

# CITY OF CORAL GABLES



# ZONING CODE

## ARTICLE 1 - GENERAL PROVISIONS

reasonable consideration, among other things, to maintain the character of the districts, and their peculiar suitability for particular uses, and they are to be regularly reevaluated in order to best accomplish the above objectives.

- K. To protect property values and the enjoyment of property rights by minimizing and reducing conflicts among various land uses through the application of regulations designed to assure harmonious relationships among land uses.

### **Section 1-104. Jurisdiction and applicability.**

- A. These regulations shall govern the development and use of land, buildings and structures within the corporate limits of the City.
- B. No building, structure, water or land shall be used or occupied, and no building, structure or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all other applicable regulations and all development approvals.

### **Section 1-105. Annexed lands.**

All lands which may be hereafter annexed to the City of Coral Gables shall be automatically zoned as a Single Family Residential District (SFR) until otherwise changed in accordance with the provisions of Article 3, Division 14.

### **Section 1-106. Comprehensive Plan and Future Land Use Map.**

The Comprehensive Plan and Future Land Use Map of the City of Coral Gables are the official statements of policy of the City in regard to the use of land and all use or development of land undertaken pursuant to these regulations shall be consistent with the Comprehensive Plan and the Future Land Use Map.

### **Section 1-107. Official Zoning Map.**

The Official Zoning Map is established and incorporated into these regulations by this reference. The Official Zoning Map shows the boundaries of all Zoning Districts as adopted by the City Commission pursuant to the procedures of these regulations. The Official Zoning Map, as amended from time to time, shall be kept on file and made available for public reference in the Office of the City Clerk.

### **Section 1-108. Transitional rules.**

- A. Existing unlawful uses and structures. A structure or use not lawfully existing at the time of the adoption of these regulations is lawful only if it conforms with all of the requirements of these regulations.
- B. Existing approved uses. An existing use which is lawful on the date of adoption of these regulations, whether permitted as a "permitted use", a "special use", an "X use" or a "conditional use" in the zoning district in which it is located, shall not be deemed nonconforming solely because the procedure for approval has changed through the adoption of these regulations and shall hereafter be deemed a permitted conditional use in the district in which it is located. In the event the use was approved subject to one or more conditions, those conditions shall continue in full force and effect unless a new approval is obtained. If the existing use is nonconforming under either the prior Zoning Code or these regulations, then such use shall come into conformance with these regulations if required by the provisions of Article 6.
- C. Existing site-specific Zoning Regulations. There are certain properties which are subject to prior governmental approvals which have established standards which deviate from the basic standards in these regulations. Properties which are subject to those prior approvals are identified on the Official Zoning Map and the Site Specific Standards are set out in Appendix A of these regulations. In the event the Site Specific Standards and these regulations conflict, the Site Specific Standards shall control except if granted Coral Gables Mediterranean Style Design Standards bonuses as provided for in Section 5-604.

## ARTICLE 1 - GENERAL PROVISIONS

- D. Previously granted variances. All variances granted under this, or any prior edition of the Zoning Code subject to a timeframe for construction which are still in effect on the adoption of these regulations shall remain in full force and effect, including any conditions attached thereto, and the recipient of the variance may proceed to develop the property in accordance with the plans previously approved. However, if the recipient of the variance has failed to commence construction before the variance expires, the provisions of these regulations shall govern and the variance shall have no further force and effect.
- E. Previously approved conditional uses. All conditional uses approved prior to the adoption of these regulations, and any conditions attached thereto, shall remain in full force and effect, and the recipient of the approved conditional use may proceed to develop the property in accordance with the previous approval and shall hereafter be deemed a conditional use in the district in which it is located. However, if the recipient of the approved conditional use has failed to commence construction before the approval expires or if the approval is abandoned, the provisions of these regulations shall govern. No conditional use approved prior to the adoption of these regulations where no certificate of occupancy has been granted shall not be extended.
- F. Previously approved special uses. All special uses approved prior to the adoption of these regulations, and any conditions attached thereto, shall remain in full force and effect, and the recipient of the approved special use may proceed to develop the property in accordance with the previous approval and shall hereafter be deemed to be a Special Use District. However, if the recipient of the approved special use has failed to commence construction before the approval expires or if the approval is abandoned, the provisions of these regulations shall govern. No Special Use approved prior to the adoption of these regulations but not constructed shall be extended.
- G. Approved “X” uses. Any lawfully established permitted “X” use shall be considered to be a non-conforming approved conditional use under the provisions of these regulations, unless abandoned.
- H. Prior zoning districts. Unless provided otherwise on the Official Zoning Map, upon the adoption of these regulations, land which is presently zoned within an existing zoning classification shall be classified within one of the zoning classifications set forth in Article 4 of these regulations, as follows:

<i>Archived zoning districts</i>	<i>New zoning districts</i>
R-1-2, R-3, R-4, R-5, R-6, R-6-7, R-7, R-8, R-9, R-9-10, R-11, R-12, R-14, R-14-15, R-16, R-17, R-18, R-19	Single Family Residential (SFR) District
R-TH Use Districts	Multi-Family 2 (MF2) District
D-Use Districts	Multi-Family 1 Duplex (MF1) District and Multi-Family Special Area (MFSA) District
A-Use Districts	Multi-family Special Area (MFSA) District and Multi-family 2 (MF2) District
Mixed Use District 1, 2 and 3	Mixed Use (MXD) District
CA-Use Districts	Commercial Limited (CL) District
CB* and CC-Use Districts	Commercial (C) District
M-Use Districts	Industrial (I) District
Downtown Overlay District	Downtown Overlay (DO) District
Planned Area Development (PAD) District	Planned Area Development (PAD) District
University of Miami Campus Area Development (UMCAD) District	University Campus (UCD) District
P-Use Districts	Preservation (P) District
S-Use District	Special Use (S) District
X-Uses	Conditional uses in various districts

\*Prior CB zoning districts adjoining SFR districts shall be designated as new CL district.

## ARTICLE 3 - DEVELOPMENT REVIEW

excess materials. Upon completion of the work, the Building Official, or such other person as may be designated by the City Manager, shall make final inspection and if the person shall find that no damage has resulted, and no debris or material remains on the site, the said deposit shall be returned to the depositor, or, if any damage shall be repaired by the City, or any debris or excess material be removed by the City, and the cost thereof shall be less than the deposit, then the difference between such cost and the amount of the deposit shall be returned to the depositor. Such bonds shall not be refunded until all code requirements are completed including necessary driveways and sidewalks.

- D. Incomplete buildings. No building not fully completed in substantial compliance with plans and specifications upon which a building permit was issued shall be permitted to be maintained on any land for more than one (1) year after the commencement of erection of any building, addition or renovation. A building site inspection shall be conducted six (6) months after the commencement of construction at which time evidence that work is proceeding shall be provided by the contractor. Work shall be considered to have commenced and be in active progress when, in the opinion of the Building and Zoning Director, a full complement of workmen and equipment is present at the site to diligently incorporate materials and equipment into the structure throughout the day on each full working day, weather permitting. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due to an injunction or other court order.

### **Section 3-208. Zoning permit.**

No person shall commence or cause to be commenced any miscellaneous work, which does not otherwise require a building permit, which affects the aesthetics, appearance, or architectural design of any structure, site or site improvements until an application for a zoning permit therefore has been previously filed with the Building and Zoning Department. No such miscellaneous work which affects the aesthetics, appearance, or architectural design of any structure, site or site improvements shall commence until a permit has been issued by the City in every case where the cost of such proposed work exceeds five hundred (\$500) dollars in labor and materials. All work done under and pursuant to any zoning permit shall conform to the approved plans and/or specifications.

### **Section 3-209. Certificate of use.**

Except for single family and multi-family uses, no person shall commence any use of any property, nor shall an occupational license or building permit be issued until an application for a Certificate of Use therefore has been filed with and approved by the Building and Zoning Department on a form provided by the Department. Any use of a property under and pursuant to any Certificate of Use shall conform to the Certificate of Use. Any use for which a Certificate of Use has been issued must commence within one-hundred and eighty (180) days of the issuance of the Certificate of Use, and is valid for a period not to exceed one (1) year from the date of the issuance. All Certificates of Use shall be renewed by the applicant each year.

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

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

- A. Conditional uses and variances: six (6) months.
- B. Change in zoning map, zoning text amendments, comprehensive plan text, future land use map, amendments and application for abandonment and vacation of non-fee interests: twelve (12) months.

## **ARTICLE 3 - DEVELOPMENT REVIEW**

### **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 of City Staff administrative decisions 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 designated 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 shall be accompanied by any relevant documents related to the appeal as determined by the Development Review Official. The appeal shall be considered by the Board of Adjustment or Historic Preservation Board at the next available meeting after the required advertising has been completed. The Board of Adjustment 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 Special Master, Historic Preservation Board, or Planning and Zoning Board. The appeal shall be based on the record of the hearing, shall not be a de novo hearing, and no

## ARTICLE 4 - ZONING DISTRICTS

The chart on the proceeding page is a summary of the uses permitted in the following zoning districts:

<i>Zoning Districts</i>	<i>Zoning District Abbreviation</i>
Single-Family Residential District	SFR
Multi-Family 1 Duplex District	MF1
Multi-Family 2 District	MF2
Multi-Family Special Area District	MFSA
Mixed Use District	MXD
University Campus District	UCD
Special Use District	S
Preservation District	P
Commercial Limited District	CL
Commercial District	C
Industrial District	I
Downtown Overlay District	DO
Business Improvement Overlay District	BIOD
North Ponce Neighborhood Conservation Overlay District	NPCO
Residential Infill Regulations	RIR

The letter "P" indicates that the use is a permitted use in the district subject to approval as set out in Article 3 and in compliance with the standards in the district and Article 5 of these regulations. The letter "C" indicates that the use is permitted in the district as a conditional use in accordance with the procedures set out in Article 3, Division 4 and the standards in these regulations.

## ARTICLE 4 - ZONING DISTRICTS

Article 4 – Table No. 1. Zoning District Uses												
Use categories	Zoning Districts											
	SFR	MF1	MF2	MFSA	CL	C	I	MXD	S	UCD	P	
<b>Residential uses</b>												
Accessory uses, buildings, and structures (see Table No. 2 for list of permitted accessory uses)	P	P	P	P	P	P	P	See Section 4-201	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								
Townhouse dwellings			P	P								
Live-work					P	P	P					
<b>Non-residential uses</b>												
Accessory uses, buildings, and structures (see Table No. 2 for list of permitted accessory uses)	P	P	P	P	P	P	P	See Section 4-201	P	See Section 4-202	See Section 4-205	
Adult uses							C					
Alcoholic beverage sales					P	P	P					
Animal grooming or boarding						P	P					
Assisted living facilities			C	C	C	C	C					
Auto service stations					C	P	P					
Bed and breakfast			C									
Botanical gardens									P/C			
Camps					P	P	P		C			
Cemeteries									C			
City Parks	P	P	P	P	P	P	P		P			
Commercial laundry							P					
Community center					C	P	P					
Congregate care					P	P						
Country club									C			
Day care						P	P					
Drive-through facilities					C	C						
Educational facilities					P/C	P						
Family day care	P	P	P	P								
Funeral homes						P						
Golf course (Primary use)									C			
Government uses						P	P		C			
Heliport									C			
Helistop						C	C		C			
Hospitals and uses accessory to . . .									C			
Indoor recreation / entertainment					P	P	P					
Manufacturing							P					
Marina facilities						C			C			
Medical clinic					P/C	P	P					
Medical Marijuana Retail Center						C						
Mixed use buildings						C	C					
Municipal facilities					P	P	P		C			
Museum					C	P	P	C				

## ARTICLE 4 - ZONING DISTRICTS

Article 4 – Table No. 1. Zoning District Uses											
Use categories	Zoning Districts										
	SFR	MF1	MF2	MFSA	CL	C	I	MXD	S	UCD	P
Nighttime uses					C	P					
Nursing homes					P	P					
Offices					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				
Parking garages						P	P				
Parking lots					C	P	P				
Private club									C		
Private yacht basin	C	C	C			C					
Public transportation facility						P	P		C		
Religious institutions									C		
Research and technology uses							P				
Restaurants					P	P	P				
Restaurants, fast food						P	P				
Retail sales and service					P	P	P				
Sales and/or leasing offices											
Schools									C		
Self-storage warehouses							P				
Temporary uses					P	P	P		P		
Tennis court (Primary use)									C		
TV / radio studios						P	P				
Utility / infrastructure facilities	P	P	P	P	P	P	P		P		
Utility substations							P				
Vehicle sales / displays						P	P				
Vehicle sales / displays, major							P				
Vehicle service, major						P	P				
Veterinary offices						P	P				
Wholesale / distribution / warehouse facility							P				

*P – Permitted Use*  
*C – Conditional Use*

## ARTICLE 4 - ZONING DISTRICTS

Article 4 – Table No. 2. Zoning District Accessory Uses												
Accessory uses, buildings and structures categories	Zoning Districts											
	SFR	MF1	MF2	MFSA	CL	C	I	MXD	S	UCD	P	
Accessory dwelling	P										See Section 4-202	See Section 4-205
Antennae's and associated telecommunication uses	See Division 20. Telecommunications.											
Awnings and canopies	P	P	P	P	P	P	P	P	P			
Boathouse and/or boat slip	P											
Cabana	P											
Docks, davits and floating boat lifts	See Division 8. Dock, wharves, mooring piles, watercraft moorings.											
Drive-throughs, walk-up windows, and automated teller machines (ATM)	See Section 5-115. Drive-throughs, walk-up windows, and automated teller machines											
Emergency preparedness shelter	P	P	P	P	P	P	P	P	P			
Flagpoles	P	P	P	P	P	P	P	P	P			
Fountains.	P	P	P	P	P	P	P	P	P			
Garage and/or porte-cochere	P	P	P	P				P	P			
Gazebo	P	P	P	P				P	P			
Guesthouse (Residential Estate only)	See Section 5-105. Guesthouse.											
Greenhouse	P	P	P	P								
Massage establishment	See Section 5-117. Massage establishment.											
Permanently installed stand-by generators	P	P	P	P				P				
Planters	P	P	P	P	P	P	P	P	P			
Playhouse	P	P	P	P								
Recreational equipment	P	P	P	P	P	P	P	P	P			
Reflecting pool or fish pond	P	P	P	P	P	P	P	P	P			
Restaurant, open air	See Section 5-119. Restaurant, open air.											
Screened enclosures	P	P	P	P				P	P			
Storage building and/or utility room	P	P	P	P	P	P	P	P	P			
Swimming pool and/or spa	P	P	P	P	P	P	P	P	P			
Tennis courts	P	P	P	P				P	P			
Trellises	P	P	P	P	P	P	P	P	P			
Used car lot						P*						
Wood decks	P	P										

*P – Permitted Use.*

*\*Permitted as an accessory use in association with a new car dealership.*

## ARTICLE 4 - ZONING DISTRICTS

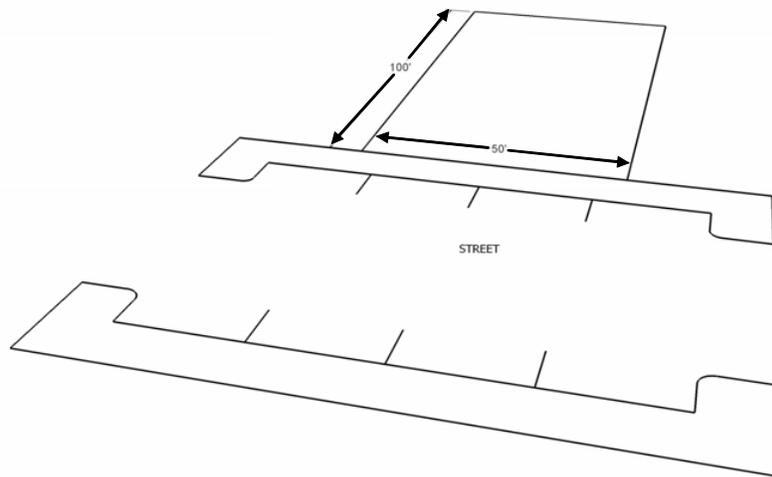
11. Parking garages. In the event that structured parking is to be constructed above grade, the facades of the garage shall be designed and improved so that the use of the building as a garage is not readily apparent. That portion of the parking garage that is constructed at ground level shall be screened from street view with living units, portions of living units, or other usable building area, except for vehicular entrance and exit areas. Entrances and exits to garage areas shall have gates that at least partially conceal the interior of the garage from street view. The sides and if necessary the rear of parking structures shall be screened from view of the street with a combination of walls and landscaping as shall be approved by the Board of Architects.
12. Refuse and waste disposal facilities. Refuse and waste disposal facilities shall be enclosed within a building or structure which reflects the architectural character and exterior finishes of the building which is to be served by the facilities. An enclosure used exclusively for refuse and waste facilities may be located in a required front setback area.
13. Minimum dwelling unit floor area. Each dwelling unit shall have a minimum floor area of five-hundred-seventy-five (575) square feet.
14. Architectural style. See Article 5, Division 6.

### **Section 4-104. Multi-Family Special Area (MFSA) District.**

- A. Purpose and applicability. The purpose of the Multi-Family Special Area (MFSA) District is to accommodate various forms of multi-family housing to meet the housing needs of a diverse community, while ensuring that there is a transition to single-family neighborhoods which protects the integrity of those neighborhoods.
- B. Permitted principal uses and structures. The following uses are permitted:
  1. Accessory uses, buildings or structures as provided in Article 4, Table No. 2. Accessory uses, buildings or structures customarily associated with permitted uses within this Zoning District and not listed within the Table No. 2 may be permitted subject to Development Review Official review and approval.
  2. Duplex dwellings that conform to the performance standards for duplex buildings in an MF1 District.
  3. Family day care as required and defined pursuant to Florida Statutes.
  4. Multi-family dwellings.
  5. Parks, City.
  6. Single-family dwellings that conform to the standards for single-family residences in an SFR District.
  7. Townhouse/row house dwellings.
  8. Utility infrastructure facilities.
- C. Conditional uses. The following uses are permitted in the MFSA 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 (ALF).
  2. Bed and breakfast establishments.

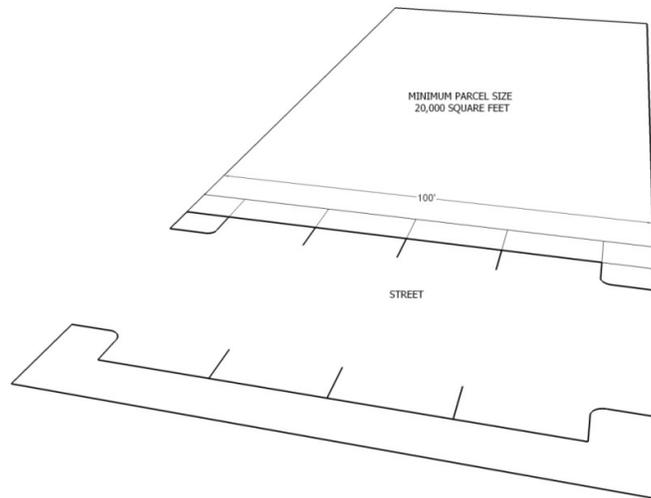
## ARTICLE 4 - ZONING DISTRICTS

3. Private yacht basins.
- D. Performance standards. The following performance standards shall govern the general development of structures in this District. Where there are specific standards for properties that are specifically set forth in the Site Specific Zoning Regulations, the regulations in the Site Specific Regulations shall apply (see Appendix A).
  1. Building sites. Buildings and structures constructed in this District shall be constructed or erected upon a building site containing at least one (1) platted lot, and such building site shall have a minimum street frontage of fifty (50) feet.
  2. Minimum parcel dimensions.
    - a. Buildings with a height of less than seventy (70) feet. Multi-family dwellings shall be depth of not



## ARTICLE 4 - ZONING DISTRICTS

- b. Buildings with a height of seventy (70) feet or greater. Multi-family dwellings with a height of seventy (70) feet or greater shall be constructed on a parcel of land with an area of not less than twenty thousand (20,000) square feet and at least one hundred (100) feet of frontage on a public road.



- c. Townhouses/row houses. Minimum building/parcel width of twenty-two (22) feet.
3. Maximum density. Sixty (60) dwelling units per acre or the density provided in the Comprehensive Plan, with architectural incentives, whichever is less.
4. Facing of lots and buildings.
- a. The facing of a building site shall be based on the platting of the lots that comprise the building site, except for specific deviations or exceptions prescribed in the Site Specific Zoning Regulations in Appendix A.
- b. Every lot shall be deemed to face the street upon which it abuts; if a lot abuts upon more than one (1) street, it shall be deemed to face the street upon which it has the shortest street line; and any building shall face the front of the lot, and be subject to the restrictions governing buildings on each street on which it is deemed to face.
- c. Townhouse/row house units on a street shall be designed in a row house building typology that is oriented towards the street. All units shall have their primary pedestrian entrance facing and visible from a street, with off-street parking accessed from the rear of the property.
5. Setback requirements. No building or structure, or any part thereof, including porches, projections or terraces, but not including uncovered steps, shall be erected at a lesser distance from the front, side or rear line of any building site than the front, side or rear setback distance, respectively, prescribed and established herein for such building site.

## ARTICLE 5 – DEVELOPMENT STANDARDS

- b. Requirements that may be waived. If the Director of Development Services reviews and rejects a remote parking application on the basis of any of the following requirements, then an applicant may request that the City Commission review its application for remote parking and, following a public hearing, approve a waiver of one (1) or more of these requirements, and may impose any conditions it deems necessary on such waiver:
  - i. The one-thousand (1,000) foot maximum distance between the remote parking spaces and the applicant’s project site; and
  - ii. The requirement that the remote parking be located in the CBD; and
  - iii. The requirement that the land containing the use seeking to utilize remote parking be located in the CBD.
- c. Effect of waiver. All of the remaining requirements of section 5-1408.B, that have not been waived by the City Commission, must be satisfied.

12. Appeals. The applicant may appeal any determinations made by the Development Services Director under this subsection through the process set forth in Article 3, Division 6 of the Zoning Code.

### Section 5-1409. Amount of required parking.

A. Exemptions from required parking. Buildings that are located within the Central Business District (CBD) that have a floor-area-ratio of 1.25 or less (1.45 or less if Mediterranean bonus is used) are not required to provide off-street parking for any uses except residential units.

B. Calculation of parking requirements.

1. Required parking shall be provided for each use on a building site, according to the following table:

<i>Use</i>	<i>Minimum parking requirements</i>
<i>Residential</i>	
Detached dwellings.	One (1) parking space per unit consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, or porte-cochere.
Duplex.	One (1) parking space per unit consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, or porte-cochere.
Live work.	One (1) space per unit, plus one (1) space per three-hundred-and-fifty (350) square feet of work area.
Multi-family dwellings.	Efficiency and one (1) and bedroom units – 1.0 space per unit. Two (2) bedroom units – 1.75 spaces per unit. Three (3) or more bedroom units – 2.25 spaces per unit.
Single-family.	One (1) parking space consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, or porte-cochere.
Townhouses.	Two (2) parking spaces per unit consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, or porte-cochere.

## ARTICLE 5 – DEVELOPMENT STANDARDS

<i>Use</i>	<i>Minimum parking requirements</i>
<i>Non-residential</i>	
Adult uses.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Alcoholic beverage sales.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Animal grooming/boarding.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Assisted living facilities.	One (1) space per full-time employee equivalent (FTE), plus two (2) spaces per five (5) beds.
Auto service stations.	One (1) space per two-hundred-and-fifty (250) square feet of accessory retail floor area.
Bed and breakfast.	One (1) space, plus one (1) space per sleeping room.
Camp.	One (1) space per FTE, plus one (1) space per four (4) students aged sixteen (16) years or older based on maximum capacity.
Cemeteries.	If services provided in a building, one (1) space per four (4) fixed seats plus one (1) space for each forty (40) square feet of floor area used for temporary seating.
Community center.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Congregate care.	One (1) space per FTE, plus two (2) spaces per five (5) beds.
Day care.	Day care for children: One (1) space per one-hundred (100) square feet of floor area. Day care for adults: One (1) space per three-hundred (300) square feet of floor area.
Educational facilities.	One (1) space per student station.
Funeral homes.	One (1) space per four (4) fixed seats plus one (1) space for each forty (40) square feet of floor area used for temporary seating.
Golf or tennis grounds.	Four (4) spaces per hole (golf). Three (3) spaces per court (tennis). One (1) space per eighteen (18) linear feet of bleachers.
Group homes.	One (1) space per FTE, plus one (1) space per three (3) beds.
Heliport and helistop.	One (1) space per tie-down.
Hospitals.	Two (2) spaces per patient bed.
Indoor recreation / entertainment.	The greater of one (1) space per five (5) fixed seats or one (1) space per three-hundred (300) square feet of floor area.
Manufacturing.	One (1) space per three-hundred (300) square feet office floor area, plus one (1) space per one-thousand (1,000) square feet of all other floor area.
Marinas and marina facilities.	One (1) space per marina slip, plus one (1) space per three-hundred-and-fifty (350) square feet of floor area of marina facilities.
Medical clinic.	One (1) space per two-hundred (200) square feet of floor area, plus one (1) space per FTE.
Medical Marijuana Retail Center.	One (1) space per 150 square feet of floor area, plus one (1) space per FTE and one (1) space for every two (2) PTEs.

## ARTICLE 5 – DEVELOPMENT STANDARDS

<i>Use</i>	<i>Minimum parking requirements</i>
Mixed use or multi-use.	Parking shall be provided for each use in the mix of uses in correlation with the requirements of this table.
Nursing homes.	One (1) space per FTE, plus one (1) space per three (3) beds.
Offices.	One (1) space per three hundred (300) square feet of floor area.
Outdoor recreation / entertainment.	One (1) space per four (4) visitors during estimated peak use periods.
Outdoor retail sales, display and/or storage.	One (1) space per three hundred and fifty (350) square feet of land area delineated or put to such use.
Overnight accommodations.	One and one-eighth (1 1/8) spaces per sleeping room.
Private club.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Private yacht basin.	Three (3) spaces per four (4) yacht slips.
Public transportation facility.	One (1) space per one hundred (100) square feet of terminal and station area.
Religious institutions.	One (1) space per five (5) fixed seats plus one (1) space per fifty (50) square feet of assembly room area without fixed seats (not including classrooms).
Research and technology uses.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per one thousand (1,000) square feet all other floor area.
Restaurants.	Twelve (12) spaces per one-thousand (1,000) square feet of floor area.
Restaurants, fast food.	Twelve (12) spaces per one-thousand (1,000) square feet of floor area.
Retail sales and services.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Sales and/or leasing offices.	One (1) space per three-hundred (300) square feet of floor area.
Schools.	One (1) space per FTE, plus one (1) space per four (4) students aged sixteen (16) years or older based on maximum capacity.
Self-storage warehouses.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per one thousand (1,000) square feet all other floor area.
Telecommunications towers.	Zero (0) spaces.
TV / radio studios.	One (1) space per three-hundred (300) square feet of floor area, plus One (1) space per three (3) studio audience members at maximum capacity.
Utility / infrastructure Facilities.	Zero (0) spaces.
Utility substations.	Zero (0) spaces.
Vehicle sales /displays.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per six-hundred (600) square feet of showroom floor area, plus one (1) space per five (500) square feet of all other floor area.
Vehicle sales/displays, major.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per one thousand (1,000) square feet all other floor area.
Vehicle service, major.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per five hundred (500) square feet all other floor area
Veterinary offices.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.

## ARTICLE 6 – NONCONFORMITIES AND LAWFULLY EXISTING USES

### Division 1. General

#### Section 6-101. Purpose and applicability.

The purpose of this Article is to provide for the continuation, modification or eventual elimination of nonconforming uses, structures and signs in accordance with the standards and conditions in this Article. While nonconformities may continue, the provisions of this Article are designed to encourage the improvement or elimination of nonconformities in order to better achieve the purposes of these regulations.

### Division 2. Nonconforming uses

#### Section 6-201. Continuation of nonconforming uses.

Except as may be provided for elsewhere in these regulations, a non-conforming use may be continued subject to the standards and conditions of this Division.

#### Section 6-202. Extension or expansion of nonconforming use.

A nonconforming use shall not be extended or expanded.

#### Section 6-203. Change from one nonconforming use to another nonconforming use.

- A. In general, a nonconforming use may be changed to:
1. A more restrictive nonconforming use; or
  2. A conforming use.
- B. When a nonconforming use is changed to a more restrictive nonconforming use, the new nonconforming use shall not be permitted to change to a less restrictive nonconforming use.
- C. Notwithstanding Section 6-203(A), an industrial use located in a residential district shall not be changed, except if changed to a conforming use.

#### Section 6-204. Nuisances and hazards prohibited.

A nonconforming use shall not be continued if it produces odors, noxious fumes, smoke, noise or other external impacts that become a nuisance to residents.

#### Section 6-205. Discontinuance of nonconforming use.

Whenever a nonconforming use of property has been discontinued for a period of six (6) months or more, such non-conforming use shall not thereafter be re-established, and the future use of the property shall be in conformity with the provisions of these regulations. A use shall be deemed discontinued if the property is not open for business on an ongoing and continuous basis during a six (6) month period.

#### Section 6-206. Upgrading of nonconforming use.

In the event of a change in ownership or substantial renovation of a nonconforming use, any nonconforming use located in a C, CL, MXD or I District shall be brought into compliance with the following provisions of these regulations to the maximum extent practicable as determined by the Development Review Official:

- A. Perimeter buffer requirements of Article 5, Division 11.
- B. Sanitation requirements of Article 5, Division 17.

## ARTICLE 6 – NONCONFORMITIES AND LAWFULLY EXISTING USES

C. Standards for nighttime uses in Article 4, Division 3, if applicable.

### **Division 3. Nonconforming structures**

#### **Section 6-301. Continuation of nonconforming structures.**

Except as may be provided for elsewhere in these regulations, a non-conforming structure may be continued subject to the standards and conditions of this Division.

#### **Section 6-302. Destruction of nonconforming structures.**

Except as provided in this Code in Section 3-1112 and in this Section 6-302, a nonconforming structure or nonconforming portion of a structure that is destroyed to an extent exceeding fifty (50%) percent of its replacement cost at the time of its destruction shall not be reconstructed except in conformity with these regulations. All residential structures (including accessory uses and structures) located in a residential district may be reconstructed if destroyed to any extent, provided that such reconstruction does not increase the extent of the nonconformity (ies) existing prior to destruction.

#### **Section 6-303. Alterations to nonconforming structures.**

A structure that is nonconforming as to parking, height, setback, ground area coverage, floor area ratio, or other requirements other than use, shall not be altered or enlarged in a way that increases the extent of any nonconformity. Normal maintenance and repair is permitted.

### **Division 4. Nonconforming signs**

#### **Section 6-401. Continuation of nonconforming signs.**

- A. All signs issued sign permits, or that were otherwise lawfully existing at the time of adoption of this Article, but which are not in conformance with the requirements of Article 5, Division 19, may continue as nonconforming signs, subject to the standards and conditions of this Division.
- B. Any sign lawfully existing as of February 26, 1985, may be continued provided such sign shall not be replaced or structurally altered unless such sign is made to comply with all applicable provisions of Article 5, Division 19.

#### **Section 6-402. Alteration or relocation of nonconforming signs or buildings or structures upon which they are mounted.**

- A. No nonconforming sign shall be enlarged, increased, relocated, nor extended to occupy a greater area than was permitted on the effective date of these regulations.
- B. If a sign is removed from a wall or facade of a building, the sign shall not be replaced unless it is made to comply with the provisions of this ordinance; providing, however, that this provision shall not prevent routine maintenance or repair to either the sign or the wall or facade on which it is mounted.

#### **Section 6-403. Nonconforming signs on contributing historic structures.**

Nonconforming signs that were installed at the time of a building's or structure's initial construction, but were removed or altered, and such building or structure is classified as contributing historic structure may be restored or replicated subject to Historic Preservation Department and Historic Preservation Board review and approval.

## ARTICLE 6 – NONCONFORMITIES AND LAWFULLY EXISTING USES

### Section 6-404. Discontinuance of nonconforming signs.

- A. Nonconforming signs shall be removed if:
1. For any reason, any use to which a sign relates ceases for a period of more than twelve (12) months;
  2. A preponderance of the evidence demonstrates that the sign has been abandoned; or
  3. They are destroyed such that the cost of repair exceeds fifty (50%) percent of the current replacement value of the sign.
- B. After a nonconforming sign is removed, any subsequent sign shall conform to the regulations specified herein.

### Section 6-405. Destruction of nonconforming signs.

Nonconforming signs that are damaged by any cause may be repaired if the cost of the repair does not exceed fifty (50%) percent of the current cost of replacement of the sign. Such repairs shall be limited to routine painting, repair and replacement of electrical components. Change of copy shall not be permitted.

### Section 6-406. Nuisances and hazards prohibited.

The City Commission may require a nonconforming sign to be brought into immediate conformity with all or part of the provisions contained herein or be removed when competent substantial evidence is presented by City Staff that indicates the sign to be hazardous to the public or to have been abandoned by its owners. All costs associated with bringing the sign into conformity with this code or with removing the sign may be assessed to the current property owner of record.

## Division 5. Nonconforming accessory uses and accessory structures

### Section 6-501. Termination after termination of principal use or structure.

No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, damage, or destruction unless such accessory use or accessory structure conforms to the standards for the zoning district in which it is located.

### Section 6-502. Substantial improvement to principal use or structure.

Except as provided for in Section 6-302, any nonconforming accessory use or accessory structure shall be brought into conformity with these regulations whenever a substantial improvement (as determined by the Development Review Official), addition to, or change in the principal use or structure on the property is proposed and approved.

## Division 6. Termination of status as a nonconformity: Lawfully existing uses

### Section 6-601. General.

A nonconforming use or structure shall be deemed to be in conformity with these regulations, and may thereafter be allowed to continue and to expand as a lawfully existing use or structure, if such use or structure is granted conditional use approval in accordance with the provisions of this Section and the procedures in Article 3, Division 4.

## **ARTICLE 6 – NONCONFORMITIES AND LAWFULLY EXISTING USES**

### **Section 6-602. Standards for terminating nonconforming status.**

Conditional use approval shall not be granted to terminate status as a nonconforming use or structure if the nonconformity is improved according to the following requirements:

- A. Perimeter buffers conforming to the requirements of Article 5, Division 11 shall be installed.
- B. Off-street parking shall be improved to meet the landscaping standards established in Article 5, Division 14.
- C. Any nonconforming sign, outdoor lighting or other accessory structure or accessory use located on the building site lot shall be terminated, removed or brought into conformity with these regulations.

## ARTICLE 8 - DEFINITIONS

The following words and phrases when used in these regulations shall have the following meanings, except where the context clearly indicates a different meaning.

**Abandon** means to renounce or disclaim all interest of the City and of the public in any non-fee interest in land, including but not limited to a right-of-way, easement, street or alley. For the purposes of these regulations, “abandon” includes the terms “vacate” and “close.”

**Abuts or abutting** means parcels of land which share a property line or are separated by an alley.

**Accessory deck** is that area within the first twenty (20) feet above grade, designed for the purpose of accommodating recreational activities and/or off-street parking below its surface and/or usable open space on its upper level, none of which may be used for living purposes.

**Accessory dwelling.** See definition of Dwelling, Accessory.

**Accessory use, building or structure** means a use which: 1) is subordinate to and serves a principal use; 2) is subordinate in area, extent, and purpose to the principal use served; 3) contributes to the comfort, convenience or necessities of the users or occupants of the principal use; and 4) is located on the same building site as the principal use.

**Acre, net** is the area within lot boundaries of all lands comprising the building site and the term used to determine floor area allocation. A net acre shall not include any portion of the abutting dedicated streets, alleys, waterways, canals, lakes or any such dedicated right-of-way by whatever name known.

**Addition to an historic building, structure, or property** means a construction project located on the exterior of an historic building, structure, or property.

**Adjacent** means across a street or waterway from a parcel of land. Where a parcel of land is adjacent to more than one (1) parcel of land, the term adjacent is intended to require compliance with the most restrictive standard with regard to the land use designation or use of adjacent property.

**Adult** is any person eighteen (18) years of age or older.

**Adult book store** is an establishment having as its stock in trade, books, magazines, prints, photos, movies, models and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, exhibiting or relating to specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

**Adult cat or dog** means a cat or dog six (6) months or older.

**Adult theater** means an enclosed building or an enclosed space within a building or an open-air area used for presenting as a preponderance of its entertainment, films, motion pictures, video cassettes or disks, slides or similar photographic reproductions, recordings or other audio matter, or live plays, dances, or other performances, either by dominant character or theme is the depiction of description of “specified sexual activities” or “specified anatomical areas” for the entertainment of patrons therein. The term includes, but is not limited to, an establishment that has one (1) or more “adult booths” or an “adult arcade.”

**Adult use** means an adult bookstore, adult theater or a massage salon.

**Aesthetics** means the accepted notions of good beauty and good taste in the City of Coral Gables.

**Affordable housing** means housing which is affordable to a household with an adjusted gross income which does not exceed one-hundred and twenty (120%) percent of the City’s median income.

**Aggrieved** means any applicant or any person who received courtesy notice of a public hearing from the City not exceeding one-thousand (1,000) feet from the perimeter boundaries of the subject property, and

## ARTICLE 8 - DEFINITIONS

shall also mean the City Manager.

**Airline Measurement** means the straight line, as the crow flies, measured from property line to property line, regardless of streets, walkways, or intervening structures, physical barriers or other obstructions.

**Alcoholic beverages** mean distilled spirits and all beverages containing one-half (0.5%) percent or more alcohol by volume (consistent with Section 561.01, Florida Statutes (2004)).

**Alcoholic beverage sales** mean a principal commercial activity involving the sale of alcoholic beverages for off-premises consumption, such that twenty-five (25%) percent or more of the floor area is occupied by the display of alcoholic beverages.

**Alley** is a narrow thoroughfare dedicated or used for public use upon which abut generally the rear of the premises, or upon which service entrances or buildings abut, which is not generally used as a thoroughfare by both pedestrians and vehicles, or which is not used for general traffic circulation, and is not otherwise officially designated as a street.

**Alteration to an historic building or structure** means any change affecting the exterior appearance of an existing improvement by additions, reconstruction, remodeling, partial demolition or maintenance involving change in color, form, texture or materials, or any such changes in appearance of specially designated interiors.

**Amateur radio antenna** is an antenna consisting of a tower, beam array, and mast and is designed and constructed for use in the operation of an amateur radio station licensed by the Federal Communication Commission.

**Animal grooming or boarding** means a use where animals are kept on a temporary basis in conjunction with grooming or overnight boarding.

**Antenna** means a transmitting and/or receiving device mounted on a telecommunications tower, building or structure and used in wireless telecommunications services that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communications signals and other communications signals including directional antennas such as panel and microwave dish antennas, and omni-directional antennas such as whips, but excluding, radar antennas, amateur radio antennas, satellite earth stations, traditional residential television antennas or microwave antennas.

**Antenna support structures** means any poles, masts, towers and/or support structures for supporting antenna used in the operation of personal radio services.

**Applicant, Historic Preservation**, means an individual or group who provides sufficient written information to the Historical Resources Department staff to ascertain that the property meets the minimum eligibility requirements for local historic designation or, in the case of a request for a Certificate of Appropriateness, the property owner, or authorized representative of the property owner.

**Applicant** means a person or persons who apply to the City for development review and approval.

**Application for development approval** means any application for approval of development under the provisions of these regulations, other than an application for a building permit, certificate of use or occupancy, and occupational license.

**Arcade and/or loggia** means a permanent structure that is constructed, contiguous, parallel, perpendicular and/or attached to an adjoining building and attached to the structural components of a building that provides cover and protection from the elements for pedestrian passageways, sidewalks, etc. generally supported by piers or columns.

**Archaeological site** means a specific location which has yielded or is likely to yield information on local history or prehistoric history.

## ARTICLE 8 - DEFINITIONS

**Certificate of Appropriateness** means a written document, issued pursuant to these regulations, permitting specified alterations, demolitions, additions, or other work to a designated historic landmark or contributing or non-contributing building within a designated historic landmark district.

**Certificate of Appropriateness, Special** means those certificates involving the demolition, removal, reconstruction, alteration or new construction at an individual site or in a district, which requires determination by the Historic Preservation Board before such certificate can be issued pursuant to the provisions of Article 3, Division 11.

**Certificate of Appropriateness, Standard** means those certificates issued by the Historic Preservation Officer in accordance with the provisions of Article 3, Division 11.

**Certificate of Concurrency/Capacity** means the document issued by the City indicating the quantity of public facilities that are available and reserved for the property described in the certificate, and containing an expiration date.

**Certificate of Occupancy** means a certificate issued by the DRO (Development Review Official) that a building or structure conforms to the building permit, all applicable ordinances and regulations and may be occupied.

**Certificate of Use** means a certificate issued by the DRO that a building, structure or use conforms to all applicable City ordinances and requirements and may be used as proposed provided that applicable permits are obtained.

**Certified Local Government (CLG)** means a program administered by the U.S. Department of the Interior which enables communities to have a more direct part in the federal historic preservation program.

**Certificate of Transfer** means a document issued by the DRO that authorizes the transfer of specified undeveloped rights from an historic property to a receiving site.

**Citizen** means a resident of the City of Coral Gables who has declared his or her residence in the City to be his or her domicile and is eligible to vote in municipal elections.

**City** means the City of Coral Gables, Florida, an incorporated municipality of the State of Florida, in its present form or in any later reorganized, consolidated, or enlarged form.

**Clearance pruning** means pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current American National Standards Institute (ANSI) A300 Standards.

**Coastal flood hazard district** means the coastal flood hazard district is designated as follows:

- A. The area south of the Coral Gables Deep Waterway and east of Old Cutler Road and Red Road; and
- B. The area bounded on the south by the Coral Gables Deep Waterway, on the west by LeJeune Road and Ingraham Highway, on the north by West Ingraham Terrace and Miami City limits and on the east by Biscayne Bay.

**Co-location** means use of a common telecommunications tower or site by two (2) or more service providers. An application is for co-location if the service provider intends to install an array on an existing telecommunications tower or at the same site as an existing attached telecommunications facility.

**Colonnade** means a permanent structure that is below and parallel to the face of a building and beneath the floor above that is generally supported by piers and columns that provides cover from the elements.

## ARTICLE 8 - DEFINITIONS

**Commercial laundry** means a commercial establishment for laundering clothes and linens on site which does not do business with individual members of the public and only does business with other businesses, typically hotels.

**Commercial message** means any wording, logo, emblem, character, pictograph, trademark, or symbol used to represent a firm, organization, entity, product, or service, or other representation that, directly or indirectly, names, advertises, or calls attention to a product or service. Terms such as sale, special, clearance, or other words which relate to commercial activity shall be deemed to be commercial messages. Items of identification shall not be considered to be commercial messages.

**Commercial use** means any use permitted as of right or as a conditional use in the Commercial Limited District or the Commercial District.

**Common areas** means land, including accessory structures and buildings, not individually owned or dedicated for public use, which is dedicated and intended for the common use or enjoyment of the owners, tenants and residents of the development or the public.

**Common open space** is the area required as open space under these regulations.

**Community center** means a building to be used as a place of meetings, recreation or social activity and not operated for profit and in which neither alcoholic beverages nor meals are normally dispensed or served.

**Compatibility** means the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

**Comprehensive Plan and Map** are the official documents reviewed by the Planning and Zoning Board and adopted by the City Commission as a long-range policy guide for the orderly, economic and physical growth of the City pursuant to the provisions contained within Florida Statutes.

**Concurrency manual** is the manual prepared by the City of Coral Gables for the administration and management of the City's Concurrency Management Program.

**Conditional use** is a use that would not be appropriate generally, or without restriction throughout a zoning district or classification but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permitted in a zoning district or classification as conditional uses if specific provision for such conditional use is made in these regulations.

**Congregate care** means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services. Congregate care shall not include the provision of medical, nursing, dental, or mental health services.

**Consistency** means compatible with and furthers the general plan of the City. Consistency exists when the standards and criteria of the City's Comprehensive Plan are met or exceeded.

**Construction and/or field office** is a mobile home, travel trailer, truck trailer and/or other structure used as an office in conjunction with a construction project.

**Contextual analysis** means an analysis of a proposed development to determine whether the proposed

## ARTICLE 8 - DEFINITIONS

**Helistop** means an area designed to accommodate touch-down and lift-off of helicopters, for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one (1) tie-down space and such additional facilities as are required by law, ordinance or regulation.

**Herbaceous plant** means a plant having little or no woody tissue.

**Historic integrity** is the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period. Historic integrity enables a property to illustrate significant aspects of its past. Not only must a property resemble its historic appearance, but it must also retain physical materials, design features, and aspects of construction dating from the period when it attained significance. The integrity of archaeological resources is generally based on the degree to which remaining evidence can provide important information. All six qualities (integrity of location, design, setting, materials, workmanship, or association) do not need to be present for eligibility as long as the overall sense of past time and place is evident.

**Historic landmark** means any site, building, structure, landscape feature, improvement, or archaeological site, which property has been designated as an historic landmark pursuant to procedures described in Article 3, Division 11.

**Historic landmark district** means a geographically defined area possessing a significant concentration, linkage, or continuity of landmarks, improvements, or landscape features united by historic events or aesthetically by plan or physical development, and which area has been designated as an Historic Landmark pursuant to procedures described in Article 3, Division 11, of these regulations; said district may have within its boundaries non-contributing buildings or other structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual character of the district.

**Historic landmark officer.** See Historic Preservation Officer.

**Historic preservation officer** means the Historic Preservation Officer as provided in Article 2, Division 5 of these regulations. The Historic Preservation Officer serves as the historic landmark officer of the City of Coral Gables.

**Historic survey** means the results of a systematic process of identifying significant buildings, sites and structures through visual reconnaissance and research for compilation in the Florida Master Site File maintained by the Bureau of Historical Resources, Tallahassee, Florida.

**Hospital** means an establishment primarily engaged in providing diagnostic services, medical treatment including surgical services, and other services, as well as continuous nursing services. The establishment has an organized medical staff on duty twenty-four (24) hours a day, inpatient beds, and equipment and facilities to provide complete health care; may also provide complete health care emergency room care and include less intensive medical uses such as convalescent and ambulatory care facilities.

**Hotel** means a building in which lodging and/or boarding is designed and utilized for daily, weekly or monthly occupancy, including extended stay units, and offered to the public for compensation. Ingress and egress to and from all rooms shall be made through an inside public lobby or reception area which is supervised by hotel staff at all hours. Extended-stay and suite hotels may provide individual guest rooms with kitchenette facilities for both storage and preparation of food.

**Houseboat** means a watercraft that is not self-propelled with a dwelling place on it for habitation by human beings and attached either by land, floating free in the water or tied by some means to a fixed structure.

## ARTICLE 8 - DEFINITIONS

**Hydromulch** means a sprayed application of seed, mulch and water.

**Hydrozone** means a zone in which plant material with similar water needs are grouped together.

**Improvement** means a physical betterment of real property, or any part of such betterment including any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, fountain, sign, work of art, earthworks, or other manmade objects.

**Included bark** means bark that is pushed inside a developing crotch, causing a weakened structure.

**Indoor recreation/entertainment** means a business which is open to the public where customers pay the proprietor for the use or enjoyment of recreational facilities or equipment within an enclosed building. This category of use includes: auditoria, stadiums, bowling alleys, theaters, racquetball facilities, martial arts instruction, gym facilities, dance studios, billiard facilities, health studios and similar uses.

**Interference** means the impairment of transmission or reception of any desired communications or radio frequencies within the City. This term embraces electrical interference in all of its forms, including, without limitation, co-channel interference, interference from intermodulation products, and blanketing interference.

**Interior courtyard** is a courtyard that is enclosed on at least two sides with building walls and enclosed on all of the other sides with walls that exceed four feet in height, a trellis, or covered terrace or any combination thereof.

**Irrigation detail** means a graphic representation depicting the materials to be used and dimensions to be met in the installation of the irrigation system.

**Irrigation plan** means a plan drawn at the same scale as the landscape plan, indicating location and specification of irrigation system components and other relevant information as required by these regulations.

**Irrigation system** means a system of pipes or other conduits designed to transport and distribute water to keep plants in a healthy and vigorous condition.

**Kitchen** means a portion of a building devoted to the storage, preparation or assembly of food that includes two (2) or more appliances for cooking and/or heating of food.

**Landscape feature** means any site improvement or vegetation including, but not limited to, outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture, signs, exterior lighting, paving, trellis, arbor, fountain, pond, garden sculpture, garden lighting, decking, patio, decorative paving, gazebo and other similar elements.

**Landscape manual** means a manuscript prepared by the City which contains instructions and other information regarding landscaping in the City.

**Landscape material** means plants such as grass, ground cover, forbs, shrubs, vines, hedges, trees and include pervious materials such as pervious synthetic turf, rocks, pebbles, sand, or mulch. Paver blocks are not considered landscape materials.

**Landscape plan** means a plan indicating all landscape areas, stormwater retention/detention areas, areas which qualify to be excluded from maximum permitted lawn area, existing vegetation to be retained, proposed plant material, landscape legend, landscape features, planting specifications, details, and all other relevant information in compliance with these regulations.

**Landscaped open space** means a ground-level outdoor area, which is open and unobstructed from its lowest level to the sky, except for a roof and building overhang not in excess of five (5) feet. Arcades,

## ARTICLE 8 - DEFINITIONS

**Newsrack** means any type of unmanned device for the vending or free distribution of news periodicals.

**Nightclubs** is a commercial establishment that is an accessory use to a primary restaurant use that includes entertainment such a music, dancing and other similar social activities. All permitted nightclubs within restaurants shall be subject to all of the following provisions:

- A. The dispensing of alcoholic beverages shall only be for consumption on the premises.
- B. All nightclub entertainment shall be contained entirely within the building(s) and shall satisfy all other applicable City Code and Zoning Code requirements including but not limited to noise, permitted hours of operation, nuisance provisions, etc.
- C. The restaurant shall maintain total quarterly gross sales receipts/revenues for inspection upon request to demonstrate compliance with these requirements.

See Section 4-401., "Uses prohibited," for further provisions.

**Nighttime commercial use** means business activities and operations which take place between the hours of 8:00 PM and 6:00 AM, not including ordinary janitorial activities.

**Nonconforming sign** means any sign lawfully established that does not conform to the requirements of these regulations.

**Nonconforming structure** means a building or structure lawfully established which does not conform to the requirements for location or other dimensional requirement for such building or structure in the zoning district assigned to the property, that is, the minimum setback, required parking, maximum height or maximum building coverage.

**Nonconforming use** means a use lawfully established which, on the effective date of these regulations, or any amendment thereto, does not conform to the uses or the densities and intensities of the zoning district in which it is located.

**Nonconformity** means any lot, structure, use or other feature of the property regulated under the provisions of these regulations which was lawfully established but which on the effective date of these regulations, or any amendment thereto, does not comply with the requirements of these regulations.

**Noncontributing building or property** means a building or property which does not add to a historic district's sense of time and place and historical development; or one where the location, design, setting, materials, workmanship, and association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost. Unless otherwise specified, exterior alterations, additions, demolitions, etc. to non-contributing structures or properties with historic landmark districts shall be reviewed and approved by the Historic Preservation Board and/or Historical Resources Department.

**Nonresidential** means any use which is not a residential use or which is accessory to a nonresidential use.

**North Ponce Area** means the area bordered by Navarre Avenue, SW 8<sup>th</sup> Street, Douglas Road and LeJeune Road.

**Nursing home** means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by the county or City, which undertakes through its ownership or management to provide licensed nursing services as set forth in Part I of Chapter 464, Florida Statutes, for a period exceeding twenty four (24) hours for three (3) or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the

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acutely ill. A facility offering services for fewer than three (3) persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services.

**Office** means a use involving a business, profession, service or government activity including laboratories which do not involve retail activities on site and not including veterinary offices and problematic uses.

**Open plaza area** means that area within the first twenty (20) feet above grade which is unenclosed, except by clear glass or similar transparent material or supporting columns and maintained either as terrace and/or corridor area for the purpose of providing access to stairways, elevators or other uses serving the principal activities confined within the building.

**Open area** means an area which is open from the land to the sky predominantly designed for and paved with bricks, pavers or other similar material for pedestrian use or an area where no structures or buildings other than landscape features, fountains, benches, arcades and objects of art are located.

**Open space, public** means any land or area for the use of the public, which is designed and intended for common use or enjoyment of the public which includes plazas, squares, arcades/loggias, pedestrian pass-throughs, courtyards, etc. Atriums and fully enclosed spaces are not considered public open space.

**Ordinary maintenance or repair** means any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any physical deterioration or damage of an improvement, or any part thereof by restoring it, as nearly as practical, to its appearance prior to the occurrence of such deterioration or damage.

**Outdoor recreation/entertainment** means a business which is open to the public where customers pay the proprietor for the use or enjoyment of recreational facilities or equipment on-site but not within an enclosed building.

**Outdoor retail sales, displays and/or storage** means any use of property which involves the sale, leasing, display or storage of commodities, goods, materials or equipment in a location other than in an enclosed building, excluding vehicle sales and newsstands or newspaper vending machines.

**Overhead doors** mean larger roll up type doors utilized to enclose building support service areas and/or sanitation areas for the use of the delivery of goods and services, typically provided for vehicles.

**Overhead irrigation system** means a high pressure, high volume irrigation system.

**Overnight accommodations** means a building or portion thereof designed and used primarily to provide sleeping accommodations for transient guests for a daily or weekly rental charge and including interval ownership and such office, meeting, restaurant facilities as are integral to the primary function of the use.

**Overnight stay** means staying for the night as a visitor or guest.

**Overlay zoning district** means a zoning designation that prescribes special regulations and additional requirements upon an underlying zoning district without changing the requirements of the underlying district in exchange for increases, changes or modifications to intensity and density.

**Owner** means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be developed or subdivided to commence and maintain proceedings to develop or subdivide the same under these regulations.

**Parapet** means that portion of a wall which extends above the roofline.

**Parcel of land** means one (1) or more lots which are designated by the owner or developer as land to be used or developed as a unit, or which has been developed as a unit.

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**Restoration** means the act of accurately recovering the form and details of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.

**Restrictive covenant** means a written agreement executed by and between one (1) or more property owners and the City of Coral Gables, whereby the property owner(s) for a specified consideration by the City agrees to certain conditions, restrictions and/or limitations on the use, maintenance or sale of property. Such restrictive covenant shall be recorded in the Public Records of Miami-Dade County, Florida and shall run with the land and shall be binding upon the property owner, his successors and assigns.

**Retail sales and services** mean a use, the principle use or purpose of which is the sale of goods, products, materials, or services directly to the consumer, including financial institutions, grocery stores, personal services, art galleries, farmer markets and including the sale of alcoholic beverages for off-premises consumption provided that the sale of alcoholic beverages is subordinate to the principal use and the display of alcoholic beverages occupies less than twenty-five (25%) percent of the floor area of the use, not including street vendors or the on-premise consumption of alcoholic beverages.

**Review guide** means the component of the designation report prepared by the historic preservation officer, which lists some of the more prominent features which contribute to the overall character of a structure and/or district. The review guide may be used to address the impact of new construction, additions, modifications, alterations, and/or renovations which may become the subject of some future Certificate of Appropriateness or to address the existing physical characteristics, and may be used to determine whether or not elements which create the character of the structure and/or district are present, or whether subsequent changes to the property have rendered it ineligible for listing.

**Right-of-way** means a strip of land dedicated by a subdivider, or deeded by the owner(s), for public use as a vehicular or pedestrian access way.

**Roof deck** is the top exterior surface of a flat roof.

**Rooftop** means the exterior surface on the top of a building or structure.

**Sales and/or leasing offices** mean the use of space as sales or rental offices for units or other permitted uses on the same site.

**Sales office, land development** means an office located within a newly platted subdivision and used by the land developer for the sale of the lots within the platted subdivision. Such sales office may consist of an existing building located within the subdivision, a mobile home, a travel trailer or a temporary building.

**Satellite earth station** means a dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites, including a low-noise amplifier (LNA) and a coaxial cable for the purpose of carrying signals to the interior of a building.

**School** means an elementary, middle, or high school, and exceptional learning center.

**Screened enclosure** means a frame erected of metal which framing and overhead supports are only covered with insect screening of metal, fiberglass or other approved insect screening. The insect screening shall have at least fifty (50%) percent open areas per square inch. The framing and overhead supports of such screened enclosure shall be solely for the purpose of supporting such screening.

**Screened porch** means a roofed structure not more than seventy-five (75%) percent enclosed by walls and attached to the main building provided; however, the remainder of the screened porch may be enclosed with insect screening or metal, fiberglass or other approved insect screening. The insect screening shall have at least fifty (50%) percent of open area per inch enclosed by walls and attached to the building for the purpose of sheltering from the rays of the sun, exclusive of vehicles, either persons or