

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2025-39

AN ORDINANCE OF THE CITY COMMISSION PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, AMENDING SECTION 14-204, "TRANSFER OF DEVELOPMENT RIGHTS (TDRS)," AND ARTICLE 16, "DEFINITIONS," OF THE CITY'S ZONING CODE TO ESTABLISH A CONSERVATION TDR PROGRAM AND APPRAISAL FRAMEWORK; PROVIDING FOR DEFINITIONS, PROCEDURES, APPRAISAL STANDARDS, AND CONSERVATION EASEMENT REQUIREMENTS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables Zoning Code currently provides for the transfer or sending of unused development rights from local historic landmarks and parcels designated for open space to encourage historic preservation and expand public open space; and

WHEREAS, the City Commission recognizes the environmental, ecological, and community value of preserving mature tree canopy, native vegetation, and natural ecosystems through permanent protection of environmentally sensitive lands; and

WHEREAS, the City desires to expand the TDR program to include Conservation TDRs, allowing property owners to voluntarily transfer development rights from native and natural habitats in exchange for perpetual conservation; and

WHEREAS, this amendment establishes a transparent and standardized appraisal and valuation methodology for Conservation TDRs, requiring a minimum of two (2) independent Uniform Standards of Professional Appraisal Practice (USPAP) compliant appraisals, and providing that the TDR unit value shall be calculated based on the average of fair market value conclusions; and

WHEREAS, the amendment provides for documentation standards, conservation easement requirements, ecological bonuses, and annual review of TDR unit values to ensure ongoing alignment with market conditions and public benefit objectives; and

WHEREAS, the addition of new definitions within Article 16 clarifies key terms related to the Conservation TDR Program, including Conservation TDR, Ecological Bonus, Grant of Conservation Easement Agreement (GOCEA), and Transfer of Development Right (TDR) Unit Value; and

WHEREAS, after review and recommendation by the Landscape Beautification Advisory Board, the Planning and Zoning Board, and the City Commission, the proposed amendment is found consistent with the goals, objectives, and policies of the City's Comprehensive Plan and Land Development Regulations.

WHEREAS, the City Commission held a public hearing on October 14, 2025, at which hearing all interested persons were afforded an opportunity to be heard, and the item was approved on first reading (vote: _ to _); and

WHEREAS, after notice of public hearing duly published and notified a public hearing was held before the Planning and Zoning Board/Local Planning Agency of the City of Coral Gables on November 19, 2025, at which hearing all interested persons were afforded the opportunity to be heard and these text amendments were recommended for approval (vote: 4 - 3); and

WHEREAS, after notice was duly published, a public hearing for Second Reading was held before the City Commission, at which hearing all interested parties were afforded the opportunity to be heard, and the item was approved on second reading.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT:

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 Code of the City of Coral Gables is hereby amended as follows¹.

ARTICLE 14. PROCESS.

Section 14-204. Transfer of Development Rights.

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. Parcels designated for open space conveyed to the City to encourage more open space in the city.

¹ Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

3. Native and natural habitats on land conveyed to the City to encourage the permanent preservation of native habitats, mature tree canopy, and natural ecosystems within the City.

* * *

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 shall be 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.
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 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 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.

D. Transfer/Sending of TDRs for the Conservation of Native and Natural Habitats.

1. The Landscape Beautification Advisory Board shall review all requests to transfer/send TDRs for conservation purposes if all of the following are satisfied:

- a. The sending site shall be fully subject to a Grant of Conservation Easement Agreement (GOCEA). The property survey shall demonstrate that the majority of the sending site consists of mature native habitats or other natural habitats, with a minimum of forty percent (40%) tree canopy. Supporting environmental or ecological assessments verifying the significance of the habitat shall be submitted and reviewed for confirmation by the Greenspace Management Division.
- b. A Grant of Conservation Easement Agreement (GOCEA) shall be required in a form approved by the City Attorney and shall apply to all land subject to Conservation TDRs to prohibit future development on all designated natural habitat areas of the property, preserve existing native vegetation, and ensure perpetual conservation.
- c. The TDRs eligible to be transferred shall be calculated by dividing the average fair market value by the average TDR unit rate, or cost per square-foot of TDR to be transferred in the private market.
 - i. A minimum of two (2) independent Uniform Standards of Professional Appraisal Practice (USPAP) compliant appraisals by qualified appraisers who are members of the Appraisal Institute. Each appraisal shall determine the fair market value of the property under existing zoning and applicable land use conditions. The average of these appraisals shall establish the fair market value of the property.
 - ii. The TDR unit value shall be determined from the average of two (2) or more recent sales or transfers within the city limits, prepared by qualified appraisers who are members of the Appraisal Institute. The resulting average value shall represent the dollar amount assigned to each TDR.

iii. The total number of transferable development rights shall be calculated as:
Number of TDRs = (Average Fair Market Value) ÷ TDR Unit Value (\$ per TDR)

d. Ecological Bonus: Additional TDRs may be granted for sending sites that demonstrate exceptional habitat quality, tree canopy coverage, or other measurable conservation value beyond the minimum eligibility criteria. Verification of such ecological value shall be provided through documentation prepared and certified by a qualified environmental professional, arborist, or ecologist, as applicable. The Landscape Beautification Advisory Board shall review the verified documentation and site conditions and recommend the number of bonus TDRs, not to exceed fifteen percent (15%) of the base TDRs, with final approval by the City Commission.

e. Documentation: All appraisal assumptions, data sources, comparable sales, and valuation methodologies shall be fully documented in the appraisal reports to substantiate valuation conclusions and ensure transparency in the determination of the TDR Unit Value.

2. The City Commission shall consider to transfer/send TDRs via Resolution upon the positive recommendation from the Landscape Beautification Advisory Board. Property owners voluntarily participate in the Conservation TDR program with the understanding that all land subject to a GOCEA must be conveyed to the City. All remaining portions of the original property not conveyed as part of the Conservation TDR shall remain in compliance with applicable zoning requirements. The City Commission may consider allowing the transfer of certain conservation TDRs to additional MX zoning districts outside of the specified receiving sites contained with Section 14-204.5. The resolution may include conditions 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. For Conservation TDRs, the Restrictive Covenant shall be recorded in conjunction with the Grant of Conservation Easement Agreement (GOCEA) and shall ensure perpetual preservation of the designated natural habitat areas. The All Restrictive Covenant(s) and GOCEAs shall require review and approval by the City Attorney prior to recordation. The applicants shall be responsible for all costs associated herein

* * *

Section 14-204.9. Expiration of approvals.

A. Approvals for use of TDRs on receiver sites, shall be valid for up to two (2) years from the date of issuance, in accordance with Section 1-111, Time limitation of approvals. Certificates of TDR, regardless of the date of issuance, shall have no expiration date. Conservation TDRs shall remain valid contingent upon the perpetual

enforcement of the recorded Grant of Conservation Easement Agreement (GOCEA) and any associated Restrictive Covenants.

* * *

Article 16. Definitions

Conservation TDR: means a transferable development right derived from environmentally sensitive lands that are permanently preserved under a Grant of Conservation Easement Agreement (GOCEA). Property owners voluntarily request participation in the Conservation TDR program with the understanding that all land subject to a GOCEA must be conveyed to the City. Conservation TDRs apply only to the portion of property voluntarily conveyed to the City. The number and value of TDRs are determined based on qualified fair market value appraisals in accordance with the City's adopted appraisal methodology and are eligible for transfer to designated receiving sites.

* * *

Ecological Bonus: means additional TDRs granted by the City for sending sites that demonstrate exceptional habitat quality, tree canopy coverage, or other conservation value beyond the minimum eligibility criteria. Such ecological value shall be verified through documentation prepared and certified by a qualified environmental professional, arborist, or ecologist, as applicable.

* * *

Grant of Conservation Easement Agreement (GOCEA): is a legally recorded agreement that permanently restricts development on designated conservation areas of a property, ensuring preservation of native habitats, mature tree canopy, and natural ecosystems. For Conservation TDRs, the GOCEA must apply to the entire portion of the property conveyed to the City.

* * *

Transfer of development right TDR Unit Value (\$ per TDR): is the dollar value assigned to a single conservation transferable development right (TDR), based on the average fair market value appraisals and adjusted periodically to reflect current market conditions. This value is used to calculate the number of TDRs generated from a sending site in accordance with Section 14-204.4(D)(1).

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 Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the 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 intentions.

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

SECTION 7. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS NINTH DAY OF DECEMBER, A.D., 2025.

(Moved: Anderson / Seconded: Fernandez)

(Yea: Castro, Fernandez, Lara, Anderson, Lago)

(Unanimous: 5-0 Vote)

(Agenda Item: E-9)

APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

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CRISTINA M. SUÁREZ
CITY ATTORNEY