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5. Notice of hearings provided in accordance with the provisions of Article 3, Division 3 of these regulations.

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

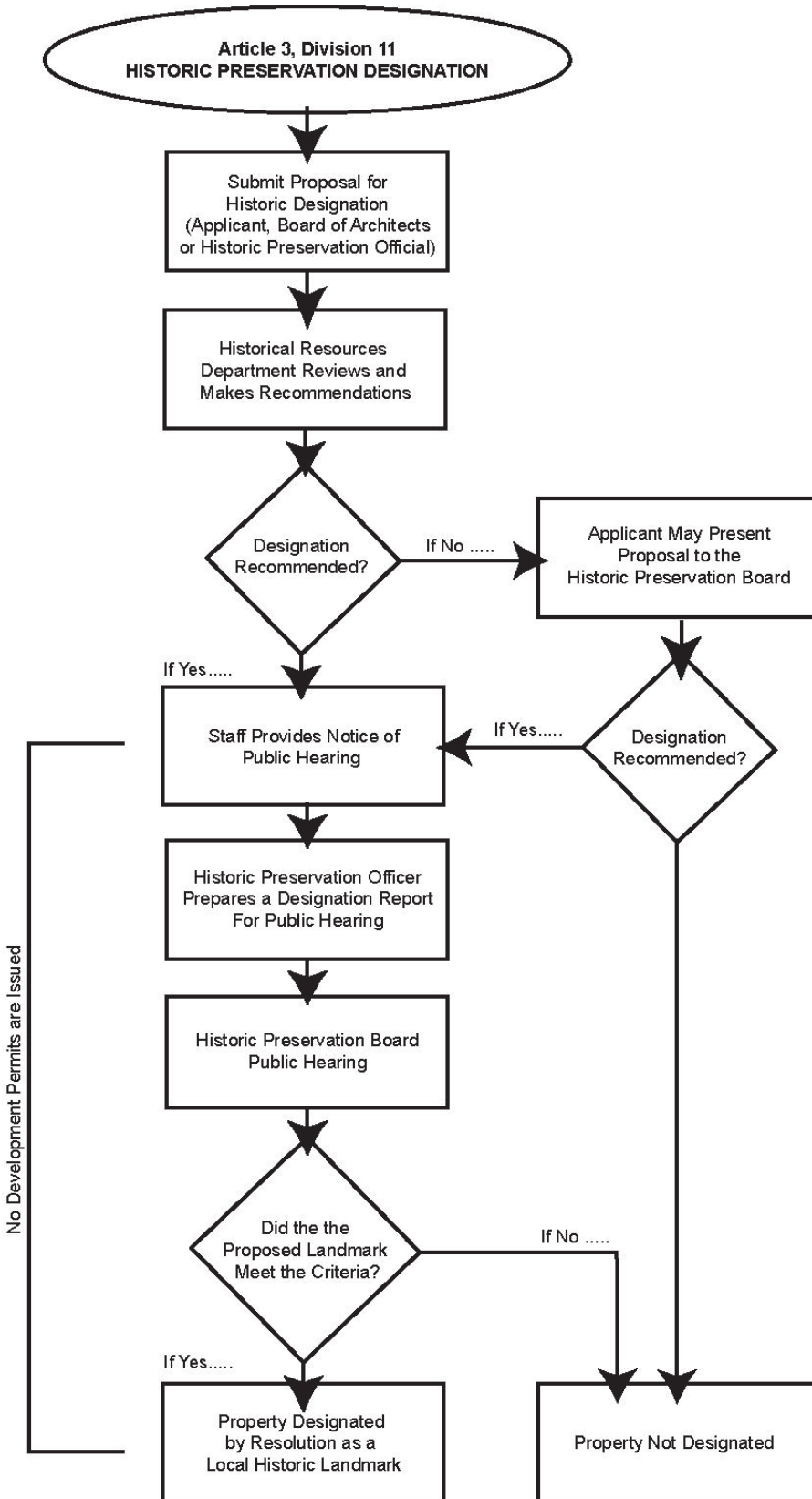
Division 11. Historic Preservation: Designations and Certificates of Appropriateness

Section 3-1101. Purpose and applicability.

The purpose of the designation of historic landmarks and districts is to promote the educational, cultural, and economic welfare of the public by preserving and protecting historic structures or sites, portions of structures, groups of structures, manmade or natural landscape elements, works of art, or integrated combinations thereof, which serve as visible reminders of the history and cultural heritage of the City, region, state or nation. Furthermore, it is the purpose of this Division to strengthen the economy of the City by stabilizing and improving property values in historic areas and to encourage new buildings and developments that will be harmonious with the existing historic attributes of the City including but not limited to buildings, entrances and fountains. In addition, the provisions of this article will assist the City and property owners to be eligible for federal tax incentives, federal and state grant funds and other potential property tax abatement programs for the purpose of furthering historic preservation activities.

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Section 3-1102. General Procedures for Designation.



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Section 3-1103. Criteria for designation of historic landmarks or historic districts.

Districts, sites, buildings, structures and objects of national, state and local importance are of historic significance if they possess integrity of location, design, setting, materials, workmanship, or association. In order to qualify for designation as a local historic landmark or local historic landmark district, individual properties must have significant character, interest or value as part of the historical, cultural, archaeological, aesthetic, or architectural heritage of the City, state or nation. For a multiple property nomination, eligibility will be based on the establishment of historic contexts, of themes which describe the historical relationship of the properties. The eligibility of any potential local historic landmark or local historic landmark district shall be based on meeting one (1) or more of the following criteria:

A. Historical, cultural significance:

1. Is associated in a significant way with the life or activities of a major historic person important in the past;
2. Is the site of an historic event with significant effect upon the community, city, state, or nation;
3. Is associated in a significant way with a major historic event whether cultural, economic, military, social, or political;
4. Exemplifies the historical, cultural, political, economic, or social trends of the community; or
5. Is associated in a significant way with a past or continuing institution, which has contributed, substantially to the life of the City.

B. Architectural significance:

1. Portrays the environment in an era of history characterized by one (1) or more distinctive architectural styles;
2. Embodies those distinguishing characteristics of an architectural style, or period, or method of construction;
3. Is an outstanding work of a prominent designer or builder; or
4. Contains elements of design, detail, materials or craftsmanship of outstanding quality or which represent a significant innovation or adaptation to the South Florida environment.

C. Aesthetic significance:

1. By being a part or related to a subdivision, park, environmental feature, or other distinctive area, should be developed or preserved according to a plan based on an historical, cultural, or architectural motif; or
2. Because of its prominence of spatial location, contrasts of siting, age, or scale, is an easily identifiable visual feature of a neighborhood, village, or the City and contributes to the distinctive quality or identity of such neighborhood, village, or the City. In case of a park or landscape feature, is integral to the plan of such neighborhood or the City.

D. Archaeological significance: Has yielded or may be likely to yield information important in prehistoric history or history.

E. Criteria considerations: Ordinarily cemeteries, birthplaces, or graves of historical figures, structures that have been moved from their original locations, reconstructed historic buildings, properties

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primarily commemorative in nature, and properties that have achieved significance within the past fifty (50) years shall not be considered eligible for the Coral Gables Register of Historic Places. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories.

1. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with an historic person or event;
2. A birthplace or grave of an historical figure of outstanding importance if there is not appropriate site or building directly associated with his or her productive life;
3. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
4. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and no other building or structure with the same association has survived;
5. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
6. A property achieving significance within the past fifty (50) years if it is of exceptional importance.

Section 3-1104. Designation procedures.

Properties which meet the criteria for local historic landmarks and local historic landmark districts set forth in Section 3-1103 shall be designated according to the following procedures:

- A. Proposals for designation of potential local historic landmarks and local historic landmark districts:
 1. Proposals for designation of potential local historic landmarks and local historic landmark districts may be submitted to the Historical Resources Department for recommendation to the Historic Preservation Board by the Board of Architects or any citizen or property owner who provides information, which illustrates that the property meets the criteria for listing as set forth in Section 3-1103. The information submitted must include sufficient preliminary information to enable the staff's review for an initial determination that the property meets the minimum eligibility criteria. The proposal shall include a legal description of the property and a statement explaining its historic, cultural, aesthetic or architectural significance. In addition to furnishing any necessary information, the applicant may be required to pay applicable fees, if any. If the department's initial determination is that the property does not meet the minimum eligibility criteria for listing, the applicant may present the proposal for designation to the Historic Preservation Board;
 2. The Board may, on their own or upon the recommendation from staff or any citizen pursuant to Subsection (a) 1. of this section, direct staff to begin the designation process by preparing a designation report pursuant to Subsection (b) below of this section and any other standards the Board may deem necessary, submitting this report to the procedures described herein, and arranging for a public hearing before the Historic Preservation Board on this matter; or
 3. Whenever a determination is made by either the Director of the Historical Resources Department or the Historic Preservation Board that an application for historic designation shall proceed to public hearing as provided in this Division, no development permits shall be issued until the public hearing is held and a determination made on the subject designation in accordance with the provisions of Section 3-1104(C). In the case where an owner seeks a demolition permit, the public hearing shall be held at the next regularly scheduled meeting where notice can be provided.

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- B. Preparation of historic landmark designation report. For every proposed designated historic landmark and historic landmark district, the Historic Preservation Officer shall prepare a designation report, which shall be presented to the Board at a regularly scheduled meeting. The report shall contain the following:
1. Proposed boundaries. Boundaries for individual historic sites shall generally include the entire property or tract of land, unless such tract is so large that portions thereof are visually and functionally unrelated to any significant historic improvement. Proposed historic district boundaries shall, in general, be drawn to include all appropriate properties reasonably contiguous within an area and may include noncontributing properties which individually do not conform to the historic character of the district, but which require regulation in order to control potentially adverse influences on the character and integrity of the district. Where reasonably feasible, historic district boundaries shall include frontage on both sides of streets and divide the proposed historic landmark districts from other zoning districts in order to minimize interdistrict frictions. Archaeological zone boundaries shall generally conform to natural physiographic features, which were the focal points for prehistoric and historic activities.
 2. Optional internal boundaries. Internal boundaries may subdivide an historic landmark district into sub areas and transitional areas as appropriate for regulatory purposes. If a proposed historic landmark or historic landmark district is visually related to the surrounding areas in such a way that actions in the surrounding area would have potentially adverse environmental influences on its character and integrity, proposed boundaries for such transitional areas may be included within the historic landmark or historic landmark district.
 3. Detailed regulations. Every historic landmark and historic landmark district may be assigned a set of detailed zoning district regulations. Such regulations may be designed to supplant or modify any element of existing zoning regulations, including but not limited to the following: use, floor area ratio, density, height, setbacks, parking, minimum lot size, and transfer of development rights, or create any additional regulations provided for in this section. The zoning amendment may identify individual properties, improvements, landscape features, or archaeological sites, or categories or properties, improvements, landscape features, or archaeological sites for which different regulations, standards and procedures may be required.
 4. Significance analysis. A report shall be submitted establishing and defining the historic significance and character of the proposed historic landmark or historic landmark district, setting forth the criteria upon which the designation of the historic landmark, or historic landmark district, and its boundaries are based, and describing the improvements and landscape features of public significance, present trends and conditions, and desirable public objectives for future conservation, development, or redevelopment. The report shall include a review guide which identifies the major exterior features of any improvements or landscape features which contribute significantly to the historic character of the historic landmark site or historic landmark district. A designation report for an historic landmark shall also contain a location map and photographs of all designated exterior surfaces (and interior if applicable).
 5. Optional designation of interiors. Normally interior spaces shall not be subject to regulation under this section; however, in cases of existing structures having exceptional architectural, artistic, or historical importance, interior spaces which are customarily open to the public may be specifically designated. The designation report shall describe precisely those features subject to review and shall set forth standards and guidelines for such regulations.
- C. Procedures for notification and hearings on proposed designation. The Board shall hold a public hearing with notification as follows:
1. Notification of Owners. For each proposed designation of an historic landmark or historic landmark district, the Historical Resources Department is responsible for mailing a copy of the

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designation report and a courtesy notice of public hearing to all property owners of record whose properties are located within the boundaries of the designation. This notice shall serve as notification of the intent of the Board to consider designation of the property at least ten (10) days prior to a public hearing held pursuant to this section. However, failure to receive such courtesy-notice shall not invalidate the action of the Board. The property shall be posted at least ten (10) days prior to the hearing.

2. Notice of Public Hearings. Additional notice of public hearings shall be provided in accordance with the provision of Article 3, Division 3 of these regulations.
3. Decision of the Board. If after a public hearing the Board finds that the proposed local historic landmark or proposed local historic landmark district meets the criteria set forth in Section 3-1103, it shall designate the property as a local historic landmark or local historic landmark district. All decisions of the Board shall be by Resolution. If zoning regulations are recommended to be changed in the designation report and the Historic Preservation Board agrees, then such recommendation shall be reviewed in accordance with the provisions of Article 3, Division 14 of these regulations.
4. Notification of the Board actions. The Historic Preservation Officer shall provide a courtesy notice to the following of its action with a copy of the Resolutions:
 - a. Building and Zoning Department.
 - b. Planning Department.
 - c. City Clerk.
 - d. Public Works Department.
 - e. Owners of affected property and other parties having an interest in the property, if known.
 - f. Any other municipal agency, including agencies with demolition powers that may be affected by this action.
5. Development permits suspended during consideration of designation.
 - a. Upon the filing of a designation report by the staff with the Historic Preservation Board, the owner(s) of the real property which is the subject matter of the designation report or any individual or private or public entity shall not:
 - i. Erect any structure on the subject property, or
 - ii. Alter, restore, renovate, move or demolish any structure on the subject property until such time as a final administrative action, as provided by this division, is completed.
 - b. Suspension of development review shall expire when:
 - i. The Historic Preservation Board determines that the property is not significant and an appeal to the City Commission is denied;
 - ii. An appeal to the City Commission for the designation of the property is upheld; or
 - iii. A Certificate of Appropriateness is issued subject to the conditions herein.
6. Recording of designation. The City Clerk shall provide the circuit court clerk with all designations for the purpose of recording such designations in the public record.
7. Appeal of designation. Within ten (10) days from the date of a decision of the Historic Preservation Board, any resolution of the Historic Preservation Board may be appealed to the

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City Commission, as provided for under Article 3, Division 6 otherwise the Resolution will be final.

- D. Procedure for Designation of the City Plan and Amendments to such Plan.
1. The procedure for designation of the City Plan as historic shall follow the process set forth in this Division except that notwithstanding anything in this Article to the contrary, notice of any public hearing designating the City Plan historic shall be by publication in a newspaper of general circulation ten (10) days in advance of such hearing.
 2. In the event that the City Plan is designated historic, any material amendments to the City Plan, including but not limited to, the closing of streets and any developments that would affect such City Plan, shall be in accordance with the following procedure notwithstanding any provisions in this Article to the contrary:
 - a. The Historic Preservation Board, at a public hearing, shall review and make recommendation for a Special Certificate of Appropriateness on any proposed amendments to the City Plan under a balancing of interests weighing the following factors: historic integrity, development, and public purpose; provided, that any development that would cause an amendment to the City Plan having first been reviewed for a recommendation by the Planning and Zoning Board.
 - b. The City Commission shall at a public hearing render a decision to either grant or deny a Special Certificate of Appropriateness after review of the recommendation by the Historic Preservation Board and after notice as provided herein.
 - c. Any public hearing either to consider and make a recommendation on a Special Certificate of Appropriateness before the Historic Preservation Board, or a public hearing before the City Commission to render a decision on a Special Certificate of Appropriateness shall be by publication in a newspaper of general circulation ten (10) days in advance of such hearing.

Section 3-1105. Procedures for review of national register properties.

The City was granted Certified Local Government (CLG) status in November of 1986. Review of national register nominations is a function of a CLG and shall be governed by "Florida Guidelines for Certified Local Governments."

- A. The Historic Preservation Officer will, within thirty (30) days after receipt of a national register nomination, determine whether the nomination is technically complete and notify the nomination's sponsor of such determination.
- B. If the nomination is technically complete, the Historic Preservation Officer shall, at least thirty (30) days but not more than seventy-five (75) days prior to the Historic Preservation Board meeting at which the proposal is to be considered, notify the following:
 1. Owner(s) of record; and
 2. Appropriate local official(s).
- C. Nomination proposals to be considered by the Historic Preservation Board shall be on file in the office of the Historic Preservation Officer for at least thirty (30) days but not more than seventy-five (75) days prior to the Board meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local public access so that written comments regarding a nomination proposal can be prepared.
- D. Nomination proposals shall be considered by the Historic Preservation Board at a public hearing, and all votes shall be recorded and made part of the permanent record of that meeting. All nomination proposals shall be forwarded, with a record of official action taken by the Board and the