

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 10, "TRANSFER OF DEVELOPMENT RIGHTS;" PROVIDING A PROCEDURE TO TRANSFER DEVELOPMENT RIGHTS IN RETURN FOR CONVEYANCE OF OPEN SPACE TO THE CITY; PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, City Staff has proposed a Zoning Code text amendment to allow transfer development rights (TDRs) to be utilized for the purpose of creating City parks;

**WHEREAS**, after notice was duly published, a public hearing was held before the Planning and Zoning Board on June 13, 2018, at which hearing all interested parties were afforded the opportunity to be heard;

**WHEREAS**, the Board was presented with the text amendment to the Official Zoning Code, and after due consideration, recommended approval (vote: 6-0) of the text amendment;

**WHEREAS**, a public hearing for First Reading was held before the City Commission on July 10, 2018, at which hearing all interested parties were afforded the opportunity to be heard;

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

**WHEREAS**, after notice duly published, a public hearing for Second Reading was held before the City Commission on (month) (day), 2018, 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/denied) the amendment on Second Reading (vote: \_\_-\_\_).

**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<sup>1</sup>:

## **ARTICLE 3 - DEVELOPMENT REVIEW**

### **Division 10. Transfer of Development Rights**

#### **Section 3-1002. Purpose and applicability.**

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

1. Local historic landmarks to other properties within the ~~Central Business District (CBD)~~ 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.

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#### **Section 3-1004. Transfer/sending of TDRs and issuance of a Certificate of TDRs.**

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C. Transfer/sending of TDRs to create a city park. The Parks and Recreation Advisory Board shall have authority to grant approval to transfer/send TDRs if all of the following are satisfied:

1. Ownership of the sending site shall be transferred to the City of Coral Gables as part of the application to transfer development rights to the receiver site.
2. The Development Services Department has calculated the unused development rights or TDRs eligible to be transferred from the property per Section 3-1004.A.
3. The sending site is identified as a future city park as part of the acquisition of the subject property.

The approval to transfer/send shall be via Resolution. 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.

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**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.

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<sup>1</sup> Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

**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 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 \_\_\_\_\_, 2018.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2018.

APPROVED:

RAUL VALDES-FAULI  
MAYOR

ATTEST:

WALTER FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS  
CITY ATTORNEY