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(Planning and Zoning Board modifications indicated in **bold** ~~strikeout~~/underline)

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1 **Division 10. Transfer of Development Rights**

2

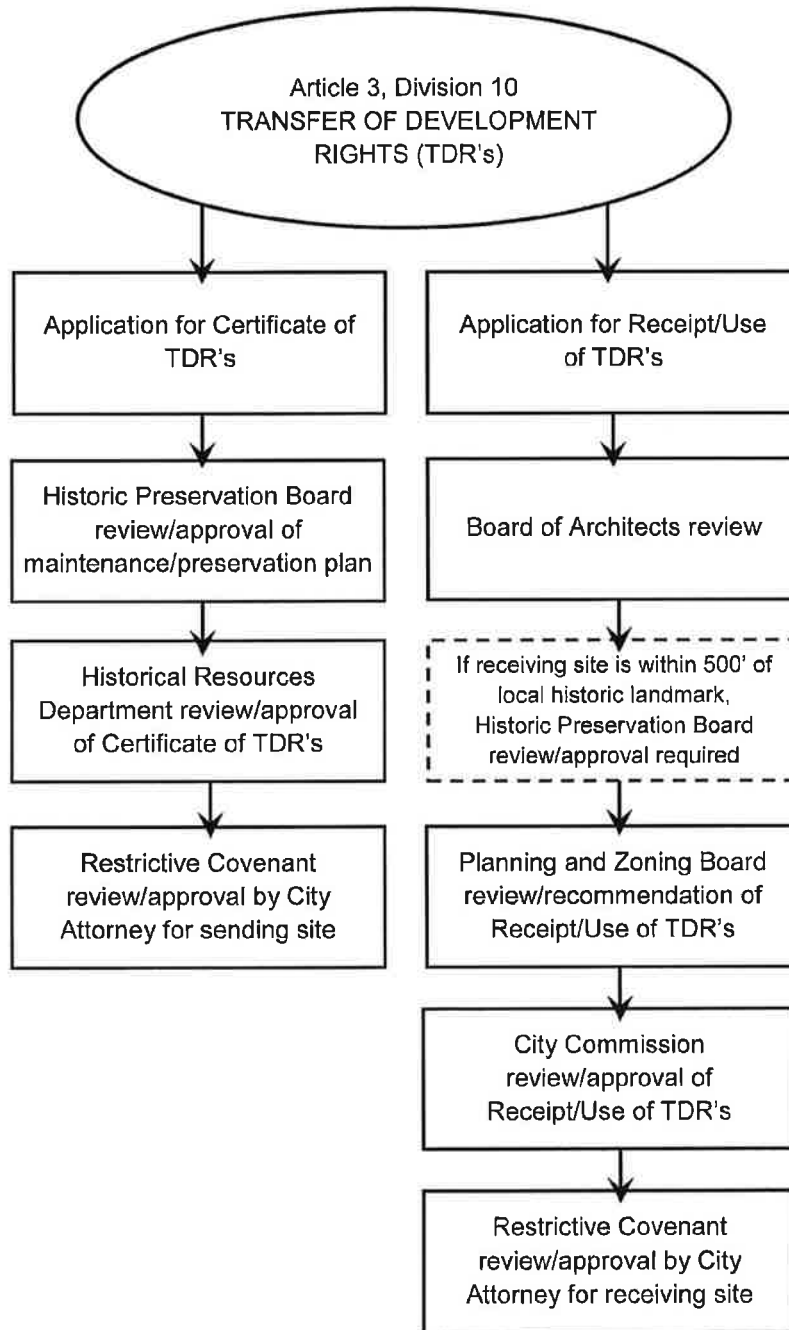
3

4 **Section 3-1001. General procedures for Transfer of Development Rights.**

5

6 The following graphic summarizes the review and approval procedures for the Transfer  
7 of Development Rights (TDRs).

8



9

1 **Section 3-1004~~2~~. Purpose and applicability.**

2  
3 ~~It is the~~ The purpose of this Division these provisions are to allow the transfer/sending  
4 of unused development rights or undeveloped floor area from of local historic  
5 landmarks to other properties within the Central Business District (CBD), sending sites  
6 ~~and for these rights to be used in specific receiving areas of the City in order to~~  
7 encourage historic preservation and to provide an economic incentive to property  
8 owners to designate, protect, enhance and preserve historic properties.

9  
10  
11 **Section 3-1003. Application.**

12  
13 An application to transfer/send and receive TDRs shall be made in writing upon an  
14 application form approved by the City. The application to transfer/send shall be filed  
15 with the Historical Resources Department and the application to receive TDRs shall be  
16 filed with the Planning Department.

17  
18  
19 **Section 3-10024. Transfer/sending of TDRs and issuance of a Certificate of TDRs**  
20 **Transferable Development Rights (TDRs).**

21  
22 A. Transfer/sending of TDRs. The TDRs rights eligible to be transferred from the  
23 property calculated as follows: the difference between the existing gross floor area  
24 on the property and the maximum floor area permitted on the property by the  
25 applicable zoning district.

26  
27 B.A. Transfer/sending of TDRs from a sending site. The Historic Preservation Officer  
28 shall have the authority to grant approval to transfer/send TDRs if all of the  
29 following are satisfied: and grant Certificates of Transferable Development Rights  
30 to property owners of designated historic landmarks including both individual sites  
31 and/or buildings if

32  
33 B. A property may be eligible for a Certificate of TDRs Transferable Development  
34 Rights if the sending site satisfies the following criteria:

- 35  
36 1. The sending site has been designated as a local historic landmark or a  
37 contributing property within a local historic district pursuant to Article 3, Division  
38 11.  
39  
40 2. The sending site is located within the boundaries of the ~~Central Business District~~  
41 CBD and designated commercial zoning.  
42  
43 ~~3. The sending site is located in a CL or C zoning district and is designated~~  
44 historic.  
45

1 3. The Building and Zoning Department has calculated the unused development  
2 rights or TDRs eligible to be transferred from the property per Section 3-  
3 1005.B.

4  
5 4. The property owner(s) have provided a maintenance/preservation plan prepared  
6 by a certified architect of the State of Florida, which sets forth a maintenance  
7 schedule and/or rehabilitation treatment for those architectural elements that  
8 contribute the historic integrity of the property or restoration of original features.  
9 Those features are identified by the "Review Guide," a section of the local  
10 designation report produced by the Historical Resources Department.

11  
12 5. Inspection of the property may be completed by the Historic Resources  
13 Department to determine compliance with the above criteria.

14  
15 6. Historic Preservation Board review and approval of the  
16 maintenance/preservation plan to determine compliance with Article 3, Division  
17 11.

18 The approval to transfer/send shall be via the issuance of a Certificate of TDRs.  
19 The Historic Preservation Officer may recommend conditions of approval that are  
20 necessary to ensure compliance with the standards set out herein.

21 ~~C. In considering a Certificate of TDRs Transferable Development Rights, the Historic~~  
22 ~~Preservation Officer shall review a preservation plan which sets forth a~~  
23 ~~maintenance schedule and/or rehabilitation treatment for those architectural~~  
24 ~~elements that are deemed "character defining" features. Those features are~~  
25 ~~identified in part by the "Review Guide," a section of the local designation report~~  
26 ~~produced by the Historical Resources Department, and will be further identified~~  
27 ~~through an on-site inspection of the property prior to issuance of a Certificate of~~  
28 ~~TDRs Transferable Development Rights.~~

29  
30 ~~D. The Certificate of TDRs Transferable Development Rights shall identify the TDRs~~  
31 ~~rights eligible to be transferred from the property calculated as follows: the~~  
32 ~~difference between the existing gross floor area on the property and the maximum~~  
33 ~~floor area permitted on the property by the applicable zoning district.~~

34  
35 ~~E. Following the granting of a Certificate of TDRs Transferable Development Rights, an~~  
36 ~~annual schedule will be established for the submission of the~~  
37 ~~maintenance/preservation plan. A certified report, submitted by a certified architect of~~  
38 ~~the State of Florida, shall be submitted to the Historic Preservation Officer, and~~  
39 ~~representatives of the City of Coral Gables shall be allowed the opportunity for an on-~~  
40 ~~site inspection of the property to ensure compliance with the approved plan and/or~~  
41 ~~schedule. The maintenance plan shall be reviewed and approved by the Historic~~  
42 ~~Preservation Board in accordance with Article 3, Division 11.~~

1  
2  
3 **Section 3-10035. Use of Transferred Development Rights TDRs on receiver sites,**  
4 **receiving properties.**

5  
6 A. Use of TDRs on receiver sites. The receiving sites shall be located within the  
7 boundaries of the CBD and designated commercial zoning.  
8

9 ~~A. The City Commission may grant the right to transfer residential or non-residential~~  
10 ~~development rights appurtenant to one parcels to another parcels of land as~~  
11 ~~described on a Certificate of TDRs Transferable Development Rights in accordance~~  
12 ~~with Section 3-1004.~~

13  
14 ~~B. The Central Business District as outlined on the City Official Zoning Map shall be~~  
15 ~~eligible to receive rights transferred pursuant to this Division subject to the~~  
16 ~~following:~~

17  
18 ~~1. The development rights to be used originated in the Central Business District.~~

19  
20 ~~2. The proposed development must comply with the applicable requirements of the~~  
21 ~~Mediterranean design standards in Article 5, Division 6.~~

22  
23 ~~3. Maximum increase in the FAR of a receiving site may be increased up to a~~  
24 ~~maximum of twenty-five (25%) percent of the permitted base FAR.~~

25 B. Maximum TDR floor area ratio (FAR) increase on receiver sites. An increase of up  
26 to twenty-five (25%) percent of permitted gross FAR and approved Mediterranean  
27 architectural style bonuses gross FAR may be permitted.  
28

29  
30 **Section 3-10046. Review and approval of use of TDRs on receiver sites, as**  
31 **conditional use.**

32  
33 ~~A. An application to transfer development rights in the form of residential or non-~~  
34 ~~residential density or intensity of use appurtenant to one parcel of land to another~~  
35 ~~parcels of land shall be reviewed subject to the following: and approved in~~  
36 ~~accordance with the procedures required for conditional uses in Article 3, Division~~  
37 ~~4, and in addition, the Historic Preservation Board shall review all receiving sites~~  
38 ~~within five hundred (500) feet of an historically designated building in accordance~~  
39 ~~with the procedures in Article 3, Division 11 and the following required findings in~~  
40 ~~subsection B shall be met.~~  
41

1 ~~B. No application for use of TDRs on a receiver site shall be approved unless the City~~  
2 ~~Commission determines that the application satisfies each of the following~~  
3 ~~standards:~~

4  
5 A. An application to transfer development rights to a receiver site shall be reviewed  
6 subject to all of the following:

7  
8 1. In conformance with any applicable conditions of approval pursuant to the  
9 Certificate of TDRs.

10  
11 2. Board of Architects review and approval subject to Article 5, Division 6, Design  
12 Review Standards.

13  
14 3. If the receiving site is within five (500) hundred feet of a local historic landmark,  
15 Historic Preservation Board review and approval is required to determine if the  
16 proposal shall not adversely affect the historic, architectural, or aesthetic  
17 character of the property.

18  
19 4. Planning and Zoning Board review and recommendation and City Commission  
20 review to determine if the application satisfies all of the following:

21  
22 a. Applicable site plan review requirements per Article 3, Division 2, General  
23 Development Review Procedures and conditional use review requirements  
24 per Article 3, Division 4, Conditional Uses, Section 3-408, Standards for  
25 Review.

26  
27 b. ~~The proposed plan is consistent with this Division, the stated purpose and~~  
28 ~~intent of the TDRsTransfer of Development Rights regulations, and the~~  
29 ~~requirements and standards of the TDRs Transfer of Development Rights~~  
30 ~~regulations.~~

31  
32 b. The extent to which the application proposed plan is consistent with departs  
33 from the Zoning Code and City Code subdivision regulations otherwise  
34 applicable to the subject property or properties, including but not limited to  
35 density, bulk, size, area, bulk and use, and the reasons why such departures  
36 are determined to be in the public interest.

37  
38 c. The physical design of the proposed site plan proposed TDRs Transfer of  
39 Development Rights and the manner, in which the said design makes use of  
40 adequate provisions for public services, provides adequate control over  
41 vehicular traffic, provides for and protects designated common open areas,  
42 and furthers the amenities of light and air, recreation and visual enjoyment.

43  
44 d. The conformity of the proposal proposed TDRsTransfer of Development  
45 Rights with the goals and objectives Goals, Objectives and Policies of the  
46 City's Comprehensive Plan.

1  
2 e. ~~The proposed bulk and mass with the additional TDRs is generally~~  
3 ~~consistent with the adjacent existing buildings.~~  
4

5 The Planning and Zoning Board and City Commission may recommend conditions  
6 of approval that are necessary to ensure compliance with the standards set out  
7 herein.

8  
9 **Section 3-10057. Approvals of transfers, and restrictions on affected properties.**

10  
11 ~~Upon approval of the use of all or a portion of rights identified in a Certificate of TDRs,~~  
12 ~~appropriate restrictive covenants shall be imposed on the sending site restricting the use~~  
13 ~~of such transferred rights as have been used on a receiving site. Such restrictive~~  
14 ~~covenants shall be as approved by the City Attorney and shall be recorded by the City~~  
15 ~~Clerk, and shall be registered as a restriction on the affected properties' deeds. The~~  
16 ~~Historical Resources Department shall maintain a list of historic properties which are~~  
17 ~~eligible for TDRs.~~

18  
19 A Restrictive Covenant shall be required on both the sending and receiving properties  
20 outlining any/all applicable conditions of approval pursuant to these provisions. The  
21 Restrictive Covenant(s) shall require review and approval by the City Attorney prior to  
22 recordation. The applicants shall be responsible for all costs associated herein.

23  
24  
25 **Section 3-1008. TDRs list of local historic landmarks.**

26  
27 The Historical Resources Department shall maintain a list of local historic landmark  
28 properties eligible as TDRs transfer/sending sites.

29  
30  
31 **Section 3-1009. Expiration of approvals.**

32 **A. Certificates of TDRs issued by the Historic Resources Development Review**  
33 **Official (DRO) shall be valid for up to two (2) years from date of issuance. Up to**  
34 **two (2), six (6) month extensions may be granted by the DRO. The first six (6)**  
35 **month extension may only be granted if the applicant has secured Historic**  
36 **Resources Department review and approval of the maintenance/preservation**  
37 **plan referenced in above Section 3-1004.B.4.**

38  
39 **B. City Commission TDRs approvals shall be subject to Section 1-111., Time limitation**  
40 **of approvals.**