

ARTICLE 3 - DEVELOPMENT REVIEW

Division 1. Purpose and Applicability

Section 3-101. General.

The purpose of this Article is to establish the requirements for each type of development approval, beginning with general procedures which are applicable to all levels of approval and followed by specific procedures which are applicable to each process, including a graphic describing the process for each type of approval.

These regulations on the following page establish the following types of procedures required to obtain development approval.

ARTICLE 3 - DEVELOPMENT REVIEW

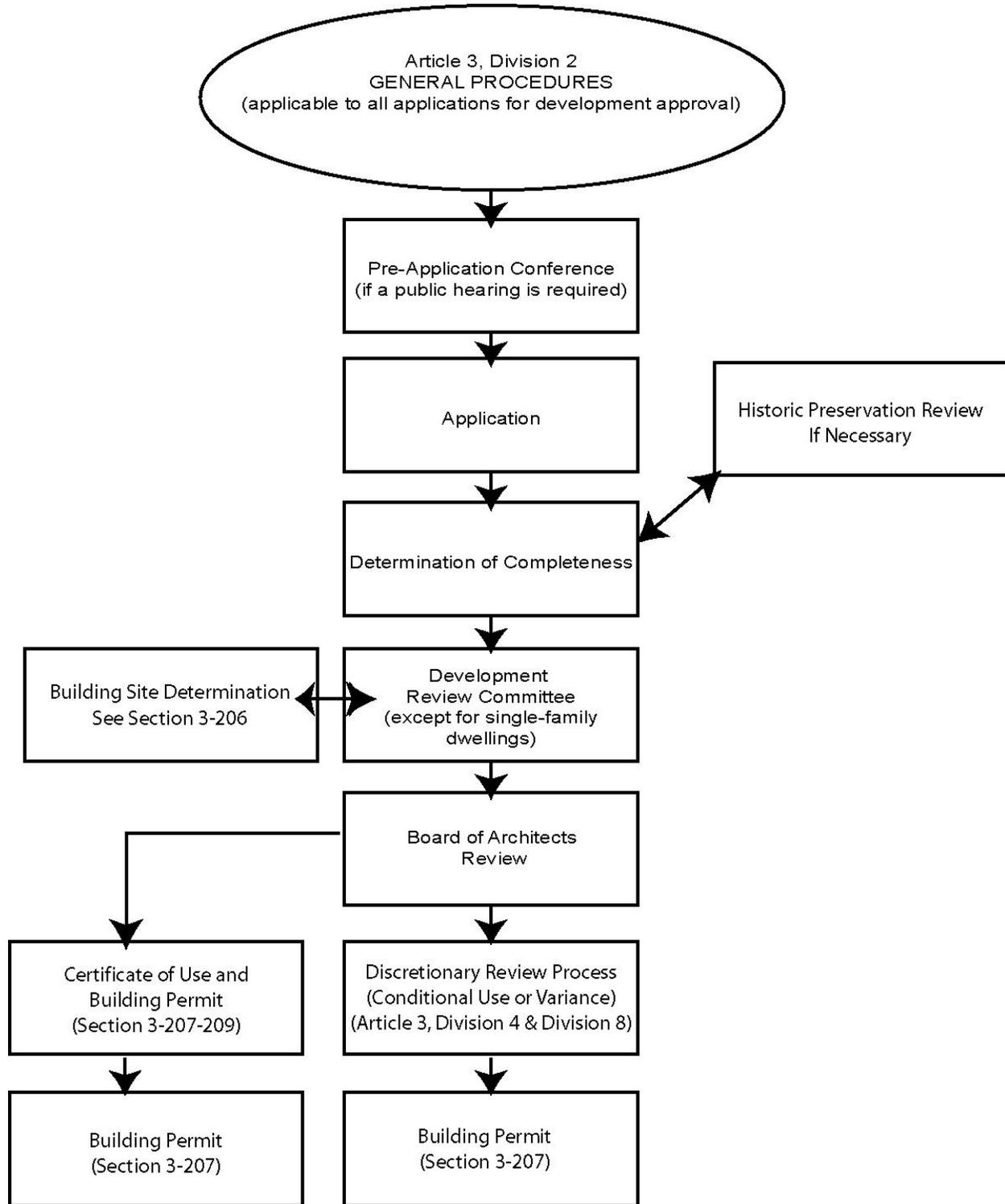
<i>Development approvals</i>	<i>Refer to Article 3, Divisions 2 and 3 See also ...</i>	<i>Preliminary review</i>	<i>Recommendation after public hearing of ...</i>	<i>Final decision made by ...</i>
Abandonment and Vacations	Division 12	Development Review Committee	Planning and Zoning Board	City Commission
Appeals				
Appeals from City Architect	Division 6		Not Required	Board of Architects
Appeals from City Officials (other than HPO)	Division 6		Not Required	Board of Adjustment
Appeals from Decisions of the Board of Architects	Division 6		Not Required	City Commission
Appeals from Decisions of the Board of Adjustment	Division 6		Not Required	City Commission
Appeals from Historic Preservation Board	Divisions 6 & 11		Not Required	City Commission
Appeals from Historic Preservation Officer	Divisions 6 & 11			Historic Preservation Board
Comprehensive Plan (CP)				
Map Change	Division 15	Planning Department	Planning and Zoning Board	City Commission
Text Change	Division 15	Planning Department	Planning and Zoning Board	City Commission
Conditional Uses	Division 4	Development Review Committee, Board of Adjustment	Board of Architects, Planning and Zoning Board	City Commission
Development Agreement	Division 19		Board of Architects, Planning and Zoning Board	City Commission
Development of Regional Impact	Division 16	Development Review Official	Planning and Zoning Board	City Commission
Historic Preservation				
Historic Designation	Division 11	Historical Resources Department, Historic Preservation Officer	NA	Historic Preservation Board
Standard Certificate of Appropriateness	Division 11	Historic Preservation Officer	NA	Historic Preservation Officer
Special Certificate of Appropriateness	Division 11	HPO, Building and Zoning Department	NA	Historic Preservation Board

ARTICLE 3 - DEVELOPMENT REVIEW

<i>Development approvals</i>	<i>Refer to Article 3, Divisions 2 and 3 See also ...</i>	<i>Preliminary review</i>	<i>Recommendation after public hearing of ...</i>	<i>Final decision made by ...</i>
Planned Area Development	Division 5		Planning and Zoning Board	City Commission
Separation or Establishment of a Building Site	Section 3-206; Article 3, Division 4	Development Review Official	Planning and Zoning Board	City Commission
Subdivision/Platting	Division 9	Development Review Official	Planning and Zoning Board	City Commission
Transfer of Development Rights	Division 10	Development Review Committee, Board of Adjustment	Planning and Zoning Board & Historic Preservation Board	City Commission
Variances	Division 8	Historical Resources Department or Department of Building and Zoning	Not Required	Board of Adjustment or Historic Preservation Board
Vested Rights	Division 18	Development Review Official	Planning and Zoning Board	City Commission
Zoning in Progress / Moratorium	Division 7	Planning Department		
Zoning Code				
Map Amendment	Division 14	Development Review Official	Planning and Zoning Board	City Commission
Text Amendment	Division 14	Development Review Official	Planning and Zoning Board	City Commission

ARTICLE 3 - DEVELOPMENT REVIEW

Division 2. General Development Review Procedures



Section 3-201. Pre-application conference.

- A. All applicants for development review when the applications require a public hearing for approval shall schedule a pre-application conference with the appropriate Development Review Official to discuss the

ARTICLE 3 - DEVELOPMENT REVIEW

nature of the application, applicable standards, application information requirements, application format requirements, and the timing of review and approval. Such required pre-application conference may be conducted after the submittal of an initial application. Any other applicant for development approval may request a pre-application conference with the appropriate Development Review Official.

- B. Prior to the scheduling of the pre-application conference, the applicant shall provide information requested on a pre-application form provided by the appropriate Development Review Official.
- C. At the pre-application conference, the appropriate Development Review Official shall determine whether the proposed application contains a parcel with a buildable lot, provide the applicant with all required application forms and a checklist that sets forth all of the information that will be required of the applicant in order to review the application for compliance with these regulations. This determination by the Development Review Official shall not constitute a development order.

Section 3-202. Application.

- A. Form of application. All applications for development approval shall be submitted on a form approved by the City and as provided by the applicable Department's "Development Review Handbook."
- B. Payment of application fee. The application fee required by the City Code shall accompany all applications.
- C. Proof of ownership or authorized agency. All applications shall include sworn proof of ownership of the property in question or sworn proof that they are the owner's agent on a form approved by the City.
- D. All applications for single-family dwellings shall be reviewed to determine if there is a buildable lot.
- E. Plans and specifications. Such plans and specifications as are required by the City shall be prepared by a registered architect, registered landscape architect and/or registered engineer, qualified under the laws of the State of Florida to prepare such plans and specifications.
- F. Simultaneous applications. If more than one (1) approval is requested for a particular development proposal, with the exception of an application for a building permit, certificate of completion/occupancy or certificate of use, an applicant is required to submit all applications for development review at the same time.

Section 3-203. Determination of completeness.

- A. Upon receipt of the application, the designated Development Review Official shall review the application to determine whether:
 - 1. All required information is provided in an acceptable format;
 - 2. The required fee is paid;
 - 3. Whether the information is technically competent to proceed forward with additional City review; and
 - 4. Whether the application needs to be initially reviewed by the Historic Preservation Officer in accordance with the provisions of Article 3, Division 11.
- B. If any required information is not provided, the applicable fee not paid and/or if the application or any part of the application is determined not technically competent, then:
 - 1. The Development Review Official shall notify the applicant of the specific deficiency in the application; and
 - 2. The applicant shall either:

ARTICLE 3 - DEVELOPMENT REVIEW

- a. Submit the specifically identified information in a technically competent form; or
- b. Withdraw the application.

Failure to comply with either 2(a) or (b) above within one hundred and twenty (120) days of the date of notification of the deficiencies by the Development Review Official shall constitute a withdrawal.

Section 3-204. Review by Development Review Committee.

After an application for development approval is determined to be complete and technically competent, the Development Review Committee (DRC) shall review the application pursuant to Sections 2-801 through 2-807.

Section 3-205. Permitted uses.

- A. Except as provided in Article 3, Division 11, for historic properties, any use listed as a permitted use in a single-family or duplex residential district may be permitted subject to City Architect or Board of Architects review and subject to obtaining a certificate of use and a building permit.
- B. Prior to the issuance of a building permit, the Board of Architects shall review plans for additions, exterior alterations and/or all new construction, except for the following which shall be reviewed and approved by the City Architect or the assigned Development Review Official:
 1. Awnings.
 2. Awning recovers.
 3. Demolition of entire structures.
 4. Door replacement.
 5. Driveway replacement with different materials.
 6. Fences.
 7. Fountains.
 8. Flagpoles.
 9. Hurricane shutters.
 10. Landscaping.
 11. Miscellaneous minor revisions to permits.
 12. Painting (using colors on Board of Architects' approved color pallet).
 13. Patio.
 14. Planters.
 15. Re-roofs.
 16. Recreation equipment.

ARTICLE 3 - DEVELOPMENT REVIEW

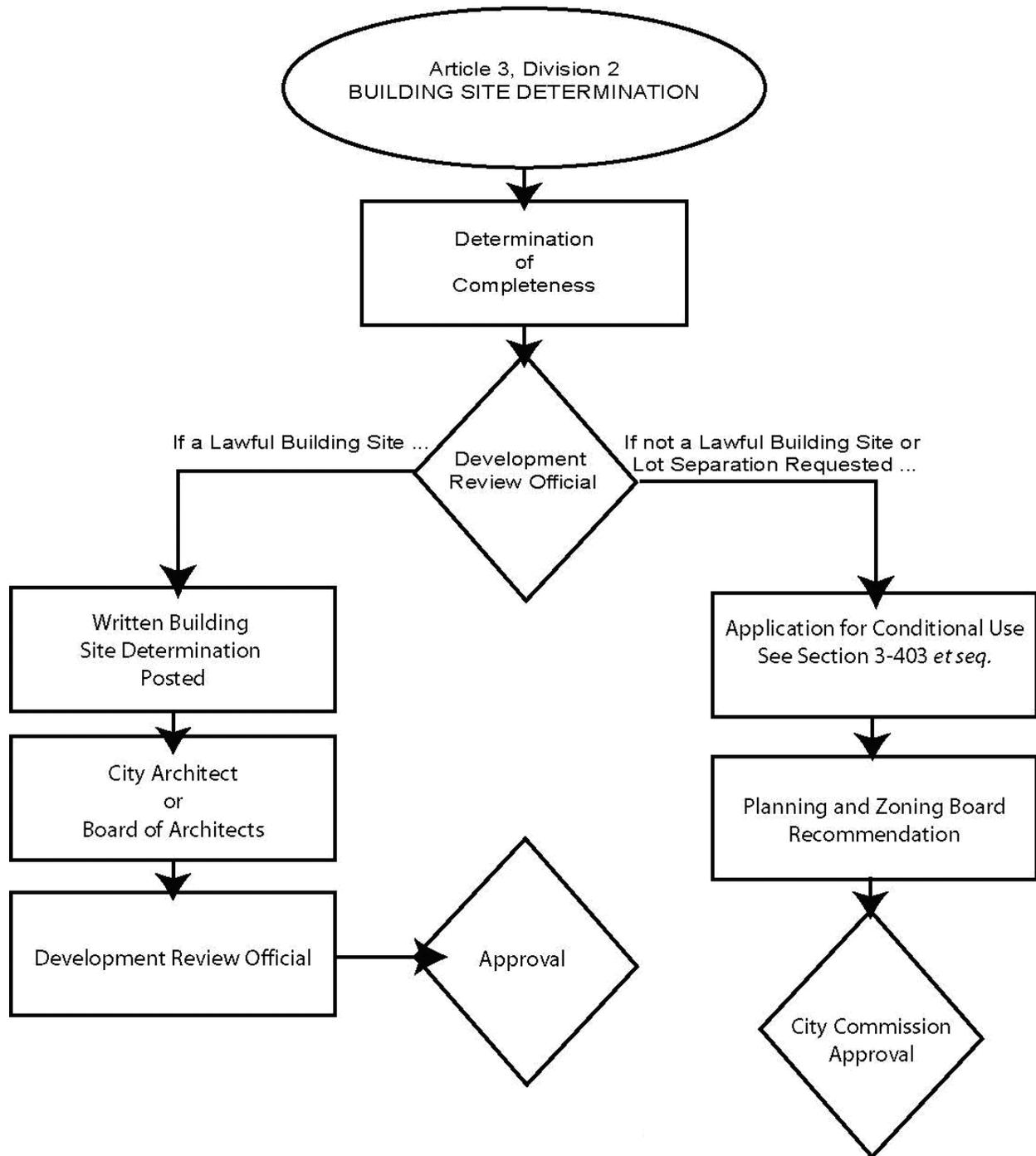
17. Reflecting pools.
18. Screen enclosure.
19. Screen walls for mechanical equipment.
20. Spas in association with an existing swimming pool.
21. Tiling.
22. Trellis.
23. Walkways.
24. Window replacement.
25. Wood decks.
26. Any other matter, as determined by the Board of Architects.

The City Architect or assigned Development Review Official may refer any item provided in this section to the Board of Architects for review.

- C. Preparation, approval and revision of architectural drawings. The following procedures shall be followed in preparing, obtaining approval and revising preliminary and final working drawings:
 1. Architectural drawings. All architectural drawings for new residential buildings or alterations or additions to existing residential structures shall be prepared by and bear an impression seal of a registered architect qualified under the laws of the State of Florida to prepare such plans and specifications. All other architectural drawings shall be prepared by and bear an impression seal of a registered architect or registered engineer qualified under the laws of the State of Florida to prepare such drawings.
 2. Approval in principle. Preliminary approval in principle shall be obtained from the Board of Architects before proceeding with the final working drawings. The drawings for approval in principle shall preferably be single-line plan or plans and shall have a plot plan, floor plan and shall show all affected elevations. Photographs of adjoining properties shall be presented with the preliminary plans. Plans for additions or exterior alterations to existing buildings shall show all elevations of all facades of the building where the alterations occur, or to which the addition is attached. Whenever the estimated cost of construction of any addition, exterior alteration and/or new construction will exceed seventy-five-thousand (\$75,000) dollars, such preliminary plans shall be submitted in duplicate.
 3. Revisions to preliminary plans. When the designing architect and/or engineer revises preliminary plans in accordance with the suggestions of the Board of Architects, the applicant shall present the original drawings showing the Board's suggestions with the revised drawings.
 4. Revisions to final working drawings. After plans have been approved, no deviations from the approved design shall be permitted without the approval of the Board of Architects except for properties designated historic which shall require Historic Preservation Board review and approval in accordance with the provisions of Article 3, Division 11.

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-206. Building site determination.



- A. Except as provided in subsection I below, prior to the issuance of a building permit for a single-family dwelling or duplex building, an application for a building site determination shall be submitted to the Building and Zoning Department in writing upon an application form approved by the City and shall be accompanied by applicable fees.
- B. An application for building site determination shall be reviewed in accordance with the provisions of Sections 3-202 and 3-205 of these regulations.

ARTICLE 3 - DEVELOPMENT REVIEW

- C. If the Development Review Official determines that the parcel proposed for development is a lawful building site, a written site determination shall be issued to the applicant and posted in the Office of the City Clerk and on the property which is the subject of the determination and the application for development approval shall proceed to be reviewed in accordance with the procedures established in Sections 3-203-205.
- D. In the event that an application for a building site determination is denied by the Development Review Official or any change is proposed for the purpose of creating a new building site, the applicant shall submit an application for conditional use approval, together with a proposed site plan, and such application shall be reviewed in accordance with the procedures established in Article 3, Division 4 of these regulations and the applicable standards in subsection F below.
- E. Standards for approval.
1. All buildings or structures located in Districts shall be constructed or erected upon a building site containing at least one (1) platted lot and such building site shall have a minimum street frontage of fifty (50) feet.
 2. Building site requirements. Wherever there may exist a single-family residence(s), duplex building(s) or any lawful accessory building(s) or structure(s) which was heretofore constructed on property containing one (1) or more platted lots or portions thereof, such lot or lots shall thereafter constitute only one (1) building site and no permit shall be issued for the construction of more than one (1) single-family residence or duplex building. Such structures shall include but not be limited to swimming pools, tennis courts, walls, fences or other at grade and above ground improvements. Only one (1) single-family residence or duplex shall be constructed upon any one (1) building site having not less than the minimum street frontage required by this code.
 3. Removal of buildings. If a single-family residence or duplex building is demolished or removed, whether voluntarily or involuntarily or by an act of God or casualty, no permit shall be issued for the construction of more than one (1) building on the building site.
 4. Any application which meets all of the following criteria shall be deemed a lawful building site:
 - a. That no more than one (1) building or structure is located on a building site, except as may be provided for herein concerning lawful accessory buildings for accessory use.
 - b. That no building site shall be reduced or diminished such that the street frontage of the parcel is less than prescribed by the Zoning Code.
 - c. That no encroachments including but not limited to fences, walls and other associated improvements (excluding primary and accessory habitable structures) occupy the site or tie any site together. For purposes of determining whether a lawful building site exists, the Building and Zoning Department may advise a property owner of an encroachment by an abutting property, but shall only consider encroachments created by the current property owner of their predecessor interest.
 - d. That the building site created, separated or established will not result in existing structures becoming non-conforming as it relates to setbacks, lot area, lot width and depth, ground coverage and other applicable provisions of the Zoning Code and/or City Code.
 - e. That none of the following exist on the subject property:
 - i. Unity of title preventing the separation of the parcels or property; or
 - ii. Any declarations of restrictive covenants that prevent the establishment of a building site.
 - f. If applicable, the analysis of the permit history identifies exceptional or unusual circumstances unique to the property.

ARTICLE 3 - DEVELOPMENT REVIEW

- g. No structure on the proposed site is an accessory use to a structure on an adjacent parcel.
5. Approval of a building site.
- a. The Building and Zoning Department shall issue a building site determination in written form and posted within the Department and City Clerk's Office. Within thirty (30) calendar days of the expiration of the sixty (60) day appeal period, the applicant shall complete the following:
 - i. Record the City determination letter and accompanying survey (signed and sealed) or any other information utilized by the City in its determination.
 - ii. Provide one (1) copy of the recorded documents to the Department. Failure of the applicant to complete the above shall render the determination void.
 - b. If the property is determined to be a building site, the Department may prescribe conditions, restrictions or safeguards deemed necessary, to satisfy the provisions within this Code.
- F. When reviewing and providing a recommendation on an application for conditional use for a building site determination, the Planning and Zoning Division, Planning and Zoning Board and the City Commission shall consider and evaluate the request together with a proposed site plan and provide findings that the application satisfies the following criteria:
- 1. That the building site(s) created would have a lot area equal to or larger than the majority of the existing building sites of the same zoning designation within a minimum of one thousand (1,000) feet of the perimeter of the subject property. The Development Review Official may determine that the comparison of building sites within one thousand (1,000) feet of the subject property shall be based on one (1) or more of the following: building sites located on the same street as the subject property; building sites with similar characteristics such as golf course frontage, water frontage, cul-de-sac frontage; and, building sites within the same platted subdivision.
 - 2. That exceptional or unusual circumstances exist, that are site specific such as unusual site configuration or partially platted lots, or are code specific such as properties having two (2) or more zoning or land use designations, multiple facings or through-block sites, which would warrant the separation or establishment of a building site(s).
 - 3. That the proposed building site(s) maintains and preserves open space and specimen trees, promotes neighborhood compatibility, preserves historic character, maintains property values and enhances visual attractiveness of the area.
 - 4. That the application satisfies at least three (3) of the following four (4) criteria:
 - a. That the building site(s) created would have a street frontage, golf course frontage (if applicable), and water frontage (if applicable) equal to or larger than the majority of the existing building sites of the same zoning designation within a minimum of one thousand (1,000) feet of the perimeter of the subject property. For a cul-de-sac building site(s), the comparison of street frontages and water frontages (if applicable) shall include those similarly situated cul-de-sac building sites within one thousand (1,000) feet. If no cul-de-sac building sites exist within one thousand (1,000) feet then the comparison may be expanded to include all cul-de-sac building sites within the platted subdivision and any adjacent platted subdivision.
 - b. That the building site(s) separated or established would not result in any existing structures becoming non-conforming as it relates to setbacks, lot area, lot width and depth, ground coverage and other applicable provisions of the Zoning Code, Comprehensive Plan and City Code. The voluntary demolition of a building or structure within the last ten (10) years which eliminates any of the conditions identified in this criterion shall result in non-compliance with this criterion.

ARTICLE 3 - DEVELOPMENT REVIEW

- c. That no restrictive covenants, encroachments, easements, or the like exist which would prevent the separation of the site. The voluntary demolition of a building or structure within the last ten (10) years which eliminates any of the conditions identified in this criterion shall result in non-compliance with this criterion.
 - d. That the building site(s) created has been owned by the current owner continuously for a minimum of ten (10) years prior to an application submittal for conditional use for a building site determination.
- G. Conditions of approval (if applicable). If an application is recommended for approval, the Planning and Zoning Division, Planning and Zoning Board, and City Commission may prescribe conditions, restrictions or safeguards deemed necessary to satisfy the provisions within this Section. The following conditions are the minimum required for an approval:
1. The total square footage of the residences allowed on the separated building sites shall be equal to or less than the total square footage that could be constructed on the property if developed as a single building site.
 2. The new single-family residences constructed on the separated building sites shall meet all applicable requirements of the Zoning Code, and no variances shall be required or requested.
 3. The plans depicting the site plans and elevations of the residences on the separated building sites and submitted as part of the conditional use application shall be made part of the approval with any instructions or exceptions provided by the City Commission. Any changes to the plans are subject to Sec. 3-410 of the Zoning Code.
 4. A bond shall be required, as determined by the building official, to ensure the timely removal of any non-conformities as a result of the building site separation approval.
- H. Exemptions.
1. Construction of a new building(s) on an existing building site. Property owners who demolish an existing lawful building shall be presumed to have a lawful building site and may build on such site improvements permitted by the current Code provisions for such site.
 2. Involuntary destruction of building(s). Parcels which are occupied with existing lawful and/or legally nonconforming building and accessory structure(s) on platted parcels or partially platted parcels if involuntarily destroyed either by an act of God or casualty shall not be required to undergo the building site determination process but shall be presumed to have a lawful building site provided the following are satisfied:
 - a. The property owner provides evidence in the form of a survey, aerial, etc. to substantiate existence of a building or accessory structure(s) prior to the event.
 - b. The Department after reviewing the evidence provided determined that the property was a lawful building site.
 3. Sale of the property to adjoining property owner. The sale of property between two (2) previously lawfully established building sites which results in an increase/decrease of the size of the properties shall be determined to be lawfully established building sites if all existing structures do not become nonconforming as they relate to all applicable provisions of the Zoning Code for the zoning district in which the property is located and all other applicable Comprehensive Plan and City Code provisions.
 4. Involuntary destruction of building(s) in association with the sale of property to adjoining property owner. When a parcel that at one time complied with the laws governing building sites, is

ARTICLE 3 - DEVELOPMENT REVIEW

diminished by the property owner through the sale of a portion or portions of the building site thus creating a nonconforming parcel, the property owner may only rebuild the structure(s) previously located on the property if said destruction was involuntary. All new improvements shall be required to comply with all applicable codes in effect at the time.

- I. A determination that a parcel is a lawful building site by the Department of Building and Zoning shall be effective for a period of one (1) year. If a building permit is not obtained in this one (1) year period, such determination shall be null and void.

Section 3-207. Building permit.

A. Permit required.

1. Where required by the Florida Building Code, a permit must be obtained before commencement of any construction, demolition, modification or renovation of a building, structure, awning or canopy, unless this requirement is waived by the Building Official, except that the Building Official may not waive any required approvals by the Board of Architects.
2. All building permits and sign permits shall be in conformity with these regulations and any applicable development approval related to the parcel proposed for development.
3. Applications for permits will be accepted only from persons currently licensed in their respective fields and for whom no revocation or suspension of license is pending, provided, however, a sole owner may make application, and if approved, obtain a permit and supervise the work in connection with the construction, maintenance, alteration or repair of a single-family residence or duplex for his own use and occupancy and may make application for, and if approved, obtain a permit for maintenance and minor repairs on any type building. The construction of more than one (1) residence or duplex by an individual owner in any twelve (12) month period shall be construed as contracting, and such owner shall then be required to be licensed as a contractor. Such licensed contractor or owner shall be held responsible to the Building Official for the proper supervision and conduct of all work covered thereby.
4. All general contractors or owner/builders shall submit a list of all subcontractors to be employed on the project. The Building and Zoning Department will review the list to insure that all subcontractors are properly certified, licensed, and insured. Should the general contractor or owner/builder change subcontractors during the project, it will be necessary for the Building and Zoning Department to be notified prior to permitting the new subcontractor to commence work on the project. Any project found to be using unauthorized subcontractors is subject to a stop work order until the Building Official is satisfied that proper conditions exist and all permitting conditions are met.

- B. Procedure. All applications for building permits shall be submitted to the Building and Zoning Department. Upon receipt of an application, the Development Review Official shall determine whether the application conforms to these regulations and any applicable development approval. If the Development Review Official determines that the application does not conform, the Development Review Official shall inform the applicant of the decision. If the Building Official determines that the application does conform, the building permit may be issued. If the Building Official determines that the application does not conform, he shall identify the application's deficiencies and deny the application.

- C. Posting of bond. Before any building permit shall be issued, the owner of the affected property of the contractor shall deposit with the city that amount which in the opinion of the Building Official and/or the City Manager shall be adequate to reimburse the City, or any neighboring property owner, for damage which may result to sidewalks, parkways, parkway trees and shrubs, street pavement of other municipal or private property, or improvement from such work and the equipment and materials used in connection therewith, and for the removal of debris or excess material upon the completion of said work, and shall sign an undertaking to the City to pay the amount of any deficiency between the amount of said deposit and the cost of repairing any such damage or removal of any such debris or

ARTICLE 3 - DEVELOPMENT REVIEW

excess materials. Upon completion of the work, the Building Official, or such other person as may be designated by the City Manager, shall make final inspection and if the person shall find that no damage has resulted, and no debris or material remains on the site, the said deposit shall be returned to the depositor, or, if any damage shall be repaired by the City, or any debris or excess material be removed by the City, and the cost thereof shall be less than the deposit, then the difference between such cost and the amount of the deposit shall be returned to the depositor. Such bonds shall not be refunded until all code requirements are completed including necessary driveways and sidewalks.

- D. Incomplete buildings. No building not fully completed in substantial compliance with plans and specifications upon which a building permit was issued shall be permitted to be maintained on any land for more than one (1) year after the commencement of erection of any building, addition or renovation. A building site inspection shall be conducted six (6) months after the commencement of construction at which time evidence that work is proceeding shall be provided by the contractor. Work shall be considered to have commenced and be in active progress when, in the opinion of the Building and Zoning Director, a full complement of workmen and equipment is present at the site to diligently incorporate materials and equipment into the structure throughout the day on each full working day, weather permitting. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due to an injunction or other court order.

Section 3-208. Zoning permit.

No person shall commence or cause to be commenced any miscellaneous work, which does not otherwise require a building permit, which affects the aesthetics, appearance, or architectural design of any structure, site or site improvements until an application for a zoning permit therefore has been previously filed with the Building and Zoning Department. No such miscellaneous work which affects the aesthetics, appearance, or architectural design of any structure, site or site improvements shall commence until a permit has been issued by the City in every case where the cost of such proposed work exceeds five hundred (\$500) dollars in labor and materials. All work done under and pursuant to any zoning permit shall conform to the approved plans and/or specifications.

Section 3-209. Certificate of use.

Except for single family and multi-family uses, no person shall commence any use of any property, nor shall an occupational license or building permit be issued until an application for a Certificate of Use therefore has been filed with and approved by the Building and Zoning Department on a form provided by the Department. Any use of a property under and pursuant to any Certificate of Use shall conform to the Certificate of Use. Any use for which a Certificate of Use has been issued must commence within one-hundred and eighty (180) days of the issuance of the Certificate of Use, and is valid for a period not to exceed one (1) year from the date of the issuance. All Certificates of Use shall be renewed by the applicant each year.

Section 3-210. Resubmission of application affecting same property.

No application shall be accepted during the following time periods after the denial of a substantially similar application affecting the same property or any portion thereof:

- A. Conditional uses and variances: six (6) months.
- B. Change in zoning map, zoning text amendments, comprehensive plan text, future land use map, amendments and application for abandonment and vacation of non-fee interests: twelve (12) months.

ARTICLE 3 - DEVELOPMENT REVIEW

Division 3. Uniform Notice and Procedures for Public Hearing

Section 3-301. Applicability.

The procedures set out in this Division shall be applicable to all public hearings required by any provision of these regulations.

Section 3-302. Notice.

In every case where a public hearing is required pursuant to the provisions of these regulations and other applicable Florida Statute requirements, the City shall provide a Notice of Public Hearing in the manner set out in this section and as summarized in the following table:

ARTICLE 3 - DEVELOPMENT REVIEW

Types of Public Notices ^{1,2}

<i>Type of Application</i>	<i>Type of Notice</i>	<i>Timing of Notice Before ...</i>		
		<i>Board Public Hearing (if required)</i>	<i>First Commission Public Hearing (if required)</i>	<i>Second Commission Public Hearing (if required)</i>
<i>Abandonment and Vacations³</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 days		
<i>Annexation</i>	Publication	10 days		10 days
	Mail	10 days		
<i>Appeals</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 days		
<i>Board of Architects</i>	Posting	5 days		
<i>Comprehensive Plan Amendments</i>				
<i>Small Scale Map Amendments; city initiated</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 days		
<i>Small Scale Map Amendments; initiated by other than the City</i>	Publication	10 days		5 days
	Posting	10 days		
	Mail	10 days		
<i>Compliance Agreement with the State</i>	Publication	10 days	10 days	10 days
<i>Comprehensive Plan Map and Text, other than Small Scale</i>	Publication	10 days	7 days	5 days
<i>Conditional Use</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 days		
<i>Coral Gables Mediterranean Architectural Design Special Location Site Plan Review</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 days		

ARTICLE 3 - DEVELOPMENT REVIEW

<i>Timing of Notice Before ...</i>				
<i>Type of Application</i>	<i>Type of Notice</i>	<i>Board Public Hearing (if required)</i>	<i>First Commission Public Hearing (if required)</i>	<i>Second Commission Public Hearing (if required)</i>
<i>Development Agreement</i>				
General	Publication	7 days	7 days	7 days
	Posting	10 days		
Affected Property Owners	Mail	10 days		
<i>Development of Regional Impact and Notice of Proposed Change</i>				
	Publication	10 days	60 days	5 days
	Posting	10 days		
	Mail	10 days		
<i>Historic Preservation: Designations and Certificate of Appropriateness</i>				
Designation of Landmark or District	Publication	10 days		
	Posting	10 days		
	Mail	10 days		
Certificate of Appropriateness (Special)	Publication	10 days		
	Posting	10 days		
Certificate of Appropriateness (Special) with Variance	Publication	10 days		
	Posting	10 days		
	Mail	10 days		
<i>Moratorium and Zoning in Progress</i>				
	Publication	10 days	7 days	5 days
<i>Planned Area Development Designation</i>				
	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 days		
<i>Separation/Establishment of a Building Site</i>				
Administrative Building Site Determination	Post DRO determination			
Conditional Use	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 days		

ARTICLE 3 - DEVELOPMENT REVIEW

Type of Application	Type of Notice	Timing of Notice Before ...		
		Board Public Hearing (if required)	First Commission Public Hearing (if required)	Second Commission Public Hearing (if required)
<i>Site Plan (MXD, PAD, other)</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 days		
<i>Subdivision Review for a Tentative Plat and Variances</i>	Publication	10 days		
	Posting	10 days		
	Mail	10 days		
<i>Subdivision Review for a Final Plat and Variances (Resolution)</i>	Publication		10 days	
<i>Transfer of Development Rights</i>				
Sending Site Plan Application	Publication	10 days		
	Posting	10 days		
	Mail	10 days		
Receiving Site Plan Application	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 days		
<i>University Campus District Modification to the Adopted Campus Master Plan</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 days		
<i>Variances</i>	Publication	10 days		
	Posting	10 days		
	Mail	10 days		
<i>Zoning Code Text Amendment</i>	Publication	10 days		10 days
<i>Zoning Code Text Amendment (Use Changes) - Amendment to text that changes actual list of permitted, conditional, or prohibited uses within a zoning category</i>	Publication	10 days	7 days	5 days

ARTICLE 3 - DEVELOPMENT REVIEW

<i>Timing of Notice Before ...</i>				
<i>Type of Application</i>	<i>Type of Notice</i>	<i>Board Public Hearing (if required)</i>	<i>First Commission Public Hearing (if required)</i>	<i>Second Commission Public Hearing (if required)</i>
<i>Zoning District Map Amendment</i>				
Initiated by other than the City	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 days		
< 10 contiguous acres; City initiated	Publication	10 days		10 days
	Posting	10 days		
	Mail	10 days	30 days	
> 10 contiguous acres; City initiated	Publication	10 days	7 days	5 days

- ¹ Applications which are not listed do not have public hearing notice requirements.
- ² The City may announce time and dates of future proceedings in notices or at noticed meetings.
- ³ See City Code for additional advertising requirements per the City Code proceedings.

ARTICLE 3 - DEVELOPMENT REVIEW

A. Publication. The requirements for public notice provided by publication shall be as follows:

1. Notice shall be published at least one (1) time in a newspaper of general circulation published in the City of Coral Gables, Florida or in Miami-Dade County, Florida, at least ten (10) days prior to the date of final required public hearing, except as provided herein.
2. The notice shall state the date, time, and place of the meeting; the title or titles of the proposed ordinances or a description of the substance of the matter being considered; and the place within the City where the proposed ordinances or other materials may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the matter.
3. A copy of the notice shall be available for public inspection at the City Hall during the regular business hours.
4. Comprehensive Plan, Zoning Code text amendments and Zoning District map amendments >10 acres. Notice for ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category/use district, or ordinances initiated by the City that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be published at least ten (10) days prior to the Planning and Zoning Board public hearing, again at least seven (7) days prior to the first City Commission public hearing and again at least five (5) days prior to the second City Commission adoption hearing. Public notice shall be provided as described in the following subsections.

- a. The required advertisements shall be no less than two (2) columns wide by (10) ten inches long in a standard size or tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality, not one of limited subject matter, pursuant to Chapter 50 of the Florida Statutes. Whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week unless the only newspaper in the City is published less than five (5) days a week.
- b. The advertisement shall be in substantially the following form:

*“Notice of (insert type of) Change
The City of Coral Gables proposes to adopt the following ordinance: (title of ordinance)...
A public hearing on the ordinance will be held ... (date and time)... at ... (meeting place)...”*

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.

- c. In lieu of publishing the advertisement set out in this section, the City may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the persons of the time, place, and location of any public hearing on the proposed ordinance.
5. Zoning District map amendment. Ordinances initiated by any person other than the City that change the actual zoning map designation of a parcel of land or parcels of land shall be read by title, in full, at two (2) separate City Commission hearings, and shall be published at least ten (10) days before the Planning and Zoning Board public hearing, and again at least ten (10) days before the City Commission adoption hearing.

ARTICLE 3 - DEVELOPMENT REVIEW

6. Comprehensive Plan small-scale map amendments. Notice of small scale development amendments to the Comprehensive Plan, initiated by other than the City, shall be published at least ten (10) days before the Planning and Zoning Board public hearing, and again at least five (5) days before the City Commission adoption hearing.
7. Comprehensive Plan text and map amendments, other than small-scale. All Comprehensive Plan amendments, other than small-scale amendments, shall be published at least ten (10) days before the Planning and Zoning Board public hearing, and again at least seven (7) days before the first City Commission public hearing, and again at least five (5) days before the City Commission adoption hearing.
8. Development agreements. Notice of a proposed Development Agreement shall be published at least seven (7) days prior to each public hearing.
9. Failure to provide advertised notice as set forth in the foregoing notice requirements shall not affect any action or proceedings taken under this section, unless such notice is required by Florida Statutes.

B. Posting of property.

1. Except as provided in Section 3-302(B)(2) below, all specific property being considered at a public hearing shall be posted at least ten (10) days in advance of the public hearing, provided, however, that the posting of specific property shall not be required when the property subject to change constitutes more than ten contiguous acres. Such posting shall consist of a sign, the face surface of which shall not be larger than forty (40) square inches in area:

Notice of Public Hearing
By [insert name of decision making body]
Phone [insert phone]
[insert email address]
Hearing date [insert date]
Application number [insert number]

2. No posting shall be required for public hearings before the Board of Architects, unless the value of the proposed development exceeds seventy-five thousand (\$75,000) dollars.
3. The sign shall be erected in full view of the public on each street side of such property. Where large parcels of property are involved with street frontages extending over considerable distances, additional signs may be erected on the street frontage as may be deemed adequate by the Development Review Official to inform the public.
4. Failure to post specific property shall not affect any action or proceeding taken under these regulations.

C. Mail notices.

1. Except for public hearings before the Board of Architects, a courtesy notice of public hearings affecting specific properties containing general information as to the date, time, place of the hearing, property location and general nature of the application may be mailed to the property owners and tenants, if such names are indicated in the current tax rolls, whose addresses are known by reference to the latest ad valorem tax record, within a one thousand (1,000) foot radius. It is provided, however, that the radius for a courtesy notice of public hearings for applications for change in land use before the Planning and Zoning Board shall be one-thousand five-hundred (1,500) feet. This notification requirement is measured in feet from the perimeter boundaries of the subject property.

The Development Review Official may require an additional area to receive a courtesy notice on any

ARTICLE 3 - DEVELOPMENT REVIEW

application. If a public hearing application before the Planning and Zoning Board is continued for more than ninety (90) days then re-notification shall be required. Continued public hearing applications that have incurred substantial changes may require re-notification, as determined by the Development Review Official. The Development Review Official may also require courtesy notices on applications that are not typically required to be noticed if it is determined that such notification is desirable.

2. Courtesy notice shall be mailed at least ten (10) days prior to the date of the public hearing. For applications before the Planning and Zoning Board, the applicant shall be responsible for mailing the courtesy notice and is required to provide a sworn affidavit indicating completion.
 3. Zoning District map amendments <10 acres. When a proposed ordinance is initiated by the City that changes the actual zoning map designation for a parcel or parcels of land less than ten (10) acres, the Secretary of the Planning and Zoning Board shall notify by mail each real property owner and tenant, if such name is indicated in the current tax rolls, whose land the City will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for the public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the Planning and Zoning Board public hearing, and again at least thirty (30) days prior to the date of the City Commission public hearing.
 4. Comprehensive Plan small-scale map amendments. Notice of small-scale development amendments to the Comprehensive Plan, initiated by the City, shall be mailed to each property owner and tenant of record in the current tax rolls. The notice shall state the substance of the proposed ordinance as it affects that property owner and tenant, if such name is indicated in the current tax rolls, and shall set a time and place for the public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the Planning and Zoning Board public hearing, and again at least thirty (30) days prior to the date of the City Commission public hearing.
 5. Comprehensive Plan and Zoning District map amendments >10 acres. Notice for ordinances initiated by the City that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be mailed at least ten (10) days prior to the Planning and Zoning Board public hearing, again at least seven (7) days prior to the first City Commission public hearing and again at least five (5) days prior to the second City Commission adoption hearing. However, the City at its sole discretion may require a mail notification of a Zoning Code text amendment as prescribed by this subsection if it serves a public benefit to notify affected property owners.
 6. Development agreements. Notice of a proposed Development Agreement shall be mailed to all affected property owners and tenants, if such names are indicated in the current tax rolls, at least ten (10) days prior to the first public hearing.
 7. A copy of mailed notices shall be available for public inspection during the regular business hours of the City Clerk and/or the City Department that is responsible for the required reviews provided for herein.
 8. Failure to mail or receive courtesy notice shall not affect any action or proceeding taken under these regulations. The applicant shall be required to provide a mailing list and labels of the area within the radius prescribed above to the City. Individual courtesy notices are not required when the property being considered constitutes more than ten (10) contiguous acres.
- D. Applicants required public information meeting. All applicants filing applications requiring a public hearing before the Planning and Zoning Board and City Commission shall conduct a minimum of one (1) public information meeting, a minimum of fourteen (14) days in advance of the Planning and Zoning Board public hearing. This meeting shall be conducted by the applicant representatives to inform surrounding property owners, neighborhoods, homeowners associations, interested parties,

ARTICLE 3 - DEVELOPMENT REVIEW

etc. of pending applications under review by the City. As a minimum the following shall be completed and provided:

1. Notification to all surrounding property owners within the identified mail notification radius as provided within Section 3-302.C. or additional mail notification radius as determined by the Development Review Official.
2. The meeting is conducted on the subject property or in a location that is convenient to surrounding property owners.
3. Copy of forwarded notice.
4. Listing of all mailing addresses of all parties notified.
5. Meeting attendance records including the property owner addresses and other applicable contact information.
6. Meeting summary minutes or verbatim record as determined by the Development Review Official.

Above items 4 through 6 shall be provided to the Development Review Official seven (7) days after the public information meeting. It is recommended these meetings occur after the application has undergone preliminary review by City Staff. This will insure City review and comments are included as a part of the information provided to the interested parties. The Development Review Official may require additional public information meetings and notice to provide for further public input and dissemination of information.

Section 3-303. Reconsideration of City Architect administrative determination.

- A. An applicant or aggrieved party may file a written Notice of Reconsideration with the Development Services Department designated Development Review Official within sixty (60) days of the City Architect administrative determination. The request shall be reviewed by a panel of the Board of Architects as provided for in Section 2-303(B). The request shall be considered by the Board of Architects at the next available meeting after receipt of the request. The panel may grant approval of the application, with or without conditions, deny the application or require further proceedings. The application submittal requirements and additional background information required for the filing shall be determined by the Development Services Director or designee.
- B. After the final decision of the entire Board, the Applicant, an Aggrieved Party or the City Manager may seek an appeal in accordance with Sections 2-303.D and 3-606.

Section 3-304. Quasi-judicial procedures.

- A. Purpose and applicability. The provisions of this Section apply to all quasi-judicial hearings held pursuant to these regulations.
- B. Order of presentation. Quasi-judicial hearings shall be conducted generally in accordance with the following order of presentation:
 1. Disclosure of ex parte communications and personal investigations.
 2. Presentation by City Staff.
 3. Presentation by the applicant.
 4. Public comment in favor of the application.

ARTICLE 3 - DEVELOPMENT REVIEW

5. Public comment in opposition to the application.
 6. Cross-examination by City Staff.
 7. Cross-examination by applicant.
 8. Cross-examination by decision-making body.
 9. Motion by decision-making body with explanation of positions of negative or denial.
 10. Discussion among members of decision-making body.
 11. Action by decision-making body and entry of specific findings.
- C. Submission of evidence. Copies of all documentary evidence and written summaries of expert testimony to be presented in a quasi-judicial proceeding shall be submitted to the City Clerk at least five (5) days prior to the date of any hearing. In the event that documentary evidence is proffered at a public hearing which was not submitted to the City Clerk in accordance with this subsection, the body conducting the quasi-judicial proceeding shall, at the request of the City Manager or other party, grant a reasonable continuance to allow for an opportunity to review and respond to the evidence which was not submitted to the City Clerk as required in this subsection.

Division 4. Conditional Uses

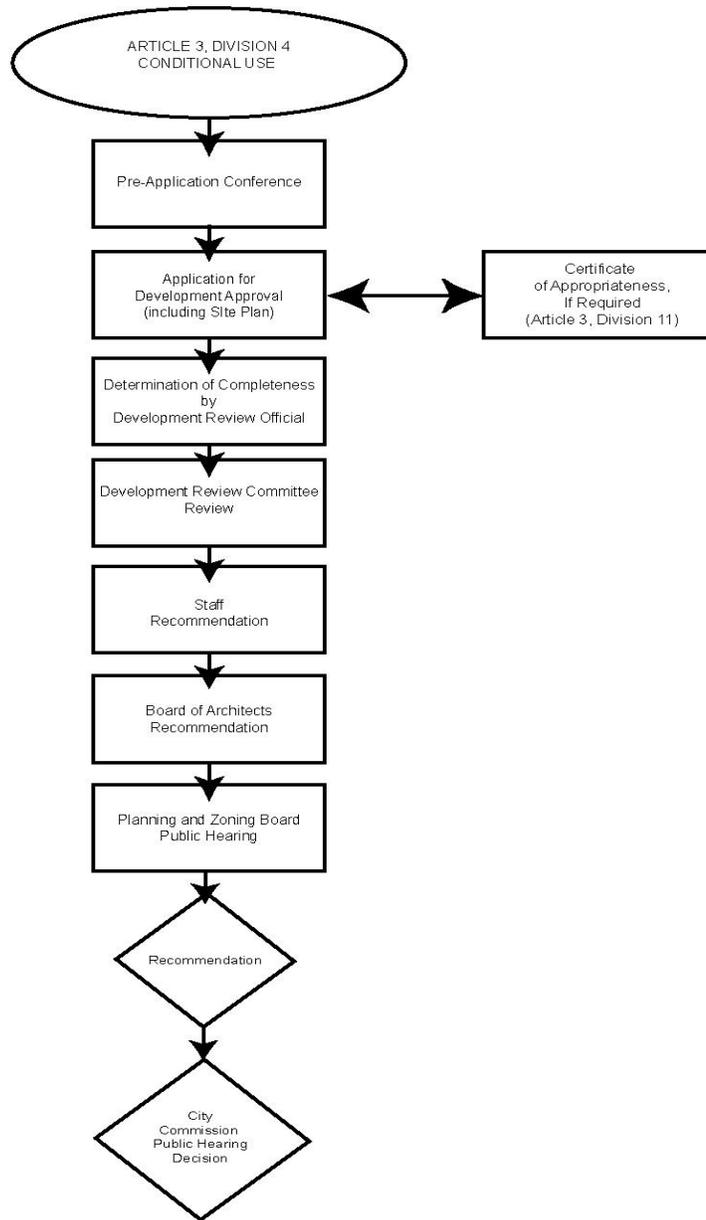
Section 3-401. Purpose and applicability.

The purpose of providing for conditional uses within each zoning district is to recognize that there are uses which may have beneficial effects and serve important public interests, but which may, but not necessarily, have adverse effects on the environment, particularly residential areas, overburden public services, or change the desired character of an area. Individualized review of these uses is necessary due to the potential individual or cumulative impacts that they may have on the surrounding area or neighborhood. The review process allows the imposition of conditions to mitigate identified concerns or to deny the use if concerns cannot be resolved.

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-402. General procedures for conditional uses.

The following graphic summarizes the procedures required to obtain conditional use approval:



Section 3-403. Application.

An application for conditional use approval shall be made in writing upon form approved by the City, including a site plan, and shall be accompanied by applicable fees.

Section 3-404. Staff review, report and recommendation.

- A. City staff shall review the application for conditional use approval in accordance with the provisions of Article 3, Division 2 of these regulations and this Division. In the event that such application involves historic properties, it shall be referred to the Historic Resources Department for review and approval in accordance with Article 5, Division 11 prior to any further review under the provisions of this Division.

ARTICLE 3 - DEVELOPMENT REVIEW

- B. Upon completion of review of an application, City staff shall:
1. Provide a report that summarizes the application, including whether the application complies with each of the standards for granting conditional use approval in Section 3-408.
 2. Provide written recommended findings of fact regarding the standards for granting conditional use approval in Section 3-408.
 3. Provide a recommendation as to whether the application should be approved, approved with conditions, or denied.
 4. Provide the report and recommendation, with a copy to the applicant, to the Planning and Zoning Board for review.
 5. Schedule the application for hearing before the Planning and Zoning Board upon completion of the Board of Architect's review.
 6. Provide notice of the hearing of a conditional use application before the Planning and Zoning Board in accordance with the provisions of Article 3, Division 3 of these regulations.
 7. Schedule and provide notice before the City Commission of a conditional use application in accordance with the provisions of Article 3, Division 3 of these regulations.

Section 3-405. Board of Architects review and recommendation.

Upon receipt of the recommendation of City staff, the Board of Architects shall review the application and the recommendation of staff to determine if the application is consistent with the standards of these regulations and any design requirements set out in the zoning district in which the parcel is located. The Board of Architects approval is required prior to the Planning and Zoning Board's consideration of an application for conditional use approval.

Section 3-406. Planning and Zoning Board recommendation.

The Planning and Zoning Board shall review the application for conditional use approval, consider the recommendations of staff and the Board of Architects, conduct a quasi-judicial public hearing on the application and recommend to the City Commission whether they should grant the approval, grant the approval subject to specified conditions or deny the application. The Planning and Zoning Board may recommend such conditions to the approval that are necessary to ensure compliance with the standards set out in Section 3-408.

Section 3-407. City Commission decision.

The City Commission shall review the application, the recommendations of staff, the Board of Architects and the Planning and Zoning Board, and shall conduct a quasi-judicial public hearing and grant the approval, grant the approval subject to specified conditions or deny the application. The City Commission may attach such conditions to the approval that are necessary to ensure compliance with the standards set out in Section 3-408.

Section 3-408. Standards for review.

The Planning and Zoning Board and the City Commission shall provide findings of fact that a conditional use complies with the following standards and the criteria applicable to each conditional use:

- A. The proposed conditional use is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan and furthers the purposes of these regulations and other City ordinances and actions designed to implement the Plan.

ARTICLE 3 - DEVELOPMENT REVIEW

- B. The available use to which the property may be put is appropriate to the property that is subject to the proposed conditional use and compatible with existing and planned uses in the area.
- C. The proposed conditional use does not conflict with the needs and character of the neighborhood and the City.
- D. The proposed conditional use will not adversely or unreasonably affect the use of other property in the area.
- E. The proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or structures.
- F. The parcel proposed for development is adequate in size and shape to accommodate all development features.
- G. The nature of the proposed development is not detrimental to the health, safety and general welfare of the community.
- H. The design of the proposed driveways, circulation patterns and parking is well defined to promote vehicular and pedestrian circulation.
- I. The proposed conditional use satisfies the concurrency standards of Article 3, Division 13 and will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonable or disproportionate manner.

Section 3-409. Effect of decision.

Approval of a conditional use shall be deemed to authorize only the particular use for which it is issued and shall entitle the recipient to apply for a certificate of use or building permit or any other approval that may be required by these regulations, the City or regional, state or federal agencies. In the event an approval of a conditional use changes the design of the proposed building, final review of the design shall be conducted by the Board of Architects.

Section 3-410. Changes to conditional use approvals.

- A. Minor revisions. The Development Review Official is authorized to allow minor revisions to an approved conditional use after receipt of comments from the Development Review Committee. A minor revision is one which:
 - 1. Does not affect the conditional use criteria applicable to the conditional use.
 - 2. Does not alter the location of any road or walkway by more than five (5) feet.
 - 3. Does not change the use.
 - 4. Does not change a condition of approval.
 - 5. Does not increase the density of the development.
 - 6. Does not increase the intensity of the development by more than ten (10%) percent.
 - 7. Does not result in a reduction of setback or previously required landscaping.
 - 8. Does not result in a substantial change to the location of a structure previously approved.
 - 9. Does not result in a material modification or the cancellation of any condition placed upon the use as originally approved.

ARTICLE 3 - DEVELOPMENT REVIEW

10. Does not add property to the parcel proposed for development.

11. Does not increase the height of the buildings.

B. Other revisions. Any other adjustments or changes not specified as “minor” shall be granted only in accordance with the procedures for original approval.

Section 3-411. Expiration of approval.

An application for a building permit shall be made within one (1) year of the date of the conditional use approval, and all required certificates of occupancy shall be obtained within one (1) year of the date of issuance of the initial building permit. Permitted time frames do not change with successive owners and an extension of time may be granted by the Development Review Official for a period not to exceed two (2) years but only within the original period of validity.

Division 5. Planned Area Development

Section 3-501. Purpose and applicability.

A. Purpose. The purpose of this Division is to encourage the construction of Planned Area Developments (PAD) by providing greater opportunity for construction of quality development on tracts and/or parcels of land through the use of flexible guidelines which allow the integration of a variety of land uses and densities in one development. Furthermore it is the purpose of the PAD to:

1. Allow opportunities for more creative and imaginative development than generally possible under the strict applications of these regulations so that new development may provide substantial additional public benefit.
2. Encourage enhancement and preservation of lands which are unique or of outstanding scenic, environmental, cultural and historical significance.
3. Provide an alternative for more efficient use and, safer networks of streets, promoting greater opportunities for public and private open space, and recreation areas and enforce and maintain neighborhood and community identity.
4. Encourage harmonious and coordinated development of the site, through the use of a variety of architectural solutions to promote Mediterranean architectural attributes, promoting variations in bulk and massing, preservation of natural features, scenic areas, community facilities, reduce land utilization for roads and separate pedestrian and vehicular circulation systems and promote urban design amenities.
5. Require the application of professional planning and design techniques to achieve overall coordinated development eliminating the negative impacts of unplanned and piecemeal developments likely to result from rigid adherence to the standards found elsewhere in these regulations.

B. Applicability. A PAD may be approved as a conditional use in any zoning district, except single family residential, in accordance with the standards and criteria of this Division, the procedures of Article 3, Division 4 and other applicable regulations.

Section 3-502. Standards and criteria.

The City Commission may approve a conditional use for the construction of a PAD subject to compliance with the development criteria and minimum development standards set out in this Division.

A. Uses permitted. Unless approved as a mixed use development, the uses permitted within a PAD shall be those uses specified and permitted within the underlying District in which the PAD is located.

ARTICLE 3 - DEVELOPMENT REVIEW

- B. Relation to general zoning, subdivision, or other regulations. Where there are conflicts between the PAD provisions and general zoning, subdivision or other regulations and requirements, these regulations shall apply, unless the Planning and Zoning Board recommends and the City Commission finds, in the particular case:
1. That the PAD provisions do not serve public benefits to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements, or
 2. That actions, designs, construction or other solutions proposed by the applicant, although not literally in accord with these PAD regulations, satisfy public benefits to at least an equivalent degree.
- C. Minimum development standards. Any parcel of land for which a PAD is proposed must conform to the following minimum standards:
1. Minimum site area. The minimum site area required for a PAD shall be not less than one (1) acre for residentially or commercially designated property.
 2. Configuration of lands. The parcel of land for which the application is made for a PAD shall be a contiguous unified parcel with sufficient width and depth to accommodate the proposed use. The minimum lot width shall be two hundred (200) feet and minimum lot depth shall be one hundred (100) feet.
 3. Floor area ratio for a PAD. The floor area ratio for a PAD shall conform to the requirements for each intended use in the underlying zoning districts; provided, however, that the total combined floor area ratio for all uses within the PAD shall be allowed to be distributed throughout the PAD.
 4. Density for multi-family dwellings and overnight accommodations. The density requirements for multi-family dwellings and overnight accommodations shall be in accordance with the provisions of the applicable zoning district.
 5. Transfer of density within a PAD. The density within a PAD may be permitted to be transferred throughout the development site provided that such transfer is not intrusive on abutting single family residential areas.
 6. Landscaped open space. The minimum landscaped open space required for a PAD shall be not less than twenty (20%) percent of the PAD site. Landscaped or urban open space which is located on elevated portions of the site may count toward this requirement.
 7. Height of buildings. The maximum height of any building in a PAD shall conform to the provisions of the underlying zoning district.
 8. Design requirements. All buildings within a PAD shall conform to the following:
 - a. Architectural relief and elements (i.e. windows, cornice lines, etc.) shall be provided on all sides of buildings, similar to the architectural features provided on the front façade;
 - b. Facades in excess of one hundred and fifty (150) feet in length shall incorporate design features such as: staggering of the façade, use of architectural elements such as kiosks, overhangs, arcades, etc.;
 - c. Parking garages shall include architectural treatments compatible with buildings and structures which occupy the same street;
 - d. Where necessary and appropriate to enhance public pedestrian access, no block face shall have a length greater than two hundred and fifty (250) feet without a public pedestrian

ARTICLE 3 - DEVELOPMENT REVIEW

passageway or alley providing through access; and

- e. All buildings, except accessory buildings, shall have their main pedestrian entrance oriented towards the front or side property line.
9. Perimeter and transition. Any part of the perimeter of a PAD which fronts on an existing street or open space shall be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping and screening. Properties which are adjacent to residentially zoned or used land shall be limited to a maximum height of forty five (45) feet within one hundred (100) feet of the adjacent right-of-way.
10. Minimum street frontage; building site requirement, number of buildings per site, lot coverage and all setbacks. There shall be no specified minimum requirements for street frontage, building sites, number of buildings within the development, or lot coverage.
11. Platting and/or replatting of development site. Nothing contained herein shall be construed as requiring the platting and/or replatting of a development site for a PAD provided, however, that the Planning and Zoning Board and City Commission may require the platting or replatting of the development site when it determines that the platting or replatting would be in the best interest of the community.
12. Facing of buildings. Nothing in this Division shall be construed as prohibiting a building in a PAD from facing upon a private street when such buildings are shown to have adequate access in a manner which is consistent with the purposes and objectives of these regulations and such private street has been recommended for approval by the Planning and Zoning Board and approved by the City Commission.
13. Off-street parking and off-street loading standards and requirements. The off-street parking and off-street loading standards and requirements for a PAD shall conform to the requirements of the applicable zoning district. Off-street parking for bicycles shall be provided as may be required by the Planning and Zoning Board and approved by the City Commission. Where the parking for the development is to be located within a common parking area or a parking garage, a restrictive covenant shall be filed reserving within the parking area or the parking garage the required off-street parking for each individual building and/or use and such off-street parking spaces shall be allocated proportionately.
14. Boats and recreational vehicle, parking. No boats and/or recreational vehicles shall be parked on the premises of a PAD unless such boats and/or recreational vehicles are located within an enclosed garage.
15. Accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are permitted in a PAD subject to the provisions of Article 5, Division 1. Any use permissible as a principal use may be permitted as an accessory use, subject to limitations and requirements applying to the principal use.
16. Signs. The number, size, character, location and orientation of signs and lighting for signs for a PAD shall be in accordance with Article 5, Division 19.
17. Refuse and service areas. Refuse and service areas for a PAD shall be so designed, located, landscaped and screened and the manner and timing of refuse collection and deliveries, shipment or other service activities so arranged as to minimize impact on adjacent or nearby properties or adjoining public ways, and to not impede circulation patterns.
18. Minimum design and construction standards for private streets and drainage systems. The minimum design and construction standards for private streets in a PAD shall meet the same standards as required for public streets as required by the Public Works Department of the City of Coral Gables. The minimum construction standards for drainage systems shall be in accordance with the Florida Building Code.
19. Ownership of PAD. All land included within a PAD shall be owned by the applicant requesting approval of such development, whether that applicant be an individual, partnership or corporation,

ARTICLE 3 - DEVELOPMENT REVIEW

or groups of individuals, partnerships or corporations. The applicant shall present proof of the unified control of the entire area within the proposed PAD and shall submit an agreement stating that if the owner(s) proceeds with the proposed development they will:

- a. Develop the property in accordance with:
 - i. The final development plan approved by the City Commission for the area.
 - ii. Regulations existing when the PAD ordinance is adopted.
 - iii. Such other conditions or modifications as may be attached to the approval of the special-use permit for the construction of such PAD.
 - b. Provide agreements and declarations of restrictive covenants acceptable to the City Commission for completion of the development in accordance with the final development plan as well as for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at general public expense.
 - c. Bind the successors and assigns in title to any commitments made under the provisions of the approved PAD.
20. Compatibility with historic landmarks. Where an historic landmark exists within the site of a PAD the development shall be required to be so designed as to insure compatibility with the historic landmark.
21. Easements. The City Commission may, as a condition of PAD approval, require that suitable areas for easements be set aside, dedicated and/or improved for the installation of public utilities and purposes which include, but shall not be limited to water, gas, telephone, electric power, sewer, drainage, public access, ingress, egress, and other public purposes which may be deemed necessary by the City Commission.
22. Installation of utilities. All utilities within a PAD including but not limited to telephone, electrical systems and television cables shall be installed underground.
23. Mixed-uses within a PAD. A PAD may be so designed as to include the establishment of complementary and compatible combinations of office, hotel, multi-family and retail uses which shall be oriented to the development as well as the district in which the development is located.
24. Common areas for PADs. Any common areas established for the PAD shall be subject to the following:
- a. The applicant shall establish a property owner's association for the ownership and maintenance of all common areas, including open space, recreational facilities, private streets, etc. Such association shall not be dissolved nor shall it dispose of any common areas by sale or otherwise (except to an organization conceived and established to own and maintain the common areas), however, the conditions of transfer shall conform to the Development Plan.
 - b. Membership in the association shall be mandatory for each property owner in the PAD and any successive purchaser that has a right of enjoyment of the common areas.
 - c. The association shall be responsible for liability insurance, local taxes, and the maintenance of the property.
 - d. Property owners that have a right of enjoyment of the common areas shall pay their pro rata share of the cost, or the assessment levied by the association shall become a lien on the property.
 - e. In the event that the association established to own and maintain commons areas or any successor organization, shall at any time after the establishment of the PAD fail to maintain the common areas in reasonable order and condition in accordance with the Development Plan, the City Commission may serve written notice upon such association and/or the owners

ARTICLE 3 - DEVELOPMENT REVIEW

of the PAD and hold a public hearing. If deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing the City Commission shall call upon any public or private agency to maintain the common areas for a period of one year. When the City Commission determines that the subject organization is not prepared or able to maintain the common areas such public or private agency shall continue maintenance for yearly periods.

- f. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the PAD that have a right of enjoyment of the common areas and shall become a lien on said properties.
 - g. Land utilized for such common areas shall be restricted by appropriate legal instrument satisfactory to the City Attorney as common areas in perpetuity in accordance with the provisions of Article 5, Division 23. Such instrument shall be recorded in the Public Records of Dade County and shall be binding upon the developer, property owners association, successors, and assigns and shall constitute a covenant running with the land.
- D. Exemptions to PAD minimum development standards for configuration of land requirements. Exemptions to minimum development standards may be considered for Assisted Living Facilities (ALF) and/or Affordable Housing Facilities that would allow parcels of land to be noncontiguous as prescribed herein. These exemptions shall only be available to PAD developments that satisfy all of the following criteria:
- 1. The project demonstrates that it would result in beneficial effects, serve important public interests, and not result in significant adverse impacts to the environment, residential areas, public services and facilities, or the desired character of an area.
 - 2. A minimum of seventy five (75%) percent of the total gross square footage of all buildings and ancillary ALF support uses (including square footage of recreational areas, support services, mechanical, etc) is dedicated as an assisted living facility and/or affordable housing facility.
 - 3. A maximum of two (2) noncontiguous parcels may be combined.
 - 4. The two (2) noncontiguous properties have the following designations:
 - a. Commercial land use designation(s) and commercial zoning designation(s); or
 - b. Industrial land use designation and industrial zoning designation.
 - 5. The proposed noncontiguous parcels are within one hundred and twenty (120) feet of one another. Such distance shall be measured by a straight line between the closest property lines of the properties.

Section 3-503. Required findings.

The Planning and Zoning Board shall recommend to the City Commission the approval, approval with modifications, or denial of the plan for the proposed PAD and shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth with particularity in what respects the proposal would or would not be in the public interest. These findings shall include, but shall not be limited to the following:

- A. In what respects the proposed plan is or is not consistent with the stated purpose and intent of the PAD regulations.
- B. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, size, area, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

ARTICLE 3 - DEVELOPMENT REVIEW

- C. The extent to which the proposed plan meets the requirements and standards of the PAD regulations.
- D. The physical design of the proposed PAD and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open areas, and further the amenities of light and air, recreation and visual enjoyment.
- E. The compatibility of the proposed PAD with the adjacent properties and neighborhood as well as the current neighborhood context including current uses.
- F. The desirability of the proposed PAD to physical development of the entire community.
- G. The conformity of the proposed PAD with the goals and objectives and Future Land Use Maps of the City of Coral Gables Comprehensive Plan.

Section 3-504. Binding nature of approval for a PAD.

All terms, conditions, restrictive covenants, safeguards and stipulations made at the time of approval of the Development Plan for a PAD shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirements, conditions, restrictions or safeguards imposed by the City Commission shall constitute a violation of these regulations.

Section 3-505. General procedures for plan approval.

- a. Pre-application conference - Planning department. Before submitting an application for approval of a Planned Area Development the applicant or his representative shall confer with the City of Coral Gables Planning Department before entering into binding commitments or incurring substantial expense. The applicant is encouraged to submit a tentative land use sketch for review and to obtain information on any projected plans, programs or other matters that may affect the proposed development. The pre-application conference should address, but shall not be limited to, such matters as:
 - 1. The proper relationship between the proposed development and the surrounding uses and the effect of the plan upon the Comprehensive Plan of the City of Coral Gables.
 - 2. The adequacy of existing and proposed streets, utilities and other public facilities and services within the proposed Planned Area Development.
 - 3. The character, design and appropriateness of the proposed land uses and their adequacy to encourage desirable living conditions, to provide separation and screening between uses where desirable and to preserve the natural and scenic areas and vistas of property.
 - 4. The adequacy of open space and recreation areas existing and proposed to serve the needs of the development.
- B. Pre-application review. The applicant shall distribute a copy of his plans or exhibits to the Director of Building and Zoning, Public Works Director, Public Service Director, Planning Director, Fire Chief and the Historical Resources Director (if applicable) and upon their review of the plans they shall advise the applicant of any recommended revisions, changes or additional information necessary before the filing of a formal application.
- C. Board of Architects review. After preliminary review by the departments, and the Historical Resources Department (if applicable), the applicant shall revise the plans to incorporate all recommended revisions and changes and shall submit such plans to the Board of Architects for review and preliminary approval prior to filing a formal application for Planning and Zoning Board review.
- D. Development plan--General requirements.
 - 1. Professional services required: plans for buildings or structures within a Planned Area Development shall

ARTICLE 3 - DEVELOPMENT REVIEW

be prepared by a registered Architect with the assistance of a registered Engineer and a registered Landscape Architect, all being qualified under the laws of the State of Florida to prepare such plans.

2. Legal description of site: should the legal description of the site for a Planned Area Development contain a metes and bounds description, such description shall be prepared by a registered land surveyor. The legal description shall be accompanied by a map at a scale suitable for reproduction for advertising for public hearing, showing exact location of the development.
3. Development proposal: the Development Plan shall consist of a map or map series and any technical reports and supporting data necessary to substantiate, describe or aid the Development Plan. The plans for the development proposal shall include the following written and graphic materials:
 - a. Site condition map: site condition map or map series indicating the following:
 - i. Title of Planned Area Development and name of the owner(s) and developer.
 - ii. Scale, date, north arrow and the relationship of the site to such external facilities as highways, roads, streets, residential areas, shopping areas and cultural complexes.
 - iii. Boundaries of the subject property, all existing streets, buildings, water courses, easements, section lines and other important physical features within the proposed project. Other information on physical features affecting the proposed project as may be required.
 - iv. Existing contour lines at one foot intervals. Datum shall be National Geodetic Vertical Datum (N.G.V.D.) (if required by City Staff).
 - v. The location of all existing storm drainage, water, sewer, electric, telephone and other utility provisions.
 - b. Plan of pedestrian and vehicular circulation showing the location and proposed circulation system of arterial, collector, local and private streets, including driveways, service areas, loading areas and points of access to existing public rights-of-way and indicating the width, typical sections and street names. The applicant is encouraged to submit one (1) or more companion proposals for a pedestrian system, transit system or other alternative for the movement of persons by means other than privately owned automobiles.
 - c. Exterior facade elevations (if deemed appropriate or necessary by City Staff) of all proposed buildings to be located on the development site.
 - d. Isometrics or perspective and/or massing model(s) (if deemed appropriate or necessary by City Staff) of the proposed development.
 - e. Map of existing land use.
 - f. Existing and proposed lot(s) lines and/or property lines.
 - g. Master site plan--A general plan for the use of all lands within the proposed Planned Area Development. The plan shall serve as the generalized zoning for the development and shall guide the location of permissible uses and structures. Such plan shall show the general location, function and extent of all components or units of the plan, indicating the proposed gross floor area and/or floor area ratio of all existing and proposed buildings, structures and other improvements including maximum heights, types and number of dwelling units, landscaped open space provisions such as parks, passive or scenic areas, common areas, leisure time facilities, and areas of public or quasi-public institutional uses.
 - h. Location and size of all existing and proposed signs.
 - i. Existing and proposed utility systems including sanitary sewers, storm sewers and/or storm water drainage system and water, electric, gas and telephone lines. The applicant shall submit a statement indicating what proposed arrangements have been made with appropriate agencies for

ARTICLE 3 - DEVELOPMENT REVIEW

- the provision of needed utilities to and within the Planned Area Development including, water supply, sewer, storm drainage collection and disposal, electric power, gas, and telephone.
- j. General landscape plan indicating the proposed treatment of materials used for public, private and common open spaces and treatment of the perimeter of the development including buffering techniques such as screening, berms and walls, significant landscape features or areas shall be noted as shall the provisions for same.
 - k. Description of adjacent land areas, including land uses, zoning, densities, circulation systems, public facilities, and unique natural features of the landscape.
 - l. Proposed easements for utilities, including water, power, telephone, storm sewer, sanitary sewer and fire lanes showing dimensions and use.
 - m. Location of proposed off-street parking. Smaller developments (as determined by the Planning Director) shall also be required to include stall size, aisle widths, location of attendant spaces, number of spaces by use, number of standard and compact spaces.
 - n. Location and designation of historic landmarks located within the development site which have been approved as provided within the Zoning Code or notation of those structures which may be worthy of historic designation.
 - o. Certified survey showing property boundary, existing buildings and their dimensions, setbacks from streets, (public and private) and property lines, easements, streets, alleys, topographical data, water areas, unique natural features, existing vegetation and all trees with an upright trunk of either nine (9) or more inches in circumference (as measured at the narrowest point below four and one-half (4½) feet above ground level) or twelve (12) or more feet in height (if required by City Staff).
 - p. Proposed development schedule indicating the appropriate date when construction of the development can be expected to begin and be completed, including initiation and completion dates of separate phases of a phased development and the proposed schedule for the construction and improvement of common areas within said phases, including any auxiliary and/or accessory buildings and required parking.
 - q. Location and designation of proposed traffic regulation devices within the development.
 - r. Statistical information including:
 - i. Total square footage and/or acreage of the development site.
 - ii. Maximum building coverage expressed as a percentage of the development site area.
 - ii. The land area (expressed as a percent of the total site area) devoted to:
 - (a) Landscaped open space; and
 - (b) Common areas usable for recreation or leisure purposes.
 - s. Copies of any covenants, easements and/or agreements required by this section or any other ordinance and/or regulations for the Planned Area Development.

Section 3-506. Application and review procedures for approval of plans.

- A. Application. The applicant for a Planned Area Development shall file a written application therefore with the Planning Department on forms prepared by such department. Such application shall be accompanied by fifteen (15) sets of required plans, technical reports, update reports and/or exhibits. All plans shall have the details needed to enable the department heads, Fire Chief, Boards and City Commission to determine whether the proposed development complies with this section and all other applicable ordinances and regulations of the City. The plans shall have the preliminary approval of the Board of Architects as provided for under Section 3-506(C) herein. Upon receipt of such completed

ARTICLE 3 - DEVELOPMENT REVIEW

application, all supporting data and exhibits and payment of the required costs and fees, the time periods established in this subsection shall commence. Any application for approval of a plan for a Planned Area Development which meets the definition of a development of regional impact under Chapter 28 of the Florida Administrative Code and/or Development of County Impact as defined under Chapter 33A of the Code of Metropolitan Dade County must be accompanied by the reports, studies and recommendations required for Developments of Regional Impact and/or Development of County Impact provided, however, that the provisions of Development of County Impact does not apply where the development meets the requirement of a Development of Regional Impact.

- B. Review of plans. Upon acceptance of the application, the Planning Department shall transmit the Plan Package to the Director of Building and Zoning, Public Works Director, Public Service Director, Fire Chief and the Historical Resources Director (if applicable) for their review and comments. Within sixty (60) days from the filing date, the Director of Building and Zoning, Public Works Director, Public Service Director, Planning Director, Fire Chief and the Historical Resources Director (if applicable) shall review the preliminary plan and shall submit in writing to the Planning and Zoning Board their comments concerning the proposed development. The comments shall include any changes which should be made to bring the plans in compliance with applicable rules and regulations.
- C. Public hearing. The Planning and Zoning Board shall hold a public hearing within ninety (90) days from the date of filing the application. Such public hearing shall be in accordance with the provisions of Section 3-302 herein. The Planning and Zoning Board shall recommend to the City Commission the approval, approval with modifications, or denial of the plan for the proposed Planned Area Development and shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth particularly in what respects the proposal would or would not be in the public interest. These findings shall include, but shall not be limited to the following:
 - 1. In what respects the proposed plan is or is not consistent with the stated purpose and intent of the Planned Area Development regulations.
 - 2. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, size, area, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
 - 3. The extent to which the proposed plan meets the requirements and standards of the Planned Area Development regulations.
 - 4. The physical design of the proposed Planned Area Development and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated common open areas, and further the amenities of light and air, recreation and visual enjoyment.
 - 5. The compatibility of the proposed Planned Area Development with the adjacent properties and neighborhood.
 - 6. The desirability of the proposed Planned Area Development to physical development of the entire community.
 - 7. The conformity of the proposed Planned Area Development with the goals and objectives and Future Land Use Maps of the City of Coral Gables Comprehensive Plan.
- D. Approval by the City Commission. The City Commission upon receipt of the recommendations of the Planning and Zoning Board shall approve, approve with modifications, or disapprove the Preliminary Development Plan for the proposed Planned Area Development. The approval of the Development Plan shall be by Ordinance. No building permits shall be issued, no construction shall be permitted and no plats shall be recorded on land within a Planned Area Development until the Final Development Plan has been approved by the City Commission.

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-507. Amendments to the development plan.

Amendments to the Development Plan shall be considered as major or minor. Minor amendments as specified in Section 3-508(A) herein may be approved administratively by the Building and Zoning Department with recommendations from other departments, as needed. Major amendments as specified in Section 3-508(B) herein shall be subject to the review and approval process set forth in Section 3-507. The Building and Zoning Department, with recommendations from other departments, as needed, shall determine whether proposed changes are major or minor. Requests for major amendments may be made no more than once (1) per twelve (12) month period.

- A. Minor amendments. Minor amendments are changes which do not substantially alter the concept of the Planned Area Development in terms of density, floor area ratio, land usage, height, provision of landscaped open space, or the physical relationship of elements of the development. Minor amendments shall include, but shall not be limited to, small changes in floor area, density, lot coverage, height, setbacks, landscaped open space, the location of buildings, parking, or realignment of minor streets which do not exceed twenty (20%) percent of the guideline limits contained within this Article specific to that type of development or that which is shown on the approved development plan.
- B. Major amendments. Major amendments represent substantial deviations from the development plan approved by the City Commission. Major amendments shall include, but not be limited to significant changes in floor area, density, lot coverage, height, setbacks, landscaped open space, the location of buildings, or parking, which exceed twenty (20%) percent of the guidelines contained within this Article specific to that type of development or that which is shown on the approved Development Plan, or changes in the circulation system.

Section 3-508. Time limitation of approval and construction.

- A. Approvals granted pursuant to this Division shall obtain a building permit and begin construction within eighteen (18) months from time of the approval. Failure to obtain a building permit and/or begin construction shall render the approval null and void. Permitted time frames do not change with successive owners, provided however, one (1), six (6) month extension of time may be granted by the Development Review Official.
- B. If the Planned Area Development is to be developed in stages, the developer must begin construction of each stage within the time limits specified in the Development Plan (or subsequent updates). Construction in each phase shall include all the elements of that phase specified in the Development Plan.

Section 3-509. Monitoring construction.

The City Manager or his designee shall periodically monitor the construction within the Planned Area Development with respect to start of construction and Development Phasing. If the City Manager or his designee finds that either the developer has failed to begin construction within the specified time period or that the developer is not proceeding in accordance with the approved Development Phasing with respect to timing of construction of an approved mix of project elements, he shall report to the City Commission and the City Commission shall review the Planned Area Development and may extend the time for start of construction or the length of time to complete a phase, revoke approval of the Planned Area Development or recommend that the developer amend the Development Plan subject to procedures specified in Section 3-508 herein.

Section 3-510. Mediterranean Village Planned Area Development.

For rules and regulations regarding the approved PAD bounded by Ponce de Leon Boulevard on the west, Sevilla Avenue on the north, Galiano Street on the east, and Malaga Avenue on the south, see "Appendix C - Mediterranean Village Planned Area Development."

ARTICLE 3 - DEVELOPMENT REVIEW

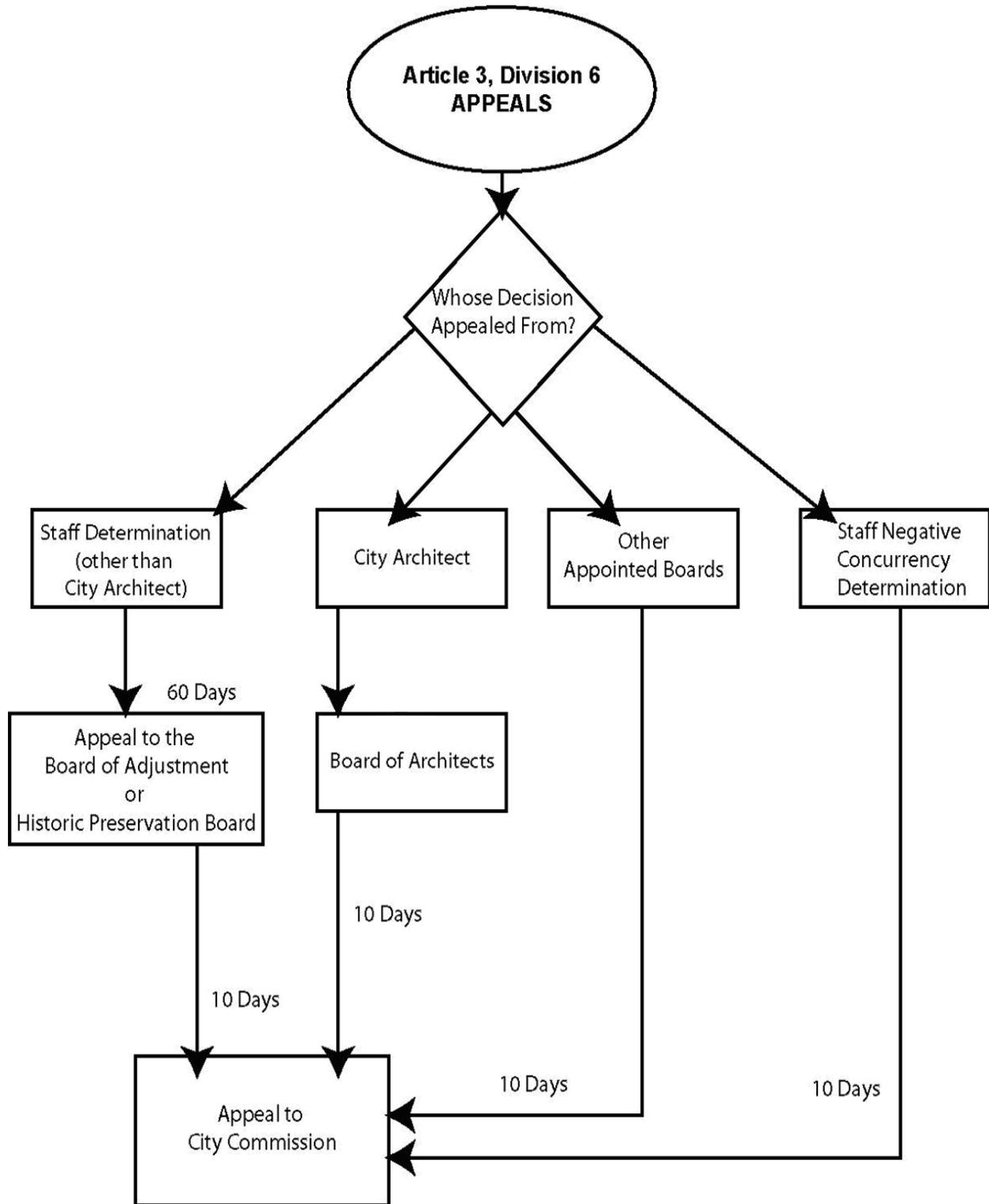
Division 6. Appeals

Section 3-601. Purpose and applicability.

The purpose of this Division is to set forth procedures for appealing the decisions of City staff where it is alleged that there is an error in any order, requirement, decision or interpretation made in the enforcement or interpretation of these regulations and to set forth standard procedures for appealing the decisions of the City's decision making bodies.

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-602. General procedures for appeals.



ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-603. Appeals from negative concurrency determinations.

An appeal from a negative concurrency determination shall be taken to the City Commission by any aggrieved party in accordance with the procedures of Section 3-606.

Section 3-604. Appeals from decisions of City Staff.

Other than a request for reconsideration of a decision of the City Architect, where it is alleged that there is an error in any order, requirement, decision or interpretation made in the enforcement or interpretation of these regulations by City Staff, an appeal shall be taken by an aggrieved party to the Board of Adjustment or the Historic Preservation Board, in the case of an appeal from a decision of the Historic Preservation Officer, no later than sixty (60) days after the decision has been made. Application for postponement of the public hearing of an appeal shall be considered according to the provisions stated in Sections 3-606 and 608(A). See Section 3-303 for City Architect reconsideration provisions.

Section 3-605. Appeals from decisions of the Board of Adjustment, Board of Architects, Historic Preservation Board, and Planning and Zoning Board.

An appeal from any decision of the Board of Adjustment, Board of Architects or Historic Preservation Board, and an appeal of a tentative plat decision of the Planning and Zoning Board, may be taken to the City Commission by any aggrieved party in accordance with the provisions of Section 3-606.

Section 3-606. Procedures for appeals.

The following procedures shall govern the filing of appeals:

- A. Appeals of City Staff administrative decisions other than the City Architect. An aggrieved party may file a written Notice of Appeal to the Board of Adjustment or the Historic Preservation Board with the designated Development Review Official or Historic Preservation Officer, as provided in Section 3-604, within sixty (60) days of the administrative decision being appealed from. The appeal shall be accompanied by any relevant documents related to the appeal as determined by the Development Review Official. The appeal shall be considered by the Board of Adjustment or Historic Preservation Board at the next available meeting after the required advertising has been completed. The Board of Adjustment or Historic Preservation Board shall grant the appeal, with or without conditions, deny the appeal, or respond for further proceedings.
- B. Appeals of Board of Adjustment, Board of Architects, Historic Preservation Board, and Planning and Zoning Board. Any aggrieved party desiring to appeal a decision of the Board of Adjustment, Board of Architects or Historic Preservation Board, or a tentative plat decision of the Planning and Zoning Board, shall, within ten (10) days from the date of such decision, file a written Notice of Appeal with the City Clerk, whose duty it shall then become to send a written notice of such appeal to all persons previously notified by the Board in the underlying matter. The appeal shall then be heard by the City Commission at its next meeting, provided at least ten (10) days has intervened between the time of the filing of the Notice of Appeal and the date of such meeting; if ten (10) days shall not intervene between the time of the filing of the notice and the date of the next meeting, then the appeal shall be heard at the next regular meeting of the City Commission and the City Commission shall render a decision, without any unnecessary or undue delay, unless application for deferral has been made as permitted in Section 3-608 of this Division.
- C. Stay of proceedings. An appeal shall stay all proceedings in the matter appealed from until the final disposition of the appeal by the City Commission or other Board with jurisdiction. The pendency of an appeal shall toll all time periods applicable to the decision which is subject to appeal until final disposition of the appeal by the Commission or other Board with regard to the appeal.
- D. City Commission decision. The City Commission shall conduct a review of the decision of the Board of Adjustment, Board of Architects Special Master, Historic Preservation Board, or Planning and Zoning Board. The appeal shall be based on the record of the hearing, shall not be a de novo hearing, and no

ARTICLE 3 - DEVELOPMENT REVIEW

new, additional testimony shall be taken. A full verbatim transcript of all proceedings which are the subject of the appeal shall be provided by the party filing the petition. The transcript shall be provided seven (7) days prior to the City Commission meeting at which the appeal will be heard with a sufficient number of copies for the City Commission, the City Attorney, the City Manager and the affected departments. The City Commission is authorized to affirm, affirm with conditions, override the decision of the Board of Adjustment, Board of Architects Special Master, Historic Preservation Board or Planning and Zoning Board, or remand for further proceedings to the applicable Board. Any decision by the Board of Adjustment, Board of Architects Special Master, Historic Preservation Board or Planning and Zoning Board can only be reversed by a majority vote of the City Commission. The granting of any appeal by the City Commission shall be by resolution.

Section 3-607. Appeals from decision of the City Commission.

- A. An action to review any decision of the City Commission under these regulations may be taken by any person or persons, jointly or separately, aggrieved by such decision by presenting to the Circuit Court a petition for issuance of a Writ of Certiorari, duly certified, setting forth that such decision is illegal, in whole or in part, certifying the grounds of the illegality, provided same is done in the manner and within the time provided by Florida Rules of Appellate Procedure.
- B. Challenges to development order decisions based on consistency or inconsistency of the development order with the City of Coral Gables Comprehensive Plan shall be governed by the provisions of Section 163.3215, Florida Statutes (2006).
- C. The record of the Commission or any board or official from which appeal is taken shall include any application, exhibits, appeal papers, written objections, waivers or consents, considered by the Commission, or such board, as well as transcripts or stenographic notes taken at a hearing held before the Commission or any such board, the City Commission minutes or the board's minutes and resolution showing its decision or action, and if the record of a lower board is transmitted to the City Commission, the record of the City Commission shall include the record of the lower board. The record shall also include any and all applicable portions of these regulations and where applicable the City Code, the report and recommendations of City staff, the City's Comprehensive Plan, as well as applicable district boundary maps, aerial photographs and final zoning resolutions or ordinances. It shall also include the record made as a result of any prior applications for development approval on the same property. The City Clerk shall identify all exhibits used at the hearing. All exhibits so identified or introduced shall be a part of the City's record.

Section 3-608. Postponement of appeals.

- A. Applicant or aggrieved party postponement. Applicants and/or aggrieved parties desiring postponement of an appeal before the City Commission shall adhere to the following provisions for postponements:
 1. First postponement. Requests for initial postponement must be requested in writing to the Office of the City Manager. A copy of the request shall be forwarded to the appropriate board secretary and the City Clerk. The request shall include a specific time frame for postponement. No more than ninety (90) calendar days may be requested and will be automatically granted.
 2. Second postponement. Requests for second postponement must be requested in writing to the Office of the City Manager. A copy of the request shall be forwarded to the appropriate board secretary and the City Clerk. The second postponement request may not exceed thirty (30) calendar days. The City Manager's Office shall evaluate the request and may administratively grant the request or schedule the request for City Commission review and approval.
 3. Third postponement. If the appeal is not considered by the City Commission within the one hundred and twenty (120) calendar days as provided above, the application shall be scheduled for City Commission consideration at the next available City Commission meeting. The City Commission shall evaluate the application and determine if additional postponements are warranted. The

ARTICLE 3 - DEVELOPMENT REVIEW

maximum time frame an appeal can be postponed from the initial date the application was scheduled for City Commission consideration is one hundred and eighty (180) days.

4. Appeal postponement fees. Applicants and/or aggrieved parties shall be required to pay all costs for all postponement requests including any fees established by the City Code. If the City Commission requests adjacent property owners be notified or advertised, all costs shall be the responsibility of the applicant or aggrieved party.
 5. Applicant responsibility. It shall be the responsibility of the applicant to adhere to the requirements provided in this Division, which shall include monitoring and insuring the application proceeds forward for City Commission consideration. Failure of the applicant to follow the above provisions shall terminate the appeal.
 6. Appeal review expiration. Appeals which do not secure City Commission consideration as provided in the above sections or are not considered by the City Commission within six (6) months shall be deemed abandoned and void.
- B. City postponement. The City Manager (or the Development Review Official) may postpone an appeal whenever it is deemed necessary to ascertain a complete record, to allow for the filing of a foreseeable related appeal (which would then be heard concurrently), to maintain an orderly hearing or in the best interests of the City but avoiding any unnecessary or undue delay. Postponement may be requested by the applicant or an aggrieved party as described in Section 3-608A or be at the initiative of the City Manager (or the Development Review Official). After the City Manager (or the Development Review Official) makes the decision regarding postponement, the applicant or aggrieved party may seek review of that decision to the City Commission within ten days and the matter will be scheduled for Commission consideration at one of the next two regularly scheduled meetings. The applicant or aggrieved party may request that a prior decision to hear appeals concurrently be modified where factual circumstances have changed so that the matter should be reconsidered. A request for modification will be handled in the same procedural manner as an application to hear appeals concurrently.

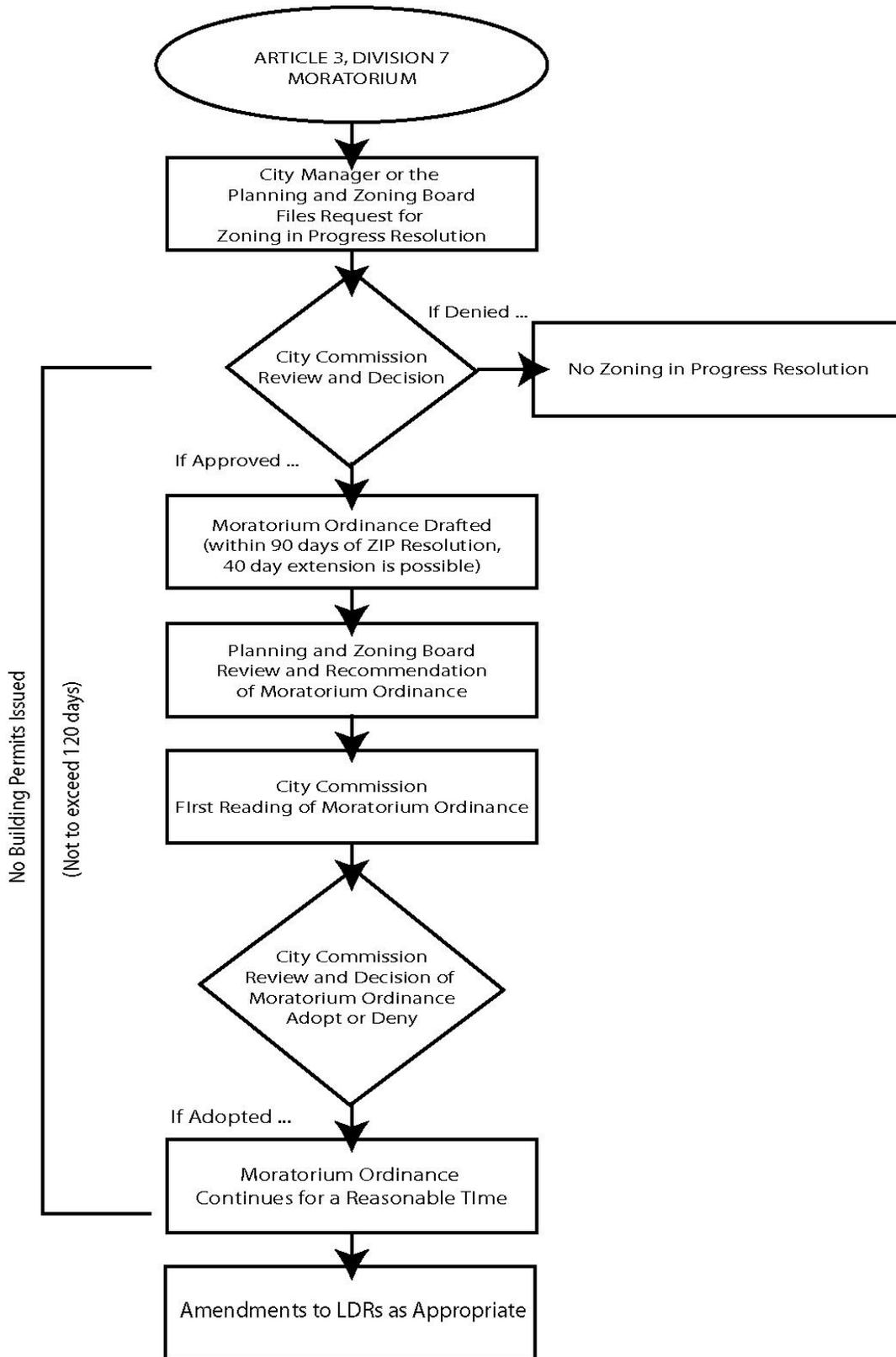
Division 7. Moratorium

Section 3-701. Purpose and applicability.

The purpose of providing for a moratorium on development is to preserve the status quo for a reasonable time while the City develops and adopts a land use strategy to respond to new or recently perceived problems. The moratorium, initiated by the adoption of a Zoning in Progress Resolution, prevents developers and property owners from developing land under current land use rules that the community is in the process of changing. By so doing, a moratorium helps to accomplish the purpose of the new rules by preventing outdated development and allowing time to conduct a comprehensive growth management study which will be used to assist the City Commission in implementing needed changes to these regulations.

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-702. General procedures for moratoria.



ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-703. Zoning in progress request.

The City Manager or the Planning and Zoning Board may file a request with the City Commission for a Zoning in Progress Resolution. The request shall be made in writing and shall be accompanied by a City staff report summarizing the need for a revision to these regulations and the area or areas within the City that will be affected. Such report shall contain a determination concluding the need for a resolution of the City Commission declaring Zoning in Progress and for the adoption of a formal moratorium. The City Commission may consider a Zoning in Progress Resolution on its own initiative.

Section 3-704. City Commission zoning in progress resolution review and decision.

- A. The City Commission shall review the Zoning in Progress Resolution at the next available regularly scheduled meeting following the submittal of the Zoning in Progress request.
- B. The City Commission shall make preliminary findings and accordingly approve or deny the proposed Zoning in Progress Resolution.
- C. Should the City Commission determine that a moratorium pending the preparation of a detailed and comprehensive analysis of the area in question is reasonably necessary or desirable, it shall:
 1. Approve the Zoning in Progress Resolution; and
 2. Order a fixed time, not to exceed ninety (90) days, within which City staff shall report to the Planning and Zoning Board and the City Commission with its report, a proposed ordinance amending these regulations, and recommendations relating to a potential moratorium.
- D. The Zoning in Progress Resolution shall be for a period not to exceed the first regularly scheduled City Commission meeting after one hundred twenty (120) days, unless an extension not exceeding forty (40) days is ordered pursuant to section F below.
- E. The City Commission on its own motion or otherwise may extend any Zoning in Progress Resolution for a longer period of time if reasonably necessary and the public interest requires.
- F. Should City staff be unable to report back to the City Commission within the time prescribed by its order, upon timely request by City staff and after public hearing on the need, the City Commission may extend the time limitation one (1) time for a period not to exceed forty (40) days.
- G. Upon adoption of the Zoning in Progress Resolution, the City Clerk shall publish the adopted resolution in a newspaper of general circulation published in the City of Coral Gables, or in Miami-Dade County, Florida, within ten (10) days following the date of adoption.

Section 3-705. Effect of zoning in progress resolution.

- A. During the period of time that the Planning and Zoning Board and City Commission are considering a moratorium ordinance, no permit(s) or development order(s) of any kind shall be issued if issuance would result in the nonconforming or unlawful use of the subject property should the moratorium or text amendment or zoning district change be finally enacted by the City Commission.
- B. During the period of time that the Planning and Zoning Board and City Commission are considering a moratorium ordinance, no permit(s) or development order(s) of any kind shall be issued if issuance would result in the nonconforming or unlawful use of the subject property should a moratorium ordinance be adopted by the City Commission.
- C. The period of time of such moratorium on permits shall begin on the earlier of:
 1. City Commission adoption of Zoning in Progress Resolution; or

ARTICLE 3 - DEVELOPMENT REVIEW

2. Notice has been given as required by law of the initial public hearing before the Planning and Zoning Board on the amendment to these regulations.

Section 3-706. City Staff review, report and recommendation.

- A. In the event the City Commission determines a moratorium is necessary to give City staff sufficient time to complete planning studies or other analysis prior to instituting an amendment to the regulations, the City Commission, as part of the Zoning in Progress Resolution, shall direct City staff to prepare a moratorium ordinance.
- B. Within the time fixed by the City Commission, City staff shall report to the Planning and Zoning Board and then the City Commission with its ordinance, amending these regulations and recommendations regarding the moratorium and its scope.
- C. City staff shall:
 1. Provide a detailed report indicating the necessity for zoning changes.
 2. Provide a recommendation as to whether the proposed moratorium ordinance should be approved, approved with conditions, or denied.
 3. Schedule the moratorium ordinance for hearing before the Planning and Zoning Board.
 4. Provide notice of the Planning and Zoning Board hearing pursuant to Article 3, Division 3.

Section 3-707. Planning and Zoning Board review and recommendation.

The Planning and Zoning Board shall:

- A. Review the proposed moratorium ordinance at a public hearing.
- B. Make a written recommendation to the City Commission with regard to whether the proposed moratorium ordinance should be approved, approved with conditions, or denied.

Section 3-708. City Commission review and decision.

- A. Upon receipt of the report and recommendation of City Staff and the Planning and Zoning Board, the City Commission shall review the report and recommendations at two (2) public hearings.
- B. The City Commission shall read the moratorium ordinance by title, in full, on the first public hearing following receipt of the City staff's and the Planning and Zoning Board's recommendation.
- C. The City Commission shall hold a second public hearing and following the hearing adopt or deny the proposed moratorium ordinance.
- D. The City Commission may, upon request by City staff, amend the scope and timing of the moratorium as needed.
- E. The City shall consider such amendments to these regulations as are appropriate in accordance with the provisions in Article 3, Division 14.

Section 3-709. Waivers.

If the City Commission has provided for waivers in the ordinance adopting a moratorium, the City Manager may grant a waiver of the moratorium where the applicant can show the following:

ARTICLE 3 - DEVELOPMENT REVIEW

- A. The proposed development complies with the existing land development regulations.
- B. The proposed development satisfies the objective of the City Commission in ordering a moratorium. For example, if the City Commission is considering increasing the minimum setback in a residential zoning district by two (2) feet, and the applicant demonstrates that it complies with the proposed modification to the setback, the City Manager may grant a waiver of the moratorium.
- C. The waiver will not hinder the intent of the City Commission in its proposed amendment to these regulations.

Section 3-710. Exemptions.

Notwithstanding the adoption of a moratorium ordinance, the City Manager may authorize the issuance of building permits for nondeleterious items including, but not limited to, fences, repairs and similar matters, where he determines that such permit will not affect the outcome of the planning study; provided, however, that with regard to any particular moratorium the City Commission may by ordinance increase or decrease allowable exemptions and may by ordinance provide either a supplemental or exclusive procedure for acting upon requests for exemptions. Such procedure may vest jurisdiction and responsibility for acting upon requests for exemptions in the City Manager or any City administrative or quasi-judicial body or board.

Section 3-711. Conditional uses, variances, change in land use, change of zoning or tentative plats during moratorium.

During the existence of any moratorium, no applications for conditional uses, variances, changes in land use, changes of zoning, development orders or tentative plats within the affected area shall be acted upon by the City, except as provided in Sections 3-709 and 3-710, or unless otherwise specifically provided by the City Commission by ordinance with regard to a specific moratorium.

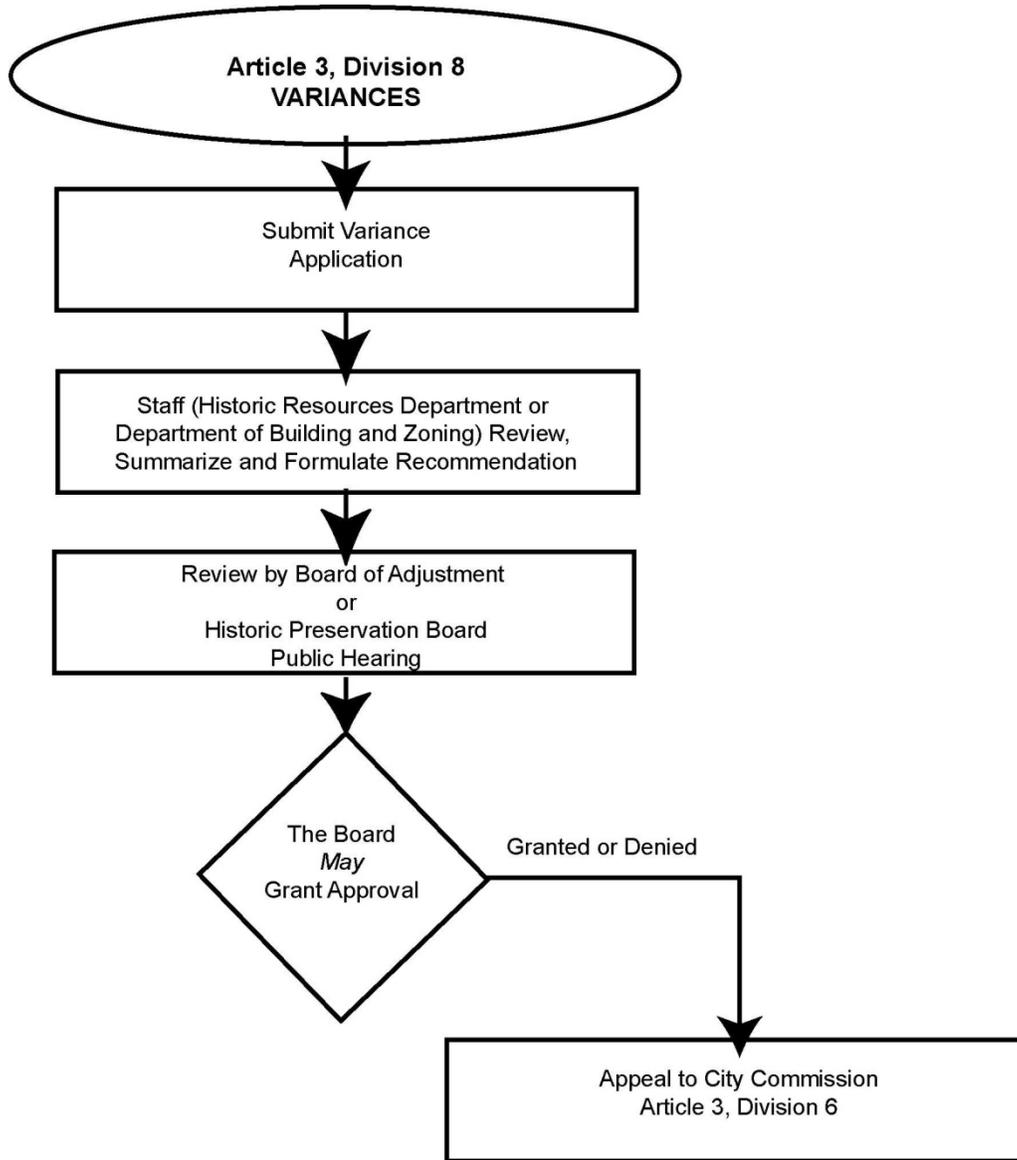
Division 8. Variances

Section 3-801. Purpose and applicability.

Except as provided in Article 3, Division 9 for variances from platting standards, the purpose of this Division is to establish a procedure for granting variances from the literal terms of these regulations where there are practical difficulties or unnecessary and undue hardships so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-802. General procedures for variances.



Section 3-803. Application.

An application for a variance shall be made in writing upon an application form approved by the City staff, and shall be accompanied by applicable fees.

Section 3-804. City Staff review, report and recommendation.

- A. City staff shall review the application in accordance with the provisions of Article 3, Division 2 of these regulations.
- B. Upon completion of review of an application, City staff shall:
 1. Provide a report that summarizes the application and the effect of the proposed variance, including whether the variance complies with each of the standards for granting variances in Section 3-806.

ARTICLE 3 - DEVELOPMENT REVIEW

2. Provide written recommended findings of fact regarding the standards for granting variances as provided for in Section 3-806.
3. Provide a recommendation as to whether the application should be approved, approved with conditions, or denied.
4. Schedule the application for hearing before the Board of Adjustment or the Historic Preservation Board.
5. Provide notice of the hearing in accordance with the provisions of Article 3, Division 3 of these regulations.

Section 3-805. Review, hearing and decision on variances.

The Board of Adjustment or the Historic Preservation Board in the case of variance involving historic properties, shall review the application for a variance, the report, recommendation, and proposed findings prepared by City staff, conduct a quasi-judicial public hearing on the application in accordance with the requirements of Section 3-304 and render a decision, based upon written findings of fact, granting, granting with conditions, or denying the variance.

Section 3-806. Standards for variances.

- A. In order to authorize any variance from the terms of these regulations, the Board of Adjustment or Historic Preservation Board, as the case may be, shall find:
 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
 2. That the special conditions and circumstances do not result from the actions of the applicant.
 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.
 4. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations and would work unnecessary and undue hardship on the applicant.
 5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
 6. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.
 7. That the granting of the variance will be in harmony with the general intent and purpose of these regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
 8. That the granting of the variance is appropriate for the continued preservation of an historic landmark or historic landmark district.
- B. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures, or buildings in other districts, shall be considered grounds for the issuance of a variance.
- C. Under no circumstances shall the Board of Adjustment or the Historic Preservation Board grant a variance to permit the following:
 1. A use not permitted in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district; and

ARTICLE 3 - DEVELOPMENT REVIEW

2. The reduction or diminishing of a building site upon which a single-family residence or duplex has heretofore been constructed.

D. The Board of Adjustment or the Historic Preservation Board may impose such reasonable conditions on the grant of a variance in order to ensure that the variance will have a minimum impact on surrounding properties.

Section 3-807. Time limit for variances.

Any variance granted under this Code, or in effect on the date that this Code took effect, shall become null and void and of no effect twelve (12) months from and after the date of the approval granting the same, unless within such period of twelve (12) months a building permit for the building or structure involved embodying the substantive matter for which the variance was granted shall have been issued; or if the use or adoption of such variance does not require the issuance of a building permit, unless the requested action permitted by the variance shall have taken place within the said twelve (12) month period. One (1) additional extension of twelve (12) months may be granted by the Development Review Official for good cause shown.

Section 3-808. Effect of decision.

Approval of a variance shall be deemed to authorize only the particular use for which it is issued and shall entitle the recipient to apply for review by the Board of Architects, if applicable, a certificate of use or building permit or any other approval that may be required by these regulations, the City or regional, state or federal agencies.

Section 3-809. Appeals.

An appeal from any decision of the Board of Adjustment or the Historic Preservation Board regarding variances may be taken to the City Commission by an aggrieved party in accordance with the provisions of Article 3, Division 6 of these regulations.

Division 9. Platting/Subdivision

Section 3-901. Purpose and applicability.

The purpose of this Division is to provide application and review procedures for the platting and subdivision of land within the City. This Division shall be applicable to any subdivision or re-subdivision of land that creates one (1) or more parcels. No building permit shall be issued for construction of any improvements on a parcel that was not legally created in compliance with these regulations.

Section 3-902. Tentative plat.

- A. Pre-application conference-sketch plan. Prior to filing an application for tentative plat approval, the applicant shall have a pre-application conference as set forth in Section 3-201.
- B. Application. An applicant for plat approval shall submit an application for review of a tentative plat upon an application form approved by the City staff and shall be accompanied by all applicable fees. In addition, the application shall be accompanied by any application for a variance of the subdivision requirements as set forth more fully in Section 3-904 below.
- C. Staff report and recommendation.
 1. The staff shall review the application in accordance with the provisions of Article 3, Division 2 of these regulations. Any such review by the Development Review Committee shall, at a minimum, include a review and comment by the Public Works Department.
 2. Upon completion of review of an application, the Development Review Official shall:

ARTICLE 3 - DEVELOPMENT REVIEW

- a. Prepare a report that summarizes the application, including whether the application complies with the platting standards set forth in Article 5, Division 15 and the requirement for the undergrounding of utilities in Article 5, Division 22 of these regulations.
 - b. Provide written recommendations as to whether the application should be recommended for approval, approval with conditions, or denied.
 - c. Provide a report and recommendation, with a copy to the applicant, to the Planning and Zoning Board at least one (1) week prior to the next scheduled meeting of the Planning and Zoning Board.
 - d. Schedule the application for hearing before the Planning and Zoning Board.
 - e. Provide notice of the hearing before the Planning and Zoning Board in accordance with the provisions of Article 3, Division 3 of these regulations.
- D. Planning and Zoning Board review. Upon receipt of the recommendations of the Development Review Official, the Planning and Zoning Board shall conduct a public hearing on the tentative plat and shall review the plat to ensure that it conforms to the requirements of these regulations.
- E. Planning and Zoning Board recommendation. Upon completion of its review, the Planning and Zoning Board shall either recommend the tentative plat for approval, approval with conditions, or disapprove the tentative plat.
- F. Optional review of tentative plat by City Commission. Where the applicant desires to obtain an expression from the City Commission on the tentative plat as recommended by the Planning and Zoning Board before proceeding to prepare the final plat, the applicant shall submit a written request to the Director of the Department of Planning who shall schedule the item for an informal review by the City Commission at the next available Commission date. During such an informal review, the City Commission shall evaluate the tentative plat for conformance with these regulations. In addition, the City Commission may issue an advisory opinion as to the desirability of any requests for conditions or modifications to the tentative plat that were requested by the Planning and Zoning Board or the Development Review Official.
- G. Expiration of tentative plat and variance. The tentative plat, and where applicable, any variance of these subdivision requirements shall expire and be of no further force and effect if a completed application for a final plat is not filed as set forth in Section 3-903 below within one hundred and eighty (180) days of the Planning and Zoning Board's approval. After the expiration of one hundred and eighty (180) days, the applicant will be required to re-submit the tentative plat for staff and Planning and Zoning Board review as set forth in this Section.

Section 3-903. Final plat.

- A. Application. The application for final plat review shall be accompanied by all applicable fees and prepared on a form approved by the City's staff.
- B. Incorporation of changes. The final plat shall have incorporated all changes or modifications recommended by the Planning and Zoning Board and (where applicable) the City Commission. To the extent that any such modifications have not been made, the applicant shall indicate in writing as part of the application the grounds for any such departure.
- C. Development Review Official. Upon receipt of a complete application for final plat review, the Development Review Official shall review the submittal to ensure that all modifications requested by the Planning and Zoning Board and (where applicable) the City Commission have been made and that the final plat complies with these regulations and the Comprehensive Plan. Any such review by the Development Review Official shall, at a minimum, include a review and comment by the Public Works Department.
- D. Development Review Official report. Upon completion of its review, the Development Review Official shall:

ARTICLE 3 - DEVELOPMENT REVIEW

1. Prepare a report that summarizes the application, including whether the applicant has complied with the recommendations of the Planning and Zoning Board and (where applicable) the City Commission.
 2. Provide written recommendations as to whether the final plat should be approved, approved with conditions, or denied.
 3. Provide the report, recommendation, and a copy of all prior recommendations to the City Commission with a copy to the applicant, at least one (1) week prior to the next scheduled meeting of the City Commission.
 4. Schedule the application for hearing before the City Commission.
 5. Provide notice of the hearing before the City Commission in accordance with the provisions of Article 3, Division 3 of these regulations.
- E. Preliminary approval of final plat. Preliminary approval of a final plat may be given by the City Commission where bonds, engineering plans, or specifications have not been completed by the subdivider, and conditions make it desirable for the subdivider to obtain an expression from the City Commission before proceeding further. Preliminary approval shall vest the subdivider for a period of six (6) months with the right to obtain final approval upon the terms and conditions under which said preliminary approval is given, The City Commission shall reserve discretion to disapprove the final plat in the event that missing items (bonds, engineering plans, or other specifications) do not comply with these regulations.
- F. Final action on final plat. The City Commission shall review the final plat for conformance to these regulations and the Comprehensive Plan. The City Commission shall either approve, approve with conditions, or deny the final plat by resolution. Said resolution shall include any acceptance of dedications made on the plat. Where applicable, the City Commission shall approve, approve with conditions, or deny a variance of the subdivision requirements prior to approving or denying the final plat. Approval or denial of such a variance shall be by ordinance. When approved, the Mayor, City Clerk and Public Works Director shall affix their signatures to the plat together with the City Seal and resolution number. When disapproved, the City Clerk shall attach to the plat a statement setting forth the reasons for such action, and return it to the applicant.
- G. Revisions after City Commission approval and prior to recordation.
1. Any changes, erasures, modifications or revisions to an approved plat prior to recordation may only be made by the Director of Public Works to correct scrivener's errors, reflect accurate legal descriptions and locate right-of-way dedications, drainage ways and easements. However, no such request shall be considered unless the application is made by the preparer of the final plat.
 2. No other changes, erasures, modifications or revisions to an approved plat prior to recordation shall be made unless resubmitted for new approval; provided, however, that the City Commission may, after public hearing and based only upon a recommendation of the Public Works Department, change, modify or revise dedicated road rights-of-way or drainage easements. No such change, modification, or revision of the dedication of road rights-of-way, or drainage easements shall be reviewed unless the application is made by the preparer of the final plat.
- H. Recording. Following final approval of the final plat by the City Commission, the City Clerk shall notify the applicant by letter who shall record the final plat in the public records of Miami-Dade County. The final plat shall be recorded within twenty (20) days of final approval by the City Commission. After recordation of the final plat, the City Clerk shall obtain from the subdivider five (5) eighteen (18) by twenty four (24) inch certified copies of the recorded final plat with one (1) copy going to the City Clerk's files, two (2) copies to the Public Works Director, one (1) copy to the Building and Zoning Director, one (1) copy to the Finance Director and one (1) copy to the Planning Director.

ARTICLE 3 - DEVELOPMENT REVIEW

- I. Building permits. No building permits for residential or residential accessory structures shall be issued until all subdivision improvements required in Article 5, Division 15 (e.g. monuments, streets, sidewalks, parks, fire hydrants) have either been completed or sufficiently bonded on a form to be reviewed and approved by the City Attorney. As set forth in Section 5-1513, the subdivider shall indemnify the City from liability for all injuries to person or property caused by their actions or the action of their authorized agents, which injuries result from the City's issuance of a building permit for a dwelling unit or its accessory structure pursuant to these regulations.
- J. Withholding of public improvements. The City shall withhold all public improvements including, but not limited to the maintenance of streets, the furnishing of sewage facilities and water service from all subdivisions that have not been approved, and from all areas dedicated to the public which have not been accepted in the manner set forth herein.

Section 3-904. Variances from subdivision requirements.

- A. Purpose and applicability. The City Commission may grant a variance of the subdivision requirements set forth in this Division and Article 5, Division 15, where the strict application of said requirements would cause an unnecessary and undue hardship on the property owner.
- B. Application. An application for a variance of the subdivision standards shall be made in writing and shall accompany and be processed concurrently with the application for a tentative plat. The application for a variance shall be processed, noticed, and reviewed in the manner as the tentative plats as set forth in Section 3-902 above.
- C. Standards for review. The City Commission shall provide findings of fact that such variance complies with the following standards:
 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
 2. That the special conditions and circumstances do not result from the actions of the applicant.
 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.
 4. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations and would work unnecessary and undue hardship on the applicant.
 5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
 6. That the granting of the variance will be in harmony with the general intent and purpose of these regulations, and that such variance will not be injurious to the area involved or otherwise be detrimental to the public welfare.

Section 3-905. Facing of lots and principal buildings.

- A. All facing of lots and principal buildings constructed within an established building site(s) within the SFR, MF1, MF2, or MFSA zoning districts shall adhere to the provisions provided in this Section.
- B. Facing of the lots and principal buildings. The facing of lots and principal buildings upon an abutting street shall be determined by the Development Review Official unless prescribed otherwise within Appendix A, Site Specific Zoning Regulations, or Section C below. The final determination shall be subject to satisfying one or more of the following criteria:
 1. Identification of the shortest street line of platted lot(s).

ARTICLE 3 - DEVELOPMENT REVIEW

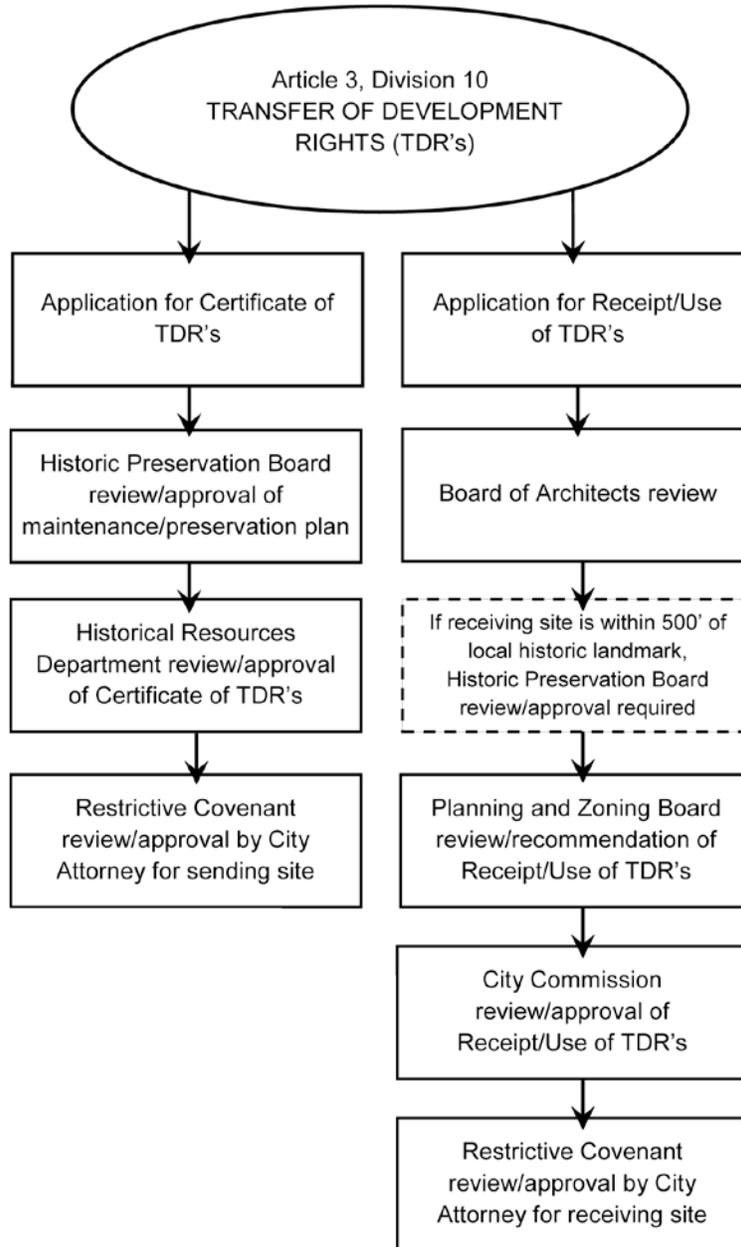
2. Existing facing of principal buildings of adjoining lots.
 3. Existing platting configuration of adjoining lots.
- C. Required facing of lots and principal buildings in specific cases or certain streets. Except as provided otherwise in this Section, all principal buildings on a lot or corner lots shall face the following streets:
1. Alhambra Circle and South Alhambra Circle.
 2. Country Club Prado.
 3. DeSoto Boulevard.
 4. Indian Mound Trail except in Block 20, Section D.
 5. Maynada Street.
 6. Ponce de Leon Boulevard.
 7. East Ponce de Leon Boulevard shall be deemed to face on said Circle, Boulevard, Trail, Prado and Street, as the case may be.
 8. Ponce de Leon Boulevard. All lots in the one hundred (100) foot strip on either side of Ponce de Leon Boulevard shall be governed by restrictions for lots facing that boulevard.
 9. On Red Road. All lots abutting upon Red Road, from Coral Way to Southwest Eighth Street, shall be deemed to face both Red Road and Country Club Prado, and residences erected upon such lots may face either of such streets.
- D. Setback requirements. Minimum front, side and rear setbacks and setback(s) from a canal, waterway, lake or bay shall be determined based upon City final determination of facing of the lot(s) and building(s). All minimum required setback requirements provided within the applicable assigned zoning districts shall be satisfied, unless specified otherwise in Appendix A, Site Specific Zoning Regulations.

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).

ARTICLE 3 - DEVELOPMENT REVIEW



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.

ARTICLE 3 - DEVELOPMENT REVIEW

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 8th 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 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.

ARTICLE 3 - DEVELOPMENT REVIEW

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.

ARTICLE 3 - DEVELOPMENT REVIEW

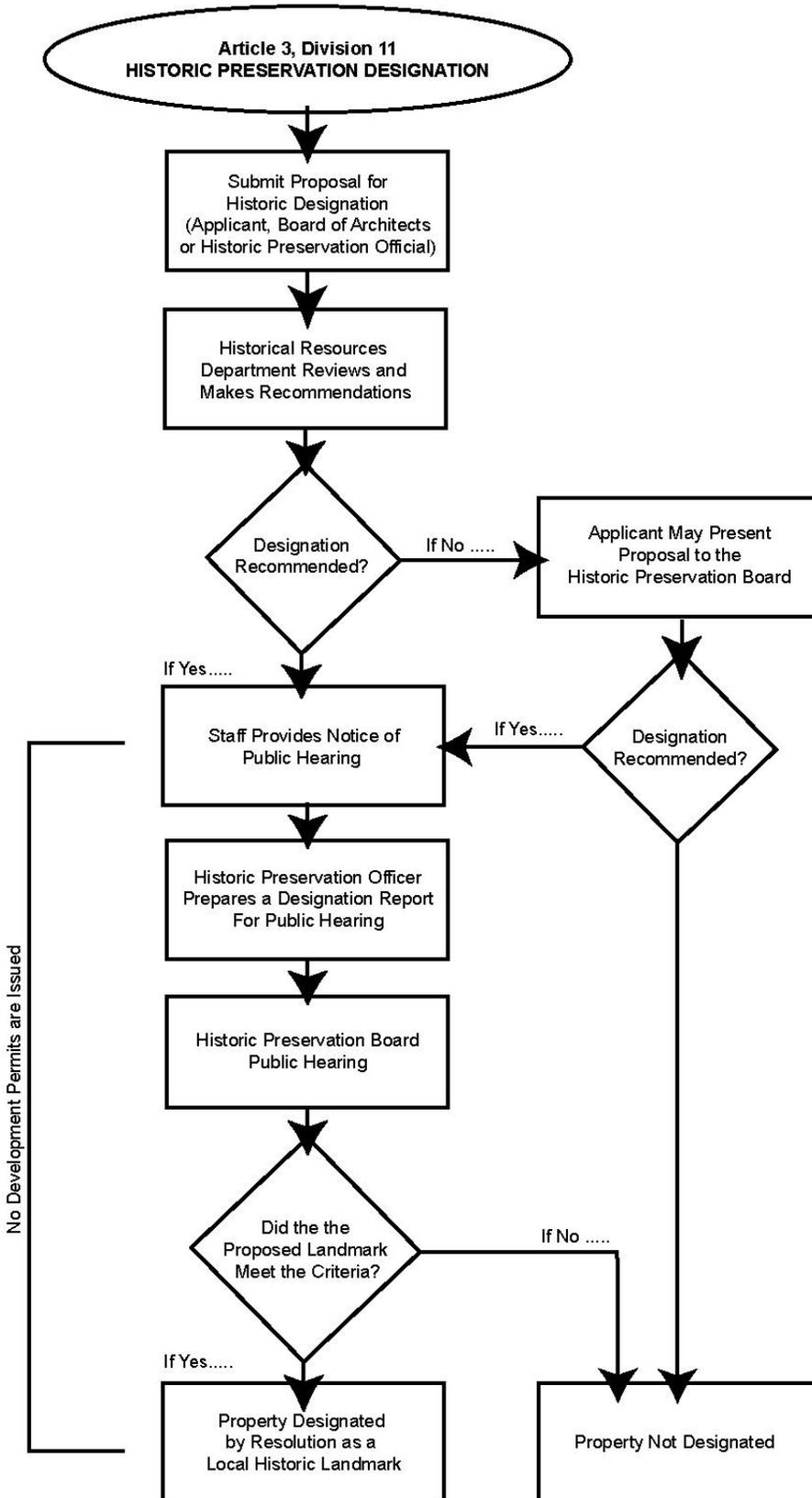
Division 11. Historic Preservation: Designations and Certificates of Appropriateness

Section 3-1101. Purpose and applicability.

The purpose of the designation of historic landmarks and districts is to promote the educational, cultural, and economic welfare of the public by preserving and protecting historic structures or sites, portions of structures, groups of structures, manmade or natural landscape elements, works of art, or integrated combinations thereof, which serve as visible reminders of the history and cultural heritage of the City, region, state or nation. Furthermore, it is the purpose of this Division to strengthen the economy of the City by stabilizing and improving property values in historic areas and to encourage new buildings and developments that will be harmonious with the existing historic attributes of the City including but not limited to buildings, entrances and fountains. In addition, the provisions of this article will assist the City and property owners to be eligible for federal tax incentives, federal and state grant funds and other potential property tax abatement programs for the purpose of furthering historic preservation activities.

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-1102. General Procedures for Designation.



ARTICLE 3 - DEVELOPMENT REVIEW

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:

A. Historical, cultural significance:

1. Is associated in a significant way with the life or activities of a major historic person important in the past;
2. Is the site of an historic event with significant effect upon the community, city, state, or nation;
3. Is associated in a significant way with a major historic event whether cultural, economic, military, social, or political;
4. Exemplifies the historical, cultural, political, economic, or social trends of the community; or
5. Is associated in a significant way with a past or continuing institution, which has contributed, substantially to the life of the City.

B. Architectural significance:

1. Portrays the environment in an era of history characterized by one (1) or more distinctive architectural styles;
2. Embodies those distinguishing characteristics of an architectural style, or period, or method of construction;
3. Is an outstanding work of a prominent designer or builder; or
4. Contains elements of design, detail, materials or craftsmanship of outstanding quality or which represent a significant innovation or adaptation to the South Florida environment.

C. Aesthetic significance:

1. By being a part or related to a subdivision, park, environmental feature, or other distinctive area, should be developed or preserved according to a plan based on an historical, cultural, or architectural motif; or
2. Because of its prominence of spatial location, contrasts of siting, age, or scale, is an easily identifiable visual feature of a neighborhood, village, or the City and contributes to the distinctive quality or identity of such neighborhood, village, or the City. In case of a park or landscape feature, is integral to the plan of such neighborhood or the City.

D. Archaeological significance: Has yielded or may be likely to yield information important in prehistoric history or history.

E. Criteria considerations: Ordinarily cemeteries, birthplaces, or graves of historical figures, structures that have been moved from their original locations, reconstructed historic buildings, properties

ARTICLE 3 - DEVELOPMENT REVIEW

primarily commemorative in nature, and properties that have achieved significance within the past fifty (50) years shall not be considered eligible for the Coral Gables Register of Historic Places. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories.

1. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with an historic person or event;
2. A birthplace or grave of an historical figure of outstanding importance if there is not appropriate site or building directly associated with his or her productive life;
3. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
4. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and no other building or structure with the same association has survived;
5. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
6. A property achieving significance within the past fifty (50) years if it is of exceptional importance.

Section 3-1104. Designation procedures.

Properties which meet the criteria for local historic landmarks and local historic landmark districts set forth in Section 3-1103 shall be designated according to the following procedures:

- A. Proposals for designation of potential local historic landmarks and local historic landmark districts:
 1. Proposals for designation of potential local historic landmarks and local historic landmark districts may be submitted to the Historical Resources Department for recommendation to the Historic Preservation Board by the Board of Architects or any citizen or property owner who provides information, which illustrates that the property meets the criteria for listing as set forth in Section 3-1103. The information submitted must include sufficient preliminary information to enable the staff's review for an initial determination that the property meets the minimum eligibility criteria. The proposal shall include a legal description of the property and a statement explaining its historic, cultural, aesthetic or architectural significance. In addition to furnishing any necessary information, the applicant may be required to pay applicable fees, if any. If the department's initial determination is that the property does not meet the minimum eligibility criteria for listing, the applicant may present the proposal for designation to the Historic Preservation Board;
 2. The Board may, on their own or upon the recommendation from staff or any citizen pursuant to Subsection (a) 1. of this section, direct staff to begin the designation process by preparing a designation report pursuant to Subsection (b) below of this section and any other standards the Board may deem necessary, submitting this report to the procedures described herein, and arranging for a public hearing before the Historic Preservation Board on this matter; or
 3. Whenever a determination is made by either the Director of the Historical Resources Department or the Historic Preservation Board that an application for historic designation shall proceed to public hearing as provided in this Division, no development permits shall be issued until the public hearing is held and a determination made on the subject designation in accordance with the provisions of Section 3-1104(C). In the case where an owner seeks a demolition permit, the public hearing shall be held at the next regularly scheduled meeting where notice can be provided.

ARTICLE 3 - DEVELOPMENT REVIEW

- B. Preparation of historic landmark designation report. For every proposed designated historic landmark and historic landmark district, the Historic Preservation Officer shall prepare a designation report, which shall be presented to the Board at a regularly scheduled meeting. The report shall contain the following:
1. Proposed boundaries. Boundaries for individual historic sites shall generally include the entire property or tract of land, unless such tract is so large that portions thereof are visually and functionally unrelated to any significant historic improvement. Proposed historic district boundaries shall, in general, be drawn to include all appropriate properties reasonably contiguous within an area and may include noncontributing properties which individually do not conform to the historic character of the district, but which require regulation in order to control potentially adverse influences on the character and integrity of the district. Where reasonably feasible, historic district boundaries shall include frontage on both sides of streets and divide the proposed historic landmark districts from other zoning districts in order to minimize interdistrict frictions. Archaeological zone boundaries shall generally conform to natural physiographic features, which were the focal points for prehistoric and historic activities.
 2. Optional internal boundaries. Internal boundaries may subdivide an historic landmark district into sub areas and transitional areas as appropriate for regulatory purposes. If a proposed historic landmark or historic landmark district is visually related to the surrounding areas in such a way that actions in the surrounding area would have potentially adverse environmental influences on its character and integrity, proposed boundaries for such transitional areas may be included within the historic landmark or historic landmark district.
 3. Detailed regulations. Every historic landmark and historic landmark district may be assigned a set of detailed zoning district regulations. Such regulations may be designed to supplant or modify any element of existing zoning regulations, including but not limited to the following: use, floor area ratio, density, height, setbacks, parking, minimum lot size, and transfer of development rights, or create any additional regulations provided for in this section. The zoning amendment may identify individual properties, improvements, landscape features, or archaeological sites, or categories or properties, improvements, landscape features, or archaeological sites for which different regulations, standards and procedures may be required.
 4. Significance analysis. A report shall be submitted establishing and defining the historic significance and character of the proposed historic landmark or historic landmark district, setting forth the criteria upon which the designation of the historic landmark, or historic landmark district, and its boundaries are based, and describing the improvements and landscape features of public significance, present trends and conditions, and desirable public objectives for future conservation, development, or redevelopment. The report shall include a review guide which identifies the major exterior features of any improvements or landscape features which contribute significantly to the historic character of the historic landmark site or historic landmark district. A designation report for an historic landmark shall also contain a location map and photographs of all designated exterior surfaces (and interior if applicable).
 5. Optional designation of interiors. Normally interior spaces shall not be subject to regulation under this section; however, in cases of existing structures having exceptional architectural, artistic, or historical importance, interior spaces which are customarily open to the public may be specifically designated. The designation report shall describe precisely those features subject to review and shall set forth standards and guidelines for such regulations.
- C. Procedures for notification and hearings on proposed designation. The Board shall hold a public hearing with notification as follows:
1. Notification of Owners. For each proposed designation of an historic landmark or historic landmark district, the Historical Resources Department is responsible for mailing a copy of the

ARTICLE 3 - DEVELOPMENT REVIEW

designation report and a courtesy notice of public hearing to all property owners of record whose properties are located within the boundaries of the designation. This notice shall serve as notification of the intent of the Board to consider designation of the property at least ten (10) days prior to a public hearing held pursuant to this section. However, failure to receive such courtesy-notice shall not invalidate the action of the Board. The property shall be posted at least ten (10) days prior to the hearing.

2. Notice of Public Hearings. Additional notice of public hearings shall be provided in accordance with the provision of Article 3, Division 3 of these regulations.
3. Decision of the Board. If after a public hearing the Board finds that the proposed local historic landmark or proposed local historic landmark district meets the criteria set forth in Section 3-1103, it shall designate the property as a local historic landmark or local historic landmark district. All decisions of the Board shall be by Resolution. If zoning regulations are recommended to be changed in the designation report and the Historic Preservation Board agrees, then such recommendation shall be reviewed in accordance with the provisions of Article 3, Division 14 of these regulations.
4. Notification of the Board actions. The Historic Preservation Officer shall provide a courtesy notice to the following of its action with a copy of the Resolutions:
 - a. Building and Zoning Department.
 - b. Planning Department.
 - c. City Clerk.
 - d. Public Works Department.
 - e. Owners of affected property and other parties having an interest in the property, if known.
 - f. Any other municipal agency, including agencies with demolition powers that may be affected by this action.
5. Development permits suspended during consideration of designation.
 - a. Upon the filing of a designation report by the staff with the Historic Preservation Board, the owner(s) of the real property which is the subject matter of the designation report or any individual or private or public entity shall not:
 - i. Erect any structure on the subject property, or
 - ii. Alter, restore, renovate, move or demolish any structure on the subject property until such time as a final administrative action, as provided by this division, is completed.
 - b. Suspension of development review shall expire when:
 - i. The Historic Preservation Board determines that the property is not significant and an appeal to the City Commission is denied;
 - ii. An appeal to the City Commission for the designation of the property is upheld; or
 - iii. A Certificate of Appropriateness is issued subject to the conditions herein.
6. Recording of designation. The City Clerk shall provide the circuit court clerk with all designations for the purpose of recording such designations in the public record.
7. Appeal of designation. Within ten (10) days from the date of a decision of the Historic Preservation Board, any resolution of the Historic Preservation Board may be appealed to the

ARTICLE 3 - DEVELOPMENT REVIEW

City Commission, as provided for under Article 3, Division 6 otherwise the Resolution will be final.

Section 3-1105. Procedures for review of national register properties.

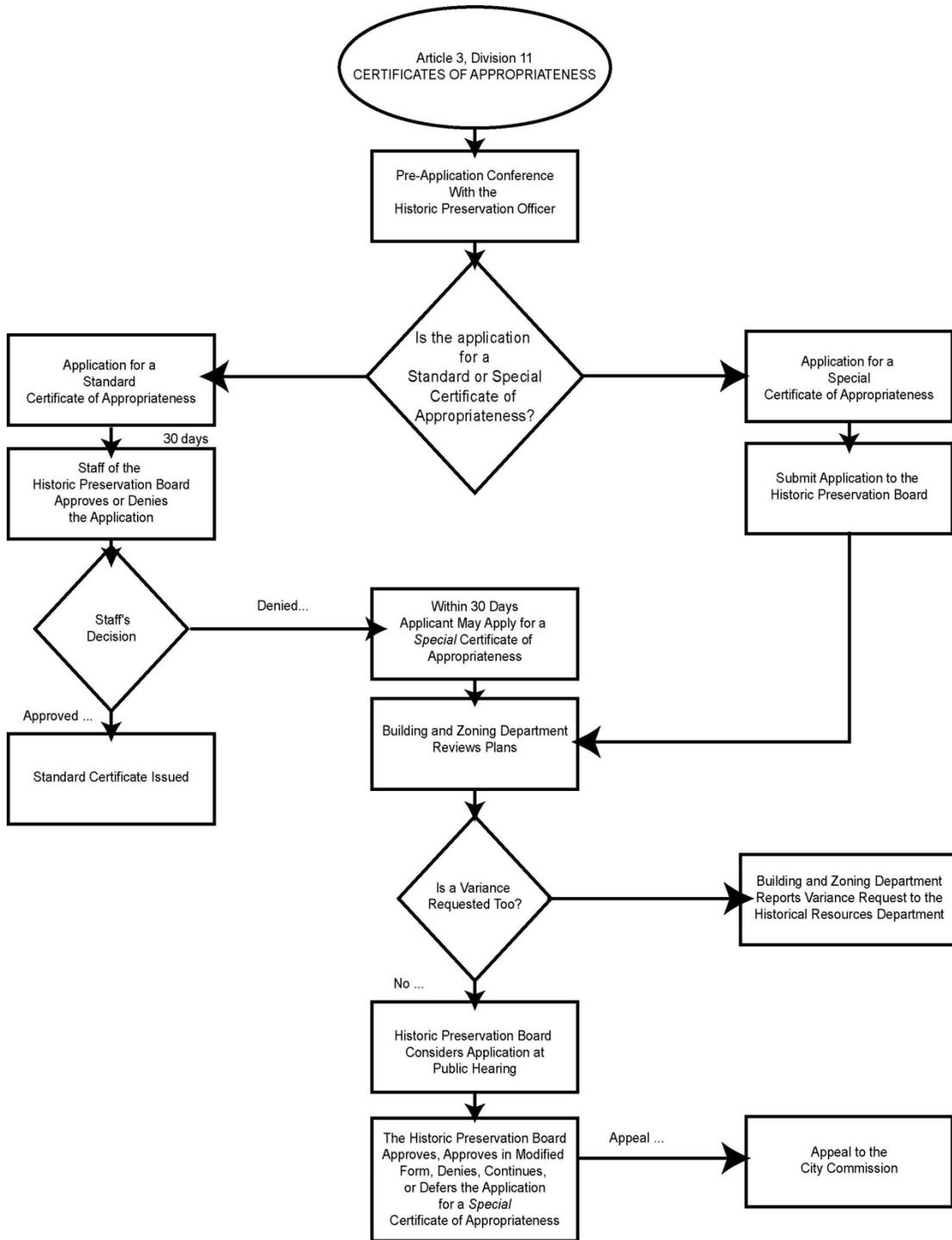
The City was granted Certified Local Government (CLG) status in November of 1986. Review of national register nominations is a function of a CLG and shall be governed by "Florida Guidelines for Certified Local Governments."

- A. The Historic Preservation Officer will, within thirty (30) days after receipt of a national register nomination, determine whether the nomination is technically complete and notify the nomination's sponsor of such determination.
- B. If the nomination is technically complete, the Historic Preservation Officer shall, at least thirty (30) days but not more than seventy-five (75) days prior to the Historic Preservation Board meeting at which the proposal is to be considered, notify the following:
 1. Owner(s) of record; and
 2. Appropriate local official(s).
- C. Nomination proposals to be considered by the Historic Preservation Board shall be on file in the office of the Historic Preservation Officer for at least thirty (30) days but not more than seventy-five (75) days prior to the Board meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local public access so that written comments regarding a nomination proposal can be prepared.
- D. Nomination proposals shall be considered by the Historic Preservation Board at a public hearing, and all votes shall be recorded and made part of the permanent record of that meeting. All nomination proposals shall be forwarded, with a record of official action taken by the Board and the recommendation of the appropriate local officials, to the state historic preservation officer within thirty (30) days of the Board meeting at which they were considered. If either the Historic Preservation Board or appropriate local officials or both support the nomination, the state historic preservation officer shall schedule the nomination for consideration by the Florida Review Board of the National Register as part of the normal course of business at the next regular meeting.
- E. If both the Historic Preservation Board and appropriate local officials recommend that a property not be nominated to the national register, the state historic preservation officer shall take no further action on the nomination unless an appeal is filed with the state historic preservation officer. Any reports and recommendations that result from such a situation shall be included with any nomination submitted by the state historic preservation officer to the U.S. Secretary of the Interior.
- F. Any person or organization which supports or opposes the nomination of a property to the national register shall be afforded the opportunity to make its views known in writing. An owner or owners of a private property who wish to object to the nomination shall provide the Historic Preservation Board with a notarized statement certifying that the party is the sole or partial owner of the property as appropriate. All correspondence regarding a nomination proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the state historic preservation officer.
- G. Appeals. Any person may appeal the decision of the Historic Preservation Board in its review of national register nominations. Appeals should be directed to the state historic preservation officer in writing within thirty (30) days of the decision of the Historic Preservation Board. Nominations or proposals which have been appealed shall be considered by the Florida Review Board for the National Register as part of the normal course of business at its next regular meeting. If the opinion is that the property or properties is or are significant and merit nomination to the national register, the state historic preservation officer shall notify the City's Historic Preservation Board within thirty (30)

ARTICLE 3 - DEVELOPMENT REVIEW

days of the national register review Board meeting of its intent to forward the nomination to the national register with a recommendation that the property or properties be listed.

Section 3-1106. Certificates of Appropriateness.



A. Certificate Required.

No building, structure, improvement, landscape feature, or archaeological site within the City, which

ARTICLE 3 - DEVELOPMENT REVIEW

has been designated an historic landmark or historic landmark district, shall be erected, altered, restored, rehabilitated, excavated, moved, reconstructed or demolished until an application for a Certificate of Appropriateness regarding any architectural features, landscape features, or site improvements has been submitted and approved pursuant to the procedures in this Division. Unless otherwise specified, exterior alterations, additions, demolitions, etc. to non-contributing structures or properties within historical landmark districts shall be reviewed and approved by the Historic Preservation Board and/or Historical Resources Department.

B. Guidelines for review of certificates.

1. The Historic Preservation Board has adopted the U.S. Secretary of the Interior's Standards for Rehabilitation as the standards by which applications for any Certificate of Appropriateness are to be measured and evaluated. In adopting these guidelines, it is the intent of the Board to promote maintenance, restoration, adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites and streetscapes. These guidelines shall also serve as criteria for staff to make decisions regarding applications for Standard Certificates of Appropriateness. From time to time, the Board may adopt additional standards to preserve and protect special features unique to the City.
2. For applications related to alterations or new construction, the proposed work shall not adversely affect the historic, architectural, or aesthetic character of the subject improvement or the relationship and congruity between the subject improvement and its neighboring improvements and surroundings, including but not limited to form, spacing, height, setbacks, materials, color, or rhythm and pattern of window and door openings in building facades; nor shall the proposed work adversely affect the special character of special historical, architectural or aesthetic interest or value of the overall designated historic landmark or historic landmark district. Except where special standards and guidelines have been specified in the ordinance creating a particular designated historic landmark or historic landmark district, or where the Board has subsequently adopted additional standards and guidelines for a particular designated historic landmark or historic landmark district, decisions relating to alteration or new construction shall be guided by the U.S. Secretary of the Interior's standards for rehabilitation.

C. Duration of approval of certificates. Unless otherwise provided in the Certificate of Appropriateness, both Standard and Special Certificates of Appropriateness shall expire after two (2) years if no building permit is issued. Staff may grant an extension of up to an additional one hundred and eighty (180) days for restoration or rehabilitation work subject to the following:

1. Request for the extension is submitted in writing to the Historical Resources Department.
2. The work completed is consistent with the approved scope of work.

D. Preapplication conference.

Before submitting an application for a Certificate of Appropriateness, an applicant shall confer with the Historic Preservation Officer to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data. The Historic Preservation Officer or his/her representative, may, at the request of the applicant, hold additional preapplication conference(s) with the applicant. The purpose of such conference(s) is to further discuss and clarify conservation objections and design guidelines in cases that do not conform to established objectives and guidelines. In no case, however, shall any statement or representation made prior to the official application review be binding on the Board, the City Commission or any City departments.

E. Standard certificates.

ARTICLE 3 - DEVELOPMENT REVIEW

Based on the standards for rehabilitation, the designation report, a complete application for a Standard Certificate of Appropriateness, any additional plans, drawings or photographs to fully describe the proposed alteration and any other guidelines the Board may deem necessary, the Historic Preservation Officer (HPO) shall, within thirty (30) days from the date a complete application has been filed, approve or deny the application for a Standard Certificate of Appropriateness by the owner of an existing improvement or landscape feature within the boundaries of a designated historic landmark or historic landmark district. The findings of the staff shall be mailed to the applicant accompanied by a statement in full regarding the staff's decision. The applicant shall have an opportunity to challenge the staff's decision by applying for a Special Certificate of Appropriateness within thirty (30) days of the date of staff's findings.

F. Special certificates.

1. An applicant for a Special Certificate of Appropriateness, whether for alteration, addition, restoration, renovation, excavation, moving or demolition, shall submit his application to the Historic Preservation Board accompanied by full plans and specifications, site plan, and samples of materials as deemed appropriate by the Board to fully describe the proposed appearance, color, texture or materials, and architectural design of the building and any outbuilding, wall, courtyard, fence, landscape feature, paving signage, and exterior lighting. The applicant shall provide adequate information to enable the Board to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes. If such application involves a designated archaeological zone, the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site. An applicant may apply for an accelerated Certificate of Appropriateness that is reviewed by the Historic Preservation Board at the same meeting as the public hearing for designation of the subject property.
2. The Building and Zoning Department shall review all plans for alterations, additions, restoration or renovation of Historic Landmarks prior to the Board's consideration of such Special Certificate of Appropriateness and shall report any variance items in connection with the proposed construction to the Historical Resources Department.
3. In the event the applicant is requesting a Special Certificate for demolition, the Board shall be provided with the details for the proposed disposition of the site. The Board may require architectural drawings of any proposed new construction.
4. An applicant requesting a Special Certificate of Appropriateness for a reconstructed building, whether for alteration, addition, restoration, renovation, excavation, moving or demolition shall follow the same process to receive the Board's approval. A reconstructed building will be clearly identified for the public.
5. A public notice of a request for a Special Certificate of Appropriateness shall be published one (1) time in a newspaper of general circulation published in the City of Coral Gables, or in Miami-Dade County, Florida, at least ten (10) days prior to the date of such hearing. All such notices published in a newspaper shall state in substance the request and shall give the date, time, and place of the public hearing. All properties being considered by the Historic Preservation Board for a request for a Special Certificate of Appropriateness shall be posted at least ten (10) days in advance of the public hearing. Such posting shall consist of a sign, the face surface of which shall be not be larger than forty (40) square inches and shall contain the following language:

Notice of Public Hearing
By [insert name of decision making body]
Phone [insert phone]
[insert email address]
Hearing date [insert date]
Application or hearing number [insert number]

ARTICLE 3 - DEVELOPMENT REVIEW

6. The posting of the property shall comply with Article 3, Division 3 of these regulations.
- G. Appeal of Decision of Board. An appeal from any decision of the Historic Preservation Board may be taken to the City Commission by any aggrieved party in accordance with the provisions of Article 3, Division 6.
- H. Decision of the Board.
 1. The decision of the Historic Preservation Board shall be based upon the guidelines set forth in Section 3-1106(B) as well as the general purpose and intent of this Division and any specific planning objectives and design guidelines officially adopted for the particular historic landmark or historic landmark district. No decision of the Board shall result in an undue economic hardship for the owner, provided, however, that the Board has determined the existence of such hardship in accordance with the provisions of Section 3-1115. The decision of the Board shall include a complete description of the reasons for such findings, and which details the public interest which is sought to be preserved, and shall direct one (1) or more of the following actions:
 - a. Approval of a Special Certificate of Appropriateness for the work proposed by the applicant;
 - b. Approval of a Special Certificate of Appropriateness with specified modifications and conditions;
 - c. Denial of the application and refusal to grant a Special Certificate of Appropriateness for modification or demolition; or
 - d. Approval of a Special Certificate of Appropriateness with a deferred effective date in cases of demolition or moving a significant improvement or landscape feature, pursuant to the provisions of Sections 3-1107, 3-1108 and 3-1109.
 2. The Historic Preservation Board shall act upon an application within sixty (60) days of the Board's receipt of the completed application adequately describing the proposed action. The Board shall approve, approve in modified form, deny, continue or defer the application. The time limit may be waived at any time by mutual written consent of the applicant and the Board.
 3. Evidence of approval of the application shall be by the recording in the minutes of the Certificate of Appropriateness granted by the Board.
 4. When an application is denied, the Board's notice shall provide an explanation of the basis of the decision. When a Special Certificate of Appropriateness is granted, the proceedings of the Historic Preservation Board shall state the basis for granting the Special Certificate of Appropriateness. Such record shall be filed in the office of the Historical Resources Department, and shall be open for public inspection.
 5. A written record of the proceedings of the Board shall be kept and produced, showing its action on each Special Certificate of Appropriateness considered. The record when pertaining to the record of the Board or official from which appeal is taken shall include any application, exhibits, appeal papers, written objections, waivers or consents, considered by the Board as well as transcripts or stenographic notes taken for the department at a hearing held before the Historic Preservation Board, the Board minutes, and resolution indicating its decision.
- I. Changes in approved work. Any change in work proposed subsequent to the issuance of a Certificate of Appropriateness shall be reviewed by the Board's staff. If the Board's staff finds that the proposed change does not materially affect the historic character, or the proposed change is in accord with approved guidelines, standards and certificates of appropriateness, it may issue a supplementary Standard Certificate of Appropriateness for such change. If the proposed change is not in accordance with guidelines, standards, or certificates of appropriateness previously approved

ARTICLE 3 - DEVELOPMENT REVIEW

by the Board, a new application for a Special Certificate of Appropriateness shall be required.

- J. Ordinary maintenance and repair. Nothing in this Division shall be construed to prevent the ordinary maintenance or repair of any improvement which does not involve a change of design, appearance or material, or to prevent ordinary maintenance of landscape features.

Section 3-1107. Demolition.

- A. No permit for demolition of a designated building, structure, improvement or site shall be issued to the owner thereof until an application for a Special Certificate of Appropriateness has been submitted and approved pursuant to the procedures in this Article. Denial of such application indefinitely and refusal by the Board to grant a Special Certificate of Appropriateness to demolish shall be evidenced by written order detailing the public interest which is sought to be served. The Historic Preservation Board shall be guided by the criteria contained in subsection (D) below.
- B. The Board may grant a Special Certificate of Appropriateness to demolish with a deferred effective date. The effective date shall be determined by the Board based upon the significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition deferral period, the Board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this division. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one (1) or more structures or other features. After the specified expiration of the deferred Special Certificate of Appropriateness, a demolition permit shall be issued if requested forthwith by the appropriate administrative officials.
- C. As a condition of granting any Certificate of Appropriateness, standard or special, for demolition of buildings or improvements designated as historic landmarks or located in an historic landmark district, the Board may require at the owner's expense, salvage and preservation of specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The Board may also require, at the owner's expense, the recording of the improvement for archival purposes prior to demolition. The recording may include, but shall not be limited to, photographs and scaled architectural drawings.
- D. In addition to all other provisions of this Division, the Board shall consider the following criteria in evaluating applications for a Special Certificate of Appropriateness for demolition of designated properties:
 - 1. The degree to which the building, structure, improvement or site contributes to the historic and/or architectural significance of the historic site or district;
 - 2. Whether the building, structure, improvement or site is one of the last remaining examples of its kind in the neighborhood, the county or the region;
 - 3. Whether the loss of the building, structure, improvement or site would adversely affect the historic and/or architectural integrity of the historic site or district;
 - 4. Whether the retention of the building, structure, improvement or site would promote the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage;
 - 5. Whether architectural plans have been presented to the Board for the reuse of the property if the proposed demolition were to be carried out, and the appropriateness of said plans to the character of the historic site or district, if applicable; and demonstration as well as the posting of a bond requirement that there are sufficient funds in place to carry out such plans;

ARTICLE 3 - DEVELOPMENT REVIEW

6. Whether the building, structure, improvement or site poses an imminent threat to the public health or safety;
 7. Whether the applicant has demonstrated that retention of the building, structure, improvement or site would create an unreasonable or undue economic hardship as described in Section 3-1115; and
 8. Whether there is a compelling public interest requiring the demolition.
- E. As a condition of granting a Certificate of Appropriateness for demolition, the Historic Preservation Board may require that no building permit be issued for the demolition of said structure until a building permit for the construction of a new building has been issued.
- F. The owner of the property shall permit access to the subject property for the purpose of inspections and/or appraisals required by the Historic Preservation Board or Historic Preservation Officer.
- 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.
- H. The damage, destruction, or demolition of any building, structure, improvement or site or portion thereof protected by this Division (a) for which a certificate of appropriateness for demolition has not been granted, or (b) which was carried out in violation of the provisions for demolition and demolition by neglect under the provisions of this Section, shall cause the City to reject an application for a building permit until the following criteria have been met:
1. A pre-application shall be submitted to the Historical Resources Department containing the following information:
 - a. A detailed sworn explanation outlining the facts surrounding the unlawful damage, destruction, or demolition.
 - b. Evidence that any and all code enforcement fines have been paid.
 - c. Evidence that all violations on the property have been corrected or a stipulation outlining the agreed upon steps to correct all outstanding violations.
 2. Review and approval of the Historical Resources Department checklist by the following departments so that the applications for issuance of a building permit may proceed.
 - a. Building and Zoning.

ARTICLE 3 - DEVELOPMENT REVIEW

- b. Planning.
 - c. Public Works.
 - d. Public Service.
 - e. Historic Resources.
 - f. City Manager.
 - g. City Attorney.
3. All approvals issued within the parameters of this section shall not be construed to be a development order and shall not be evidence of approval by any of the City's departments of the building permit.
- I. The ad valorem tax exemption provided for under Sections 3-1118-1120 does not apply to buildings, structures, improvements or sites that have been demolished in violation of this Section.

Section 3-1108. Demolition by neglect.

- A. Demolition by neglect is any failure to comply with the minimum required maintenance standards of this Section, whether deliberate or inadvertent.
- B. The owner of any building, structure, landscape feature, improvement, site or portion thereof which has been historically designated pursuant to the Historic Preservation provisions of this Division shall be required to properly maintain and preserve such building or structure in accordance with the standards set forth in the applicable sections of the Florida Building Code, and this Division.
1. It is the intent of this Section to preserve from deliberate or inadvertent neglect, the interior, exterior, structural stability and historic and architectural integrity of any historically designated building, structure, landscape feature, improvement, site or portion thereof. All such properties, building and structures shall be maintained in accordance to minimum maintenance standards, preserved against decay, deterioration and demolition and shall be free from structural defects through prompt and corrective action to any physical defect which jeopardizes the building's historic, architectural and structural integrity; such defects shall include, but not be limited to, the following:
- a. Deteriorated and decayed facades or façade elements, including but not limited to, facades which may structurally fail and collapse entirely or partially;
 - b. Deteriorated or inadequate foundations;
 - c. Defective or deteriorated flooring or floor supports or any structural members of insufficient size or strength to carry imposed loads with safety;
 - d. Deteriorated walls or other vertical structural supports, or members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
 - e. Structural members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
 - f. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or missing windows or doors;

ARTICLE 3 - DEVELOPMENT REVIEW

- g. Defective or insufficient weather protection which jeopardizes the integrity of exterior or interior walls, roofs or foundations, including lack of paint or weathering due to lack of paint or other protective covering;
 - h. Any structure which is not properly secured and is accessible to the general public;
 - i. Any fault or defect in the property that renders it structurally unsafe or not properly watertight; and
 - j. The spalling of the concrete of any portion of the interior or exterior of the building.
2. A City code enforcement official who finds a violation of this Section shall issue a written warning to the violator to immediately correct the violation. If any building, structure, landscape feature, improvement, site, or portion thereof which has been historically designated pursuant to the Historic Preservation provisions, in the opinion of the Historic Preservation Board, or the Historic Preservation Officer in this Division, or the City's Building Official, falls into a state of disrepair so as to potentially jeopardize its structural stability and/or architectural integrity, and/or the safety of the public and surrounding structures, the Historic Preservation Officer or the City's Building Official shall have right of entry onto the subject property and may inspect the subject property after forty-eight (48) hours notice to the owner of intent to inspect. In the event the property owner refuses entry of any City official onto the subject property, the City may file an appropriate action to allow such officials access to the subject property for an inspection. The City may require that the property owner retain a professional structural engineer with comprehensive experience with historically designated properties registered in the state, to complete a structural evaluation report to be submitted to the City. Upon receipt of such report, the property owner shall immediately take steps to effect all necessary remedial and corrective actions to restore the structure's or building's compliance with the required minimum maintenance standards herein; remedial action in this regard shall include, but not be limited to, the structural shoring, stabilization and/or restoration of any or all exterior walls, including their original architectural details, interior load bearing walls, columns and beams, roof trusses and framing, the blocking of openings and securing of existing windows and door openings, as well as sealing of the roof surface against leaks, including holes, punctures, mechanical systems, and/or roof penetrations as necessary to preserve the building or structure in good condition. The owner shall substantially complete such remedial and corrective action within thirty (30) days of receipt of the report, or within such time as deemed appropriate by the building official, in consultation with the Historic Preservation Officer. Such time may be extended at the discretion of the City's building official, in consultation with the Historic Preservation Officer.
3. If the owner of the subject property, in the opinion of the City's Building Official and Historic Preservation Officer, fails to undertake and substantially complete the required remedial and corrective action within the specified time frame, the City may, at the expense of the owner, file an action seeking an injunction ordering the property owner to take the remedial and corrective action to restore the structure or building into compliance with the required minimum maintenance standards herein and seeking civil penalties, such civil action may only be initiated at the discretion of the City Manager or designee. The court shall order an injunction providing such remedies if the City proves that the property owner has violated the required minimum maintenance standards or any portion of this section or this code.
4. Any historically designated building, structure, landscape feature, improvement, site, or portion thereof which requires an application for a certificate of appropriateness for demolition shall not have its architectural features removed, destroyed or modified until the certificate of appropriateness is granted. Owners of such property shall be required to maintain such properties in accordance with all applicable codes up to the time the structure is demolished.
5. There shall be no variances, by either the Board of Adjustment or the Historic Preservation Board, from any of the provisions contained in this Section, except if the property owner

ARTICLE 3 - DEVELOPMENT REVIEW

demonstrates to the Board that the required remedial and corrective action would create an unreasonable or undue hardship as described in Section 3-1115.

- C. The ad valorem tax exemption provided for historic properties under Sections 3-1118-1120 does not apply to historically designated buildings, structures, landscape features, improvements or sites that are damaged, destroyed or demolished in violation of this Section.

Section 3-1109. Moving of existing improvements.

The moving of significant improvements from their original location shall be discouraged; however, the Historic Preservation Board may grant a Special Certificate of Appropriateness if it finds that no reasonable alternative is available for preserving the improvement on its original site and that the proposed relocation site is compatible with the historic and architectural integrity of the improvement.

Section 3-1110. Removal or destruction of existing landscape features.

- A. No Certificate of Appropriateness shall be granted for removal, relocation, concealment, or effective destruction by damage of any landscape features or archaeological sites especially designated as significant within the boundaries of an historic landmark or historic landmark district unless one (1) of the following conditions exists:
 - 1. The designated landscape feature or archaeological site is located in the buildable area or yard area where a structure may be placed and unreasonably restricts the permitted use of the property;
 - 2. The designated vegetation is inappropriate in an historical context or otherwise detracts from the character of the district; or
 - 3. The designated vegetation is diseased, injured, or in danger of falling, unreasonably interferes with utility service, creates unsafe vision clearance or conflicts with other applicable laws and regulations.
- B. As a condition contained in the Certificate of Appropriateness, the applicant may be required to relocate or replace designated vegetation.

Section 3-1111. Construction, excavation or other disturbance in archaeological zones.

In cases where new construction, excavation, tree removal, or any other activity may disturb or reveal an interred archaeological site, the Historic Preservation Board may issue a Certificate of Appropriateness, standard or special, with a delayed effective date up to forty-five (45) days. During the delay period, the applicant shall permit the subject site to be examined under the supervision of an archaeologist approved by the Board. A Certificate of Appropriateness may be denied if the site is of exceptional importance and such denial would not unreasonably restrict the primary use of the property.

Section 3-1112. Reconstruction of destroyed historic landmarks.

- A. Except as provided in the Historic Preservation Code, in the event of a catastrophic occurrence, including, but not limited to, fire, tornado, tropical storm, hurricane, other act of God, or major accidental damage not the fault of the owner which results in damage to an historic building, structure, landscape feature, improvement or site that:
 - 1. Exceeds fifty (50%) percent of the replacement value of the building or structure at the time of damage as determined by the building official after consultation with the Historic Landmark Officer. Upon a final determination of the Historic Preservation Board such building may be reconstructed, repaired or rehabilitated, and the building or structure's total gross floor area, height, and setbacks may remain, if the following conditions are met:

ARTICLE 3 - DEVELOPMENT REVIEW

- a. The number of units in a repaired or rehabilitated residential and/or hotel building shall not be increased.
 - b. The building shall have previously been issued a certificate of use, certificate of completion, certificate of occupancy or occupational license by the City to reflect its current use.
 - c. The repairs or rehabilitations shall meet the requirements of the City Code, the applicable Florida Building Code, and the Life Safety Code.
 - d. The repairs or rehabilitations shall comply substantially with the Secretary of the Interior's Standards for Rehabilitation, as amended, as well as the certificate of appropriateness criteria in Section 3-1106.
2. Is less than fifty (50%) percent of the replacement value of the building or structure at the time of damage as determined by the building official after consultation with the Historic Landmark Officer. Such building shall be reconstructed, repaired or rehabilitated, and the building or structure's total gross floor area, height, and setbacks may remain, if the following conditions are met:
- a. The number of units in a repaired or rehabilitated residential and/or hotel building shall not be increased.
 - b. The building shall have previously been issued a certificate of use, certificate of completion, certificate of occupancy or occupational license by the City to reflect its current use.
 - c. The repairs or rehabilitations shall meet the requirements of the City Code, the applicable Florida Building Code, and the Life Safety Code.
 - d. The repairs or rehabilitations shall comply substantially with the Secretary of the Interior's Standards for Rehabilitation, as amended, as well as the Certificate of Appropriateness criteria in Section 3-1106.
- B. For the reconstruction, repair, or rehabilitation of historically designated buildings, structures, landscape features, improvements, sites or portions thereof in violation of the demolition or demolition by neglect sections, please refer to Section 3-1107 and Section 3-1108.

Section 3-1113. Variances.

The Historic Preservation Board shall have the authority to grant a variance from the terms of these regulations for those properties designated as local historic landmarks, either individual sites, buildings or structures within districts, where it is deemed appropriate for the continued preservation of the historic landmark or historic landmark district. The Board shall only authorize such variances in conjunction with an application for a Special Certificate of Appropriateness, in accordance with the provisions of Section 3-1106 and Article 3, Division 8.

Section 3-1114. Transfer of development rights.

The Historic Preservation Board shall have the authority to grant certificates of transfer of development rights (TDR) to property owner(s) of designated historic landmarks, either individual sites or buildings within districts in accordance with the criteria and standards for transfer of development rights in Article 3, Division 10 of these regulations. Any historic landmark that has transferred development rights shall not be demolished.

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-1115. Undue economic hardship.

A claim of undue economic hardship may only be asserted in conjunction with an application to the Historic Resources Department with an application for a Special Certificate of Appropriateness, in accordance with Section 3-1106, which shall be considered by the Historic Preservation Board at a public hearing.

Application submittal and review requirements. The application shall be considered by the Historic Preservation Board within sixty (60) days of application submittal. Consideration by the Board may be deferred by mutual agreement by the property owner and the Historic Preservation Officer. The applicant filing the claim shall file a written application on the forms prepared by the Department. The application shall include an affidavit validating all submitted information. 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. The Historic Preservation Board may also require the applicant to provide additional information to assist in its findings and determination of undue economic hardship.

As a minimum, the applicant shall provide at time of application, the following information:

A. For all property:

1. The amount paid for the property, the date of purchase and the name of the previous property owner(s).
2. The assessed value of the land and all improvements thereon, according to the two (2) most recent Miami-Dade County property assessment records.
3. Real estate taxes for the previous two (2) years.
4. Annual debt service, if any, for the previous two (2) years.
5. All appraisals obtained within the previous two (2) years by the property owner or applicant in connection with the purchase, financing or ownership of the property.
6. Any property sale listing(s) of the property for sale or rent, price asked and offers received, if any.
7. Any consideration by the property owner as to profitable adaptive uses for the property.
8. Two (2) appraisals completed by two (2) separate State of Florida certified appraisers, completed within six (6) months of application submittal.

B. For income producing property:

1. Annual gross income received from the property and all improvements for the previous two (2) years.
2. The assessed value of the land and improvements thereon, according to the two (2) most recent Miami-Dade County property assessment records.
3. Annual cash flow, if any, for the previous two (2) years.

Section 3-1116. Unsafe structures.

In the event the Building Official determines that any structure within a designated historic landmark or historic landmark district is unsafe pursuant to the applicable building code adopted by the City, he/she

ARTICLE 3 - DEVELOPMENT REVIEW

shall immediately notify the Historic Preservation Board with copies of such findings. Where reasonably feasible within applicable laws and regulations the building official shall endeavor to have the structure repaired rather than demolished and shall take into consideration any comments and recommendations by the board. The board may take appropriate actions to effect and accomplish preservation of such structure including, but not limited to, negotiations with the owner and other interested parties, provided that such actions do not interfere with procedures in the Florida Building Code.

Section 3-1117. Emergency conditions.

For the purpose of remedying emergency conditions determined to be imminently dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction, demolition or other repairs to an improvement, landscape feature, or site within a designated historic landmark district pursuant to an order of a government agency or a court of competent jurisdiction, provided that only such work as is reasonably necessary to correct the hazardous condition may be carried out. The owner of an improvement damaged by fire or natural calamity shall be permitted to stabilize the improvement immediately and to rehabilitate it later under the normal review procedures of this Division.

Section 3-1118. Scope of tax exemptions.

- A. A method is hereby created for the City Commission to allow tax exemptions for the restoration, renovation or rehabilitation of historic properties. The exemption shall apply to one hundred (100%) percent of the assessed value of all improvements to historic properties, which result from restoration, renovation or rehabilitation made on or after the effective date of this division. The exemption only applies to taxes levied by the City. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution. The exemption does not apply to personal property.
- B. The City of Coral Gables hereby elects to provide for an ad valorem tax exemption of fifty (50%) percent of the assessed value of certain commercial or not-for-profit historically designated properties. The exemption shall only apply to taxes levied by the City. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution.

Section 3-1119. Duration of tax exemptions.

Any exemption granted under this section to a particular property shall remain in effect for ten (10) years, as specified in the ordinance approving the exemption. The duration for ten (10) years shall continue regardless of any change in the authority of the City to grant such exemptions or any changes in ownership of the property. In order to retain an exemption, the historic character of the property must be maintained over the period for which the exemption was granted.

Section 3-1120. Eligible properties and improvements.

- A. Property is qualified for an exemption under this section if:
 - 1. At the time the exemption is granted, the property is:
 - a. Individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended;
 - b. A contributing property within a National Register-listed district; or
 - c. Individually listed in the Coral Gables Register of Historic Places, or noted as a contributing structure within a designated local historic district as enacted by ordinance of the City Commission.

ARTICLE 3 - DEVELOPMENT REVIEW

- B. In order for an improvement to an historic property to qualify the property for an exemption under Section 3-1118, the improvement must be:
1. Consistent with the United States Secretary of the Interior's Standards for Rehabilitation; and
 2. Determined by the Historic Preservation Board to meet criteria established in rules adopted by the Department of State.
- C. Property is qualified for an exemption under Section 3-1118; Subsection B above if the property meets the following criteria: (1) the property must be used for commercial purposes or used by a not-for-profit organization under s. 501(c) (3) or (6) of the Internal Revenue Code of 1986; or (2) The property must be listed in the National Register of Historic Places, as defined in Florida Statutes section 267.021; or (3) must be a local historic contributing property to a National Register Historic District; or must be a local historic landmark or a contributing property within a local historic district; and (4) The property must be regularly open to the public, which means that there are regular hours when the public may visit to observe the historically significant aspects of the building. This means a minimum of forty (40) hours per week, for forty-five (45) weeks per year, or an equivalent of eighteen hundred (1,800) hours per year. A fee may be charged to the public; however, it must be comparable with other entrance fees in the immediate geographic locale.
1. Only those portions of the property used predominantly for the purposes specified in paragraph (c) shall receive the ad valorem tax exemption of fifty (50%) percent of the assessed property value. In no event shall an incidental use of property qualify such property for an exemption or impair the exemption of an otherwise exempt property.
 2. In order to retain the exemption, the historic character of the property must be maintained in good repair and condition to the extent necessary to preserve the historic value and significance of the property.

Section 3-1121. Applications for tax exemption.

- A. Any person, firm or corporation that desires ad valorem tax exemption from the improvement of an historic property must, prior to construction, file with the Historical Resources Department a written application on an approved form.
- B. Any person, firm or corporation who is claiming the ad valorem tax exemption provided under Section 3-1118; Subsection B shall, on or before March 1 of each year, file an application for exemption with the Miami-Dade County Property Appraiser, describing the property for which exemption is claimed and certifying its ownership and use.

Section 3-1122. Required restrictive covenant.

To qualify for an exemption, the property owner must enter into a restrictive covenant or agreement with the City Commission for the term for which the exemption is granted. The form of the covenant or agreement must be established by the Department of State and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. 212.12(3).

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-1123. Review by Historic Preservation Board.

The Historic Preservation Board, or its successor, is designated to review applications for exemptions. The Historic Preservation Board may recommend that the City Commission grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the Department of State. The recommendation and the reasons therefore must be provided to the applicant and to the City Commission before consideration of the application.

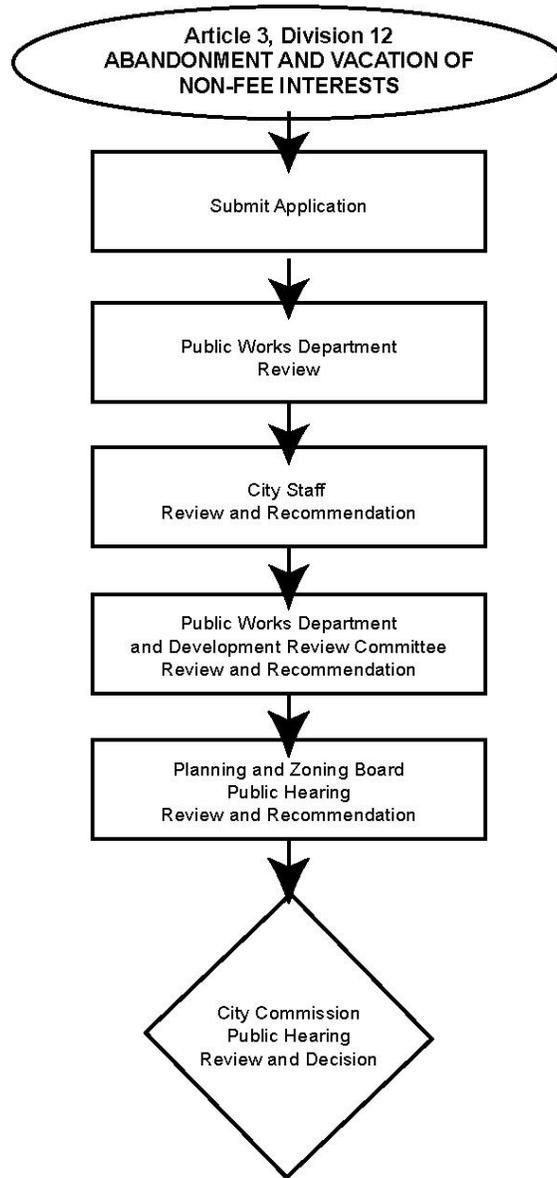
Section 3-1124. Approval by the City Commission.

A majority vote of the City Commission shall be required to approve a written application for exemption. The City Commission shall include the following in the resolution or ordinance approving the written application for exemption:

- A. The name of the owner and the address of the historic property for which the exemption is granted.
- B. The period of time for which the exemption will remain in effect and the expiration date of the exemption.
- C. A finding that the historic property meets the requirements of this section.

ARTICLE 3 - DEVELOPMENT REVIEW

Division 12. Abandonment and Vacations



Section 3-1201. Purpose and applicability.

The purpose of this Division is to establish a uniform procedure for the review or abandonment and vacation of non-fee property interests of the City with regard to compliance with the Comprehensive Plan. This Division applies to city streets, alleys, easements and other non-fee property interests of the City of similar character.

Section 3-1202. Application.

Prior to the City Commission action with regard to abandonment or vacation, such requests for city streets, alleys, easements and other non-fee interests which the City may have in real property shall be reviewed for consistency with the Comprehensive Plan and shall be subject to conditions of approval which mitigate the impact of the abandonment or vacation of the City's real property interest and/or the impact of additional development resulting from the abandonment or vacation. All applications shall be

ARTICLE 3 - DEVELOPMENT REVIEW

reviewed in accordance with the provisions of Article 3, Divisions 2 and 3 and other applicable provisions of the City's Code.

Section 3-1203. Standards for review.

Applications for abandonment and vacation of city streets, alleys, special purpose easements and other non-fee interests which the City may have in real property may be approved provided that it is demonstrated that:

- A. The non-fee property interest sought to be abandoned:
 - 1. Does not provide a benefit to the public health, safety, welfare, or convenience, in that:
 - a. It is not being used by the City for any of its intended purposes.
 - b. The Comprehensive Plan, special purpose plan, or capital improvement program does not anticipate its use; or
 - 2. Provides some benefit to the public health, safety, welfare, or convenience, but the overall benefit anticipated to result from the abandonment outweighs the specific benefit derived from the non-fee property interest, in that:
 - a. The vacation or abandonment will not frustrate any comprehensive plan, special purpose plan, or capital improvement program of the City;
 - b. The vacation or abandonment will not interfere with any planning effort of the City that is underway at the time of the application but is not yet completed; and
- B. The vacation or abandonment will provide a material public benefit in terms of promoting the desired development and improves the City's long-term fiscal condition and the applicant provides beneficial mitigation in the form of a proffered mitigation plan which mitigates the loss of real property, the increase in the intensity of use and/or impacts on the public health, safety and welfare including increased parking and traffic.

Section 3-1204. Planning and Zoning Board review and recommendation.

The Planning and Zoning Board shall:

- A. Review the application at a public hearing conducted in accordance with the provisions of Article 3, Division 3.
- B. Make written findings with respect to whether the application complies with the standards set out in Section 3-1203.
- C. Identify appropriate conditions of approval which mitigate the impact of the vacation or abandonment of property.
- D. Provide a recommendation to the City Commission with regard to whether the application should be approved, approved with conditions, or denied.

Section 3-1205. City Commission review and decision.

The City Commission in its sole discretion may approve, approve with conditions or deny an application for the abandonment or vacation of city streets, alleys, easement and other non-fee interests which the City may have in real property.

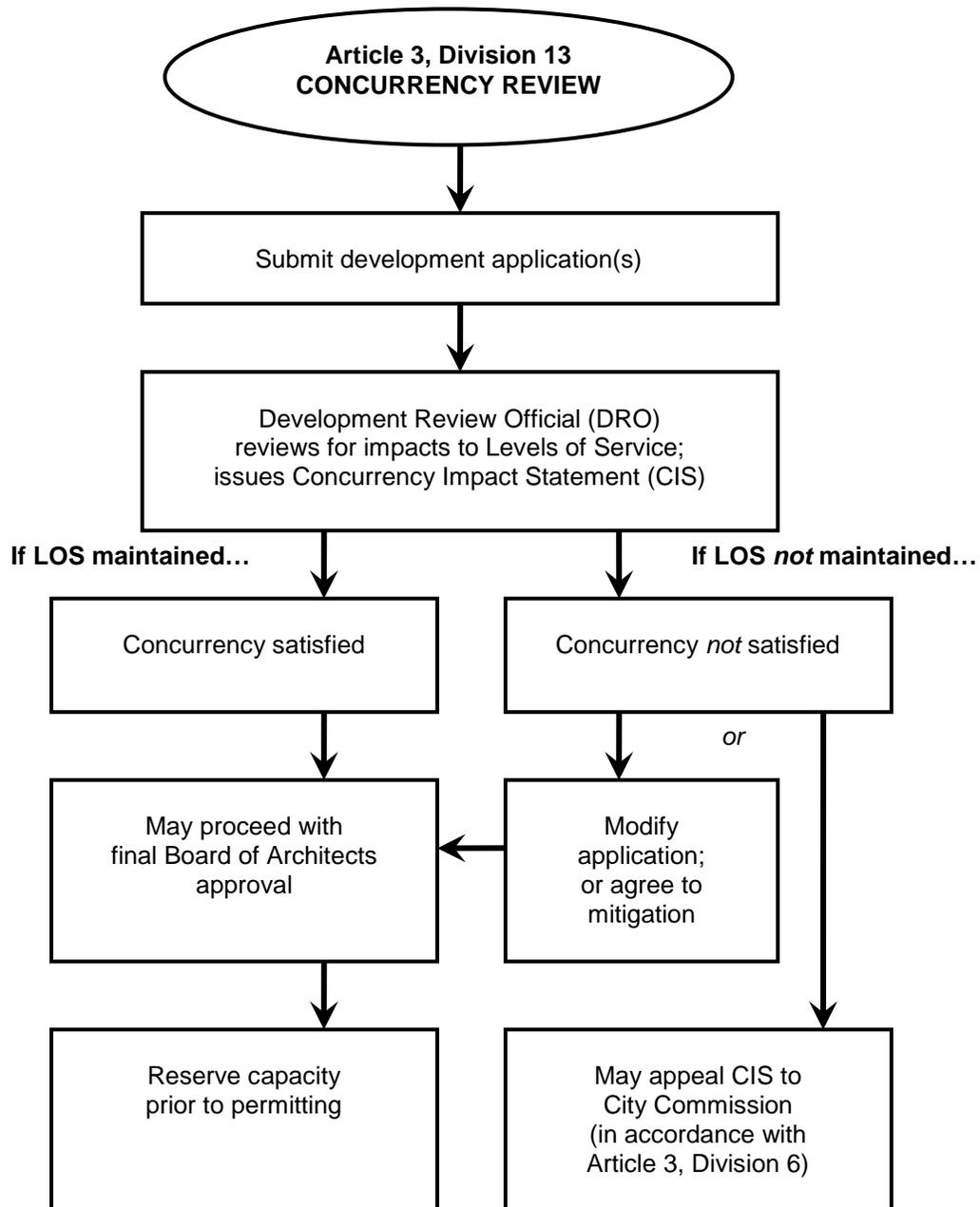
ARTICLE 3 - DEVELOPMENT REVIEW

Division 13. Concurrency Review

Section 3-1301. Purpose and applicability.

It is the purpose of this Division to provide a process for ensuring that the public facilities and services needed to support development are available concurrent with the impacts of such development.

Section 3-1302. General procedures for concurrency review.



ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-1303. Concurrency review required.

- A. Pursuant to Florida Statutes and the City's comprehensive plan, concurrency review is required for all applications for development approval in order to identify and address the impacts of new development on the levels of service for various public facilities and services, except as exempted under the provisions of Sections 3-1303(B) and (C) below.
- B. Concurrency review is not required for the following:
 - 1. Applications for single-family residential development platted prior to December 8, 1992.
 - 2. Applications for additions, renovations, or reconstruction of residential dwellings which do not increase the number of dwelling units placed on the premises or approved for the property.
 - 3. Additions, renovations, or reconstruction of uses accessory to residential dwellings.
 - 4. Sign permits.
 - 5. Applications which will not result in a development order.
 - 6. Applications requesting modifications of previously approved development orders where it is determined that the impacts on the prescribed levels of service imposed by the requested modifications will be no greater than the impacts posed by the previously approved development order or the previously existing use.
 - 7. Vested projects.
- C. Certificates of use and occupancy may be issued without the requirement for further concurrency review where the applicant for the certificate of use and occupancy holds a valid, unexpired building permit for the identical use of the subject structure or site or pertinent portion thereof; provided said building permit is not subject to a development agreement of other conditions requiring the applicant, successors, or assigns to provide or contract for the construction of necessary public services and facilities or other appropriate service impact mitigation measures. Where the building permit is subject to such development agreement or appropriate conditions, no certificate of use and occupancy shall be issued until the Development Review Official determines that all agreements and conditions have been satisfied.

Section 3-1304. Public School Concurrency review required.

- A. In addition to the provisions in Section 3-1303 above, pursuant to Florida Statutes and the City's comprehensive plan public school concurrency review is required for all applications for development approval in order to identify and address the impacts of new residential development on the levels of service for public school facilities, except as exempted under the provisions of Section 3-1304(B) below.
- B. Concurrency review is not required for the following:
 - 1. Applications for one (1) unit single-family homes.
 - 2. Assisted Living Facilities, as defined in Article 8.
 - 3. Non-residential development.
 - 4. Any Development of Regional Impact (DRI) for which a development order was issued, pursuant to Chapter 380, F.S., prior to July 1, 2005.

ARTICLE 3 - DEVELOPMENT REVIEW

5. Applications for which preliminary Board of Architects approval was secured prior to January 1, 2008.

Section 3-1305. Application.

All applications for concurrency review shall accompany all applications for development approval, unless otherwise exempt under the provisions of this Division. Such applications shall be made in writing upon an application form approved by the City and shall be accompanied by applicable fees.

Section 3-1306. City review and determination.

- A. The Development Review Official shall review each application for a development order and shall determine whether the request would have no impact or would have impacts on levels of service that fall below thresholds for public facilities and services prescribed in the Concurrency Manual.
- B. In the event that the Development Review Official determines that there is no impact, a statement of no impact shall be issued to the applicant and the Board of Architects or other decision maker responsible for the issuance of the development order. Such statement of no impact shall be valid for a period not to exceed one (1) year from issuance.
- C. Concurrency Impact Statement.
 1. Prior to final Board of Architects review and approval, the applicant, its successors, or assigns shall secure a written Concurrency Impact Statement from the Development Review Official, who shall determine the impacts to levels of service for public facilities and services, pursuant to concurrency review criteria contained in Section 3-1307.
 2. If the concurrency impact statement indicates that the proposed development satisfies the adopted levels of service, the applicant shall secure the statement, furnish it to the Board of Architects and other decision makers, and reserve capacity for all applicable public facilities and services within the timeframes prescribed in the City's Concurrency Manual. An applicant's failure to successfully reserve capacity for all applicable public facilities and services within the timeframes prescribed in the City's Concurrency Manual will render a final Board of Architects approval and/or final development order null and void.
 3. If the concurrency impact statement indicates that the approval cannot be issued because the proposed development would result in a reduction in adopted levels of service, the applicant may modify the application, or come to an acceptable mitigation agreement with the City and/or other appropriate entity responsible for the public service or facility in question, subject to the City's final review and approval. Such modifications, agreements or conditions shall ensure that the necessary public facilities and services shall be available concurrent with the impacts of development. The concurrency impact statement shall be secured by the applicant and furnished to the Board of Architects and/or other decision-makers responsible for the issuance of the development order, and shall specify the modifications, agreements or conditions which shall be satisfied prior to the issuance a final Board of Architects approval and/or final development order.
- D. Reservation of capacity.
 1. Upon payment of a fee prescribed in the City of Coral Gables Concurrency Manual, or other fee schedule, as amended, an applicant, its successors, or assigns may reserve capacity for up to twelve (12) months from the date of capacity reservation for the project. An applicant's failure to successfully reserve capacity for all applicable public facilities and services within the timeframes prescribed in the City's Concurrency Manual will render a final Board of Architects approval and/or final development order null and void. An applicant, its successors, or assigns may secure an extension of capacity reservations for an additional twelve (12) months, subject to the terms prescribed in the Concurrency Manual, and the payment of all applicable fees.

ARTICLE 3 - DEVELOPMENT REVIEW

2. A Public School Concurrency Certificate issued by Miami-Dade County Public Schools to the applicant, its successors, or assigns, shall be valid for the following time periods, unless otherwise provided for in the Proportionate Share Mitigation Agreement:
 - a. Twelve (12) months from the issuance of a document signifying public school capacity reservation.
 - b. Twenty-four (24) months from the date of issuance of a final Board of Architects approval and/or final development order. However, with one hundred twenty (120) days advance notice, up to three (3) twelve (12) month extensions of the Public School Concurrency Certificate may be granted by Miami-Dade County Public Schools. In no event shall a Public School Concurrency Certificate be valid for more than six (6) years.
 - c. Extensions will only be granted when Miami-Dade County Public Schools receives documentation that the applicant, its successors, or assigns are progressing in good faith through the City's review process. Once the City issues the final Board of Architects approval and/or final development order, the Public School Concurrency Certificate shall remain valid pursuant to the timeframes prescribed herein.
 - d. The applicant, its successors, or assigns shall be responsible for all coordination, monitoring, payments, and notification associated with the Public School Concurrency Certificate, and shall advise the City of any associated agreements with Miami-Dade County Public Schools.

Section 3-1307. Concurrency review criteria.

- A. The public facilities and services needed to support development shall be deemed to be available concurrent with the impacts of development if the following criteria are satisfied:
 1. The necessary public facilities and services are in place at the time a final Board of Architects approval and/or final development order is issued; or
 2. A final Board of Architects approval and/or final development order is issued subject to the condition that the required public facilities and services will be in place when the impacts of the development occur; or
 3. The necessary public facilities are under construction at the time the final Board of Architects approval and/or final development order is issued and such construction is the subject of enforceable assurance that it shall be completed and serviceable without unreasonable delay; or
 4. The necessary public facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the final Board of Architects approval and/or final development order is issued; or
 5. The necessary public facilities are funded and programmed for implementation in year one (1) of the City's adopted capital budget, or similarly adopted budget of other government agencies; or
 6. The necessary traffic circulation, mass transit, or public school facilities or services are programmed for implementation in or before year three (3) of the city's adopted budget or similarly adopted budget of other governmental agencies including the county's capital budget, the School Board's Facilities Work Plan, or the state agency having operational responsibility for affected facilities; in all cases, such facilities must be committed for construction in or before year three (3); or

ARTICLE 3 - DEVELOPMENT REVIEW

7. The necessary public facilities and services are guaranteed in a development agreement to be provided by the developer, pursuant to Section 163.3220, Florida Statutes, or Chapter 380, Florida Statutes; or
 8. Timely provision of the necessary public facilities and services will be guaranteed by some other means or instrument providing substantially equivalent assurances, subject to City review and approval; and
 9. In all instances where a decision to issue a building permit is based on the foregoing provision (5), (6), (7), or (8), all of the following conditions shall apply:
 - a. The necessary public facilities and services shall not be deferred or deleted from the adopted capital budget unless the dependent final development order expires or is rescinded prior to the issuance of a certificate of use and occupancy; and
 - b. Implementation of the necessary public facilities and services must proceed to completion with no unreasonable delay or interruption.
- B. In determining the availability of public facilities and services, the applicant may propose and the City may approve development in stages or phases so that the public facilities and services needed for each stage or phase will be available in accordance with the criteria required by this chapter.

Section 3-1308. Concurrency manual.

The City shall promulgate and maintain a Concurrency Manual which shall contain the administrative procedures to be applied in the implementation of this Division, as determined by the Director of the responsible department.

Section 3-1309. Appeals.

An appeal from a negative concurrency determination may be taken to the City Commission by an aggrieved party in accordance with the provisions of Article 3, Division 6 of these regulations.

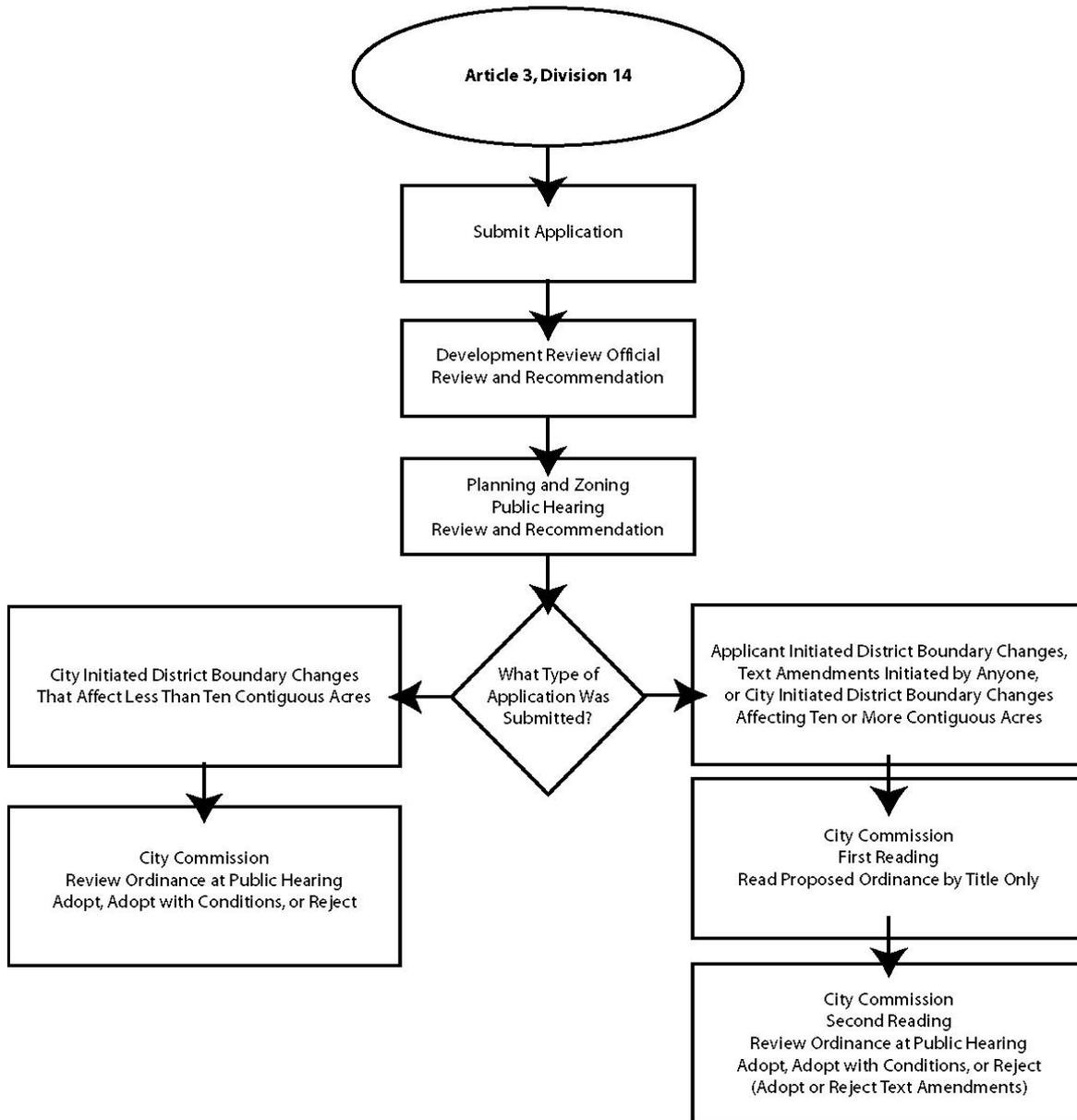
Division 14. Zoning Code Text and Map Amendments

Section 3-1401. Purpose and applicability.

The purpose of this Division is to establish a uniform procedure for district boundary changes (map amendments) and for text amendments to these regulations. This Division applies to all such amendments, whether initiated by the City or by one (1) or more private property owners. In making zoning changes, primary concern shall be given to protection of residential uses, where occupancy is generally for twenty-four (24) hours per day and seven (7) days per week, than to other types of uses; and primary consideration shall be given to protection of established investments than to projected investments.

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-1402. General procedures for text and map amendments.



Section 3-1403. Application.

All applications for district boundary changes or text amendments to these regulations shall be made in writing upon an application form approved by the City, and shall be accompanied by applicable fees.

Section 3-1404. Standards for review of applicant-initiated district boundary changes.

- A. An applicant-initiated district boundary change shall be approved if it is demonstrated that the application satisfies all of the following:
 - 1. It is consistent with the Comprehensive Plan in that it:
 - a. Does not permit uses which are prohibited in the future land use category of the parcel

ARTICLE 3 - DEVELOPMENT REVIEW

- proposed for development.
- b. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use category of the parcel proposed for development.
 - c. Will not cause a decline in the level of service for public infrastructure to a level of service which is less than the minimum requirements of the Comprehensive Plan.
 - d. Does not directly conflict with any objective or policy of the Comprehensive Plan.
2. Will provide a benefit to the City in that it will achieve two or more of the following objectives:
- a. Improve mobility by reducing vehicle miles traveled for residents within a one-half (1/2) mile radius by:
 - i. Balancing land uses in a manner that reduces vehicle miles traveled.
 - ii. Creating a mix of uses that creates an internal trip capture rate of greater than twenty (20%) percent.
 - iii. Increasing the share of trips that use alternative modes of transportation, such as transit ridership, walking, or bicycle riding.
 - b. Promote high-quality development or redevelopment in an area that is experiencing declining or flat property values.
 - c. Create affordable housing opportunities for people who live or work in the City of Coral Gables.
 - d. Implement specific objectives and policies of the Comprehensive Plan.
3. Will not cause a substantial diminution of the market value of adjacent property or materially diminish the suitability of adjacent property for its existing or approved use.
- B. An applicant may propose limitations regarding the use, density or intensity which will be permitted on the parcel proposed for development in order to achieve compliance with the standards of Section 3-1404(A). Such limitation(s) shall be offered by a restrictive covenant or declaration of use that is provided to the City in a recordable form acceptable to the City Attorney.

Section 3-1405. Standards for review of text amendments to these regulations and for City-initiated district boundary changes.

The Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt, text amendments to these land development regulations or City-initiated district boundary changes unless the text amendment or City-initiated district boundary change:

- A. Promotes the public health, safety, and welfare.
- B. Does not permit uses the Comprehensive Plan prohibits in the area affected by the district boundary change or text amendment.
- C. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property.
- D. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less the minimum requirements of the Comprehensive Plan.
- E. Does not directly conflict with an objective or policy of the Comprehensive Plan.

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-1406. Development Review Official review, report and recommendation.

- A. Upon receipt of an application pursuant to this Division, or upon receipt of a recommendation by the Board of Adjustment for an amendment to the text of these regulations, the Development Review Official shall review the application or Board of Adjustment recommendation in accordance with the provisions of Article 3, Division 2.
- B. Upon completion of review of an application, the Development Review Official shall:
 - 1. Review the application for compliance with the standards set out in Section 3-1404 or 3-1405, as applicable.
 - 2. Provide a report with regard to the application's compliance with the standards set out in Section 3-1404 or 3-1405, as applicable.
 - 3. Provide a recommendation as to whether the application should be approved, approved with conditions, or denied.
 - 4. Schedule the application for hearing before the Planning and Zoning Board.
 - 5. Provide notice of the Planning and Zoning Board hearing pursuant to Article 3, Division 3.
- C. Upon receipt of the recommendation of the Planning and Zoning Board, the Development Review Official shall:
 - 1. Schedule the application for hearing before the City Commission.
 - 2. Forward its report and recommendation and the findings and recommendation of the Planning and Zoning Board to the City Commission.
 - 3. Provide notice of the City Commission hearing pursuant to Article 3, Division 3.
- D. If a second public hearing of the City Commission is required, City staff shall provide timely notice of the public hearing pursuant to Article 3, Division 3.

Section 3-1407. Planning and Zoning Board review and recommendation.

The Planning and Zoning Board, sitting as the Local Planning Agency, shall:

- A. Review the application at a public hearing.
- B. Make written findings with respect to whether the proposed district boundary change or text amendment to these regulations is consistent with the Comprehensive Plan.
- C. Make a written recommendation to the City Commission with regard to whether the application should be approved, approved with conditions, or denied.

Section 3-1408. City Commission review and decision.

- A. For applicant-initiated district boundary changes, text amendments to these regulations, and City-initiated district boundary changes that affect ten (10) or more contiguous acres of property, the City Commission shall hold two (2) public hearings, as follows:
 - 1. At the first public hearing, the City Commission shall read the proposed ordinance by title only.

ARTICLE 3 - DEVELOPMENT REVIEW

2. At the second public hearing, the City Commission shall:
 - a. If the proposed ordinance is applicant-initiated, review the application for compliance with the standards set out in Section 3-1404 and decide whether to adopt, adopt with conditions, or reject the proposed ordinance; or
 - b. If the proposed ordinance is City-initiated, review the application for compliance with the standards set out in Section 3-1405 and decide whether to adopt, adopt with conditions, or reject the ordinance.
 3. If the proposed amendment is a district boundary change, changes the list of permitted, conditional, or prohibited uses in a use district, then one (1) of the public hearings shall be held after 5:00 p.m. on a weekday, unless the City Commission, by a majority plus one (1) vote, elects to conduct that hearing at another time of day.
- B. For City-initiated district boundary changes that affect less than ten (10) contiguous acres of property, the City Commission shall hold one (1) public hearing, at which it shall:
1. Review the proposed ordinance for compliance with the standards set out in Section 3-1405; and
 2. Adopt, adopt with conditions, or reject the proposed ordinance.

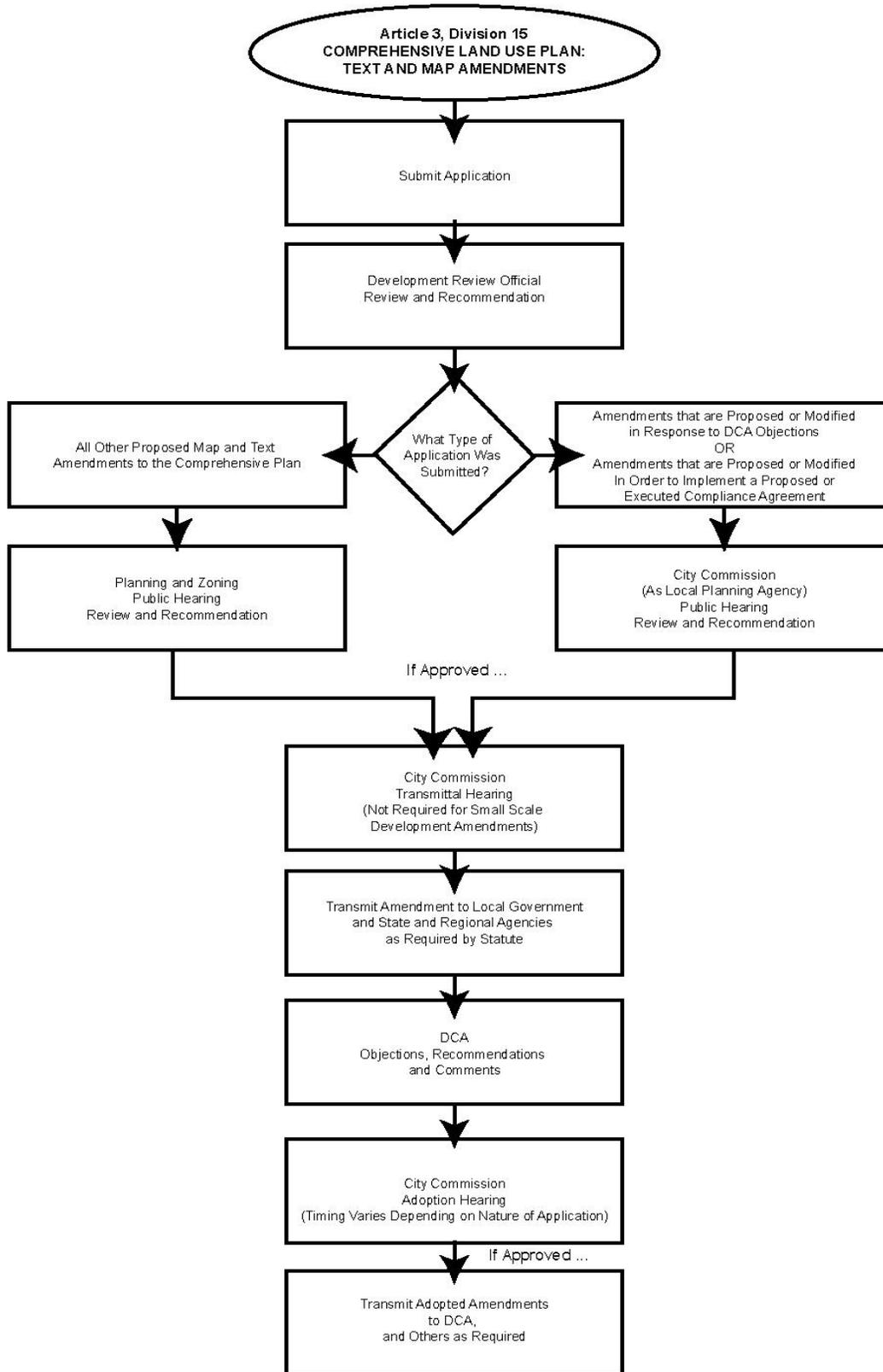
Division 15. Comprehensive Plan Text and Map Amendments

Section 3-1501. Purpose and applicability.

The purpose of this Division is to establish a uniform procedure for amending the text and maps of the Comprehensive Plan. This Division does not supercede the requirements of Section 163, Part II, Florida Statutes, as may be amended from time to time. If any part of this Section conflicts with Section 163, Part II, Florida Statutes, the statutory requirement shall control. This Division applies to all text and map amendments to the Comprehensive Plan, whether initiated by the City or by one (1) or more private property owners.

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-1502. General procedures for text and map amendments to the Comprehensive Plan.



ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-1503. Comprehensive Plan amendment cycles.

The City shall provide two (2) comprehensive plan amendment cycles as identified by the Director of Planning per calendar year for proposed amendments (small and large scale) except as provided in Section 163.3187(1) (a) and (b), Florida Statutes.

Section 3-1504. Application.

All applications for amendments to the text or maps of the Comprehensive Plan shall be made in writing upon an application form approved by the Development Review Official, and shall be accompanied by the applicable fees.

Section 3-1505. Conditions of approval.

- A. An applicant may propose additional limitations regarding the use, density or intensity which will be permitted on a parcel proposed for development. Such limitation shall be offered by executed restrictive covenant or declaration of use that is provided to the City in a recordable form that is acceptable to the City Attorney, and if the amendment is approved with the restrictive covenant or declaration of use, the recording information shall be set out on the Future Land Use Map.
- B. The City Commission may condition the grant of a Future Land Use Map amendment upon the timely development of the parcel proposed for development, and may include provisions that the district boundary change does not become effective until a complete application for development approval is accepted by the Development Review Official.

Section 3-1506. Standards for Comprehensive Plan Text and Map Amendments.

- A. Proposed amendments to the Text and Maps of the Comprehensive Plan shall be reviewed pursuant to the following standards:
 - 1. Whether it specifically advances any objective or policy of the Comprehensive Plan.
 - 2. Whether it is internally consistent with Comprehensive Plan.
 - 3. Its effect on the level of service of public infrastructure.
 - 4. Its effect on environmental resources.
 - 5. Its effect on the availability of housing that is affordable to people who live or work in the City of Coral Gables.
 - 6. Any other effect that the City determines is relevant to the City Commission's decision on the application.

Section 3-1507. City review, report and recommendation.

- A. Upon receipt of an application pursuant to this Division, the Development Review Official shall review the application in accordance with the provisions of Article 3, Division 2.
- B. Upon completion of review of an application, the Development Review Official shall:
 - 1. Provide a report that summarizes the application and the effect of the proposed amendment in regard to the standards set out in Section 3-1506:
 - a. Whether it specifically advances any objective or policy of the Comprehensive Plan.
 - b. Whether it is internally consistent with the Comprehensive Plan.

ARTICLE 3 - DEVELOPMENT REVIEW

- c. Its effect on the level of service of public infrastructure.
 - d. Its effect on environmental resources.
 - e. Its effect on the availability of housing that is affordable to people who live or work in the City of Coral Gables.
 - f. Any other effect that the City determines is relevant to the City Commission's decision on the application.
2. Provide a recommendation as to whether the application should be approved, approved with conditions, or denied.
 3. Provide a proposed ordinance that could be used to adopt the proposed amendment.
 4. Schedule the application for hearing before the Planning and Zoning Board.
 5. Provide notice of the Planning and Zoning Board hearing pursuant to Article 3, Division 3.
- C. Upon receipt of the decision of the Planning and Zoning Board, the Development Review Official shall:
1. Schedule the application for hearing before the City Commission.
 2. Forward its report and recommendation and the recommendation of the Planning and Zoning Board to the City Commission.
 3. Provide notice of the City Commission hearing in accordance with the provisions of Article 3, Division 3.

Section 3-1508. Planning and Zoning Board review and recommendation.

The Planning and Zoning Board, acting as the Local Planning Agency (LPA), shall:

- A. Review the application at a public hearing that is held before the transmittal hearing, or if no transmittal hearing is required, before the adoption hearing.
- B. Make a written recommendation to the City Commission with regard to whether the proposed amendments should be adopted, adopted with conditions, or rejected.

Section 3-1509. Transmittal hearing.

- A. A transmittal hearing by the City Commission shall be held on each proposed comprehensive plan amendment except small-scale development amendments.
- B. All transmittal hearings shall be held on weekdays.
- C. If the City Commission approves the plan amendment at the transmittal hearing, the City shall immediately transmit the amendment to those local governments and state and regional agencies to which transmittal is required by state statute or administrative rule.

Section 3-1510. Department of Community Affairs (DCA) Objections, Recommendations, and Comments (ORC) Report.

- A. If DCA comments on and/or formally objects to a privately initiated amendment, the City shall promptly notify the applicant in writing which shall include a copy of the Objections,

ARTICLE 3 - DEVELOPMENT REVIEW

Recommendations, and Comments Report.

- B. The applicant may submit a draft response to the City within fifteen (15) days. If the City determines that the draft response is appropriate and responsive to the objection, the City shall forward the response to DCA.
- C. The City may respond to DCA objections on behalf of an applicant who does not provide an appropriate and responsive objection, but shall not be obligated to do so.

Section 3-1511. Adoption hearing.

- A. The adoption hearing by the City Commission shall be scheduled as follows:
 - 1. After City review, if the amendment is a small-scale development amendment.
 - 2. Within sixty (60) days of:
 - a. Receipt of DCA's ORC Report if DCA provides said report; or
 - b. The date the DCA review period ends if the amendment:
 - i. Was transmitted to DCA;
 - ii. DCA did not object; and
 - iii. No affected person requested review within thirty-five (35) days of the date the proposed amendment was transmitted.
 - 3. If submitted as part of the statutory evaluation and appraisal process, within one hundred twenty (120) days of receipt of DCA's Objections, Recommendations, and Comments Report if DCA provides said report.
- B. At the adoption hearing, the City Commission shall adopt the proposed amendment, adopt the proposed amendment with amendments that respond to DCA objections, recommendations, or comments, or reject the proposed amendment.

Section 3-1512. Transmittal of adopted amendments.

The City shall transmit all adopted Comprehensive Plan and Future Land Use Map amendments to DCA, the South Florida Regional Planning Council, and any other unit of local government or governmental agency which has requested the amendment in writing within ten (10) working days after the adoption hearing. If the amendment is a small-scale development amendment, the City shall include copies of the public notices with the transmitted material.

Section 3-1513. Compliance agreements.

The City Commission may enter into a compliance agreement with DCA with regard to any proposed or adopted Comprehensive Plan amendment, as follows:

- A. If the City elects to commence negotiation of a compliance agreement with DCA, it shall mail notice to all parties that have intervenor status in proceedings before DCA at least seven (7) days before substantive negotiations commence. Parties that have intervenor status in proceedings before DCA shall be afforded a reasonable opportunity to participate in the negotiation process.
- B. All negotiation meetings with the City and/or the parties with intervenor status in proceedings before DCA shall be open to the public.
- C. No compliance agreement shall be executed by the City unless such execution is considered at a

ARTICLE 3 - DEVELOPMENT REVIEW

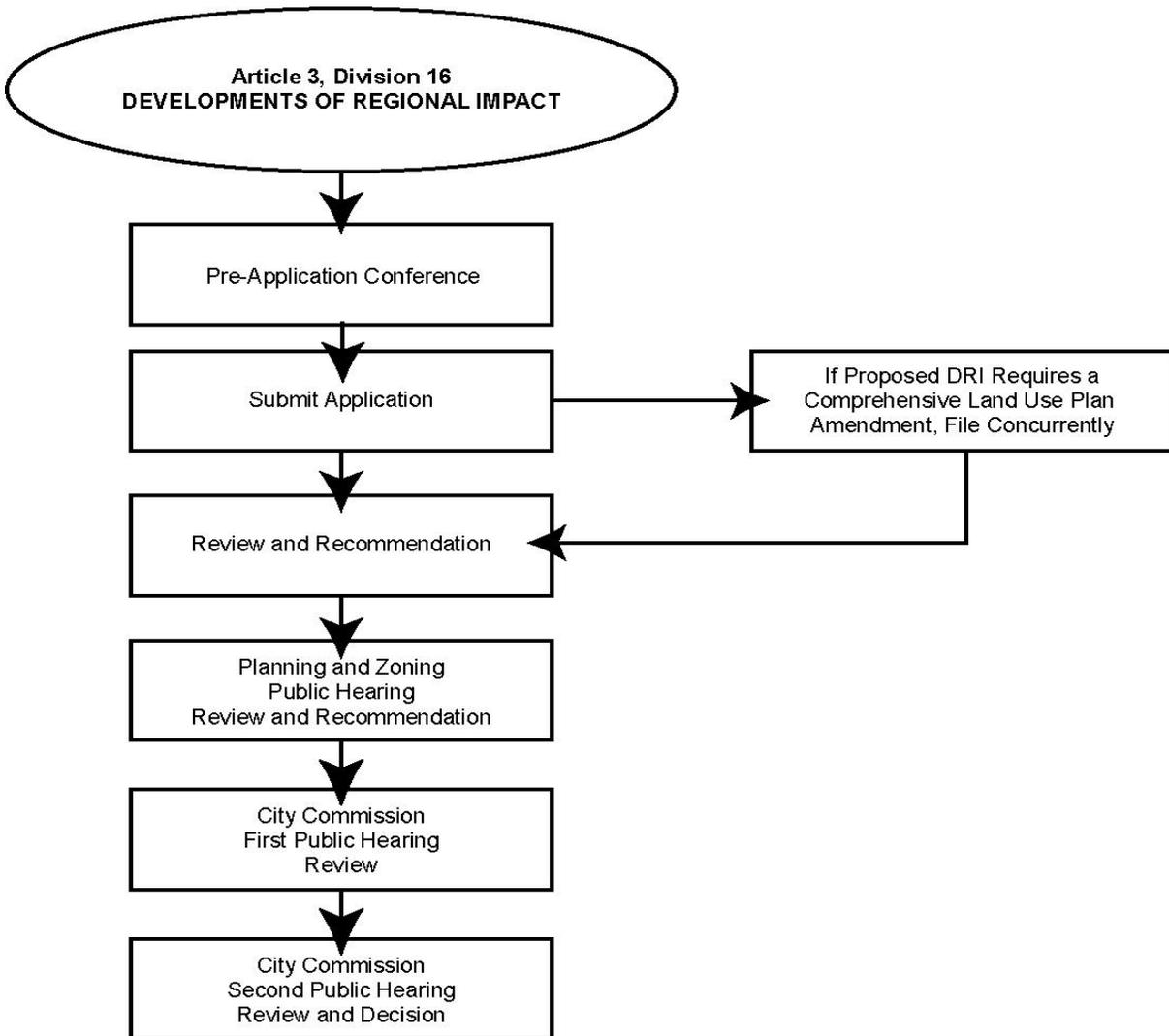
public hearing of the City Commission.

Division 16. General Procedures for Developments of Regional Impact

Section 3-1601. Purpose and applicability.

The purpose of this Division is to establish uniform procedures for the City Commission to issue development orders for developments of regional impact as authorized by Chapter 380, Florida Statutes. Where provisions of this Division directly conflict with provisions of Chapter 380, Florida Statutes, the provisions of Chapter 380, Florida Statutes shall control.

Section 3-1602. General procedures for Developments of Regional Impact.



Section 3-1603. Application.

- A. All applications for development orders with regard to a development of regional impact shall be made in writing upon an application form approved by the City, and shall be accompanied by the applicable fees.

ARTICLE 3 - DEVELOPMENT REVIEW

- B. If implementation of the proposed development of regional impact requires a comprehensive plan amendment, an application for a comprehensive plan amendment shall be filed concurrently with the application for development of regional impact approval. The application shall be considered concurrently filed if it is received no later than:
1. For a new development of regional impact, the pre-application conference required by Chapter 380.06(7) (a), Fla. Statutes; or
 2. For modification of an approved development of regional impact, the submission of an application to modify the development of regional impact.

Section 3-1604. Standards for review of Developments of Regional Impact.

- A. An application for a development of regional impact shall be approved if it is demonstrated that the development of regional impact:
1. Is consistent with the Comprehensive Plan in that it:
 - a. Does not permit uses which are prohibited in the future land use category of the parcel proposed for development.
 - b. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use category of the parcel proposed for development.
 - c. Will not cause a decline in the level of service for public infrastructure to a level of service which is less than the minimum requirements of the Comprehensive Plan.
 - d. Does not directly conflict with any objective or policy of the Comprehensive Plan.
 2. Will provide a benefit to the City in that it will achieve two (2) or more of the following objectives:
 - a. Improve mobility by reducing vehicle miles traveled for residents within a one-half mile radius.
 - b. Promote high-quality development or redevelopment in an area that is experiencing declining or flat property values.
 - c. Create affordable housing opportunities for people who live or work in the City of Coral Gables.
 - d. Provide a net benefit to the long-term fiscal position of the City of Coral Gables.
 - e. Implement specific objectives and policies of the Comprehensive Plan.
 3. Will not cause a substantial diminution of the market value of adjacent property or materially diminish the suitability of adjacent property for its existing or approved use.
 4. Is consistent with these regulations.
 5. Is consistent with the report and recommendations of the South Florida Regional Planning Council.
 6. Is consistent with the South Florida Regional Planning Council Strategic Regional Policy Plan for South Florida.
 7. Is consistent with the State Comprehensive Plan. In consistency determinations the plan shall be construed and applied in accordance with s. 187.101(3), F.S.
- B. An applicant may propose limitations regarding the use, density or intensity which will be permitted on

ARTICLE 3 - DEVELOPMENT REVIEW

the parcel proposed for development in order to achieve compliance with the standards of Section 3-1703(A). Such limitation(s) shall be offered by a restrictive covenant or declaration of use that is provided to the City in a recordable form acceptable to the City Attorney.

Section 3-1605. City review, report and recommendation.

- A. Upon receipt of an application pursuant to this Division, the Development Review Official shall review the application in accordance with the provisions of Article 3, Division 2.
- B. Upon completion of review of an application, the Development Review Official shall:
 - 1. Provide the Planning and Zoning Board with a report with regard to the application's compliance with the standards set out in Section 3-1604;
 - 2. Provide the Planning and Zoning Board with a recommendation as to whether the application should be approved, approved with conditions, or denied;
 - 3. Provide a copy of the Development Review Official report and recommendations available to the applicant; and
 - 4. Schedule hearings before the Planning and Zoning Board and the City Commission.
- C. After the Planning and Zoning Board hearing, the Development Review Official shall forward the staff report and recommendation (with revisions, if appropriate) and the findings and recommendation of the Planning and Zoning Board to the City Commission.
- D. The City shall provide notice of public hearings in accordance with the requirements of Article 3, Division 3. In addition to the requirements in Article 3, Division 3, such notice shall state that the proposed development is undergoing development of regional impact review.
- E. In addition to the notice requirements of Article 3, Division 3, notice of public hearings shall be promptly mailed to DCA, the South Florida Regional Planning Council, any state or regional permitting agency participating in a conceptual agency review process pursuant to Section 380.06(9), F.S., and to such other persons as may have been designated by DCA as entitled to receive such notices.
- F. If the application is being processed concurrently with a Comprehensive Plan amendment, Staff shall, unless the applicant agrees otherwise in writing:
 - 1. Provide notice of the transmittal hearing on the Comprehensive Plan amendment pursuant to Article 3, Division 3 within thirty (30) days of the date the application for the amendment is filed; and
 - 2. Schedule the public hearing on the transmittal for no later than sixty (60) days after the application for the amendment is filed.

Section 3-1606. Planning and Zoning Board review and recommendation.

- A. The Planning and Zoning Board, sitting as the Local Planning Agency, shall hold a public hearing on the application after:
 - 1. Notice from the South Florida Regional Planning Council that the application is complete; or
 - 2. Notice from the applicant that additional information requested by the South Florida Regional Planning Council will not be supplied.
- B. The Planning and Zoning Board shall:

ARTICLE 3 - DEVELOPMENT REVIEW

1. Make written findings with respect to whether the proposed development of regional impact is consistent with the Comprehensive Plan; and
2. Make a written recommendation to the City Commission with regard to whether the application should be approved, approved with conditions, or denied.

Section 3-1607. City Commission review and decision.

- A. A public hearing date shall be set by the appropriate local government at the first scheduled meeting after:
 1. Notice from the South Florida Regional Planning Council that the application is complete; or
 2. Notice from the applicant that additional information requested by the South Florida Regional Planning Council will not be supplied.
- B. The public hearing date shall be no later than sixty (60) days after the notices set out in Section 3-1607(A)(1) or (2), unless an extension is requested by the applicant and granted by the City Commission.
- C. The City Commission shall hold two (2) public hearings after the public hearing of the Planning and Zoning Board.
- D. If an application for a development of regional impact development order or modification to a development of regional impact development order was filed concurrently with an application for a comprehensive plan amendment, the City shall hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However action on each application shall be taken separately.
- E. At the second public hearing, the City Commission shall decide whether to approve, approve with conditions, or deny the application. If the City Commission decides to approve with conditions, said conditions shall be in accordance with the requirements of Chapter 380.06(15) (d) and (e), F.S.
- F. The City Commission shall render its order within thirty (30) days of the public hearing, unless the applicant requests an extension in writing. If the order approves the application or approves the application with conditions, the order shall meet the minimum requirements of Chapter 380.06(15) (c), F.S.
- G. The applicant shall record notice of the development order in accordance with Chapter 380.06(15) (f), F.S.
- H. Administration of the development of regional impact development order shall be in accordance with the requirements of Chapter 380, F.S.

Division 17. Protection of Landowners' Rights; Relief from Inordinate Burdens

Section 3-1701. Purpose and applicability.

It is the purpose of this Division to provide a process for applicants to notify the City of potential litigation and invoke the exercise of the City's authority and discretion pursuant to Article VIII, Sections 2(b) and 6(e) of the Florida Constitution, Section 70.001 of the Florida Statutes, Section 6.02 of the Charter of Miami-Dade County, Article 1, Section 7 of the Charter of the City of Coral Gables, and Objectives ADM-1.2, and Policies ADM-1.1.2 and FLU-1.1.9 of the City of Coral Gables Comprehensive Plan, to avoid expensive, uncertain, unnecessary, and protracted litigation regarding the application of these land development regulations to individual properties. The City may grant relief pursuant to this Division when it is demonstrated that the applicant for said relief has been unfairly, disproportionately or inordinately burdened by a final order of the City that either denied development approval to the applicant or imposed one (1) or more conditions of approval on the applicant. The process may also be initiated by the City to

ARTICLE 3 - DEVELOPMENT REVIEW

settle litigation in order to avoid unfairly, disproportionately, or inordinately burdening a party to that litigation, such as to mitigate the burden where a party to a settlement agrees in the settlement to bear a disproportionate burden of a government use that benefits the public. This Division does not apply to matters that arise from the application of the Florida Building Code.

Section 3-1702. Application.

- A. All requests for relief pursuant to this Division shall be made in writing upon an application form approved by the City, and shall be accompanied by applicable fees. All such applications shall be filed with the City Manager's office.
- B. Applications pursuant to this Division shall be filed no later than fifteen (15) days from the date a final order is rendered which the applicant alleges unfairly, disproportionately, and inordinately burdens its real property. City staff may initiate this procedure and file an application at any time in order to settle a pending dispute or litigation, as well as a pending matter before a federal or state administrative agency.

Section 3-1703. Guidelines.

- A. If the City Commission finds that an applicant has demonstrated that it has suffered an unfair, disproportionate or inordinate burden as a result of the application of these regulations to its property, the City Commission may grant appropriate relief. Likewise, if the City demonstrates that a settlement would avoid, mitigate, or remedy an unfair, disproportionate, or inordinate burden to a property owner, the City Commission may grant appropriate relief. Proposed terms may include, but are not limited to:
 - 1. Relief from the application of particular provisions of these regulations.
 - 2. The transfer of developmental rights from one (1) parcel to another within the City.
 - 3. Approval of the original application with conditions; or modifications to any previously imposed conditions of approval.
 - 4. Any of the remedies listed in section 70.001(4)(c) of the Florida Statutes.
- B. The decision to grant relief pursuant to this Division rests in the sound discretion of the City Commission in the exercise of its inherent sovereign powers to settle legitimate disputes. The policy of the City is to fashion a proposal for resolving the dispute based on a considered balance of the following factors:
 - 1. The degree of burden suffered by the applicant or property owner.
 - 2. The nature and significance of the public interest that is served by the application of the regulation to the property.
 - 3. The likelihood of litigation, and its likely cost, the City's potential exposure, the uncertainty of outcome, the timetable for resolving the issues, and whether there is a perceived need for a judicial determination of the issues raised by the application.
- C. In general, it is the policy of the City to resolve disputes in a manner that does not require significant financial expenditures by the City.
- D. All relief granted pursuant to this Division shall be consistent with the City of Coral Gables Comprehensive Plan and shall not violate any controlling federal law, state statute, or Miami-Dade County ordinance.
- E. All relief granted pursuant to this Division is conditioned upon the execution of a release of all claims that may arise from or relate to the application of the land development regulations that allegedly

ARTICLE 3 - DEVELOPMENT REVIEW

created the unfair, disproportionate or inordinate burden. The release of claims shall be in a form that is acceptable to the City Attorney and shall be recorded at the applicant's expense.

Section 3-1704. Staff review, report and recommendation.

- A. Within five (5) days of receipt of an application pursuant to this Division, the City shall review the application to determine whether it is complete.
- B. Within seven (7) days of receipt of a complete application, City Staff shall deliver the complete application to the City Manager, with copies to the Development Services Department, Historic Resources Department, City Attorney, and any other department as directed by the City Manager.
- C. The City Manager shall direct the departments to provide a joint evaluation of the merits of the application, which shall include:
 1. The principal purpose or purposes for the regulation that was applied to the applicant's property, or the property that is the subject of a settlement. These purposes may include, but are not limited to:
 - a. To address specific, identified public health and safety concerns;
 - b. To protect or enhance community character;
 - c. To protect archaeological or historic resources;
 - d. To protect environmental resources (water supply, listed species, air quality); and
 - e. To comply with state infrastructure concurrency mandates.
 2. The recommendation of the City departments with regard to whether the applicant has been unfairly, disproportionately or inordinately burdened by the application of these land development regulations that is the subject of the application or settlement, in light of the purposes for which the regulations that created the alleged burden are intended to serve, and the burden (or potential burden) carried by other property owners who are similarly situated, if any.
- D. Within forty-five (45) days of receipt of a complete application pursuant to this Division, the City Manager shall provide the City Commission with a report and recommendation on the application or settlement and a proposed dispute resolution agreement, and shall place the matter on the agenda of the City Commission.

Section 3-1705. City Commission review and decision; Execution of Dispute Resolution Agreement.

- A. The City Commission shall review the application or proposed settlement at a public hearing (noticed in accordance with the provisions of Article 3, Division 3), and shall decide whether to make an offer to resolve the dispute with the applicant, or to approve a settlement proposed by the City, which shall be in the form of a dispute resolution agreement. The hearing is not quasi-judicial, and is not subject to rules of quasi-judicial procedures.
- B. The City Commission may approve, approve with conditions, or reject the proposed dispute resolution agreement. If the City Commission requires modifications to the proposed dispute resolution agreement, the City Manager shall cause a new proposed dispute resolution agreement to be drafted within fourteen (14) days.
- C. When the City Commission has approved a proposed dispute resolution agreement or approved a proposed dispute resolution agreement with conditions, the City Manager is authorized to execute said dispute resolution agreement (as modified, if applicable).

ARTICLE 3 - DEVELOPMENT REVIEW

- D. Once executed by the City Manager, the dispute resolution agreement shall be placed on the next available consent agenda of the City Commission for ratification. The item shall not be pulled from the consent agenda except by supermajority vote of the entire membership of the City Commission.

Section 3-1706. Effect of Dispute Resolution Agreement.

- A. Dispute resolution agreements that are executed pursuant to this Division shall not be effective until the later of:
 - 1. The date executed by the applicant or other parties to the settlement;
 - 2. The date ratified by the City Commission; or
 - 3. Such other date that is set by the parties to the agreement.
- B. When relief is provided in a dispute resolution agreement pursuant to this Division, no further procedures are necessary to give effect to said relief unless:
 - 1. The further procedures are specifically required by the dispute resolution agreement; or
 - 2. The City agreed to consider a zoning district boundary change or text amendment to these land development regulations.
- C. Dispute resolution agreements that are executed pursuant to this Division shall run with the land.

Section 3-1707. Recording of Dispute Resolution Agreement.

All dispute resolution agreements that are executed pursuant to this Division shall be recorded in the public records of Miami-Dade County, Florida. If the agreement is silent with regard to who bears the cost of recording, the cost shall be borne by the applicant.

Division 18. Governmental Dispute Resolution Procedures

Section 3-1801. Purpose, applicability and definitions.

- A. The purpose of this Division is to provide the standards and process for a special, accelerated approval process within the Zoning Code to obtain land use and zoning approvals that can be used to facilitate the resolution of anticipated or pending judicial or administrative proceedings, noncompliance determinations, warning letters, or other proceedings involving federal, state or other governmental agencies, as well as others who have bona fide claims, which are the subject of pending judicial proceedings.
- B. This Division applies to the review of proposals for development and use of public or privately-owned land, buildings and structures that would be authorized by the City as an element of the settlement of any Governmental Proceedings that are brought for the protection of the public health, safety or welfare, including but not limited to proceedings addressing the remediation or prevention of allegedly discriminatory practices and the protection of the public health, environment, or natural resources.
- C. This Division authorizes the City Commission to waive certain otherwise applicable requirements of the Zoning Code in order to facilitate such settlements through Commission approval of the development and use of public or privately-owned land, buildings and structures that would otherwise not be in compliance with the Zoning Code, provided the requirements of this Division are met.
- D. This Division also provides a mechanism whereby the City can implement a resolution of any

ARTICLE 3 - DEVELOPMENT REVIEW

potential conflict between the Zoning Code and a federal, state, or county statute or provision that pre-empts local regulation in accordance with Section 1-109F of the Zoning Code.

- E. In addition to the other applicable definitions in the Zoning Code, the following definitions shall apply for this Division:
1. "Governmental Proceeding" shall mean a judicial or administrative proceeding, noncompliance determination, warning letter, or other governmental action to which the City is a party, involving federal, state, or other agencies, relating to the protection of the public health, safety or welfare, including but not limited to proceedings addressing the remediation or prevention of discriminatory practices and the protection of the public health, environment, or natural resources. Governmental Proceeding shall also include judicial proceedings involving private parties and the City in which matters of federal or state protected rights or fundamental fairness are implicated or at issue.
 2. "Government Settlement" shall mean the proposed settlement of a Government Proceeding to which the City is a party that would require, as part of the settlement, authorization by the City of the development and use of public or privately-owned land, buildings and structures and would be presented to the City Commission for approval.
- F. This Division may be applied in conjunction with Division 17 of Article III of the Zoning Code.

Section 3-1802. Application Process.

- A. On behalf of the City, the City Attorney, with the approval of the City Manager, may initiate a Request for City Commission Approval of Government Settlement by submitting the Government Settlement, along with any supporting documents, to the Development Review Officer for review and recommendation. The Request shall identify the specific zoning or land use approvals being sought as part of the Government Settlement and explain why the City is seeking these approvals from the City Commission.
- B. The Development Review Officer shall review the City Attorney's request using the procedures and applying the standards for review set forth in this Division.

Section 3-1803. Notice and hearing procedures.

- A. The City shall publish in a newspaper of general circulation in the City and shall display on the City's public notice bulletin board and on its website a Notice of a Request for City Commission Review of Government Settlement, and shall maintain copies of the Request available for review in the Development Services Department and the City Clerk's Office. The notice shall advise the public that the City is evaluating whether the specific zoning or land use approvals being sought as part of the proposed Government Settlement comply with applicable provisions of the Zoning Code. The notice shall include a summary of the zoning or land use approvals being sought, how to view a copy of the request, how comments on the request can be presented to the City in writing or in person, and the date, location and time that a public hearing will be held on the request before the City Commission. A notification containing this information shall also be mailed by the City Clerk at least ten (10) days prior to the public hearing to the property owners of record, as well as property owners within a radius of one thousand (1,000) feet of the property described in the request, if the request is site-specific.
- B. Development Review Officer report and recommendation. The report and recommendation of the Development Review Officer shall be submitted to the City Manager based upon the requirements of this Division, shall be limited to the proposed zoning and land use approvals, shall be advisory in nature, and shall not be binding in the approval proceedings. The form of the recommendation and the time for receipt of the recommendation shall be as established by the City Manager
- C. City Attorney Recommendation. After receipt and consideration of the Development Review Officer

ARTICLE 3 - DEVELOPMENT REVIEW

recommendation, the City Attorney, in consultation with the City Manager, shall submit a recommendation to the City Commission with regard to approval of the Government Settlement. The City Attorney's recommendations with regard to the proposed land use and zoning approvals in the proposed Government Settlement shall be based upon the requirements of this Division.

Section 3-1804. Commission hearing.

- A. The City Commission shall have original and exclusive jurisdiction to decide whether to approve the land use and zoning approvals necessitated by the proposed Government Settlement. The City Commission's approval shall be in the form of a resolution. The resolution can be approved only after the City Commission convenes a quasi-judicial public hearing on the Request for Approval of Government Settlement, no sooner than seven days after receipt of the City Attorney's recommendation. In its resolution the City Commission may (i) grant the relief as requested, (ii) grant the relief with modifications, or (iii) deny the request. The resolution shall also state the reasons for the decision, shall identify any zoning or land use approvals granted or denied pursuant to the Zoning Code pursuant to this Division, and shall become final upon adoption.

Section 3-1805. Standards for review.

- A. In order to achieve the purposes of this Division while remaining consistent with and further the goals, policies and objectives of the Comprehensive Plan and the purposes of these regulations and other City ordinances and actions designed to implement the Plan, the following standards shall apply to review and recommendations by City staff and the decision of the City Commission regarding the elements of the Request for Review of Government Settlement to which this Division of the Zoning Code applies. To the extent of any inconsistency between these standards and other Zoning Code standards, the standards in this Division shall apply:
 1. The City Commission shall weigh the following criteria in determining whether to allow a waiver of or variance from the limitations on any provision of the Zoning Code outside of this Division in order to facilitate approval of the Government Settlement:
 - a. The property is owned, or partially owned, by the City or will be owned, or partially owned, by the City as part of implementation of the Government Settlement;
 - b. The proposed use of a property has a combined government and private use and facilitates important public policy objectives that are identified in the Comprehensive Plan, including but not limited to improvement of mobility alternatives to the automobile as described in the Mobility Element;
 - c. Implementation of the Government Settlement is designed to redress the effects of alleged discrimination on the basis of a protected classification;
 - d. Implementation of the Government Settlement resolves a federal or state administrative proceeding or will be made part of a consent order;
 - e. Implementation of the Government Settlement will further the protection of the public health, safety or welfare, including but not limited to the remediation or prevention of allegedly discriminatory practices and the protection of the public health, environment, or natural resources;
 - f. Implementation of the Government Settlement will facilitate the resolution of any potential conflict between the Zoning Code and a federal, state, or county statute or provision that pre-empts local regulation in accordance with Section 1-109.F of the Zoning Code;
 - g. The proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or

ARTICLE 3 - DEVELOPMENT REVIEW

structures;

- h. The nature of the proposed development is not detrimental to the health, safety and general welfare of the community.

Section 3-1806. Non-exclusivity of remedy.

Use of the review procedures set forth in this Division is optional with the City. Nothing herein shall preclude the City from requiring that any land use approvals involving a Government Settlement be reviewed in accordance with the procedures and standards otherwise set forth in the Zoning Code.

Section 3-1807. Temporary Relief.

While an application for City Commission approval of a Government Settlement is pending before the City, the City Manager or a private party may seek temporary relief.

Section 3-1808. Standing.

A party waives any right to seek judicial relief from a City Commission resolution made under this Division unless the party makes an objection to the City Commission at the quasi-judicial hearing itself.

Section 3-1809. Appeal.

The decision of the City Commission to reject a Government Settlement under this Division is not appealable. The decision of the City Commission to grant land use and zoning approvals as part of an approved Government Settlement under this Division is reviewable through a petition for writ of certiorari to the Circuit Court Appellate Division within 30 days from the date of adoption of the resolution approving the settlement. The failure to seek review within that time frame is an absolute bar and waiver of any further challenge to those approvals.

Division 19. Protection of Landowners' Rights; Vested Rights Determinations

Section 3-1901. Purpose and applicability.

It is the purpose of this Division to provide an administrative remedy for applicants who allege that their vested rights have been abrogated by a final action of the City. This Division sets out a process for obtaining an official and binding determination of vested rights to use or develop property in a particular manner.

Section 3-1902. Application.

- A. All applications for a determination of vested rights pursuant to this Division shall be made in writing upon an application form approved by City staff, and shall be accompanied by applicable fees.
- B. Applications pursuant to this Division shall be filed no later than thirty (30) days from the date a final action is taken which allegedly abrogates rights the applicant claims to be vested pursuant to the standards in Section 3-1803.

Section 3-1903. Standards.

The City Commission shall grant an application for a determination of vested rights if it is demonstrated that all of the following are satisfied:

- A. A valid, unexpired governmental act of the City of Coral Gables authorizes the specific development for which the determination is sought.

ARTICLE 3 - DEVELOPMENT REVIEW

- B. Expenditures or obligations were made or incurred in reliance upon the authorizing act that are not reasonably usable in a development that is permitted by these regulations.
- C. It would be highly inequitable to deny the applicant the opportunity to complete the previously approved development, in that:
 - 1. Actual construction has commenced;
 - 2. The injury suffered by the applicant outweighs the public cost of allowing the applicant's development to proceed;
 - 3. The development was economically viable at the time it was approved;
 - 4. The expenses or obligations incurred in good faith, and without notice of a pending change in regulations that would prohibit the development for which vested rights are sought; and
 - 5. The applicant cannot make a reasonable return on its previous expenditures on the project by developing according to the requirements of the current regulations.
- D. The relief granted is the minimum relief necessary to provide the applicant with a reasonable rate of return on his investment made before the effective date of the regulations which the applicant alleges have abrogated its vested rights.

Section 3-1904. City review, report and recommendation.

City review of the application shall be conducted pursuant to Article 3, Division 2 of these regulations.

Section 3-1905. City Commission review and decision.

The City Commission shall review the application at a public hearing, noticed in accordance with the provisions of Article 3, Division 3 and shall decide whether the application should be approved, approved with conditions, or denied.

Section 3-1906. Effect of Vested Rights Determination.

- A. A vested rights determination shall be set out in writing which specifically sets forth the rights that have been recognized by the City Commission as vested.
- B. Vested rights shall be utilized within two (2) years of the date that the determination is rendered. If physical construction of buildings has not commenced or is not on-going and continuous pursuant to a valid building permit, the vested rights shall be extinguished without further notice or hearing.

Division 20. Development Agreements

Section 3-2001. Purpose and applicability.

The City Commission may enter into development agreements in accordance with the provisions of this Section and Chapter 163, Florida Statutes to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

Section 3-2002. Application.

- A. All applications for a determination of a development agreement pursuant to this Division shall be made in writing upon an application form approved by the City, and shall be accompanied by applicable fees.

ARTICLE 3 - DEVELOPMENT REVIEW

- B. Applications pursuant to this Division shall be filed no later than thirty (30) days from the date a final action is taken.

Section 3-2003. Development Review Official review and report.

The designated Development Review Official shall review the application for a development agreement with the Development Review Committee in accordance with the provisions of Article 3, Division 2 and shall prepare a written recommendation to the Planning and Zoning Board.

Section 3-2004. Planning and Zoning Board review.

The Planning and Zoning Board shall review the proposed development agreement, the recommendation of the Development Review Official, and the testimony at the public hearing, the standards in Section 3-1906 and shall issue a recommendation to the City Commission for approval or denial of the development agreement.

Section 3-2005. City Commission review and decision.

The City Commission shall conduct a public hearing noticed in accordance with the provisions of Article 3, Division 3 on the proposed development agreement. Upon conclusion of the public hearing, the Commission shall review the proposed development agreement, the recommendation of the Development Review Official, the recommendation of the Planning and Zoning Board, the testimony at the public hearing and approve, approve with modifications, or deny approval of the proposed development agreement.

Section 3-2006. Standards for review.

In reaching a decision as to whether or not the development agreement should be approved, approved with changes, approved with conditions, or disapproved, the City Commission and the Planning and Zoning Board shall determine whether the development agreement is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan.

Section 3-2007. Contents of development agreement/recording.

- A. Contents. The approved development agreement shall contain, at a minimum, the following information:
1. A legal description of the land subject to the development agreement.
 2. The names of all persons having legal or equitable ownership of the land.
 3. The duration of the development agreement shall not exceed twenty (20) years.
 4. The development uses proposed for the land, including population densities, building intensities and building height.
 5. A description of the public facilities and services that will serve the development, including who shall provide such public facilities and services; the date any new public facilities and services, if needed, will be constructed; who shall bear the expense of construction of any new public facilities and services; and a schedule to assure that the public facilities and services are available concurrent with the impacts of the development. The development agreement shall provide for a cashier's check, a payment and performance bond or letter of credit in the amount of one hundred fifteen (115) percent of the estimated cost of the public facilities and services, to be deposited with the City to secure construction of any new public facilities and services required to be constructed by the development agreement. The development agreement shall provide that such construction shall be completed prior to the issuance of any certificate of occupancy.
 6. A description of any reservation or dedication of land for public purposes.

ARTICLE 3 - DEVELOPMENT REVIEW

7. A description of all local development approvals approved or needed to be approved for the development.
 8. A finding that the development approvals as proposed are consistent with the Comprehensive Plan and these regulations. Additionally, a finding that the requirements for concurrency as set forth in Article 3, Division 13 of these regulations have been satisfied.
 9. A description of any conditions, terms, restrictions or other requirements determined to be necessary by the City Commission for the public health, safety or welfare of the citizens of the City of Coral Gables. Such conditions, terms, restrictions or other requirements may be supplemental to requirements in existing codes or ordinances of the City.
 10. A statement indicating that the failure of the development agreement to address a particular permit, condition, term or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions.
 11. The development agreement may provide, in the discretion of the City Commission, that the entire development or any phase thereof be commenced or be completed within a specific period of time. The development agreement may provide for liquidated damages, the denial of future development approvals, the termination of the development agreement, or the withholding of certificates of occupancy for the failure of the developer to comply with any such deadline.
 12. A statement that the burdens of the development agreement shall be binding upon, and the benefits of the development agreement shall inure to, all successors in interest to the parties to the development agreement.
 13. All development agreements shall specifically state that subsequently adopted ordinances and codes of the City which are of general application not governing the development of land shall be applicable to the lands subject to the development agreement, and that such modifications are specifically anticipated in the development agreement.
- B. Recording. No later than fourteen (14) days after the execution of a development agreement by all parties thereto, the City shall record the development agreement with the Clerk of the Circuit Court in Miami-Dade County. The applicant for a development agreement shall bear the expense of recording the development agreement. Additionally, the City shall submit a recorded copy of the development agreement to the State of Florida Department of Community Affairs no later than fourteen (14) days after the development agreement is recorded.

Section 3-2008. Effect of decision.

- A. The codes and ordinances of the City governing the development of land subject to a development agreement, in existence at the time of the execution of a development agreement, shall govern the development of the land for the duration of the development agreement. Upon the expiration or termination of a development agreement, all codes and ordinances of the City in existence upon the date of expiration or termination shall become applicable to the development regardless of the terms of the development agreement.
- B. The City may apply codes and ordinances adopted subsequent to the execution of a development agreement to the subject property and development only if the City Commission, upon holding a public hearing, has determined that such subsequent codes and ordinances are:
 1. Not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities or densities in the development agreement.
 2. Are essential to the public health, safety or welfare, and expressly state that they shall apply to a

ARTICLE 3 - DEVELOPMENT REVIEW

development that is subject to a development agreement.

3. Are specifically anticipated and provided for in the development agreement.
4. The City demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement.
5. The development agreement is based on substantially inaccurate information supplied by the developer.

Section 3-2009. Changes to development agreements.

A development agreement may be amended by mutual consent of the parties, provided the notice and public hearing requirements of Article 3, Division 3 of these regulations are followed. A party to a development agreement may request one (1) extension of the duration of the development agreement, not to exceed one (1) year from the date of expiration of the initial term of the development agreement, by submitting an application to the Development Review Official at least sixty (60) days prior to the expiration of the initial term of the agreement. The application shall address the necessity for the extension and shall demonstrate that the extension is warranted under the circumstances. The Development Review Official shall schedule the requested extension as a proposed amendment to the development agreement for public hearing before the Planning and Zoning Board and City Commission, in accordance with Article 3, Division 3 of these regulations.

Section 3-2010. Expiration or revocation of approval.

The City Manager shall review all lands within the City subject to a development agreement at least once every twelve (12) months to determine if there has been demonstrated good-faith compliance with the terms of the development agreement. The City Manager shall make an annual report to the City Commission as to the results of this review. In the event the City Commission finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the development agreement may be revoked or modified by the City Commission upon giving at least fifteen (15) days written notice to the parties named in the development agreement. Such termination of a development agreement shall occur only after compliance with the public hearing and notice requirements of Article 3, Division 3.

Division 21. Art in Public Places Program

Section 3-2101. Purpose.

The City of Coral Gables has adopted a municipal program providing for the acquisition and maintenance of art in public places, as contemplated by, and consistent with, Section 2-11.15 of the Miami-Dade County Code of Ordinances entitled "Works of Art in Public Places," as it shall be amended from time to time. It is the purpose of this Division to establish a formal requirement for the City pertaining to the funding, acquisition, placement and maintenance of Public Art and Historic Public Art. This requirement, and the policies and procedures that implement it, are referred to as the City of Coral Gables Art in Public Places Program.

The policies and procedures for this program are outlined in the Guidelines, which may be revised and clarified from time to time upon the recommendation of the Cultural Development Board and final approval by Resolution of the City Commission. It is the intention of this program to preserve the City's artistic heritage, enhance its character and identity, contribute to economic development and tourism, add beauty and interest to spaces visible to the public and increase opportunities for the public to experience and participate in the arts through the acquisition and installation of world-class art in publicly accessible areas.

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-2102. Applicability.

The Art in Public Places Program applies to Municipal and Non-Municipal Construction Projects. The minimum requirements for new governmental buildings are governed by the Miami-Dade County Code as amended, namely Ordinance No. 94-12, which requires not less than one and one-half percent (1½%) of the construction cost of new governmental buildings be devoted towards the acquisition, repair, and maintenance of public art. The provisions in this Division are supplemental to and generally more restrictive than Miami-Dade County Code provisions. If the Miami-Dade County Code provisions relating to new governmental buildings are not enforced by the City, Miami-Dade County may enforce the same. Should a conflict arise between these provisions and Miami-Dade County provisions, the more restrictive shall apply. A commercial property owner who is not subject to the Art in Public Places Program may opt into the Program by submitting proposed Public Art to the review process outlined in Section 3-2103, as such section applies to the acquisition or commissioning of Public Art; provided, however, the requirements regarding value shall not apply.

Section 3-2103. Art in Public Places Fund Requirements, Waivers, and Exemptions.

- A. Fund Requirements. Two funds will be established for the Art in Public Places Program (each a "Fund" and collectively "Funds"). The first fund will be entitled Historic Public Art Fund and will be funded through payments from budgets of one percent (1%) of Municipal Construction Projects. The second fund will be entitled Art Acquisition Fund and will be funded through Art in Public Places Fees as well as one-half percent (½%) of Municipal Construction Projects. Each of these funds will be interest bearing and revolving and may only be used for the purposes outlined in the Guidelines. Persons or entities other than those required to make payments to the Funds pursuant to this Ordinance may make a voluntary donation to either of the Funds by specifying that the use of such donation shall be deposited in the expressly identified Fund.
1. Historic Public Art Fund. One percent (1.0%) of the Aggregate Project Value for City of Coral Gables Municipal Construction Projects shall be transferred to an account entitled Historic Public Art Fund which will be used for the restoration, Extraordinary and Ordinary Maintenance and acquisition of Historic Public Art. Application of this Fund shall be approved by the City Commission with recommendations from the Historic Preservation Board and the Historical Resources Department.
 2. Art Acquisition Fund. The Developer of any Non-Municipal Construction Project with an Aggregate Project Value of one million dollars (\$1,000,000.00) or more and not exempted as provided in subsection C below, shall contribute One percent (1.0%) of the Aggregate Project Value to the Art Acquisition Fund established by the City. In addition, one-half percent (½%) of Municipal Construction Projects that fall under the Miami-Dade County Code provisions described in Section 3-2102, shall be deposited in the Art Acquisition Fund. A Developer may seek a waiver of the requirement of this Section A-2 as provided in subsection B below. Application of this Fund shall be in accordance with the Guidelines and Master Art Plan.
- B. Waiver of the Art in Public Places Fee. A Developer of a Non-Municipal Construction Project that is not exempt as set forth in subsection C below may petition to waive the Art in Public Places Fee requirement by one or more of the following:
1. Acquiring or commissioning artwork, which has an appraised value equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required, with such artwork to be incorporated within the Developer's project; or
 2. Donating and installing artwork to the City with an appraised value equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required, and providing for the perpetual maintenance of such artwork; or
 3. Causing the purchase, designation, restoration, or perpetual maintenance of historically significant buildings in an amount equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required; or
 4. Causing the purchase of parcels identified in the City's Parks and Open Space Inventory Analysis in an amount equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required and donating such parcels to the City.

ARTICLE 3 - DEVELOPMENT REVIEW

A Developer seeking a waiver pursuant to subsections B1 or B2 herein shall submit the proposed Artist and artwork concept to the Cultural Development Board for review, with assistance of the Arts Advisory Panel, in accordance with the Guidelines. The Cultural Development Board shall recommend to the City Commission whether to approve, deny, request further information or approve with conditions, the selection and location of artwork, and the City Commission shall have final approval of the concept (if work is to be commissioned) or the artwork (if the artwork is extant). The value of donated or acquired artwork shall be confirmed by a certified art appraiser (or person with professional arts credentials otherwise acceptable to the City), with the cost of such appraisal to be borne by the Developer and which shall not be included in the one percent (1%) budget for art. The value of the commissioned work will be determined by the value of the artist contract for such commission, including artist fees and expenses incurred by the artist for subcontractors, travel/expenses, materials, fabrication, transportation and installation costs. Developer costs for art consultant fees in excess of ten percent (10%) of the Art in Public Places Fee, project management, coordination with other design professionals, site preparation, lighting of the artwork, maintenance, operation and other in-house costs or fees will not be considered part of the value of the commissioned work. In the event that the commissioned work is integrated into the project and/or is an artist-designed treatment for architectural, landscape or hardscape components of the project, and in the event that the work results in the artist specifying different materials for those components, only the marginal costs for materials and installation that exceed the costs of materials and installation that would have otherwise been incurred in the construction of the project shall be considered part of the value of the commissioned work. Ownership and title of works incorporated into private construction shall remain with the property owner, who will be required to maintain the artwork in good condition. The property owner's obligations regarding maintenance and access for such artwork shall be set forth in a recorded restrictive covenant acceptable to the City Attorney's Office, which obligations shall run with the land. Removal or alteration of artwork incorporated into private property shall only be permitted with City approval in accordance with the Guidelines, and shall require payment to the Art Acquisition Fund of the Art in Public Places Fee that otherwise would have been originally required. Ownership of works donated to the City and placed on City property shall be owned by the City. Any Public Art created or installed through a partnership between a Developer and the City to place free-standing Public Art on City property to satisfy all or part of that Developer's Art in Public Places Fee requirement may be presented to the City Commission for review and approval without any prior board review. All contracts for artwork that will be acquired or accepted for ownership by the City must be reviewed and approved as to form and legal sufficiency by the City Attorney's Office.

A Developer seeking waiver pursuant to subsections B3 or B4 herein shall submit the request to the City Commission for approval with a recommendation of the Historic Preservation Board for B3 and Parks and Recreation Advisory Board for B4, as well as staff. The value of donations shall be determined by a qualified appraiser acceptable to the City, which in the case of real estate shall be by an appraiser who is an Appraisal Institute member holding the MAI designation and the cost of such appraisal will be borne by the Developer.

In extraordinary circumstances, upon a showing of a unique hardship that is not otherwise addressed in this ordinance, a developer may seek an adjustment of the requirements of this ordinance. The request for adjustment shall be made to the City Commission, after obtaining a recommendation from the appropriate board and City Manager. Any granted adjustment will be by resolution. This paragraph shall be construed narrowly as the policy of the City is that applications will generally comply with the provisions of this Ordinance. The determination of the City Commission as to whether to exercise its discretion to grant an adjustment in extraordinary circumstances is final and not subject to further reconsideration, review, or appeal.

- C. Exemptions from the City of Coral Gables Art in Public Places Program. The following are exempt from the requirements of this Division and are not required to pay into a Fund or seek a waiver from paying into a Fund:
1. New construction, additions and modifications to single-family residences;

ARTICLE 3 - DEVELOPMENT REVIEW

2. Construction projects, which are required to pay a public art fee pursuant to other applicable Miami-Dade County regulations, provided payment has been paid, documented and approved to the City's satisfaction;
 3. Non-Municipal Construction Projects with an Aggregate Project Value of less than one million dollars (\$1,000,000.00); and
 4. Construction Projects at an accredited college and/or university that maintains at its campus a publicly accessible permanent collection of art of at least thirty (30) sculptures and/or other Public Art in accordance with a Campus Art Master Plan. In order to maintain this exempt status, the accredited college and/or university must satisfy all of the following criteria:
 - a. A Campus Art Master Plan shall initially be submitted for review and approval by the City Commission to confirm the sufficiency of the Campus Art Master Plan; and
 - b. A report of the Campus Art Master Plan, demonstrating changes to the collection of Public Art on the campus shall be made to the City Commission in December 2010, and every third (3rd) year thereafter.
- D. Applicants wishing to pursue installation of Art in Public Places must meet the special design and administrative considerations discussed below in Section 3-2104. After submission to and review by the applicable boards, the City Commission, in its sole and absolute discretion, may approve the submitted concept for Public Art. It is the intention and direction of the City that Public Art approved through the City's Art in Public Places Program shall be permitted with regard to aesthetic characteristics after a review is conducted and a determination is made that the Public Art is appropriate in design and proposed construction.

Section 3-2104. Administration.

- A. Annual Inventory Priorities. The Historic Preservation Board or its designee, as determined by the City Manager, shall submit to the City Commission an annual report that recommends priorities for the disbursement of Historic Public Art Funds as they become available.
- B. Master Art Plan and Guidelines. The Cultural Development Board shall recommend a Public Art Master Art Plan, which shall be reviewed and recommended by the Board of Architects specifically to consider locations recommended for future placement of artwork. The recommendation of each Board shall be subject to final review and approval by the City Commission. If approved, the Master Art Plan will govern location and selection criteria for art work. Written Guidelines shall include policies and procedures for managing City-initiated public art projects, guiding Developers who have an Art in Public Places requirement, and managing the Art Acquisition Fund and Historic Public Art Fund. The Guidelines shall govern the manner and method of submission of proposed works of art to the Cultural Development Board, the process by which the Arts Advisory Panel shall make recommendations to the Cultural Development Board, and the process by which the Cultural Development Board shall recommend to the Coral Gables City Commission.
- C. Accounting. The Historic Preservation Board and the Cultural Development Board, or their designees as determined by the City Manager, shall each submit an annual report providing a detailed accounting of monies spent or earmarked for future expenditures from the Funds to the City Manager.
- D. Selection of Public Art by the City Using the Art Acquisition Fund. The selection of Public Art using the Art Acquisition Fund, shall be by Resolution of the Coral Gables City Commission upon recommendation by the Economic Sustainability Department and Cultural Development Board with the assistance of the Arts Advisory Panel, as needed. The principles governing selection criteria for Public Art are more fully set forth in the Guidelines and Master Art Plan, but at a minimum shall require that works of art satisfy all of the following:
 1. Are publicly accessible.
 2. Are created by an Artist.
 3. Demonstrate excellence in aesthetic quality, workmanship, innovation and creativity;
 4. Are appropriate in scale, form, content and of materials/media suitable for the site;
 5. Demonstrate feasibility in terms of budget, timeline, safety, durability, operation, maintenance, conservation, security and/or storage and siting; and
 6. Bring diversity to the City's public art collection in terms of media, artistic discipline and/or artistic approach.

ARTICLE 3 - DEVELOPMENT REVIEW

- E. Ownership and Maintenance.
1. The City shall be deemed the owner of and shall retain title to each work of Public Art acquired using either of the Funds. The City is charged with the custody, supervision, and preservation of such works of art.
 2. Artists, as part of any contractual agreement with the City for the provision of a work of art, shall be required to submit to the Cultural Development Board a "Maintenance and Inventory Sheet", including the annual cost projections, which details the maintenance and ongoing care of the work and signage/credit recommendations. The City may require an assessment by a professional conservator.

Section 3-2105. Enforcement.

- A. The City shall not issue a building permit for a Municipal or Non-Municipal Construction Project where the Developer has chosen to pay the Art in Public Places Fee until the required contribution has been deposited in the appropriate Fund as described herein and in the Guidelines and Master Art Plan.
- B. The City shall not issue a building permit for a Non-Municipal Construction Project where the Developer has chosen to obtain a waiver of the Art in Public Places Fee payment until the City Commission has by Resolution approved the waiver by approving a concept plan for incorporation of Public Art into the Project, approving a concept plan and location of Public Art elsewhere in the City, or accepting a waiver for contribution to a historically significant building or purchase of a parcel of land for the City's parks and open space, as outlined above.
- C. The City shall not issue a certificate of occupancy for a Non-Municipal Construction Project where the Developer has chosen to obtain a waiver of the Art in Public Places Fee payment until all approved Public Art has been installed in accordance with approved plans and/or required documentation regarding the waiver and/or Public Artwork has been provided to the City.

Section 3-2106. Definitions.

For the purpose of this Division, the following terms are defined:

Aggregate Project Value means the total of all Construction Cost associated with a particular construction or renovation project regardless of the number of permits associated with the project, or whether it is a phased project.

Arts Advisory Panel means a panel composed of art experts who shall make recommendations to the Cultural Development Board on commissions and acquisitions of individual artwork projects. Arts Advisory Panel members are professionals in the visual arts, art history, design, architecture, landscape architecture or urban design.

Art Acquisition Fund means a separate, dedicated, interest bearing and revolving fund established in the City Treasury into which Art in Public Places Fees are collected and deposited for acquisition, commissioning, exhibition, Extraordinary Maintenance and Conservation of Public Art.

Art in Public Places or Public Art means tangible creations by artists that exhibit the highest quality of skill and aesthetic principles, including but not limited to the following: paintings, sculptures, stained glass, projections, light pieces, statues, bas reliefs, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, monuments and fountains or combinations thereof, and that are one-of-a-kind or part of an original, numbered series. The artwork must be created for placement in a public place or publicly accessible private space, or integrated into the underlying architecture, landscape design or site. "Art in Public Places" and "Public Art" do not include items manufactured in large quantities by the means of industrial machines, reproductions or architectural elements unless designed by a professional Artist. Works of art may be permanent, temporary or functional, and can encompass the broadest range of expression, media and materials.

ARTICLE 3 - DEVELOPMENT REVIEW

Art in Public Places Fee means the amount paid by a Developer for a non-exempt Non-Municipal Construction Project to the City in fulfillment of the Art in Public Places Program requirements, as set forth in Section 3-2103.

Artist means an individual generally recognized by critics and peers as a professional practitioner of the visual arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, past public commissions, exhibition record, publications, receipt of honors and awards, training in the arts, and production of artwork.

Campus Art Master Plan means a plan prepared by an accredited college or university in the City that outlines the selection, criteria, placement and maintenance of a permanent collection and future sculptures and other Public Art on the campus, and describes plans for the evolution and growth of such Public Art collection over time.

Developer means the person or entity undertaking a Non-Municipal Construction Project or Public-Private Joint Venture Project that is subject to the Art in Public Places Fee.

Guidelines means *The City of Coral Gables Art in Public Places Program: Funding, Goals, and Implementation Guidelines*, which is a guide that outlines policies and procedures for the Art in Public Places program. The Guidelines may be revised from time to time and may be approved by Resolution of the City Commission upon recommendation of the Cultural Development Board.

Construction Cost means the total cost of a construction or renovation project, as determined by the Building Official in issuing a building permit for construction or renovation plus soft costs of architectural and engineering fees. The Construction Cost includes all labor, structural materials, plumbing, electrical, mechanical, infrastructure, design, permitting, architecture, engineering, lighting, signage, and site work. All construction and renovation costs shall be calculated based on good faith projections for the whole project, and paid as of the date the building permit is issued. This definition is not intended to include the Florida Building Code definition for Construction Cost.

Extraordinary Maintenance means any non-routine repair or restoration to sound condition of Public Art or Historic Public Art that requires specialized professional services.

Historic Public Art means plazas, entrances, fountains, murals, sculptures and other decorative features that have been designated as local historic landmarks or fine arts such as paintings and ceramics that represent the original civic art of the City or the history of the City. Murals, sculptures and decorative features must be an integral component of the original architecture, landscape design or urban design of the designated landmark feature. Appropriate historical furniture may be considered Historic Public Art.

Historic Public Art Fund means a separate, dedicated, interest bearing and revolving fund established in the City Treasury into which Public Art payments generated by Municipal Project Construction Projects are collected and deposited, and will be used for the restoration, maintenance and acquisition of Historic Public Art.

Municipal Construction Project(s) means any remodel project over \$100,000 or new construction project to the extent paid for wholly or in part by the City or other governmental entity, regardless of the source of the monies, for any public buildings, public decorative structures, public parking facilities and parks or that portion of a Public-Private Joint Venture Project determined by the City to be a public portion of the project. Notwithstanding the foregoing, "Municipal Construction Projects" do not include projects to the extent funded from the Historic Public Art Fund or historic related grant funding or projects that solely consist of historic restoration, utility, drainage or roadway work.

Non-Municipal Construction Project(s) means as any construction or renovation project to the extent not paid wholly or in part by the City of one million dollars (\$1,000,000.00) or more, excluding single-family homes. "Non-Municipal Construction Projects" includes the private portion of any Public-Private Joint Venture Project.

ARTICLE 3 - DEVELOPMENT REVIEW

Ordinary Maintenance means any routine maintenance necessary to maintain the Public Art or Historic Public Art that is undertaken on a regular basis.

Public Art Collection means the works of Public Art that are commissioned, acquired, or accepted by the City pursuant to the requirements of this Ordinance, or when Public Art is expressly accepted into the collection using the City's Donation Policy.

Public-Private Joint Venture Project means a project where a construction or renovation project undertaken by a private entity occurs on City-owned land, or where the City is a party to a public- private joint venture agreement on City-owned land. To the extent a Public-Private Joint Venture Project can be divided into public and private portions, the public portions shall be considered a Municipal Construction Project and the private portions shall be considered a Non-Municipal Construction Project, the percentage of each to be determined by the City. It is acknowledged that Miami-Dade County's Art in Public Place Ordinance may apply to public portions of the Public-Private Joint Venture Projects.

Public Art Master Art Plan or Master Art Plan means a five-year plan developed to further define the City as a unique city of artistry and beauty while ensuring open access to Public Art. The Master Art Plan identifies locational placement priorities, standards for installation, detailed criteria for Artist and artwork selection, and a Conservation/Extraordinary and Ordinary Maintenance protocol.

Publicly Accessible with regard to Art in Public Places means exterior locations that are highly visible and accessible twenty-four hours a day, seven days a week at no charge to public.

Remodel with regard to Art in Public Places means any construction or renovation to an existing structure other than repair or maintenance.

Division 22. Affordable housing

[RESERVED]