

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-48

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 11, "HISTORIC PRESERVATION: DESIGNATIONS AND CERTIFICATES OF APPROPRIATENESS;" ARTICLE 5, "DEVELOPMENT STANDARDS," DIVISION 24, "WALLS AND FENCES;" AND, ARTICLE 8, "DEFINITIONS" AMENDING CRITERIA FOR DESIGNATING HISTORIC LANDMARKS AND DISTRICTS, CLARIFYING WOOD FENCE REQUIREMENTS, AND ADDING A DEFINITION FOR HISTORIC INTEGRITY; PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff, at the request of the Historic Preservation Board, has prepared a Zoning Code text amendment to regulations pertaining to historic preservation; and

WHEREAS, the proposed Zoning Code text amendments will reinsert wording clarifying that the integrity of the historic resource is necessary for designation, provide clarification regarding wood fences, and add a definition for historic integrity; and

WHEREAS, at their meeting on January 11, 2016 the Historic Preservation Board recommended approval (vote: 8-0) of the proposed Zoning Code text amendments; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on July 13, 2016, 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, a public hearing for First Reading was held before the City Commission on September 13, 2016, 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: 4-0).

WHEREAS, after notice was duly published, a public hearing was held before the City Commission on September 28, 2016, at which hearing all interested parties were afforded the opportunity to be heard.

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 11. Historic Preservation: Designations and Certificates of Appropriateness

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:

Section 3-1107. Demolition.

G. All demolition permits for non-designated buildings and/or structures must be approved by the Historic Preservation Officer or designee. The approval is valid for eighteen (18) months from issuance and shall thereafter expire and the approval is deemed void unless the demolition permit has been issued by the Development Services Department. The Historic Preservation Officer may require review by the Historic Preservation Board if the building and/or structure to be demolished is eligible for designation as a local historic landmark or as a contributing building, structure or property within an existing local historic landmark district. This determination of eligibility is preliminary in nature and the final public hearing before the Historic Preservation Board on Local Historic Designation shall be within sixty (60) days from the Historic Preservation Officer determination of “eligibility.” Consideration by the Board may be deferred by mutual agreement by the property owner and the Historic Preservation Officer. The Historic Preservation Officer may require the filing of a written application on the forms prepared by the Department and may request additional background information to assist the Board in its consideration of eligibility. Independent analysis by a consultant selected by the City may be required to assist in the review of the application. All fees associated with the analysis shall be the responsibility of the applicant. The types of reviews that could be conducted may include but are not limited to the following: property appraisals; archeological assessments; and historic assessments.

ARTICLE 5 - DEVELOPMENT STANDARDS

Division 24. Walls and fences

Section 5-2401. Materials and specifications.

D. Wood picket fences shall be permitted on Santa Maria Street and residential lots in Golden Gate, MacFarlane Homestead, and Coconut Grove Warehouse Subdivision, subject to the following conditions:

1. Such fences shall be no more than four (4) feet high and of cedar, cypress, or redwood, with four (4) inch by four (4) inch terminal posts, two (2) inch by four (4) inch intermediate posts, wood rails and pickets one (1) inch thick. Pickets shall be placed so as to provide a space between of not less than one-half (½) the width of the picket. These specifications do not apply if the fence is a re-creation of a historic fence that was demolished.
2. All such fences shall be painted on each side with an appropriate and harmonious color, and shall be maintained and kept in repair by replacing all rotting wood. Construction and painting shall be completed within a reasonable time after issuance of permit therefore, to be determined by the Building Official.

ARTICLE 8 – DEFINITIONS

Historic integrity is the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s prehistoric or historic period. Historic integrity enables a property to illustrate significant aspects of its past. Not only must a property resemble its historic appearance, but it must also retain physical materials, design features, and aspects of construction dating from the period when it attained significance. The integrity of archaeological resources is generally based on the degree to which remaining evidence can provide important information. All six qualities (integrity of location, design, setting, materials, workmanship, or association) do not need to be present for eligibility as long as the overall sense of past time and place is evident.

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.

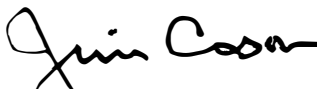
SECTION 6. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This ordinance shall become effective upon passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF SEPTEMBER,
A.D. 2016.

(Moved: Quesada / Seconded: Lago)
(Yeas: Slesnick, Keon, Lago, Quesada, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-1)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER L. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY