance be adopted by the City Commission.
53
54 C. The period of time of such moratorium on permits shall begin on the earlier of:
55
56 1. City Commission adoption of Zoning in Progress Resolution; or

- 1
2 2. Notice has been given as required by law of the initial public hearing before the Planning and
3 Zoning Board on the amendment to these regulations.
4

5 **Section 3-706. City Staff review, report and recommendation.**
6

- 7 A. In the event the City Commission determines a moratorium is necessary to give City staff sufficient
8 time to complete planning studies or other analysis prior to instituting an amendment to the regulations,
9 the City Commission, as part of the Zoning in Progress Resolution, shall direct City staff to prepare a
10 moratorium ordinance.
11
12 B. Within the time fixed by the City Commission, City staff shall report to the Planning and Zoning Board
13 and then the City Commission with its ordinance, amending these regulations and recommendations
14 regarding the moratorium and its scope.
15
16 C. City staff shall:
17
18 1. Provide a detailed report indicating the necessity for zoning changes.
19
20 2. Provide a recommendation as to whether the proposed moratorium ordinance should be approved,
21 approved with conditions, or denied.
22
23 3. Schedule the moratorium ordinance for hearing before the Planning and Zoning Board.
24
25 4. Provide notice of the Planning and Zoning Board hearing pursuant to Article 3, Division 3.
26

27 **Section 3-707. Planning and Zoning Board review and recommendation.**
28

29 The Planning and Zoning Board shall:
30

- 31 A. Review the proposed moratorium ordinance at a public hearing.
32
33 B. Make a written recommendation to the City Commission with regard to whether the proposed
34 moratorium ordinance should be approved, approved with conditions, or denied.
35

36 **Section 3-708. City Commission review and decision.**
37

- 38 A. Upon receipt of the report and recommendation of City staff and the Planning and Zoning Board, the
39 City Commission shall review the report and recommendations at two public hearings.
40
41 B. The City Commission shall read the moratorium ordinance by title, in full, on the first public hearing
42 following receipt of the City staff's and the Planning and Zoning Board's recommendation.
43
44 C. The City Commission shall hold a second public hearing and following the hearing adopt or deny the
45 proposed moratorium ordinance.
46
47 F. The City Commission may, upon request by City staff, amend the scope and timing of the moratorium
48 as needed.
49
50 G. The City shall consider such amendments to these regulations as are appropriate in accordance with
51 the provisions in Article 3 Division 14.
52

53 **Section 3-709. Waivers.**
54

55 If the City Commission has provided for waivers in the ordinance adopting a moratorium, the City Manager
56 may grant a waiver of the moratorium where the applicant can show the following:

- 1
2 A. The proposed development complies with the existing land development regulations.
3
4 B. The proposed development satisfies the objective of the City Commission in ordering a moratorium.
5 For example, if the City Commission is considering increasing the minimum setback in a residential
6 zoning district by two (2) feet, and the applicant demonstrates that it complies with the proposed
7 modification to the setback, the City Manager may grant a waiver of the moratorium.
8
9 C. The waiver will not hinder the intent of the City Commission in its proposed amendment to these
10 regulations.

11
12 **Section 3-710. Exemptions.**

13
14 Notwithstanding the adoption of a moratorium ordinance, the City Manager may authorize the issuance of
15 building permits for nondeleterious items including, but not limited to, fences, repairs and similar matters,
16 where he determines that such permit will not affect the outcome of the planning study; provided, however,
17 that with regard to any particular moratorium the City Commission may by ordinance increase or decrease
18 allowable exemptions and may by ordinance provide either a supplemental or exclusive procedure for
19 acting upon requests for exemptions. Such procedure may vest jurisdiction and responsibility for acting
20 upon requests for exemptions in the City Manager or any City administrative or quasi-judicial body or
21 board.
22

23 **Section 3-711. Conditional uses, variances, change in land use, change of zoning or tentative**
24 **plats during moratorium.**

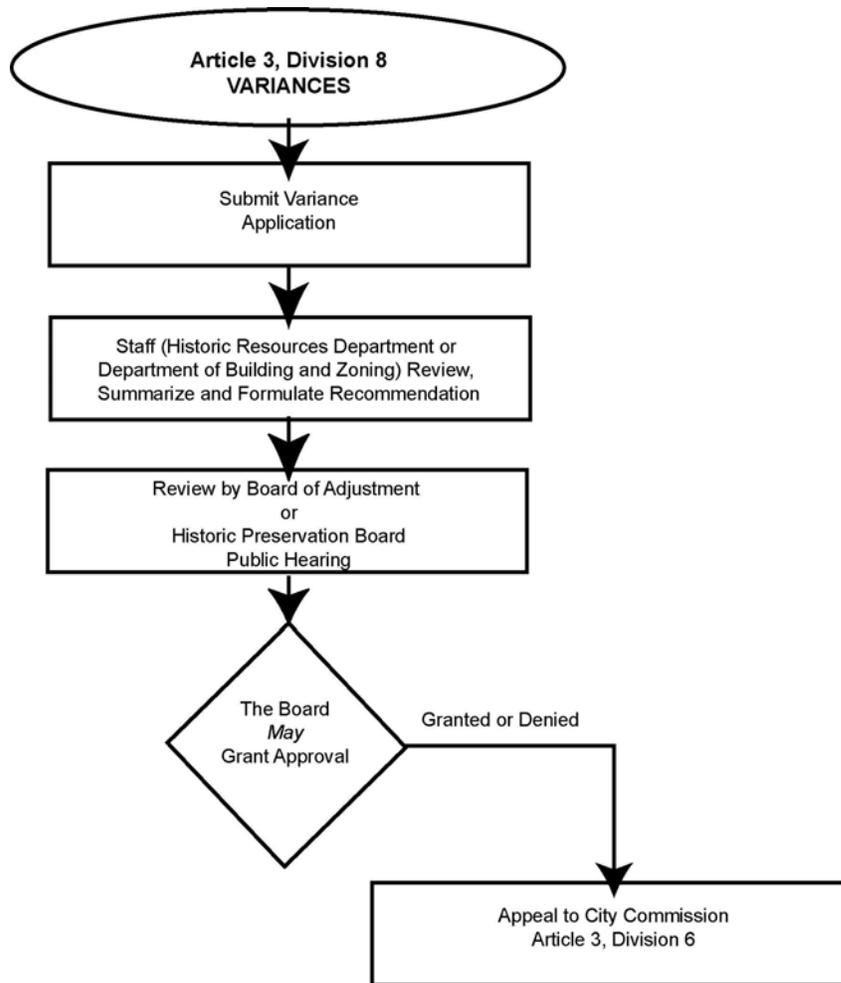
25
26 During the existence of any moratorium, no applications for conditional uses, variances, changes in land
27 use, changes of zoning, development orders or tentative plats within the affected area shall be acted upon
28 by the City, except as provided in Sections 3-708 and 3-709, or unless otherwise specifically provided by
29 the City Commission by ordinance with regard to a specific moratorium.
30

ARTICLE 3 – DEVELOPMENT REVIEW
Division 8 - Variances

Section 3-801. Purpose and applicability.

Except as provided in Article 3, Division 9 for variances from platting standards, the purpose of this Division is to establish a procedure for granting variances from the literal terms of these regulations where there are practical difficulties or unnecessary and undue hardships so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

Section 3-802. General procedures.



1 **Section 3-803. Application.**

2
3 An application for a variance shall be made in writing upon an application form approved by the City staff,
4 and shall be accompanied by applicable fees.
5

6 **Section 3-804. City Staff review, report and recommendation.**

- 7
8 A. City staff shall review the application in accordance with the provisions of Article 3, Division 2 of these
9 regulations.
10
11 B. Upon completion of review of an application, City staff shall:
12
13 1. Provide a report that summarizes the application and the effect of the proposed variance,
14 including whether the variance complies with each of the standards for granting variances in
15 Section 3-806.
16
17 2. Provide written recommended findings of fact regarding the standards for granting variances as
18 provided for in Section 3-806.
19
20 3. Provide a recommendation as to whether the application should be approved, approved with
21 conditions, or denied.
22
23 4. Schedule the application for hearing before the Board of Adjustment or the Historic Preservation
24 Board.
25
26 5. Provide notice of the hearing in accordance with the provisions of Article 3, Division 3 of these
27 regulations.
28

29 **Section 3-805. Review, hearing and decision on variances.**

30
31 The Board of Adjustment or the Historic Preservation Board in the case of variance involving historic
32 properties, shall review the application for a variance, the report, recommendation, and proposed findings
33 prepared by City staff, conduct a quasi-judicial public hearing on the application in accordance with the
34 requirements of Section 3-303 and render a decision, based upon written findings of fact, granting,
35 granting with conditions, or denying the variance.
36

37 **Section 3-806. Standards for variances.**

- 38
39 A. In order to authorize any variance from the terms of these regulations, the Board of Adjustment or
40 Historic Preservation Board, as the case may be, shall find:
41
42 1. That special conditions and circumstances exist which are peculiar to the land, structure or
43 building involved and which are not applicable to other lands, structures or buildings in the same
44 zoning district.
45
46 2. That the special conditions and circumstances do not result from the actions of the applicant.
47
48 3. That granting the variance requested will not confer on the applicant any special privilege that is
49 denied by these regulations to other lands, buildings or structures in the same zoning district.
50
51 4. That literal interpretation of the provisions of these regulations would deprive the applicant of
52 rights commonly enjoyed by other properties in the same zoning district under the terms of these
53 regulations and would work unnecessary and undue hardship on the applicant.
54
55 5. That the variance granted is the minimum variance that will make possible the reasonable use of
56 the land, building or structure.

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6. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.
 7. That the granting of the variance will be in harmony with the general intent and purpose of these regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
 8. That the granting of the variance is appropriate for the continued preservation of an historic landmark or historic landmark district.
- B. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures, or buildings in other districts, shall be considered grounds for the issuance of a variance.
- C. Under no circumstances shall the Board of Adjustment or the Historic Preservation Board grant a variance to permit the following:
1. A use not permitted in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district; and
 2. The reduction or diminishing of a building site upon which a single-family residence or duplex has heretofore been constructed.
- D. The Board of Adjustment or the Historic Preservation Board may impose such reasonable conditions on the grant of a variance in order to ensure that the variance will have a minimum impact on surrounding properties.

Section 3-807. Time limit for variances.

Any variance granted under the provisions of this Division shall become null and void and of no effect twelve (12) months from and after the date of the approval granting the same, unless within such period of twelve (12) months a building permit for the building or structure involved embodying the substantive matter for which the variance was granted shall have been issued; or if the use or adoption of such variance does not require the issuance of a building permit, unless the requested action permitted by the variance shall have taken place within the said twelve (12) month period. One (1) additional extension of twelve (12) months may be granted by the Development Review Official for good cause shown.

Section 3-808. Effect of decision.

Approval of a variance shall be deemed to authorize only the particular use for which it is issued and shall entitle the recipient to apply for review by the Board of Architects, if applicable, a certificate of use or building permit or any other approval that may be required by these regulations, the City or regional, state or federal agencies.

Section 3-809. Appeals.

An appeal from any decision of the Board of Adjustment or the Historic Preservation Board regarding variances may be taken to the City Commission by an aggrieved party in accordance with the provisions of Article 3 Division 6 of these regulations.

ARTICLE 3 – DEVELOPMENT REVIEW
Division 9 - Platting/Subdivision

Section 3-901. Purpose and applicability.

The purpose of this Division is to provide application and review procedures for the subdivision of land within the City. This Division shall be applicable to any subdivision or re-subdivision of land that creates one (1) or more parcels. No building permit shall be issued for construction of any improvements on a parcel that was not legally created in compliance with these regulations.

Section 3-902. Tentative plat.

- A. Pre-application conference-sketch plan. Prior to filing an application for tentative plat approval, the applicant shall have a pre-application conference as set forth in Section 3-201.
- B. Application. An applicant for plat approval shall submit an application for review of a tentative plat upon an application form approved by the City staff and shall be accompanied by all applicable fees. In addition, the application shall be accompanied by any application for a variance of the subdivision requirements as set forth more fully in Section 3-904 below.
- C. Staff report and recommendation.
 - 1. The staff shall review the application in accordance with the provisions of Article 3, Division 2 of these regulations. Any such review by the DRC shall, at a minimum, include a review and comment by the Public Works Department.
 - 2. Upon completion of review of an application, the Development Review Official shall:
 - a. Prepare a report that summarizes the application, including whether the application complies with the platting standards set forth in Article 5, Division 15 and the requirement for the undergrounding of utilities in Article 5, Division 22 of these regulations.
 - b. Provide written recommendations as to whether the application should be recommended for approval, approval with conditions, or denied.
 - c. Provide a report and recommendation, with a copy to the applicant, to the Planning and Zoning Board at least one (1) week prior to the next scheduled meeting of the Planning and Zoning Board.
 - d. Schedule the application for hearing before the Planning and Zoning Board.
 - e. Provide notice of the hearing before the Planning and Zoning Board in accordance with the provisions of Article 3, Division 3 of these regulations.
- D. Planning and Zoning Board review. Upon receipt of the recommendations of the Development Review Official, the Planning and Zoning Board shall conduct a public hearing on the tentative plat and shall review the plat to ensure that it conforms to the requirements of these regulations.
- E. Planning and Zoning Board recommendation. Upon completion of its review, the Planning and Zoning Board shall either recommend the tentative plat for approval, approval with conditions, or disapprove the tentative plat.

- 1 F. Optional review of tentative plat by City Commission. Where the applicant desires to obtain an
2 expression from the City Commission on the tentative plat as recommended by the Planning and
3 Zoning Board before proceeding to prepare the final plat, the applicant shall submit a written request
4 to the Director of the Department of Planning who shall schedule the item for an informal review by
5 the City Commission at the next available Commission date. During such an informal review, the City
6 Commission shall evaluate the tentative plat for conformance with these regulations. In addition, the
7 City Commission may issue an advisory opinion as to the desirability of any requests for conditions or
8 modifications to the tentative plat that were requested by the Planning and Zoning Board or the
9 Development Review Official.
- 10
- 11 G. Expiration of tentative plat and variance. The tentative plat, and where applicable, any variance of
12 these subdivision requirements shall expire and be of no further force and effect if a completed
13 application for a final plat is not filed as set forth in Section 3-903 below within one hundred and
14 eighty (180) days of the Planning and Zoning Board's approval. After the expiration of one hundred
15 and eighty (180) days, the applicant will be required to re-submit the tentative plat for staff and
16 Planning and Zoning Board review as set forth in this Section.

17
18 **Section 3-903. Final plat.**

- 19
- 20 A. Application. The application for final plat review shall be accompanied by all applicable fees and
21 prepared on a form approved by the City's staff.
- 22
- 23 B. Incorporation of changes. The final plat shall have incorporated all changes or modifications
24 recommended by the Planning and Zoning Board and (where applicable) the City Commission. To
25 the extent that any such modifications have not been made, the applicant shall indicate in writing as
26 part of the application the grounds for any such departure.
- 27
- 28 C. Development Review Official. Upon receipt of a complete application for final plat review, the
29 Development Review Official shall review the submittal to ensure that all modifications requested by
30 the Planning and Zoning Board and (where applicable) the City Commission have been made and
31 that the final plat complies with these regulations and the Comprehensive Plan. Any such review by
32 the Development Review Official shall, at a minimum, include a review and comment by the Public
33 Works Department.
- 34
- 35 D. Development Review Official report. Upon completion of its review, the Development Review Official
36 shall:
- 37
- 38 1. Prepare a report that summarizes the application, including whether the applicant has complied
39 with the recommendations of the Planning and Zoning Board and (where applicable) the City
40 Commission.
- 41
- 42 2. Provide written recommendations as to whether the final plat should be approved, approved with
43 conditions, or denied.
- 44
- 45 3. Provide the report, recommendation, and a copy of all prior recommendations to the City
46 Commission with a copy to the applicant, at least one (1) week prior to the next scheduled
47 meeting of the City Commission.
- 48
- 49 4. Schedule the application for hearing before the City Commission.
- 50
- 51 5. Provide notice of the hearing before the City Commission in accordance with the provisions of
52 Article 3, Division 3 of these regulations.
- 53
- 54 E. Preliminary approval of final plat. Preliminary approval of a final plat may be given by the City
55 Commission where bonds, engineering plans, or specifications have not been completed by the
56 subdivider, and conditions make it desirable for the subdivider to obtain an expression from the City

1 Commission before proceeding further. Preliminary approval shall vest the subdivider for a period of
2 six (6) months with the right to obtain final approval upon the terms and conditions under which said
3 preliminary approval is given, The City Commission shall reserve discretion to disapprove the final
4 plat in the event that missing items (bonds, engineering plans, or other specifications) do not comply
5 with these regulations.
6

7 F. Final action on final plat. The City Commission shall review the final plat for conformance to these
8 regulations and the Comprehensive Land Use Plan. The City Commission shall either approve,
9 approve with conditions, or deny the final plat by resolution. Said resolution shall include any
10 acceptance of dedications made on the plat. Where applicable, the City Commission shall approve,
11 approve with conditions, or deny a variance of the subdivision requirements prior to approving or
12 denying the final plat. Approval or denial of such a variance shall be by ordinance. When approved,
13 the Mayor, City Clerk and Public Works Director shall affix their signatures to the plat together with
14 the City Seal and resolution number. When disapproved, the City Clerk shall attach to the plat a
15 statement setting forth the reasons for such action, and return it to the applicant.
16

17 G. Revisions after City Commission approval and prior to recordation.
18

19 1. Any changes, erasures, modifications or revisions to an approved plat prior to recordation may
20 only be made by the Director of Public Works to correct scrivener's errors, reflect accurate legal
21 descriptions and locate right-of-way dedications, drainage ways and easements. However, no
22 such request shall be considered unless the application is made by the preparer of the final plat.
23

24 2. No other changes, erasures, modifications or revisions to an approved plat prior to recordation
25 shall be made unless resubmitted for new approval; provided, however, that the City Commission
26 may, after public hearing and based only upon a recommendation of the Public Works
27 Department, change, modify or revise dedicated road rights-of-way or drainage easements. No
28 such change, modification, or revision of the dedication of road rights-of-way, or drainage
29 easements shall be reviewed unless the application is made by the preparer of the final plat.
30

31 H. Recording. Following final approval of the final plat by the City Commission, the City Clerk shall
32 notify the applicant by letter who shall record the final plat in the public records of Miami-Dade
33 County. The final plat shall be recorded within twenty (20) days of final approval by the City
34 Commission. After recordation of the final plat, the City Clerk shall obtain from the subdivider five (5)
35 eighteen- by twenty-four-inch certified copies of the recorded final plat with one (1) copy going to the
36 City Clerk's files, two (2) copies to the Public Works Director, one (1) copy to the Building and Zoning
37 Director, one (1) copy to the Finance Director and one (1) copy to the Planning Director.
38

39 I. Building permits. No building permits for residential or residential accessory structures shall be
40 issued until all subdivision improvements required in Article 5, Division 15 (e.g. monuments, streets,
41 sidewalks, parks, fire hydrants) have either been completed or sufficiently bonded on a form to be
42 reviewed and approved by the City Attorney. As set forth in Section 5-1513, the subdivider shall
43 indemnify the City from liability for all injuries to person or property caused by their actions or the
44 action of their authorized agents, which injuries result from the City's issuance of a building permit for
45 a dwelling unit or its accessory structure pursuant to these regulations.
46

47 J. Withholding of public improvements. The City shall withhold all public improvements including, but
48 not limited to, the maintenance of streets, and the furnishing of sewage facilities and water service
49 from all subdivisions that have not been approved, and from all areas dedicated to the public which
50 have not been accepted in the manner set forth herein.
51

52 **Section 3-904. Variances from subdivision requirements.**
53

54 A. Purpose and applicability. The City Commission may grant a variance of the subdivision
55 requirements set forth in this Division and Article 5, Division 15, where the strict application of said
56 requirements would cause an unnecessary and undue hardship on the property owner.

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B. Application. An application for a variance of the subdivision standards shall be made in writing and shall accompany and be processed concurrently with the application for a tentative plat. The application for a variance shall be processed, noticed, and reviewed in the manner as the tentative plats as set forth in Section 3-902 above.

C. Standards for review. The City Commission shall provide findings of fact that such variance complies with the following standards:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations and would work unnecessary and undue hardship on the applicant.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
5. That the granting of the variance will be in harmony with the general intent and purpose of these regulations, and that such variance will not be injurious to the area involved or otherwise be detrimental to the public welfare.

1
2
3 **Article 3 DEVELOPMENT REVIEW**
4 **Division 10 - Transfer of Development Rights**
5
6

7 **Section 3-1001. Purpose and applicability.** It is the purpose of this Division to allow the transfer of
8 unused development rights or undeveloped floor area from sending sites and for those rights to be used
9 in specific receiving areas of the City in order to encourage historic preservation and to provide an
10 economic incentive to property owners to designate, protect, enhance and preserve historic properties.
11

12 **Section 3-1002. Certificate of Transferable Development Rights.**

- 13
14 A. The Historic Preservation Officer shall have the authority to grant Certificates of Transferable
15 Development Rights (TDR) to property owner(s) of designated historic landmarks including both
16 individual sites or buildings.
17
18 B. A property may be eligible for a Certificate of Transferable Development Rights if the sending site
19 satisfies the following criteria:
20
21 1. The sending site has been designated as a local historic landmark or a contributing property
22 within a local historic district pursuant to Article 3 Division 11; and
23
24 2. The sending site is located within the boundaries of the Central Business District; or
25
26 3. The sending site is commercially zoned property which is designated historic.
27
28 C. In considering a Certificate of Transferable Development Rights, the Historic Preservation Officer
29 shall review a preservation plan which sets forth a maintenance schedule and/or rehabilitation
30 treatment for those architectural elements that are deemed "character-defining" features. Those
31 features are identified in part by the "Review Guide," a section of the local designation report
32 produced by the Historical Resources Department, and will be further identified through an on-site
33 inspection of the property prior to issuance of a Certificate of Transferable Development Rights.
34
35 D. The Certificate of Transferable Development Rights shall identify the rights eligible to be transferred
36 from the property calculated as follows: the difference between the existing gross floor area on the
37 property and the maximum floor area permitted on the property by the applicable zoning district.
38
39 E. Following the granting of a Certificate of Transferable Development Rights, an annual schedule will
40 be established for the submission of the maintenance/preservation plan. A certified report, submitted
41 by a certified architect of the State of Florida, shall be submitted to the Historic Preservation Officer,
42 and representatives of the City of Coral Gables shall be allowed the opportunity for an on-site
43 inspection of the property to ensure compliance with the approved plan and/or schedule. The
44 maintenance plan shall be reviewed and approved by the Historic Preservation Board in accordance
45 with Article 3, Division 11.
46

47 **Section 3-1003. Use of Transferred Development Rights (TDRs) on receiving properties.**

- 48
49 A. The City Commission may grant the right to transfer residential or non-residential development rights
50 appurtenant to one parcel to another parcel of land as described on a Certificate of Transferable
51 Development Rights in accordance with Section 3-1004.
52

1 B. Eligible receiving areas: The following areas in the City are eligible to receive rights transferred
2 pursuant to this Division; provided the criteria in subsection C are met:

- 3
4 1. The Central Business District, provided that the development rights to be used originated in the
5 Central Business District.

6
7 C. Criteria for development of receiving sites.

- 8
9 1. To be eligible for use of TDRs, the proposed development must comply with the applicable
10 requirements of the Mediterranean design standards in Article 5 Division 6. The FAR of a
11 receiving site may be increased by a maximum of 25% of the permitted base FAR and the height
12 of the building may be increased up to twenty (20) feet through the use of TDRs.

13
14 **Section 3-1004. Approval of use of TDRs on receiver sites as conditional use.**

15
16 A. An application to transfer development rights in the form of residential or non-residential density or
17 intensity of use appurtenant to one parcel of land to another parcel of land shall be reviewed and
18 approved in accordance with the procedures required for conditional uses in Article 3, Division 4 and
19 in addition, the Historic Preservation Board shall review all receiving sites within 500' of a historically
20 designated building in accordance with the procedures in Article 3, Division 11 and the following
21 required findings in subsection B shall be met.

22
23 B. No application for use of TDRs on a receiver site shall be approved unless the City Commission
24 determines that the application satisfies each of the following standards:

- 25
26 1. The proposed plan is consistent with the stated purpose and intent of the Transfer of
27 Development Rights regulations, and the requirements and standards of the Transfer of
28 Development Rights regulations.
29
30 2. The extent to which the proposed plan departs from the zoning and subdivision regulations
31 otherwise applicable to the subject property, including but not limited to density, size, area, bulk
32 and use, and the reasons why such departures are determined to be in the public interest.
33
34 3. The physical design of the proposed Transfer of Development Rights and the manner in which
35 said design makes use of adequate provision for public services, provides adequate control over
36 vehicular traffic, provides for and protects designated common open areas, and furthers the
37 amenities of light and air, recreation and visual enjoyment.
38
39 4. The conformity of the proposed Transfer of Development Rights with the goals and objectives of
40 the City's Comprehensive Land Use Plan.
41
42 5. The proposed bulk and mass with the additional TDRs is generally consistent with the adjacent
43 existing buildings.

44
45 **Section 3-1005. Approval of transfers, restrictions on affected properties.**

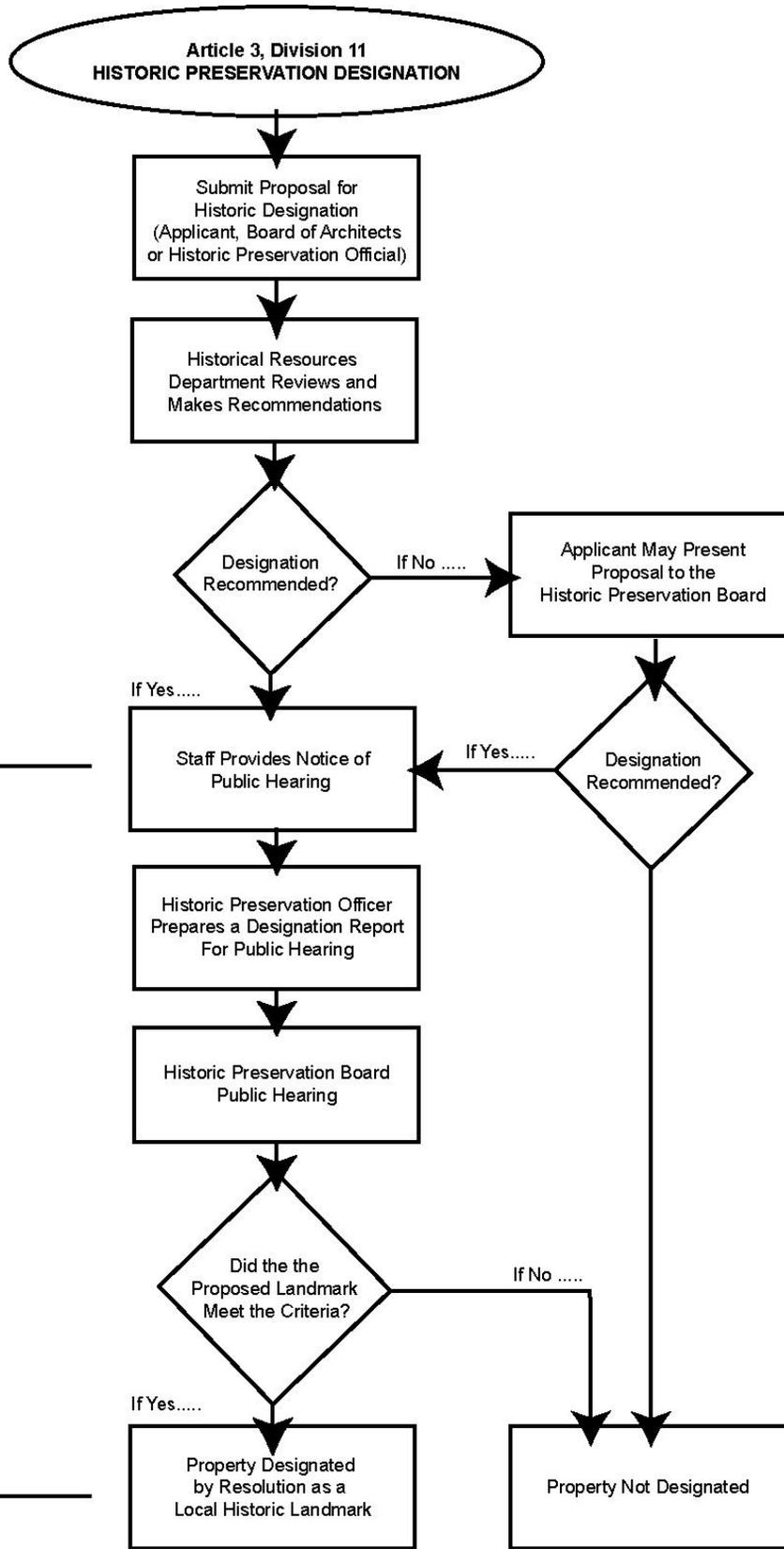
46
47 Upon approval of the use of all or a portion of rights identified in a Certificate of TDRs, appropriate
48 restrictive covenants shall be imposed on the sending site restricting the use of such transferred rights as
49 have been used on a receiving site. Such restrictive covenants shall be as approved by the City Attorney
50 and shall be recorded by the City Clerk, and shall be registered as a restriction on the affected properties'
51 deeds. The Historical Resources Department shall maintain a list of historic properties which are eligible
52 for TDRs.
53

1 **ARTICLE 3 – DEVELOPMENT REVIEW**

2 **Division 11 - Historic Preservation: Designations and Certificates of Appropriateness**

3
4
5 **Section 3-1101. Purpose and applicability.** The purpose of the designation of historic landmarks and
6 districts is to promote the educational, cultural, and economic welfare of the public by preserving and
7 protecting historic structures or sites, portions of structures, groups of structures, manmade or natural
8 landscape elements, works of art, or integrated combinations thereof, which serve as visible reminders of
9 the history and cultural heritage of the city, region, state or nation. Furthermore, it is the purpose of this
10 Division to strengthen the economy of the City by stabilizing and improving property values in historic areas
11 and to encourage new buildings and developments that will be harmonious with the existing historic
12 attributes of the City including but not limited to buildings, entrances, fountains, etc.

13
14 **Section 3-1102. General Procedures for Designation.**



1 **Section 3-1103. Criteria for designation of historic landmarks or historic districts.** In order to qualify
2 for designation as a local historic landmark or local historic landmark district, individual properties must
3 have significant character, interest or value as part of the historical, cultural, archaeological, aesthetic, or
4 architectural heritage of the city, state or nation. For a multiple property nomination, eligibility will be based
5 on the establishment of historic contexts, of themes which describe the historical relationship of the
6 properties. The eligibility of any potential local historic landmark or local historic landmark district shall be
7 based on meeting one (1) or more of the following criteria:
8

9 A. Historical, cultural significance:

- 10 1. Is associated in a significant way with the life or activities of a major historic person important in the
11 past; or
- 12 2. Is the site of an historic event with significant effect upon the community, city, state, or nation; or
- 13 3. Is associated in a significant way with a major historic event whether cultural, economic, military,
14 social, or political; or
- 15 4. Exemplifies the historical, cultural, political, economic, or social trends of the community; or
- 16 5. Is associated in a significant way with a past or continuing institution, which has contributed,
17 substantially to the life of the City.
18

19 B. Architectural significance:

- 20 1. Portrays the environment in an era of history characterized by one (1) or more distinctive
21 architectural styles; or
- 22 2. Embodies those distinguishing characteristics of an architectural style, or period, or method of
23 construction; or
- 24 3. Is an outstanding work of a prominent designer or builder; or
- 25 4. Contains elements of design, detail, materials or craftsmanship of outstanding quality or which
26 represent a significant innovation or adaptation to the South Florida environment.
27

28 C. Aesthetic significance:

- 29 1. By being a part or related to a subdivision, park, environmental feature, or other distinctive area,
30 should be developed or preserved according to a plan based on a historical, cultural, or
31 architectural motif; or
- 32 2. Because of its prominence of spatial location, contrasts of sitting, age, or scale, is an easily
33 identifiable visual feature of a neighborhood, village, or the city and contributes to the distinctive
34 quality or identity of such neighborhood, village, or the city. In case of a park or landscape feature,
35 is integral to the plan of such neighborhood or the city.
36

37 D. Archaeological significance: Has yielded or may be likely to yield information important in prehistoric
38 history or history.

39 E. Criteria considerations: Ordinarily cemeteries, birthplaces, or graves of historical figures, structures
40 that have been moved from their original locations, reconstructed historic buildings, properties primarily
41 commemorative in nature, and properties that have achieved significance within the past fifty (50) years
42 shall not be considered eligible for the Coral Gables Register of Historic Places. However, such
43 properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within
44 the following categories.
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- 3 1. A building or structure removed from its original location but which is significant primarily for
- 4 architectural value, or which is the surviving structure most importantly associated with an historic
- 5 person or event; or
- 6
- 7 2. A birthplace or grave of an historical figure of outstanding importance if there is not appropriate site
- 8 or building directly associated with his or her productive life; or
- 9
- 10 3. A cemetery which derives its primary significance from graves of persons of transcendent
- 11 importance, from age, from distinctive design features, or from association with historic events; or
- 12
- 13 4. A reconstructed building when accurately executed in a suitable environment and presented in a
- 14 dignified manner as part of a restoration master plan, and no other building or structure with the
- 15 same association has survived; or
- 16
- 17 5. A property primarily commemorative in intent if design, age, tradition, or symbolic value has
- 18 invested it with its own exceptional significance; or
- 19
- 20 6. A property achieving significance within the past fifty (50) years if it is of exceptional importance.

21 **Section 3-1104. Designation procedures.** Properties which meet the criteria for local historic landmarks
22 and local historic landmark districts set forth in Section 3-1103 shall be designated according to the
23 following procedures:
24

25 A. Proposals for designation of potential local historic landmarks and local historic landmark districts:

- 26
- 27 1. Proposals for designation of potential local historic landmarks and local historic landmark districts
- 28 may be submitted to the Historical Resources Department for recommendation to the Historic
- 29 Preservation Board by the Board of Architects or any citizen who provides information, which
- 30 illustrates that the property meets the criteria for listing as set forth in Section 3-1103. The
- 31 information submitted must include sufficient preliminary information to enable the staff's review for
- 32 an initial determination that the property meets the minimum eligibility criteria. The proposal shall
- 33 include a legal description of the property and a statement explaining its historic, cultural, aesthetic
- 34 or architectural significance. In addition to furnishing any necessary information, the applicant may
- 35 be required to pay applicable fees, if any. If the department's initial determination is that the
- 36 property does not meet the minimum eligibility criteria for listing, the applicant may present the
- 37 proposal for designation to the Historic Preservation Board; or
- 38
- 39 2. The Board may, on their own or upon the recommendation from staff or any citizen pursuant to
- 40 Subsection (a)1. of this section, direct staff to begin the designation process by preparing a
- 41 designation report pursuant to Subsection (b) below of this section and any other standards the
- 42 Board may deem necessary, submitting this report to the procedures described herein, and
- 43 arranging for a public hearing before the Historic Preservation Board on this matter.
- 44
- 45 3. Whenever a determination is made by either the Director of the Historical Resources Department
- 46 or the Historic Preservation Board that an application for historic designation shall proceed to public
- 47 hearing as provided in this Division, no development permits shall be issued until the public hearing
- 48 is held and a determination made on the subject designation in accordance with the provisions of
- 49 Section 3-1104C. In the case where an owner seeks a demolition permit, the public hearing shall
- 50 be held at the next regularly scheduled meeting where notice can be provided.
- 51

52 B. Preparation of historic landmark designation report. For every proposed designated historic landmark
53 and historic landmark district, the Historic Preservation Officer shall prepare a designation report, which
54 shall be presented to the Board at a regularly scheduled meeting. The report shall contain the
55 following:
56

- 1 1. Proposed boundaries. Boundaries for individual historic sites shall generally include the entire
2 property or tract of land, unless such tract is so large that portions thereof are visually and
3 functionally unrelated to any significant historic improvement. Proposed historic district boundaries
4 shall, in general, be drawn to include all appropriate properties reasonably contiguous within an
5 area and may include noncontributing properties which individually do not conform to the historic
6 character of the district, but which require regulation in order to control potentially adverse
7 influences on the character and integrity of the district. Where reasonably feasible, historic district
8 boundaries shall include frontage on both sides of streets and divide the proposed historic
9 landmark districts from other zoning districts in order to minimize interdistrict frictions.
10 Archaeological zone boundaries shall generally conform to natural physiographic features, which
11 were the focal points for prehistoric and historic activities.
12
- 13 2. Optional internal boundaries. Internal boundaries may subdivide an historic landmark district into
14 sub areas and transitional areas as appropriate for regulatory purposes. If a proposed historic
15 landmark or historic landmark district is visually related to the surrounding areas in such a way that
16 actions in the surrounding area would have potentially adverse environmental influences on its
17 character and integrity, proposed boundaries for such transitional areas may be included within the
18 historic landmark or historic landmark district.
19
- 20 3. Detailed regulations. Every historic landmark and historic landmark district may be assigned a set
21 of detailed zoning district regulations. Such regulations may be designed to supplant or modify any
22 element of existing zoning regulations, including but not limited to the following: use, floor area
23 ratio, density, height, setbacks, parking, minimum lot size, and transfer of development rights, or
24 create any additional regulations provided for in this section. The zoning amendment may identify
25 individual properties, improvements, landscape features, or archaeological sites, or categories or
26 properties, improvements, landscape features, or archaeological sites for which different
27 regulations, standards and procedures may be required.
28
- 29 4. Significance analysis. A report shall be submitted establishing and defining the historic significance
30 and character of the proposed historic landmark or historic landmark district, setting forth the
31 criteria upon which the designation of the historic landmark, or historic landmark district, and its
32 boundaries are based, and describing the improvements and landscape features of public
33 significance, present trends and conditions, and desirable public objectives for future conservation,
34 development, or redevelopment. The report shall include a review guide which identifies the major
35 exterior features of any improvements or landscape features which contribute significantly to the
36 historic character of the historic landmark site or historic landmark district. A designation report for
37 an historic landmark shall also contain a location map and photographs of all designated exterior
38 surfaces (and interior if applicable).
39
- 40 5. Optional designation of interiors. Normally interior spaces shall not be subject to regulation under
41 this section; however, in cases of existing structures having exceptional architectural, artistic, or
42 historical importance, interior spaces which are customarily open to the public may be specifically
43 designated. The designation report shall describe precisely those features subject to review and
44 shall set forth standards and guidelines for such regulations.
45
- 46 C. Procedures for notification and hearings on proposed designation. The Board shall hold a public
47 hearing with notification as follows:
48
- 49 1. Notification of Owners. For each proposed designation of an historic landmark or historic landmark
50 district, the Historical Resources Department is responsible for mailing a copy of the designation
51 report and a courtesy notice of public hearing to all property owners of record whose properties are
52 located within the boundaries of the designation. This notice shall serve as notification of the intent
53 of the Board to consider designation of the property at least ten (10) days prior to a public hearing
54 held pursuant to this section. However, failure to receive such courtesy-notice shall not invalidate
55 the action of the Board. The property shall be posted at least ten (10) days prior to the hearing.
56

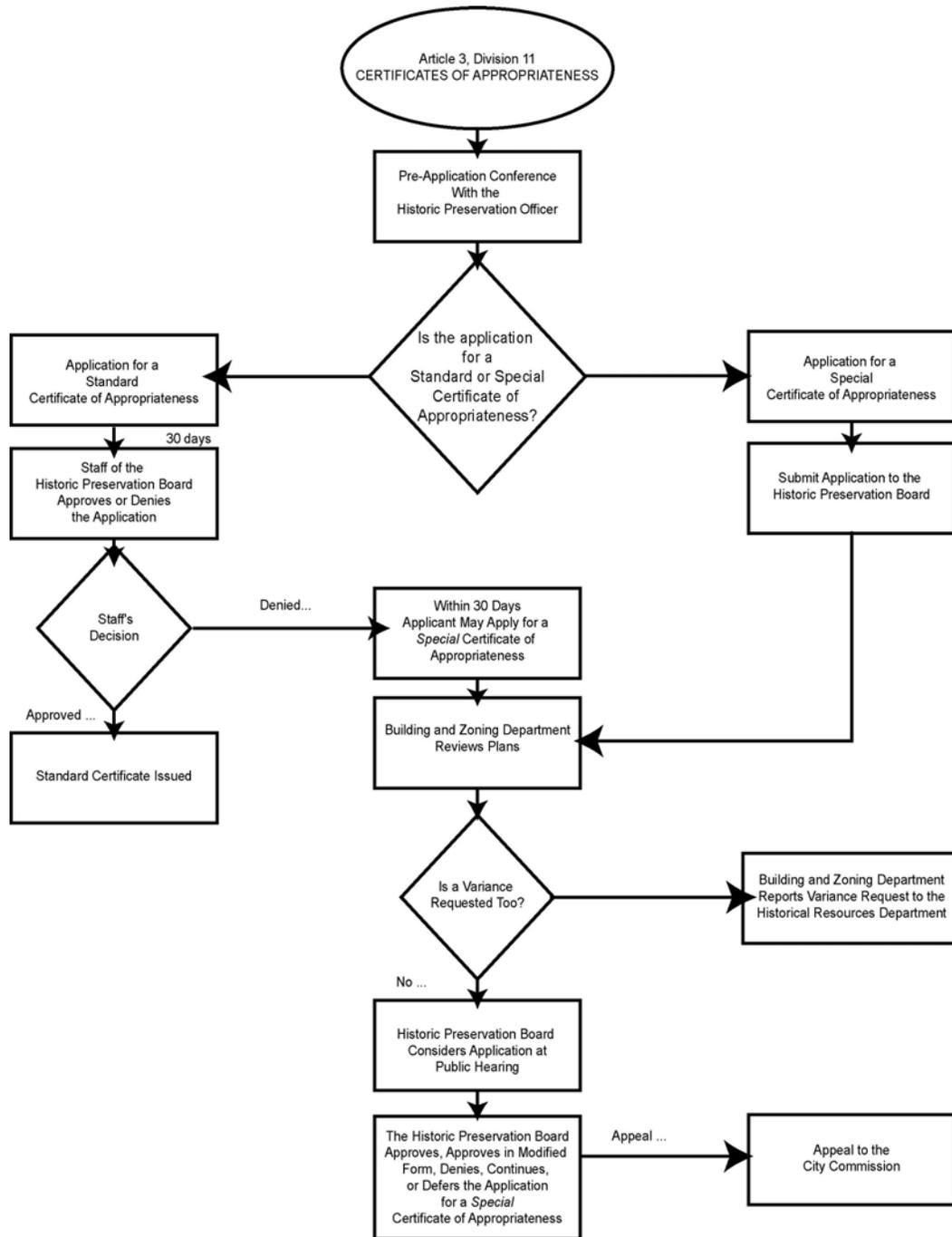
2. Notice of Public Hearings. Additional notice of public hearings shall be provided in accordance with the provision of Article 3, Division 3 of these regulations.
3. Decision of the Board. If after a public hearing the Board finds that the proposed local historic landmark or proposed local historic landmark district meets the criteria set forth in Section 3-1103, it shall designate the property as a local historic landmark or local historic landmark district. All decisions of the Board shall be by Resolution. If zoning regulations are recommended to be changed in the designation report and the Historic Preservation Board agrees, then such recommendation shall be reviewed in accordance with the provisions of Article 3, Division 14 of these regulations.
4. Notification of the Board actions. The Historic Preservation Officer shall provide a courtesy notice to the following of its action with a copy of the Resolutions:
 - a. Building and Zoning Department.
 - b. Planning Department.
 - c. City Clerk.
 - d. Public Works Department.
 - e. Owners of affected property and other parties having an interest in the property, if known.
 - f. Any other municipal agency, including agencies with demolition powers that may be affected by this action.
5. Development permits suspended during consideration of designation.
 - a. Upon the filing of a designation report by the staff with the Historic Preservation Board, the owner(s) of the real property which is the subject matter of the designation report or any individual or private or public entity shall not:
 - i. Erect any structure on the subject property, or
 - ii. Alter, restore, renovate, move or demolish any structure on the subject property until such time as a final administrative action, as provided by this division, is completed.
 - b. Suspension of development review shall expire when:
 - i. The Historic Preservation Board determines that the property is not significant and an appeal to the City Commission is denied; or
 - ii. An appeal to the City Commission for the designation of the property is upheld; or
 - iii. A Certificate of Appropriateness is issued subject to the conditions herein.
6. Recording of designation. The City Clerk shall provide the circuit court clerk with all designations for the purpose of recording such designations in the public record.
7. Appeal of designation. Within fourteen (14) days from the date of a decision of the Historic Preservation Board, any resolution of the Historic Preservation Board may be appealed to the City Commission, as provided for under Article 3, Division 6, otherwise the Resolution will be final.

Section 3-1105. Procedures for review of national register properties. The City was granted certified local government (CLG) status in November of 1986. Review of national register nominations is a function of a CLG and shall be governed by "Florida Guidelines for Certified Local Governments."

- A. The Historic Preservation Officer will, within thirty (30) days after receipt of a national register nomination, determine whether the nomination is technically complete and notify the nomination's sponsor of such determination.
- B. If the nomination is technically complete, the Historic Preservation Officer shall, at least thirty (30) days but not more than seventy-five (75) days prior to the Historic Preservation Board meeting at which the proposal is to be considered, notify the following:
 1. Owner(s) of record; and
 2. Appropriate local official(s).

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- C. Nomination proposals to be considered by the Historic Preservation Board shall be on file in the office of the Historic Preservation Officer for at least thirty (30) days but not more than seventy-five (75) days prior to the Board meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local public access so that written comments regarding a nomination proposal can be prepared.
 - D. Nomination proposals shall be considered by the Historic Preservation Board at a public hearing, and all votes shall be recorded and made part of the permanent record of that meeting. All nomination proposals shall be forwarded, with a record of official action taken by the Board and the recommendation of the appropriate local officials, to the state historic preservation officer within thirty (30) days of the Board meeting at which they were considered. If either the Historic Preservation Board or appropriate local officials or both support the nomination, the state historic preservation officer shall schedule the nomination for consideration by the Florida Review Board of the National Register as part of the normal course of business at the next regular meeting.
 - E. If both the Historic Preservation Board and appropriate local officials recommend that a property not be nominated to the national register, the state historic preservation officer shall take no further action on the nomination unless an appeal is filed with the state historic preservation officer. Any reports and recommendations that result from such a situation shall be included with any nomination submitted by the state historic preservation officer to the U.S. Secretary of the Interior.
 - F. Any person or organization which supports or opposes the nomination of a property to the national register shall be afforded the opportunity to make its views known in writing. An owner or owners of a private property who wish to object to the nomination shall provide the Historic Preservation Board with a notarized statement certifying that the party is the sole or partial owner of the property as appropriate. All correspondence regarding a nomination proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the state historic preservation officer.
 - G. Appeals. Any person may appeal the decision of the Historic Preservation Board in its review of national register nominations. Appeals should be directed to the state historic preservation officer in writing within thirty (30) days of the decision of the Historic Preservation Board. Nominations or proposals which have been appealed shall be considered by the Florida Review Board for the National Register as part of the normal course of business at its next regular meeting. If the opinion is that the property or properties is or are significant and merit nomination to the national register, the state historic preservation officer shall notify the City's Historic Preservation Board within thirty (30) days of the national register review Board meeting of its intent to forward the nomination to the national register with a recommendation that the property or properties be listed.

Section 3-1106. Certificates of Appropriateness.



A. Certificate Required.

No building, structure, improvement, landscape feature, or archaeological site within the City, which has been designated an historic landmark or historic landmark district, shall be erected, altered, restored rehabilitated, excavated, moved, reconstructed or demolished until an application for a Certificate of Appropriateness regarding any architectural features, landscape features, or site improvements has been submitted and approved pursuant to the procedures in this division.

1 B. Guidelines for review of certificates.
2

- 3 1. The Historic Preservation Board has adopted the U.S. Secretary of the Interior's standards for
4 rehabilitation as the standards by which applications for any Certificate of Appropriateness are to
5 be measured and evaluated. In adopting these guidelines, it is the intent of the Board to promote
6 maintenance, restoration, adaptive reuses appropriate to the property, and compatible
7 contemporary designs which are harmonious with the exterior architectural and landscape features
8 of neighboring buildings, sites and streetscapes. These guidelines shall also serve as criteria for
9 staff to make decisions regarding applications for Standard Certificates of Appropriateness. From
10 time to time, the Board may adopt additional standards to preserve and protect special features
11 unique to the City.
12
- 13 2. For applications related to alterations or new construction, the proposed work shall not adversely
14 affect the historic, architectural, or aesthetic character of the subject improvement or the
15 relationship and congruity between the subject improvement and its neighboring improvements and
16 surroundings, including but not limited to form, spacing, height, setbacks, materials, color, or
17 rhythm and pattern of window and door openings in building facades; nor shall the proposed work
18 adversely affect the special character of special historical, architectural or aesthetic interest or
19 value of the overall designated historic landmark or historic landmark district. Except where special
20 standards and guidelines have been specified in the ordinance creating a particular designated
21 historic landmark or historic landmark district, or where the Board has subsequently adopted
22 additional standards and guidelines for a particular designated historic landmark or historic
23 landmark district, decisions relating to alteration or new construction shall be guided by the U.S.
24 Secretary of the Interior's standards for rehabilitation.
25

26 C. Duration of approval of certificates. Unless otherwise provided in the Certificate of Appropriateness,
27 both Standard and Special Certificates of Appropriateness shall expire after two (2) years if no building
28 permit is issued. Staff may grant an extension of up to an additional 180 days for restoration or
29 rehabilitation work subject to the following:
30

- 31 1. Request for the extension is submitted in writing to the Historical Resources Department.
32
33 2. The work completed is consistent with the approved scope of work.
34

35 D. Preapplication conference.
36

37 Before submitting an application for a Certificate of Appropriateness, an applicant shall confer with the
38 Historic Preservation Officer to obtain information and guidance before entering into binding
39 commitments or incurring substantial expense in the preparation of plans, surveys, and other data.
40 The Historic Preservation Officer or his/her representative, may, at the request of the applicant, hold
41 additional preapplication conference(s) with the applicant. The purpose of such conference(s) is to
42 further discuss and clarify conservation objections and design guidelines in cases that do not conform
43 to established objectives and guidelines. In no case, however, shall any statement or representation
44 made prior to the official application review be binding on the Board, the City Commission or any City
45 departments.
46

47 E. Standard certificates.
48

49 Based on the standards for rehabilitation, the designation report, a complete application for a Standard
50 Certificates of Appropriateness, any additional plans, drawings or photographs to fully describe the
51 proposed alteration and any other guidelines the Board may deem necessary, the Historic Preservation
52 Officer (HPO) shall, within thirty (30) days from the date a complete application has been filed, approve
53 or deny the application for a Standard Certificate of Appropriateness by the owner of an existing
54 improvement or landscape feature within the boundaries of a designated historic landmark or historic
55 landmark district. The findings of the staff shall be mailed to the applicant accompanied by a statement
56 in full regarding the staff's decision. The applicant shall have an opportunity to challenge the staff's

1 decision by applying for a Special Certificate of Appropriateness within thirty (30) days of the date of
2 staff's findings.

3
4 F. Special certificates.

- 5
6 1. An applicant for a Special Certificate of Appropriateness, whether for alteration, addition,
7 restoration, renovation, excavation, moving or demolition, shall submit his application to the Historic
8 Preservation Board accompanied by full plans and specifications, site plan, and samples of
9 materials as deemed appropriate by the Board to fully describe the proposed appearance, color,
10 texture or materials, and architectural design of the building and any outbuilding, wall, courtyard,
11 fence, landscape feature, paving signage, and exterior lighting. The applicant shall provide
12 adequate information to enable the Board to visualize the effect of the proposed action on the
13 applicant's building and its adjacent buildings and streetscapes. If such application involves a
14 designated archaeological zone, the applicant shall provide full plans and specifications of work
15 that may affect the surface and subsurface of the archaeological site. An applicant may apply for
16 an accelerated Certificate of Appropriateness that is reviewed by the Historic Preservation Board at
17 the same meeting as the public hearing for designation of the subject property.
18
19 2. The Building and Zoning Department shall review all plans for alterations, additions, restoration or
20 renovation of Historic Landmarks prior to the Board's consideration of such Special Certificate of
21 Appropriateness and shall report any variance items in connection with the proposed construction
22 to the Historical Resources Department.
23
24 3. In the event the applicant is requesting a Special Certificate for demolition, the Board shall be
25 provided with the details for the proposed disposition of the site. The Board may require
26 architectural drawings of any proposed new construction.
27
28 4. An applicant requesting a Special Certificate of Appropriateness for a reconstructed building,
29 whether for alteration, addition, restoration, renovation, excavation, moving or demolition shall
30 follow the same process to receive the Board's approval. A reconstructed building will be clearly
31 identified for the public.
32
33 5. A public notice of a request for a Special Certificate of Appropriateness shall be published one (1)
34 time in a newspaper of general circulation published in the City of Coral Gables, or in Miami-Dade
35 County, Florida, at least ten (10) days prior to the date of such hearing. All such notices published
36 in a newspaper shall state in substance the request and shall give the date, time, and place of the
37 public hearing. All properties being considered by the Historic Preservation Board for a request for
38 a Special Certificate of Appropriateness shall be posted at least ten (10) days in advance of the
39 public hearing. Such posting shall consist of a sign, the face surface of which shall be not be larger
40 than forty (40) square inches and shall contain the following language: NOTICE, HISTORIC
41 PRESERVATION BOARD, PUBLIC HEARING, PHONE:____, HEARING DATE:____, HEARING
42 NO:_____
43
44 6. The posting of the property shall comply with Article 3, Division 3 of these regulations.

45
46 G. Appeal of Decision of Board. An appeal from any decision of the Historic Preservation Board may be
47 taken to the City Commission by any aggrieved party in accordance with the provisions of Article 3,
48 Division 6.

49
50 H. Decision of the Board.

- 51
52 1. The decision of the Historic Preservation Board shall be based upon the guidelines set forth in
53 Section 3-1106B as well as the general purpose and intent of this Division and any specific
54 planning objectives and design guidelines officially adopted for the particular historic landmark or
55 historic landmark district. No decision of the Board shall result in an undue economic hardship for
56 the owner, provided, however, that the Board has determined the existence of such hardship in

1 accordance with the provisions of Section 3-1114. The decision of the Board shall include a
2 complete description of the reasons for such findings, and which details the public interest which is
3 sought to be preserved, and shall direct one (1) or more of the following actions:

- 4 a. Approval of a Special Certificate of Appropriateness for the work proposed by the applicant; or
- 5 b. Approval of a Special Certificate of Appropriateness with specified modifications and
6 conditions; or
- 7 c. Denial of the application and refusal to grant a Special Certificate of Appropriateness for
8 modification or demolition; or
- 9 d. Approval of a Special Certificate of Appropriateness with a deferred effective date in cases of
10 demolition or moving a significant improvement or landscape feature, pursuant to the
11 provisions of Sections 3-1108 and 3-1109.

12
13 2. The Historic Preservation Board shall act upon an application within sixty (60) days of the Board's
14 receipt of the completed application adequately describing the proposed action. The Board shall
15 approve, approve in modified form, deny, continue or defer the application. The time limit may be
16 waived at any time by mutual written consent of the applicant and the Board.

17
18 3. Evidence of approval of the application shall be by the recording in the minutes of the Certificate of
19 Appropriateness granted by the Board.

20
21 4. When an application is denied, the Board's notice shall provide an explanation of the basis of the
22 decision. When a Special Certificate of Appropriateness is granted, the proceedings of the Historic
23 Preservation Board shall state the basis for granting the Special Certificate of Appropriateness.
24 Such record shall be filed in the office of the Historical Resources Department, and shall be open
25 for public inspection.

26
27 5. A written record of the proceedings of the Board shall be kept and produced, showing its action on
28 each Special Certificate of Appropriateness considered. The record when pertaining to the record
29 of the Board or official from which appeal is taken shall include any application, exhibits, appeal
30 papers, written objections, waivers or consents, considered by the Board as well as transcripts or
31 stenographic notes taken for the department at a hearing held before the Historic Preservation
32 Board, the Board minutes, and resolution indicating its decision.

33
34 I. Changes in approved work. Any change in work proposed subsequent to the issuance of a Certificate
35 of Appropriateness shall be reviewed by the Board's staff. If the Board's staff finds that the proposed
36 change does not materially affect the historic character, or the proposed change is in accord with
37 approved guidelines, standards and certificates of appropriateness, it may issue a supplementary
38 Standard Certificate of Appropriateness for such change. If the proposed change is not in accordance
39 with guidelines, standards, or certificates of appropriateness previously approved by the Board, a new
40 application for a Special Certificate of Appropriateness shall be required.

41
42 J. Ordinary maintenance and repair. Nothing in this Division shall be construed to prevent the ordinary
43 maintenance or repair of any improvement which does not involve a change of design, appearance or
44 material, or to prevent ordinary maintenance of landscape features.

45
46 **Section 3-1107. Demolition.**

47
48 A. No permit for voluntary demolition of a designated building, structure, improvement or site shall be
49 issued to the owner thereof until an application for a Special Certificate of Appropriateness has been
50 submitted and approved pursuant to the procedures in this Article. Denial of such application
51 indefinitely and refusal by the Board to grant a Special Certificate of Appropriateness to demolish shall
52 be evidenced by written order detailing the public interest which is sought to be served. The Historic
53 Preservation Board shall be guided by the criteria contained in subsection (D) below.

54
55 B. The Board may grant a Special Certificate of Appropriateness to demolish with a deferred effective
56 date. The effective date shall be determined by the Board based upon the significance of the structure

1 and the probable time required to arrange a possible alternative to demolition. During the demolition
2 deferral period, the Board may take such steps as it deems necessary to preserve the structure
3 concerned, in accordance with the purposes of this division. Such steps may include, but shall not be
4 limited to, consultation with civic groups, public agencies and interested citizens, recommendations for
5 acquisition of property by public or private bodies or agencies, and exploration of the possibility of
6 moving one (1) or more structures or other features. After the specified expiration of the deferred
7 Special Certificate of Appropriateness, a demolition permit shall be issued if requested forthwith by the
8 appropriate administrative officials.
9

10 C. As a condition of granting any Certificate of Appropriateness, standard or special, for demolition of
11 buildings or improvements designated as historic landmarks or located in an historic landmark district,
12 the Board may require at the owner's expense, salvage and preservation of specified classes of
13 building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of
14 other historic properties. The Board may also require, at the owner's expense, the recording of the
15 improvement for archival purposes prior to demolition. The recording may include, but shall not be
16 limited to, photographs and scaled architectural drawings.
17

18 D. In addition to all other provisions of this Division, the Board shall consider the following criteria in
19 evaluating applications for a Special Certificate of Appropriateness for demolition of designated
20 properties:
21

- 22 1. The degree to which the building, structure, improvement or site contributes to the historic and/or
23 architectural significance of the historic site or district;
- 24 2. Whether the building, structure, improvement or site is one of the last remaining examples of its
25 kind in the neighborhood, the county or the region;
- 26 3. Whether the loss of the building, structure, improvement or site would adversely affect the historic
27 and/or architectural integrity of the historic site or district;
- 28 4. Whether the retention of the building, structure, improvement or site would promote the general
29 welfare of the City by providing an opportunity for study of local history, architecture, and design or
30 by developing an understanding of the importance and value of a particular culture and heritage;
- 31 5. Whether architectural plans have been presented to the Board for the reuse of the property if the
32 proposed demolition were to be carried out, and the appropriateness of said plans to the character
33 of the historic site or district, if applicable; and demonstration as well as the posting of a bond
34 requirement that there are sufficient funds in place to carry out such plans;
- 35 6. Whether the building, structure, improvement or site poses an imminent threat to the public health
36 or safety;
- 37 7. Whether the applicant has demonstrated that retention of the building, structure, improvement or
38 site would create an unreasonable or undue economic hardship as described in Section 3-1114.
39
- 40 8. Whether there is a compelling public interest requiring the demolition.
41
42

43 E. As a condition of granting a Certificate of Appropriateness for demolition, the Historic Preservation
44 Board may require that no building permit be issued for the demolition of said structure until a building
45 permit for the construction of a new building has been issued.
46

47 F. The owner of the property shall permit access to the subject property for the purpose of inspections
48 and/or appraisals required by the Historic Preservation Board or Historic Preservation Officer.
49

50 G. No permit for demolition of a non-designated building shall be issued to the owner thereof without prior
51 notification by the Building Official to the Historical Resources Department. All demolition permits for
52
53
54
55
56

1 non-designated buildings must be approved and signed by the Director of the Department of Historical
2 Resources. Such signature is valid for six (6) months and shall thereafter expire and the approval
3 deemed void unless the demolition permit has been issued by the Building and Zoning Department.
4 The Historical Resources Department may require review by the Historic Preservation Board if the
5 building to be demolished is considered eligible for designation as a local historic landmark or as a
6 contributing building or property within an existing local historic landmark district. The public hearing
7 shall be held at the next regularly scheduled meeting if the provided statutory notice is complied with at
8 which time the provisions of this Division shall apply.
9

10 H. The damage, destruction, or demolition of any building, structure, improvement or site or portion
11 thereof protected by this Division (a) for which a certificate of appropriateness for demolition has not
12 been granted, or (b) which was carried out in violation of the provisions for demolition and demolition by
13 neglect under the provisions of this Section, shall cause the City to reject an application for a building
14 permit until the following criteria have been met:
15

16 1. A pre-application shall be submitted to the Historical Resources Department containing the
17 following information:
18

- 19 a. A detailed sworn explanation outlining the facts surrounding the unlawful damage, destruction,
20 or demolition.
- 21 b. Evidence that any and all code enforcement fines have been paid.
- 22 c. Evidence that all violations on the property have been corrected or a stipulation outlining the
23 agreed upon steps to correct all outstanding violations.
24

25 2. Review and approval of the Historical Resources Department checklist by the following
26 departments so that the application for issuance of a building permit may proceed.
27

- 28 a. Building and Zoning.
- 29 b. Planning.
- 30 c. Public Works.
- 31 d. Public Service.
- 32 e. Historic Resources.
- 33 f. City Manager.
- 34 g. City Attorney.
35

36 I. The ad valorem tax exemption provided for under Sections 3-1117-1119 does not apply to buildings,
37 structures, improvements or sites that have been demolished in violation of this Section.
38

39 J. Demolition by neglect.
40

41 1. Demolition by neglect is any failure to comply with the minimum required maintenance standards of
42 this Section, whether deliberate or inadvertent.
43

44 2. The owner of any building, structure, landscape feature, improvement, site or portion thereof which
45 has been historically designated pursuant to the Historic Preservation provisions of this Division
46 shall be required to properly maintain and preserve such building or structure in accordance with
47 the standards set forth in the applicable sections of the Florida Building Code, this Division and this
48 Code.
49

- 50 a. It is the intent of this Section to preserve from deliberate or inadvertent neglect, the interior,
51 exterior, structural stability and historic and architectural integrity of any historically designated
52 building, structure, landscape feature, improvement, site or portion thereof. All such properties,
53 building and structures shall be maintained in accordance to minimum maintenance standards,
54 preserved against decay, deterioration and demolition and shall be free from structural defects
55 through prompt and corrective action to any physical defect which jeopardizes the building's

1 historic, architectural and structural integrity; such defects shall include, but not be limited to,
2 the following:

- 3
4 i. Deteriorated and decayed facades or façade elements, including but not limited to, facades
5 which may structurally fail and collapse entirely or partially;
6
7 ii. Deteriorated or inadequate foundations;
8
9 iii. Defective or deteriorated flooring or floor supports or any structural members of insufficient
10 size or strength to carry imposed loads with safety;
11
12 iv. Deteriorated walls or other vertical structural supports, or members of walls, partitions or
13 other vertical supports that split, lean, list or buckle due to defective material or
14 deterioration;
15
16 v. Structural members of ceilings, roofs, ceiling and roof supports or other horizontal
17 members which sag, split or buckle due to defective material or deterioration;
18
19 vi. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors,
20 including broken or missing windows or doors;
21
22 vii. Defective or insufficient weather protection which jeopardizes the integrity of exterior or
23 interior walls, roofs or foundations, including lack of paint or weathering due to lack of paint
24 or other protective covering;
25
26 viii. Any structure which is not properly secured and is accessible to the general public; or
27
28 ix. Any fault or defect in the property that renders it structurally unsafe or not properly
29 watertight;
30
31 x. The spalling of the concrete of any portion of the interior or exterior of the building.
32
33 b. A city code enforcement official who finds a violation of this Section shall issue a written
34 warning to the violator to immediately correct the violation. If any building, structure, landscape
35 feature, improvement, site, or portion thereof which has been historically designated pursuant
36 to the Historic Preservation provisions, in the opinion of the Historic Preservation Board, or the
37 Historic Preservation Officer in this Division, or the City's Building Official, falls into a state of
38 disrepair so as to potentially jeopardize its structural stability and/or architectural integrity,
39 and/or the safety of the public and surrounding structures, the Historic Preservation Officer or
40 the City's Building Official shall have right of entry onto the subject property and may inspect
41 the subject property after 48 hours' notice to the owner of intent to inspect. In the event the
42 property owner refuses entry of any city official onto the subject property, the City may file an
43 appropriate action to allow such officials access to the subject property for an inspection. The
44 City may require that the property owner retain a professional structural engineer, registered in
45 the state, to complete a structural evaluation report to be submitted to the City. Upon receipt of
46 such report, the property owner shall immediately take steps to effect all necessary remedial
47 and corrective actions to restore the structure's or building's compliance with the required
48 minimum maintenance standards herein; remedial action in this regard shall include, but not be
49 limited to, the structural shoring, stabilization and/or restoration of any or all exterior walls,
50 including their original architectural details, interior load bearing walls, columns and beams,
51 roof trusses and framing, the blocking of openings and securing of existing windows and door
52 openings, as well as sealing of the roof surface against leaks, including holes, punctures,
53 mechanical systems, and/or roof penetrations as necessary to preserve the building or
54 structure in good condition. The owner shall substantially complete such remedial and
55 corrective action within 30 days of receipt of the report, or within such time as deemed
56 appropriate by the building official, in consultation with the Historic Preservation Officer. Such

1 time may be extended at the discretion of the City's building official, in consultation with the
2 Historic Preservation Officer.

3
4 c. If the owner of the subject property, in the opinion of the City's building official and Historic
5 Preservation Officer, fails to undertake and substantially complete the required remedial and
6 corrective action within the specified time frame, the city may, at the expense of the owner, file
7 an action seeking an injunction ordering the property owner to take the remedial and corrective
8 action to restore the structure or building into compliance with the required minimum
9 maintenance standards herein and seeking civil penalties; Such civil action may only be
10 initiated at the discretion of the City Manager or designee. The court shall order an injunction
11 providing such remedies if the City proves that the property owner has violated the required
12 minimum maintenance standards or any portion of this section or this code.

13
14 d. Any historically designated building, structure, landscape feature, improvement, site, or portion
15 thereof which requires an application for a certificate of appropriateness for demolition shall not
16 have its architectural features removed, destroyed or modified until the certificate of
17 appropriateness is granted. Owners of such property shall be required to maintain such
18 properties in accordance with all applicable codes up to the time the structure is demolished.

19
20 e. There shall be no variances, by either the Board of Adjustment or the Historic Preservation
21 Board, from any of the provisions contained in this section.

22
23 3. The ad valorem tax exemption provided for historic properties under Sections 3-117-1119 does not
24 apply to historically designated buildings, structures, landscape features, improvements or sites
25 that are damaged, destroyed or demolished in violation of this Section.

26
27 **Section 3-1108. Moving of existing improvements.** The moving of significant improvements from their
28 original location shall be discouraged; however, the Historic Preservation Board may grant a Special
29 Certificate of Appropriateness if it finds that no reasonable alternative is available for preserving the
30 improvement on its original site and that the proposed relocation site is compatible with the historic and
31 architectural integrity of the improvement.

32
33 **Section 3-1109. Removal or destruction of existing landscape features.**

34
35 A. No Certificate of Appropriateness shall be granted for removal, relocation, concealment, or effective
36 destruction by damage of any landscape features or archaeological sites especially designated as
37 significant within the boundaries of an historic landmark or historic landmark district unless one (1) of
38 the following conditions exists:

- 39
40 1. The designated landscape feature or archaeological site is located in the buildable area or yard
41 area where a structure may be placed and unreasonably restricts the permitted use of the property;
42 or,
43
44 2. The designated vegetation is inappropriate in a historical context or otherwise detracts from the
45 character of district; or,
46
47 3. The designated vegetation is diseased, injured, or in danger of falling, unreasonably interferes with
48 utility service, creates unsafe vision clearance or conflicts with other applicable laws and
49 regulations.

50
51 B. As a condition contained in the Certificate of Appropriateness, the applicant may be required to
52 relocate or replace designated vegetation.

53
54 **Section 3-1110. Construction, excavation or other disturbance in archaeological zones.** In cases
55 where new construction, excavation, tree removal, or any other activity may disturb or reveal an interred
56 archaeological site, the Historic Preservation Board may issue a Certificate of Appropriateness, standard or

1 special, with a delayed effective date up to forty-five (45) days. During the delay period, the applicant shall
2 permit the subject site to be examined under the supervision of an archaeologist approved by the Board. A
3 Certificate of Appropriateness may be denied if the site is of exceptional importance and such denial would
4 not unreasonably restrict the primary use of the property.
5

6 **Section 3-1111. Reconstruction of destroyed historic landmarks.**
7

8 A. Except as provided in the Historic Preservation Code, in the event of a catastrophic occurrence,
9 including, but not limited to, fire, tornado, tropical storm, hurricane, other act of God, or major
10 accidental damage not the fault of the owner which results in damage to a historic building, structure,
11 landscape feature, improvement or site that:
12

13 1. Exceeds fifty percent (50%) of the replacement value of the building or structure at the time of
14 damage as determined by the building official after consultation with the Historic Landmark Officer.
15 Upon a final determination of the Historic Preservation Board such building may be reconstructed,
16 repaired or rehabilitated, and the building or structure's total gross floor area, height, and setbacks
17 may remain, if the following conditions are met:
18

19 a. The number of units in a repaired or rehabilitated residential and/or hotel building shall not be
20 increased.
21

22 b. The building shall have previously been issued a certificate of use, certificate of completion,
23 certificate of occupancy or occupational license by the city to reflect its current use.
24

25 c. The repairs or rehabilitations shall meet the requirements of the City Code, the applicable
26 Florida Building Code, and the Life Safety Code.
27

28 d. The repairs or rehabilitations shall comply substantially with the Secretary of the Interior's
29 Standards for Rehabilitation, as amended, as well as the certificate of appropriateness criteria
30 in Section 31-4-1.
31

32 2. Is less than fifty percent (50%) of the replacement value of the building or structure at the time of
33 damage as determined by the building official after consultation with the Historic Landmark Officer.
34 Such building shall be reconstructed, repaired or rehabilitated, and the building or structure's total
35 gross floor area, height, and setbacks may remain, if the following conditions are met:
36

37 a. The number of units in a repaired or rehabilitated residential and/or hotel building shall not be
38 increased.
39

40 b. The building shall have previously been issued a certificate of use, certificate of completion,
41 certificate of occupancy or occupational license by the city to reflect its current use.
42

43 c. The repairs or rehabilitations shall meet the requirements of the City Code, the applicable
44 Florida Building Code, and the Life Safety Code.
45

46 d. The repairs or rehabilitations shall comply substantially with the Secretary of the Interior's
47 Standards for Rehabilitation, as amended, as well as the Certificate of Appropriateness criteria
48 in Section 3-1106.
49

50 B. For the reconstruction, repair, or rehabilitation of historically designated buildings, structures,
51 landscape features, improvements, sites or portions thereof in violation of the demolition or demolition
52 by neglect sections, please refer to Section 3-1107.
53

54 **Section 3-1112. Variances.** The Historic Preservation Board shall have the authority to grant any
55 variance from the terms of these regulations of those properties designated as historic landmarks, either
56 individual sites or buildings within districts, where it is deemed appropriate for the continued preservation of

1 the historic landmark or historic landmark district. The Board shall only authorize such variances in
2 conjunction with an application for a Special Certificate of Appropriateness, in accordance with the
3 provisions of Section 3-1106 and Article 3, Division 8.

4
5 **Section 3-1113. Transfer of development rights.** The Historic Preservation Board shall have the
6 authority to grant certificates of transfer of development rights (TDR) to property owner(s) of designated
7 historic landmarks, either individual sites or buildings within districts in accordance with the criteria and
8 standards for transfer of development rights in Article 3, Division 10 of these regulations. Any historic
9 landmark that has transferred development rights shall not be demolished.

10
11 **Section 3-1114. Undue economic hardship.** In any instance where there is a claim of undue economic
12 hardship, the property owner may submit, by affidavit, to the Board at least fifteen (15) days prior to the
13 public hearing, the following information:

14
15 A. For all property:

- 16 1. The amount paid for the property, the date of purchase and the party from whom purchased.
- 17 2. The assessed value of the land and improvements thereon, according to the two (2) most recent
- 18 assessments.
- 19 3. Real estate taxes for the previous two (2) years.
- 20 4. Annual debt service, if any, for the previous two (2) years.
- 21 5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection
- 22 with his purchase, financing or ownership of the property.
- 23 6. Any listing of the property for sale or rent, price asked and offers received, if any.
- 24 7. Any consideration by the owner as to profitable adaptive uses for the property.

25
26
27 B. For income producing property:

- 28 1. Annual gross income from the property for the previous two (2) years.
- 29 2. The assessed value of the land and improvements thereon, according to the two (2) most recent
- 30 assessments.
- 31 3. Annual cash flow, if any, for the previous two (2) years.

32
33
34 C. The Board may require that an applicant furnish such additional information, as the Board believes is
35 relevant to its determination of undue economic hardship and may provide, in appropriate instances
36 that such additional information be furnished under seal. In the event that any of the required
37 information is not reasonably available to the applicant and cannot be obtained by the applicant, the
38 applicant shall file with his affidavit a statement of the information which cannot be obtained and shall
39 describe the reasons why such information cannot be obtained.

40
41 **Section 3-1115. Unsafe structures.** In the event the building official determines that any structure within
42 a designated historic landmark or historic landmark district is unsafe pursuant to the applicable building
43 code adopted by the City, he/she shall immediately notify the Historic Preservation Board with copies of
44 such findings. Where reasonably feasible within applicable laws and regulations the building official shall
45 endeavor to have the structure repaired rather than demolished and shall take into consideration any
46 comments and recommendations by the board. The board may take appropriate actions to effect and
47 accomplish preservation of such structure including, but not limited to, negotiations with the owner and
48 other interested parties, provided that such actions do not interfere with procedures in the Florida Building
49 Code.

50
51 **Section 3-1116. Emergency conditions.** For the purpose of remedying emergency conditions
52 determined to be imminently dangerous to life, health or property, nothing contained herein shall prevent
53 the making of any temporary construction, reconstruction, demolition or other repairs to an improvement,
54 landscape feature, or site within a designated historic landmark district pursuant to an order of a
55 government agency or a court of competent jurisdiction, provided that only such work as is reasonably
56 necessary to correct the hazardous condition may be carried out. The owner of an improvement damaged

1 by fire or natural calamity shall be permitted to stabilize the improvement immediately and to rehabilitate it
2 later under the normal review procedures of this Division.

3
4 **Section 3-1117. Scope of tax exemptions.**

5
6 A. A method is hereby created for the City Commission to allow tax exemptions for the restoration,
7 renovation or rehabilitation of historic properties. The exemption shall apply to one hundred (100)
8 percent of the assessed value of all improvements to historic properties, which result from restoration,
9 renovation or rehabilitation made on or after the effective date of this division. The exemption only
10 applies to taxes levied by the City. The exemption does not apply to taxes levied for the payment of
11 bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII
12 of the Florida Constitution. The exemption does not apply to personal property.

13
14 B. The City of Coral Gables hereby elects to provide for an ad valorem tax exemption of fifty percent
15 (50%) of the assessed value of certain commercial or not-for-profit historically designated properties.
16 The exemption shall only apply to taxes levied by the City. The exemption does not apply to taxes
17 levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b)
18 or Section 12, Article VII of the Florida Constitution.

19
20 **Section 3-1118. Duration of tax exemptions.** Any exemption granted under this section to a
21 particular property shall remain in effect for ten (10) years, as specified in the ordinance approving the
22 exemption. The duration for ten (10) years shall continue regardless of any change in the authority of the
23 City to grant such exemptions or any changes in ownership of the property. In order to retain an
24 exemption, however, the historic character of the property for an exemption, must be maintained over the
25 period for which the exemption was granted.

26
27
28 **Section 3-1119. Eligible properties and improvements.**

29
30 A. Property is qualified for an exemption under this section if:

31
32 1. At the time the exemption is granted, the property is:

- 33
34 a. Individually listed in the National Register of Historic Places pursuant to the National Historic
35 Preservation Act of 1966, as amended; or
36
37 b. A contributing property within a National Register-listed district; or
38
39 c. Individually listed in the Coral Gables Register of Historic Places, or noted as a contributing
40 structure within a designated local historic district as enacted by ordinance of the City
41 Commission.

42
43 B. In order for an improvement to a historic property to qualify the property for an exemption under
44 Section 3-119, the improvement must be:

- 45
46 1. Consistent with the United States Secretary of the Interior's Standards for Rehabilitation; and
47
48 2. Determined by the Historic Preservation Board to meet criteria established in rules adopted by the
49 Department of State.

50
51 C. Property is qualified for an exemption under Subsection B above if the property meets the following
52 criteria: (1) the property must be used for commercial purposes or used by a not-for-profit organization
53 under s. 501(c) (3) or (6) of the Internal Revenue Code of 1986; or (2) The property must be listed in
54 the National Register of Historic Places, as defined in Florida Statutes section 267.021; or (3) must be
55 a local historic contributing property to a National Register Historic District; or must be a local historic
56 landmark or a contributing property within a local historic district; and (4) The property must be

1 regularly open to the public, which means that there are regular hours when the public may visit to
2 observe the historically significant aspects of the building. This means a minimum of 40 hours per
3 week, for 45 weeks per year, or an equivalent of 1,800 hours per year. A fee may be charged to the
4 public; however, it must be comparable with other entrance fees in the immediate geographic locale.
5

- 6 1. Only those portions of the property used predominantly for the purposes specified in paragraph (c)
7 shall receive the ad valorem tax exemption of fifty percent (50%) of the assessed property value. In
8 no event shall an incidental use of property qualify such property for an exemption or impair the
9 exemption of an otherwise exempt property.
- 10 2. In order to retain the exemption, the historic character of the property must be maintained in good
11 repair and condition to the extent necessary to preserve the historic value and significance of the
12 property.
13

14
15 **Section 3-1120. Applications.**

- 16 A. Any person, firm or corporation that desires ad valorem tax exemption from the improvement of a
17 historic property must, prior to construction, file with the Historical Resources Department a written
18 application on an approved form.
19
- 20 B. Any person, firm or corporation who is claiming the ad valorem tax exemption provided under Section
21 3-119 shall, on or before March 1 of each year, file an application for exemption with the Miami-Dade
22 County Property Appraiser, describing the property for which exemption is claimed and certifying its
23 ownership and use.
24

25
26
27 **Section 3-1121. Required restrictive covenant.** To qualify for an exemption, the property owner
28 must enter into a restrictive covenant or agreement with the City Commission for the term for which the
29 exemption is granted. The form of the covenant or agreement must be established by the Department of
30 State and must require that the character of the property, and the qualifying improvements to the property,
31 be maintained during the period that the exemption is granted. The covenant or agreement shall be
32 binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the
33 covenant or agreement results in the property owner being subject to the payment of the differences
34 between the total amount of taxes which would have been due in March in each of the previous years in
35 which the covenant or agreement was in effect had the property not received the exemption and the total
36 amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S.
37 212.12(3).
38

39 **Section 3-1122. Review by Historic Preservation Board.** The Historic Preservation Board, or its
40 successor, is designated to review applications for exemptions. The Historic Preservation Board may
41 recommend that the City Commission grant or deny the exemption. Such reviews must be conducted in
42 accordance with rules adopted by the Department of State. The recommendation and the reasons
43 therefore must be provided to the applicant and to the City Commission before consideration of the
44 application.
45

46 **Section 3-1123. Approval by the City Commission.** A majority vote of the City Commission shall
47 be required to approve a written application for exemption. The City Commission shall include the following
48 in the resolution or ordinance approving the written application for exemption:
49

- 50 A. The name of the owner and the address of the historic property for which the exemption is granted.
- 51 B. The period of time for which the exemption will remain in effect and the expiration date of the
52 exemption.
53
- 54 C. A finding that the historic property meets the requirements of this section.
55

ARTICLE 3 – DEVELOPMENT REVIEW
Division 12 - Abandonment and Vacations

Section 3-1201. Purpose and applicability.

The purpose of this Division is to establish a uniform procedure for the review or abandonment and vacation of non-fee property interests of the City with regard to compliance with the Comprehensive Land Use Plan. This Division applies to city streets, alleys, easements and other non-fee property interests of the City of similar character.

Section 3-1202. Application.

All requests for abandonment and vacation of city streets, alleys, easements and other non-fee interests which the City may have in real property shall be reviewed for consistency with the Comprehensive Land Use Plan and shall be subject to conditions of approval which mitigate the impact of the abandonment or vacation of the City's real property interest and/or the impact of additional development resulting from the abandonment or vacation. All applications shall be reviewed in accordance with the provisions of Article 3, Divisions 2 and 3 and other applicable provisions of the City's Code.

Section 3-1203. Standards for review.

Applications for abandonment and vacation of city streets, alleys, special purpose easements and other non-fee interests which the City may have in real property may be approved provided that it is demonstrated that:

- A. The non-fee property interest sought to be abandoned:
 - 1. Does not provide a benefit to the public health, safety, welfare, or convenience, in that:
 - a. It is not being used by the City for any of its intended purposes.
 - b. The Comprehensive Land Use Plan, special purpose plan, or capital improvement program does not anticipate its use; or
 - 2. Provides some benefit to the public health, safety, welfare, or convenience, but the overall benefit anticipated to result from the abandonment outweighs the specific benefit derived from the non-fee property interest, in that:
 - a. The vacation or abandonment will not frustrate any comprehensive plan, special purpose plan, or capital improvement program of the City;
 - b. The vacation or abandonment will not interfere with any planning effort of the City that is underway at the time of the application but is not yet completed; and
- B. The vacation or abandonment will provide a material public benefit in terms of promoting the desired development and improves the City's long-term fiscal condition and the applicant provides beneficial mitigation in the form of a proffered mitigation plan which mitigates the loss of real property, the increase in the intensity of use and/or impacts on the public health, safety and welfare including increased parking and traffic.

1 **Section 3-1204. Planning and Zoning Board review and recommendation.**

2
3 The Planning and Zoning Board shall:

- 4
5 A. Review the application at a public hearing conducted in accordance with the provisions of Article 3,
6 Division 3.
7
8 B. Make written findings with respect to whether the application complies with the standards set out in
9 Section 3-1203.
10
11 C. Identify appropriate conditions of approval which mitigate the impact of the vacation or abandonment
12 of property.
13
14 D. Provide a recommendation to the City Commission with regard to whether the application should be
15 approved, approved with conditions, or denied.
16

17 **Section 3-1205. City Commission review and decision.**

- 18
19 A. The City Commission in its sole discretion may approve, approve with conditions or deny an
20 application for the abandonment or vacation of city streets, alleys, easement and other non-fee
21 interests which the City may have in real property.
22

ARTICLE 3 – DEVELOPMENT REVIEW
Division 13 - Concurrency Review

Section 3-1301. Purpose and applicability.

It is the purpose of this Division to provide a process for ensuring that the public facilities and services needed to support development are available concurrent with the impacts of such development.

Section 3-1302. Concurrency review required.

- A. Unless exempted under the provisions of Section 3-1302B, all applications for development approval shall include an application for concurrency review.
- B. Concurrency review is not required for the following:
 - 1. Applications for single-family residential development platted prior to December 8, 1992.
 - 2. Applications for additions, renovations, or reconstruction of residential dwellings which do not increase the number of dwelling units placed on the premises or approved for the property.
 - 3. Additions, renovations, or reconstruction of uses accessory to residential dwellings.
 - 4. Sign permits.
 - 5. Applications which will not result in either an Intermediate Development or Final Development Order.
 - 6. Applications requesting modifications of previously approved Development Orders where it is determined that the impacts on the prescribed levels of service imposed by the requested modifications will be no greater than the impacts posed by the previously approved development order or the previously existing use.
 - 7. Applications on properties where a Development of Regional Impact has been approved for which the development is proceeding in compliance with the conditions of the DRI approval.
 - 8. Applications where the particular type of Intermediate or Final Development Order would not result in a reduction in the level of service for any of the services or facilities prescribed in the Concurrency Management Program.
 - 9. Applications for development approval within areas designated by the City where all services or facilities have sufficient surplus capacity to sustain projected development of specified types for one to five or more years as applicable to the service.
 - 10. Vested projects.

Section 3-1303. Application.

All applications for concurrency review shall accompany all applications for development approval, unless otherwise exempt under the provisions of this Division. Such applications shall be made in writing upon an application form approved by City staff and shall be accompanied by applicable fees.

1 **Section 3-1304. Staff review and determination.**
2

3 A. City staff shall review each application for a development order and shall determine whether the
4 application:

- 5
6 1. requests approval of an initial, intermediate or final development order; or
7
8 2. would have no impact or would have impacts on levels of service that fall below thresholds for
9 public facilities and services prescribed in the concurrency manual.

10
11 B. In the event that staff determines that there is no impact, a statement of no impact shall be issued
12 to the applicant and the Board or other decision maker responsible for the issuance of the
13 development order. Such statement of no impact shall be valid for a period not to exceed one (1)
14 year from issuance.

15
16 C. Initial development orders.

- 17
18 1. A concurrency information statement shall be prepared prior to the issuance of any initial
19 development order and provided to the applicant, Board or other decision-maker responsible for
20 the issuance of the initial development order.
21
22 2. The purpose of the concurrency information statement is to provide general information and
23 guidance regarding the available capacity of public facilities and services. The concurrency
24 information statement does not ensure that capacity will be available at the time of the issuance
25 of an intermediate or final development order, nor does it obviate the need for concurrency review
26 prior to the issuance of an intermediate or final development order.
27

28 D. Intermediate development orders.

- 29
30 1. Each application for an intermediate development order shall be evaluated on the basis of the
31 concurrency review criteria contained in Section 3-1305. City Staff shall determine whether or not
32 a proposed development would result in a reduction in levels of service for public facilities and
33 services below adopted levels of service and shall issue a concurrency impact statement to the
34 applicant.
35
36 2. If the concurrency impact statement indicates that the proposed development would not result in
37 a reduction in adopted levels of service, the statement shall be furnished to the applicant, Board
38 or other decision maker responsible for the issuance of the intermediate development order.
39
40 3. If the concurrency impact statement indicates that the requested intermediate development order
41 cannot be issued because the proposed development would result in a reduction in adopted
42 levels of service, the applicant may modify the application, submit an enforceable development
43 agreement or the intermediate development order may be issued subject to appropriate
44 conditions. Such modifications, agreements or conditions shall ensure that the necessary public
45 facilities and services shall be available concurrent with the impacts of development. The
46 concurrency impact statement shall specify the modifications, agreements or conditions which
47 shall be satisfied prior to the issuance of an intermediate development order or final development
48 order or both. The concurrency impact statement shall be furnished to the applicant and to the
49 Board or other decision-maker responsible for the issuance of the intermediate development
50 order.
51

52 E. Reservation of capacity.

53
54 Upon payment of a fee prescribed in the concurrency manual, the holder of an affirmative
55 intermediate development order may reserve capacity for up to twelve (12) months for the approved
56 project by the City's issuance of a document signifying capacity reservation. This fee payment and

1 capacity reservation is optional and is not required of recipients of affirmative intermediate
2 development orders. Failure to pay the necessary fee and obtain a capacity reservation forfeits any
3 right of reliance upon an affirmative intermediate development order to ensure service capacity
4 availability and reservation. Such reservation shall ensure that the City does not permit other
5 development which would result in a reduction in levels of service for public facilities and service for
6 public facilities and services follow the adopted levels of service during the period of reservation.
7

8 F. Final development orders.
9

- 10 1. Applicants filing complete applications for issuance of a final development order within twelve (12)
11 months from the date of issuance of an intermediate development order shall be exempt from the
12 requirement of further concurrency review (but not exempt from the payment of any applicable
13 administrative fee set forth in the concurrency manual), provided that (a) no significant changes
14 have been made to the proposed development from the approved intermediate development
15 order; (b) all modifications, agreements, or conditions of the concurrency impact statement, if
16 applicable, have been satisfied; and (c) the City has reserved capacity for the development
17 pursuant to subsection 3-1304E. In the absence of these provisions, the applicant is not entitled
18 to rely upon an intermediate development order for concurrency compliance, and must follow
19 prescribed procedures for the issuance of a concurrency compliance statement.
20
- 21 2. With the exception of final development orders for which applications have been timely filed and
22 capacities have been reserved pursuant to Sections 3-1304E and 3-1304F 1 above, or
23 certificates of use and occupancy as described in Section 3-1304F 6 below, City staff shall
24 evaluate each application for a final development order on the basis of the concurrency review
25 criteria contained in Section 3-1305.
26
- 27 3. City staff shall determine whether or not the proposed development would result in a reduction in
28 levels of service for public facilities and services below adopted levels and shall issue a
29 concurrency compliance statement to the applicant. If the concurrency compliance statement
30 indicates that that issuance of the proposed final development order would not result in a
31 reduction in levels of service for public facilities and services below adopted levels of service, the
32 concurrency compliance statement shall be furnished to the person, board or agency responsible
33 for the issuance of the final development order and the final development order may be issued.
34
- 35 4. If the concurrency impact statement indicates that the requested final development order cannot
36 be issued because the proposed development would result in a reduction in adopted levels of
37 service, the applicant may modify the application, submit an enforceable development
38 agreement, or the final development order may be issued subject to appropriate conditions. Such
39 modifications, agreements or conditions shall ensure that the necessary public facilities and
40 services shall be available concurrent with the impacts of development. The concurrency impact
41 statement issued in conjunction with a final development order application shall specify any
42 modifications, agreements, or conditions which shall be satisfied prior to the issuance of a
43 building permit or certificate of use and occupancy or both. The concurrency impact statement
44 issued in conjunction with a final development order application shall be furnished to the applicant
45 and to the applicant, Board or other decision maker responsible for the issuance of the final
46 development order.
47
- 48 5. Except where applicants have obtained a vested rights determination pursuant to Article 3
49 Division 18, or the final development order application is exempt from the requirement of a
50 concurrency compliance statement, all applications or final development orders must obtain
51 written confirmation that all required levels of service for public facilities and services have been
52 satisfied and required modifications and/or conditions noted in previously issued concurrency
53 compliance statement have been made. If the property for which application for a final
54 development order is made holds an expired reservation that was previously of record in
55 accordance with Section 3-1304E, the applicant must obtain an updated concurrency impact
56 statement and is not entitled to rely on said expired reservation. At the times of the issuance of a

1 final development order building permit, the permit holder shall be automatically required to pay a
2 fee prescribed in the concurrency manual to reserve service capacities for a period of twelve (12)
3 months from the date of final permit issuance, unless the building permit lapses in accordance
4 with other city regulations. In addition, the holder of an affirmative final development order may
5 extend service capacity reservations for an additional twelve (12) months in accordance with the
6 fees and terms prescribed in the concurrency manual.
7

- 8 6. Certificates of use and occupancy may be issued without the requirement for further concurrency
9 review where the applicant for the certificate of use and occupancy holds a valid, unexpired
10 building permit for the identical use of the subject structure or site or pertinent portion thereof;
11 provided said building permit is not subject to an enforceable development agreement of other
12 conditions requiring the applicant to provide or contract for the construction of necessary public
13 services and facilities or other appropriate service impact mitigation measures. Where the
14 building permit is subject to such enforceable development agreement or appropriate conditions,
15 no certificate of use and occupancy shall be issued until staff determines that all agreements and
16 conditions have been satisfied.
17

18 **Section 3-1305. Concurrency review criteria.**
19

- 20 A. The public facilities and services needed to support development shall be deemed to be available
21 concurrent with the impacts of development if the following criteria are satisfied:
22
- 23 1. The necessary public facilities and services are in place at the time a final development order
24 issues; or
 - 25
 - 26 2. A final development order is issued subject to the condition that the required public facilities and
27 services will be in place when the impacts of the development occur; or
 - 28
 - 29 3. The necessary public facilities are under construction at the time the final development order is
30 issued and such construction is the subject of enforceable assurance that it shall be completed
31 and serviceable without unreasonable delay; or
 - 32
 - 33 4. The necessary public facilities and services are the subject of a binding executed contract for the
34 construction of the facilities or the provision of services at the time the final development order is
35 issued; or
 - 36
 - 37 5. The necessary public facilities are funded and programmed for implementation in the capital
38 improvements element of the comprehensive plan for construction in year one of the City's
39 adopted capital budget, or similarly adopted budget of other government agencies; or
 - 40
 - 41 6. The necessary traffic circulation and mass transit facilities or services or both are programmed in
42 the capital improvements element of the comprehensive plan for construction in or before year
43 three of the city's adopted budget or similarly adopted budget of other governmental agencies
44 including the county's capital budget of the state agency having operational responsibility for
45 affected facilities; in all cases, such facilities must be committed for construction in or before year
46 three; or
 - 47
 - 48 7. The necessary public facilities and services are guaranteed in an enforceable development
49 agreement to be provided by the developer. An enforceable development agreement may
50 include but is not limited to development agreements pursuant to Section 163.3220, Florida
51 Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida
52 Statutes; or
 - 53
 - 54 8. Timely provision of the necessary public facilities and services will be guaranteed by some other
55 means or instrument providing substantially equivalent assurances; and

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9. In all instances where a decision to issue a building permit is based on the foregoing provision (5), (6) or (7), the following conditions shall apply:
 - a. The necessary public facilities and services shall not be deferred or deleted from the capital improvements element of the comprehensive plan work program or adopted one (1) year capital budget unless the dependent final development order expires or is rescinded prior to the issuance of a certificate of use and occupancy.
 - b. The public facilities and services necessary to serve development must be contracted for construction no later than thirty-six (36) months after the date that the initial certificate of use an occupancy is issued for the dependent development; and
 - c. Construction of the necessary public facilities and services must proceed to completion with no unreasonable delay or interruption.
 - B. In determining the availability of public facilities and services, the applicant may propose and the City may approve development in stages or phases so that the public facilities and services needed for each stage or phase will be available in accordance with the criteria required by this chapter.

21
22

Section 3-1306. Concurrency manual.

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The City shall promulgate and maintain a concurrency manual which shall contain the administrative procedures and fees to be applied in the implementation of this Division. The concurrency manual shall include:

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- A. Examples of preliminary, intermediate, and final development orders.
 - B. Examples of development orders which would have no impact or which would have impacts on levels of service which fall below the thresholds for public facilities and services.
 - C. The methodologies to be used by the department in monitoring available capacity of public facilities and services and in preparing concurrency statements.
 - D. The methodologies to be used by the department in evaluating applications for development orders for compliance with the concurrency review criteria.
 - E. The methodologies to be used by the department in identifying geographic areas having surplus capacity for certain public facilities and services.
 - F. The time frames within which the department and the applicant must complete any action which is required by this chapter.
 - G. An administrative fee schedule.
 - H. Examples of exceptions from concurrency review requirements.
 - I. Procedures for obtaining relief from these regulations.

50
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Section 3-1307. Appeals.

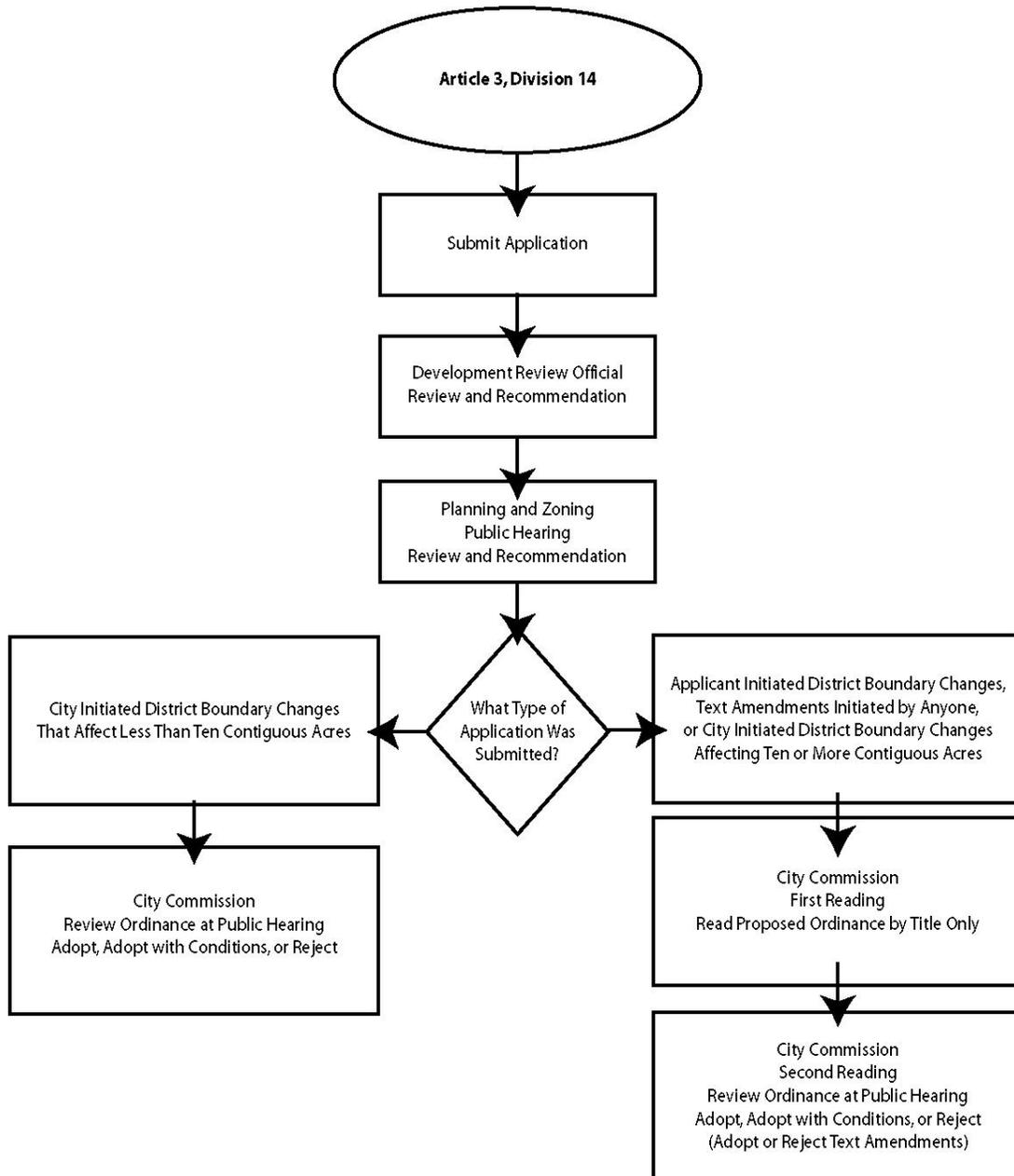
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An appeal from a negative concurrency determination may be taken to the City Commission by an aggrieved party in accordance with the provisions of Article 3 Division 6 of these regulations.

ARTICLE 3 – DEVELOPMENT REVIEW
Division 14 – Zoning Code: Text and Map Amendments

Section 3-1401. Purpose and applicability. The purpose of this Division is to establish a uniform procedure for district boundary changes (map amendments) and for text amendments to these regulations. This Division applies to all such amendments, whether initiated by the City or by one or more private property owners.

Section 3-1402. General procedures



1 **Section 3-1403. Application.** All applications for district boundary changes or text amendments to
2 these regulations shall be made in writing upon an application form approved by City staff, and shall be
3 accompanied by applicable fees.
4

5 **Section 3-1404. Standards for review of applicant-initiated district boundary changes.**
6

7 A. An applicant-initiated district boundary change shall be approved if it is demonstrated that the
8 application satisfies all of the following:
9

- 10 1. It is consistent with the Comprehensive Land Use Plan in that it:
 - 11 a. Does not permit uses which are prohibited in the future land use category of the parcel
12 proposed for development.
 - 13 b. Does not allow densities or intensities in excess of the densities and intensities which are
14 permitted by the future land use category of the parcel proposed for development.
 - 15 c. Will not cause a decline in the level of service for public infrastructure to a level of service
16 which is less than the minimum requirements of the Comprehensive Land Use Plan.
 - 17 d. Does not directly conflict with any objective or policy of the Comprehensive Land Use Plan.
- 18 2. Will provide a benefit to the City in that it will achieve two or more of the following objectives:
 - 19 a. Improve mobility by reducing vehicle miles traveled for residents within a one-half mile radius
20 by;
 - 21 i. Balancing land uses in a manner that reduces vehicle miles traveled.
 - 22 ii. Creating a mix of uses that creates an internal trip capture rate of greater than twenty
23 percent (20%); or
 - 24 iii. Increasing the share of trips that use alternative modes of transportation, such as transit
25 ridership, walking, or bicycle riding.
 - 26 b. Promote high-quality development or redevelopment in an area that is experiencing declining
27 or flat property values.
 - 28 c. Create work force housing opportunities for people who work in the City of Coral Gables; or
 - 29 d. Implement specific objectives and policies of the Comprehensive Land Use Plan; and
- 30 3. Will not cause a substantial diminution of the market value of adjacent property or materially
31 diminish the suitability of adjacent property for its existing or approved use.
32
33

34 B. An applicant may propose limitations regarding the use, density or intensity which will be permitted on
35 the parcel proposed for development in order to achieve compliance with the standards of Section 3-
36 1404A. Such limitation(s) shall be offered by a restrictive covenant or declaration of use that is
37 provided to the City in a recordable form acceptable to the City Attorney.
38
39

40 **Section 3-1405. Standards for review of text amendments to these regulations and for City-**
41 **initiated district boundary changes.** The Planning and Zoning Board shall not recommend adoption of,
42 and the City Commission shall not adopt, text amendments to these land development regulations or
43 City-initiated district boundary changes unless the text amendment or City-initiated district boundary
44 change:
45
46

47 A. Promotes the public health, safety, and welfare.
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- 1 B. Does not permit uses the Comprehensive Land Use Plan prohibits in the area affected by the district
2 boundary change or text amendment.
3
- 4 C. Does not allow densities or intensities in excess of the densities and intensities which are permitted
5 by the future land use categories of the affected property.
6
- 7 D. Will not cause a decline in the level of service for public infrastructure which is the subject of a
8 concurrency requirement to a level of service which is less the minimum requirements of the
9 Comprehensive Land Use Plan.
10
- 11 E. Does not directly conflict with an objective or policy of the Comprehensive Land Use Plan.
12

13 **Section 3-1406. City staff review, report and recommendation.**
14

- 15 A. Upon receipt of an application pursuant to this Division, the Development Review Official shall review
16 the application in accordance with the provisions of Article 3, Division 2.
17
- 18 B. Upon completion of review of an application, the Development Review Official shall:
19
 - 20 1. Review the application for compliance with the standards set out in Section 3-1404 or 3-1405, as
21 applicable.
22
 - 23 2. Provide a report with regard to the application's compliance with the standards set out in Section
24 3-1404 or 3-1405, as applicable.
25
 - 26 3. Provide a recommendation as to whether the application should be approved, approved with
27 conditions, or denied.
28
 - 29 4. Schedule the application for hearing before the Planning and Zoning Board.
30
 - 31 5. Provide notice of the Planning and Zoning Board hearing pursuant to Article 3, Division 3.
32
- 33 C. Upon receipt of the recommendation of the Planning and Zoning Board, the Development Review
34 Official shall:
35
 - 36 1. Schedule the application for hearing before the City Commission.
37
 - 38 2. Forward its report and recommendation and the findings and recommendation of the Planning
39 and Zoning Board to the City Commission.
40
 - 41 3. Provide notice of the City Commission hearing pursuant to Article 3, Division 3.
42
- 43 D. If a second public hearing of the City Commission is required, City staff shall provide timely notice of
44 the public hearing pursuant to Article 3, Division 3.
45

46 **Section 3-1407. Planning and Zoning Board review and recommendation.** The Planning and Zoning
47 Board, sitting as the Local Planning Agency, shall:
48

- 49 A. Review the application at a public hearing.
50
- 51 B. Make written findings with respect to whether the proposed district boundary change or text
52 amendment to these regulations is consistent with the Comprehensive Land Use Plan.
53
- 54 C. Make a written recommendation to the City Commission with regard to whether the application should
55 be approved, approved with conditions, or denied.
56

1 **Section 3-1408. City Commission review and decision.**
2

3 A. For applicant-initiated district boundary changes, text amendments to these regulations, and City-
4 initiated district boundary changes that affect ten (10) or more contiguous acres of property, the City
5 Commission shall hold two (2) public hearings, as follows:
6

7 1. At the first public hearing, the City Commission shall read the proposed ordinance by title only.
8

9 2. At the second public hearing, the City Commission shall:
10

11 a. If the proposed ordinance is applicant-initiated, review the application for compliance with the
12 standards set out in Section 3-1404 and decide whether to adopt, adopt with conditions, or
13 reject the proposed ordinance; or
14

15 b. If the proposed ordinance is City-initiated, review the application for compliance with the
16 standards set out in Section 3-1405 and decide whether to adopt, adopt with conditions, or
17 reject the ordinance.
18

19 3. If the proposed amendment is a district boundary change, changes the list of permitted,
20 conditional, or prohibited uses in a use district, then one of the public hearings shall be held after
21 5:00 p.m. on a weekday, unless the City Commission, by a majority plus one vote, elects to
22 conduct that hearing at another time of day.
23

24 B. For City-initiated district boundary changes that affect less than ten (10) contiguous acres of property,
25 the City Commission shall hold one public hearing, at which it shall:
26

27 1. Review the proposed ordinance for compliance with the standards set out in Section 3-1405; and
28

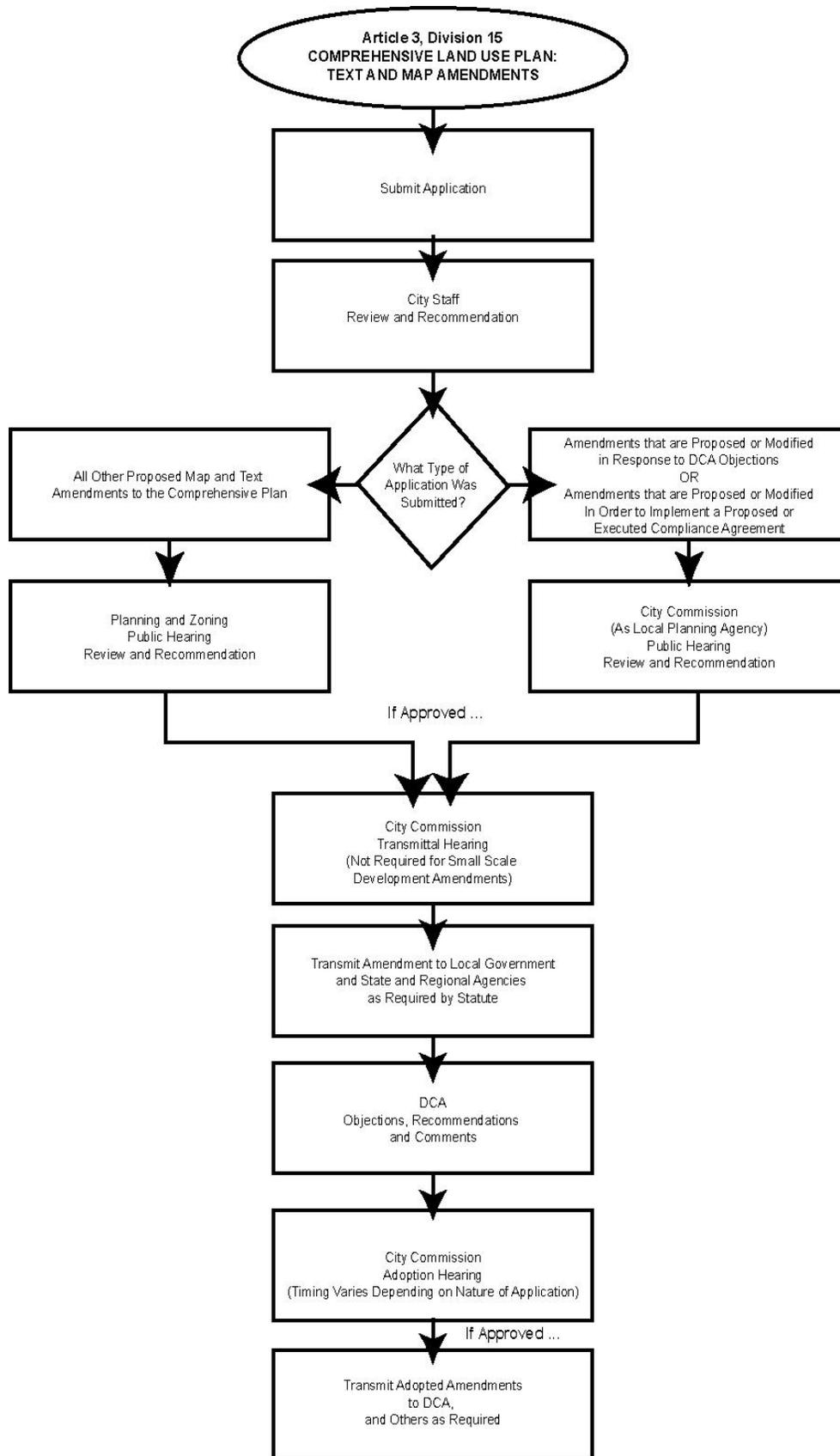
29 2. Adopt, adopt with conditions, or reject the proposed ordinance.
30
31

ARTICLE 3 – DEVELOPMENT REVIEW
Division 15 - Comprehensive Land Use Plan: Text and Map Amendments

Section 3-1501. Purpose and applicability. The purpose of this Division is to establish a uniform procedure for amending the text and maps of the Comprehensive Land Use Plan. This Division does not supercede the requirements of Section 163, Part II, Florida Statutes, as may be amended from time to time. If any part of this Section conflicts with Section 163, Part II, Florida Statutes, the statutory requirement shall control. This Division applies to all text and map amendments to the Comprehensive Land Use Plan, whether initiated by the City or by one or more private property owners.

Section 3-1502. General procedures.

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1 **Section 3-1503. Comprehensive Land Use Plan amendment cycles.** The City shall provide two
2 comprehensive plan amendment cycles as identified by the Director of Planning per calendar year for
3 proposed amendments that are not exempt from the two amendments per year limitation of Section
4 163.3187(1), Florida Statutes.
5

6 **Section 3-1504. Application.** All applications for amendments to the text or maps of the
7 Comprehensive Land Use Plan shall be made in writing upon an application form approved by the City
8 staff, and shall be accompanied by the applicable fees.
9

10 **Section 3-1505. Conditions of approval.**

- 11
- 12 A. An applicant may propose additional limitations regarding the use, density or intensity which will be
13 permitted on a parcel proposed for development. Such limitation shall be offered by executed
14 restrictive covenant or declaration of use that is provided to the City in a recordable form that is
15 acceptable to the City Attorney, and if the amendment is approved with the restrictive covenant or
16 declaration of use, the recording information shall be set out on the Comprehensive Land Use Map.
17
 - 18 B. The City Commission may condition the grant of a Comprehensive Land Use Map amendment upon
19 the timely development of the parcel proposed for development, and may include provisions that the
20 district boundary change does not become effective until a complete application for development
21 approval is accepted by the City staff.
22

23 **Section 3-1506. Standards for Comprehensive Plan Text and Map Amendments**

- 24
- 25 A. Proposed amendments to the Text and Maps of the Comprehensive Land Use Plan shall be reviewed
26 pursuant to the following standards:
27
 - 28 1. Whether it specifically advances any objective or policy of the Comprehensive Land Use Plan.
 - 29 2. Whether it is internally consistent with Compliance Land Use Plan.
 - 30 3. Its effect on the level of service of public infrastructure.
 - 31 33 4. Its effect on environmental resources.
 - 32 34 5. Its effect on the availability of housing that is affordable to people who work in the City of Coral
33 35 Gables.
 - 34 36 6. Any other effect that the City staff determines is relevant to the City Commission's decision on the
35 37 application.
36 38

37 **Section 3-1507. City staff review, report and recommendation.**

- 38
- 39 A. Upon receipt of an application pursuant to this Division, the Development Review Official shall review
40 the application in accordance with the provisions of Article 3, Division 2.
41
 - 42 B. Upon completion of review of an application, the Development Review Official shall:
43
 - 44 1. Provide a report that summarizes the application and the effect of the proposed amendment in
45 regard to the standards set out in Section 3-1506:
46
 - 47 a. Whether it specifically advances any objective or policy of the Comprehensive Land Use
48 Plan.
 - 49 b. Whether it is internally consistent with the Comprehensive Land Use Plan.

- c. Its effect on the level of service of public infrastructure.
 - d. Its effect on environmental resources.
 - e. Its effect on the availability of housing that is affordable to people who work in the City of Coral Gables.
 - f. Any other effect that the City staff determines is relevant to the City Commission's decision on the application.
2. Provide a recommendation as to whether the application should be approved, approved with conditions, or denied.
 3. Provide a proposed ordinance that could be used to adopt the proposed amendment.
 4. Schedule the application for hearing before the Planning and Zoning Board.
 5. Provide notice of the Planning and Zoning Board hearing pursuant to Article 3, Division 3.
- C. Upon receipt of the decision of the Planning and Zoning Board, the Development Review Official shall:
1. Schedule the application for hearing before the City Commission.
 2. Forward its report and recommendation and the recommendation of the Planning and Zoning Board to the City Commission.
 3. Provide notice of the City Commission hearing in accordance with the provisions of Article 3, Division 3.

Section 3-1508. Planning and Zoning Board review and recommendation.

- A. The Planning and Zoning Board, acting as the Local Planning Agency (LPA), shall:
1. Review the application at a public hearing that is held before the transmittal hearing, or if no transmittal hearing is required, before the adoption hearing.
 2. Make a written recommendation to the City Commission with regard to whether the proposed amendments should be adopted, adopted with conditions, or rejected.
- B. The City Commission shall serve as the Local Planning Agency with respect to:
1. Amendments that are proposed or modified in response to Department of Community Affairs ("DCA") objections.
 2. Amendments that are proposed or modified in order to implement a proposed or executed compliance agreement.

Section 3-1509. Transmittal hearing.

- A. A transmittal hearing by the City Commission shall be held on each proposed comprehensive plan amendment except small-scale development amendments.
- B. All transmittal hearings shall be held on weekdays.

1 C. If the City Commission approves the plan amendment at the transmittal hearing, the City shall
2 immediately transmit the amendment to those local governments and state and regional agencies to
3 which transmittal is required by state statute or administrative rule.
4

5 **Section 3-1510. Department of Community Affairs (“DCA”) Objections, Recommendations, and**
6 **Comments (OCR).**
7

8 A. If DCA comments on and/or formally objects to a privately initiated amendment, the City shall
9 promptly notify the applicant in writing which shall include a copy of the Objections,
10 Recommendations, and Comments Report.
11

12 B. The applicant may submit a draft response to the City within fifteen (15) days. If City staff determines
13 that the draft response is appropriate and responsive to the objection, City staff shall forward the
14 response to DCA.
15

16 C. The City may respond to DCA objections on behalf of an applicant who does not provide an
17 appropriate and responsive objection, but shall not be obligated to do so.
18

19 **Section 3-1511. Adoption hearing.**
20

21 A. The adoption hearing by the City Commission shall be scheduled as follows:
22

23 1. After City staff review if the amendment is a small-scale development amendment.
24

25 2. Within sixty (60) days of:

26 a. Receipt of DCA’s ORC Report if DCA provides said report; or
27

28 b. The date the DCA review period ends if the amendment:
29

30 i. Was transmitted to DCA; and
31

32 ii. DCA did not object; and
33

34 iii. No affected person requested review within thirty-five (35) days of the date the proposed
35 amendment was transmitted.
36

37 3. If submitted as part of the statutory evaluation and appraisal process, within one hundred twenty
38 (120) days of receipt of DCA’s Objections, Recommendations, and Comments Report if DCA
39 provides said report.
40

41 B. At the adoption hearing, the City Commission shall adopt the proposed amendment, adopt the
42 proposed amendment with amendments that respond to DCA objections, recommendations, or
43 comments, or reject the proposed amendment.
44
45

46 **Section 3-1512. Transmittal of adopted amendments.** The City shall transmit all adopted
47 Comprehensive Plan and Future Land Use Map amendments to DCA, the South Florida Regional
48 Planning Council, and any other unit of local government or governmental agency which has requested
49 the amendment in writing within ten (10) working days after the adoption hearing. If the amendment is a
50 small-scale development amendment, the City shall include copies of the public notices with the
51 transmitted material.
52

53 **Section 3-1513. Compliance agreements.** The City Commission may enter into a compliance
54 agreement with DCA with regard to any proposed or adopted Comprehensive Plan amendment, as
55 follows:
56

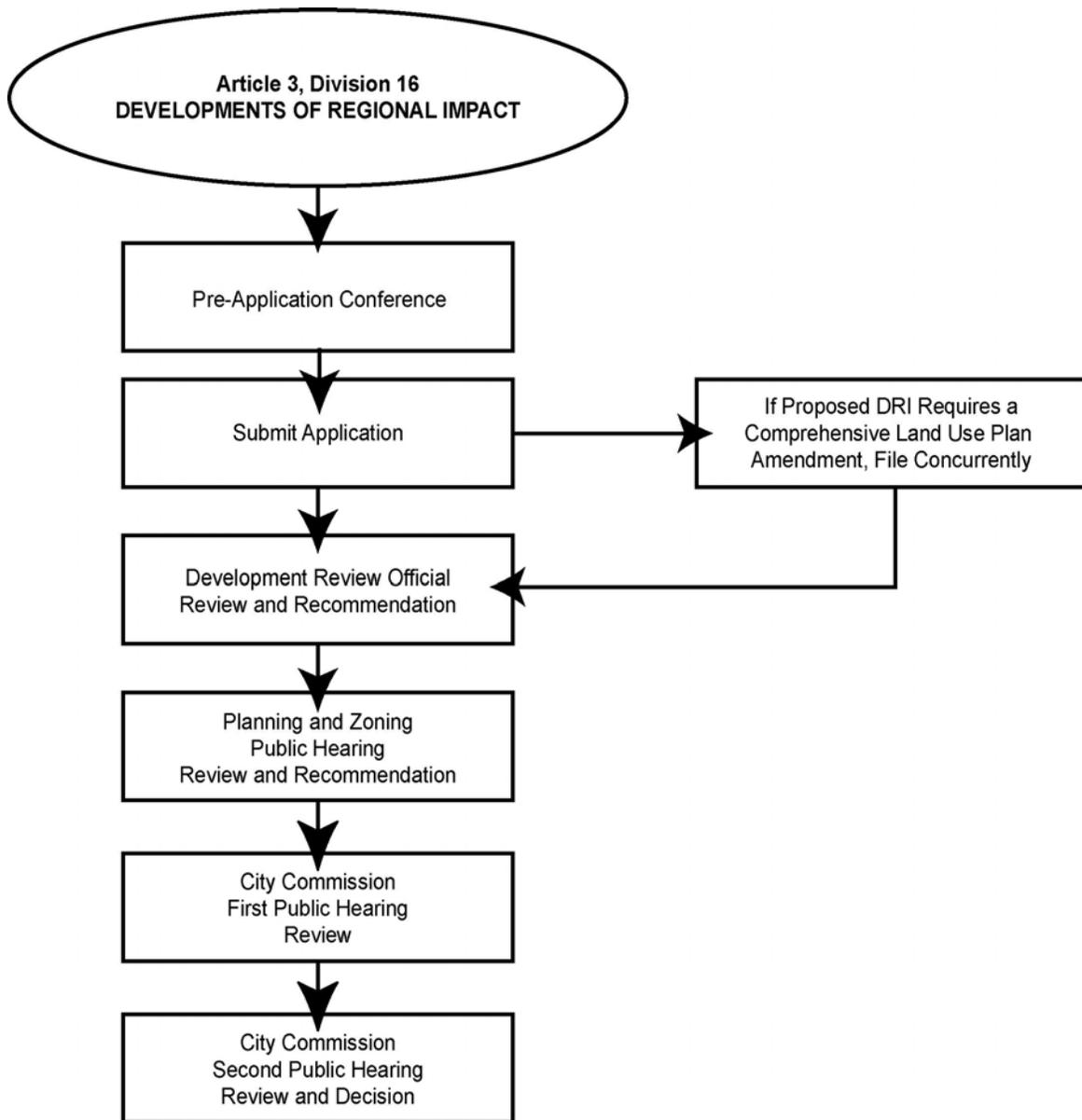
- 1 A. If the City elects to commence negotiation of a compliance agreement with DCA, it shall mail notice to
2 all parties that have intervenor status in proceedings before DCA at least seven (7) days before
3 substantive negotiations commence. Parties that have intervenor status in proceedings before DCA
4 shall be afforded a reasonable opportunity to participate in the negotiation process.
5
- 6 B. All negotiation meetings with the City and/or the parties with intervenor status in proceedings before
7 DCA shall be open to the public.
8
- 9 C. No compliance agreement shall be executed by the City unless such execution is considered at a
10 public hearing of the City Commission.
11

ARTICLE 3 – DEVELOPMENT REVIEW
Division 16 - Developments of Regional Impact

Section 3-1601. Purpose and applicability.

The purpose of this Division is to establish uniform procedures for the City Commission to issue development orders for developments of regional impact as authorized by Chapter 380, Florida Statutes. Where provisions of this Division directly conflict with provisions of Chapter 380, Florida Statutes, the provisions of Chapter 380, Florida Statutes shall control.

Section 3-1602. General procedures.



1
2 **Section 3-1603. Application.**
3

- 4 A. All applications for development orders with regard to a development of regional impact shall be
5 made in writing upon an application form approved by City Staff, and shall be accompanied by the
6 applicable fees.
7
8 B. If implementation of the proposed development of regional impact requires a comprehensive plan
9 amendment, an application for a comprehensive plan amendment shall be filed concurrently with the
10 application for development of regional impact approval. The application shall be considered
11 concurrently filed if it is received no later than:
12
13 1. For a new development of regional impact, the pre-application conference required by Chapter
14 380.06(7)(a), Fla. Stat.; or
15
16 2. For modification of an approved development of regional impact, the submission of an application
17 to modify the development of regional impact.
18

19 **Section 3-1604. Standards for review of Developments of Regional impact.**
20

- 21 A. An application for a development of regional impact shall be approved if it is demonstrated that the
22 development of regional impact:
23
24 1. Is consistent with the Comprehensive Land Use Plan in that it:
25
26 a. Does not permit uses which are prohibited in the future land use category of the parcel
27 proposed for development.
28
29 b. Does not allow densities or intensities in excess of the densities and intensities which are
30 permitted by the future land use category of the parcel proposed for development.
31
32 c. Will not cause a decline in the level of service for public infrastructure to a level of service
33 which is less than the minimum requirements of the Comprehensive Land Use Plan.
34
35 d. Does not directly conflict with any objective or policy of the Comprehensive Land Use Plan;
36 and
37
38 2. Will provide a benefit to the City in that it will achieve two or more of the following objectives:
39
40 a. Improve mobility by reducing vehicle miles traveled for residents within a one-half mile
41 radius.
42
43 b. Promote high-quality development or redevelopment in an area that is experiencing declining
44 or flat property values.
45
46 c. Create affordable housing opportunities for people who work in the City of Coral Gables.
47
48 d. Provide a net benefit to the long-term fiscal position of the City of Coral Gables; or
49
50 e. Implement specific objectives and policies of the Comprehensive Land Use Plan.
51
52 3. Will not cause a substantial diminution of the market value of adjacent property or materially
53 diminish the suitability of adjacent property for its existing or approved use.
54
55 4. Is consistent with these regulations.
56

- 1 5. Is consistent with the report and recommendations of the South Florida Regional Planning
- 2 Council.
- 3 6. Is consistent with the South Florida Regional Planning Council Strategic Regional Policy Plan for
- 4 South Florida; and
- 5
- 6 7. Is consistent with the State Comprehensive Plan. In consistency determinations the plan shall be
- 7 construed and applied in accordance with s. 187.101(3), F.S.
- 8
- 9 B. An applicant may propose limitations regarding the use, density or intensity which will be permitted on
- 10 the parcel proposed for development in order to achieve compliance with the standards of Section 3-
- 11 1703.A. Such limitation(s) shall be offered by a restrictive covenant or declaration of use that is
- 12 provided to the City in a recordable form acceptable to the City Attorney.
- 13

14 **Section 3-1605. City staff review, report and recommendation.**

- 15
- 16 A. Upon receipt of an application pursuant to this Division, the Development Review Official shall review
- 17 the application in accordance with the provisions of Article 3, Division 2.
- 18 B. Upon completion of review of an application, the Development Review Official shall:
- 19
- 20 1. Provide the Planning and Zoning Board with a report with regard to the application's compliance
- 21 with the standards set out in Section 3-1604;
- 22
- 23 2. Provide the Planning and Zoning Board with a recommendation as to whether the application
- 24 should be approved, approved with conditions, or denied; and
- 25
- 26 3. Provide a copy of the Staff report and recommendations available to the applicant.
- 27
- 28 4. Schedule hearings before the Planning and Zoning Board and the City Commission.
- 29
- 30 C. After the Planning and Zoning Board hearing, the Development Review Official shall forward the staff
- 31 report and recommendation (with revisions, if appropriate) and the findings and recommendation of
- 32 the Planning and Zoning Board to the City Commission.
- 33
- 34 D. Staff shall provide notice of public hearings in accordance with the requirements of Article 3
- 35 Division 3. In addition to the requirements in Article 3 Division 3, such notice shall state that the
- 36 proposed development is undergoing development of regional impact review.
- 37
- 38 E. In addition to the notice requirements of Article 3 Division 3, notice of public hearings shall be
- 39 promptly mailed to DCA, the South Florida Regional Planning Council, any state or regional
- 40 permitting agency participating in a conceptual agency review process pursuant to Section 380.06(9),
- 41 Fla. Stat., and to such other persons as may have been designated by DCA as entitled to receive
- 42 such notices.
- 43
- 44 F. If the application is being processed concurrently with a Comprehensive Land Use Plan amendment,
- 45 Staff shall, unless the applicant agrees otherwise in writing:
- 46
- 47 1. Provide notice of the transmittal hearing on the Comprehensive Land Use Plan amendment
- 48 pursuant to Article 3, Division 3 within thirty (30) days of the date the application for the
- 49 amendment is filed; and
- 50
- 51 2. Schedule the public hearing on the transmittal for no later than sixty (60) days after the
- 52 application for the amendment is filed.
- 53
- 54

1 **Section 3-1606. Planning and Zoning Board review and recommendation.**
2

- 3 A. The Planning and Zoning Board, sitting as the Local Planning Agency, shall hold a public hearing on
4 the application after:
5
6 1. Notice from the South Florida Regional Planning Council that the application is complete; or
7
8 2. Notice from the applicant that additional information requested by the South Florida Regional
9 Planning Council will not be supplied.
10
11 B. The Planning and Zoning Board shall:
12
13 1. Make written findings with respect to whether the proposed development of regional impact is
14 consistent with the Comprehensive Land Use Plan; and
15
16 2. Make a written recommendation to the City Commission with regard to whether the application
17 should be approved, approved with conditions, or denied.
18

19 **Section 3-1607. City Commission review and decision.**
20

- 21 A. A public hearing date shall be set by the appropriate local government at the first scheduled meeting
22 after:
23
24 1. Notice from the South Florida Regional Planning Council that the application is complete; or
25
26 2. Notice from the applicant that additional information requested by the South Florida Regional
27 Planning Council will not be supplied.
28
29 B. The public hearing date shall be no later than sixty (60) days after the notices set out in Section 3-
30 1607(A)(1) or (2), unless an extension is requested by the applicant and granted by the City
31 Commission.
32
33 C. The City Commission shall hold two public hearings after the public hearing of the Planning and
34 Zoning Board.
35
36 D. If application for a development of regional impact development order or modification to a
37 development of regional impact development order was filed concurrently with an application for a
38 comprehensive plan amendment, the City shall hear both the application for development approval or
39 the proposed change and the comprehensive plan amendments at the same hearing. However action
40 on each application shall be taken separately.
41
42 E. At the second public hearing, the City Commission shall decide whether to approve, approve with
43 conditions, or deny the application. If the City Commission decides to approve with conditions, said
44 conditions shall be in accordance with the requirements of Chapter 380.06(15)(d) and (e), Fla. Stat.
45
46 F. The City Commission shall render its order within thirty (30) days of the public hearing, unless the
47 applicant requests and extension in writing. If the order approves the application or approves the
48 application with conditions, the order shall meet the minimum requirements of Chapter 380.06(15)(c),
49 Fla. Stat.
50
51 G. The applicant shall record notice of the development order in accordance with Chapter 380.06(15)(f),
52 Fla. Stat.
53
54 H. Administration of the development of regional impact development order shall be in accordance with
55 the requirements of Chapter 380, Fla. Stat.
56

ARTICLE 3 – DEVELOPMENT REVIEW
Division 17 - Protection of Landowners' Rights; Relief from Inordinate Burdens

Section 3-1701. Purpose and applicability. It is the purpose of this Division to provide a process for applicants to notify the City of potential litigation and invoke the exercise of the City's authority and discretion pursuant to Article VIII, Sections 2(b) and 6(e) of the Florida Constitution, Sections 5.01 and 5.02 of the Charter of Miami-Dade County, Article 1, Section 8 of the Charter of the City of Coral Gables, and policies 1-1.1.4 and 9-1.6.3 of the City of Coral Gables Comprehensive Land Use Plan, to avoid expensive, uncertain, unnecessary, and protracted litigation regarding the application of these land development regulations to individual properties. The City may grant relief pursuant to this Division only when it is demonstrated that the applicant for said relief has been unfairly, disproportionately and inordinately burdened by a final order of the City that either denied development approval to the applicant or imposed one or more conditions of approval on the applicant. This Division does not apply to matters that arise from the application of the Florida Building Code.

Section 3-1702. Application.

- A. All requests for relief pursuant to this Division shall be made in writing upon an application form approved by City staff, and shall be accompanied by applicable fees. All such applications shall be filed with the City Manager's office.
- B. Applications pursuant to this Division shall be filed no later than fifteen (15) days from the date a final order is rendered which the applicant alleges unfairly, disproportionately, and inordinately burdens its real property.

Section 3-1703. Guidelines.

- A. If the City Commission finds that an applicant has demonstrated that it has suffered an unfair, disproportionate and inordinate burden as a result of the application of these regulations to its property, the City Commission may grant appropriate relief. Proposed terms may include, but are not limited to:
 - 1. Relief from the application of particular provisions of these regulations.
 - 2. The transfer of developmental rights from one parcel to another within the City.
 - 3. Approval of the original application with conditions; or modifications to any previously imposed conditions of approval.
- B. The decision to grant relief to an applicant pursuant to this Division rests in the sound discretion of the City Commission in the exercise of its inherent sovereign powers to settle legitimate disputes. The policy of the City is to fashion a proposal for resolving the dispute based on a considered balance of the following factors:
 - 1. The degree of burden suffered by the applicant.
 - 2. The nature and significance of the public interest that is served by the application of the regulation to the applicant's property.
 - 3. The likelihood of litigation, and its likely cost, the City's potential exposure, the uncertainty of outcome, the timetable for resolving the issues, and whether there is a perceived need for a judicial determination of the issues raised by the application.

- 1
2 C. In general, it is the policy of the City to resolve disputes in a manner that does not require significant
3 financial expenditures by the City.
4
5 D. All relief granted pursuant to this Division shall be consistent with the City of Coral Gables
6 Comprehensive Land Use Plan and shall not violate any controlling federal law, state statute, or
7 Miami-Dade County ordinance.
8
9 E. All relief granted pursuant to this Division is conditioned upon the execution of a release of all claims
10 that may arise from or relate to the application of the land development regulations that allegedly
11 created the unfair, disproportionate and inordinate burden. The release of claims shall be in a form
12 that is acceptable to the City Attorney and shall be recorded at the applicant's expense.
13
14

15 **Section 3-1704. Staff review, report and recommendation.**

- 16
17 A. Within five (5) days of receipt of an application pursuant to this Division, City Staff shall review the
18 application to determine whether it is complete.
19
20 B. Within seven (7) days of receipt of a complete application, City Staff shall deliver the complete
21 application to the City Manager, with copies to the Planning Department, the Building and Zoning
22 Department, the Historic Resources Department, the City Attorney, and any other department as
23 directed by the City Manager.
24
25 C. The City Manager shall direct the departments to provide a joint evaluation of the merits of the
26 application, which shall include:
27
28 1. The principal purpose or purposes for the regulation that was applied to the applicant's property.
29 These purposes may include, but are not limited to:
30 a. To address specific, identified public health and safety concerns;
31 b. To protect or enhance community character;
32 c. To protect archaeological or historic resources;
33 d. To protect environmental resources (water supply, listed species, air quality); and
34 e. To comply with state infrastructure concurrency mandates.
35
36 2. The recommendation of the department directors with regard to whether the applicant has been
37 unfairly, disproportionately and inordinately burdened by the application of these land
38 development regulations that is the subject of the application, in light of the purposes for which
39 the regulations that created the alleged burden are intended to serve, and the burden (or potential
40 burden) carried by other property owners who are similarly situated, if any.
41
42 D. Within forty-five (45) days of receipt of a complete application pursuant to this Division, the City
43 Manager shall provide the City Commission with a report and recommendation on the application and
44 a proposed dispute resolution agreement, and shall place the matter on the agenda of the City
45 Commission.
46

47 **Section 3-1705. City Commission review and decision; Execution of Dispute Resolution**
48 **Agreement.**

- 49
50 A. The City Commission shall review the application at a public hearing (noticed in accordance with the
51 provisions of Article 3, Division 3, and shall decide whether to make an offer to resolve the dispute
52 with the applicant. The hearing is not quasi-judicial, and is not subject to rules of quasi-judicial
53 procedures.
54
55 B. The City Commission may approve, approve with conditions, or reject the proposed dispute
56 resolution agreement. If the City Commission requires modifications to the proposed dispute

1 resolution agreement, the City Manager shall cause a new proposed dispute resolution agreement to
2 be drafted within fourteen (14) days.
3

- 4 C. When the City Commission has approved a proposed dispute resolution agreement or approved a
5 proposed dispute resolution agreement with conditions, the City Manager is authorized to execute
6 said dispute resolution agreement (as modified, if applicable).
7
- 8 D. Once executed by the City Manager, the dispute resolution agreement shall be placed on the next
9 available consent agenda of the City Commission for ratification. The item shall not be pulled from the
10 consent agenda except by supermajority vote of the entire membership of the City Commission.
11

12 **Section 3-1706. Effect of Dispute Resolution Agreement.**
13

- 14 A. Dispute resolution agreements that are executed pursuant to this Division shall not be effective until
15 the later of:
16 1. The date executed by the applicant;
17 2. The date ratified by the City Commission; or
18 3. Such other date that is set by the parties to the agreement.
19
- 20 B. When relief is provided in a dispute resolution agreement pursuant to this Division, no further
21 procedures are necessary to give effect to said relief unless:
22 1. The further procedures are specifically required by the dispute resolution agreement; or
23 2. The City agreed to consider a district boundary change or text amendment to these land
24 development regulations.
25
- 26 C. Dispute resolution agreements that are executed pursuant to this Division shall run with the land.
27

28 **Section 3-1707. Recording of Dispute Resolution Agreement.**
29

30 All dispute resolution agreements that are executed pursuant to this Division shall be recorded in the
31 public records of Miami-Dade County, Florida. If the agreement is silent with regard to who bears the cost
32 of recording, the cost shall be borne by the applicant.
33
34

ARTICLE 3 – DEVELOPMENT REVIEW
Division 18 - Protection of Landowners' Rights; Vested Rights Determinations.

Section 3-1801. Purpose and applicability. It is the purpose of this Division to provide an administrative remedy for applicants who allege that their vested rights have been abrogated by a final action of the City. This Division sets out a process for obtaining an official and binding determination of vested rights to use or develop property in a particular manner.

Section 3-1802. Application.

- A. All applications for a determination of vested rights pursuant to this Division shall be made in writing upon an application form approved by City staff, and shall be accompanied by applicable fees.
- B. Applications pursuant to this Division shall be filed no later than thirty (30) days from the date a final action is taken which allegedly abrogates rights the applicant claims to be vested pursuant to the standards in Section 3-1803.

Section 3-1803. Standards. The City Commission shall grant an application for a determination of vested rights if it is demonstrated that all of the following are satisfied:

- A. A valid, unexpired governmental act of the City of Coral Gables authorizes the specific development for which the determination is sought.
- B. Expenditures or obligations were made or incurred in reliance upon the authorizing act that are not reasonably usable in a development that is permitted by these regulations;
- C. It would be highly inequitable to deny the applicant the opportunity to complete the previously approved development, in that:
 - 1. Actual construction has commenced;
 - 2. The injury suffered by the applicant outweighs the public cost of allowing the applicant's development to proceed;
 - 3. The development was economically viable at the time it was approved;
 - 4. The expenses or obligations incurred in good faith, and without notice of a pending change in regulations that would prohibit the development for which vested rights are sought; and
 - 5. The applicant cannot make a reasonable return on its previous expenditures on the project by developing according to the requirements of the current regulations.
- D. The relief granted is the minimum relief necessary to provide the applicant with a reasonable rate of return on his investment made before the effective date of the regulations which the applicant alleges have abrogated its vested rights.

Section 3-1804. Staff review, report and recommendation. Staff review of the application shall be conducted pursuant to Article 3, Division 2 of these regulations.

Section 3-1805. City Commission review and decision. The City Commission shall review the application at a public hearing, noticed in accordance with the provisions of Article 3, Division 3 and shall decide whether the application should be approved, approved with conditions, or denied.

Section 3-1806. Effect of Vested Rights Determination.

- A. A vested rights determination shall be set out in writing which specifically sets forth the rights that have been recognized by the City Commission as vested.

- 1 B. Vested rights shall be utilized within two (2) years of the date that the determination is rendered. If
- 2 substantial development pursuant to the vested rights determination has not begun within said time
- 3 period, the vested rights shall be extinguished without further notice or hearing.
- 4

ARTICLE 3 – DEVELOPMENT REVIEW
Division 19 - Development Agreements

Section 3-1901. Purpose and applicability.

The City Commission may enter into development agreements in accordance with the provisions of this Section and Chapter 163, Florida Statutes to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

Section 3-1902. Application.

- A. All applications for a determination of a development agreement pursuant to this Division shall be made in writing upon an application form approved by City staff, and shall be accompanied by applicable fees.
- B. Applications pursuant to this Division shall be filed no later than thirty (30) days from the date a final action is taken.

Section 3-1903. Staff review and report.

The designated Development Review Official shall review the application for a development agreement with the Development Review Committee in accordance with the provisions of Article 3, Division 2 and shall prepare a written recommendation to the Planning and Zoning Board.

Section 3-1904. Planning and Zoning Board review.

The Planning and Zoning Board shall review the proposed development agreement, the recommendation of the Development Review Official, and the testimony at the public hearing, the standards in Section 3-1906 and shall issue a recommendation to the City Commission for approval or denial of the development agreement.

Section 3-1905. City Commission review and decision.

The City Commission shall conduct a public hearing noticed in accordance with the provisions of Article 3, Division 3 on the proposed development agreement. Upon conclusion of the public hearing, the Commission shall review the proposed development agreement, the recommendation of the Development Review Official, the recommendation of the Planning and Zoning Board, the testimony at the public hearing and approve, approve with modifications, or deny approval of the proposed development agreement.

Section 3-1906. Standards for review.

In reaching a decision as to whether or not the development agreement should be approved, approved with changes, approved with conditions, or disapproved, the City Commission and the Planning and Zoning Board shall determine whether the development agreement is consistent with and furthers the goals, policies and objectives of the Comprehensive Land Use Plan.

1 **Section 3-1907. Contents of development agreement/recording.**
2

3 A. Contents. The approved development agreement shall contain, at a minimum, the following
4 information:

- 5
6 1. A legal description of the land subject to the development agreement.
7
8 2. The names of all persons having legal or equitable ownership of the land.
9
10 3. The duration of the development agreement shall not exceed ten (10) years.
11
12 4. The development uses proposed for the land, including population densities, building intensities
13 and building height.
14
15 5. A description of the public facilities and services that will serve the development, including who
16 shall provide such public facilities and services; the date any new public facilities and services, if
17 needed, will be constructed; who shall bear the expense of construction of any new public
18 facilities and services; and a schedule to assure that the public facilities and services are
19 available concurrent with the impacts of the development. The development agreement shall
20 provide for a cashier's check, a payment and performance bond or letter of credit in the amount of
21 one hundred fifteen (115) percent of the estimated cost of the public facilities and services, to be
22 deposited with the City to secure construction of any new public facilities and services required to
23 be constructed by the development agreement. The development agreement shall provide that
24 such construction shall be completed prior to the issuance of any certificate of occupancy.
25
26 6. A description of any reservation or dedication of land for public purposes.
27
28 7. A description of all local development approvals approved or needed to be approved for the
29 development.
30
31 8. A finding that the development approvals as proposed is consistent with the Comprehensive Land
32 Use Plan and these regulations. Additionally, a finding that the requirements for concurrency as
33 set forth in Article 3, Division 13 of these regulations have been satisfied.
34
35 9. A description of any conditions, terms, restrictions or other requirements determined to be
36 necessary by the City Commission for the public health, safety or welfare of the citizens of the
37 City of Coral Gables. Such conditions, terms, restrictions or other requirements may be
38 supplemental to requirements in existing codes or ordinances of the City.
39
40 10. A statement indicating that the failure of the development agreement to address a particular
41 permit, condition, term or restriction shall not relieve the developer of the necessity of complying
42 with the law governing said permitting requirements, conditions, terms or restrictions.
43
44 11. The development agreement may provide, in the discretion of the City Commission, that the
45 entire development or any phase thereof be commenced or be completed within a specific period
46 of time. The development agreement may provide for liquidated damages, the denial of future
47 development approvals, the termination of the development agreement, or the withholding of
48 certificates of occupancy for the failure of the developer to comply with any such deadline.
49
50 12. A statement that the burdens of the development agreement shall be binding upon, and the
51 benefits of the development agreement shall inure to, all successors in interest to the parties to
52 the development agreement.
53
54 13. All development agreements shall specifically state that subsequently adopted ordinances and
55 codes of the City which are of general application not governing the development of land shall be

1 applicable to the lands subject to the development agreement, and that such modifications are
2 specifically anticipated in the development agreement.
3

- 4 B. Recording. No later than fourteen (14) days after the execution of a development agreement by all
5 parties thereto, the City shall record the development agreement with the Clerk of the Circuit Court in
6 Miami-Dade County. The applicant for a development agreement shall bear the expense of recording
7 the development agreement. Additionally, the City shall submit a recorded copy of the development
8 agreement to the State of Florida Department of Community Affairs no later than fourteen (14) days
9 after the development agreement is recorded.
10

11 **Section 3-1908. Effect of decision.**
12

- 13 A. The codes and ordinances of the City governing the development of land subject to a development
14 agreement, in existence at the time of the execution of a development agreement, shall govern the
15 development of the land for the duration of the development agreement. Upon the expiration or
16 termination of a development agreement, all codes and ordinances of the City in existence upon the
17 date of expiration or termination shall become applicable to the development regardless of the terms
18 of the development agreement.
19
- 20 B. The City may apply codes and ordinances adopted subsequent to the execution of a development
21 agreement to the subject property and development only if the City Commission, upon holding a
22 public hearing, has determined that such subsequent codes and ordinances are:
23
- 24 1. Not in conflict with the laws and policies governing the development agreement and do not
25 prevent development of the land uses, intensities or densities in the development agreement.
26
 - 27 2. Are essential to the public health, safety or welfare, and expressly state that they shall apply to a
28 development that is subject to a development agreement.
29
 - 30 3. Are specifically anticipated and provided for in the development agreement.
31
 - 32 4. The City demonstrates that substantial changes have occurred in pertinent conditions existing at
33 the time of approval of the development agreement.
34
 - 35 5. The development agreement is based on substantially inaccurate information supplied by the
36 developer.
37

38 **Section 3-1909. Changes to development agreements.**
39

40 A development agreement may be amended by mutual consent of the parties, provided the notice and
41 public hearing requirements of Article 5, Division 3 of these regulations are followed. A party to a
42 development agreement may request one (1) extension of the duration of the development agreement,
43 not to exceed one (1) year from the date of expiration of the initial term of the development agreement, by
44 submitting an application to the Development Review Official at least sixty (60) days prior to the expiration
45 of the initial term of the agreement. The application shall address the necessity for the extension and
46 shall demonstrate that the extension is warranted under the circumstances. The Development Review
47 Official shall schedule the requested extension as a proposed amendment to the development agreement
48 for public hearing before the Planning and Zoning Board and City Commission, in accordance with Article
49 3, Division 3 of these regulations.
50

51 **Section 3-1910. Expiration or revocation of approval.**
52

53 The City Manager shall review all lands within the City subject to a development agreement at least once
54 every twelve (12) months to determine if there has been demonstrated good-faith compliance with the
55 terms of the development agreement. The City Manager shall make an annual report to the City
56 Commission as to the results of this review. In the event the City Commission finds, on the basis of

1 substantial competent evidence, that there has been a failure to comply with the terms of the
2 development agreement, the development agreement may be revoked or modified by the City
3 Commission upon giving at least fifteen (15) days written notice to the parties named in the development
4 agreement. Such termination of a development agreement shall occur only after compliance with the
5 public hearing and notice requirements of Article 3, Division 3.
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