CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2011-15

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 10, "TRANSFER OF DEVELOPMENT RIGHTS", TO UPDATE AND CLARIFY THE PROVISIONS; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, City Staff is requesting a Zoning Code text amendment in order to clarify the application process and procedural provisions for Transfer of Development Rights; and

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on October 19, 2011, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Board was presented with the text amendment to the Official Zoning Code, and after due consideration, recommended approval (vote: 5-0) of the text amendment; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on November 8, 2011, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote: 5-0);

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.

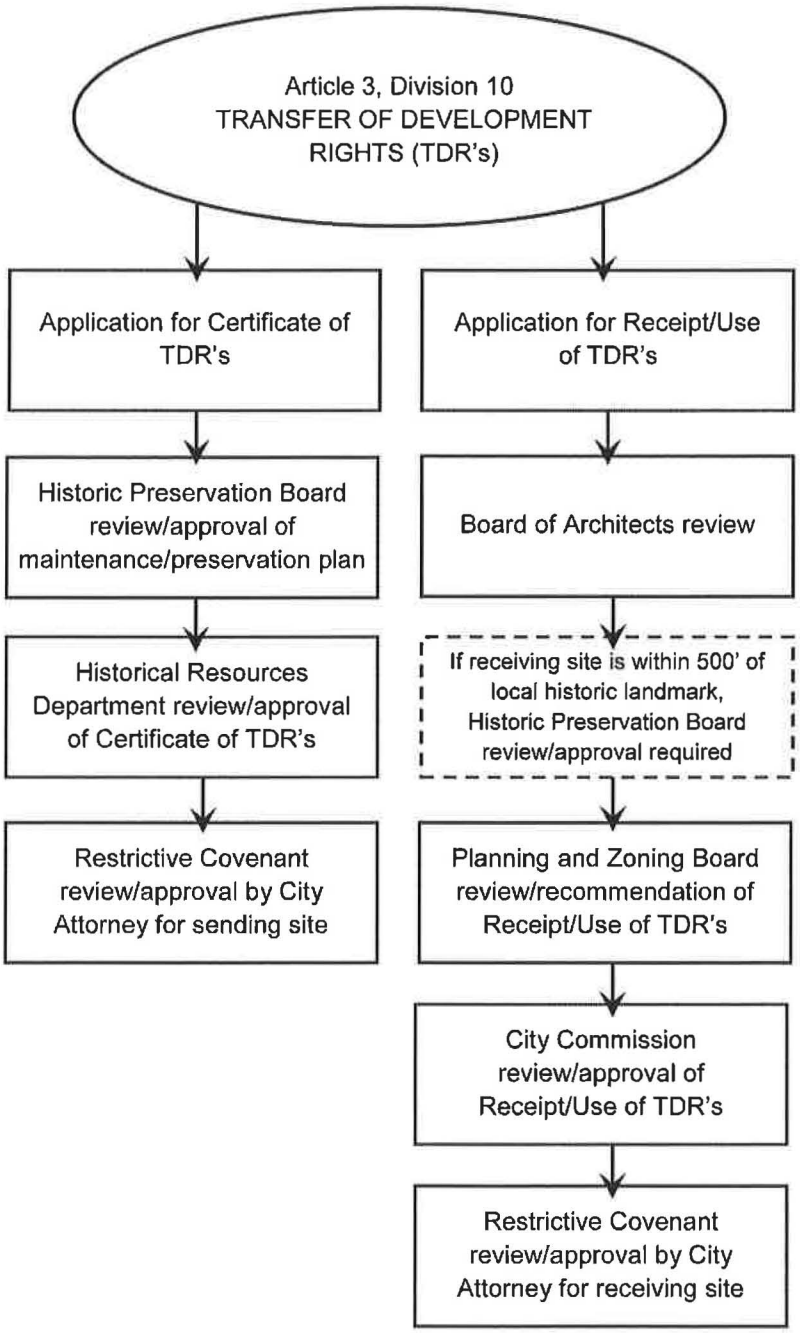
SECTION 2. The Official Zoning Code of the City of Coral Gables is hereby amended as follows:

ARTICLE 3 - DEVELOPMENT REVIEW

Division 10. Transfer of Development Rights

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

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



Section 3-1002. Purpose and applicability.

The purpose of these provisions are to allow the transfer/sending of unused development rights of local historic landmarks to other properties within the Central Business District (CBD) to

encourage historic preservation and to provide an economic incentive to property owners to designate, protect, enhance and preserve historic properties.

Section 3-1003. 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 Department.

Section 3-1004. 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.

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 3, Division 11.

   2. The sending site is located within the boundaries of the CBD and designated commercial zoning.

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

   4. The property owner(s) have provided a maintenance/preservation plan prepared by a certified architect of the State of Florida, which sets forth a maintenance schedule and/or rehabilitation treatment for those architectural elements that contribute the historic integrity of the property or 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.

   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 3, Division 11.

   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.

Section 3-1005. Use of TDRs on receiver sites.

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

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.

Section 3-1006. 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 Article 5, Division 6, 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 to determine if the application satisfies all of the following:

   a. Applicable site plan review requirements per Article 3, Division 2, General Development Review Procedures and conditional use review requirements per Article 3, Division 4, 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 but not limited to 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.

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

Section 3-1007. 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.

Section 3-1008. 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 3-1009. Expiration of approvals.

A. Certificates of TDRs issued by the Historic Resources Development Review Official (DRO) shall be valid for up to two (2) years from date of issuance. Up to two (2), six (6) month

extensions may be granted by the DRO. The first six (6) month extension may only be granted if the applicant has secured Historic Resources Department review and approval of the maintenance/preservation plan referenced in above Section 3-1004.B.4.

B. City Commission TDRs approvals shall be subject to 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 a part of Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

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

SECTION 7. That this Ordinance shall become effective within ten (10) days following the date of its passage and adoption herein.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF DECEMBER, A.D., 2011.

(Moved: Anderson / Seconded: Kerdyk)
(Yeas: Quesada, Anderson, Cabrera, Kerdyk, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-4)

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY