

## **CITY OF CORAL GABLES, FLORIDA**

### **ORDINANCE NO. 2014-27**

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 10, "TRANSFER OF DEVELOPMENT RIGHTS (TDR)", BY EXPANDING THE AREA FOR QUALIFYING TDR SENDING SITES TO INCLUDE HISTORICALLY DESIGNATED PROPERTIES WITHIN A MULTI-FAMILY 2 (MF2) DISTRICT LOCATED IN THE AREA NORTH OF THE CENTRAL BUSINESS DISTRICT (CBD) BOUNDED BY SW 8<sup>TH</sup> STREET (NORTH), NAVARRE AVENUE (SOUTH), DOUGLAS ROAD (EAST), AND LEJEUNE ROAD (WEST); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

**WHEREAS**, City Staff is requesting a Zoning Code text amendment to expand the area for qualifying Transfer of Development Rights (TDR) sending sites to include historically designated properties within a Multi-Family 2 (MF2) District located in the area north of the Central Business District (CBD) bounded by SW 8<sup>th</sup> Street (north), Navarre Avenue (south), Douglas Road (east) and LeJeune Road (west); and

**WHEREAS**, presently all TDR sending sites must be located within the City's CBD; and

**WHEREAS**, the Historic Preservation Board reviewed the proposed amendments on May 8, 2014 and recommended that the amendments be approved; and

**WHEREAS**, after notice was duly published, a public hearing was held before the Planning and Zoning Board on June 11, 2014, 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: 6-0) of the text amendment; and

**WHEREAS**, after notice duly published, a public hearing for First Reading was held before the City Commission on September 11, 2014, 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:**

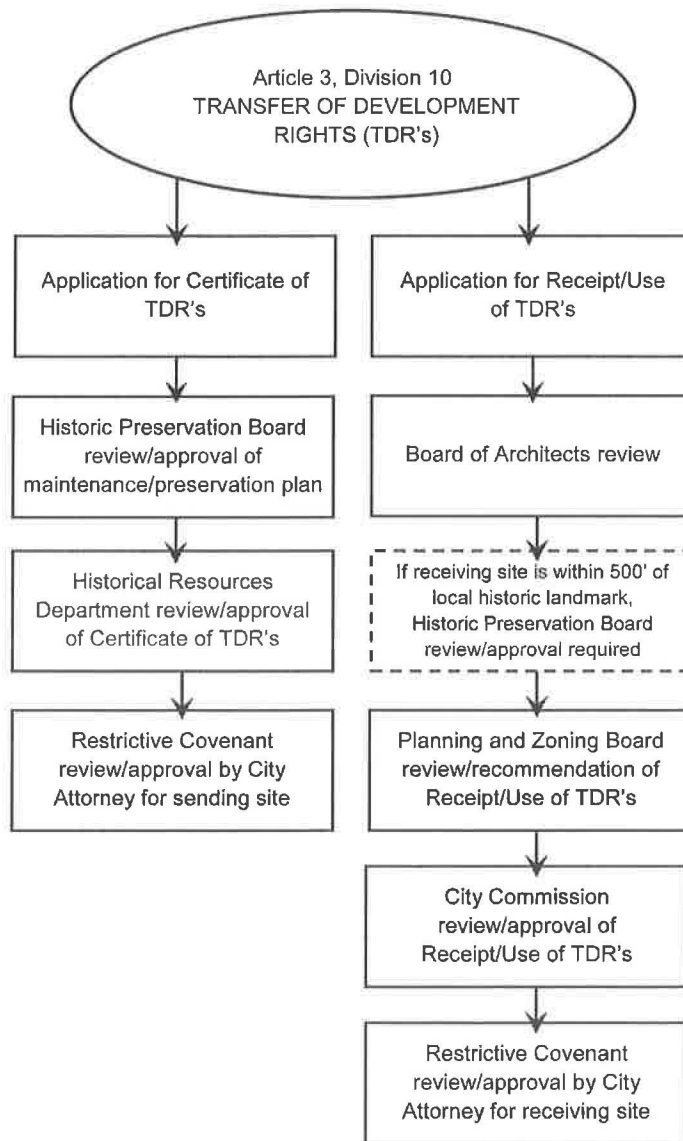
**SECTION 1.** The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

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

**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, 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 3, Division 11.*
  - 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 8<sup>th</sup> Street, is zoned MF2, and is developed with one of the following MF2 permitted land uses: duplex dwelling, multi-family dwelling, or bed and breakfast establishment.*
  - 3. The Development Services Department has calculated the unused development rights or TDRs eligible to be transferred from the property per Section 3-1004.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 to 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.*
  - 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.*

**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 shall be valid for up to two (2) years from date of issuance in accordance with 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 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 TWENTY-THIRD DAY OF SEPTEMBER,  
A.D., 2014.

(Moved: Lago / Seconded: Kerdyk)  
(Yeas: Kerdyk, Lago, Quesada, Keon, Cason)  
(Unanimous: 5-0 Vote)  
(Agenda Item: E-2)

APPROVED:



JIM CASON  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY