

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-26

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; and

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; 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, 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; 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); and

WHEREAS, the text amendment was presented to the Parks and Recreation Advisory Board; and

WHEREAS, the Parks and Recreation Advisory Board was presented with a text amendment to the Zoning Code on August 2, 2018, and recommended approval with conditions (vote: 6-0); and

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on August 28, 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 the amendment on Second Reading (5-0 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 follows¹:

ARTICLE 3 - DEVELOPMENT REVIEW

Division 10. Transfer of Development Rights

Section 3-1002. Purpose and applicability.

The purpose of these provisions ~~are~~ is 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.

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

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 3-1004.A.
3. The public benefit is demonstrated for the sending site and the potential impacts of the receiver

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

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.

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-EIGHTH DAY OF AUGUST, A.D.,
2018.

(Moved: Quesada / Seconded: Lago)
(Yeas; Keon, Lago, Mena, Quesada, Valdes-Fauli)
(Unanimous: 5-0 Vote)
(Agenda Item: F-1)

APPROVED:


RAUL VALDES-FAULI
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


MIRIAM SOLER RAMOS
CITY ATTORNEY