

## **ARTICLE 3 - DEVELOPMENT REVIEW**

the length of time to complete a phase, revoke approval of the Planned Area Development or recommend that the developer amend the Development Plan subject to procedures specified in Section 3-508 herein.

### **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.

## ARTICLE 8 - DEFINITIONS

**Principle structure** means a main or primary structure that contains a use that is permitted pursuant to all applicable regulations including all the support services for a development.

**Private** means a feature, use, land area, improvement, building, facility, structure, service and public realm or pedestrian amenity that is neither public nor civic. The use is intended solely for the utilization of a select group of individuals or persons.

**Private club** means associations and organizations of a fraternal or social character, or which are maintained in connection with a golf course; and shall not include casinos, nightclubs or other institutions operated as a business. Such organizations and associations must be organized under the laws of the State of Florida as a non-profit corporation.

**Private garage** means a building designed and used exclusively for storage on the ground floor of not more than four (4) motor vehicles devoted to the private use of the owner, when such garage is located on the same premises, as an accessory use, with the residence or business of the owner of such automobiles so stored.

**Private yacht basin** means a facility providing docks, slips, piers, pilings, bollards, anchorage and moorings for yachts and pleasure boats for the residents of the City of Coral Gables either by ownership, lease or rent and such off-street parking and buildings and structures as are required for the operation of such yacht basin, not including docking facilities provided as an accessory use to residential uses for use of residents living in such buildings.

**\* Problematic uses** means commercial retail and service uses which are typically characterized by poorly maintained facilities, loitering and other indices of neighborhood deterioration or urban blight, including but not limited to, day labor agencies, tattoo parlors, body piercing, pawn shops, check cashing centers and blood plasma centers.

**Prohibited plant species** mean those plant species listed in the Landscape Manual which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.

**Prohibited uses** mean uses which are not permitted under these regulations.

**Property lines** mean the lines which bound a property.

**Property line, front** means a property line which runs generally parallel to and along a road right-of-way or street exclusive of alleyways.

**Property line, side** means a property line which runs generally perpendicular or radial to the front property line.

**Property line, rear** means a property line which runs generally parallel to the property line from which a property is addressed.

**Property owners association (POA)** means the organization of owners of parcels of lands, and/or buildings with the responsibility to safeguard the rights of tenants, owners, etc., through the implementation of covenants and restrictions, including, but not limited to: maintenance responsibilities of all common areas, open spaces and other public areas, standards for building location, construction, etc.

**Public use** means a use which is not for private use or function.

**Public benefit** means a feature, use, land area, improvement, building, facility, structure and/or service that provides a benefit and whose expressed purpose is to benefit the public.

**Public buildings and grounds** mean land designated Public Buildings and Grounds by the City's Comprehensive Land Use Plan.

**Public facility** means a building, use or structure owned or occupied by a federal, state, regional or local

# ARTICLE 4 - ZONING DISTRICTS

USE CATEGORIES	SFR	MF1	MF2	MESA	C1	C	I	MXD	S	UMCAD	P
<b>RESIDENTIAL</b>											
ACCESSORY USES	P	P	P	P				P		SEE SECTION 4-202	SEE SECTION 4-205
SINGLE-FAMILY DWELLINGS	P	P	P	P							
DUPLEX DWELLINGS		P	P	P							
MULTI-FAMILY DWELLINGS			P	P				P			
TOWNHOUSE DWELLINGS			P	P							
LIVE - WORK					P			P			
<b>NONRESIDENTIAL</b>											
ACCESSORY USES					P	P	P	P	P		
ADULT USES						P	P	P			
ALCOHOLIC BEVERAGE SALES					P	P	P				
ANIMAL GROOMING & BOARDING						P	P				
ASSISTED LIVING FACILITIES			P	P	C	P	P	C			
AUTO SERVICE STATIONS					C	P	P				
BED AND BREAKFAST			C								
BOTANICAL GARDENS									P/C		
CAMPS					P	P	P	C	C		
CEMETERIES									C		
COMMERCIAL LAUNDRIES							P				
COMMUNITY CENTER					C	P	P	C			
CONGREGATE CARE					P	P	P	C			
DAY CARE						P	P				
DRIVE-THROUGH FACILITIES					C	P/C					
EDUCATIONAL FACILITIES					P/C	P					
FAMILY DAY CARE	P	P	P	P							
FUNERAL HOMES						P					
GOLF OR TENNIS GROUNDS									C		
GOVERNMENT USES						P	P	P	C		
HELIPORT									C		
HELISTOP						C	C		C		
HOSPITALS									C		
INDOOR RECREATION / ENTERTAINMENT					P	P	P				
MANUFACTURING							P				
MARINA FACILITIES						C			C		
MEDICAL CLINIC					P/C	P	P	C			
MIXED USE BUILDINGS						C	C	C			
MUNICIPAL FACILITIES					P	P	P		C		
NIGHTTIME USES					C	P		C			
NURSING HOMES					P	P					
OFFICES					P	P	P	P			
OPEN SPACE AREAS									C		
OUTDOOR RECREATION / ENTERTAINMENT					C	C	P				
OUTDOOR RETAIL SALES, DISPLAY AND/OR STORAGE							P				
OVERNIGHT ACCOMMODATIONS					P/C	P	P	P			
PARKING GARAGES						P	P	P			
PARKING LOTS					C	P	P				
PRIVATE CLUB									C		
PRIVATE YACHT BASIN	C	C	C	C		C					
PUBLIC TRANSPORTATION FACILITY						P	P	C	C		
RELIGIOUS INSTITUTIONS								P	C		
RESEARCH AND TECHNOLOGY USES							P	C			
RESTAURANTS					P	P	P	P			
RESTAURANTS, FAST FOOD						P	P	C			
RETAIL SALES AND SERVICES					P	P	P	P			
SALES AND/OR LEASING OFFICES								P			
SCHOOLS									C		
SELF-STORAGE WAREHOUSES							P				
TEMPORARY USES					P	P	P		P		
TV / RADIO STUDIOS						P	P				
UTILITY / INFRASTRUCTURE FACILITIES	P	P	P	P	P	P	P	C	P		
UTILITY SUBSTATIONS							P				
VEHICLE SALES / DISPLAYS						P	P				
VEHICLE SALES / DISPLAYS, MAJOR						P	P				
VEHICLE SERVICE, MAJOR						P	P				
VETERINARY OFFICES						P	P				
WHOLESALE / DISTRIBUTION / WAREHOUSE FACILITY							P				

\* Pursuant to Article 4, Section 4-201, uses of the underlying zoning district are permitted as well.

## ARTICLE 4 - ZONING DISTRICTS

- f. Nature or visitor centers, including marine research and education facilities, launching ramps, restrooms, maintenance facilities and utilities ancillary and incidental to these facilities.
- g. Open space.

### C. Performance standards.

1. The property, together with any black or red mangroves or upland forest thereon, shall be kept and preserved in its natural state as a natural wilderness and preserve.
2. The use of motor vehicles within the District shall be consistent with existing or planned development and those uses and shall be discouraged in undeveloped natural areas except for service access.
3. No man-made alterations shall be made in a preservation area except:
  - a. To protect the property and any black or red mangrove forest thereon from damage by natural elements;
  - b. To protect or restore to its natural state any property damaged by the platting of adjoining properties and which is in danger of being eroded, or otherwise materially affected by natural elements, and/or
  - c. To provide, subject to the approval of the City Commission through conditional, passive support facilities within designated areas such as nature trails, walkways, bird watch areas, and restrooms, launching ramps, and then only after obtaining such permits as may be required by local, state and/or federal authorities and permission (whether permits are necessary or not) from the Board of Trustees of the Internal Improvement Trust Fund, the Department of Environmental Protection, or their successors in interest.

### D. Prohibited uses.

1. A preservation area shall not be used for residential, commercial, or agricultural purposes that are not consistent with Park and Recreation uses.
2. Development not consistent with Park and Recreation uses shall not be permitted in:
  - a. Miami-Dade County designated natural areas.
  - b. Natural areas that are part of a mitigation project.
  - c. Natural areas that are part of a restoration plan.

## Division 3. Nonresidential Districts

### Section 4-301. Commercial Limited (CL) District.

- A. Purpose and applicability. The purpose of the Commercial Limited (CL) District is to provide convenient access to goods and services of low and medium intensity without adversely impacting the integrity of residential neighborhoods, diminishing the scenic quality of the City or negatively impacting the safe and efficient movement of people and things within the City. This District also contains special provisions regarding nighttime commercial uses located in close proximity to residential districts which create special considerations with regard to the compatibility of adjacent land uses.
- B. Permitted uses. The following uses are permitted in the Commercial Limited District subject to the standards in this Section and other applicable regulations in Article 5:

## ARTICLE 4 - ZONING DISTRICTS

1. Accessory uses, buildings or structures as follows:
  - a. Flagpoles.
  - b. Fountains.
  - c. Planters.
  - d. Reflecting pool(s).
2. Alcohol sales as an accessory use.
3. Camps.
4. Congregate care.
5. Educational facilities of no more than fifty (50) student seats.
6. Indoor recreation/entertainment.
7. Live work.
8. Medical clinic. Except that medical clinics shall not exceed ten-thousand-five-hundred (10,500) square feet of floor area when adjacent to an SFR, MF1, MF2, or MFSA district.
9. Municipal facilities.
10. Nursing homes.
11. Offices.
12. Overnight accommodations. Maximum of (8) rooms when adjacent to an SFR or MF1 district.
13. Restaurants.
14. Retail, sales and services.
15. Swimming pools as an accessory use.
16. Temporary uses, in accordance with the provisions of Article 5, Division 21.
17. Utility/infrastructure facilities.
18. Building sites unified by a recorded Unity of Title filed prior to the enactment of this Zoning Ordinance and which, as a result of the enactment of this Zoning Ordinance, are zoned Commercial (C), in part, and Commercial Limited (CL), in part, are permitted to have Commercial (C) uses on the portions of the property designated Commercial Limited (CL), except for the following:
  - a. Medical clinics in excess of ten-thousand-five-hundred (10,500) square feet of floor area.
  - b. Drive through facilities.
  - c. Sale of alcohol other than as an accessory use.
  - d. Nightclubs.

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Commercial (C) uses on Commercial Limited (CL) property may only be permitted pursuant to this provision on the condition that the property is maintained as one unified parcel and is adjacent to property designated Residential-Use Single-Family High-Density on the CLUP Map. All other provisions of the Zoning Ordinance shall be applicable.

C. Conditional uses. The following uses are permitted in the CL District as conditional uses, if approved under the provisions of Article 3, Division 4, subject to the standards in this Section and other applicable regulations in Article 5:

1. Assisted living facilities.
2. Automobile service stations (reconstruction only).
3. Community center.
4. Drive-through facilities if not adjacent to SFR or MF1 districts.
5. Educational facilities of greater than fifty (50) student seats.
6. Medical clinic greater than ten-thousand-five-hundred (10,500) square feet of floor area when adjacent to an SFR, MF1, MF2, or MFSA district.
7. Nighttime uses within one-hundred-fifty (150) feet of a parcel of land designated as a residential districts.
8. Outdoor recreation/entertainment.
9. Overnight accommodations greater than eight (8) rooms when adjacent to an SFR or MF1 district.
10. Parking lots as a principal use.

D. Performance standards.

1. Minimum parcel of land:
  - a. Less than forty-five (45) feet in height shall have a minimum of two-thousand-five-hundred (2,500) square feet.
  - b. Greater than forty-five (45) feet in height shall have a minimum of two-hundred (200) feet of primary street frontage and minimum land area of twenty-thousand (20,000) square feet.
2. Minimum parcel dimensions:
  - a. Width. Twenty (25) feet.
  - b. Depth. One-hundred (100) feet.
3. Minimum setbacks. The following setbacks shall be provided for all buildings in the CL District:
  - a. Front: None.
  - b. Side:
    - i. Interior side: None.
    - ii. Side street: None.

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- c. Rear:
  - i. Where there is a dedicated alley in the rear: Five (5) feet.
  - ii. Where there is no dedicated alley in the rear: Ten (10) feet.
- d. Setback from canal, waterway, lake or bay: On all building sites abutting upon a canal, waterway, lake or bay, the minimum setback from the waterway for all buildings, or portions thereof designed or used shall be thirty-five (35) feet from the canal, waterway, lake or bay as platted.
- 4. Floor area ratio: 3.0.
- 5. Height. The maximum permitted height is as follows:
  - a. Pursuant to the Comprehensive Land Use Plan Map designation and/or Site Specific Zoning regulations.
  - b. CL properties shall have a height limitation of three (3) floors or forty-five (45) feet, which ever is less, within one-hundred (100) feet of an adjacent, abutting or contiguous (including streets, waterways, or alleys) SFR and/or MF1 property, as measured from the CL property line.
- E. Performance standards for nighttime uses.
  - 1. Parking lots for nighttime uses shall be screened with opaque wall, fences or hedges to a minimum height of six (6) feet at time of planting so that vehicle headlamps cannot illuminate land which is designated as a residential district.
  - 2. No patron or customer access for nighttime uses which is visible from land designated as a residential district shall be available from the hours of 8:00 PM to 6:00 AM.
  - 3. No deliveries shall be accepted between the hours of 8:00 PM and 6:00 AM.
  - 4. Windows and doors facing land designated as a residential district shall be opaque or shall be provided with shades, screens, or drapes to screen illumination from within the building.
  - 5. A landscape buffer comprised of a continuous hedge, at a minimum height of six (6) feet at time of planting, and small trees with a height of at least fourteen (14) feet at intervals of not less than ten (10) feet on centers shall be located along any property line of a nighttime use which has a common property line with property designated as a residential district, or is separated only by an alley.
  - 6. Signage which is visible from land designated as a residential district shall not be illuminated between the hours of 10:00 PM and 6:00 AM.
  - 7. Additional criteria for medical clinics:
    - a. Overnight stays at a medical clinic shall not exceed twenty-four (24) consecutive hours.
    - b. Overnight stays shall be prohibited on Saturday or Sunday on property that abuts a residential district.
    - c. Patients shall not be admitted or discharged between the hours of 10:00 PM and 6:00 AM.
    - d. A maximum of six (6) beds or sleeping rooms shall be permitted, and a total of six (6) patients at one time may remain overnight in any medical clinic, regardless of the number of medical personnel affiliated with such clinic.
    - e. The medical clinic shall be closed to the public between the hours of 10:00 PM and 6:00 AM.

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- f. All doors in the medical clinic that face a residential district shall remain closed at all times between the hours of 10:00 PM and 6:00 AM.
  - g. No loitering of any kind shall be permitted in any area which is visible from land which is designated as a residential district.
  - h. Compliance with all applicable federal, state, and local laws, including, without limitation, all licensing requirements.
8. Overnight accommodations and restaurants.
- a. No outdoor facilities, including pools, decks, outdoor dining or drinking facilities which are visible from land designated residential shall be used or operated between the hours of 10:00 PM and 8:00 AM weekdays and 10:00 PM and 8:00 AM on weekends.
  - b. No music (live or recorded) shall be performed or played except within an enclosed building between the hours of 8:00 PM and 6:00 AM.
  - c. No kitchen with outside venting shall be directed toward residential districts and shall not be operated between the hours of 10:00 PM and 6:00 AM.

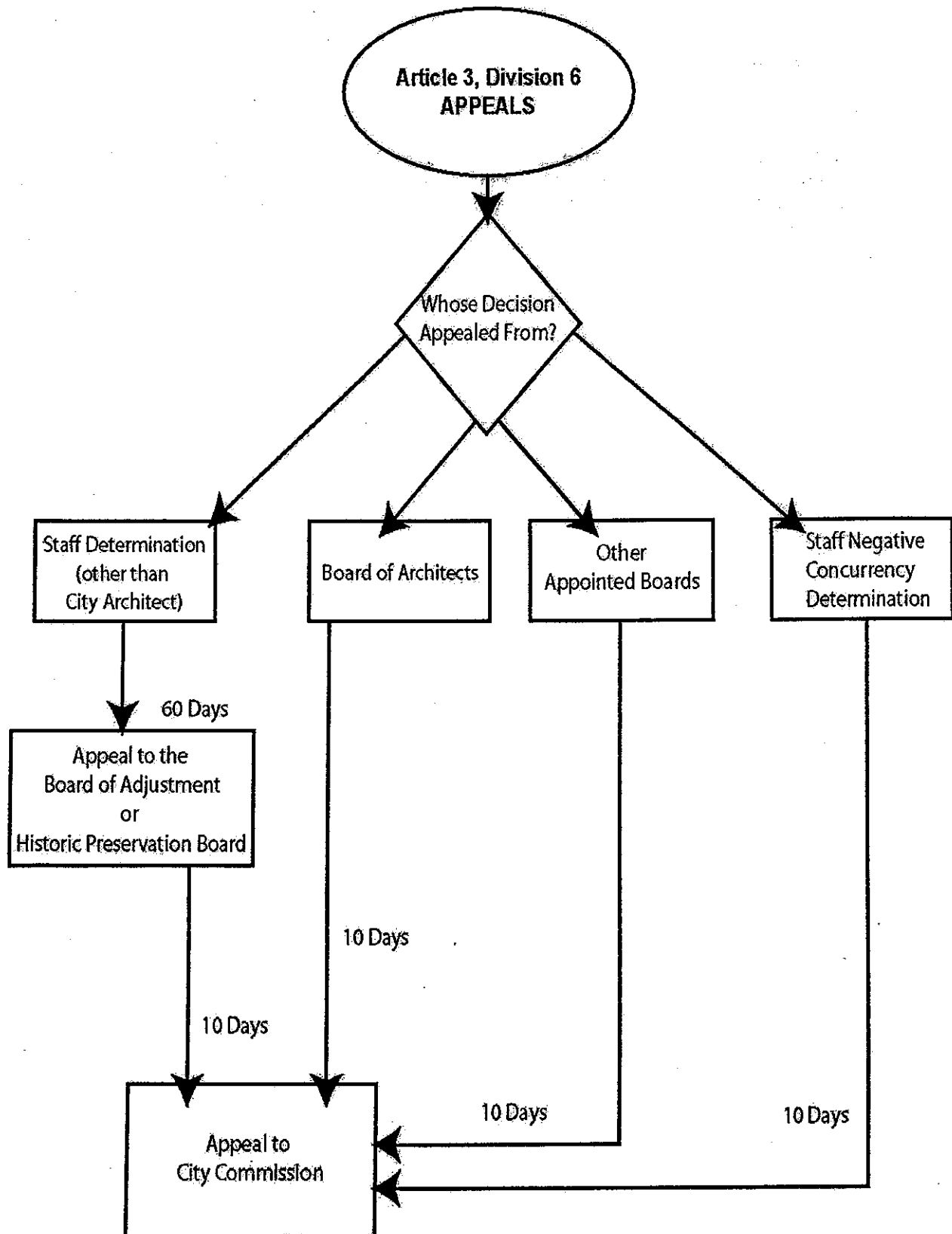
### Section 4-302. Commercial District (C).

- A. Purpose and applicability. The purpose of the Commercial (C) District is to provide convenient access to higher intensity goods and services throughout the City in conjunction with providing economic stability without adversely impacting the integrity of residential neighborhoods, diminishing the scenic quality of the City or negatively impacting the safe and efficient movement of people and things within the City.
- B. Permitted uses. The following uses are permitted subject to the standards in this Section and other applicable regulations in Article 5:
- 1. Accessory uses, buildings or structures as follows:
    - a. Flagpoles.
    - b. Fountains.
    - c. Planters.
    - d. Reflecting pool(s).
  - 2. Alcoholic beverage sales.
  - 3. Animal grooming and boarding.
  - 4. Assisted living facilities.
  - 5. Automobile service station.
  - 6. Camps.
  - 7. Community center.
  - 8. Congregate care.



## ARTICLE 3 - DEVELOPMENT REVIEW

### Section 3-602. General procedures for appeals.



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### **Section 3-603. Appeals from negative concurrency determinations.**

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

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

Other than a request for reconsideration of a decision of the City Architect, 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 by City Staff, an appeal shall be taken by an aggrieved party to the Board of Adjustment or the Historic Preservation Board, in the case of an appeal from a decision of the Historic Preservation Officer, no later than sixty (60) days after the decision has been made. Application for postponement of the public hearing of an appeal shall be considered according to the provisions stated in Sections 3-606 and 608(A). See Section 3-303 for City Architect reconsideration provisions.

### **Section 3-605. Appeals from decisions of the Board of Adjustment, Board of Architects, Historic Preservation Board, and Planning and Zoning Board.**

An appeal from any decision of the Board of Adjustment, Board of Architects or Historic Preservation Board, and an appeal of a tentative plat decision of the Planning and Zoning Board, may be taken to the City Commission by any aggrieved party in accordance with the provisions of Section 3-606.

### **Section 3-606. Procedures for appeals.**

The following procedures shall govern the filing of appeals:

- A. Appeals from City Staff other than the City Architect. An aggrieved party may file a written Notice of Appeal to the Board of Adjustment or the Historic Preservation Board with the Development Review Official or Historic Preservation Officer, as provided in Section 3-604, within sixty (60) days of the administrative decision being appealed from. The appeal should be accompanied by any relevant documents related to the appeal. The appeal shall be considered by the Board of Adjustment or Historic Preservation Board within fourteen (14) days after receipt of the notice. The Board of Adjustment, the Planning and Zoning Board or Historic Preservation Board shall grant the appeal, with or without conditions, deny the appeal, or respond for further proceedings.
- B. Appeals of Board of Adjustment, Board of Architects, Historic Preservation Board, and Planning and Zoning Board. Any aggrieved party desiring to appeal a decision of the Board of Adjustment, Board of Architects or Historic Preservation Board, or a tentative plat decision of the Planning and Zoning Board, shall, within ten (10) days from the date of such decision, file a written Notice of Appeal with the City Clerk, whose duty it shall then become to send a written notice of such appeal to all persons previously notified by the Board in the underlying matter. The appeal shall then be heard by the City Commission at its next meeting, provided at least ten (10) days has intervened between the time of the filing of the Notice of Appeal and the date of such meeting; if ten (10) days shall not intervene between the time of the filing of the notice and the date of the next meeting, then the appeal shall be heard at the next regular meeting of the City Commission and the City Commission shall render a decision, without any unnecessary or undue delay, unless application for deferral has been made as permitted in Section 3-608 of this Division.
- C. Stay of proceedings. An appeal shall stay all proceedings in the matter appealed from until the final disposition of the appeal by the City Commission or other Board with jurisdiction. The pendency of an appeal shall toll all time periods applicable to the decision which is subject to appeal until final disposition of the appeal by the Commission or other Board with regard to the appeal.
- D. City Commission decision. The City Commission shall conduct a review of the decision of the Board of Adjustment, Board of Architects, Historic Preservation Board, or the Planning and Zoning Board. The appeal shall be based on the record of the hearing before the board, shall not be a de novo hearing, and no new, additional testimony shall be taken. A full verbatim transcript of all proceedings which are

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the subject of the appeal shall be provided by the party filing the petition. The transcript shall be provided seven (7) days prior to the City Commission meeting at which the appeal will be heard with a sufficient number of copies for the City Commission, the City Attorney, the City Manager and the affected departments. The City Commission is authorized to affirm, affirm with conditions, override the decision of the Board of Adjustment, Board of Architects or the Historic Preservation Board, or remand for further proceedings to the applicable Board. Any decision by the Board of Adjustment, Board of Architects or Historic Preservation Board can only be reversed by a majority vote of the City Commission. The granting of any appeal by the City Commission shall be by resolution.

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

- A. An action to review any decision of the City Commission under these regulations may be taken by any person or persons, jointly or separately, aggrieved by such decision by presenting to the Circuit Court a petition for issuance of a Writ of Certiorari, duly certified, setting forth that such decision is illegal, in whole or in part, certifying the grounds of the illegality, provided same is done in the manner and within the time provided by Florida Rules of Appellate Procedure.
- B. Challenges to development order decisions based on consistency or inconsistency of the development order with the City of Coral Gables Comprehensive Land Use Plan shall be governed by the provisions of Section 163.3215, Florida Statutes (2006).
- C. The record of the Commission or any board or official from which appeal is taken shall include any application, exhibits, appeal papers, written objections, waivers or consents, considered by the Commission, or such board, as well as transcripts or stenographic notes taken at a hearing held before the Commission or any such board, the City Commission minutes or the board's minutes and resolution showing its decision or action, and if the record of a lower board is transmitted to the City Commission, the record of the City Commission shall include the record of the lower board. The record shall also include any and all applicable portions of these regulations and where applicable the City Code, the report and recommendations of City staff, the City's Comprehensive Land Use Plan, as well as applicable district boundary maps, aerial photographs and final zoning resolutions or ordinances. It shall also include the record made as a result of any prior applications for development approval on the same property. The City Clerk shall identify all exhibits used at the hearing. All exhibits so identified or introduced shall be a part of the City's record.

### **Section 3-608. Postponement of appeals.**

- A. Applicants and/or aggrieved parties desiring postponement of an appeal before the City Commission shall adhere to the following provisions for postponements:
  1. First postponement. Requests for initial postponement must be requested in writing to the Office of the City Manager. A copy of the request shall be forwarded to the appropriate board secretary and the City Clerk. The request shall include a specific time frame for postponement. No more than ninety (90) calendar days may be requested and will be automatically granted.
  2. Second postponement. Requests for second postponement must be requested in writing to the Office of the City Manager. A copy of the request shall be forwarded to the appropriate board secretary and the City Clerk. The second postponement request may not exceed thirty (30) calendar days. The City Manager's Office shall evaluate the request and may administratively grant the request or schedule the request for City Commission review and approval.
  3. Third postponement. If the appeal is not considered by the City Commission within the one hundred and twenty (120) calendar days as provided above, the application shall be scheduled for City Commission consideration at the next available City Commission meeting. The City Commission shall evaluate the application and determine if additional postponements are warranted. The maximum time frame an appeal can be postponed from the initial date the application was scheduled for City Commission consideration is one hundred and eighty (180) days.