

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE AMENDING ARTICLE 14, “PROCESS”, SECTION 14-200, “PROCEDURES”, SECTION 14-204, “TRANSFER OF DEVELOPMENT RIGHTS”, REVISING THE PURPOSE AND PROCESS FOR THE CITY TO TRANSFER UNUSED DEVELOPMENT RIGHTS; PROVIDING FOR SEVERABILITY CLAUSE, REPEALER PROVISION, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, Coral Gables Zoning Code Section 14-204, “Transfer of Development Rights” sets forth the process for transferring unused development rights (TDRs) from local historic landmarks to approved receiving properties to encourage historic preservation and to provide an economic incentive to property owners to designate, protect, enhance and preserve historic properties; and

WHEREAS, the City is uniquely obligated to maintain historic landmarks for the public trust; and

WHEREAS, the City of Coral Gables is a planned community based on the City Beautiful Movement; and

WHEREAS, the City of Coral Gables has a long-standing legacy of recognizing and protecting its historic and cultural sites; and

WHEREAS, the City has spent more than \$45.5 million on the maintenance of historic properties since 2005 absent any significant economic incentive to do so, and intends to continue maintaining its historic properties as part of the City’s legacy; and

WHEREAS, the City plans for long-term maintenance through the Capital Improvement Plan; and

WHEREAS, the City Commission has identified the transfer of TDRs as a viable way to fund projects that are of great importance and great public benefit to the City, without borrowing debt or raising taxes; and

WHEREAS, the renovation of Phillips Park and other large parks, as defined in the 2021 Community Recreation Master Plan, are considered projects of great importance and great public benefit; and

WHEREAS, the renovation of Phillips Park has long been anticipated by the community and is currently in the design phase, however, it is not currently funded in the Capital Improvement Plan

for 2022-2023; and

WHEREAS, the Planning and Zoning Board will be presented with this text amendment to the Official Zoning Code, between first and second reading;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The Official Zoning Code of the City of Coral Gables is hereby amended as follows¹:

Section 14-204. Transfer of Development Rights.

Section 14-204.1. General procedures for Transfer of Development Rights.

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

Section 14-204.2. Purpose and applicability.

The purpose of these provisions is to allow the transfer/sending of unused development rights of:

1. Local historic landmarks to other properties within the approved sending areas of the city to encourage historic preservation, and to provide an economic incentive to property owners to designate, protect, enhance and preserve historic properties.
2. City-owned historic landmarks to approved receiving properties to encourage historic preservation and/or to provide a means for the city to fund projects of great importance and significant public benefit as determined by the City Commission on an individual basis.
3. Parcels designated for open space conveyed to the City to encourage more open space in the city.

Section 14-204.3. Application.

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

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

Section 14-204
TRANSFER OF DEVELOPMENT
RIGHTS (TDR's)

Application for Certificate of
TDR's

Application for Receipt/Use
of TDR's

Historic Preservation Board
review/approval of
maintenance/preservation plan

Board of Architects review

Historical Resources
Department review/approval
of Certificate of TDR's

If receiving site is within 500' of
local historic landmark,
Historic Preservation Board
review/approval required

Restrictive Covenant
review/approval by City
Attorney for sending site

Planning and Zoning Board
review/recommendation of
Receipt/Use of TDR's

City Commission
review/approval of
Receipt/Use of TDR's

Restrictive Covenant
review/approval by City
Attorney for receiving site

Section 14-204.4. Transfer/sending of TDRs and issuance of a Certificate of TDRs.

- A. Transfer/sending of TDRs. The TDRs rights eligible to be transferred from the property calculated as follows: the difference between the existing gross floor area on the property and the maximum floor area permitted on the property by the applicable zoning district, including any available development bonuses.
- B. Transfer/sending of TDRs from a sending site. The Historic Preservation Officer shall have the authority to grant approval to transfer/send TDRs if all of the following are satisfied:
 1. The sending site has been designated as a local historic landmark or a contributing property within a local historic district pursuant to Article 8.
 2. The sending site is (i) located within the boundaries of the CBD and designated commercial zoning or (ii) located north of Navarre Avenue, east of LeJeune Road, west of Douglas Road, and south of SW 8th Street, is zoned Commercial, MF2, or MF3 or (iii) a city-owned historic property.
 3. The Development Services Department has calculated the unused development rights or TDRs eligible to be transferred from the property per Section 14-204.4.A.
 4. The property owner(s) have provided a maintenance/preservation plan prepared by a certified architect or engineer of the State of Florida, which sets forth a maintenance schedule and/or rehabilitation treatment if applicable for those architectural elements that contribute to the historic integrity of the property or to the restoration of original features. Those features are identified by the “Review Guide,” a section of the local designation report produced by the Historical Resources Department. The City acknowledges a longstanding and ongoing responsibility to maintain and preserve City-owned historic landmarks for the benefit of the public and that such maintenance shall occur on a continual basis. Therefore, for City-owned properties, the maintenance/preservation plan may include past maintenance/preservation investments dating back up to twenty (20) years and future plans contained in the five-year Capital Improvement Plan or contained in a resolution by the City Commission to fund projects of great public importance and significant public benefit.
 5. Inspection of the property may be completed by the Historic Resources Department to determine compliance with the above criteria.
 6. Historic Preservation Board review and approval of the maintenance/preservation plan to determine compliance with Article 8.
 7. A property must not be subject to any Code Enforcement violations, City-imposed liens, unpaid fines, or overdue assessments or fees. The City Attorney, in consultation with City staff, may waive this requirement through a stipulation providing for correction of the Code Enforcement violation under appropriate conditions and settlement of the amounts due.

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

- C. Transfer/sending of TDRs to create a city park.

The Parks and Recreation Advisory Board shall review all requests to transfer/send TDRs if all of the following are satisfied:

1. The sending site is identified as a future city park as part of the acquisition of the subject property.
2. The Development Services Department has calculated the TDRs eligible to be transferred per Section 14-204.4.A.

3. The public benefit is demonstrated for the sending site and the potential impacts of the receiver site(s) are studied.
4. Ownership of the sending site is transferred to the City of Coral Gables as part of the application to transfer development rights to the receiver site.

The City Commission shall consider to transfer/send TDRs via Resolution upon the positive recommendation from the Parks and Recreation Advisory Board. The Resolution may include conditions of approval that are necessary to ensure compliance with the standards set out herein.

Section 14-204.5. Use of TDRs on receiver sites.

- A. Use of TDRs on receiver sites. The receiving sites shall be (i) located within the boundaries of the CBD and designated mixed-use zoning, or (ii) located within the boundaries of the North Ponce de Leon Boulevard Mixed Use District and designated mixed-use zoning, or (iii) located within the boundaries of the Design & Innovation District and designated mixed-use zoning. Use of TDRs as receiver sites are prohibited on properties within the Zain/Friedman Miracle Mile Downtown District Overlay facing Miracle Mile.
- B. Maximum TDR floor area ratio (FAR) increase on receiver sites. An increase of up to twenty-five (25%) percent of permitted gross FAR and approved Mediterranean architectural style bonuses gross FAR may be permitted.

(Ord. 2021-13, 3/23/2021)

Section 14-204.6. Review and approval of use of TDRs on receiver sites.

- A. An application to transfer development rights to a receiver site shall be reviewed subject to all of the following:
 1. In conformance with any applicable conditions of approval pursuant to the Certificate of TDRs.
 2. Board of Architects review and approval subject to Section 5-100, Design Review Standards.
 3. If the receiving site is within five (500) hundred feet of a local historic landmark, Historic Preservation Board review and approval is required to determine if the proposal shall not adversely affect the historic, architectural, or aesthetic character of the property.
 4. Planning and Zoning Board review and recommendation and City Commission review and approval by resolution the application satisfies all of the following:
 - a. Applicable site plan review requirements per Section 14-202., General Development Review Procedures and conditional use review requirements per Section [14-203](#), Conditional Uses.
 - b. The extent to which the application is consistent with the Zoning Code and City Code otherwise applicable to the subject property or properties, including density, bulk, size, area and use, and the reasons why such departures are determined to be in the public interest.
 - c. The physical design of the proposed site plan and the manner in which the design makes use of adequate provisions for public services, provides adequate control over vehicular traffic, provides for and protects designated common open areas, and furthers the amenities of light and air, recreation and visual enjoyment.
 - d. The conformity of the proposal with the Goals, Objectives and Policies of the City's

Comprehensive Plan.

5. Notice of hearings provided in accordance with the provisions of Article 15 of these regulations.

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

Section 14-204.7. Approvals and restrictions.

A Restrictive Covenant shall be required on both the sending and receiving properties outlining any/all applicable conditions of approval pursuant to these provisions. The Restrictive Covenant(s) shall require review and approval by the City Attorney prior to recordation. The applicants shall be responsible for all costs associated herein. City-owned sending properties shall be exempt from this section.

Section 14-204.8. TDRs list of local historic landmarks.

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

Section 14-204.9. Expiration of approvals.

A. Certificates of TDRs shall be valid for up to two (2) years from date of issuance, in accordance with Section 1-111, Time limitation of approvals.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made part of the “Zoning Code” of the City of Coral Gables, Florida; and that the sections of this Ordinance may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intention.

SECTION 6. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This ordinance shall become effective _____, 2022.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2022.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

BILLY URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY