

## ARTICLE 5 – DEVELOPMENT STANDARDS

### Division 1. Accessory Uses

#### Section 5-101. General.

Accessory uses, which do not alter the character of the premises in respect to their basic use, shall be permitted in connection with all uses. Specific enumeration of permissible accessory uses shall not be deemed to prevent other proper accessory uses not so enumerated. All accessory uses shall comply with the following general standards:

- A. No accessory building or structure may be constructed before, but may be built concurrently with, the main building, nor shall any such building be completed before the main building is completed, except as to interior trim and decoration, or be used or occupied before the main building is completed.
- B. Except as may be otherwise required, no accessory building or structure may be located in the area between the street and the main residential building or any part thereof; with the exception of fountains, reflecting pools, planters and flagpoles.
- C. In no case shall an accessory building or structure be located closer to the front or side street of a lot or building site than the main or principal building; with the exception of fountains, reflecting pools, planters and flagpoles.

#### Section 5-102. Accessory dwelling.

- A. An accessory dwelling shall be permitted in an SFR District as an accessory use located above a garage.
- B. An accessory dwelling shall be permitted as an accessory use in an SFR District provided that the living quarters:
  1. Are located above a garage;
  2. Are for the use of members of the family living in the main residence or persons employed on the premises; and
  3. Does not contain a kitchen.

#### Section 5-103. Boathouse and/or boat slip.

A boathouse and/or a boat slip shall be permitted as an accessory use in an SFR district provided that the boat house and/or the boat slip:

- A. Is used by members of the family residing in the main residence.
- B. Does not contain a kitchen.
- C. Eave line does not exceed in height the eave line of the main residence.
- D. Maintains the same minimum setbacks from the platted canal line or bay front and the same minimum setback from the side lot line as established for the main structure.

#### Section 5-104. Cabana.

A cabana shall be permitted as an accessory use in a single-family district subject to the following conditions and restrictions:

- A. Such cabana is used by members of the family residing in the main residence.

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- B. Such cabana shall be of masonry construction with tile roof and shall be designed so as to tie in architecturally with the main building.
- C. The area of such cabana shall not exceed one hundred (100) square feet.
- D. The plumbing facilities shall be limited to shower and toilet facilities.
- E. The setbacks and ground coverage shall be in accordance with the underlying zoning district.
- F. The cabana shall not be used for living or sleeping quarters.
- G. Cabanas which are attached to the main building shall not be required to be inter-connected with the main building.

### **Section 5-105. Guesthouse.**

A guesthouse will be permitted as accessory to a Residential Estate subject to the following conditions and restrictions:

- A. The guesthouse shall not exceed six hundred (600) square feet in ground area or ten (10%) percent of the ground area of the main building on the premises, whichever is greater.
- B. Such guesthouse may contain kitchen facilities.
- C. Only non-paying and personal guests of the occupant of the principal residence shall occupy a guesthouse.
- D. Year-round occupancy shall not be permitted by the same guest.
- E. The owner of the property shall not be permitted to live in the guesthouse and rent the principal residence.
- F. The guesthouse shall be located in the rear yard.

### **Section 5-106. Greenhouse.**

A greenhouse shall be permitted as an accessory use in any residential district, subject to the following conditions and restrictions:

- A. Such greenhouse shall be restricted to the sole purpose of raising vegetation.
- B. Such greenhouse shall be constructed of:
  - 1. A pipe frame covered with a green or black chain link fencing material and/or dark green plastic screen.
  - 2. A pipe frame covered with a green or black chain link fencing material and/or dark green plastic screen located on top of a masonry wall, provided such masonry wall does not exceed a height of four (4) feet.
  - 3. Glass in metal frames, provided where masonry is used in the walls of such construction, such masonry walls shall not exceed a height of four (4) feet.
  - 4. A pipe frame covered with galvanized expanded metal, painted green.

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- C. In those instances where a greenhouse is constructed of chain link fence material, such greenhouse shall be covered at all times with dark green plastic screen, provided, however, such plastic screen may be removed in the event of a hurricane.
- D. The ground dimension of such greenhouse shall not exceed a width of twelve (12) feet, and a depth of sixteen (16) feet.
- E. The walls of the greenhouse shall not exceed a height of seven (7) feet.
- F. The greenhouse shall not exceed an overall height of eight and one-half (8½) feet.
- G. The roof pitch of such greenhouse shall not exceed a maximum of three (3) inches in twelve (12) inches.
- H. Sun screens and other materials used for shading, except dark green plastic screens, shall be used only on the inside of the greenhouse.
- I. The setbacks of such greenhouses shall be the same as required for screen enclosures.
- J. The greenhouse shall be located on the rear of the property and shall be properly screened by landscaping from view from the street and adjacent property owners. Such landscaping shall be maintained for as long as the structure shall remain upon the premises.
- K. The greenhouse shall not contain toilet facilities but may contain a sink for washing and care of the vegetation.
- L. The structural design of the greenhouse shall be subject to approval by the Structural Engineer.

### **Section 5-107. Playhouse.**

A playhouse shall be permitted as an accessory use to any residential use, subject to the following conditions and restrictions:

- A. Such playhouse shall be of concrete block stucco construction with tile roof.
- B. The ground dimensions thereof shall not exceed twelve (12) feet by twelve (12) feet.
- C. The headroom therein shall not exceed five (5) feet.
- D. No plumbing facilities or fixtures shall be installed therein.
- E. Such playhouse shall be screened by shrubbery to obscure the view of such playhouse from the street.
- F. Shall be located in the rear yard.

### **Section 5-108. Swimming pool and/or spa.**

A private swimming pool and spa is permitted as an accessory use in any district, subject to the following conditions and restrictions:

- A. Swimming pools shall conform to the minimum structural requirements as required by the Florida Building Code.
- B. Design and sanitation requirements shall meet the requirements of the Florida Building Code and the State Board of Health. All plans for swimming pools which require approval by the State Board of

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Health shall be stamped with the approval thereon of said Board prior to such plans being submitted to the City of Coral Gables for a building permit.

- C. Maximum ground area coverage. In no case shall the main building or structure exceed thirty-five (35%) percent of the lot or lots comprising the building site, and the total ground area permitted to be occupied by the main building or structure and permitted auxiliary structures shall not exceed forty-five (45%) percent of the site upon which the structures are located.
- D. Setback:
  - 1. Minimum front, side and rear setback. Same as requirements for a residence located on the parcel where pool is to be constructed provided, however, that in no case shall the pool be located closer to a front street line of a lot or building site than the main or principal building is located.
  - 2. Waterway / golf course setback. On a lot or building site abutting upon a canal, waterway, lake, bay, or golf course, five (5) feet from such canal, waterway, lake, bay, or golf course.
  - 3. Measurement. All setbacks for swimming pools shall be measured from the water's edge of the pool to the nearest property line in question.
- E. Unless the pool is entirely screened in, it must be surrounded by a protective wall or fence four (4) feet in height, to comply with existing ordinance for walls and fences and provided, further, that in all cases where a swimming pool is constructed which will be visible from a street, a four (4) foot wall shall be erected upon the premises between the street and the swimming pool.
- F. Gates in the protective fence and/or wall required by these regulations shall be the spring lock type, so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safe lock and shall be locked when the swimming pool is not in use.
- G. On inside lots swimming pools may be located within an L or U of the building facing upon a front street.
- H. On corner lots, swimming pools may be located within an L of the building provided that such L is not visible in both the front and side street elevation.
- I. In no case shall a swimming pool be located closer to the front or side street of a lot or building site than the main or principal building.
- J. Patios and decks surrounding pools (other than wood decks governed by Section 5-114) may extend five (5) feet closer to the rear property line, canal, waterway, lake, bay or golf course, than the pool itself, provided that a minimum rear setback of five (5) feet is maintained.

### **Section 5-109. Recreational equipment.**

Non-movable recreational equipment including swing sets, jungle gyms, basketball poles, etc., are permitted to be placed, kept or maintained in any interior side or rear yard only.

### **Section 5-110. Screened enclosures.**

A structure whose openings are composed of screening shall be permitted as an accessory use in connection with a residential or special use district, provided a major portion of one (1) wall of the screened enclosure shall be a part of the main building or of a permitted accessory building located on the premises, subject to the following conditions and limitations:

- A. Street elevation: In all cases where an elevation of a screened enclosure is visible from a street, such

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elevation shall be constructed of a minimum three (3) foot high masonry stub wall which may be either solid, louvered, pierced, open brick, decorative block or ornamental block with screening above and shall be in architectural harmony with the main building.

### B. Height:

1. Where a screened enclosure is to be attached to a one (1) story building, the height of the screened enclosure shall not exceed the height of the eave line of the affected elevations providing, however, that where the design and/or features of such building and screened enclosure justify a greater height such additional height may be approved.
2. Where a screened enclosure is to be attached to a two (2) story building the height of such enclosure shall not exceed ten (10) feet providing, however, that where the design and/or other attendant and connected circumstances and features of such building and screened enclosure justify a greater height, such additional height may be approved.

### C. Maximum ground area coverage: In no case shall the main building or structure exceed thirty-five (35%) percent of the lot or lots composing the building site, and the total ground area permitted to be occupied by the main building or structure and permitted auxiliary structures shall not exceed forty-five (45%) percent of the site upon which the structures are located, provided however, that in no case shall a screened enclosure be permitted to exceed two-thirds ( $\frac{2}{3}$ ) of the ground area of the main building on the premises.

### D. Location:

1. On inside lots, screened enclosures may be located within an L or U of the building facing upon a front street.
2. On corner lots, screened enclosures may be located within a U of the building facing upon either the front or side streets.
3. On corner lots, screened enclosures may be located within an L of the building providing that such L is not visible in both the front and side street elevation.
4. In no case shall a screened enclosure be located closer to the front or side street of a lot or building site than the main or principal building.

### **Section 5-111. Storage building and/or utility room.**

- A. Storage and/or utility rooms not exceeding fifty (50) square feet of floor area, computed from the inside wall-to-wall dimensions, may be permitted as an accessory use in a single-family district or as an accessory to a duplex. The design of such rooms shall be tied in architecturally with the main building and the material used in the construction of such storage and/or utility room shall be as set forth in these regulations.
- B. A separate utility building, or the use of a portion of the main building therefore, shall be permitted as an accessory use in a multi-family district, and in connection with any overnight accommodation. Such separate building or part of the main building shall be restricted to use for laundry facilities, for housing of electrical meters or other electrical equipment, toilet facilities, and storing of tools or equipment used on the premises, and, in the case of overnight accommodations, shall be located at the rear of the building site.
- C. A separate building for the storage of residential goods and to keep the same from being exposed to the public view (providing, however, that proper facilities shall be made for cleaning same as required by standard health practices), shall be permitted as an accessory use in a Commercial or Industrial District. Such building shall be erected only at the rear of the property upon which it is to be located,

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and within a radial distance of one-hundred (100) feet from the main building, and under no condition shall there be more than one (1) such building erected upon a building site.

### **Section 5-112. Tennis courts.**

A private tennis court shall be permitted as an accessory use in a residential or Special-Use District subject to the following conditions and restrictions:

- A. The setbacks for such tennis court and side and back nets, fences or walls shall be in accordance with the minimum setbacks required located of the underlying zoning district.
- B. The tennis court shall not be located between the main building and the street or closer to the street than the main building.
- C. Such tennis courts including side and back nets shall be screened from view from the street and the adjacent property owners.
- D. The side and back nets shall not exceed a maximum height of ten (10) feet and shall be constructed in compliance with the Florida Building Code .
- E. Any lighting on the tennis courts shall comply with the requirements of Section 5-1202 of this Code.

### **Section 5-113. Trellises.**

Trellises may be permitted as an accessory use subject to review and approval by the City Architect or the assigned Development Review Official and the following:

- A. Trellises may be constructed of the following materials:
  1. All wood members shall be constructed of one of the following approved materials:
    - a. Solid select heart cypress.
    - b. Solid heart mahogany.
    - c. Solid heart teak.
    - d. Solid heart cedar.
    - e. Clear vertical grain redwood.
    - f. Pressure treated pine or fir except creosote pressure treated wood.
    - g. Similar type or quality of wood to those noted above, as approved by the City Architect or Development Review Official (DRO). All other wood members may be constructed of all the above materials including creosote pressure treated wood.
  2. Composite materials.
  3. Metal.
- B. All supporting members for wood trellises shall be anchored to a concrete foundation with approved metal clips used in such a manner as to prohibit the wood from touching the concrete.
- C. Fastening clips, hurricane clips, etc., used in the construction of the trellis shall be concealed from view with moldings, cover boards, etc.

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- D. No materials such as, but not limited to, fiberglass screening, glass, plastic panels or aluminum panels shall be placed upon or attached to the trellis.
- E. The height of the trellis shall be subject to approval by the City Architect.
- F. The setbacks for trellises shall be governed by the same minimum setbacks as required for the main or principal building, except as noted otherwise herein.
- G. The color of a trellis shall be compatible with the main or principal building.
- H. All trellises shall be maintained and kept in good order and repair.

### **Section 5-114. Wood decks.**

Wood decks shall be permitted as an accessory use in a single-family residential district or to a duplex subject to the following conditions and restrictions:

- A. The foundation for wood decks shall be constructed of concrete.
- B. The decking may be constructed of two (2) inch thick material to be one of the following:
  - 1. Solid select heart cypress.
  - 2. Solid heart mahogany.
  - 3. Solid heart teak.
  - 4. Solid heart cedar.
  - 5. Clear vertical grain redwood.
  - 6. Pressure treated pine or fir except creosote pressure treated wood.
  - 7. Similar type or quality of wood to those noted above, as approved by the City Architect. All other wood members may be constructed of all the above materials including creosote pressure treated wood.
- C. All supporting members shall be anchored to the concrete footing with approved metal clips used in such a manner as to prohibit the wood from touching the concrete.
- D. A fascia or skirt shall be constructed on the perimeter of the wood deck to conceal from view the ends of the deck planking, the joists supporting the deck and the clips, angles and other metal anchors and devices. The skirting material shall be one of the seven (7) approved woods as set forth under Section 5-114(B) above.
- E. The height of the wood deck shall not exceed the height of the first floor elevation, except in case where the floor slab of the residence or duplex is constructed at grade, in which case the height of the wood deck shall not exceed a height of three (3) feet above the floor slab.
- F. The setback for the wood decks shall be governed by the same minimum setbacks as required for the main or principal building, provided, however, that on waterfront property no rear setback shall be required for such wood decks.
- G. The surface of all exterior wood members shall be stained or painted to be harmonious with the color of the main or principal building.

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### Section 5-115. Drive-throughs, walk-up windows, and automated teller machines (ATM).

Drive throughs, walk-up windows, and ATMs accessory to banks, restaurants, and retail sales and service shall be permitted provided that:

- A. Such uses are designed so as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks.
- B. Drive-through lanes and vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls, railings, or hedges at least thirty-six (36) inches in height.
- C. Three-hundred and sixty (360) degree architectural treatment is utilized. Building design shall incorporate variation in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls. Drive through, ATMs and walk-up elements should be architecturally integrated into the building, rather than appearing to be applied or “stuck on” to the building.
- D. Drive-through displays, ordering areas, walk-up windows, ATMs and parking canopies shall not serve as the singularly dominant feature on the site or as a sign or an attention-getting device.
- E. Exterior walk-up ATMs serving pedestrians may be permitted up to a maximum of two (2) square feet in sign area per ATM machine. Such signage shall not be internally illuminated.
- F. Entries and/or exits to drive-through facilities shall be a minimum of one hundred (100) feet from any intersection. Shorter distances from road intersections may be approved if the Development Review Officer determines that public safety and/or the efficiency of traffic circulation are not being compromised.
- G. Drive-through stacking lanes shall be a minimum of one hundred (100) feet from any single-family residential parcel.
- H. All service areas, restrooms and ground mounted equipment associated with the drive-through shall be screened from public view.
- I. Landscaping shall screen drive-through aisles from the public right-of-way and adjacent uses and shall be used to minimize the visual impacts of the drive-through.

### Section 5-116. Emergency preparedness shelter.

A building designed to be used as an emergency preparedness shelter shall be permitted as an accessory use in any district subject to the following conditions and restrictions:

- A. Such shelters shall be designed and constructed in accordance with minimum accepted engineering structural principles which shall be subject to approval by the Structural Engineer and the Building Official.
- B. Such shelters may be attached to the main building or constructed as a detached building provided, however, that the design thereof conforms to the design of the main or principal building.
- C. Such shelters may be constructed with a flat roof provided that the maximum height of the shelter shall not exceed four (4) feet.
- D. No setback shall be required for shelters when such shelters are constructed completely below grade, provided however, that no such shelter shall be constructed in the utility easement areas and provided further that the entrance doors to subject shelters are not constructed in the setback area as required for the main or principal building.
- E. Setbacks shall be in accordance with the requirements of the underlying zoning district.

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### Section 5-117. Massage establishment.

A massage establishment shall be permitted as accessory to a beauty salon, medical clinic, or health club.

### Section 5-118. Moveable pavers.

Moveable pavers shall be permitted in the required setback area, but shall only be allowed to serve as walkways or approved driveways, and not for patios or off-street parking. A walkway is an aggregated width of pavers not exceeding three (3) feet in width in a setback area of up to ten (10) feet and a maximum width of five (5) feet in setback areas of ten (10) feet or greater. In all cases a minimum of eighteen (18) inches shall be provided between a walkway and the property line.

### Section 5-119. Restaurant, open air.

A. Open air dining on private property, as accessory to a restaurant, provided that:

1. The operation of such business shall not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks.
2. Any open-air dining at a retail food establishment shall be in compliance with all state and local regulations and the applicant shall be required to submit a maintenance plan for review and approval by the City, and shall meet all requirements of this section.
3. That the open-air dining area shall not occupy an area of more than thirty (30%) percent of the public indoor area of the primary restaurant operation.
4. That the open-air dining area shall be unenclosed and shall be open except that it may be covered with a canvas cover or structural canopy of a building's arcade, loggia or overhang.
5. Open-air dining located under a building's arcade or loggia adjacent to a public sidewalk shall not have perimeter structures such as fences, railings, planters or other such barriers, including furniture, surrounding the open-air dining area which would restrict pedestrian circulation or discourage the free use of building's arcade or loggia by the general public. Movable planters may be permitted provided that it can be demonstrated that the free flow of pedestrian circulation can be maintained at all times through the arcade or loggia.
6. That all kitchen equipment used to service the open-air dining area shall be located within the kitchen of the primary restaurant or business.
7. That the open-air dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse, debris and chewing gum.
8. Walk-up counters for the purpose of serving patrons shall require conditional use review and approval pursuant to Article 3, Division 4, Conditional Uses. The service of patrons for walk-up counters shall not encroach into the public right-of-way and shall not interfere with pedestrian circulation on adjacent public sidewalks.
9. The standards for nighttime uses in Article 4, Division 3 are met.

B. Open-air dining on public property, as accessory to a restaurant, provided that:

1. A permit issued for an open-air dining located on public property shall be issued for a period of one (1) year, renewable annually by the Planning and Zoning Division. Such permit shall not be transferable in any manner.

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2. Open-air dining area shall be restricted to the length of the sidewalk or public right-of-way immediately fronting the cafe and/or restaurant. The utilization of space extending no more than twenty-five (25) linear feet on either side beyond the subject property frontage may be authorized subject to annual written consent provided by tenants in front of whose businesses the outdoor dining service would occur.
3. Walk-up counters for the purpose of serving patrons shall require conditional use review and approval pursuant to Article 3, Division 4, Conditional Uses. The service of patrons for walk-up counters shall not encroach into the public right-of-way and shall not interfere with pedestrian circulation on adjacent public sidewalks.
4. There shall be maintained a minimum of five (5) foot clear distance of public sidewalk, free of all obstructions, in order to allow adequate pedestrian movement. The minimum distance shall be measured from the portion of the open-air dining area nearest either the curb-line or the nearest obstruction.
5. No awning, canopy or covering of any kind, except individual table umbrellas, shall be allowed over any portion of the open-air dining area located on public property except as allowed under separate covenant process.
6. No perimeter structures such as fences, railings, planters or other such barriers shall surround the open-air dining area which would restrict the free and unobstructed pedestrian flow or discourage the free use of the tables or chairs by the general public.
7. No signage shall be permitted on the public portion of the property.
8. All open-air dining areas shall be at the same elevation as the adjoining sidewalk or public right-of-way.
9. Under no circumstances shall any open-air dining interfere with the free and unobstructed public access to any bus stop, crosswalks, public seating areas and conveniences, street intersections, alley, service easements, handicap facilities or access to adjacent commercial establishments.
10. The property owner/operator shall be responsible for maintaining the outdoor dining area in a clean and safe condition. All trash, litter and chewing gum shall be removed daily.
11. The hours of operation shall coincide with that of the primary restaurant. Tables, chairs and all other furniture used in the operation of an outdoor dining area shall not be anchored or restrained in any visible manner as with a chain, rope or wire.
12. The standards for nighttime uses in Article 4, Division 3 are met.
13. Open-air dining may be suspended by the City Manager for community or special events, utility, sidewalk or road repairs, or emergency situations or violations of provisions contained herein. The length of suspension shall be for duration as determined necessary by the City Manager. Removal of all street furniture and related obstructions shall be the responsibility of the cafe and/or restaurant owner/operator.

### **Section 5-120. Fountains and reflecting pools.**

Fountains and reflecting pools are permitted as an accessory use within all setback areas in any zoning district subject to City Architect approval. Maximum permitted depth is eighteen (18) inches.

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### Section 5-121. Planters.

Planters are permitted as an accessory use within all setback areas in any zoning district subject to City Architect approval.

### Section 5-122. Flagpoles.

Flagpoles are permitted as an accessory use within all setback areas in any zoning district subject to City Architect approval. Limit one (1) per property with a maximum height of twenty-five (25) feet.

## Division 2. Automobile Service Stations

### Section. 5-201. Minimum requirements.

The construction and/or reconstruction of automobile service stations shall comply with the following minimum requirements:

- A. Except as provided in subsection B, an automobile service station shall not be constructed and/or reconstructed anywhere except upon property which is located in a Commercial District or Industrial District.
- B. An automobile service station located in a Commercial Limited District may be reconstructed provided that the plans comply in all respects with the provisions in this Division and provided that the number of pump islands shall not exceed two (2) and the number of service bays shall not be increased.
- C. Automobile service station sites shall have a minimum street frontage of not less than one hundred-twenty (120) feet and a minimum area of not less than twelve-thousand (12,000) square feet. Automobile service stations established prior to the adoption of these regulations on sites less than required by this subsection may be reconstructed provided that the capacity of the new station does not exceed the capacity of the existing station.
- D. All automobile service stations shall comply with the following minimum floor area requirements:
  1. The minimum floor area for an automobile service station shall not be less than one thousand-two hundred and fifty (1,250) square feet.
  2. The minimum floor area for a self-service gasoline station shall not be less than two-hundred and fifty (250) square feet including the attendant control area, rest rooms, office, storage room and vending machine room.
- E. The automobile service station building, including the canopies and auxiliary-use buildings and structures, shall not exceed a maximum lot coverage of forty (40%) percent of the area of the automobile service station site.
- F. The roof over an automobile service station and auxiliary buildings shall be of tile, pitched and shall extend from the station over the gasoline pumps.
- G. Where an automobile service station site is located at the intersection of two (2) streets, the entrances and exits to the service bays shall not be located on the front elevation of the building.
- H. All pump islands shall be delineated by curbs.
- I. Pump islands shall not be located closer than fifteen (15) feet to a street right-of-way line.
- J. The automobile service station building shall have the following minimum setbacks:
  1. Front: Forty (40) feet.

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2. Side: Ten (10) feet.
  3. Side street: Thirty (30) feet.
  4. Rear: Ten (10) feet.
- K. The canopies over the driveway and pump islands shall have the following minimum setbacks:
1. Front: Five (5) feet.
  2. Side: Ten (10) feet.
  3. Side street: Five (5) feet.
  4. Rear: Ten (10) feet.
- L. Where such automobile service station sites abut a residential district a solid four (4) foot high wall shall be constructed along the property lines abutting the residential district.
- M. Not more than two (2) driveways shall be permitted from the front street to the automobile service station.
- N. Any two (2) driveways connecting with a single street shall be separated by an island area. The side of the island next to and parallel to the abutting street shall be located at the property line and such island shall have a minimum length at the property line of not less than twenty (20) feet.
- O. Where the building site abuts property in a residential district not more than one (1) driveway shall be permitted from a side street to the automobile service station.
- P. The maximum width of any one (1) driveway shall not be greater than thirty-five (35) feet.
- Q. No driveway shall encroach upon curbs or pavement radii at intersections.
- R. No driveway shall cross reserve corner sight distance areas.
- S. The edge of the driveway shall be located not less than ten (10) feet from a side street right-of-way line.
- T. The driveways and service area adjacent to the automobile service station building and pump islands shall be paved with poured concrete.
- U. All paving shall be graded to provide for drainage on the automobile service station site.
- V. All lubrication and greasing equipment, washing equipment, hydraulic lifts and service pits shall be located within the automobile service station building.
- W. Automobile service stations shall not be permitted to engage in the selling or rental of cars, trucks and/or utility trailers.
- X. Parking, loading or servicing of vehicles shall not be permitted on the public rights-of-way abutting the automobile service station site.
- Y. Merchandise shall not be displayed or stored outside of the principal building.
- Z. No automobile service stations shall be permitted to store vehicles or to be used as an off-street parking lot.

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- AA. Each automobile service station shall provide one (1) off-street parking space for each two (2) employees with a minimum of two (2) employee spaces plus one (1) space for each service bay.
- BB. The illumination upon any automobile service station site shall have the source of light concealed from view from the exterior of the building site, except that where channel letters or figures are used for any sign, the illumination, thereof, may be visible if recessed within the depth of the channel. Intensification of illumination shall be approved by the Electrical Inspector. No intermittent or flashing illumination shall be permitted.

### **Division 3. Awnings and Canopies**

#### **Section 5-301. General standards for awnings and canopies.**

Awnings, shelter canopies, entrance canopies and carport canopies placed upon, attached to or forming any part of a building shall conform to the conditions and restrictions set out in this Division. All awnings, shelter canopies, entrance canopies and carport canopies within the City shall comply with all of the following requirements:

- A. Construction. Must comply with applicable Florida Building Code requirements as amended and all other applicable city, county, state and federal codes and standards.
- B. Maintenance, repair, replacement, and/or removal. All awnings and canopies shall be maintained and kept in good order and repair. Awnings and canopies which are found to be in disrepair shall be subject to removal and/or replacement.
- C. Manufacturer's identification. All awnings, shelter canopies, entrance canopies and carport canopies constructed or erected pursuant to these provisions shall have the manufacturer's identification shown thereon.
- D. Clearance over sidewalk. In all cases where an awning, entrance canopy, or shelter canopy is placed upon, attached to, or forming any part of any building and such awning, entrance canopy or shelter canopy projects over a sidewalk, public right-of-way or similar place where the public is accustomed to walk, the rigid parts for any such awning entrance canopy or shelter canopy shall have a clearance of not less than seven-and-one-half (7½) feet from the established grade of the sidewalk, and any non-rigid valance of any such awning, entrance canopy or shelter canopy shall have a clearance of not less than six-and-one-half (6½) feet from the established grade of the sidewalk.
- E. Encroachment over public right-of-way. Awnings and/or canopies which encroach over public rights-of-way shall be subject to all of the following conditions and restrictions:
  1. The property owner shall execute a restrictive covenant prepared by the City Attorney, which shall run with the title of the land, agreeing to provide public liability insurance coverage for the encroachment in the minimum limits required by the City, and naming the City as an additional insured under the policy.
  2. An executed copy of the restrictive covenant, together with certificates of required insurance, shall be presented to the Building Official and/or Development Review Official, prior to the issuance of any permits for such work.
  3. Notwithstanding the above, that prior to the issuance of any permit for the installation of an awning or canopy encroaching over any public right-of-way under the jurisdiction of the Florida Department of Transportation or Miami-Dade County, the Building Official and/or Development Review Official shall require such evidence, as in his opinion is reasonable, to show that the plans for such encroachment have been approved by the said Department of Transportation.

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- F. City review required. All awnings and/or canopies as permitted herein shall be subject to review and approval by the Board of Architects.

### **Section 5-302. Standards for awnings and canopies in residential and non-residential zoned districts.**

Awnings and canopies located in the following residential and non-residential zoned districts shall comply with all of the following requirements:

#### A. Residential (SFR, MF1, MF2 and MFSA) zoning districts.

1. Materials and structure. The covering materials of awnings or canopies placed upon, attached to, or forming any part of any building in any residential district shall be made of canvas, cloth, natural materials or other similar materials and the supporting structure of the awning or canopy may be made of fiberglass, aluminum, plastic, metal or other man-made materials. Board of Architects approval is required for all proposed materials.
2. Slope. In any residential district, except SFR zoning districts, no shelter canopy or carport canopy shall be erected which has a minimum slope of less than two (2) inches in twelve (12) inches or a maximum slope of more than five (5) inches in twelve (12) inches.
3. Location.
  - a. All carport canopies shall be attached to the building and may be located on either side or the rear of said building.
  - b. All shelter canopies shall be attached to the building and may be located on the front, sides or rear of said building.
  - c. Awnings erected over garage openings or porte-cochere vehicle openings shall not extend out from the outside wall of the building more than six (6) feet.
4. Free-standing canopies. No permanent self-supporting or freestanding shelter canopy, carport canopy or entrance canopy shall be permitted.
5. Size and number permitted. Only one (1) shelter canopy and one (1) carport canopy shall be permitted per townhouse or duplex unit, provided however, that the carport canopy and shelter canopy shall not abut or be attached to one another.
6. Carport canopies are prohibited in SFR zoning districts. Existing carport canopies in SFR zoning districts shall be considered as nonconforming and are subject to the provisions in Article 6.

#### B. Commercial Limited (CL and C), Industrial (I) and University Campus District (UCD) zoning districts.

1. Materials and structure. Awnings and entrance canopies placed upon, attached to, or forming any part of any building in any commercial or industrial district may be made of canvas, cloth, natural materials or other similar materials and of fiberglass, plastic or non-ferrous metals, but in no case shall any such awnings, shelter canopies, entrance canopies or carport canopies be made of wood or wood products or of masonite or similar materials; in all cases such awnings, shelter canopies, entrance canopies or carport canopies shall generally simulate the appearance of canvas awnings, and must not be corrugated or slatted or with holes or other visible spaces or gaps. The supporting structure of the awning or entrance canopy may be made of fiberglass, plastic, metal or other man-made materials. Board of Architects approval is required for all proposed materials.
2. Location.

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- a. All carport canopies shall be attached to the building and may be located on either side or the rear of said building.
  - b. All shelter canopies shall be attached to the building and may be located on the front, sides or rear of said building.
  - c. Awnings erected over garage openings or porte-cochere vehicle openings shall not extend out from the outside wall of the building more than six (6) feet.
  - d. Entrance canopies, permitted on commercial buildings only, shall be attached to the building and may be supported from the ground up. The overall width of entrance canopies shall be a maximum of the entrance opening and framing width, plus twelve (12) inches and shall extend out perpendicular from the building.
3. Free-standing canopies. No permanent self-supporting or free-standing shelter canopy, carport canopy or entrance canopy shall be permitted.
- C. Special Use (S) and Preservation (P) zoning districts.
1. Materials and structure. Coverings for freestanding canopies, awnings and entrance canopies placed upon, attached to, or forming any part of any building may be made of canvas, cloth, natural materials, plastic, fiberglass, non-ferrous metals or other similar materials, but in no case shall the material composition be made of wood, wood products, masonite, or similar materials. All awnings, shelter canopies, entrance canopies or carport canopies shall generally simulate the appearance of canvas awnings, and shall not be corrugated, slatted, or include holes, openings or other visible spaces or gaps. The supporting structure of the freestanding canopy, awning or entrance canopy may be made of fiberglass, plastic, metal or other man-made materials. Board of Architects approval is required for all proposed materials.
  2. Free-standing canopies. Permanent free-standing shelter canopies shall be permitted.
  3. Location.
    - a. All carport canopies shall be attached to the building and may be located on either side or the rear of said building.
    - b. All shelter canopies that are attached to the building may be located on the front, sides or rear of said building.
    - c. Awnings erected over garage openings or porte-cochere vehicle openings shall not extend out from the outside wall of the building more than six (6) feet.
    - d. Freestanding canopies shall not be permitted in the front yard of the property's primary structure. If the subject property does not have a primary structure, the freestanding canopy shall be located within the property's required building setbacks. Freestanding canopies shall comply with required setbacks for accessory uses, whether or not there is a primary structure on the property.
  4. Size and number permitted. No limitation as to the number or size of freestanding canopies that may be permitted.
  5. Encroachment over public right-of-way. Encroachment of any freestanding canopies, awnings or entrance canopies over a public right-of-way is prohibited.

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### Division 4. Clearing, Filling and Excavation

#### Section 5-401. General.

Before any land may be cleared of trees and other growth, excavated, filled and/or graded, such land shall have been platted or replatted into lots, blocks or parcels for building development in the manner prescribed by Article 3, Division 9 and the owner thereof or owner's contractor shall have applied for and obtained a permit for such work from the Building and Zoning Department.

### Division 5. Coral Gables Cottage Regulations

#### Section 5-501. Purpose and applicability.

- A. The purpose of this Division is to maintain and preserve the architectural quality and character of Coral Gables' traditional, small scale, residential neighborhoods by encouraging the preservation of the existing Coral Gables Cottage style houses.
- B. The provisions of this Division may only be applied to the following:
  1. Any existing development which meets the eligibility standards contained in Section 5-502, herein (as determined by the Historic Resources Department).
  2. Any existing development which, by virtue of proposed development plans, would return sufficient original features to the building to render it eligible as a Coral Gables Cottage as provided in Section 5-502.
- C. Selected incentives are established in this Division which supersede the standard regulations for single-family residential development contained in other sections of these regulations. If not specifically addressed in this Division, the regulations and requirements of the underlying zoning district shall apply.

#### Section 5-502. Criteria for designation as a Coral Gables Cottage.

- A. Coral Gables Cottage is a detached, single-family dwelling which is distinguished by its movement in plan, projections and recessions, asymmetrical arrangement of entrances, frequently employed surface ornament for embellishment, and at least twelve (12) of the following specific features which are original with the cottage:
  1. Coral rock or stucco finish.
  2. Combination roof type (e.g., gable, shed, hip or flat roof).
  3. Front porch.
  4. Projecting bay on front elevation.
  5. Masonry arches or arches springing from columns on front elevation.
  6. Decorative doorway surrounds.
  7. Decorative and/or predominant chimney.
  8. Detached garage to the rear of the property.
  9. Similar decorative features, parapet and/or roof slope on main house and detached garage.

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10. Porte-cochere or carport.
11. Decorative wing walls.
12. Barrel tile roof.
13. Varied height between projecting and recessed portions of the front elevation.
14. Vents grouped as decorative accents.
15. Cast ornament and/or tile applied to front elevation.
16. Built-in niches and/or planters.
17. First floor above crawl space.
18. Casement or sash windows.
- 19 Loggias/arcade.

B. A cottage property must:

1. Be designated as an local historic landmark.
2. Be no more than one (1) story in height.
3. Be zoned SFR.
4. Have a frontage no greater than sixty-five (65) feet.
5. Include a single-family dwelling built prior to 1940.
6. Include a single-family dwelling having at least twelve (12) of the features identified in Section 5-502(A).

### **Section 5-503. Incentives for existing development.**

The following setback provisions may be utilized by qualified cottage properties in order to modify, alter or add to an existing Coral Gables Cottage, provided that the resulting changes made to the dwelling do not diminish its character or its status as a Coral Gables Cottage.

A. Setbacks:

1. Notwithstanding the setback provisions in the underlying zoning district, new additions and alterations may utilize the same setbacks and extend as close to the property line as the main walls of the existing Coral Gable Cottage with the limitation that the addition/alteration may not be closer than two (2) feet, six (6) inches to the property line, and, when combined with all other existing structures may not result in the following:
  - a. Side yard of less than two-hundred-and-fifty (250) sq. ft.
  - b. Front yard of less than seven-hundred-and fifty (750) sq. ft.
  - c. Rear yard of less than one-hundred-and-fifty (150) sq. ft.

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2. Where existing setbacks meet current standards, a reduction in the setback requirement of up to twenty five (25%) percent shall be permitted, with the same limitation outlined in subsection 1 above.
- B. Ground area coverage: Coral Gables Cottages shall be permitted to occupy up to forty-eight (48%) percent of the building site. Auxiliary buildings or structures, whether free standing or attached to the primary building, including swimming pools, may occupy additional site area provided, however, that the total ground area coverage for all structures shall not exceed fifty-eight (58%) percent of the site.
- C. Enclosed garages may be converted to living space or storage space subject to the following requirements:
  1. That a carport or porte-cochere is provided for the storage of an automobile.
  2. That the converted garage may not be used as a rental unit.
- D. The landscape open-space requirement of forty (40%) percent for single-family dwellings may be reduced by ten (10%) percent.

### **Division 6. Design Review Standards**

#### **Section 5-601. Purpose and applicability.**

- A. The purpose of these design review standards is to:
  1. Provide standards and criteria for review of applications for development approval within the City;
  2. Promote innovative design with regard to the aesthetics, architectural design, appearances, safety, and function of the built environment in relation to the site, adjacent structure and surrounding community;
  3. Promote orderly and harmonious development of the City;
  4. Enhance the desirability of residences or investment in the City;
  5. Encourage the attainment of the most desirable use of land and improvements;
  6. Enhance the desirability of living conditions upon the immediate site or in adjacent areas;
  7. Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other;
  8. Establish identity, diversity and focus to promote a pedestrian friendly environment; and
  9. Encourage the utilization of a variety of architectural attributes and street level amenities to create a sense of place, including the spatial relationship of buildings and the characteristics created to ensure attractive and functional areas.
- B. The standards in this Division shall be applicable to applications for development approval within all zoning districts, except as otherwise provided herein.

#### **Section 5-602. Design review standards.**

- A. The Board of Architects shall determine if an application satisfies the following design review standards:

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1. Whether the color, design, finishes, fenestration, texture, selection of architectural elements of exterior surfaces of the structure are compatible and the relationships of these items in comparison to building base, middle and top with the hierarchy of importance being the base, top and middle.
  2. Whether the planning and siting of the various function and structures on-site provides the following:
    - a. Creates an intrinsic sense of order between buildings, streets and pedestrian movements and activities.
    - b. Provides a desirable environment for occupants, visitors and the general community.
  3. Whether adjacent existing historic features, natural features and street level pedestrian view corridors are appropriately integrated or otherwise protected.
  4. Whether the amount and arrangement of open/green space [including urban open space (i.e. plazas) or unimproved areas (i.e. open lawns, etc.)] are appropriate to the design, function and location in relationship to the function of the structures and surrounding properties.
  5. Whether sufficient buffering (including hard and softscape) is provided when non-compatible uses abut or adjoin one another.
  6. Whether the proposed lighting provides for the safe movement of persons and vehicles, provides security, and minimizes glare and reflection on adjacent properties.
  7. Whether access to the property and circulation is safe and convenient for pedestrians, cyclists and vehicles, and is designed to interfere as little as possible with traffic flow on these roads and to permit vehicles a prompt and safe ingress/egress to the site.
  8. Whether waste disposal facilities adversely affect adjacent properties.
  9. Whether the application provides improvements, public open space, pedestrian amenities which benefit the public.
  10. Whether the proposed application is in conformity with provisions of this Division.
- B. In applying the standards set forth in Section 5-602(A) above, the Board of Architects shall review each of the following items of an application:
1. Aesthetics.
  2. Architectural compatibility with neighboring properties and uses.
  3. Architecture.
  4. Building and building components including, but not limited to:
    - a. Accessory structures including garages, sheds, utility facilities and waste receptacles;
    - b. Arcades, loggias, porte coheres, passages and similar covered areas;
    - c. Building appendages including but not limited to the following: balconies, penthouses, loading docks, awnings, louvers, or any visible devices for deflecting, filtering or shielding the structure or interior from the elements, flues, chimneys, exhaust fans, air-conditioning

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equipment, elevator equipment, fans, cooling towers, antennae or similar structures placed upon the roof or the exterior of the building;

- d. Building entrances/exits for pedestrians and vehicles;
- e. Building height;
- f. Building materials, texture, fenestration and surfaces;
- g. Building openings;
- h. Building scale and mass;
- i. Building façade step-backs;
- j. Building rooflines;
- k. Design;
- l. Lighting;
- m. Parking and paved surfaces;
- n. Signage;
- o. Stairs, ramps, escalators, moving sidewalks, elevators or downspouts on the exterior buildings; and
- p. Window coverage, casings/depth and proportion.

### 5. Colors.

- C. If the Board finds that an application is not consistent with the above standards, the Board of Architects may require changes of an application and its specifications to promote and maintain the purpose of these standards.

### **Section 5-603. Architectural style.**

- A. Except as provided for in Section 5-603(l) all buildings hereinafter constructed or reconstructed, shall be designed in a specific architectural style such as but not limited to Colonial, Venetian, Mediterranean, Italian, French, Bahamian or other identifiable architectural style. All buildings hereinafter altered or added to shall conform to the architectural design of the existing building provided, however, that if the architectural style of the building is being altered then the building shall be designed in a specific architectural style such as but not limited to Colonial, Venetian, Mediterranean, Italian, French, Bahamian or other identifiable architectural style. The Architect shall include a page or pages in the plan which defines the architectural style with text and photographs and provide a statement on how the proposed building complies with the style. It shall be the duty and responsibility of the Board of Architects to determine in each and every case whether or not the submitted plans comply with the type and scale of architecture set forth hereinabove and require from the designing architect such changes as would bring the design into conformity. The Board of Architects shall require such changes in the design of the structure so as to preserve traditional aesthetic treatments and promote design excellence in the community. In considering the design of the building, the Board of Architects shall consider and render a decision as to the adequacy of the following elements in the design concept.

- 1. Awnings and canopies.

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2. Colors.
  3. Decorative lighting (height, location and style).
  4. Doors.
  5. Height of building.
  6. Impact on adjacent properties of continuous two (2) story walls that are in excess of forty (40%) percent of the site depth.
  7. Location of exposed piping, conduits and rainwater leaders.
  8. Location of structure on site.
  9. Planters.
  10. Roofs including materials, color, slope and overhang.
  11. Shutters.
  12. Site circulation in regard to pedestrian travel, parking, services, grades and landscaping.
  13. Texture of surface.
  14. Trim.
  15. Walls, height, location, materials, and design.
  16. Window boxes.
  17. Windows (Fenestration).
- B. The architectural style for a given location, unless specified to the contrary, shall be in harmony with the architecture of its particular neighborhood. The Board of Architects shall review a new building or structure or a substantial addition to an existing building or structure that is to be constructed in context within an area that includes both sides of the street, on the block where it is located and surrounding properties. The Board of Architects shall require that photographs of both sides of the street, on the block where a new building or structure or a substantial addition to an existing building or structure is to be constructed and surrounding properties, is submitted for their review.
- C. The architectural context of an area includes the height, scale, massing, separation between buildings, and style, in regard to how buildings and structures relate to each other within a specified area. Architectural context allows for differences in height, scale, massing, and separation between building and style, when such differences contribute to the overall harmony and character of the area. The Board of Architects shall not take into consideration existing buildings and structures that are out of context with the area when considering whether a new building or structure or a substantial addition to an existing building or structure is in context with both sides of the street on the block where it is located and surrounding properties. The Board of Architects shall review the building or structure in the context of that area in which the site is located when a new building or structure or a substantial addition to an existing building or structure is located on a building site that is on the border of two areas that have different character or context.
- D. Additions and alterations to buildings, which have been designated by the provisions within the Zoning Ordinance as an Historic Landmark, shall conform to the Secretary of the Interiors Standards.

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- E. Duplication of elevations and/or exterior architectural design. No duplication of elevations and/or exterior architectural design or any similar designs as to massing, scale, and architectural features shall be permitted in any residential area. It is the intent of this section that the design of single-family residences be a unique and original design and that the design or similarly designed single-family residences not be repeated within the residential neighborhoods of the City. This section does not prohibit repetitive styles of architecture in the residential neighborhoods of the City, just a repetitiveness of design. Architects submitting plans for consideration by the Board of Architects shall, as part of said plan, and as a prerequisite to approval thereof, sign a certificate reading as follows:

*“To the best of my knowledge and belief, the within plans and specifications do not duplicate the elevations and/or exterior architectural design or are similar in design as to the massing, scale, and architectural features of any buildings in the residential area of the City of Coral Gables, previously submitted by me or by my office. Furthermore, that to the best of my knowledge and belief these plans and specifications are a unique and original design and not a duplication of elevations and/or exterior architectural design or similar design as to the massing, scale, and architectural features of any building constructed, or for which a permit has been issued, in the City of Coral Gables; I further certify that I am fully familiar with the ordinance and regulations under which this certificate is required. (Seal)”*

- F. Architects who have been found by the Code Enforcement Board to have violated the provisions of this section shall be reported to the State of Florida Department of Business and Professional Regulation for disciplinary action, in addition to the other penalties provided by this Code.

- G. The provisions of this subsection shall not apply, however, in the following cases:

1. In the units of a single-housing project, which shall be deemed and which hereby is defined as not more than three (3) multiple family units constructed on a lot or on contiguous lots so as to be an architectural entity; and
2. To the interior design or floor plan of any structure.

- H. Specific standards. The owner shall require that his plans be designed in such a manner as to enhance the overall architectural character of the city, neighborhood and street. All new buildings, alterations, additions or changes to the facade in any nature shall conform to the following regulations:

1. Marked stucco to simulate shutters, flanking window openings and indiscriminate use of stucco scoring or cut lines, unless they perform a function in the design, shall not be permitted.
2. Where particular treatment such as scoring, slump brick or other architectural motifs is employed, these shall return on the abutting elevation.
3. Excessive use of slump or other brick shall not be permitted.
4. Where wood or metal columns are used, the same shall be well proportioned.
5. Shutters shall be architecturally designed to enhance the structure and all tracts and housings shall be concealed from view to the maximum extent practicable when not in use.
  - a. Plans for all new construction shall incorporate or make provisions for hurricane shutters.
  - b. Storm panels with removable horizontal tracks shall be permitted on all structures without Board of Architects review and approval.

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- c. The Board of Architects may approve a hurricane shutter type or system for multi-unit buildings (residential and commercial) as a whole, thereby allowing individual owners or tenants to install pre-approved hurricane shutters without additional Board of Architects review and approval.
  - d. No shutter shall be placed on a structure so that it will alter or conceal architectural features or details of a structure.
  - e. Shutters shall not be installed in such a way as to prevent the intended or normal operation of any window or door.
  - f. In every area of a structure required by the Florida Building Code to have egress, there shall be at least one (1) manually operable (non-electric) method of egress when completely enclosed by hurricane shutters.
6. Rooftop equipment such as that used in air conditioning and any other type of mechanical or service equipment shall be screened from view, as required by Article 5, Division 18.
  7. Air-cooled condensing and/or compressors equipment, water-cooling towers and any other type of mechanical equipment or apparatus installed on the premises shall be screened from view from the street, waterway, bay or golf course by a wall or landscaping.
  8. Exposed concrete or masonry block shall not be permitted. With the exception of slump, red or other brick, crab orchard or other stone and architecturally formed and detailed concrete, all masonry surfaces shall be stuccoed.
  9. If metal garage doors are used, they shall be painted in accordance with the palette of colors approved by the Board of Architects and on file with the Building and Zoning Department.
  10. No exposed air-conditioning ductwork or exposed solar tanks shall be permitted.
  11. The approval, materials, slope, construction, location and design of awnings and canopies shall be as set forth under Article 5, Division 3.
- I. Architectural type, specific locations. The type of architecture for specific locations in the City shall be as follows:
1. In the Industrial Section, MacFarlane Homestead, and Golden Gate Subdivision, any architectural style shall be permitted as shall be approved by the Board of Architects as being harmonious with the immediate neighborhood.
  2. Where otherwise required by the terms of existing restrictions in deeds conveying lots or lands, or as specifically provided for therein.
  3. In Commercial and Industrial Districts, such types of architecture shall be permitted as shall be approved by the Board of Architects as being harmonious with the immediate neighborhood.

### **Section 5-604. Coral Gables Mediterranean Style Design Standards.**

#### A. Purpose and applicability.

##### 1. Purpose.

- a. Provide bonuses and incentives to property owners to encourage and expand the creative use of the various architectural styles in association with promoting public realm improvements.

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- b. Provide for a two level bonus program that provides amenities and features typically provided in Mediterranean Style buildings.
  - c. Provide additional bonuses for “Coral Gables Mediterranean Architecture” design to continue to support George Merrick’s vision consistent with the established historic building fabric of the City.
  - d. Enhance the image of the City by providing a visual linkage between contemporary development and the City’s unique historic thematic appearance.
  - e. Promote an assortment of street level public realm and pedestrian amenities in exchange for increases in building height, residential density, and floor area ratio granted via a discretionary review process.
  - f. Provide for the ability to reduce setbacks and encroachment into the public rights-of-way with public open space improvements.
  - g. Promote and require architectural and design elements focused to a pedestrian scale.
  - h. Encourage landmark opportunities, including physically defined squares; plazas; urban passageways; parks; public open spaces; and, places of public assembly and social activity for social, cultural and religious activities.
  - i. Provide a strong emphasis on aesthetics and architectural design with these regulations and the planned mixing of uses to establish identity, diversity and focus to promote a pedestrian friendly environment. This can be accomplished by the following:
    - i. Utilization of a variety of architectural attributes and street level amenities to create a sense of place, including the spatial relationship of buildings and the characteristics created to ensure attractive and functional areas.
    - ii. Integration of street level plazas, courtyards, opens space and public gathering areas including the creation and preservation of corridors, vistas and landmark features.
2. Zoning district applicability. These regulations are available for new construction, additions, restorations and/or renovations of existing buildings using all types of architecture styles as described herein provided such property is located within the Multi-Family-2 (MF2), Multi-Family Special Area (MFSA), Commercial (C), Commercial Limited (CL), or Industrial (I) zoning districts, except as otherwise provided herein.
  3. Site Specific Zoning Regulations and Mediterranean Bonus. Coral Gables Mediterranean Style Design Standards bonuses and/or incentives as provided for in this Section may be awarded as supplemental (additional) intensity/density or the reduction of existing limitations as assigned in “Appendix A - Site Specific Zoning Regulations.” These supplemental (additional) bonuses and/or incentives shall be evaluated pursuant to the applicable development standards included in Tables 1, 2, and 3 of Section 5-604.
  4. In the MFSA District, all development shall comply with the provisions for residential uses which are set out in Table 1, and five (5) of ten (10) of the standards in Table 2; however, the bonus intensity and heights shall not apply.
  5. Coral Gables Mediterranean Architectural Design. Applications for new construction and additions restorations and/or renovations of existing buildings, as Coral Gables Mediterranean Architecture may secure bonuses as provided herein.

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6. Review and authority.
  - a. The Board of Architects shall be the responsible City review Board on this Article. The Board of Architects may grant approval of all the provisions of this Article unless noted otherwise within these provisions. The Board of Architects shall review all applications for compliance of the provisions of this Article and if the Board of Architects deems an application does not satisfy the provisions the Board shall not award the bonuses. The Board of Architects in its review may complete either of the following:
    - i. Approve the application;
    - ii. Approve the application with modifications;
    - iii. Defer the application and request the applicant redesign the application and resubmit the application to satisfy the provisions of this Article; or
    - iv. Deny the application.
  - b. Staff review. The City Architect shall review and provide a recommendation to the Board of Architects advising of compliance of all provisions contained within this Article.
  - c. New construction applications. The Board of Architects shall not grant any development bonus for new construction unless the application satisfies the provisions in Table 1, Required Standards. The Board of Architects may grant the development bonuses provided in this Section provided that the Board of Architects in its discretion determines that the application complies with all the standards for the development bonus or bonuses.
  - d. Additions, restorations and/or renovations of existing buildings. The Board of Architects may grant a development bonus for the Coral Gables Mediterranean Style Design as an addition, restoration and/or renovation of an existing building provided that the Board of Architects in its discretion determines that the application satisfies the standards. The City Architect shall provide a recommendation to the Board of Architects whether to grant bonuses for the entire building or only the proposed area of the addition, restoration and/or renovation. The Board of Architects shall have final determination as to the amount of bonus granted. No building permit for an addition, restoration and/or renovations of an existing building shall be granted by the Building and Zoning Department unless the Board of Architects in its discretion determines that the building(s) will continue to satisfy all previously approved conditions of approval granting that bonus and the provisions of this Article.
7. Special location site plan review. Properties in the MF2, C, CL and I Districts which are adjacent to or across public rights-of-way or waterways from an SFR District or MF1 District shall comply with the following requirements to secure bonuses:
  - a. Height limitations. Limited to a maximum height of three-and-one-half (3½) floors/forty-five (45) feet.
  - b. Review process. The review process shall be as follows:
    - i. Submit an application and secure Board of Architects preliminary review and approval.
    - ii. Submit an application with the Planning Department for special locational site plan review.
    - iii. Secure special locational site plan review and recommendation for approval from the Planning and Zoning Board and approval from the City Commission.
    - iv. Secure Board of Architects final review and approval for architecture prior to issuance of a building permit.
  - c. Review criterion. Applications considered pursuant to these regulations must demonstrate that they have satisfied all of the below listed criterion. The Planning Department shall evaluate the application with reference to each of the below criteria and provide a

## ARTICLE 5 – DEVELOPMENT STANDARDS

recommendation to the Planning and Zoning Board and City Commission. The Planning Department, Planning and Zoning Board and City Commission shall make specific findings of fact that all of the below listed criterion are satisfied. The criterion is as follows:

- i. 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.
  - ii. The physical design of the site plan and the manner in which said design does or does not make adequate provision for public services, parking, provide adequate control over vehicular traffic, provide for and protect designated public open space areas, and further the amenities of light and air, recreation and visual enjoyment.
  - iii. The compatibility of the proposed building with reference to building height, bulk, and mass with the contiguous and adjacent properties.
  - iv. The conformity of the proposed site plan with the Goals, Objectives and Policies of the Comprehensive Plan (CP).
  - v. That the site plan and associated improvements provides public realm improvements, public open space, and pedestrian amenities for the public benefit.
  - vi. Those actions, designs, construction or other solutions of the site plan if not literally in accord with these special regulations, satisfy public purposes and provide a public benefit to at least an equivalent degree.
- d. Approval. Approval if granted by the City Commission shall be in Resolution form.
8. Additional Requirements.
- a. Designated historic landmarks. Pursuant to Article 3, Division 11, all plans affecting designated historic landmarks must receive a Certificate of Appropriateness from the Historic Preservation Board prior to submittal to the Board of Architects. Bonuses shall not be awarded for development on property that is historically designated where a Certificate of Appropriateness has been denied.
  - b. Supplemental approval provisions. Applicants, property owners, successors or assigns may be required to provide agreements, covenants, contracts, deed restrictions or sureties as a part of the approval granted which may include the following:
    - i. Undertaking of all conditions in accordance with the approved application.
    - ii. Bind all development successors or assigns in title to any conditions and commitments made of these provisions and approved application.
    - iii. Provide for the financial responsibility to continuing the operation and maintenance of the public open space areas, public realm, pedestrian amenities, functions and facilities that are provided, at the expense of the designated property owner and/or property owners association, etc., as applicable.
- B. Development bonus standards.
1. Required standards. Applications shall be required to satisfy all of the requirements in Table 1, "Required Standards" in order to secure bonuses based upon the applicable residential, nonresidential and MXD district designations.

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<i>Table 1. Required standards</i>					
Reference Number	Residential	Non-Residential	Mixed Use	Type	Requirements
1.	✓	✓	✓	Architectural elements on building facades.	<p>Similar exterior architectural relief elements shall be provided on all sides of all buildings. No blank walls shall be permitted unless required pursuant to applicable City, State and Federal requirements (i.e., Fire and Life Safety Code, etc).</p> <p>Parking garages shall include exterior architectural treatments compatible with buildings or structures that occupy the same property and/or street.</p>
2.		✓	✓	Architectural relief elements at street level.	<p>On any building facades fronting streets, where an adjoining pedestrian sidewalk is located, one (1) or more of the following design features shall be included at the street level:</p> <ol style="list-style-type: none"> <li>a. Display windows or retail display area;</li> <li>b. Landscaping; and/or</li> <li>c. Architectural relief elements or ornamentation.</li> </ol>
3.	✓	✓	✓	Architectural elements located on the top of buildings.	<p>Exclusion from height. The following shall be excluded from computation of building height in C, A and M-Use Districts:</p> <ol style="list-style-type: none"> <li>a. Air-conditioning equipment room.</li> <li>b. Elevator shafts.</li> <li>c. Elevator mechanical equipment rooms.</li> <li>d. Parapets.</li> </ol> <p>Roof structures used only for ornamental and/or aesthetic purposes not exceeding a combined area of twenty-five (25%) percent of the floor area immediately below. Such exclusion shall be subject to the provisions that no such structure shall exceed a height of more than twenty-five (25) feet above the roof, except for commercial buildings in the Central Business District (CBD) where no such structure shall exceed one-third (1/3) of the allowable total building height.</p>
4.	✓	✓	✓	Bicycle storage.	To encourage the use of bicycles, bicycle storage facilities (racks) shall be provided. A minimum of five (5) bicycle storage spaces shall be provided for each two hundred and fifty (250) parking spaces or fraction thereof.
5.	✓	✓	✓	Building facades.	Facades in excess of one hundred and fifty (150) feet in length shall incorporate vertical breaks, stepbacks or variations in bulk/massing at a minimum of one hundred (100) foot intervals.
6.	✓	✓	✓	Building lot coverage.	No minimum or maximum building lot coverage is required.
7.	✓	✓	✓	Drive through facilities.	Drive through facilities including but not limited to banking facilities, restaurants, pharmacies, dry cleaners, etc. are prohibited access to/from Ponce de Leon Boulevard from S.W. 8 <sup>th</sup> Street to Bird Road, Miracle Mile from Douglas Avenue to LeJeune Road, and Alhambra Circle from Douglas Avenue to LeJeune Road.
8.	✓	✓	✓	Landscape open space area.	<p>Each property shall provide the following minimum landscape open area (percentage based upon total lot area):</p> <ol style="list-style-type: none"> <li>a. Five (5%) percent for nonresidential properties;</li> <li>b. Ten (10%) percent for mixed use properties; and</li> <li>c. Twenty-five (25%) percent for residential properties.</li> </ol> <p>The total area shall be based upon the total lot area. This landscape area can be provided at street level, within the public right-of-way, elevated areas, planter boxes, planters, etc.</p>

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<i>Table 1. Required standards</i>					
Reference Number	Residential	Non-Residential	Mixed Use	<i>Type</i>	<i>Requirements</i>
9.	✓	✓	✓	Lighting, street.	Street lighting shall be provided and located on all streets/rights-of-way. The type of fixture shall be the approved City of Coral Gables light fixture and location/spacing, etc. shall be the subject to review and approval by the Department of Public Works.
10.	✓	✓	✓	Parking garages.	Ground floor parking as a part of a multi-use building shall not front on a primary street. ADA parking is permitted on the ground floor. Ground floor parking is permitted on secondary/side streets and shall be fully enclosed within the structure and/or shall be surrounded by retail uses and/or residential units. Ground floor parking is permitted on alley frontages.  Parking facilities shall strive to accommodate pedestrian access to all adjacent street(s) and alleys.
11.	✓	✓	✓	Porte-cocheres.	Porte-cocheres are prohibited access to/from Ponce de Leon Boulevard from S.W. 8 <sup>th</sup> Street to Bird Road, Miracle Mile from Douglas Avenue to LeJeune Road, and Alhambra Circle from Douglas Avenue to LeJeune Road.
12.		✓	✓	Sidewalks/ pedestrian access.	All buildings, except accessory buildings, shall have their main pedestrian entrances oriented towards adjoining streets.  Pedestrian pathways and/or sidewalks shall be provided from all pedestrian access points and shall connect to one another to form a continuous pedestrian network from buildings, parking facilities, parking garages entrances, etc. Wherever possible pathways shall be separated from vehicular traffic.
13.	✓	✓	✓	Soil, structural.	Structural soil shall be utilized within all rights-of-way for all street level planting areas with root barriers approved by the Public Service Department.
14.	✓	✓	✓	Windows on Mediterranean buildings.	Mediterranean buildings shall provide a minimum window casing depth of four (4) inches as measured from the face of the building.

- C. Level 1 bonus – Standards for all types of architectural design. Bonuses are available up to a maximum of 0.2 floor area ratio and up to a maximum of one (1) story for all types of architectural designs of buildings. The allowable floors are subject to the subject property applicable CP Map designation and the height is regulated by the Zoning Code. The allowable floors and height are as follows:

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CP Map Designations	Additional floors/feet available for all types of architectural design
Residential Uses	
Low Density	+ 1 floor/13.5 feet = 5 floors / 63.5 feet
Medium Density	+ 1 floor/13.5 feet = 7 floors / 83.5 feet
High Density	+ 1 floor/13.5 feet = 14 floors /163.5 feet
Commercial Uses	
Low-rise Intensity	+ 1 floor/13.5 feet = 5 floors / 63.5 feet
Mid-rise Intensity	+ 1 floor/13.5 feet = 7 floors / 83.5 feet
High-rise Intensity	+ 1 floor/13.5 feet = 14 floors /163.5 feet
Industrial Uses	+ 1 floor/13.5 feet = 7 floors / 85.5 feet
Mixed Use	The height is dependent upon underlying CP Map designation

1. All applications desiring bonuses shall meet the minimum requirements of Table 2 to secure a bonus under these provisions.
2. The Board of Architects shall review all applications for compliance of the provisions of Table 2 and if the Board of Architects deems an application does not satisfy the provisions the Board of Architects shall not award the bonus. The bonuses are awarded based upon the Board of Architects determination that the application satisfies the following qualifications of Table 2:
  - a. Residential uses (MF2 District) shall satisfy a minimum of six (6) of the twelve (12) qualifications in Table 2.
  - b. Nonresidential uses (C, CL and I Districts) shall satisfy a minimum of eight (8) of the twelve (12) qualifications in Table 2.
  - c. MXD Districts shall satisfy a minimum of eight (8) of the twelve (12) qualifications in Table 2.

<i>Table 2. Architectural and Public Realm Standards</i>					
Reference Number	Residential	Non-Residential	Mixed Use	Type	Qualifications
1.	✓	✓	✓	Arcades and/or loggias.	Arcades, loggias or covered areas constructed adjacent, parallel, and/or perpendicular to building to provide cover and protection from the elements for pedestrian passageways, sidewalks, etc. thereby promoting pedestrian passage/use. Limitations of encroachments on corners of buildings may be required to control view corridors and ground stories building bulk and massing. Awnings or other similar items do not satisfy these provisions.
2.	✓	✓	✓	Building rooflines.	Incorporation of horizontal and vertical changes in the building roofline.
3.	✓	✓	✓	Building stepbacks.	Stepbacks on building facades of the building base, middle and/or top facade to further reduce the potential impacts of the building bulk and mass.
4.	✓	✓	✓	Building towers.	The use of towers or similar masses to reduce the mass and bulk of buildings.

## ARTICLE 5 – DEVELOPMENT STANDARDS

<i>Table 2. Architectural and Public Realm Standards</i>					
Reference Number	Residential	Non-Residential	Mixed Use	Type	Qualifications
5.	✓	✓	✓	Driveways.	Consolidation of vehicular entrances for drive-through facilities, garage entrances, service bays and loading/unloading facilities into one (1) curb cut per street to reduce the amount of vehicular penetration into pedestrian sidewalks and adjoining rights-of-way.
6.	✓	✓	✓	Lighting of landscaping.	Uplighting of landscaping within and/or adjacent to pedestrian areas (i.e., sidewalks, plazas, open spaces, etc.).
7.	✓	✓	✓	Materials on exterior building facades.	The use of natural materials shall be incorporated into the base of the building on exterior surfaces of building. This includes but not limited to the following: marble, granite, keystone, etc.
8.		✓	✓	Overhead doors.	If overhead doors are utilized, the doors are not directed towards residentially zoned properties.
9.	✓	✓	✓	Paver treatments.	Inclusion of paver treatments in all of the following locations: a. Driveway entrances minimum of ten (10%) percent of total paving surface. b. Sidewalks. Minimum of twenty-five (25%) percent of total ground level paving surface. The type of paver shall be subject to Public Works Department review and approval. Poured concrete color shall be Coral Gables Beige.
10.	✓	✓	✓	Pedestrian amenities.	Pedestrian amenities on both private property and/or public open spaces including a minimum of four (4) of the following: a. Benches. b. Expanded sidewalk widths beyond the property line. c. Freestanding information kiosk (no advertising shall be permitted). d. Planter boxes. e. Refuse containers. f. Public art. g. Water features, fountains and other similar water features. Ground and/or wall mounted. Above amenities shall be consistent in design and form with the City of Coral Gables Master Streetscape Plan.
11.		✓	✓	Pedestrian pass-throughs/ paseos on properties contiguous to alleys and/or streets.	Pedestrian pass-throughs provided for each two hundred and fifty (250) linear feet or fraction thereof of building frontage provided on properties contiguous to alleys and/or streets or other publicly owned properties. Buildings less than two hundred and fifty (250) feet in size shall provide a minimum of one (1) pass through. The pass-throughs shall be subject to the following: a. Minimum of ten (10) feet in width. b. Include pedestrian amenities as defined herein. In lieu of providing one (1) pass-through of ten (10) feet in width every two hundred and fifty (250) feet of building frontage, two (2) pass-throughs can be combined to provide one (1) twenty (20) foot wide pass-through.
12.	✓	✓	✓	Underground parking.	The use of underground (below grade level) parking, equal in floor area of a minimum of seventy-five (75%) percent of the

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<i>Table 2. Architectural and Public Realm Standards</i>					
Reference Number	Residential	Non-Residential	Mixed Use	Type	Qualifications
					total surface lot area. Underground parking shall be located entirely below the established grade as measured from the top of the supporting structure and includes all areas utilized for the storage of vehicles and associated a circulation features.

- D. Level 2 bonuses – Bonuses for Coral Gables Mediterranean Architectural Design. An additional bonus up to 0.3 floor area ratio and one (1) story or two (2) stories shall be permitted if Coral Gables Mediterranean Architectural Design is utilized. The maximum available number of stories are based upon the CP Map designation and permitted building height as outlined in the Zoning Code subject to the designation of the subject property.

<i>CP Map Designations</i>	<i>Allowable maximum feet</i>	<i>Maximum total feet available-pursuant to Section 5-604</i>	<i>Additional feet available/maximum feet for Coral Gables Mediterranean Architectural Style</i>
<b>Residential Use (Multi Family)</b>			
Low Density	50 feet	63.5 feet	63.5 feet + 13.5 feet = 77 feet
Medium Density	70 feet	83.5 feet	83.5 feet + 13.5 feet = 97 feet
High Density	150 feet	163.5 feet	163.5 feet + 27 feet = 190.5 feet
<b>Commercial Use</b>			
Low-rise Intensity	50 feet	63.5 feet	63.5 feet + 13.5 feet = 77 feet
Mid-Rise Intensity	70 feet	83.5 feet	83.5 feet + 13.5 feet = 97 feet
High-Rise Intensity	150 feet	163.5 feet	163.5 feet + 27 feet = 190.5 feet
Industrial Uses	72 feet	85.5 feet	85.5 feet + 13.5 feet = 99 feet
Mixed use		The height is dependent upon underlying CP Map designation.	

- E. The Board of Architects shall review all applications for compliance of the provisions of Section 5-605 and if the Board of Architects deems an application does not satisfy the provisions it shall not award the Coral Gables Mediterranean Architectural Design bonus. The bonuses are awarded based upon the Board of Architects determination that the application satisfies the Coral Gables Mediterranean Architectural Design provisions in Section 5-605.

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- F. Total available bonus provisions within level 1 and 2. Bonuses are available in two levels as provided in above Section C and D. The level 1 and 2 bonuses available shall only be granted if an application satisfies Table 1, Required Standards. Bonuses may be granted for only level 1 or bonuses can be granted cumulatively including level 1 and 2 bonuses. To secure Mediterranean Architecture bonuses, Level 2, all provisions in the above Sections C and D and Section 5-605 shall be satisfied.
- G. Required standards. Bonuses may be granted for only level 1 or bonuses can be granted cumulatively including level 1 and 2 bonuses. To secure Mediterranean Architecture bonuses, Level 2, all provisions in this Section shall be satisfied.
- H. Option standards. Applications for bonuses may also utilize the following development options for Level 1 and/or Level 2 bonuses as is provided in Table 3:

<i>Table 3. Other development options</i>					
Number	Residential	Non-Residential	Mixed Use	Type	Options
1.		✓	✓	Building setback reductions.	<p>Reduction in setbacks. Setbacks may be reduced to zero (0) foot setbacks on all property lines subject to the following standards:</p> <ul style="list-style-type: none"> <li>a. Minimum open space. A minimum of twenty-five (25%) percent of the total ground stories square footage received from the setback reduction is provided as publicly accessible street level open space and landscape area on private property.</li> <li>b. The minimum square footage of allowable ground stories open space (i.e. plazas) shall be four hundred (400) square feet.</li> <li>c. Types of open space. Types of open space shall be in the form of courtyards, plazas, arcades/loggias, and pedestrian pass-throughs adjacent/contiguous to the adjacent rights-of-way.</li> <li>d. Applicants, property owners, successors or assigns desiring to develop pursuant to these regulations may not seek a variance for relief or reduction in building setbacks. Reductions in setbacks are only permitted subject to these regulations.</li> </ul>
2.		✓	✓	Encroachment or loggias and/or arcades located as a part of an adjacent building within rights-of-way.	<p>Encroachments up to a maximum of ten (10) feet into public rights-of-way (not including alleys) may be permitted for the placement of a street level pedestrian arcade/loggia as a part of an adjacent building subject shall satisfy the following regulations:</p> <ul style="list-style-type: none"> <li>a. Encroachment. The total amount of encroachment shall be evaluated based upon the total width of the contiguous rights-of-way. Rights-of-way less than sixty (60) feet or less may be approved for less than the maximum ten (10) feet.</li> <li>b. Minimum percentage of open space. A minimum fifty (50%) percent of the total ground stories square footage encroachment requested must be provided as publicly accessible open space and landscape area on private property. The open space is subject to the following:</li> </ul>

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<i>Table 3. Other development options</i>					
Number	Residential	Non-Residential	Mixed Use	<i>Type</i>	<i>Options</i>
					<ul style="list-style-type: none"> <li>• Types of open space. Types of open space shall be in the form of open arcades/loggia, courtyards, plazas, pedestrian pass-throughs or open atriums adjacent/contiguous to the adjacent rights-of-way.</li> <li>• Minimum area. Minimum square footage of allowable open space shall be five hundred (500) square feet.</li> <li>• Landscape. Include both hard and softscape landscape improvements and pedestrian amenities as defined herein.</li> <li>• Vertical volume. As a minimum include a vertical volume of space equal from street level to the first story's height or eighteen (18) feet, whichever is greater. Increase/decrease in height may be reviewed/approved as a part of approval.</li> <li>• Maximum arcade/loggia lengths. Encroachments of up to eighty (80%) percent of the entire linear length of the building are permitted. Encroachment of the entire length may be requested subject to review and approval at the time of site plan review. Limitations of encroachments on corners of buildings may be required to control view corridors and ground stories building bulk and mass.</li> <li>• Vertical encroachment. Structure shall be limited to the following:               <ul style="list-style-type: none"> <li>• Forty-five (45) feet on sixty (60) foot rights-of-way.</li> <li>• Eighteen (18) feet on rights-of-way less than thirty (30) feet.</li> <li>• The encroachment shall be structurally supported entirely from the adjoining private property.</li> </ul> </li> <li>c. All applicable costs for improvements and/or relocation to utilities, sanitary sewer, storm water, and other associated infrastructure improvements as a result of the request shall be the responsibility of the property owner.</li> <li>d. On street parking displaced as a result of the encroachment shall be provided as public parking spaces within the proposed development and compensation for the removed spaces shall be subject to the established City provisions. The building shall include City's public parking signage on the exterior portions of the building to clearly identify public parking spaces are available within the facility. The total number and location of the signage shall be determined at the time of application review.</li> <li>e. Any encroachments, construction and penetration into the rights-of-way shall be subject to the following:               <ul style="list-style-type: none"> <li>• The property owners shall be responsible for all maintenance of all encroachments and/or property of all surrounding public rights-of-way, including but not</li> </ul> </li> </ul>

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<i>Table 3. Other development options</i>					
Number	Residential	Non-Residential	Mixed Use	Type	Options
					<p>limited to the following: landscaping; (hard and softscape); benches; trash receptacles; irrigation; kiosks; plazas; open spaces; recreational facilities; private streets; etc. subject to all the provisions for which the development was approved as may be amended.</p> <ul style="list-style-type: none"> <li>• Responsible for liability insurance, local taxes, and the maintenance of the encroachment and/or property.</li> <li>• In the event that the owner or any assign and successor shall at any time after approval of the site plan fail to maintain the areas in reasonable order and condition in accordance with the approval, these regulations, City Code or other applicable local, state and federal requirements, the City shall implement appropriate measures pursuant to applicable City provisions.</li> </ul> <p>f. Encroachments and the total amount of encroachment shall require review and approval pursuant to applicable City provisions.</p>
3.		✓	✓	<p>Parking requirement exemption for Mediterranean Architectural Design buildings of 1.45 FAR or less (Central Business District only).</p>	<p>Any new building construction or restoration/renovation of a building located in the Central Business District which is designed as Coral Gables Mediterranean Architectural Design as provided for in Section 5-604 and satisfies all other provisions of this Article, may be exempted from off-street parking requirements if the FAR of such building(s) does not exceed 1.45.</p> <p>Property owners, successors and/or assigns shall be limited to the above use restriction in perpetuity. The above provisions shall be enforced via a restrictive covenant or other acceptable means as determined by the City Attorney, subject to City Attorney review and final approval prior to the issuance of a certificate of occupancy for the building.</p>
4.	✓			<p>Multi-family residential density bonus for Mediterranean Architectural Design buildings.</p>	<p>A twenty-five (25%) percent residential density bonus may be awarded to the permitted residential density if the proposed building is designed as Coral Gables Mediterranean Architectural Design as provided for in Section 5-604 and satisfies all other provisions of this Division.</p>

### **Section 5-605. Coral Gables Mediterranean Architecture Design.**

- A. Coral Gables Mediterranean Architecture Design. All applications for development approval shall be required to satisfy all of the following:

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1. Include design elements and architectural styles of the following buildings:
  - a. H. George Fink Offices, 2506 Ponce de Leon Boulevard.
  - b. The Colonnade Building, 169 Miracle Mile.
  - c. Douglas Entrance, 800 Douglas Road.
  - d. Coral Gables Elementary School, 105 Minorca Avenue.
  - e. Granada Shops/Charade Restaurant, 2900 Ponce de Leon Boulevard (demolished).
  - f. San Sebastian Apartments, 333 University Drive.
  - g. Coral Gables City Hall, 405 Biltmore Way.
  - h. Biltmore Hotel, 1200 Anastasia Avenue.

### **Section 5-606. Exterior walls - material and color.**

All exterior walls of all buildings shall be constructed of concrete, glass block, poured concrete, stone, hollow tile, coral rock or clay brick provided, however, that in the Commercial and Industrial Districts porcelain enamel panels, metal panels, pebble-faced block, pebble-faced panels, pre-cast panels and architectural concrete may also be used for exterior walls of buildings designed and used for commercial purposes with the express condition that such materials are approved by the Board of Architects, the Building Official and Structural Engineer. All exterior masonry surfaces shall be stuccoed and painted except those of coral rock, stone, glass, clay brick, slump brick, pebble-faced block, pebble-faced panels, pre-cast panels, and architectural concrete. Sunscreens on commercial buildings may be constructed of masonry, metal, glass or plastic where such materials are located in a metal or masonry frame providing that such sunscreens shall be subject to approval by the Board of Architects for architectural design. All exterior coloring shall be approved by the Board of Architects, if different from the Board of Architects approved palette of colors.

### **Section 5-607. Exterior walls - facing materials.**

- A. Wood facings. Wood facings shall be permitted on the exterior walls of single-family residences in that area of Coral Gables lying south of the Coral Gables Deep Waterway and east of Old Cutler Road, subject to the following:
  1. That the exterior walls are constructed of masonry.
  2. That the walls are furred to provide natural air space and moisture control.
  3. That the wood utilized for such wood facings shall be those conducive to salt-sea atmosphere and shall be limited and restricted to the following species:
    - a. Solid select heart cypress.
    - b. Solid heart mahogany.
    - c. Solid heart teak.
    - d. Solid heart cedar.
    - e. Clear vertical grain heart redwood.

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- f. Other types/species of wood may be permitted subject to the review and approval by the City Architect and the entire Board of Architects.
  4. That where wood facings over masonry walls are approved, the exterior face of all masonry shall be completely and thoroughly covered with one application of black asphaltum waterproofing.
  5. That all blocking and furring strips shall be pressure treated.
  6. That all wood facings shall be secured to furring and/or blocking with stain resistant nails.
  7. That the wood facing material shall have a minimum thickness of three-fourth ( $\frac{3}{4}$ ) inches and shall not be wider than twelve (12) inches.
  8. That stains applied to the wood shall be specifically for exterior use and shall be limited to colors approved by the Board of Architects.
- B. Stonehenge. Stonehenge may be used as a facing material for commercial buildings.
- C. Dryvit system. The dryvit system may be used as a facing material on exterior walls of commercial buildings, subject to the following conditions and restrictions:
1. That the dryvit system may be used as a facing material on the exterior masonry walls of nonresidential buildings, provided, that such buildings have a minimum of one-hour fire resistive construction.
  2. That the dryvit system shall be used only above the first floor.
  3. That the color of the exterior surface shall comply with the palette of colors approved by the Board of Architects.
  4. That the building shall have a twenty (20) foot distance separation from all structures and lot lines, as required by the Miami-Dade County Products Control Division.
  5. That the method of attaching the dryvit system to the masonry wall shall be subject to approval by the Building Department.
- D. New products. New products not specifically identified in this section may be permitted subject to review and approval by the City Architect and the entire Board of Architects. Presentation of new products for consideration shall be made by a product representative and shall include ample documentation of the material(s), methods of installation and photographic documentation of existing use. Criteria for granting approval of new materials/products shall be evaluated based upon all of the following:
1. Aesthetic considerations.
  2. Good structural principles.
  3. Compliance with applicable standards of the Florida Building Code.

The City Architect and the entire Board of Architects may revoke the use of the new product upon good cause that the product does not satisfy the above criteria.

### **Section 5-608. Railings on exterior balconies.**

The use of redwood, cedar or cypress wood on single-family and duplex-residence buildings fastened to a continuous metal support shall be permitted as the top handrail only of railings on exterior balconies.

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Except as provided above, the use of wood for railings or any part of railings on exterior balconies is hereby prohibited.

### **Section 5-609. Dormer windows.**

The use of wood framed dormer windows shall be permitted on single-family, townhouse and duplex-residence buildings subject to the approval of the Board of Architects and the Structural Engineer.

### **Section 5-610. Wind break panels.**

Wind break panels consisting of soft pliable vinyl material installed in extruded vertical sliding frames may be attached to screened enclosure panels and screened porch panels, provided that the supporting members of the screened enclosure, screened porch and wind break panels are designed to meet and comply with the wind load and structural requirements of the Florida Building Code and provided further, that when the wind break panels are in an open position the area of the panels shall not exceed twenty-five (25%) percent of the area of the screened walls of which they are a part.

The color of the vinyl material shall be in accordance with a palette approved by the Board of Architects.

### **Section 5-611. Prefabricated fireplace chimneys.**

Prefabricated fireplace chimneys constructed of steel angle frame and a stucco finish may be installed on duplexes and single-family residences only when the fireplace addition is proposed on an existing structure and is located on an interior wall. Fireplace chimney additions on exterior walls (outside of existing building footprint) may not be prefabricated. All prefabricated fireplace chimneys shall be subject to Board of Architects review and approval, and must be designed to meet or exceed Florida Building Code requirements, and be approved by the City Structural Engineer.

## **Division 7. Distance Requirements**

### **Section 5-701. Purpose and applicability.**

It is the purpose of this Division to provide for appropriate distances between particular uses in order to mitigate any adverse impacts between particular uses.

### **Section 5-702. Sale of alcoholic beverages and liquors.**

- A. No alcoholic beverage sales (package) shall be permitted upon premises closer than five hundred (500) feet from any religious institution or school without approval by the Board of Adjustment.
- B. In reviewing an application for alcoholic beverage sales (package), the Board of Adjustment shall consider, but not be limited to the following criteria:
  1. Location of building on the building site.
  2. Location of entrances and exits to the licensed establishment.
  3. Proposed hours of operation.
  4. Other uses of business adjacent to or between the licensed establishment and the church or school.
  5. Vehicular and pedestrian paths between the licensed establishment and the church or school.
  6. Shall determine that the location is not detrimental to the public health, safety and welfare.

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- C. The five hundred (500) foot lateral distance shall be measured and computed by following a straight line from the nearest point of the school grounds and/or religious institution in use as part of the school grounds and/or religious institution to the nearest property line of the building site of the place of business.

### **Section 5-703. Adult bookstore, adult theater, and massage salon.**

- A. No adult bookstore or adult theater or massage salon shall be established or located within a distance of one thousand (1,000) feet from any other adult bookstore, or adult theater or massage salon. Such distance shall be measured and computed by following a straight line between the main entrances of the places of business.
- B. No adult bookstore, or adult theater or massage salon shall be located or established within a distance of one thousand (1,000) feet from a residential district and/or from a religious institution or school. Such distance shall be measured and computed, in the case of a religious institution or school, by following a straight line from the nearest point of the school and/or institution grounds in use as part of the school grounds and/or religious institution to the closest exterior door of the place of business, and in the case of residentially zoned property by following a straight line from the closest portion of a residential district to the closest exterior door of the place of business.

### **Division 8. Docks, Wharves, Mooring Piles and Watercraft Moorings**

#### **Section 5-801. Purpose and applicability.**

It is the purpose of this Division to set forth all regulations applicable to docks, wharves and moorings in the City to ensure that such facilities are constructed in a manner that protects neighboring properties and the property on which they are located.

#### **Section 5-802. Docks, wharves and mooring piles - canals, lakes, or waterways.**

The construction, erection or installation of mooring piles and/or watercraft docks or similar landing facilities for watercraft, in any water body, or on land abutting thereon, shall be subject to the following conditions and restrictions:

- A. No dock, wharf or similar structure shall be constructed over or in any canal, lake or more than five (5) feet outward from the bank except as described for specific properties and the Mahi Canal in Appendix A.
- B. No mooring piles shall be placed or set in the water bodies which shall be located at a greater distance than twenty-five (25) feet from the bank of such water or waterways.
- C. Except as described for specific properties and the Mahi Canal in Appendix A, no dock or mooring piles shall be placed in any waterway within the City at a greater distance from the bank thereof, which, when allowance is made for the erection or placing of a dock or mooring piles on the opposite bank at a similar distance from the bank, will leave less than seventy-five (75) feet of open unobstructed navigable water between such piles, docks and similar structures on the opposite bank.
- D. No dock extending outward over or in the water from the bank shall be permitted in connection with any lot which a reasonable area along the shore thereof shall be at such level as to provide a natural landing stage or platform for persons embarking on or debarking from watercrafts.
- E. All mooring piles, docks and/or similar structures shall maintain the same minimum setback from the adjacent owner's property line extended as established for the main structure permitted on each building site, except as described for specific properties and the Mahi Canal in Appendix A.
- F. Except as described for specific properties and the Mahi Canal in Appendix A, and as provided for under Section 5-802(C) above, the mooring of watercraft in water bodies shall be forbidden unless

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such moorings, and similar mooring on the opposite bank, shall leave unobstructed passageway in the water body of at least seventy-five (75) feet in width.

- G. Where the width of the water body permits mooring of watercraft parallel to the banks, but does not permit the erection of docks or the placing of outer mooring piles, fender or mooring piles may be placed at a distance not greater than eighteen (18) inches from the bank or shore, and such piles shall be Venetian type, painted and ornamentally capped.

### **Section 5-803. Docks and mooring piles - Biscayne Bay.**

The construction, erection or installation of watercraft docks or similar landing facilities for watercraft, pilings and dolphins on the bay front edge or in Biscayne Bay shall be subject to the following conditions and restrictions:

- A. No docks shall extend more than twenty-five (25) feet from the property line into Biscayne Bay.
- B. All mooring piles, dolphins and/or docks shall set back a minimum distance of twenty-five (25) feet from the adjacent property owner's lot line extended.
- C. No docks, pilings or dolphins may be set until a permit therefore is first granted by the Department of the Army of the United States Government.
- D. Mooring piles and dolphins shall not be set more than twenty (20) feet into the bay from the dock line.

### **Section 5-804. Mooring of watercraft.**

In single-family residential districts, where watercraft is permitted to be moored in water bodies, all watercraft shall be moored parallel to the property line abutting the water body.

### **Section 5-805. Davits, watercraft lifts and floating watercraft lifts.**

Davits, watercraft lifts and floating watercraft lifts shall be permitted as an accessory use to property in a residential district, subject to the following conditions and restrictions, except as further provided for specific properties and the Mahi Canal in Appendix A:

- A. That the appropriateness of the proposed location shall be reviewed and approved by an administrative site plan approval.
- B. That certified engineering drawings be submitted with details of the proposed method of attachment.
- C. That the minimum side setback for such davits, watercraft lifts or floating watercraft lifts shall be the same as the minimum side setbacks, extended, for the main structure.
- D. Permitted number of davits, watercraft lift or floating watercraft lift:
  - 1. One (1) set of davits, watercraft lift or floating watercraft lift may be permitted for each single-family dwelling or duplex.
  - 2. On properties with two hundred (200) feet or more of waterfront lot width one (1) additional set of davits may be permitted for each single-family dwelling or duplex.
  - 3. Multi-family buildings may have at least one (1) set of davits, watercraft lift or floating watercraft lift, but may not have more than one (1) set of davits, watercraft lift or floating watercraft lift per ten (10) residential dwelling units.

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- E. That watercraft lifts or floating watercraft lifts shall not extend beyond twenty-five (25) feet from the banks of waterways.
- F. That the remaining, navigable waterway shall be a minimum of seventy-five (75) feet in width.
- G. That watercraft lifts or floating watercraft lifts shall maintain safety light reflectors visible at night, and guide poles to show the submerged portion of the lift.

### Section 5-806. Bulkheads and retaining walls.

No bulkhead, retaining wall or similar installation along a water body shall be built or constructed unless such bulkhead, retaining wall or similar installation be constructed of reinforced concrete, pre-stressed concrete or gravity mass non-reinforced concrete, providing, however, that in those water bodies west of LeJeune Road and north of Sunset Road, bulkheads and retaining walls may be constructed of concrete block or native stone. All bulkheads and retaining walls shall be subject to the following conditions:

- A. All plans for such bulkheads and walls shall be designed by a registered engineer, qualified under the laws of the State of Florida, to prepare such plans.
- B. All such bulkheads and walls and components shall be designed to meet loads imposed by saturated backfill.
- C. The minimum elevation of such bulkheads and walls shall be plus five (5) and no hundredths feet, U.S.E.D. Bay Datum.

### Division 9. Group Homes; Assisted Living Facilities (ALF) and Child Care Facilities

#### Section 5-901. General.

Each group home or assisted living facility shall be in conformance with all applicable provisions of the Florida Building Code, Miami-Dade County Health Code, appropriate state agencies, and standards and regulations of any other agency or department which has authority over facilities of this type.

#### Section 5-902. Assisted Living Facilities.

All Assisted Living Facilities (ALF) in Multi-family or Commercial Districts shall not exceed an FAR of 3.0. Mediterranean bonuses may apply as permitted in these regulations. Maximum permitted number of living units shall be calculated according to the following table (two (2) persons max/unit):

<i>Comprehensive Plan</i>	<i>Maximum ALF Living Units/Acre</i>
Commercial	
Low-Rise Intensity	60
Mid-Rise Intensity	120
High-Rise Intensity	180
Residential (Multi-family)	
Low Density	60
Medium Density	120
High Density	180

- A. No more than two (2) persons per bedroom, (excluding staff), shall be allowed as a means of determining maximum occupant density per dwelling unit. There shall also be a minimum of eighty (80) square feet per person of bedroom space for each dwelling unit.

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- B. Minimum off-street parking shall be provided at 0.5 spaces per ALF unit. Group homes shall provide off-street parking according to the requirements established in Article 5, Division 14 of these regulations.
- C. Recreational space shall be provided at a minimum of one hundred (100) square feet per resident, of which thirty (30%) percent shall be interior space. Exterior recreational space shall be properly landscaped and buffered for the benefit of both the residents and adjacent properties. A portion of required exterior space shall be provided on the building's front façade to allow for the passive observation of common outdoor areas and public right-of-way by residents.
- D. Facilities shall be aesthetically compatible with the surrounding neighborhood and adjacent properties.
- E. Assisted Living Facilities (ALF) shall only be permitted as a conditional use.

### **Section 5-903. Childcare facilities.**

Childcare facilities shall be provided in accordance with the provisions of Miami-Dade County Code Chapter 33, Article XA.

### **Division 10. Heliport and helistops**

#### **Section 5-1001. Purpose and applicability.**

The purpose of this Division is to set out standards for the provision of heliports and helistops in the City. A heliport may be approved as a conditional use in a Special Use District. A helistop may be approved as a conditional use in a Special Use District, Commercial District or Industrial District.

#### **Section 5-1002. Heliport and helistop standards.**

- A. The Planning and Zoning Board shall consider the following standards, in addition to the general standards for conditional uses in Article 3, Division 4 in deciding whether to approve, approve with conditions or deny an application for a conditional use for a heliport or helistop:
  - 1. Proximity to residential and noise sensitive areas.
  - 2. Height and location of surrounding buildings, utility lines/towers and vegetation.
  - 3. Projected average decibel readings.
  - 4. Volume of vehicular traffic and hours of operation.
  - 5. Proposed site plan, including all structures, service facilities, landing pads, fueling and safety equipment, night lighting, wind directional indicators, associated parking and other accessory uses as appropriate and applicable.
- B. The applicant shall provide proof of compliance with Federal Aviation Administration (FAA) requirements established in the Federal Aviation Regulations for helicopter and heliport development.
- C. Take-off and landing of any helicopter is prohibited except at an approved heliport or helistop. Essential public safety services, being emergency helicopter services to and from any designated use district within the City and trauma centers, hospitals, fire stations and law enforcement agencies, shall be excluded from these requirements.

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### Division 11. Landscaping

#### Section 5-1101. Purpose.

The purpose of this Division is to preserve the existing natural environment and provide landscape improvements on private properties and rights-of-way in order to encourage amenities and screening that promotes a positive urban image, enhancement of property values, strengthening of the historic fabric, promotion of orderly growth, and overall enhanced aesthetic quality in the City.

#### Section 5-1102. Applicability.

A. Miami-Dade County Code applicability. The minimum landscape requirements for the City of Coral Gables are governed by all requirements within the following Miami-Dade County Codes as amended:

1. Chapter 18A, Landscaping Ordinance;
2. Chapter 24, Environmental Protection Ordinance;
3. Chapter 33, Zoning Code; and
4. Landscape Manual.

The provisions in this Division are supplemental to and generally more restrictive than Miami-Dade County Code provisions. As provided for in the Miami-Dade County Code provisions, if these provisions 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 most restrictive shall apply.

B. Applicability thresholds. Unless exempted as provided herein, these provisions shall be a minimum standard and shall apply to all development when a building permit is required in accordance with the applicable zoning district(s).

1. MF1, MF2, MFSA, MXD, CL, C, I, S, UCD, PAD and P zoning districts:
  - a. New construction; or
  - b. Redevelopment, if either of the two (2) thresholds are exceeded:
    - i. The proposed redevelopment cost exceeds fifty (50%) percent of the total property value; or
    - ii. Results in a fifty (50%) percent or more increase in building square footage; or
  - c. Where a paving permit is required for expansion of existing vehicle use area (VUA) or new VUA.
2. SFR zoning district and duplexes/town homes in MF zoning districts:
  - a. New construction; or
  - b. Redevelopment, if either of the two (2) thresholds are exceeded:
    - i. The proposed redevelopment cost exceeds ten (10%) percent of the total property value; or
    - ii. Results in a ten (10%) percent or more increase in building square footage.

#### Section 5-1103. Application and plan review requirements.

A. Application requirements. The Building and Zoning Department shall determine the minimum application requirements for adherence to the provisions of this Division.

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- B. Landscape plan. A landscape plan(s) shall be prepared pursuant to Miami-Dade County requirements.
- C. Irrigation plan. An irrigation plan shall be prepared pursuant to applicable building code requirements and Miami-Dade County Code, Chapter 33.
- D. Additional information. Any additional plans or information may be requested as determined by the Building and Zoning Department as deemed necessary for its review.

### Section 5-1104. General requirements.

- A. The following are general requirements that are applicable to all rights-of-way (r.o.w.) and private properties within the City, unless exempted herein:

	<i>Type</i>	<i>Minimum requirements</i>
1.	Drainage.	All properties shall maintain the required drainage onsite as required pursuant to Florida Building Code.
2.	Irrigation.	<ul style="list-style-type: none"> <li>a. At the time of installation, all newly planted and relocated plant material shall be watered by temporary or permanent irrigation systems that produce a minimum of one hundred and ten (110%) percent plant material coverage.</li> <li>b. Irrigation shall be prohibited within native plant communities and natural forest communities, except for temporary systems needed to establish newly planted material. Temporary irrigation systems shall be disconnected immediately after establishment of plant communities. Irrigation systems shall be designed to conserve water by allowing differential operation schedules based on hydrozone.</li> <li>c. Irrigation systems shall be designed, operated, and maintained to not overthrow or overflow onto any impervious surfaces. <ul style="list-style-type: none"> <li>i. Low trajectory spray heads, and/or low volume water distributing or application devices, shall be used. Overhead irrigation systems shall only be permitted in bonafide agricultural activity areas.</li> <li>ii. Gray water shall be used where approved systems are available.</li> <li>iii. A moisture or rain sensor device shall be required on all irrigation systems equipped with automatic controls. Irrigation systems shall be timed to operate only during hours and on days permitted under Miami-Dade County Code.</li> </ul> </li> <li>d. Properties in SFR zoning districts shall be exempt from these provisions.</li> </ul>
3.	Installation.	<ul style="list-style-type: none"> <li>a. All landscaping shall be installed in a sound manner and according to accepted good planting practices.</li> <li>b. The selection and location of vegetation on the planting site shall to the greatest extent possible minimize storm related damage and avoid damage to above and below ground infrastructure including but not limited to septic tanks/systems, water, sewers, sidewalks, and utilities.</li> <li>c. All street tree plantings shall satisfy the State of Florida Department of Transportation “tree clearance planting zone requirements.”</li> </ul>
4.	Lineal property line calculations.	Paved vehicular and pedestrian points of ingress/egress shall not be calculated in determining the lineal property calculations. This area may be subtracted from the lineal dimension used to determine the minimum required quantity of vegetation.
5.	Maintenance.	<ul style="list-style-type: none"> <li>a. All landscaped areas shall be maintained in good condition to present a healthy, neat, and orderly appearance, such that landscaping is permitted to mature to the required size and intended aesthetic benefit.</li> <li>b. All planting areas shall be kept free from refuse and debris.</li> <li>c. All plant material located within triangles of visibility required pursuant to Section 5-1406, shall be kept clear of visual obstructions between the height of three (3) feet and eight (8) feet above the established grade.</li> <li>d. If any plant material expires or is degraded through any means such that the plant materials can no longer satisfy the requirements of this Division, the plant materials shall be replaced with the same landscape material or a City approved substitute.</li> <li>e. Trees shall be pruned in the following manner:</li> </ul>

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	<i>Type</i>	<i>Minimum requirements</i>
		<ul style="list-style-type: none"> <li>i. All cuts shall be clean, flush and at junctions, laterals or crotches. All cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub.</li> <li>ii. Removal of dead wood, crossing branches, weak or insignificant branches, and suckers shall be accomplished simultaneously with any reduction in crown.</li> <li>iii. Cutting of lateral branches that results in the removal of more than one-third (1/3) of all branches on one (1) side of a tree shall only be allowed if required for hazard reduction or clearance pruning.</li> <li>iv. Lifting of branches or tree thinning shall be completed to distribute over half of the tree mass in the lower two-thirds (2/3) of the tree.</li> <li>v. No more than one-third (1/3) of a tree's living canopy shall be removed within a three (3) year period. Trees shall be pruned according to the current ANSI A300 Standards and the Miami-Dade County Landscape Manual. At no time shall trees be maintained such that the plant material is thwarted from achieving its intended mature size.</li> <li>vi. Hatracking of trees shall be prohibited.</li> </ul>
6.	Plant materials.	<ul style="list-style-type: none"> <li>a. Plants installed pursuant to this Code shall conform to, or exceed, the minimum standards for Florida Number One as provided in the most current edition of "Grades and Standards for Nursery Plants" prepared by the State of Florida Department of Agriculture and Consumer Services.</li> <li>b. Vegetation requirements specified herein shall be installed in accordance with all of the following unless noted otherwise: <ul style="list-style-type: none"> <li>i. Large shade trees. Minimum planting height of twelve (12) feet/two (2) inch caliper. Large shade trees shall have a mature height of greater than twenty-five (25) feet and an average mature spread of crown of greater than fifteen (15) feet. <ul style="list-style-type: none"> <li>• Substitutions. Palms trees or medium shade trees as described in below Section 6(b) (ii) may be substituted at three-to-one (3:1) ratio. A maximum of twenty-five (25%) percent of the total may be palm varieties.</li> <li>• Tree species with trunk(s) that can be maintained in a clean condition (leafless) shall have a minimum of five (5) feet clear wood.</li> <li>• Trees installed pursuant to this Division shall have one (1) primary vertical trunk and secondary branches free of included bark up to a height of six (6) feet above natural grade.</li> <li>• A minimum of thirty (30%) percent of the total trees shall be native species.</li> <li>• Exceptions. Exceptions to minimum planting size may be granted based upon availability or if exceptional plant materials are provided. Exceptions are subject to Public Service Department review and approval.</li> </ul> </li> <li>ii. Palm trees and medium shade trees. Minimum planting height of ten (10) feet and mature height of greater than fifteen (15) feet. A maximum of twenty five (25%) percent of the required large shade tree quantity requirements from above Section 6 (b)(i) may be substituted with palms and medium shade trees at a three-to-one (3:1) ratio. A minimum of thirty (30%) percent of the total trees shall be native species.</li> <li>iii. Shrubs. All shrubs shall be a minimum of eighteen (18) inches in height at planting, with a maximum average spacing of twenty-four (24) inches on center. Shrubs shall be planted and maintained to form a continuous, unbroken, solid, visual screen within a maximum of one (1) year after time of planting. A minimum of thirty (30%) percent of total shrubs shall be native species.</li> <li>iv. Vines. Vines used in conjunction with fences, screens, or walls to meet</li> </ul> </li> </ul>

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	<i>Type</i>	<i>Minimum requirements</i>
		<p>landscaping requirements of these regulations, shall be a minimum of thirty (30) inches in height at time of planting and one (1) gallon container</p> <p>v. Ground cover. A combination of vegetative ground cover, lawn grass, mulch or other City approved ground cover shall be provided on all exposed earth. The intent is to provide one-hundred (100%) percent ground coverage. If vegetative ground covers are provided, the vegetation shall provide complete coverage within three (3) months after planting.</p> <p>vi. Lawn grass. All lawn areas shall be sodded. Sod shall be planted in species well adapted to localized growing conditions in Miami-Dade County and shall be clean and reasonably free of weeds and noxious pests or diseases.</p>
7.	Soils and infrastructure protection measures.	<p>a. Structural soil, other City approved subsurface root zone product, or other construction methodology shall be utilized in all urban planting areas to provide adequate root space and minimize the potential adverse impacts of roots on surrounding infrastructure.</p> <p>b. Properties in SFR zoning districts and duplexes/town homes in the MF zoning districts shall be exempt from these provisions.</p> <p>c. Additional exemptions may be granted to these provisions by the Public Service Department.</p>
8.	Street and driveway intersection visibility requirements.	<p>a. All vegetation shall be installed and maintained to satisfy the following:</p> <p>i. City approved traffic signage, signals, etc., are not obstructed.</p> <p>ii. Visibility triangle regulations in Section 5-1406.</p>
9.	Surface level vehicle use areas (VUA's) landscape buffer requirements.	<p>a. Surface level VUA's adjacent to r.o.w.'s or other properties shall provide all of the following:</p> <p>i. Minimum buffer width of five (5) feet;</p> <p>ii. One (1) large shade tree for each twenty-five (25) feet of the total property line or fraction thereof; and</p> <p>iii. One (1) shrub for each two (2) feet of the total lineal property line or fraction thereof. The intent is to form a continuous vegetative hedge.</p> <p>Walls up to three (3) feet in height may be installed to satisfy the above shrub/continuous hedge requirements. However, two (2) shrubs or five (5) vines or combination thereof shall be planted for each ten (10) feet of wall length or fraction thereof. The plants shall be planted within a three (3) foot minimum landscape buffer between the wall and the abutting r.o.w. and/or property line.</p> <p>b. Surface level VUA's located within MF1, MF2, MFSA, MXD, CL, C, I, S, UCD, PAD and P zoning districts adjacent to SFR zoned properties and duplexes/town homes in MF districts shall provide all of the following:</p> <p>i. Minimum buffer width of five (5) feet;</p> <p>ii. One (1) large shade tree for each twenty-five(25) feet of the total property line or fraction thereof;</p> <p>iii. One (1) shrub for each three (3) feet of the total property line or fraction thereof. The intent is to form a continuous vegetative hedge; and</p> <p>iv. Six (6) foot continuous wall installed the total property line length. Two (2) shrubs or five (5) vines or combination thereof shall be planted for each ten (10) feet of wall length or fraction thereof. The plants shall be planted within a three (3) foot minimum landscape buffer between the wall and the abutting property line.</p> <p>c. Where VUA's abut alleys, a three (3) foot minimum landscape buffer shall be provided with the required landscaping quantity subject to the abutting property zoning requirements provided within this Section. The buffer may either be installed adjacent to the VUA, alley/r.o.w., or adjacent property with the appropriate landscape easements and restrictive covenant subject to City review and approval.</p> <p>d. Exemptions.</p>

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	<i>Type</i>	<i>Minimum requirements</i>
		<ul style="list-style-type: none"> <li>i. If the property contains a building or is adjacent to a building on an abutting property that has a zero (0) setback, the provisions in this Section as it relates to landscape buffer requirements shall not apply for that portion occupied by the building.</li> <li>ii. Driveways in SFR zoning districts and duplexes/town homes in MF zoning districts shall be exempt from these provisions.</li> </ul>
10.	Surface level VUA's interior landscaping requirements.	<ul style="list-style-type: none"> <li>a. Surface level VUA's shall be subject to all of the following:               <ul style="list-style-type: none"> <li>i. A minimum of ten (10) square feet of interior landscape area for each parking space;</li> <li>ii. One (1) large shade tree for each one-hundred (100) square feet or fraction thereof of required interior landscaped area. Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving. As a minimum, no more than ten (10) parking spaces are permitted without an interior landscape island;</li> <li>iii. Ten (10) shrubs for each one-hundred (100) square feet or fraction thereof of interior landscaping; and</li> <li>iv. Interior landscape islands shall be no less than fifty (50) square feet in size and minimum width of five (5) feet.</li> </ul> </li> <li>b. Driveways in SFR zoning districts and duplexes/town homes in MF zoning districts shall be exempt from these provisions.</li> </ul>
11.	VUA's integrated into buildings.	<ul style="list-style-type: none"> <li>a. If VUA's that are integrated into a building at grade level or partially below grade and are abutting any of the following: 1) r.o.w.'s; 2) MF1, MF2, MFSA zoning districts; or 3) residential uses in building in MXD, S, UCD, PAD and P zoning districts shall provide all of the following:               <ul style="list-style-type: none"> <li>i. A minimum buffer width of five (5) feet;</li> <li>ii. A decorative fence or fence/wall combination that is at least four (4) feet in height along the portion of the building that is used for off-street parking;</li> <li>iii. One (1) palm tree and/or medium shade tree for each twenty-five (25) feet of the total property line or fraction thereof; and</li> <li>iv. One (1) shrub for each two (2) feet of the total lineal property line or fraction thereof. The intent is to form a continuous vegetative hedge.</li> </ul> </li> </ul> <div style="text-align: center;">  </div> <ul style="list-style-type: none"> <li>b. Parking garage exterior façade treatment. The exterior façades of parking garages that are not subject to subsection "a" above shall be designed and improved so that the use of the building for parking is not readily apparent.</li> <li>c. Automated parking systems. Automated parking systems shall be located within a structure so that a visual barrier is in place to screen the parking from pedestrian view. The structure shall be subject to all standards that apply to the design and location of parking garages.</li> </ul>

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### Section 5-1105. Landscape requirements.

- A. Public rights-of way. Properties within MF1, MF2, MFSA, MXD, CL, C, I, S, UCD, PAD and P zoning districts exceeding the applicability thresholds as defined in Section 5-1102(B) shall be required to install the improvements listed below. The required improvements are based upon the properties lineal property dimension abutting the r.o.w. The requirements provided herein and any potential conflicts shall be subject to review and approval by the Public Works Department and Public Service Department.

	<i>Type</i>	<i>Minimum Requirements</i>
1.	Drainage.	All properties shall be required to install drainage within the r.o.w. pursuant to the Department of Public Works requirements.
2.	City Streetscape Master Plan and/or Citywide Traffic Calming Plan.	a. Landscaping, landscape islands, bulbouts, curbing, pedestrian crosswalks bulbouts, drainage and other associated traffic calming improvements shall be required pursuant to the City Streetscape Master Plan and accompanying standards and/or Citywide Traffic Calming Plan. If the City Streetscape Master Plan and accompanying standards are not applicable to the area in which the proposed development is contemplated, see Section 5-1105(A)(3) below for minimum r.o.w. planting requirements.
3.	Right-of-way planting requirements not associated with the City Streetscape Master Plan.	a. Landscaping shall be installed within the City r.o.w. and shall be installed in accordance with all of the following: <ul style="list-style-type: none"> <li>i. Large shade trees. Provide one (1) large shade tree, minimum planting height of sixteen (16) feet/three-and-a-half (3½) inch caliper per thirty-five (35) linear feet or fraction thereof of right-of-way abutting the property. Palm or medium shade tree, minimum planting height of fourteen (14) feet/two-and-a-half (2½) inch caliper may be utilized to satisfy the above large shade tree requirements at a three-to-one (3:1) ratio. A maximum of twenty-five (25%) percent of the required total may be palm varieties.</li> <li>ii. Shrubs. Provide one (1) shrub per one (1) linear foot or fraction thereof of the right-of-way abutting the property.</li> </ul>
4.	Medians and/or traffic calming devices required pursuant to the City Streetscape Master Plan or Citywide Traffic Calming Plan.	a. If a median exists or can be established on the abutting r.o.w., the improvements listed in above Section 5-1105(A)(3) shall be installed pursuant to the City Streetscape Master Plan and accompanying standards and/or Citywide Traffic Calming Plan. b. If a median exists or can be established on the abutting r.o.w. and is not included within the City Streetscape Master Plan, a median shall be provided subject to all of the following: <ul style="list-style-type: none"> <li>i. Large shade trees. One (1) large shade tree, minimum planting height of sixteen (16) feet/three-and-a-half (3½) inch caliper per thirty-five (35) feet linear feet or fraction thereof of right-of-way abutting the property. Palm or medium shade tree, minimum planting height of fourteen (14) feet/two-and-a-half (2½) inch caliper may be utilized to satisfy the above large shade tree requirements at a three-to-one (3:1) ratio. A maximum of twenty-five (25%) percent of the required total may be palm varieties.</li> <li>ii. Shrubs. One (1) shrub per one (1) linear feet or fraction thereof of the right-of-way abutting the property.</li> </ul>
5.	Lawn grass.	All unpaved surfaces on rights-of-way shall be sodded. Groundcover may be substituted in lieu of lawn grass subject to City review and approval.
6.	Payment in lieu of installation.	In lieu of the requirements set forth in Section 5-1105(A)(2)-(4), the City Manager or designee in accordance with these rules and regulations may allow for the payment of the above improvements into a designated fund in lieu of providing the improvements if either of the following exist: 1) the off site improvements are provided; 2) if onsite constraints exist that prohibit the improvements; or, 3) if the City determines that a comprehensive installation of the improvements will be more beneficial. The estimate shall be based upon design, installation, and costs of all improvements. Applicants shall provide the City an estimate prepared by a licensed civil engineer or other City approved entity. The City shall evaluate and approve all estimates in accordance with

## ARTICLE 5 – DEVELOPMENT STANDARDS

	<i>Type</i>	<i>Minimum Requirements</i>
		the City's rules and regulations. These funds shall be allocated in a special fund towards street improvements in close proximity to the provider.

- B. Single-family residential properties. All single-family residential properties within SFR zoning districts and duplexes/town homes in MF1, MF2 and MFSA zoning districts shall comply with the below listed provisions.

	<i>Type</i>	<i>Minimum Requirements</i>
1.	Landscape open space.	a. The landscape open space for building sites shall be provided as follows: <ol style="list-style-type: none"> <li>i. All building sites shall provide landscaped open space of not less than forty (40%) percent of the area of the building site.</li> <li>ii. At least twenty (20%) percent of the required forty (40%) percent of landscape open space shall be located in the front yard area.</li> <li>iii. The landscaped open space required by this Section shall consist of landscape material.</li> </ol>
2.	Planting requirements.	a. Installation of all of the following: <ol style="list-style-type: none"> <li>i. Large shade tree. One (1) large shade tree for each five-thousand (5,000) square feet or fraction thereof of total land area;</li> <li>ii. Palm and medium shade trees. Two (2), palm or medium shade trees for each five-thousand (5,000) square feet or fraction thereof of total land area;</li> <li>iii. Shrubs. Fifteen (15) shrubs for each five-thousand (5,000) square feet or fraction thereof of total land area;</li> <li>iv. Lawn grass. Lawn grass up to a maximum of sixty (60%) percent of the total lot area; and</li> <li>v. Lawn grass in r.o.w. All unpaved surfaces adjoining the property on the r.o.w. shall be sodded.</li> </ol> b. A minimum of two (2) trees and sixty-six (66%) percent of the required shrub quantity shall be in front of the residence. c. Quantity and size substitutions of these provisions shall not be permitted.

- C. Other properties. Properties within MF1, MF2, MFSA, MXD, CL, and C zoning districts exceeding the applicability thresholds as defined in Section 5-1102(B) shall be subject to the following:

	<i>Type</i>	<i>Minimum requirements</i>
1.	Landscape open space.	a. The following zoning districts shall provide landscape open space as follows: <ol style="list-style-type: none"> <li>i. MF1 District. Forty (40%) percent of the total area. At least twenty (20%) percent of the required landscape open space shall be located in the front yard area.</li> <li>ii. MF2 and MFSA Districts. Twenty-five (25%) percent of the total area as landscape open space.</li> <li>iii. CL District. Ten (10%) percent of the area of the building site. Such landscaped area shall not be less in width or depth than five (5) feet.</li> <li>iv. C Districts. Ten (10%) percent of the area of the building site shall be provided. Such landscaped area shall not be less in width or depth than ten (10) feet. Plazas, courtyards, arcades and loggias paved with a pervious material may be considered open space and counted as such toward the open space requirement up to a maximum of seventy-five (75%) percent.</li> </ol> b. Townhouses as permitted in applicable districts. At least twenty-five (25%) percent of the parcel shall be maintained as landscaped or urban open space, or courtyards, elevated decks, and other amenities which are open to the sky. c. With the exception of Commercial District properties, the landscaped open space required by this Section shall consist of pervious landscaped area and shall not consist of any paved or otherwise impervious areas.
2.	Planting	a. Large shade trees. A minimum of twenty-eight (28) large shade trees per acre

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	requirements.	of lot area or fraction thereof shall be located onsite. b. Shrubs. A minimum of two-hundred-and-twenty-four (224) shrubs per acre or fraction thereof shall be located onsite.
3.	Mixed use district alley planting requirements.	If vegetation can be installed within an alley, the below listed vegetation shall be installed along alleyways (rights-of-way) whenever practicable. a. One (1) palm or medium shade tree per thirty-five (35) feet linear feet or fraction thereof of alley abutting the property. A maximum of twenty-five (25%) percent of the total may be palm varieties. b. One (1) shrub per three (3) linear feet or fraction thereof of the alley abutting the property. The requirements provided herein and any potential conflicts shall be subject to review and approval by the Public Works Department and Public Service Department.

### **Section 5-1106. Vegetation removal, preservation of existing vegetation and credits.**

- A. Tree removal permits or natural forest community vegetation removal permits are required by the City prior to the removal of trees or any vegetation in a natural forest community pursuant to City Code Chapter 82 and Miami-Dade County, Chapter 18A.
- B. Desirable landscaping shall be preserved in its natural state to the maximum extent possible. General landscaping requirements and standards established by these provisions for off-street parking, yards and open space shall be considered supplemental to retention of desirable natural features. Placement of structures and vehicular use areas shall be designed to retain, to the extent reasonably practical, desirable existing landscaping, open space, and natural features, and to promote provisions of compatible new landscaping. Desirable native plant materials and well-adapted exotic plant materials shall be preferred in plant selection.
- C. Existing trees required by law to be preserved on site and that meet the requirements of Section 18A-6(C), Miami-Dade County Code, may be counted toward fulfilling the minimum tree requirements.
- D. Credit for existing plant material. In instances where healthy plant material exists on a site prior to its development, in part or in whole, the City may adjust the application of the standards in this Division to allow a credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this Division.

### **Section 5-1107. Automobile service station special landscape regulations.**

- A. Automobile service stations. In addition to the standards provided in the Division, all automobile service station sites shall comply with all of the following:
  - 1. No less than ten (10%) percent of the automobile service station site shall be landscaped; and
  - 2. Provide curbing around all landscaped areas abutting the VUA.
- B. Any potential conflicts with these provisions and this Article shall be subject to Building and Zoning Department review and approval.

### **Section 5-1108. Landscape variances.**

- A. Variances to the landscape provisions for private properties may be provided subject to satisfying all requirements for variances as prescribed in Section 3-806. The City shall not consider requests for variance from the requirements of Chapter 24, the Miami-Dade County Environmental Protection Code, including specimen tree and natural forest community variance requests. Any such requests shall be made according to the provisions of Miami-Dade County Code Sections 24-48 and 24-49. Additionally, the City shall not have authority to modify or adjust any part of Miami-Dade County Code in relation to landscape provisions as provided for therein.

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### Division 12. Lighting

#### Section 5-1201. Purpose and applicability.

It is the purpose of this Division to establish minimum standards for the provision and use of outdoor lighting in order to provide for the safe and secure night time use of public and private property while at the same time protecting adjacent land uses from intrusive light conditions.

#### Section 5-1202. Outdoor lighting permitted with standards.

Outdoor lighting for areas such as but not limited to, tennis courts, golf courses, sporting grounds, outside lighting for security purposes and night lighting of commercial buildings, any of which abut residential areas shall be permitted under the following conditions:

- A. A permit for outdoor lighting may be issued if, after review of the plans and after consideration of the adjacent area and residential uses, the proposed lighting will be deflected, shaded and focused away from adjacent properties and will not be a nuisance to such adjacent properties.
- B. Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half ( $\frac{1}{2}$ ) foot-candle (vertical) and one-half ( $\frac{1}{2}$ ) foot candle (horizontal) illumination on adjacent properties.

### Division 13. Miscellaneous Construction Requirements

#### Section 5-1301. Minimum standards.

The following minimum standards shall be required for construction:

- A. Wall studs. Minimum bearing or non-bearing interior partition studding shall be two (2) by four (4) inches with greater dimension perpendicular to the wall surface provided, however, that studs on non-bearing interior partition within a room may be placed parallel to the wall surface.
- B. Wall construction. All portions of exterior walls, including interior walls of garages, rooms exceeding twenty-five (25) square feet in area which lie within a garage, recessed areas above or below normal tie beams as in carports or recessed porches, entries or on limited areas, such as gable roof ends, shall be of the same type construction as the main walls of the building and properly topped with tie beam or rakes, unless the building is located within a designated flood hazard area whereby specially designed blow-out panels are required by local, county, state or federal regulations. Wall construction within a designated flood hazard area where specially designed blow-out panels are required shall be designed with a safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Designs in excess of twenty (20) pounds per square foot may be utilized if designed and certified by a Professional Engineer and approved by both the Board of Architects and the City's Structural Engineer. But in no case shall the design load be in excess of one hundred (100) pounds per square foot. Such enclosed space shall be useable solely for the parking of vehicles, building access, or storage. The use of fill for any reason is prohibited within these spaces. Said blow-out or break-away walls shall be constructed of materials as the Board of Architects and Structural Engineer shall deem suitable.
- C. Beams. All structural supporting beams, including beams on external walls of porches, carports, loggias, and similar areas shall be of reinforced concrete or structural steel, provided, however, that pressure treated wood structural members, so stamped and certified will be permitted on entries, loggias and porticos which are not enclosed or intended to be enclosed or screened and where enclosed walls are to be used as vehicular cover.

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- D. Floor elevations for residential. Minimum floor elevations of residential, duplex, or multiple-family structures, except as otherwise noted herein, shall be not less than sixteen (16) inches above the established grade as determined and established by the Zoning Department, pursuant to this Code and a current survey showing elevations, but in no case shall be less than eight (8) feet above M. L. W. USED Bay Datum. Open or enclosed porches and Florida rooms may be eight (8) inches lower than required for the main structure, except in high flood hazard zones.
- E. Floor elevations for commercial. Minimum floor elevations of commercial, industrial structures, private or public garages, cabanas, utility rooms, storage rooms and similar structures shall be not less than six (6) inches above the established grade as determined and established by the Building and Zoning Department, pursuant to this Code and a current survey showing elevations, and in no case shall be less than six and one-half (6½) feet above M. L. W. USED Bay Datum. The elevation of floors where alley rights-of-way exist shall be elevated near the alley to a point of six (6) inches higher than the highest point of the alley paving abutting the property. Where alleys or streets have not been improved, design grades as furnished by the Public Works Department shall apply.
- F. Floor elevations for existing buildings. Floor elevations for improvements to existing buildings shall meet the requirements above, but in no case shall be less than the floor elevation of the existing structure where such existing floor does not meet the above minimum elevations and provided that the cost of the improvements are less than fifty (50%) percent of the assessed value of the structure either (1) before the improvements are started, or (2) if the structure has been damaged and is being restored.
- G. Yard elevations. Where ground elevations are raised above that of adjoining lots or lots graded to shed water onto adjoining property, a retaining wall or curb and/or drainage ditch or well, subject to the approval of the Building Official, shall be installed to protect said adjoining property.
- H. Foundations. Foundations of buildings may project on public property, provided such projection shall not exceed six (6) inches into an alley, and provided that the top of the foundation is not less than twelve (12) inches below the established grade of a sidewalk nor less than forty-two (42) inches below the grade of an alley.
- I. Foundations in special locations.
  - 1. All structures lying within the shaded area shown on Appendix B: Special Locations Requiring Pile Foundations, must be supported by pile foundations designed by a professional engineer. Construction of the foundations shall be under the inspection control of a special inspector as set forth in the Florida Building Code.
  - 2. Exception. Structures within the area that do not lie in a V-zone (HFH) classification may be founded on spread footings provided that the footings bear on a natural undisturbed sound rock formation that is at least five (5) feet thick and that the bottom of the footings are at least six (6) inches below the top of the natural sound rock formation.

### Section 5-1302. Sustainability Standards.

- A. Purpose and applicability.
  - 1. The City of Coral Gables wishes to promote and encourage new development utilizing sustainable design and construction best practices. It recognizes the positive environmental impacts of energy efficient building designs, construction, operation and maintenance methods and materials. It also strives to combat the depletion of natural resources such as clean air, water and natural light.
  - 2. The City of Coral Gables has established a Sustainability Master Plan (SMP) to serve as a strategic roadmap to guide efforts and decision making in order to make the City a more sustainable and resilient community. In addition, the Green Elements of the City's

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Comprehensive Plan (CP) establish goals for certified green building development. The sustainable design and construction standards contained in this section are derived from the SMP and CP conservation measures and management policies and shall also be in full compliance with the Florida Building Code currently in effect.

B. Green Building Requirements: The following new construction that have not yet applied for Board of Architects' preliminary review is required to achieve no less than Leadership in Energy and Environmental Design (LEED) Silver certification under the latest applicable version of the LEED Green Building Rating System of the US Green Building Council (USGBC), or Silver certification by the Florida Green Building Coalition (FGBC), or under another nationally recognized certification program approved by the City Manager or City Manager's designee:

1. All buildings over 20,000 square feet not owned by the City of Coral Gables.
2. City of Coral Gables buildings and buildings constructed on City of Coral Gables property. This requirement may be waived by the City Manager or City Manager's designee if it can be demonstrated that compliance with this requirement would create an unreasonable burden on the construction project that would be inconsistent with furtherance of the economic development goals of the city.
3. Commercial and multi-family buildings where the developers of such property request a right-of-way encroachment (except for awnings and signs), abandonment or vacation of right-of-way, mixed use site plan review, planned area development or receiver site for Transfer of Development Rights, which requests require the review of the Planning and Zoning Board and approval of the City Commission.

C. Green Building Bond.

1. Prior to the issuance of a Building Permit for a project that is subject to the requirement of this section, the developer/owner/contractor shall provide the City with a performance bond, cash or irrevocable letter of credit payment (Green Building Bond) in the amount of three (3%) percent of the master building permit construction cost value.
2. The City will hold the Green Building Bond for the time necessary for the green certification, or equivalent, to be issued or twenty-four (24) months after issuance of the Certificate of Occupancy or Completion; whichever is less. Upon receiving final documentation of certification from the developer/owner/contractor, the City shall release the full amount of the bond within thirty (30) days.
3. If the developer/owner/contractor is unable to provide proof of green certification, or equivalent, within twenty-four (24) months after issuance of the Certificate of Occupancy or Completion, the full amount of the Green Building Bond shall be forfeited to the City. Any proceeds from the forfeiture of the bond under this section shall be allocated toward funding Sustainability Master Plan initiatives.

### **Division 14. Parking, Loading, and Driveway Requirements**

#### **Section 5-1401. Purpose and applicability.**

A. Purpose. The purpose of this Division is to ensure that:

1. Adequate off-street parking is provided for uses that are permitted by these regulations.
2. Vehicular use areas are designed and lighted to promote public safety.
3. Vehicular use areas and landscaped areas relate to each other in a manner that protects and enhances community character.

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4. Adequate loading areas are provided that do not interfere with the function of other vehicular use areas.
5. Sufficient parking is provided in nonresidential areas that are near residential neighborhoods, so that the character and quality of life in the residential neighborhoods are protected from overflow parking.

### B. Applicability.

1. Except as provided for in subsections 2, 4 and 5, the requirements of this Division apply to:
  - a. New buildings, uses, or structures.
  - b. The net new area of any building, structure, or outdoor use that is modified or expanded.
  - c. The net new parking demand generated by a change in the use of all or part of a building, structure, or property in residential, mixed use, and special use districts.
2. The requirements of this Division do not apply to a change of use in the Commercial Limited and Industrial Districts.
3. Parking and loading areas that are required by this Division shall be maintained for as long as the use to which they relate is continued.
4. Any building or structure located in a residential, commercial or industrial zoning district which existed as of March 11, 1964, may be altered -- including renovations, remodels, repairs, and changes in use -- without providing off-street parking facilities or additional off-street parking facilities if there is no more than a five (5%) percent total increase in floor area, based on conditions as of March 10, 1964, and if there is no change in zoning to a zoning district requiring more off-street parking than the existing zoning district, subject to the following exceptions:
  - a. Any single-family residence which is increased in size more than fifty (50%) percent of the gross floor area of the building as it existed as of March 11, 1964, shall provide off-street parking for the residence as required herein.
  - b. Any residential unit in a duplex building which is increased in size more than twenty-five (25%) percent of the gross floor area of the residential unit as it existed as of March 11, 1964, shall provide the off-street parking required for the residential unit as required herein.
  - c. Any apartment unit in an apartment building which is increased in size more than five (5%) percent of the gross floor area of the apartment unit as it existed as of March 11, 1964, shall provide the off-street parking required for the apartment unit as required herein. Any apartment unit or units which are added to an existing apartment building shall provide off-street parking for the apartment unit added as required herein. Any building or structure other than single-family residences or duplexes, which is increased in size more than fifty (50%) of the gross floor area as it existed as of March 11, 1964, shall provide off-street parking for the entire building.
5. Any building or structure, other than single-family residences, duplexes or apartment buildings, which is increased in size more than five (5%) percent but less than fifty (50%) percent of the gross floor area as it existed as of March 11, 1964, shall provide off-street parking for the added portion as outlined hereinafter but will not be required to provide additional parking facilities for the presently existing portion unless required by a change of zoning.

### **Section 5-1402. Geometric standards for parking and vehicular use areas.**

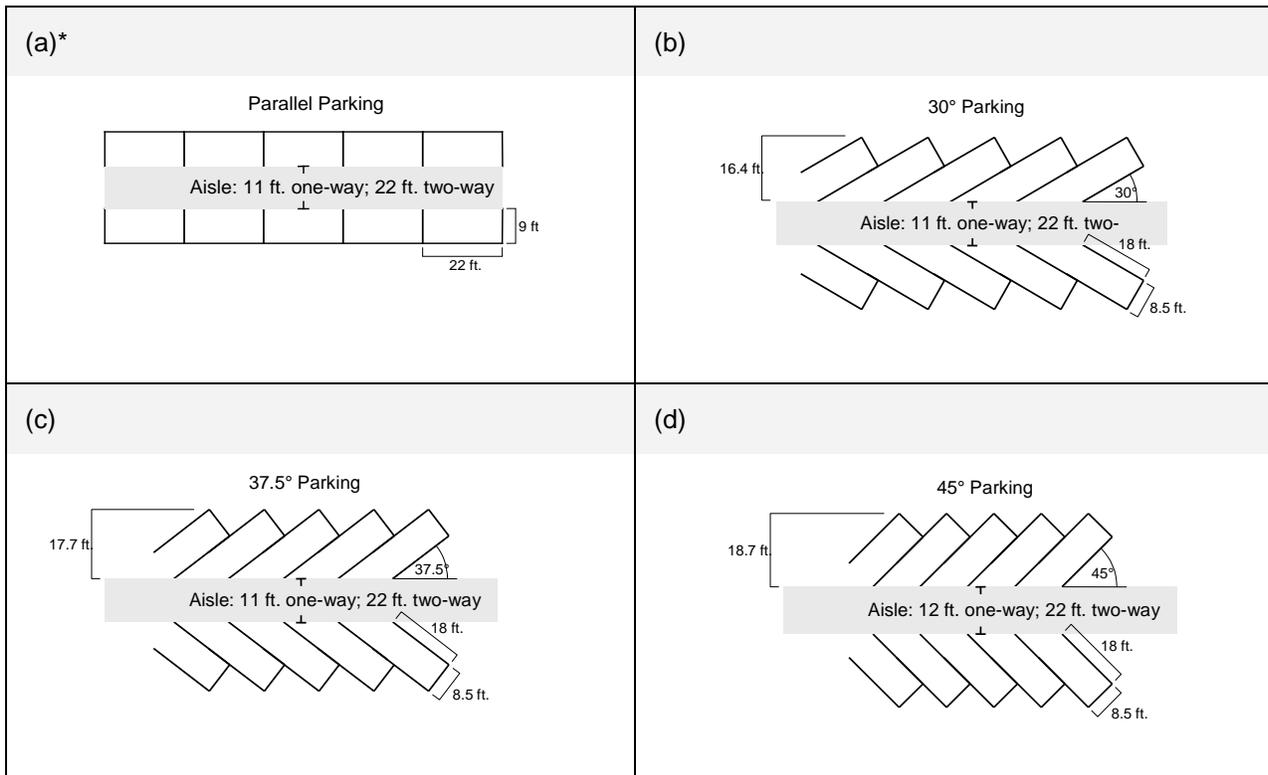
#### A. Dimensions and configuration of parking spaces.

1. Required parking space dimensions:

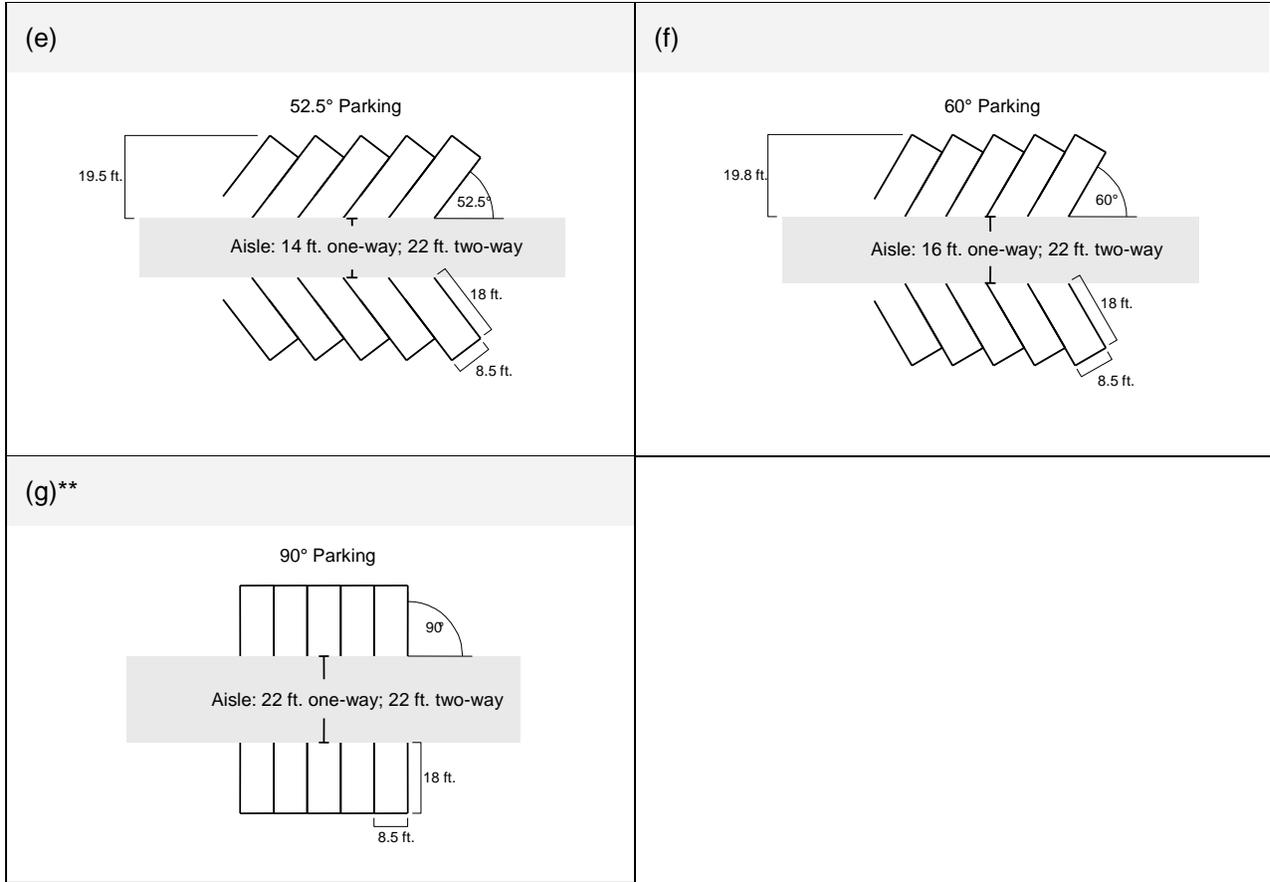
## ARTICLE 5 – DEVELOPMENT STANDARDS

- a. Parallel parking spaces: Nine (9) feet by twenty-two (22) feet.
  - b. Angled parking spaces: Eight and one-half (8½) feet by eighteen (18) feet.
  - c. Disabled parking spaces shall be dimensioned in accordance with Chapter 11 of the Florida Building Code.
2. Wheel stops and curbing. Precast concrete wheel stops or curbing shall be provided for all angled parking spaces that abut a sidewalk such that cars are curbed at sixteen and one-half (16 ½) feet. The balance of the required depth of the parking spaces between the wheel stop or curb and the sidewalk shall be clear of obstructions.
3. Required aisle widths. Minimum required aisle widths shall be as follows:

<i>Parking Angle</i>	<i>One-Way Aisle</i>	<i>Two-Way Aisle</i>
0° (parallel) (a); 30° (b); 37.5° (c)	11 feet	22 feet
45° (d)	12 feet	22 feet
52.5° (e)	14 feet	22 feet
60° (f)	16 feet	22 feet
90° (g)	22 feet	22 feet



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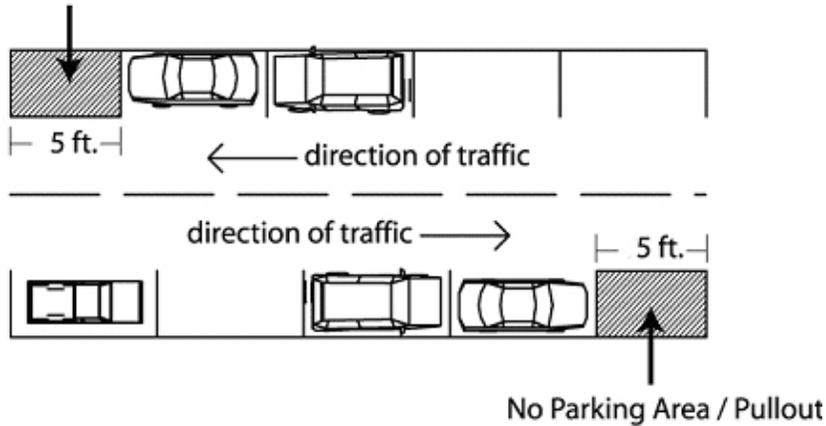


\* Parallel parking spaces shall be setback an additional one and a half (1 ½) feet from walls.

\*\* 90 degree parking spaces shall be setback an additional one (1) foot from walls.

4. Parallel parking pull-out. A five (5) foot long pull-out area shall be provided at the front end of each group of contiguous parallel parking spaces, as shown in the figure below. It shall be marked “no parking.”

### No Parking Area / Pullout



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5. Dimensions of garages and carports.

a. The minimum dimensions of garages, carports and porte-cocheres are as follows:

<i>Type</i>	<i>Interior Width</i>	<i>Interior Length</i>
One-car garage	12 feet	22 feet
Two-car garage	22 feet	22 feet
One-car carport	12 feet	22 feet
Two-car carport	22 feet	22 feet
Porte-cochere	12 feet	22 feet
For each additional space	An additional ten (10) feet in width shall be required for each additional car being stored in a garage or carport.	

b. A minimum clearance of nine (9) feet by eighteen-and-a-half (18.5) feet must be maintained within garages to satisfy the requirements for storage of one (1) vehicle.

c. Existing carports that were constructed before October 1, 1992 may be converted into enclosed garages if they have the following minimum dimensions:

<i>Type</i>	<i>Interior Width</i>	<i>Interior Length</i>
One-car garage	9 feet	19 feet
Two-car garage	18.5 feet	19 feet

B. Dimensions of loading spaces. Loading spaces shall be at least ten (10) feet wide by twenty-five (25) feet long, and shall provide at least fourteen (14) feet of vertical clearance.

C. Configuration and connectivity of access driveways and aisles.

1. Access to parking spaces. Access to parking spaces shall be provided in accordance with the following:

<i>Access to parking spaces from:</i>	<i>Permitted methods of access to parking:</i>	<i>Permitted methods of egress from parking:</i>
Alley	Direct access from alley to parking space; or access from aisle to parking space.	Directly from parking space to alley or from aisle to alley. Forward and reverse (back-out) movements are permitted.
Local residential street	Direct access from street to parking space; or access from aisle to parking space.	Directly from parking space to street or from aisle to street. Forward and reverse (back-out) movements are permitted for single-family residence.
Arterials	Access only from aisle.	Directly from aisle to street; back out for single-family residence on lots of less than seventy five (75) feet.

2. Ingress and egress driveways.

a. The minimum width of ingress and egress driveways shall match the entrance and exit aisle width, pursuant to the provisions in Section 5-1402(A)(3).

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- b. Ingress and egress driveways shall connect to the adjacent street or alley such that the intersection of the centerlines of the driveway and the street create an angle that is between eighty (80) and one-hundred (100) degrees.
- c. Ingress and egress driveways shall be designed such that:
  - i. Drivers can enter and exit the from the property without endangering themselves, pedestrians, or vehicles traveling on abutting streets; and
  - ii. Interference with the free and convenient flow of traffic on adjacent streets or alleys is minimized.
- D. Configuration of parking bays within automated parking systems. Automated parking systems shall be designed or restricted such that the positioning of any one vehicle within the automated parking system does not prevent access to any other vehicle, unless the bays that contain the obstructing vehicle and obstructed vehicle are under the control of the same person.

### **Section 5-1403. Parking, driveway, and vehicular use areas: provision, location and setbacks.**

- A. Provision of driveways and driveway approaches.
  - 1. Driveways and driveway approaches required. All vehicular use areas shall have a driveway or driveway approach connection to the street.
  - 2. Permitting and construction costs. Permitting and construction of driveway approaches within the public right-of-way shall be at the sole expense of the property owner.
- B. General location.
  - 1. Special Use Districts. All required parking in Special Use Districts shall be provided behind buildings, in enclosed garages, and/or in the interior side setback area behind the front building line, except if:
    - a. There is no principal building or the principal building is too small to screen the required parking; or
    - b. The use of the property is a marina, cemetery, or open space area.
  - 2. Attached residential uses. All required parking for attached residential uses shall be provided behind buildings or in enclosed garages.
- C. Setbacks.
  - 1. Setbacks from buildings. All parts of parking spaces shall be set back from building entrances and exits a distance of at least three (3) feet from the outside edge of the open door.
  - 2. Parking garages and accessory decks greater than three and one half (3.5) feet in height. Parking garages and accessory decks of a height that is greater than three and one-half (3.5) feet above established grade are subject to the same setback regulations as principal buildings.
  - 3. Parking garages and accessory decks less than or equal to three and one half (3.5) feet in height). Parking garages and accessory decks of a height that is less than or equal to three-and-one-half (3.5) feet above established grade shall be set back a sufficient distance to comply with perimeter landscaping and sight triangle requirements.
  - 4. Parking garages (underground). There is no minimum setback for parking garages or parts thereof that are located completely underground, below established grade.
  - 5. Vehicular use areas. Vehicular use areas shall be set back:

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- a. Sufficient distance to comply with perimeter landscaping and sight triangle requirements; or
  - b. If no perimeter landscaping requirement or sight triangle applies: Eighteen (18) inches from all property lines.
- D. Townhouse parking design standard. All off-street parking for townhouses shall be accessed from the rear of the property, either off of an alley or off of a driveway acting as an alley at the rear of the property. No driveways or garage doors shall be permitted along the street frontage of any individual townhouse.

### **Section 5-1404. Materials, construction, and drainage.**

- A. Surfacing. Surfacing of all access aisles, driveways and off-street parking areas shall be composed of one or more of the following:
- 1. Asphalt.
  - 2. Chattahoochee gravel laid in asphalt with all loose gravel removed.
  - 3. Clay or cement brick.
  - 4. Concrete.
  - 5. Decorative concrete pavers.
  - 6. Loose gravel, provided that areas of loose gravel are set back five (5) feet from all property lines and bordered by another permitted driveway material.
  - 7. Rock laid in asphalt with all loose gravel removed.
  - 8. Wood block.
- B. Engineering standards. The design, materials, drainage requirements, and engineering specifications of parking spaces, access aisles, driveways, points of ingress and egress, turnarounds, and other related items not specifically addressed in this Division shall comply with the technical standards promulgated or approved by the Director of the Public Works Department.
- C. Parking of vehicles on any surface on private property other than the aforementioned surfaces shall be prohibited.

### **Section 5-1405. Landscaping, screening, and design.**

- A. General. Landscaping shall be provided as required by Article 5, Division 11.
- B. Screening of integrated structured parking.
- C. When required. Screening of parking that is structurally and architecturally integrated into or located under a building is required pursuant to this Section 5-1405(B)(2) when:
- 1. The building is in an MF2, MFSA, CL, C, I or MXD Districts;
  - 2. Any part of the area in or under the building that is used for parking (from finished floor to ceiling) is located above established grade and closer than twenty (20) feet to the front building setback line; and
  - 3. No intervening use (e.g., retail, lobby, etc.) is located between the parking and the front setback line at ground level.

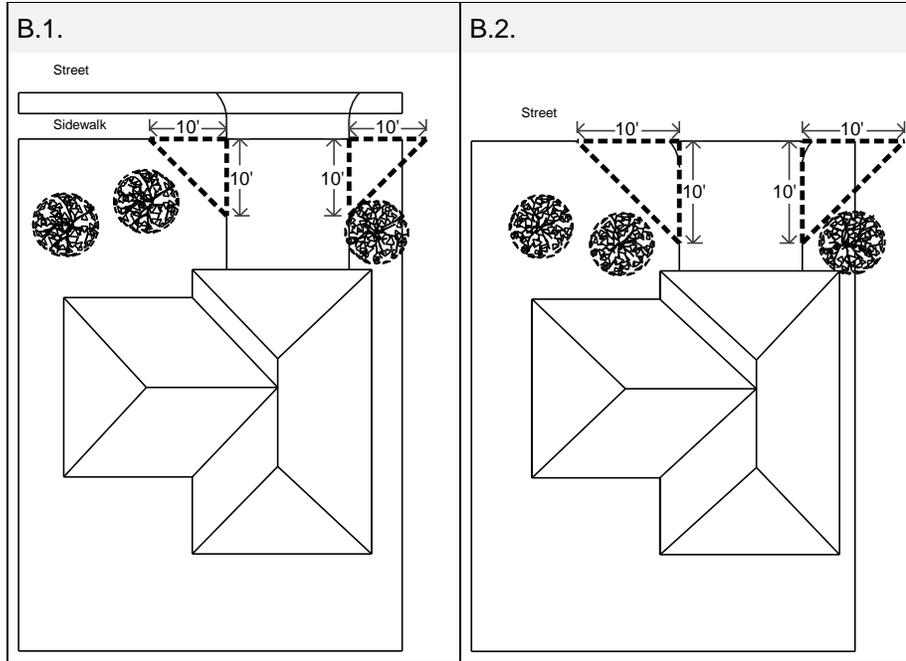
## ARTICLE 5 – DEVELOPMENT STANDARDS

- D. Parking garage exterior façade treatment.
  - 1. The exterior façades of parking garages that are not subject to Subsection B shall be designed and improved so that the use of the building for parking is not readily apparent.
  - 2. Parking garages that are not subject to Subsection B shall reflect the architectural character and exterior finishes of the principal building that is to be served.
- E. Automated parking systems. Automated parking systems shall be located within a structure so that a visual barrier is in place to screen the parking from pedestrian view. The structure shall be subject to all standards that apply to the design and location of parking garages.

### **Section 5-1406. Visibility triangles.**

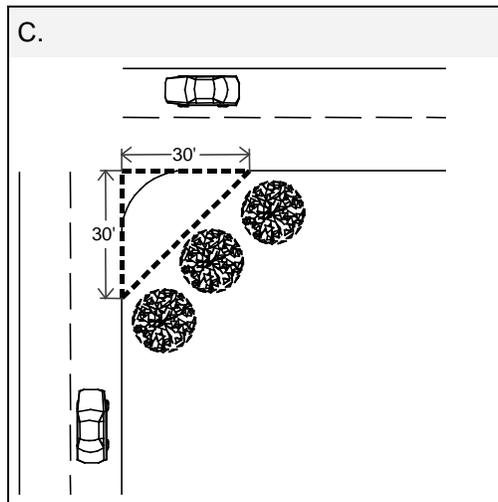
- A. General.
  - 1. All triangles of visibility that are required by this Section shall be kept clear of visual obstructions between a height of two and a half (2½) feet and eight (8) feet above the established grade.
  - 2. Visibility triangles for driveways and intersections that are not included in this section shall be provided in accordance with the standards set out in the Miami-Dade County Code.
- B. Ingress and egress driveways. All ingress and egress driveways in residential districts and Special Use Districts that connect to streets shall provide triangles of visibility as follows:
  - 1. If a sidewalk is located between the property line and the street (see Figure B.1), then the legs of the triangle of visibility shall:
    - a. Be ten (10) feet long; and
    - b. Meet at the point of intersection of the driveway and the edge of the sidewalk that is closest to or on the property line.
  - 2. If there is no sidewalk located between the property line and the street (see Figure B.2), then the legs of the triangle of visibility shall:
    - a. Be ten (10) feet long; and
    - b. Meet at the point of intersection of a line that extends from the edge of the driveway and a line that extends from the edge of pavement of the abutting street (flare outs are included within the triangle of visibility).

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C. Street intersections. Triangles of visibility shall be maintained at all street intersections within or abutting residential and special use districts (see Figure C). The legs of the triangles of visibility shall:

1. Be a minimum of thirty (30) feet long; and
2. Meet at the point of intersection of a line that extends from the edge of pavement of the intersecting streets (curb radii are included within the triangle of visibility).



D. In cases where site specific conditions prohibit compliance with triangle of visibility requirements the Building and Zoning Director may approve and require the use of convex mirrors. The Building and Zoning Director shall impose conditions as appropriate on a case-by-case basis.

### Section 5-1407. Illumination.

Illumination of parking areas shall be provided in accordance with the standards set out in Chapter 8C of the Miami-Dade County Code.

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### Section 5-1408. Common driveways and remote off-street parking.

- A. Common driveways. Adjacent properties are permitted to share a common driveway, provided:
1. The property owner(s) submit an appropriate restrictive covenant or access easement in recordable form acceptable to the City Attorney; and
  2. The restrictive covenant or access easement provides for the continued existence of the shared driveway until such time as the City Manager releases the obligation of the restrictive covenant or access easement.
- B. Remote off-street parking. As an alternative to, or in conjunction with providing required parking onsite or through payment in-lieu of providing required parking pursuant to City Code Section 74-201(d), an applicant may apply to use remote off-street parking to meet the off-street parking requirements of the Zoning Code for an expansion or change in use of an existing project. The ability to use remote parking may be granted in the reasonable discretion of the City in compliance with the terms of this subsection. The Development Services Director shall approve an application to provide remote off-street parking that is located in the City within one thousand (1,000) feet of the site of the applicant's proposed project, upon finding that all of the requirements of this subsection have been satisfied.
1. Definition. For purposes of this subsection, the "applicant" is defined as the owner(s) of the land on which the uses(s) seeking to utilize remote parking is located. The owner of the land on which the remote parking is located may not apply for remote parking, unless that owner also owns the property on which the use seeking to utilize remote parking is located.
  2. Applicability.
    - a. Location of project and of remote parking spaces. Applications for remote parking shall only be accepted in association with a proposal to expand, or change the use of, an existing project located in the CBD. The remote parking spaces shall be located in the CBD, unless waived pursuant to subsection B.11, but regardless of whether a waiver is obtained, must always be located in the City.
    - b. Infeasibility or impracticability of providing required parking. Applications may be approved if the physical layout of the project, as determined in the reasonable discretion of the Director of Development Services, cannot reasonably be altered to provide the Zoning Code-required parking onsite as part of the proposed expansion or change of use.
    - c. Applicability not a basis for later enforcement. Notwithstanding anything to the contrary herein, the initial determination of applicability under this subsection B.2 is final, and the City may not later determine that an approved remote parking arrangement is out of compliance based on applicability requirements of this subsection B.2.
  3. Maximum distance and measurement.
    - a. Distance. The remote parking spaces must be located within one thousand (1,000) feet of the applicant's project site.
    - b. Measurement. The distance shall be measured using airline measurement from the property line of the project site to the property line of the off-street parking facility(ies) containing the remote parking spaces.
  4. Zoning of remote parking facility. The remote parking facility(ies) must not be located in a single-family zoning district.

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5. No cap on remote parking. The applicant may request to use remote parking spaces for up to one-hundred (100%) percent of the Code required off-street parking for the project.
6. Application. The applicant shall file an application in the form specified by the City, including all of the following at a minimum:
  - a. A survey showing the exact location, traffic flow and current physical layout of the proposed remote parking spaces;
  - b. Documentation demonstrating and certifying that the remote parking spaces:
    - i. Are owned by the applicant, if the applicant owns the structure containing the use requiring remote parking; or
    - ii. Have been secured for the applicant's use by means of a lease with a term of at least one (1) year, if the applicant leases the structure containing the use requiring remote parking; and
    - iii. Are in excess of those parking spaces required to serve any onsite development. The number of required parking spaces shall be measured based on the square footage and parking demand of each approved onsite use, assuming one-hundred (100%) percent occupancy;
  - c. If the remote parking spaces are leased, then documentation of the remote parking lease arrangement must be acceptable to the City Attorney and acceptable in substance to the Development Services Director, and must be recorded in the public records of Miami-Dade County against both the applicant's project site and the property housing the remote parking spaces. The lease for the remote parking spaces must have a term of at least one (1) year and can be terminated on no less than ninety (90) days advance notice, which shall be provided to both the Development Services Director and the parties. The lease must also assure the City's right to access the remote spaces to inspect them as provided herein;
  - d. Copies of the approved plans for the remote parking spaces, as they may have been amended to date;
  - e. Sworn affidavits from the owner of the remote parking spaces establishing that no leases, approved plans, or other commitments exist or will be entered into for the life of the remote parking approval, if the spaces are owned, or the life of the lease if the spaces are leased, that would interfere with the proposed use of the remote parking spaces for remote parking; and
  - f. The application fee.
7. Covenants. The application shall also be accompanied by an appropriate covenant which shall run with the land and declaration of restrictions for the remote parking spaces executed by the owner of the property containing the remote parking spaces and the applicant, as applicable, in recordable form acceptable to the City Attorney and acceptable in substance to the Director of Development Services, including at least all of the following:
  - a. That the owner of the remote spaces (and the heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property) assures the continued rights to the remote parking spaces until such time as the City Manager or designee releases the obligation, and if the spaces are leased, the City's right to access the remote spaces to inspect them as provided herein;

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- b. That, if the applicant plans to relocate the remote parking spaces to another location that meets the requirements of this subsection, it shall submit an application to amend the remote parking approval promptly, at least ninety (90) days prior to the termination of the remote parking arrangement. Such amendment shall be subject to the same application requirements, procedure and fee as a new application, and shall be implemented in a manner that assures the continuous availability of the remote parking for the project;
  - c. That the applicant shall report any unplanned changes in the facts related to the application or approved remote parking arrangement to the Director of Development Services within five (5) business days of the occurrence of the change, and shall submit a remedial plan consistent with the requirements of subsection 8 below, together with the review fee, within ten (10) business days of the occurrence of the change. The Development Services Director shall have the sole but reasonable discretion to approve the remedial plan and set the timing of implementation, and may extend the above deadlines if good cause is shown;
  - d. That the applicant and the property owner of the remote parking spaces authorize the City to inspect the remote parking spaces at will to determine the continuing adequacy of the remote parking arrangements, during the normal hours of operation of the use that is being served by the remote parking spaces;
  - e. That the applicant shall annually submit an affidavit confirming that the facts supporting the applicant's initial approval of the use of remote parking remain accurate at the time of renewal of the certificate(s) of use for the applicant's property(ies);
  - f. That at the time of entering into a new lease or renewing a lease, the applicant shall submit renewed documentation and affidavits as required by B.6 above; and
  - g. That the applicant recognizes and accepts that any material failure to meet the requirements of this subsection (or the requirements of the related agreements, covenants or conditions) that is not cured as provided herein will immediately subject the applicant to the original and full parking requirements of the Zoning Code. The materiality of any failure shall be determined by the Development Services Director, in consultation with the City Attorney.
8. Remedial plan. The submittal of a remedial plan, whether required pursuant to subsection B.7 above or subsection B.9 below, shall be accompanied by a review fee which shall be the same as the application fee. If the Development Services Director finds, in his or her reasonable discretion, that the remedial plan fully meets the parking requirements for the remaining uses and square footages, utilizing any combination of alternatives permitted by the City Code and Zoning Code in effect at the time, and the requirements of this subsection B, then the Development Services Director shall approve the remedial plan. The remedial plan may include any or all of the following options, and shall be implemented according to the timing and schedule established in the individual remedial plan:
- a. Provide a payment in lieu of required parking in accordance with Section 74-201(d) of the Code of Ordinances, or
  - b. Modify the use of the applicant's property(ies) so that the remote parking spaces are no longer required to be provided to meet the Code parking standards (for example, by reducing the square footage of uses, or changing one or more uses to a use(s) with a lower parking requirement), or
  - c. Secure alternate remote parking spaces meeting all of the requirements of this subsection, including execution of any required agreements and affidavits, or
  - d. Provide additional onsite parking spaces.

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9. **Renewal.** The applicant shall, prior to the annual renewal of the certificate(s) of use for the applicant's property(ies) using remote parking, submit renewed documentation if required by 7.f above, and an affidavit affirming that the matters addressed under subsections B.6.b and B.6.e above as originally approved remain in effect, which shall be reviewed by the Development Services Director. The certificate(s) of use shall not be issued unless the affidavit, and documentation if required, demonstrates that all the requirements of this subsection B.3-B.9 continue to be met for the remote parking arrangement as it was approved.
10. **Noncompliance.** If the Development Services Director discovers at any time, including during a renewal review, that the applicable requirements of this subsection are not met in any material way or that the remote parking is not maintained continually as described in the application and provided in the recorded covenant, he or she shall notify the applicant and require the applicant either to (i) demonstrate that the violation has been cured or did not exist, or (ii) provide a remedial plan meeting the requirements of subsection B.8 above, together with the review fee. The materiality of any noncompliance shall be determined by the Development Services Director, in consultation with the City Attorney. The applicant's response shall be reviewed and approved in the sole but reasonable discretion of the Development Services Director. The Development Services Director shall set the deadline for the applicant to develop and submit the remedial plan and may extend it if good cause is shown.

Also, if the Development Services Director determines that the applicant has failed to meet any of the following four (4) requirements, the Director shall deem the applicant's remote parking approval void, and the applicant shall not again seek to use remote parking until six (6) months have elapsed from the date that the approval is deemed void:

- a. The requirement to notify the City of changes pursuant to 7.c above within the required time frame;
  - b. The requirement to submit a remedial plan by any deadline set or extended by the Development Services Director;
  - c. The requirement to implement the remedial plan according to the implementation schedule approved or extended by the Development Services Director; or
  - d. The requirement to comply in any other material regard with all of the requirements of this subsection, including failure to comply with the recorded covenants as required herein. The materiality of any noncompliance shall be determined by the Development Services Director, in consultation with the City Attorney.
11. **City Commission waiver.**
    - a. **Standard for waivers.** The City Commission may approve a waiver pursuant to this subsection B.11 upon finding that the waiver will neither (A) harm the public interest nor (B) create parking problems in the area surrounding the applicant's project site.
    - b. **Requirements that may be waived.** If the Director of Development Services reviews and rejects a remote parking application on the basis of any of the following requirements, then an applicant may request that the City Commission review its application for remote parking and, following a public hearing, approve a waiver of one (1) or more of these requirements, and may impose any conditions it deems necessary on such waiver:
      - i. The one-thousand (1,000) foot maximum distance between the remote parking spaces and the applicant's project site; and
      - ii. The requirement that the remote parking be located in the CBD; and

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- iii. The requirement that the land containing the use seeking to utilize remote parking be located in the CBD.
- c. Effect of waiver. All of the remaining requirements of section 5-1408.B, that have not been waived by the City Commission, must be satisfied.

12. Appeals. The applicant may appeal any determinations made by the Development Services Director under this subsection through the process set forth in Article 3, Division 6 of the Zoning Code.

### Section 5-1409. Amount of required parking.

- A. Exemptions from required parking. Buildings that are located within the Central Business District (CBD) that have a floor-area-ratio of 1.25 or less (1.45 or less if Mediterranean bonus is used) are not required to provide off-street parking for any uses except residential units.
- B. Calculation of parking requirements.
  - 1. Required parking shall be provided for each use on a building site, according to the following table:

<i>Use</i>	<i>Minimum parking requirements</i>
<i>Residential</i>	
Detached dwellings.	One (1) parking space per unit consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, or porte-cochere.
Duplex.	One (1) parking space per unit consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, or porte-cochere.
Live work.	One (1) space per unit, plus one (1) space per three-hundred-and-fifty (350) square feet of work area.
Multi-family dwellings.	Efficiency and one (1) and bedroom units – 1.0 space per unit. Two (2) bedroom units – 1.75 spaces per unit. Three (3) or more bedroom units – 2.25 spaces per unit.
Single-family.	One (1) parking space consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, or porte-cochere.
Townhouses.	Two (2) parking spaces per unit consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, or porte-cochere.
<i>Non-residential</i>	
Adult uses.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Alcoholic beverage sales.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Animal grooming/boarding.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Assisted living facilities.	One (1) space per full-time employee equivalent (FTE), plus two (2) spaces per five (5) beds.

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<i>Use</i>	<i>Minimum parking requirements</i>
Auto service stations.	One (1) space per two-hundred-and-fifty (250) square feet of accessory retail floor area.
Bed and breakfast.	One (1) space, plus one (1) space per sleeping room.
Camp.	One (1) space per FTE, plus one (1) space per four (4) students aged sixteen (16) years or older based on maximum capacity.
Cemeteries.	If services provided in a building, one (1) space per four (4) fixed seats plus one (1) space for each forty (40) square feet of floor area used for temporary seating.
Community center.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Congregate care.	One (1) space per FTE, plus two (2) spaces per five (5) beds.
Day care.	Day care for children: One (1) space per one-hundred (100) square feet of floor area. Day care for adults: One (1) space per three-hundred (300) square feet of floor area.
Educational facilities.	One (1) space per student station.
Funeral homes.	One (1) space per four (4) fixed seats plus one (1) space for each forty (40) square feet of floor area used for temporary seating.
Golf or tennis grounds.	Four (4) spaces per hole (golf). Three (3) spaces per court (tennis). One (1) space per eighteen (18) linear feet of bleachers.
Group homes.	One (1) space per FTE, plus one (1) space per three (3) beds.
Heliport and helistop.	One (1) space per tie-down.
Hospitals.	Two (2) spaces per patient bed.
Indoor recreation / entertainment.	The greater of one (1) space per five (5) fixed seats or one (1) space per three-hundred (300) square feet of floor area.
Manufacturing.	One (1) space per three-hundred (300) square feet office floor area, plus one (1) space per one-thousand (1,000) square feet of all other floor area.
Marinas and marina facilities.	One (1) space per marina slip, plus one (1) space per three-hundred-and-fifty (350) square feet of floor area of marina facilities.
Medical clinic.	One (1) space per two-hundred (200) square feet of floor area, plus one (1) space per FTE.
Medical Marijuana Retail Center.	One (1) space per 150 square feet of floor area, plus one (1) space per FTE and one (1) space for every two (2) PTEs.
Mixed use or multi-use.	Parking shall be provided for each use in the mix of uses in correlation with the requirements of this table.
Nursing homes.	One (1) space per FTE, plus one (1) space per three (3) beds.
Offices.	One (1) space per three hundred (300) square feet of floor area.
Outdoor recreation / entertainment.	One (1) space per four (4) visitors during estimated peak use periods.

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<i>Use</i>	<i>Minimum parking requirements</i>
Outdoor retail sales, display and/or storage.	One (1) space per three hundred and fifty (350) square feet of land area delineated or put to such use.
Overnight accommodations.	One and one-eighth (1 1/8) spaces per sleeping room.
Private club.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Private yacht basin.	Three (3) spaces per four (4) yacht slips.
Public transportation facility.	One (1) space per one hundred (100) square feet of terminal and station area.
Religious institutions.	One (1) space per five (5) fixed seats plus one (1) space per fifty (50) square feet of assembly room area without fixed seats (not including classrooms).
Research and technology uses.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per one thousand (1,000) square feet all other floor area.
Restaurants.	Twelve (12) spaces per one-thousand (1,000) square feet of floor area.
Restaurants, fast food.	Twelve (12) spaces per one-thousand (1,000) square feet of floor area.
Retail sales and services.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Sales and/or leasing offices.	One (1) space per three-hundred (300) square feet of floor area.
Schools.	One (1) space per FTE, plus one (1) space per four (4) students aged sixteen (16) years or older based on maximum capacity.
Self-storage warehouses.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per one thousand (1,000) square feet all other floor area.
Telecommunications towers.	Zero (0) spaces.
TV / radio studios.	One (1) space per three-hundred (300) square feet of floor area, plus One (1) space per three (3) studio audience members at maximum capacity.
Utility / infrastructure Facilities.	Zero (0) spaces.
Utility substations.	Zero (0) spaces.
Vehicle sales /displays.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per six-hundred (600) square feet of showroom floor area, plus one (1) space per five (500) square feet of all other floor area.
Vehicle sales/displays, major.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per one thousand (1,000) square feet all other floor area.
Vehicle service, major.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per five hundred (500) square feet all other floor area
Veterinary offices.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Wholesale / distribution / warehouse facility.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per one thousand (1,000) square feet all other floor area.
Post office.	One (1) space per two-hundred (200) square feet of floor area.

2. If a calculation of required parking spaces results in a fractional space, the number of required parking spaces shall be rounded up to the next whole number.

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- C. Alternative parking requirements. If a use is not listed in Section 5-1409(B)(1), then the off-street parking requirement shall be the same as the requirement for a functionally similar use that is listed in Section 5-1409(B)(1), as determined by the Development Review Official.
- D. Loading spaces. Loading spaces shall be provided for all nonresidential or mixed use-buildings that exceed a floor area of one hundred thousand (100,000) square feet of floor area, as follows:

<i>Nonresidential Floor Area</i>	<i>Required Loading Spaces</i>
<100,000 sq. ft.	Zero (0)
100,000 sq. ft. to 199,999 sq. ft.	One (1)
200,000 sq. ft. to 299,999 sq. ft.	Two (2)
300,000 sq. ft. to 399,999 sq. ft.	Three (3)
Each additional 100,000 sq. ft. or fraction thereof	One (1) additional loading space

- E. Calculation of compliance with parking requirement.
1. Excluded parking spaces. Parking spaces that meet any of the following criteria shall not be counted in determining the amount of parking provided pursuant to this Section 5-1409:
    - a. Off-street parking spaces that are operated as a commercial parking lot.
    - b. Off-street parking spaces that are provided for residential and overnight accommodation uses and are available only upon payment of a fee.
  2. Valet parking spaces. Valet parking spaces for overnight accommodations, restaurants, and minor vehicle sales in any zoning district may comprise up to twenty-five (25%) percent of the required parking spaces for those uses.
  3. Remote parking spaces. Remote parking spaces may comprise up to one-hundred (100%) percent of the required parking spaces if approved pursuant to Section 5-1408.B.
  4. Counted parking spaces. All parking and loading spaces that are provided on-site and all parking spaces that are in permitted remote off-street parking facilities count in determining the amount of parking provided pursuant to this Section 5-1408, except as provided in Section 5-1409(E)(1)-(4).

### **Section 5-1410. Shared parking reduction standards.**

- A. Intent and Purpose. The intent and purpose of this section is to recognize the synergy among different uses within a mixed use development such that peak times for parking for one use occurs at a different time from another use. Also, because mixed uses gives the opportunity for persons being able to live and work within the same building, parking requirements are reduced. It is further recognized that the reduction of excessive parking spaces can positively affect the aesthetics of the building design that meets the spirit and intent of Section 5-602 “Design Review Standards” of the Zoning Code.
- B. Reductions from the minimum required parking spaces from the Zoning Code may be approved as part of a Mixed Use (MXD) site plan or Planned Area Development (PAD) that meets the standards of Leadership in Energy and Environmental Design (LEED) criteria specified by the U.S. Green Building Council, or similar rating agency. Reductions shall be calculated using an accredited system for calculating shared parking. Such reduction shall exclude any and all proposed and anticipated parking spaces reserved exclusively for a specific use such as office, residential, retail, etc. Dedicated valet parking spaces, however, may be part of the shared parking reduction. A restrictive covenant

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shall be required stating that the amount of parking required as a result of the shared parking reduction shall not be reserved exclusively for a specific use.

The number of required spaces may be reduced by any one (1) or more of the following methods, as may be required by the City:

1. Urban Land Institute (ULI) Shared Parking Methodology using the City's parking code requirements. A ULI Shared Parking Methodology and the assumptions in the calculation must be approved by the City.
2. Shared parking matrix. The shared parking matrix provides the method for calculating shared parking for mixed use buildings and planned area developments.
  - a. Methodology. MXD or PAD projects containing two (2) or more uses shall multiply the amount of required parking for each individual use, as provided within Section 5-1409, by the appropriate percentage listed in the table below for each of the designated time periods. Calculate the resulting sum for each of the six (6) vertical columns within the table below. The minimum parking requirement shall be the highest sum resulting from the calculations.

Use	Weekday			Weekend		
	Day; 8am - 5pm	Evening; 5pm - 12am	Night; 12am - 8am	Day; 8am - 5pm	Evening; 5pm - 12am	Night; 12am - 8am
Residential	60%	90%	100%	80%	90%	100%
Office	100%	10%	5%	10%	5%	5%
Retail	70%	90%	5%	100%	70%	5%
Restaurant	50%	100%	10%	75%	100%	10%
Hotel	80%	100%	80%	80%	100%	75%
Entertainment	40%	100%	10%	80%	100%	10%
Other	100%	100%	100%	100%	100%	100%

3. Applicants may provide a parking study completed by a licensed professional engineer, engineering firm or similar, justifying the proposed parking solution as provided below.
  - a. Parking study. A study must be prepared using a professionally appropriate methodology that is approved by the City, detailing land uses in accordance with Institute of Transportation Engineers (ITE) parking generation categories. At a minimum, the methodology must incorporate all of the following considerations, as well as any other data or analyses that the City deems appropriate for the requested reduction:
    - i. Parking characteristics of similar projects and uses. The study must evaluate factors such as the uses, hours of operation, peak parking demands, location, amount and type of off-street parking that is proposed, the proposed impact on nearby on-street parking, and occupancy rates of similar uses and projects in comparison to those of the proposed uses and project.
    - ii. Operational assessment. The study must demonstrate how the project will optimize the parking operations and traffic conditions within a quarter (1/4) mile of the project boundaries, and propose and agree to provide appropriate mechanisms to protect the surrounding neighborhood, including but not limited to appropriate signage and the locations of all ingress and egress points.
    - iii. Transit. The study must analyze the impact of nearby transit services on parking demand for the project, and must also analyze the projected use of other alternative modes of travel such as bicycle and pedestrian. The study must reference and the project must propose to contribute to the enhancement of nearby transit services through expanding routes and lengthening hours of service.

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- iv. Valet plan. If valet services are proposed, the study must reference and the project must propose to provide adequately staffed valet services during the hours of operation of all uses, including an appropriate time following closing to accommodate the departure of valet parked cars. Projects shall submit an operational plan for the valet service, specifying details, including but not limited to maximum wait times, distance from valet drop-off points to valet parking areas, operational modifications to the functioning of any required parking areas such as stacking, and the number of operators at peak and non-peak hours.

### Section 5-1411. Miscellaneous parking standards.

- A. Tandem spaces. Tandem spaces are permitted as required parking; provided each set of tandem parking spaces are assigned to an individual unit within the building.
- B. Automated, parking systems, structures and vertical parking lifts. Parking spaces in automated, parking systems, structures and vertical parking may be utilized for required parking spaces per this Article, provided that all of the following are satisfied:

1. Systems may be self service or fully automated.
2. Vertical parking lifts may utilize the following maximum percentages to satisfy required parking spaces, calculated at two (2) parking spaces per lift, within a building:
  - a. Twenty percent (20%) of the first fifty (50) parking spaces; and,
  - b. Ten percent (10%) from fifty-one (51) spaces to two-hundred (200) spaces; and
  - c. Five percent (5%) thereafter.

Vertical parking lift systems shall be limited to two-levels/decks and each lift shall be controlled exclusively by one (1) tenant/unit

3. The use of automated mechanical parking systems, structures and vertical parking lifts parking does not increase the building bulk and mass, in that the building and mechanical access parking structure or parking lift(s) is no greater in volume than the largest building and parking structure that could be constructed on the parcel proposed for development in strict compliance with the underlying zoning district regulations, with the same number of parking spaces configured exclusively as conventional structured parking.
  4. All systems shall have an average delivery rate of no more than five (5) minutes.
  5. The parking system shall be located entirely within the confines of the building and is not visible from outside any portion of the structure.
- C. Additional/supplemental parking spaces as vertical parking lifts. Vertical parking lifts may be utilized for all additional/supplemental parking spaces in excess of the parking requirements as required per this Article with no maximum limitation as to total number of lifts subject to all of the following:
    1. Vertical parking lift systems shall be limited to two-levels/decks.
    2. All systems shall have an average delivery rate of no more than five (5) minutes.
    3. The parking system shall be located entirely within the confines of the building and is not visible from outside any portion of the structure.

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Conversion of additional/supplemental parking lifts to satisfy required parking may be permitted, however, shall be subject to above Section 5-1410 standards.

- D. Implementation and monitoring of all vertical parking lifts as provided in Section 5-1410 shall be enforced via a restrictive covenant subject to final review and approval by the City Attorney's Office prior to issuance of a Certificate of Occupancy of the applicable structure(s).

### **Division 15. Platting Standards**

#### **Section 5-1501. Purpose and applicability.**

The purpose of this Division is to provide standards of subdivision design that provide for and encourage:

- A. Development of sound and economically viable communities, and the creation of healthy living environments.
- B. Efficient, adequate, and economic supply of utilities and services to land developments.
- C. Prevention of traffic hazards and the provisions of safe and convenient vehicular and pedestrian traffic circulation in land developments.
- D. Provision of public open spaces in land developments for recreational and educational purposes.

This Division shall apply to any application for the subdivision of land reviewed and approved pursuant to Article 3, Division 9 of these regulations.

#### **Section 5-1502. Minimum requirements conflicts.**

Minimum platting requirements for the City are controlled by the Miami-Dade County Code of Ordinances. In the event of a conflict between provisions and the Miami-Dade County Code, the Miami-Dade County requirements shall control.

#### **Section 5-1503. Bulkhead line.**

Whenever land adjacent to Biscayne Bay or other open bodies of water is subdivided, the final plat shall show the bulkhead line established by Miami-Dade County, as recorded on sheet numbers 6, 7, 8 and 9, of plat book 74, page 3 of the Public Records of Miami-Dade County and approved by the City Commission under Ordinance Number 1403 which is on file in the office of the City Clerk.

#### **Section 5-1504. Street design.**

- A. Conformity. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to:
  - 1. Existing and planned streets.
  - 2. Topographical conditions.
  - 3. Public convenience.
  - 4. Safety.
  - 5. Appropriate relation to the proposed use of the land to be served by such street.

## ARTICLE 5 – DEVELOPMENT STANDARDS

- B. Relation to adjoining street system. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.
- C. Street projection. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.
- D. Street carried to property line. When a new subdivision adjoins unsubdivided land susceptible of being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.
- E. Dead-end street or cul-de-sac. Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than six hundred (600) feet, unless approved by the City Commission, and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty-four (84) feet, and a street property line diameter of at least one hundred (100) feet. If a dead-end street is of a temporary nature, a similar turn-around shall be provided and provision made for future extension of the street into adjoining properties.
- F. Marginal access streets. Where a subdivision abuts or contains an existing arterial street, marginal access streets may be required, or other such treatment as may be necessary for adequate protection of residential properties, and to afford separation of through and local traffic.
- G. Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- H. Minimum street widths. Street widths shall not be less than as follows:

<i>Street Type</i>	<i>Width</i>
Arterial	100 feet
Collector	75 feet
Minor	60 feet however, the width shall be 70 feet for all industrial areas
Marginal Access	50 feet, however the width shall be 70 feet in industrial areas
Alleys	20 feet

- I. Railroads or limited access highways abutting subdivision. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, a street approximately parallel to and on each side of such right-of-way may be required, at a distance suitable for the appropriate use of the intervening land for park purposes in residential districts or for commercial or for industrial purposes in appropriate districts. Such distances shall be determined with due regard for the requirements of approach grade and future grade separation in accordance with uniform standards prescribed by the manual of public works construction.
- J. Street width in commercial areas. Where a proposed commercial use abuts a right-of-way, the width of the right-of-way shall be increased on each side to ensure the free flow of through traffic without interference by parked or parking vehicles, and to provide safe parking spaces for such use.
- K. Intersections. Street intersections shall be rounded with a radius of twenty-five (25) feet measured at the property line when the said intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of a radius acceptable to the public works director. In business districts, the City may permit comparable cut-offs or chords.
- L. Subdivision into tracts larger than ordinary building lots. Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further re-subdivision.
- M. Street grades. No street grade shall be less than twenty-five-hundredths (.025%) percent.

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- N. Half streets. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations, and where the City finds it will be practical to require the dedication of the other half when adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tracts.
- O. Street names and numbers. Names of new streets shall not duplicate existing or platted street names unless they are extensions. House numbers shall be assigned in accordance with the house numbering system now in effect in the City.
- P. Street jogs prohibited. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited unless because of unusual conditions the plat division determines that a lesser centerline offset is justified.
- Q. Reverse curves. A tangent of at least one hundred (100) feet long shall be introduced between reversed curves on arterial and collector streets.
- R. Street intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles.
- S. Property lines at straight intersections. Property lines at street intersections shall be rounded with a radius of twenty-five (25) feet. A greater radius may be prescribed by the City in special cases in accordance with uniform standards prescribed by the City's Manual of Public Works Construction. The City may permit comparable cutoffs or chords in place of rounded corners.
- T. Sight distance and safe turning movement. When connecting street lines deflect from each other at any one (1) point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance and safe turning movement in accordance with the Uniform Standards set forth in the City's Manual of Public Works Construction.

### **Section. 5-1505. Alleys.**

- A. Where required. Alleys shall be required in all commercial and industrial districts. Alleys are not required in residential districts.
- B. Waiver of requirement. The Public Works Director may waive the requirement for alleys in commercial and industrial districts where other definite and assured provisions are made for service access. Examples of such provisions for service access include areas designated for off-street loading and unloading and the continued availability of adequate parking and access for the uses proposed.
- C. Width of alley. The right-of-way width of an alley shall be not less than twenty (20) feet, and shall provide adequate turning areas at changes in angles.
- D. Dead-end alleys. Dead-end alleys are prohibited.

### **Section. 5-1506. Easement dimensions.**

- A. Utility easements. Easements with a minimum right-of-way width of six (6) feet shall be provided on each side of all rear lot lines and along certain side lot lines where necessary for utilities.
- B. Drainage easements. Where a subdivision is bordered by or traversed by a watercourse, drainage way, channel, or stream, there shall be provided a minimum twelve (12) foot storm water easement at intervals to provide storm drainage to the waterway in accordance with the storm drainage plan proposed for the subdivision.

### **Section 5-1507. Blocks.**

Block length and width or acreage within bounding roads shall accommodate the size of lot required in

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the area by these regulations and to provide for convenient access, circulation control and safety of street traffic. Block length shall not exceed one thousand five hundred (1,500) feet, or be less than four hundred (400) feet, unless a lesser or greater length is requested by the subdivider and is deemed advisable because of unusual conditions by the City. In blocks nine hundred (900) feet in length or over, pedestrian crosswalks not less than ten (10) feet wide may be required to provide circulation or access to school, playground, shopping center, transportation, and other community facilities.

### **Section 5-1508. Lots.**

- A. Dimensions. Lot dimensions and area shall not be less than the requirements of these regulations.
- B. Location. All lots shall abut by their full frontage on a publicly dedicated street or a street that has received the legal status as such.
- C. Lot lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- D. Corner lots. Corner lots for residential use, unless otherwise approved by the board, shall have extra width to permit appropriate building setback from both streets.
- E. Uninhabitable lots. Lots subject to flooding and lots deemed to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
- F. Lot remnants. All remnants of lots below the minimum size left over after subdividing a larger tract must be added to the adjacent lots, rather than allowed to remain as unusable parcels.
- G. Means of access. Each lot shall be provided access, by means of a public street, with satisfactory access to an existing public street or in the case of units within a townhouse site, or planned developments; each lot shall be provided perpetual right of access by a private street or roadway to an existing public street.
- H. Double frontage lots. Double frontage or through lots shall be avoided except where essential to provide separation from residential development from traffic arteries or to overcome specific disadvantages of topography or orientation. A decorative masonry wall, or in the discretion of the City, a combination of a fence and landscaping that provides a satisfactory buffer may be required along the rear property line, across which there shall be no right of vehicular access. This portion of the block line shall be shown as a limited access line on the final plat.

### **Section 5-1509. Public sites and open spaces.**

Where a proposed park, playground, school or other public use shown in a master plan is located in whole or in part within a subdivision, the subdivision shall dedicate or reserve adequate space for such purpose in such area within the subdivision.

### **Section 5-1510. Standards for subdivision improvements.**

The following design and construction standards shall apply:

- A. Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the Director of Public Works. The monuments shall be of such material, size and length as may be approved by the Public Works Director.
- B. Streets. Streets, alleys and appurtenances thereto shall conform to the following:

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1. All streets and alleys shall be constructed and surfaced in accordance with the standard specifications of the Public Works Department. Such construction shall be subject to inspection and approval by the Public Works Director.
  2. Drainage and drainage structures shall be provided on all streets and alleys in accordance with the standard specifications of the Public Works Department. In addition, curbs and gutters shall be provided in all commercial, apartment, hotel, industrial and similar districts. Such construction shall be subject to the inspection and approval by the Public Works Director.
- C. Sidewalks. In all commercial, multi-family, industrial and similar districts concrete sidewalks shall be constructed along each side of every street shown on the plat in accordance with the standard specifications of the Public Works Department.
- D. Street name signs. Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the City, and shall be placed in accordance with the standard specifications of the Public Works Department.
- E. Street lighting. Street-lighting facilities shall be provided and installed in all subdivisions. The minimum requirement for such lighting facilities shall be one (1) foot candle average maintained. However, no luminance ratio shall exceed twelve-to-one (12:1). A detailed plan showing the light standards, the locations of the light, wiring diagram and construction details, for the system shall be submitted to the Public Works Director for approval.
- F. Water supply. The subdivider shall furnish the public works director a plan showing all proposed and existing water mains, and give sufficient proof that arrangements have been completed to insure installation of such water system. The water main plan shall be subject to approval by the Public Works Director.
- G. Fire hydrants. Fire hydrants shall be installed in all subdivisions. Evidence shall be submitted to give proof that arrangements have been made to complete installation of such hydrants. The plan for hydrant locations shall be subject to approval by the Public Works Director.
- H. Sanitary sewer. Where a public sanitary sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the Public Works Director.
- I. Parkway landscaping. All parkways shall be properly treated with topsoil, sprigged, landscaped, and maintained until growth is relatively permanent. The plan for such landscaping shall be equal to the established standards of the City, and subject to the approval of the Public Service Director.
- J. Land filling. All land within subdivisions shall be filled to minimum average settled elevation of plus six (6) feet above the national geodetic vertical datum (N.G.V.D.) or mean sea level (M.S.L.), and no elevation shall be less than plus five and five-tenths (5.5) feet above the national geodetic vertical datum (N.G.V.D.) or mean sea level (M.S.L.); provided, however, that where bulkheads are provided on waterfront property, the land within a distance of ten (10) feet from the bulkheads may gradually slope to the minimum required elevation of such bulkheads. The plan and additional documents showing proposed elevations, test borings, sources and types of fill, methods of filling, and method of disposal of vegetation and undesirable materials shall be subject to approval by the Public Works Director. After completion of land filling, the subdivider shall submit to the city a topographical survey prepared by a registered land surveyor or engineer to assure compliance with the minimum standards of this Subsection.
- K. Bulkheads. When contour of the land is changed, bulkheads shall be required on all waterfront property. The minimum elevation of such bulkheads shall be plus four and five-tenths (4.5) feet national geodetic vertical datum (N.G.V.D.) or mean sea level (M.S.L.), and the type and design shall conform to the public works department standards and shall be subject to the approval by the Public Works Director and the City's Structural Engineer.

## ARTICLE 5 – DEVELOPMENT STANDARDS

- L. Bridges. Bridges shall be provided by the subdivider across all canals and waterways to provide adequate ingress and egress to all areas. The design of such bridges shall be in accordance with the Public Works Department standards and shall be subject to approval by the Public Works Director.
- M. Underground utilities. All utility lines shall be installed in conformance with the requirements of Article 5, Division 22.

### **Section 5-1511. Utility easements.**

Easements shall be provided for the installation of underground utilities or relocating existing facilities in conformance with the respective utility company's rules and regulations. In subdivisions of less than twenty-one (21) lots the directors of the Public Works and Planning Departments may waive the requirements for underground installations if the service to the adjacent area is overhead and it does not appear that further development will occur.

### **Section 5-1512. Construction standards.**

Properly qualified and licensed contractors shall pay for and obtain proper permits from the Public Works Department for all construction and improvement work within the subdivision. Should any work within the subdivision be performed not in conformity with any provisions of this Division or any other Ordinances of the City, the City Manager shall immediately give notice by certified mail to the subdivider and any contractors performing work in that area that all permits are suspended, and that all improvements, construction, development and other work within the subdivision shall cease within twenty-four (24) hours of receipt of notice. The subdivider and contractor shall in such case further be subject to penalties as set forth in Article 7 of these regulations.

### **Section 5-1513. Improvements or bond required.**

Before consideration of a final plat of a subdivision, the City Commission must be satisfied that all improvements required by Section 5-1510 are to be constructed. The Director of Public Works shall prepare an estimated cost of all required improvements. The estimated costs shall be based on the actual computed cost of improvements plus ten (10) percent. In lieu of the completion of the improvements, a bond executed by a surety company qualified to transact business in the state, shall be furnished by the subdivider in an amount equal to the estimated cost of the construction plus ten (10) percent of such improvements, including engineering supervision, testing and miscellaneous charges. The surety will be subject to the condition that the improvements will be completed within twelve (12) months after approval of the final plat, and in the event they are not completed, the City shall proceed with the work and hold the owner and the bonding company jointly responsible for the costs thereof. If the bond proves insufficient to complete the improvements covered, the City shall have the right to finish all work by creating a special assessment district, and assess the amount of the additional funds required equally against all divisions of land within the subdivision. As an alternative, the subdivider may deposit a certified or cashier's check with the City Clerk payable to the City in lieu of the surety bond.

### **Section 5-1514. Certificate of insurance and indemnification of City.**

The subdivider shall hold the City harmless against any liability or damage which may occur during construction of any improvements in, about or upon any land or water dedicated for public use as shown upon the final plat. In addition to saving the City harmless as herein provided, the subdivider shall provide the city with a certificate of insurance naming the city as an additional insured in an amount specified by the City. Nothing herein contained shall be construed to relieve the subdivider from any negligence on its part on account of any such improvements or damage to other persons or property of others.

## ARTICLE 5 – DEVELOPMENT STANDARDS

### Section 5-1515. Supplemental subdivision building site and design standards.

- A. Single-Family and Multi-Family Districts. Except as may be provided hereinafter to the contrary, in connection with replats, subdivisions, specific regulations and specifically described lots or parcels of land, all buildings or structures located in Single-Family or Multi-Family 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.
- B. Residential Estates. No replat or subdivision for a Residential Estate shall be approved where the building sites have an area of less than one and one-half (1½) acres, a minimum width of two-hundred (200) feet and a minimum lot depth of two hundred and fifty (250) feet.
- C. Replats and subdivisions south of the Coral Gables waterway and east of Old Cutler Road. The following minimum size building sites shall be required for all replats and subdivisions for all lands lying south of the Coral Gables Waterway and east of Old Cutler Road, excluding the area within the plats of Coral Bay Sections B, C and D.
  - 1. One (1) acre building sites, one (1) tier deep, with a minimum street frontage on Old Cutler Road of one-hundred fifty (150) feet and maximum street frontage on Old Cutler Road of two hundred eight (208) feet on the east side of Old Cutler Road from Casuarina Concourse, as shown on Plat Book 60 at Page 37 of the Public Records of Miami-Dade County, Florida, to the intersection of Old Cutler Road and Red Road, as shown on Plat Book 57 at Page 97 of the Public Records of Miami-Dade County, Florida, and on the east side of Red Road from the intersection of Old Cutler Road and Red Road, as shown on Plat Book 57 at Page 97 of the Public Records of Miami-Dade County, Florida, to Avenue Campamento, as shown on Plat Book 57 at Page 97 of the Public Record of Miami-Dade County, Florida.
  - 2. Corner lots not abutting upon a waterway:
    - a. Minimum street frontage of one hundred fifteen (115) feet.
    - b. Minimum depth of one hundred twenty-five (125) feet.
  - 3. Inside lots not abutting upon a waterway:
    - a. Minimum street frontage of one hundred (100) feet.
    - b. Minimum depth of one hundred twenty-five (125) feet.
  - 4. Corner lots abutting upon a waterway:
    - a. Minimum street frontage of one hundred fifteen (115) feet.
    - b. Minimum depth of one hundred forty-five (145) feet.
  - 5. Inside lots abutting upon a waterway:
    - a. Minimum street frontage of one hundred (100) feet.
    - b. Minimum depth of one hundred forty-five (145) feet.
- D. Commercial and Industrial Districts. No replat or subdivision in Commercial, Commercial Limited or Industrial Districts shall be approved where the building sites have a street frontage of less than twenty-five (25) feet and a depth of less than one-hundred (100) feet.

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### Division 16. Roofs

#### Section 5-1601. Roofs; general.

Except as provided for in this Division, all roofs for single-family residences, townhouses, duplexes, overnight accommodations and uses in a Special Use District shall be constructed of tile, coral rock slabs, slate or copper in its natural state and allowed to oxidize and patina.

#### Section 5-1602. Flat roofs without a parapet.

Except on Lots 1 through 18, inclusive, Block 89, Lots 20 through 36, inclusive, Block 91, Riviera Section Part Three and Lots 1, 2, 3 and Lots 5 through 12, inclusive, Block 4 and Lots 11 through 16, Block 6, French Village, flat roofs without a parapet shall be permitted upon buildings subject to the following restrictions noted hereinafter.

- A. Above porch or room additions within the L, T or U of a residential building having all tile roofs provided:
  1. A tile roof is not practical, as shall be determined by the Board of Architects.
  2. The flat roof portion shall not exceed fifteen (15%) percent of the ground area of the building.
  3. The flat roof portion is not visible from the front elevation of the building on an inside lot, or is not visible from the front or side street elevations on a corner lot.
- B. Above one-story rooms in the rear of a two-story residence, duplex or apartment on inside lots, or over one-story rooms in the rear of a two-story residence, duplex or apartment where the room is not visible from the front or side street elevation on corner lots, providing in all cases some type of metal or masonry railing, as shall be approved by the Board of Architects is installed upon such flat roof.
- C. Industrial Districts where the roof is constructed entirely of non-combustible materials.
- D. On boathouses, provided some ornamental railing, design or other treatment, as shall be approved by the Board of Architects, is placed upon such flat roof.
- E. Above meter rooms, elevator towers, elevator machinery and equipment rooms, stair towers, and air-conditioning rooms in Commercial Districts where the roof is constructed entirely of non-combustible materials.
- F. Above one (1) story areas of a two (2) story building, or as a balcony, tower or other feature used to enhance the architecture of a building (as with the Colonial or Mediterranean style), provided that if located on an elevation visible to the street, the flat roof portions visible to the street shall not constitute more than twenty (20%) percent of the building's total roof area and a metal or masonry railing is installed on such flat roof.
- G. Above two (2) story areas of a two (2) story building, or as a balcony, tower or other feature used to enhance the architecture of a building (as with the Colonial or Mediterranean style), provided that if located on an elevation visible to the street, the flat roof portions visible to the street shall not constitute more than twenty (20%) percent of the building's total roof area and that said flat roof shall not exceed the maximum allowable height above established grade.

#### Section 5-1603. Flat roofs with a parapet.

Except on Lots 1 through 18, inclusive, Block 89, Lots 20 through 36, inclusive, Block 91, Riviera Section Part Three, and Lots 1, 2, 3 and Lots 5 through 12, inclusive, Block 4 and Lots 11 through 16, Block 6,

## ARTICLE 5 – DEVELOPMENT STANDARDS

French Village, flat roofs with a parapet (minimum eight (8) inches thick) shall be permitted upon single-family residences and accessory buildings and structures subject to restrictions noted hereinafter:

- A. The residence has a flat roof with a parapet and with a pitched roof area that is lesser in size and proportion to the flat roof area. The roof deck of the flat roof with a maximum thirty (30) inch high parapet shall not exceed twenty four (24) feet above established grade and the top of the parapet shall not exceed twenty six (26) feet and six (6) inches above established grade. For residences in flood hazard districts with a maximum height of thirty nine (39) feet above established grade, the roof deck of the flat roof with a maximum thirty (30) inch high parapet shall not exceed thirty four (34) feet above established grade and the top of the parapet shall not exceed thirty six (36) feet and six (6) inches above established grade. The roof shall be pitched in accordance with the provisions of the Florida Building Code.
- B. The residence has a flat roof with a parapet with and a pitched roof area that is greater in size and proportion to the flat roof area. The roof deck of the flat roof with a maximum thirty (30) inch high parapet shall not exceed twenty four (24) feet above established grade and the top of the parapet shall not exceed twenty six (26) feet and six (6) inches above established grade. For residences in flood hazard districts with a maximum height of thirty nine (39) feet above established grade, the roof deck of the flat roof with a maximum thirty (30) inch high parapet shall not exceed thirty four (34) feet above established grade and the top of the parapet shall not exceed thirty six (36) feet and six (6) inches above established grade. The roof shall be pitched in accordance with the provisions of the Florida Building Code.
- C. Over boat houses.
- D. Upon buildings designed and devoted to MF2, MFSA, C, and I Districts.

### **Section 5-1604. Roofs for commercial buildings.**

Except for motels, commercial and mixed use buildings shall be permitted to have flat roofs with a parapet (minimum eight (8) inches thick and eighteen (18) inches above the roof at all points, provided, however, that where the height of the building and other attendant and connected circumstances and features of said building justify a lesser height, such parapet wall may be as low as six (6) inches at any point above the roof) where the roof is constructed entirely of non-combustible materials.

### **Section 5-1605. Pitched roofs, material.**

Except in Golden Gate, MacFarlane Homestead and St. Alban's Park, Coconut Grove Warehouse Center, that part of the Industrial District and/or Mixed-Use District abutting South Dixie Highway (U.S. Route 1), and where plastic or glass translucent material is used as permitted elsewhere in this article, pitched roofs shall be constructed of:

- A. Vitrified clay tile.
- B. White concrete tile. The finished surface for white concrete tile shall be a mixture of one (1) part Portland white cement to three (3) parts white silica sand, together with a waterproofing and plasticizer ad-mix. These ingredients shall be mixed with water to a consistency equal to that of a finishing coat of plaster. The mix thus obtained shall be pressure troweled onto the surface of the freshly extruded tile at the time of manufacture.
- C. Colored cement tile, provided the tile is color saturated with the same color intensity throughout and the color is not surface applied, and provided the color meets with approval of the Board of Architects, taken in conjunction with the surrounding areas. Such colored cement tile roofs, which have been installed according to approved plans may be painted or repainted a different color from the original color of the installed tile subject to approval of the application and the paint specifications by the Board of Architects.

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- D. Coral rock slabs laid shingle fashion.
- E. Thick butt variegated colored slate as approved by the Board of Architects.
- F. White Bermuda roof, with a minimum pitch of not less than five (5) inches in twelve (12) inches.
- G. Where there exists a pitched roof of other material that was permitted at the time of the original construction, additions to or replacements to said building may use the same material.
- H. Roofs on accessory or auxiliary buildings shall conform to the roof requirements for the principal building provided, that bomb shelters and/or fallout shelters may be constructed with a flat roof that the maximum height of such shall not exceed four (4) feet above grade.
- I. Roof tiles with surfaces applied glaze under the manufacturer's process, provided, that the color meets with the approval of the Board of Architects taken in conjunction with the surrounding area and provided further that the tile shall not be painted or repainted.
- J. Copper in its natural state and allowed to oxidize and patina may be used as a roofing material for residential uses subject to approval of design, manner of installation, and conformity with the architectural design, style and composition of the proposed residential structure as shall be approved by the Board of Architects. An approved copper roof must remain in its natural state as a metal, thereby prohibiting painting, coating, surface application, or any other fabrication or manufacturing process that alters its natural metallic state.

### **Section 5-1606. Flat roofs, material.**

All flat roofs shall have coverings of approved standard quality, such as concrete, gypsum, tile, built-up roofing of tar and paper, or tar paper and gravel, asbestos roofing, or of like grade, which would rank as Class A or B under test specifications of the National Board of Fire Underwriters.

### **Section 5-1607. Plastic, fiberglass, glass and aluminum roofs.**

Any plastic or glass translucent material or flat aluminum material, as approved by the Board of Architects may be used as a roof covering on screened enclosures or screened porches of residences providing it does not extend out from the outside wall of the building more than six (6) feet including any existing roof overhang and further provided it is not visible from the street.

### **Section 5-1608. Skylights.**

Skylights may be constructed in roofs provided that such skylights comply with the following conditions and restrictions:

- A. The size, location and architectural design of such skylights shall be subject to approval by the Board of Architects.
- B. The structural design of such skylight shall be subject to approval by the Structural Engineer.

### **Section 5-1609. Roof projections.**

Roofs may project into the required minimum setback area not more than the following:

- A. On setbacks from five (5) feet to ten (10) feet, roofs may project not more than two-and-one-half (2½) feet into the required minimum setback area.
- B. On setbacks from ten and one-tenth (10.1) feet to fifteen (15) feet, roofs may project not more than three (3) feet into the required minimum setback area.

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- C. On setbacks from fifteen and one-tenth (15.1) feet to twenty (20) feet, roofs may project not more than three-and-one-half (3½) feet into the required minimum setback area.
- D. On setbacks from twenty and one-tenth (20.1) feet to twenty-five (25) feet, roofs may project not more than four-and-one-half (4½) feet into the required minimum setback area.
- E. On setbacks of twenty-five (25) feet or more, roofs may project not more than five (5) feet into the required minimum setback area.

### **Section 5-1610. Trussed rafters.**

The minimum size for upper and lower truss cords in all buildings shall be two (2) inches by six (6) inches.

## **Division 17. Sanitation Requirements**

### **Section 5-1701. Air conditioning.**

New commercial construction or renovation of an existing commercial structure, the use of which involves food products (such as restaurants, cafeterias, etc.), where the cumulative cost of such renovation is in excess of twenty-five (25%) percent of the assessed value of the existing commercial structure shall make provisions for the installation of an air conditioning system for commercial trash containers.

### **Section 5-1702. Commercial trash containers.**

New commercial construction or renovation of an existing commercial structure where the cumulative cost of such renovation is in excess of twenty-five (25%) percent of the assessed value of the existing commercial structure shall make provisions for a trash container room or enclosure in accordance with the following provisions:

- A. All new commercial construction projects and all renovation projects having a setback of less than ten (10) feet on the side of the property best suited for the servicing of trash containers shall include a trash container room for the purpose of housing dumpsters or other trash receptacles.
  - 1. The trash container room may only be located on the rear or side of the proposed development and shall be easily accessible for servicing.
  - 2. The trash container room shall be fully enclosed and include lockable doors.
- B. Renovation projects having a setback of ten (10) feet or more on the side of the property best suited for the servicing of trash containers shall include a trash container room pursuant to subsection A(1) and A(2) above, or a trash container enclosure in accordance with the following:
  - 1. The trash container enclosure may only be located in the rear yard, rear setback area, side yard or side setback area.
  - 2. The trash container enclosure shall be placed at least five (5) feet from any property line, but not within the triangle of visibility required in Section 5-1406.
  - 3. The trash container enclosure shall be located such that garbage or trash trucks will not block the intersections of streets or alleys while servicing trash containers.
  - 4. The trash container enclosure shall consist of:
    - a. A concrete pad or impervious pavers as a base;

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- b. Five (5) foot high enclosure walls; and
  - c. An access gate.
- 5. An impervious surface shall be provided between the trash container enclosure and the street or alley from which the containers will be serviced.
  - 6. Whenever possible, a hedge, or similar landscaping material, shall abut the enclosure walls.
- C. Upon written request of a property owner, the requirements specified in (A) and (B) above may be waived by order of the City Manager or his designee provided the following conditions are met:
- 1. The trash generated within the subject commercial building can be disposed of in a shared consolidated waste container/compactor located off-site.
  - 2. The trash disposal location is acceptable to the City's commercial waste disposal contractor.
  - 3. A legal instrument, as prescribed by the City Attorney, is executed by the subject property owners acknowledging that the City Manager shall be empowered to direct full compliance with the above trash enclosure/room requirements if the use of the consolidated waste container is no longer available.

### **Division 18. Screening**

#### **Section 5-1801. Solar water heaters and equipment.**

The erection and/or installation of solar water heaters and equipment shall be subject to the following conditions and restrictions:

- A. Collectors located in the same parallel plane of a sloping roof shall be fastened to a maximum of one and one-fourth ( $1\frac{1}{4}$ ) inch by one-eighth ( $\frac{1}{8}$ ) inch metal angles placed directly on the roofing membrane. Surrounding tile shall butt to the edge of the side of the collector.
- B. Collectors located in a different plane from the roof shall incorporate an architectural masking device to screen the underside and edge of the collector apparatus from ground view where such collector is visible from the street. Such screening device may be roof planes, mansard roofs, shed roofs, parapet walls, chimneys or such other features.
- C. Collectors located on a flat roof may be mounted directly upon the roof or may be elevated above the roof provided, however, that all portions of the elevated apparatus are screened from ground view by means of some architectural screening device as provided for under B above.
- D. Where rooftop hot water storage tanks are used they shall be screened from view subject to the discretion and approval from the Board of Architects for design and screening material. Landscaping may be used as a screening material at the discretion of the Board of Architects.
- E. Where collectors are mounted on the ground they shall be screened from view from the abutting streets, and the setbacks for such collectors shall be as required for mechanical equipment.
- F. All piping and other serving utilities shall be concealed from view.
- G. The size, location, attachment and design of solar water heating devices shall be in conformity with the building design and overall neighborhood character.
- H. Adequate architectural details shall be drawn to show the proper installation of the system and particularly the roof mounting and method of attachment.

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### Section 5-1802. Screening of rooftop equipment.

Air-cooled condensing and/or compressor equipment, water cooling towers and any other type of mechanical or service equipment or apparatus installed on roofs of all buildings constructed on or after October 1, 1969, shall be screened from view subject to the discretion and approval from the Board of Architects for design and screening material. Landscaping may be used as a screening material at the discretion of the Board of Architects.

Those buildings constructed prior to October 1, 1969, shall be exempt from this requirement until such time as renovation or rehabilitation of any portion of said building is permitted. At the time of permitting for any renovations or rehabilitation in which the value of such construction exceeds twenty (20%) percent of the assessed value of the structure, any air-conditioning and/or mechanical apparatus mounted on roof tops, whether new or existing, shall be screened. Said screen shall be subject to the discretion and approval from the Board of Architects for design and screening material.

### Section 5-1803. Screening of storage areas.

All storage areas permitted under these regulations shall be enclosed on all sides with a solid or louvered masonry wall, not less than six (6) feet in height, with necessary openings.

### Section 5-1804. Air-conditioning units and equipment, and other types of mechanical equipment or apparatus installed on or attached to premises.

- A. Air-cooled condensing and/or compressor equipment which is a part of an air-conditioning system or a water cooling tower, and any other type of mechanical equipment or apparatus installed on or attached to premises shall meet setback requirements for the principal structure with the following conditions:
1. All air-conditioning units or equipment shall meet noise level requirements in the City Code.
  2. Any air-conditioning unit or equipment, except for window wall units, shall be visually screened from view from a canal, waterway, lake, bay, golf course or street view with a wall or landscaping.

## Division 19. Signs

### Section 5-1901. Purpose and applicability.

- A. The purpose of this Division is to ensure that:
1. Each sign user has an opportunity to provide information, identification and direction to a permitted use.
  2. The unique character and quality of the City's appearance, which is essential to its economic, cultural, and social welfare, is protected and preserved.
  3. The City's property values, which are essential to the City's sustainability and the general welfare of its residents, are maintained and enhanced.
  4. That the safety of the public is promoted by avoiding visual clutter, reducing conflicts between and among signs, reducing the incidence of certain design elements that tend to distract motorists, promoting proper maintenance, requiring removal of abandoned signs, and by subjecting signs to design review.
  5. The number, size, scale, proportions, design and balance of signs are regulated according to content-neutral standards that are based on architectural quality and character.

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6. A sound economic and business climate is promoted through the reinforcement and encouragement of graphic excellence.
  7. Safe and efficient wayfinding is promoted.
  8. Incentives are provided that encourage pedestrian-scale signs.
  9. Signs are no larger in area than is necessary to convey the speaker's message.
  10. The First Amendment rights of property owners are respected, and the right to signage is regulated to protect the aesthetics of the City while reducing the distractions to and aiding in the ease of navigation for drivers, consistent with the requirements of *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) and other applicable caselaw.
- B. Signs installed, erected, altered, painted or repainted in the City shall comply with any applicable requirements of this Division, unless otherwise provided herein.
- C. The permitting requirements of this Division shall not apply to the installation, alteration, erection, painting or repainting of the following signs, which may be installed without prior approval by the City except as necessary for structure permits required under the Florida Building Code and the related Board of Architectural approval required for permanent structures:
1. Temporary signs authorized by this Division, including but not limited to:
    - a. Temporary noncommercial signs, provided they comply with Section 5-1909 of the Zoning Code.
    - b. Real estate signs, provided they comply with Section 5-1907 of the Zoning Code.
    - c. Signs announcing or advertising a licensed going-out-of-business sale, provided they comply with Section 14-70 of the City Code.
    - d. Paper or other such temporary signs in show or display windows or doors, provided they comply with Section 5-1908(A) of the Zoning Code.
    - e. Decorative signs displayed for City-wide celebrations, conventions, and commemorations when authorized by the City Commission or City Manager's designee for a prescribed period of time.
  2. Signs that are not visible from public rights-of-way, public waterways, or neighboring properties.
  3. Signs that are less than one-half ( $\frac{1}{2}$ ) of one (1) square foot in area that are incorporated into machines or equipment.
  4. Signs that are affixed to merchandise, provided they comply with Section 5-1908(C) of the Zoning Code.
  5. Signs identifying the entrance or exit of parking lots and parking garages that do not contain any commercial advertisements, provided they comply with the portion of Section 5-1904 of the Zoning Code that relates to parking garages.
  6. Flags that comply with Section 5-1902 of the Zoning Code and that meet the following criteria:
    - a. In all zoning districts:
      - i. No individual flag shall exceed fifteen (15) square feet in area;

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- ii. Flags that are displayed on a ground mounted flagpole shall not exceed a lateral dimension (length) greater than twenty-five (25%) percent of the height of the flagpole;
  - iii. Flags may be displayed at duly licensed marinas or boat docking facilities for navigation purposes as necessary or required for the safety of boaters;
  - iv. No more than two (2) flags may be displayed per flagpole; and
  - v. No flag may display a commercial message or be used to draw attention to a commercial establishment, except as otherwise expressly permitted by law.
- b. In addition to the criteria in Section 5-1901(C)(6)(a), in MXD, MF2, MFSA Districts, and all nonresidential districts:
  - i. The total area of all flags displayed on a building site shall not exceed forty-five (45) square feet; and
  - ii. No building site shall have more than three (3) flagpoles (which may be either vertical or mast-arm) installed.
- c. In addition to the criteria in Section 5-1901(C)(6)(a), in SFR and MF1 Districts:
  - i. The total area of all flags displayed on a building site shall not exceed fifteen (15) square feet; and
  - ii. No building site shall have more than one (1) flagpole (which may be either vertical or mast-arm) installed.
- 7. Signs that are affixed to merchandise and are not larger than six (6) square inches in area and that are not prohibited by Section 5-1902.
- 8. Paper or other such temporary signs that are affixed or otherwise attached to or displayed within glass display windows of commercial establishments and stores, provided that:
  - a. Not more than one (1) such sign shall be permitted within or upon any one (1) display window;
  - b. Not more than two (2) signs shall be permitted in any one (1) business establishment; and
  - c. No such sign shall exceed two hundred fifty (250) square inches in sign area.
- D. Signs erected and maintained pursuant to the discharge of governmental functions, or that are required by law, ordinance, or government regulation, or that are required to be posted in order to effectuate a legal right, shall not be subject to the provisions in this Division.
- E. No person may post, display, or distribute any signs, advertisements, circulars, handbills, or printed or written matter relating to any business or commercial activities on any property or facilities owned or operated by or for the City without first obtaining authorization in writing from the City Commission or City Manager's designee or unless otherwise authorized by law.
- F. Nothing in this Division shall be read to permit or authorize any sign that displays an image or message which is not within the protection of the First Amendment to the U.S. Constitution or of the Florida Constitution, including an image or message that is obscene (as that term is construed in *Miller v. California*, 413 U.S. 15 (1973)), or that violates any valid state or federal law, including, for example, laws governing libel and extortion.

### **Section 5-1902. General design standards that are applicable to all signs.**

All signs shall comply with the following design standards:

- A. Signs shall not disfigure or conceal architectural features or details of a structure.

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- B. The size and location of signs shall be proportional to the scale of the related structure and compatible with adjacent signage.
- C. The use of lettering and sign design shall enhance the architectural character of the related structure, and if the sign is an attached sign, the particular facade on which the sign is located.
- D. The following sign types and design elements are prohibited:
  - 1. Abandoned signs, defined as any owner or lessee identification signs advertising a commodity or service associated with a premises that is still in place more than sixty (60) days from the date the premises are vacated and such activity has ceased to exist on the premises.
  - 2. Bare bulb signs.
  - 3. Box signs.
  - 4. Cabinet signs.
  - 5. Diagonal lettering, except with respect to temporary noncommercial signs governed by Section 5-1909, or as otherwise permitted herein.
  - 6. Exposed neon tubing.
  - 7. Pennants, banners, streamers, balloons, blinking and flashing lights, streamer lights, flags except as provided in Section 5-1901(C) herein, and any other fluttering, spinning, rotating or similar type attention attractors and advertising devices.
  - 8. Portable signs, displaying a commercial message, which are designed to be transported on a vehicle or worn on a person, including, but not limited to: a sign mounted on a bike trailer, vehicle trailer, or truck bed that is used to advertise any business or product that is not the business or principal purpose of the vehicle; or a human sign. However, this provision shall not prohibit any of the following:
    - a. Those signs on a vehicle that identify its business, purpose, or principal products, so long as such vehicle is engaged in the usual business or regular work of the vehicle owner, and not used merely, mainly, or primarily to display advertisement;
    - b. Such advertising devices as may be attached to or displayed on and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time such vehicle is regularly and customarily used to traverse the public highways during the normal course of business;
    - c. Signs on public buses or trolleys;
    - d. Signs on taxicabs; and
    - e. Bumper stickers.
  - 9. Temporary lettering or graphics, except with respect to temporary noncommercial signs governed by Section 5-1909, or as otherwise permitted herein.
  - 10. Signs attached to or placed on a vehicle (including trailers) that is parked on public or private property. This prohibition, however, shall not apply in the following cases:
    - a. Identification of a firm or its principal products on a vehicle operating during the normal hours

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of business, provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle for the purpose of advertising a business or firm or calling attention to the location of a business or firm.

- b. Vehicles carrying a sign displaying only a noncommercial message, including, but not limited to, signs dealing with the candidacy of individuals for elected office.
- c. Passenger automobiles which require governmental identification, markings or insignias of a local, state or federal government agency.

11. Vertical lettering, except with respect to temporary noncommercial signs governed by Section 5-1909, or as otherwise permitted herein.

12. Animated or flashing signs, except that temporary animated or flashing signs attached to amusement rides, vending carts, and sideshow equipment used in a City event specifically authorized by the City Commission shall not be prohibited.

13. Electronic signs.

E. All exterior signs shall be in good repair and free of chipping, pitting, cracking, peeling, fading or discoloration. Lighted signs shall have all lights working.

### Section 5-1903. Illumination.

The following conditions and restrictions shall apply to illuminated signs:

- A. Except as hereinafter provided in this section, illuminated signs, or illumination in show windows, display windows and displays, in or upon any building or structure, shall have the source of light concealed from view from the exterior of the building or structure, except that where channel letters or figures are used for any sign the illumination thereof may be visible if recessed within the depth of the channel.
- B. Intensities of illumination in all cases shall be approved by the Electrical Inspector before the issuance of a sign permit for compliance with the following Maximum Illumination Intensity Levels:

<i>Type of illumination</i>	<i>Located within 200 feet and visible from a residential zone</i>	<i>Located within 200-500 feet and visible from a residential zone</i>	<i>Located beyond 500 feet of a residential zone</i>
Direct, Internal or Backlighted	90 foot-lamberts	150 foot-lamberts	250 foot-lamberts
Indirect or Reflected Sign	10 foot-candles	25 foot-candles	50 foot-candles

C. Illuminated signs located within five hundred (500) feet of a residential zone, and which are visible from such residential zone, shall be turned off not later than 10:00 PM each night.

D. No intermittent or flashing illumination will be permitted.

E. Hanging exposed neon tubing signs will be permitted on the inside of glass show windows, provided that the size of said signs shall not exceed ten (10%) percent of the total glass area where they occur, or six-hundred (600) square inches, whichever is less. All such signs located within a distance of five (5) feet from any glass show window shall be subject to the above regulations.

F. Transformer boxes, outlets, conduits, and other accessory equipment for any sign shall be placed so that they are not visible from the exterior.

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G. Wooden signs shall not have electric lights or fixtures attached to them in any manner.

### **Section 5-1904. Standards for on premise signs.**

The provisions contained in the following table shall be applicable within the following zoning districts:

- A. Commercial Limited (CL) District.
- B. Commercial (C) District.
- C. Industrial (I) District.
- D. Mixed Use (MXD) District.
- E. Single-Family Residential (SFR) District, Multi-Family 1 Duplex (MF1) District, Multi-Family 2 (MF2) District and Multi-Family Special Use (MFSA) District, but only with regard to such signs that include the said district names in the column entitled "Type of Sign."

The provisions are as follows:

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<i>Type of sign</i>	<i>Maximum number permitted</i>	<i>Maximum sign area</i>	<i>Maximum length of sign</i>	<i>Maximum lettering height</i>	<i>Maximum/minimum height of sign *</i>	<i>Projection and/or separation **</i>	<i>Other requirements</i>
Awning or canopy.	One (1) per awning or canopy.	Four (4) square feet per awning. Sign to occupy no more than sixty (60%) percent of height of valance on which it is placed.	Fifty (50%) percent of awning or canopy.	Six (6) inch lettering, however, height not to exceed sixty (60%) percent of height of valance on which it is placed.	Twelve (12) feet maximum.	Minimum of three (3) feet from established inside of curb line, adjacent lease line, adjacent property line, or street r.o.w. whichever is less.	<ol style="list-style-type: none"> <li>1. Awning or canopy signs are prohibited if tenant signs are provided.</li> <li>2. Sign lettering must be located on valance of awning or canopy.</li> <li>3. Permitted text shall only include tenant name and/or logo.</li> <li>4. Street level tenant names signs on awnings/canopies are only permitted for those uses located at street level.</li> <li>5. Backlighting of awnings and canopies is prohibited.</li> <li>6. Internal illumination of sign lettering is permitted.</li> <li>7. External illumination of awnings/canopies is permitted for the purpose of only identifying the lettering, logos, or other text of the awning. The type and location of light fixture shall be included as a part of the review of the sign.</li> </ol>
Directory sign.	One (1) per building entrance.	<ol style="list-style-type: none"> <li>1. Buildings less than four (4) floors-fifteen (15) square feet.</li> <li>2. Buildings five (5) or more floors-twenty-five (25) square feet.</li> </ol>			Eight (8) feet maximum.	Four (4) inch maximum projection from wall surface (A.D.A. Requirement).	<ol style="list-style-type: none"> <li>1. Signage locations shall be at street level to be viewed by pedestrians.</li> <li>2. Logos are permitted.</li> <li>3. May be freestanding if located a minimum of twenty-five (25) feet from property line or R.O.W.</li> </ol>
Doorway entrance sign.	One (1) per street level tenant.	Five (5) square feet.		Six (6) inches.	Twelve (12) feet maximum.	Four (4) inch maximum projection from wall surface (A.D.A. Requirement).	<ol style="list-style-type: none"> <li>1. Sign shall be located over doorway/entrance.</li> <li>2. Internal or external illumination of sign lettering and sign is prohibited. Backlighting via ambient light is permitted.</li> <li>3. Sign shall be proportionate to the facade on which it is located, respecting the integrity of the architecture of the building.</li> </ol>
Mixed-use residential buildings with ground/street	Signage located at street/ground level is subject to applicable provisions dependent upon type of sign.				Twenty-five (25) feet maximum.	Subject to applicable provisions dependent upon	<ol style="list-style-type: none"> <li>1. Signage identifying ground floor/street level retail and commercial uses are prohibited twenty-five (25) feet above the</li> </ol>

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<i>Type of sign</i>	<i>Maximum number permitted</i>	<i>Maximum sign area</i>	<i>Maximum length of sign</i>	<i>Maximum lettering height</i>	<i>Maximum/minimum height of sign *</i>	<i>Projection and/or separation **</i>	<i>Other requirements</i>
level uses whereas the building contains seventy-five (75%) percent or more residential square footage.						type of sign.	<p>established grade.</p> <p>2. One wall sign shall be permitted for residential developments subject to the following:</p> <p>a. Sign Area: Twelve (12) square feet.</p> <p>b. Maximum sign length: Fifty (50%) percent of lineal building frontage.</p> <p>c. Maximum height of sign lettering: Twelve (12) inches or an increase in size to eighteen (18) inches if sign is design sign as provide herein.</p> <p>d. Projection: Twelve (12) inches.</p> <p>3. Sign shall be proportionate to the facade on which it is located, respecting the integrity of the architecture of the building.</p>
Parking garage entrance/exit identification signs in association with principal building.	One (1) building name or business name per one (1) entrance/exit.	One-hundred (100) square feet.	Twelve (12) feet.	Ten (10) inches.	Within ten (10) feet of top of garage opening entrance/exit.	Twelve (12) inch maximum projection from wall surface.	<p>1. Sign text indicating "Entrance" and "Exit " for parking garages shall be subject to the following:</p> <p>a. Maximum lettering height: Ten (10) inches.</p> <p>b. Maximum sign length: Ten (10) feet.</p> <p>2. Sign shall be proportionate to the facade on which it is located, respecting the integrity of the architecture of the building.</p>
Plaques.	One (1) per public pedestrian entrance/exit.	Four (4) square feet.	Two (2) feet.		Eight (8) feet maximum.	Four (4) inches.	<p>1. Construction materials should be fabricated in a manner to complement the architecture of the building.</p>
Projection sign (Street level).	One (1) per street level tenant. Tenants on corners of r.o.w. shall be permitted one (1) per r.o.w.	Three (3) square feet.		Six (6) inches.	Ten (10) feet maximum.	<p>1. Eight (8) feet max. projection from external bldg. wall if awning / canopy exists; or</p> <p>2. Four (4) feet maximum projection from ext.</p>	<p>1. One sign is permitted per street level tenant.</p> <p>2. Tenants occupying a corner at two (2) r.o.w.'s shall be permitted one (1) additional sign.</p> <p>3. Internal or external illumination of sign lettering and sign is permitted.</p> <p>4. Sign content/text shall only include tenant name and/or logo.</p> <p>5. Wood signs are permitted.</p> <p>6. Decorative treatments and three-</p>

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<i>Type of sign</i>	<i>Maximum number permitted</i>	<i>Maximum sign area</i>	<i>Maximum length of sign</i>	<i>Maximum lettering height</i>	<i>Maximum/minimum height of sign *</i>	<i>Projection and/or separation **</i>	<i>Other requirements</i>
						bldg. wall with no awning/ canopy. 3. Five (5) feet maximum encroachment into r.o.w. to outer edge of sign is permitted.	dimensional use of materials is encouraged. 7. If canopies or awnings exist, the projection sign shall be located under canopy or awning with sufficient vertical clearance for the passage of pedestrians.
Temporary construction signs (nonresidential use districts and Special Use District).	One (1) per site or development.	Sixteen (16) square feet.			Eight (8) feet maximum.	Six (6) inches if attached to a building.	<ol style="list-style-type: none"> <li>1. Applies to nonresidential-zoned properties.</li> <li>2. Freestanding signs shall be a minimum of ten (10) feet from property line and/or r.o.w.</li> <li>3. Sign can be mounted on building or fence subject to all other provisions.</li> <li>4. Must be removed with seventy-two (72) hours of the issuance of temporary or final certificate of occupancy.</li> <li>5. If freestanding the sign shall be fastened securely to each of two (2) supports, one (1) on each end of the sign, installed a minimum of three (3) feet below the established grade in a secure manner utilizing concrete or other suitable method.</li> <li>6. The sign text may only identify the property, the owner or agent, contractor, or professional affiliations, property address and telephone numbers who are involved in the construction of improvements on the property.</li> <li>7. The sign shall be constructed of metal, plastic, wood or pressed wood.</li> <li>8. Such sign shall be kept in good repair and shall not be illuminated or constructed of a reflective material and shall not contain any flags, streamers, movable items or like devices.</li> </ol>

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<i>Type of sign</i>	<i>Maximum number permitted</i>	<i>Maximum sign area</i>	<i>Maximum length of sign</i>	<i>Maximum lettering height</i>	<i>Maximum/minimum height of sign *</i>	<i>Projection and/or separation **</i>	<i>Other requirements</i>
<p>Temporary real estate signs, construction signs, and professional affiliation signs, in Single- family, Multi-family 1, and Multi-family 2 Districts.</p>	<p>One (1) per site or development.</p>	<p>Forty (40) square inches.</p>			<p>Six (6) feet maximum.</p>		<ol style="list-style-type: none"> <li>1. A property owner may erect one (1) temporary real estate sign, temporary construction sign or professional affiliation sign.</li> <li>2. Real Estate signage shall be regulated via the provisions contained in Section 5-1907, titled "Real estate, for sale, lease or rental of property or buildings."</li> <li>3. Construction signs and professional affiliation signage may be permitted subject to the following provisions:               <ol style="list-style-type: none"> <li>a. The purpose of the sign is identification, and the sign may identify the property, the owner or agent and the address and telephone number of the agent of work completed to the premises upon which the sign is located, and other similar information.</li> <li>b. The sign shall be constructed of metal, plastic, wood or pressed wood.</li> <li>c. If freestanding, the sign shall be fastened to a supporting member constructed of angle iron not exceeding one (1) inch by one (1) inch or two (2) inch by two (2) inch wooden post. The supporting member shall be all white or all black in color and have no letters/ numbers upon it.</li> <li>d. The supporting member shall be driven into the ground to provide that the top of the face of such sign shall not be more than four (4) feet above the finished grade of the ground.</li> <li>e. All such signs shall be lettered professionally. Sign shall not require permit issuance or Board of Architects approval.</li> <li>f. Such sign shall be so erected</li> </ol> </li> </ol>

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<i>Type of sign</i>	<i>Maximum number permitted</i>	<i>Maximum sign area</i>	<i>Maximum length of sign</i>	<i>Maximum lettering height</i>	<i>Maximum/minimum height of sign *</i>	<i>Projection and/or separation **</i>	<i>Other requirements</i>
							<p>or placed that its centerline is parallel or perpendicular to the front property line.</p> <p>g. Such sign shall not be erected or placed closer than five (5) feet to the front property line unless the main part of the building is less than five (5) feet from the front property line, in which case the sign may be placed in or upon a front or side door, window or wall of the building.</p> <p>h. Where such sign is suspended from an arm of the support, such arm shall not exceed a length of sixteen (16) inches.</p> <p>i. All such signs shall be erected on a temporary basis.</p> <p>j. Such sign shall be kept in good repair and shall not be illuminated or constructed of a reflective material and shall not contain any flags, streamers, movable items or like devices.</p> <p>k. The sign must be removed within seventy-two (72) hours of the issuance of temporary or final certificate of occupancy for the property or as determined by the Building and Zoning Department.</p>
<p>Tenant signage (street level).</p>	<p>One (1) per street level tenant per street right-of-way frontage.</p>	<p>Eighteen (18) square feet per tenant.</p>	<p>Fifty (50 %) percent of lineal tenant frontage.</p>	<p>Twelve (12) inches or an increase in size to eighteen (18) inches if sign is design sign as provided herein.</p>	<p>Eighteen (18) feet maximum.</p>	<ol style="list-style-type: none"> <li>1. Twelve (12) inch maximum projection from wall surface.</li> <li>2. The maximum projection may be exceeded for design signs, subject to Board of Architect review and approval.</li> </ol>	<ol style="list-style-type: none"> <li>1. Tenant signage is prohibited if awning or canopy signage is provided.</li> <li>2. Street level tenant names signs are permitted for those uses located at street level.</li> <li>3. Permitted text shall only include tenant name and/or logo.</li> </ol>

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<i>Type of sign</i>	<i>Maximum number permitted</i>	<i>Maximum sign area</i>	<i>Maximum length of sign</i>	<i>Maximum lettering height</i>	<i>Maximum/ minimum height of sign *</i>	<i>Projection and/or separation **</i>	<i>Other requirements</i>
Wall mounted signs for buildings 45.0 feet or less in height.*	One (1) per street right-of way frontage.	<ol style="list-style-type: none"> <li>1. 0.75 square feet per lineal foot of primary street frontage not to exceed one hundred-fifty (150) s.f.</li> <li>2. 0.25 square feet per lineal foot of side street frontage.</li> </ol>	Fifty (50%) percent of lineal building frontage.	Eighteen (18) inches.	Twenty-Five (25) feet maximum.	Twelve (12) inch maximum projection from wall surface.	<ol style="list-style-type: none"> <li>1. Building sign or one (1) curvilinear building name sign is permitted. Only one (1) of the above options is permitted.</li> <li>2. Building sign content/ text may include up to two (2) names, tenants, etc.</li> <li>3. No off premises sponsors or advertising signs permitted.</li> <li>4. Sign shall be proportionate to the facade on which it is located, respecting the integrity of the architecture of the building.</li> </ol>
Wall mounted signs for buildings 45.1 to 97.0 feet.*	One (1) per street right-of way frontage.	<ol style="list-style-type: none"> <li>1. 0.75 square feet per lineal foot of primary street frontage not to exceed one hundred-fifty (150) s.f.</li> <li>2. 0.25 square feet per lineal foot of side street frontage.</li> </ol>	Fifty (50 %) percent of lineal building frontage.	Twenty- four (24) inches.	<ol style="list-style-type: none"> <li>1. Ninety-seven (97) feet maximum.</li> <li>2. Minimum thirty-five (35) feet.</li> </ol>	Twelve (12) inch maximum projection from wall surface.	<ol style="list-style-type: none"> <li>1. Building sign or one (1) curvilinear building name is sign is permitted. Only one (1) sign of the above option permitted.</li> <li>2. Building sign content/ text may include up to two (2) names, tenants, etc.</li> <li>3. No off premises sponsors or advertising signs permitted.</li> <li>4. Sign shall be proportionate to the facade on which it is located, respecting the integrity of the architecture of the building.</li> </ol>
Wall mounted sign for buildings 97.1 feet or more in height. *	Two (2) per building.	<p>Dependent upon location of the one sign the following standards shall apply:</p> <ol style="list-style-type: none"> <li>1. 1.0 square foot per lineal foot of primary street frontage, not to exceed two-hundred (200) sq. ft.</li> <li>2. 0.50 sq. ft. per lineal foot of side street frontage or building façade frontage on buildings not fronting on a street frontage, not to exceed</li> </ol>	Fifty (50%) percent of lineal building frontage.	Thirty (30) inches.	<ol style="list-style-type: none"> <li>1. Maximum of twenty-five (25) feet above the ceiling of the top floor.</li> <li>2. Minimum ninety-seven (97) feet.</li> </ol>	Twelve (12) inch maximum projection from wall surface.	<ol style="list-style-type: none"> <li>1. Building sign or one (1) curvilinear building name sign is permitted.</li> <li>2. Building sign content/ text may include up to two (2) names, tenants, etc.</li> <li>3. No off premises sponsors or advertising signs permitted.</li> <li>4. Sign shall be proportionate to the facade on which it is located, respecting the integrity of the architecture of the building.</li> </ol>

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<i>Type of sign</i>	<i>Maximum number permitted</i>	<i>Maximum sign area</i>	<i>Maximum length of sign</i>	<i>Maximum lettering height</i>	<i>Maximum/minimum height of sign *</i>	<i>Projection and/or separation **</i>	<i>Other requirements</i>
		one hundred and fifty (150) sq. ft.					
Wall mounted signs in Special Use Districts.	One (1) sign.	Twelve (12) sq. ft.	Fifteen (15) feet.	Ten (10) inches.	Twelve (12) feet maximum.	Six (6) inches.	<ol style="list-style-type: none"> <li>1. Sign shall be subject to the following:               <ol style="list-style-type: none"> <li>a. Shall include no illumination.</li> <li>b. Must be attached to principal building</li> </ol> </li> <li>2. No other signage is permitted.</li> <li>3. Sign shall be proportionate to the facade on which it is located, respecting the integrity of the architecture of the building.</li> </ol>
Window signs displaying a commercial message.		Ten (10%) percent maximum of street level total window area or twenty (20) sq. ft., maximum, whichever is less.		Six (6) inch maximum.			<ol style="list-style-type: none"> <li>1. Permitted only on primary and side street level frontages.</li> <li>2. Window signage above the first floor is prohibited.</li> <li>3. The following text shall be exempt from the sign area calculations: enter; exit and similar decals as indicated below; and, property address of building.</li> <li>4. Maximum of one and a half (1 ½) square feet of decal signs is permitted to include the following: entrance; exit; credit card advertising or other decals as approved by the Building and Zoning Department. Physical property address signs shall be subject to these limitations.</li> <li>5. Window signs must be applied to the window in professional manner.</li> <li>6. The name of the establishment may only be permitted once. One (1) additional establishment name is permitted subject to design review approval. The additional name shall be the same text, lettering style/height, color, etc for both signs.</li> </ol>

\*Height is measured from the established grade.

\*\*Including all appendages of sign.

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All signs attached to a building shall be fastened directly to the walls by well-secured metal anchors in such a manner as to withstand a wind pressure load equal to one-hundred-fifty (150) miles per hour for a one (1) hour period. No signs shall be erected so as to obstruct any door, window, or fire escape and any building or structure, or so as to obstruct the visibility of any traffic control sign or traffic control signal.

### Section 5-1905. Detached signs.

Detached signs are subject to the following provisions:

- A. Specific locations. Except as provided for under Sections 5-1905(B) and 5-1907, detached signs will be permitted only upon premises zoned for commercial or industrial use and facing, abutting and fronting upon U.S. Route 1, (also known as South Dixie Highway) or upon Southwest Eighth Street, subject to the following conditions and restrictions:
  1. The face of any such sign shall not exceed thirty-two (32) square feet in area; and the top of the face of such sign shall not be more than six (6) feet above the finished grade of the ground, except that:
    - a. Detached signs, the top of the face thereof being not more than eleven (11) feet above the finished grade of the ground, shall be permitted at the following locations:
      - i. Upon premises abutting and fronting upon Southwest Eighth Street and lying east of LeJeune Road and upon premises lying west of LeJeune Road; and
      - ii. Fronting upon Southwest Eighth Street, where such premises extend as an entity from street to street measured in an east and west direction; and where the building on such premises, or some portion thereof, is at least two (2) stories in height.
    - b. Detached signs, the top of the face thereof, being not more than twelve (12) feet above the finished grade of the ground, shall be permitted upon premises facing, abutting and fronting upon U.S. Route 1 (also known as South Dixie Highway).
  2. Foundations shall be of masonry; supporting members shall be of metal or masonry construction; the sign itself shall be metal, masonry or plastic construction.
  3. The face of any such sign shall be set back at least five (5) feet from the front or any side property line, except in the case of such signs erected upon premises abutting and fronting upon Southwest Eighth Street east of LeJeune Road, and upon premises abutting and fronting upon Southwest Eighth Street west of LeJeune Road where no front setback shall be required; the sign shall be so set and placed that its centerline is at a normal to, or is parallel with, the front property line; and both faces of the sign, or the face and the back thereof, shall be parallel to each other.
  4. Each such sign shall be landscaped as approved or required by the Building and Zoning Department.
  5. A monument sign may contain up to three (3) building tenant names subject to the discretion of the Board of Architects and the following conditions and limitations:
    - a. Monument sign structure shall not exceed six (6) feet in height.
    - b. Monument signs shall not exceed thirty-two (32) square feet in total area.
    - c. Monument signs shall be landscaped subject to the discretion to the Board of Architects.
    - d. Monument signs shall be located a minimum of five (5) feet from any right-of-way, sidewalk or driveway.
    - e. Only one (1) such sign shall be permitted on any one (1) premises.

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- f. No monument shall be placed or constructed in such a manner as to produce an unsafe visual clearance at any intersection or driveway location.
- B. Specific cases. Subject to the applicable regulations and requirements of this article, detached signs shall be permitted in the following cases, subject to the conditions and restrictions as noted:
1. Apartment buildings, apartment-hotel buildings and hotel. Detached signs the face thereof not exceeding six (6) square feet in area, shall be permitted to be erected upon premises of an apartment building, apartment/hotel building and hotel, but no more than one such sign shall be permitted in connection with any such building or with any group of such buildings operated together as an entity. Such detached sign shall be placed on a standard with cross arms, and the height thereof shall not exceed nine (9) feet from the finished grade of the ground to the top of the standard or post, except, however, that the height of detached signs upon premises of an apartment building, apartment hotel building and hotel facing, abutting and fronting upon U.S. Route 1 (also known as South Dixie Highway), shall not exceed a height of twelve (12) feet from the finished grade of the ground to the top of the standard or post.
  2. Service stations. Service stations dispensing products of companies which have a standard trademark sign shall be permitted to erect one such detached trademark sign on the premises of the station, such sign to be of a height and size as in accord with the standard height and size of similar signs of other stations handling the same products, subject to all requirements of the Florida Building Code and ordinances of this City. Signs which advertise the price of gasoline dispensed at a service station shall be permitted to be affixed or otherwise attached to the detached trademark sign pole subject to the following conditions and restrictions:
    - a. The face of any such sign shall not be larger than a maximum of three (3) feet wide or a maximum of three (3) feet high or larger overall than a total of eight and one-half (8½) square feet, and shall be surrounded by a one (1) inch aluminum or galvanized iron pipe frame.
    - b. The lettering and context of such signs shall be limited and restricted to the following:
      - i. The words “Self Serve.”
      - ii. The grade and price of not more than three (3) gasoline grades.
    - c. The type style of the letters and numbers shall be Helvetica and the height of the letters and numbers of such signs shall not exceed the following:
      - i. The words “Self Serve” in upper case letters-three (3) inches.
      - ii. The letters designating the “Grade”-five and one-half (5½) inches.
      - iii. The dollars and cents numbers-eight and one-half (8½) inches.
      - iv. The tenths cent numbers-five and one-half (5½) inches.
    - d. The color scheme of such signs shall be as follows:
      - i. Letters and numbers-white.
      - ii. Background-black.
      - iii. Pipe frame-black.
    - e. The sign may be so designed that the letters and/or numbers can be readily removed and replaced.
    - f. Not more than one (1) price sign shall be permitted to be erected for any one (1) service station. This provision, however, shall not preclude the sign from having a front and back as set forth herein in subparagraph (g).
    - g. Such price sign shall be so attached or erected on the detached sign pole that the face of such sign is perpendicular to, or parallel with the front property line and both faces of the sign

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- or the face and back thereof, shall be parallel to each other.
- h. No such signs shall be located or placed at a corner intersection of a street in such a manner that it would block or obscure the visibility at the street intersection.
  - i. No illumination shall be permitted for such sign.
  - j. The structural design and method of attachments of such sign shall be subject to approval of the Structural Engineer.
  - k. Such sign shall initially be subject to approval by the Board of Architects and shall not be installed or erected without a permit, however, subsequent changes of the letters and/or numbers shall not require a permit and shall not be required to be submitted to the Board of Architects for approval, provided, however, that all such changes shall be professionally lettered.
  - l. The Code Enforcement Officer shall cause to be removed any such signs not conforming with the provisions of this section.
3. Parking lots. Detached signs may be erected upon off-street parking lots of ten-thousand (10,000) square feet or more in area, which are operated in connection with stores or other places of business. Wording on the sign shall be limited to the name of the business and may include the words "Customer Parking Only" or any combination thereof. Only one (1) such sign, not larger than twenty-four (24) square feet, shall be permitted on any one (1) such parking lot. Any necessary entrance or exit signs will be permitted with a limit of two (2) signs to each entrance and exit with a maximum area of three (3) square feet and maximum width of two (2) feet, and location must be approved by the Board of Architects. Only the words "Exit only" or "Entrance Only" shall be permitted on said entrance and exit signs.
4. Motels. Detached signs, the face thereof not exceeding thirty-two (32) square feet in area, shall be permitted to be erected upon the premises of a motel. Only one (1) such detached sign shall be permitted on the motel premises. The height of such detached sign shall not exceed nine (9) feet from the finished grade of the ground to the top of the sign, provided, however, that the height of detached signs upon premises of a motel facing, abutting and fronting upon Southwest Eighth Street and upon U.S. Highway 1 (also known as South Dixie Highway) may be erected to a height not to exceed the height limits permitted by Section 5-1905(A) hereof for such streets. The words Motel or Motor Court or similar designation of any motel, as defined herein, shall not be used to designate any building or facility except in a Commercial, Commercial Limited, or Industrial District, even though the area of living units within such building meet the minimum requirements for motels under the Zoning Code.
5. Historical markers. Whenever any building, structure, site or artifact has been designated as an historic landmark by the Historic Preservation Board, a detached historical marker shall be permitted to be erected upon the site, subject to the following conditions and restrictions:
- a. The size and design of such historical marker shall be in accordance with the historical markers cast for the State of Florida's Bureau of Historical Sites and Properties as if the same were fully set forth herein.
  - b. The historical marker and the letters on such historical marker shall be of cast aluminum or cast bronze.
  - c. The supporting member of such marker shall be of metal imbedded in a masonry foundation.
  - d. The marker may describe events, people, places, ideas and identify the sponsor, but the text on the marker shall be subject to approval of the Historic Preservation Board.
  - e. The letters on such marker shall be painted in gold leaf, but the color of the background of

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such marker shall be subject to approval of the Historic Preservation Board.

- f. The face of any such marker erected on private property shall be set back a minimum of five (5) feet from the front property line and a minimum of fifteen (15) feet from any interior property line.
- g. On corner intersections no such marker shall be placed within fifteen (15) feet of any official right-of-way line.
- h. Any such historic marker on private property shall be so erected that its face is perpendicular to or is parallel with the front property line.
- i. The top of such marker shall not be more than seven and one-half (7½) feet above the finished grade of the ground.
- j. The location of the historical marker on private property shall be subject to approval of the Historic Preservation Board.
- k. The location of historical markers on public property shall be subject to approval by the City Commission upon recommendation from the Historic Preservation Board.
- l. Historical markers erected in Commercial, Commercial Limited, and Industrial Districts may be illuminated, provided, however, that the source of illumination be shaded and not directly visible from any public right-of-way.

### **Section 5-1906. Advertising in residential districts.**

Except as provided for under Section 5-1904 and except for signs herein otherwise permitted upon building sites during construction of a building thereon, no advertising sign, exposed to view from any public street, highway, thoroughfare, waterway or public place shall be erected, used or maintained upon any lot or parcel of land which is, by the terms of a deed or contract for deed still in force, restricted to purposes of improvements or occupation for residential purposes, or which is now or may hereinafter be zoned by ordinance for residence purpose only, whether such residence purpose be single-family, duplex or multiple-family unless the same shall conform in construction, location, size and type to the provisions of this ordinance.

### **Section 5-1907. Real estate, for sale, lease or rental of property or buildings.**

Signs pertaining to the sale, lease, or rental of property or buildings shall be permitted in any use district subject to the following conditions and restrictions:

- A. The sign may identify the property, the owner or agent and the address and telephone number of the owner or agent relative to the premises upon which the sign is located. In Commercial, Commercial Limited, and Industrial Districts, signs may also contain information concerning building description, price, terms and availability.
- B. The face surface of such sign shall not be larger than:
  - 1. Forty (40) square inches, in SFR, MF1, and MF2 and MFSA, provided, however, that it shall be permissible to attach thereto one (1) of the following additional signs not exceeding forty (40) square inches and containing the wording or information:
    - i. "By appointment only."
    - ii. "Open."
    - iii. "Sold."
    - iv. "Listing agent name and telephone number."
  - 2. In C, CL, MXD and I Districts, the face surface of such signs shall not be larger than two hundred

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and fifty (250) square inches.

- C. The sign shall be constructed of metal, plastic, wood or pressed wood. In SFR, MF1, MF2 and MFSA, said signs shall be fastened to a supporting member constructed of angle iron not exceeding one (1) inch by one (1) inch or two (2) inch by two (2) inch wooden post, provided that said supporting member shall be all white or all black in color and have no letters or numbers upon it. In Commercial, Commercial Limited, and Industrial Districts, the same criterion applies for signs requiring a supporting member.
- D. The supporting member shall be driven into the ground to provide that the top of the face of such sign shall not be more than four (4) feet above the finished grade of the ground.
- E. All such signs shall be lettered professionally, but such signs shall not be required to be submitted to the Board of Architects for approval and no permit shall be required for the installation or erection of such signs.
- F. Only one (1) such sign shall be permitted on any one (1) premises, provided, however, that where the property abuts a waterway or golf course, a sign may also be placed or erected to be visible from such waterway or golf course with such sign having a setback from the waterway or golf course of not less than five (5) feet.
- G. Such sign shall be so erected or placed that its center line is parallel or perpendicular to the front property line.
- H. Such sign shall not be erected or placed closer than five (5) feet to the front property line unless the main part of the building is less than five (5) feet from the front property line, in which case the sign may be placed in or upon a front or side door, window or elevation of the building.
- I. Nothing contained herein shall be construed as prohibiting the same wording from being on both the front and back of the sign.
- J. Where such sign is suspended from an arm of the support, such arm shall not exceed a length of sixteen (16) inches.
- K. All such signs shall be erected on a temporary basis.
- L. Such sign shall be kept in good repair and shall not be illuminated or constructed of a reflective material and shall not contain any flags, streamers, movable items or like devices.
- M. Any such sign shall be removed within five (5) days from the date a binding agreement is entered into for the sale, lease or rental of the property or immediately upon the removal of the property from the market, whichever occurs first.
- N. Any Code Enforcement Officer may cause to be removed any such sign not conforming to the provisions of this section.

### **Section 5-1908. Location in show windows, display windows, door or other windows.**

No sign bearing a commercial message, which is visible from the exterior of the building, shall be located or displayed in or from any show window, display window, or door or other window when such sign is so designed or displayed so as to attract attention from the exterior of the building except that:

- A. Temporary paper signs will be permitted as provided under Section 5-1901(C).
- B. Permanent signs shall be permitted to be installed or affixed to or painted upon any show window, display window, or door or other window as provided for elsewhere in this article as shall be approved by the Board of Architects.

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- C. The foregoing shall not prohibit the use of bona fide price tags when such tags are affixed to or attached to merchandise displayed for sale, providing that the size and number of such signs shall be aesthetically in keeping with the building as shall be approved by the Board of Architects.

### **Section 5-1909. Temporary noncommercial signs.**

- A. Temporary signs displaying only a noncommercial message shall be permitted, subject to all of the following conditions:
1. Except as provided in Section 5-1909(B) below, there shall be no more than one (1) temporary noncommercial sign per building, lot, and/or tenant space.
  2. No sign permitted under this Section shall exceed twenty (22) inches by twenty-eight (28) inches in size.
  3. Signs permitted under this Section shall be a minimum of five (5) feet from a public right-of-way.
  4. Signs permitted under this Section shall not be erected or placed closer than five (5) feet to the front and/or side property line, except that in cases where the main part of the building is less than five (5) feet from the front property line, signs permitted under this Section may be placed in or upon a front or side door, window, or wall of the building.
  5. Signs permitted under this Section shall be allowed for a period not to exceed one-hundred and twenty (120) days.
- B. Bonus signs. A maximum of two (2) additional temporary signs displaying only a noncommercial message – making a total of three (3) such signs – shall be permitted per building, lot, and/or tenant space during the time period that begins no earlier than ninety (90) days prior to the date of any national, state, or local election and that ends within five (5) days after such an election, provided that such signs comply with all other applicable provisions in this Section.
- C. Windows. Temporary noncommercial signs that are otherwise in compliance with this Section may be posted, affixed, or attached to a window.
- D. Examples. A temporary noncommercial sign would include, simply by way of example, a sign installed for a temporary period that displays support for a political candidate or issue, that reflects an ideological or religious position, that directs the public to the existence or location of a noncommercial event, or that reflects any other solely noncommercial message.
- E. Construction, materials, and maintenance.
1. Sign post(s) shall only be constructed of metal, plastic, wood or pressed wood.
  2. Sign face(s) shall only be constructed of metal, plastic, wood, pressed wood, cardboard or paper.
  3. Pursuant to Section 5-1902(E), all sign(s) shall be maintained and kept in good repair and otherwise comply with any applicable provisions in Section 5-1902.
- F. Prohibited signs.
1. Signs permitted under this Section shall not be pasted, glued, printed, painted, affixed or attached by any means whatsoever to the following: vacant lot(s); utility pole(s); utility pole supports/guy wires; tree(s); light poles; rights-of-way signage; public rights-of-ways and/or surfaces; sidewalk(s); paving surfaces; swales; curbs or any other property of any governmental entity

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without first obtaining authorization in writing from the City Commission or City Manager's designee or unless otherwise authorized by law.

2. Signs or sign posts shall not be illuminated or constructed of a reflective material and shall not contain any flags, streamers, movable items, fluttering, spinning, rotating or similar attention attractors or advertising devices.
3. Banners, flags, cloth or signs constructed of other similar materials are prohibited.

### G. Penalties.

1. Signs located on public rights-of-way. Failure to comply with all of the provisions contained within this Section shall cause the sign to be removed.
2. Signs located on private properties. The City may issue a courtesy warning followed by a civil citation if compliance is not achieved.
3. These penalties shall be cumulative with other remedies under the Code, including the availability of requests for injunctive relief.

H. Enforcement. The provisions of this Section shall be enforced by the appropriate city personnel as determined by the City Manager.

### **Section 5-1910. Historical plaques.**

Historical plaques may be installed upon buildings, structures and/or artifacts which have been designated as historic landmarks by the Historic Preservation Board, subject to the following conditions and restrictions:

- A. The Historic Preservation Board shall establish a standard for an historical marker, which will include its design, material, color, and text.
- B. The size of such plaque shall not exceed eighteen (18) inches in width by eighteen (18) inches in height.
- C. Such plaque shall be erected flat against the surface of building, structure or artifact.

### **Section 5-1911. Encroachments over public rights-of-way.**

Signs which encroach greater than nine (9) inches over public rights-of-way shall be subject to the following conditions and restrictions:

- A. The property owner shall execute a restrictive covenant prepared by the City Attorney, which shall run with the title of the land, agreeing to provide public liability insurance coverage for the encroachment in the minimum limits required by the City, and naming the City as additional insured under the policy.
- B. An executed copy of the restrictive covenant, together with certificate of required insurance, shall be presented to the Building Official, prior to the issuance of any permits for such work.
- C. Signs must be in accordance with the provisions of this section and the Florida Building Code, and maintained in good condition at all times at the property owner's expense.
- D. The City of Coral Gables reserves the right to remove, add, maintain or have the owner remove any sign within the right-of-way at the owner's expense.

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- E. The property owner shall be legally responsible for the encroachment, and shall defend, indemnify, and hold harmless the City against any claims for damages or injuries resulting in any manner from the encroachment.

Signs which encroach nine (9) inches or less may be administratively approved by the City Architect and must comply with, and are subject to items C, D and E as specified in this section.

### **Section 5-1912. Restaurant menu boards.**

Restaurant establishments may install one permanent outdoor menu board subject to the following restrictions:

- A. Restaurant menu boards shall be located within ten (10) feet of that establishment's main entrance.
- B. Restaurant menu boards shall be permanently wall-mounted, maintained in good condition and contain current menus.
- C. Restaurant menu boards shall not exceed thirty-six (36) inches in height by twenty-four (24) inches in width by four (4) inches in depth.
- D. Framing materials (other than fasteners) for menu boards shall be made of wood, brass or aluminum, and shall blend in and be consistent with the color of the building façade.
- E. All restaurant menu boards shall be required to have a sliding or hinged glass door, and must have an operational key lock.
- F. Backdrop night lighting may be incorporated but must be integrated within the menu board and shielded to reduce glare.
- G. Information displayed on the menu board shall be limited to the specific restaurant's menus and the restaurant's hours of operation.

### **Section 5-1913. Security and alarm system signs.**

Free-standing signs identifying the presence of security and alarm systems shall be permitted in any Single-Family, Multi-Family 1, and Multi-Family 2, and Multi-Family Special Area District subject to the following conditions and restrictions:

- A. Printed information on the sign shall be limited to a warning message and manufacturer and/or installer's name, address and telephone number.
- B. The face surface of such sign shall not be larger than sixty-three (63) square inches in size.
- C. The sign shall be constructed of metal or plastic and said signs shall be fastened to a supporting member constructed of metal not exceeding one (1) inch diameter or square. Said supporting member shall be all white or all black in color and have no letters or numbers upon it.
- D. The overall height of the sign shall not exceed three (3) feet above finished grade of the ground.
- E. All such signs shall be lettered professionally, but shall not be required to be submitted to the Board of Architects for approval and no permit shall be required for the installation or erection of such signs.
- F. Only two (2) such signs shall be permitted per property with no more than one (1) per side.

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- G. Such sign shall not be erected or placed closer than five (5) feet to the front property line unless the main part of the building is less than five (5) feet from the property line, in which case the sign may be placed in or upon the front or side door, window or elevation of the building.
- H. Such sign shall be kept in good repair and shall not be illuminated or constructed of a reflective material.
- I. Any Code Enforcement Officer may cause to be removed any such sign not conforming with the provisions of this section.

### **Section 5-1914. Signature event signs.**

- A. Signature event signs are permitted for “City-owned” museums, theaters or one screen cinemas within the Central Business District (CBD) to promote community based events, activities, exhibits, and shows within the facilities subject to all of the following:

- 1. Sponsorship. The sign may only be erected by a unit of government or cultural institution.
- 2. Permitted use and location. “City-owned” museums, theaters or one screen cinemas located within the CBD.
- 3. Maximum building sign area.
  - a. Museums and theaters. A maximum of five (5%) percent of gross surface area of each building façade that faces onto a public street.
  - b. One screen cinemas. A maximum of five (5%) percent of gross surface area of only the portion of the building façade utilized for one screen cinemas, excluding any areas of the building façade not utilized for one screen cinemas, that faces onto a public street.

See “Sign, building façade sign calculation” definition to determine building facade calculations.

- 4. Sign type. May include pennants, flags, cable-hung banners and vertical banners.
- 5. Sign content.
  - a. May include logos and/or sponsorship/corporate branding up to a maximum of twenty (20%) percent of the allowable sign area.
  - b. Shall not include a changeable copy.
  - c. Vertical lettering orientation is permitted.
  - d. Shall only advertise events, activities, exhibits, and shows contained within the facilities. Offsite advertising is prohibited.
- 6. Sign location and construction.
  - a. Constructed of cloth, synthetics or other flexible/pliable materials.
  - b. May hang or be mounted from a building by a pole, wire or similar supporting/mounting device.
  - c. Shall be attached to supporting structures capable of withstanding continuous wind without deflections or rotations that would cause deformation, failure or other damage to such signs and structures subject to applicable Florida Building Code requirements.

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- d. Shall not be mounted or project vertically from the roof, roof structure, towers, poles or any architectural feature or appendage of the building.
  - e. Projection signage or signage that projects from the building facades or sides is prohibited.
  - f. Shall not be nailed, taped or affixed by temporary means to any building façade walls, windows, etc.
  - g. Shall not be directly illuminated.
7. Time limitations for sign placement and removal. Signs may be placed up to ninety (90) days prior to a scheduled event and during the event. All signs shall be removed within seven (7) days of completion of the event, activity, exhibit or show.
- B. Review process.
1. Board of Architects. Applicants shall be required to secure approval from the Board of Architects prior to submittal for a building permit.
  2. Review and approval for historic properties. Applicants shall be required to secure administrative approval from the Building and Zoning Department and Historical Resources Department prior to building permit review and approval.
  3. Encroachments. Signs may encroach into the adjacent right-of-way a maximum of nine (9) inches if such sign is located a minimum of ten (10) feet above the established grade. Building permit review is only required for encroachment per these provisions. An Encroachment Agreement may be required by the Public Works Department.
- C. All other applicable provisions of Article 5, Division 6, Section 5-1902., General Design Standards that are applicable to all signs and Divisions 19, Signs shall be applicable unless indicated otherwise within these provisions.

### **Section 5-1915. Art in Public Places Program signs.**

- A. Signs identifying artwork that is being presented as part of the City's Art in Public Places Program may be installed on or near such pieces of artwork subject to all of the following:
1. Maximum sign area. Up to a maximum of one- hundred-and-twenty-one (121) square inches may be permitted per sign.
  2. Temporary and permanent sign type(s). The Cultural Development Board (CDB) when reviewing temporary and permanent sign types shall satisfy applicable design standard provisions within Article 5, Division 6, Section 5-1902., General Design Standards that are applicable to all signs and Divisions 19, Signs.
  3. Sign quantity and content. Up to two (2) permanent signs may be permitted per permanent art piece and one (1) temporary sign per temporary art piece subject to the following:
    - a. Project name; date of creation; date of installation; artist name; construction materials; artwork title; specific donors; and/or other applicable information, and.
    - b. Donor name(s); description of the artwork; artist(s) biographical information; dedication information, developer commissioned artwork information and applicable public benefit information.

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The discretion for the placement of the second permanent sign shall be subject to Board of Architects review and approval. All of the above signs shall require review and approval by the CDB prior to Board of Architect review.

4. Sign location and construction.
  - a. Signs may be affixed to a building, structure or mounting pedestal/base located in close proximity to the artwork.
  - b. Mounting pedestals shall not exceed thirty-six (36) inches in height, and shall require review and approval by the CDB.
  - c. Signs shall not be internally illuminated.
  - d. Signs shall not include changeable copy.

### B. Review process.

1. Board of Architects. Applicants shall be required to secure review and approval for both temporary and permanent signs from the Board of Architects.
2. Historically designated properties and districts. Art in Public Places Signage that is installed on a historically designated property shall require review and approval by the Historic Preservation Board. Artwork that is designated as a part of the historic landmark may have signage that is in compliance with Section 5-1910, "Historic Plaques" either in conjunction with Art in Public Places Signage, or in lieu of Art in Public Places Signage, subject to review and approval by the Historic Preservation Board.

- C. All other applicable provisions of Article 5, Divisions 19, Signs shall be applicable unless indicated otherwise within these provisions.

### **Section 5-1916. Sign review as a part of the site plan review for new development.**

- A. Site plan reviews. Applicants requesting site plan review from the Planning Department may request review of signage as a part of the required site plan review process. The Planning Director may require applicants undergoing site plan review to secure sign review and approval in association with site plan review. This shall be applicable to the following reviews:

1. Developments of Regional Impact (DRI).
2. Mixed-use developments.
3. Planned Area Developments (PAD).
4. Special Use Districts.
5. Conditional uses.
6. Subdivisions for residential uses with a minimum of fifty (50) homes and five (5) acres.

- B. Review process. Applicants shall apply to the Planning Department for review as a total signage package for such developments. Such applications shall require design review and recommendation before the Planning and Zoning Board and final approval by the City Commission.

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- C. Review criteria. In reviewing an application, the Planning Department, Planning and Zoning Board and the City Commission shall review the application to determine if the request satisfies all of the following criteria:
  - 1. The design, type, size, number, lettering, logos, construction, materials, type of illumination, and location of the proposed signage are in conformance with the architecture and character of the building, development, etc.
  - 2. The potential use of the signs for advertising instead of identification, informational, or directional purposes.
  - 3. The visibility and impact of the design, type, size, number, lettering, logos, construction, materials, type of illumination, and location of the proposed signs has on adjoining properties.
  - 4. The proposed signage is within the intent and provisions of the current Sign Code provisions.
  - 5. If the proposed signage is consistent and not in conflict with the intent of the Zoning Code, Comprehensive Plan and City Code.
- D. Signage that is not permitted as part of this Division shall not be permitted.
- E. Application requirements. The Planning Department shall determine the application submission requirements as provided within the Department's Development Review Procedures Handbook.

### **Section 5-1917. Sign review for larger existing development.**

- A. Sign review. Applicants requesting signage for existing developed properties for the below listed may request sign review.
  - 1. Special Use Districts; and
  - 2. Subdivisions for residential uses with a minimum of fifty (50) homes and five (5) acres.
- B. Review process. Applicants shall apply to the Building and Zoning Department for review. Such applications shall require design review and final approval before the full membership of five (5) or more members of the Board of Architects.
- C. Review criteria. In reviewing an application, the Building and Zoning Department and the Board of Architects shall review the application and determine if the request satisfies all of the following criteria:
  - 1. The design, type, size, number, lettering, logos, construction, materials, type of illumination, and location of the proposed signage are in conformance with the architecture and character of the building, development, etc.
  - 2. The potential use of the signs for advertising instead of identification, informational, or directional purposes.
  - 3. The visibility and impact of the design, type, size, number, lettering, logos, construction, materials, type of illumination, and location of the proposed signs has on adjoining properties.
  - 4. The proposed signage is within the intent and provisions of the current Sign Code provisions.
  - 5. If the proposed signage is consistent and not in conflict with the intent of the Zoning Code, Comprehensive Plan and City Code.
- D. Signage that is not permitted as part of this Division shall not be permitted.

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- E. Application requirements. The Building and Zoning Department shall determine the application submission requirements.

### **Section 5-1918. Variances.**

- A. In the event that a building, buildings or property exhibits special circumstances, the property owner can submit an application for a variance to the provisions of this Division.
- B. The Building and Zoning Department and Board of Adjustment in its review for justification of a variance shall determine if the request satisfies the following criteria:
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 this Ordinance to other lands, buildings or structures in the same zoning district.
  4. That literal interpretation of the provisions of the Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Code and would work unnecessary and undue hardship on the applicant (see also definition of necessary hardship).
  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 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 the Zoning Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

### **Section 5-1919. Nonconforming signs.**

- A. All signs issued sign permits, or that were otherwise lawfully existing at the time of adoption of this Division, but which are not in conformance, may continue as nonconforming signs, subject to the following:
1. No such nonconforming sign shall be enlarged, increased, relocated, nor extended to occupy a greater area than was occupied at the effective date of adoption or amendment of this Article.
  2. If any such use for which the sign ceases for any reason for a period of more than twelve (12) months, any subsequent sign shall conform to the regulations specified herein.
  3. Nonconforming signs that are damaged by any cause may be repaired if the cost of the repair does not exceed fifty (50%) percent of the current replacement value of the sign. Such repairs shall be limited to routine painting, repair and replacement of electrical components. Change of copy shall not be permitted.
  4. Signs that were installed at the time of a building's or structure's initial construction, but were removed or altered, and such building or structure is classified as contributing historic structure

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may be restored or replicated subject to Historic Preservation Department and Historic Preservation Board review and approval.

5. The City Commission may require a nonconforming sign to be brought into immediate conformity with all or part of the provisions contained herein or be removed when evidence is presented by City Staff, which indicates the sign to be hazardous to the public or to have been abandoned by its owners. All costs associated may be assessed to the current property owner of record.
- B. Any sign lawfully existing as of February 26, 1985, may be continued provided such sign shall not be replaced or structurally altered unless such sign is then made to comply with the provisions of this Division.
- C. If a sign is removed from a wall or facade of a building in order to renovate, enlarge, and/or structurally alter such wall or facades, such sign shall not be replaced unless it is made to comply with the provisions of this ordinance; providing, however, that this provision shall not prevent routine maintenance or repair to either the sign or the wall on which it is mounted.

### **Section 5-1920. Miscellaneous.**

Where discrepancies exist between sections and other sections of the Code, the most stringent standards shall apply.

### **Section 5-1921. Interpretation and severability of regulations within this Division.**

- A. Interpretation; substitution of noncommercial speech for commercial speech. Notwithstanding anything contained in this Division or Code to the contrary, any sign erected pursuant to the provisions of this Division or Code or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a noncommercial message in lieu of a commercial message. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign-type and provided that the size, height, setback and other dimensional criteria contained in this Division and Code have been satisfied.
- B. Severability Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division.
- C. Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection A, above, or elsewhere in this Division, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- D. Severability of provisions pertaining to prohibited signs and sign elements. Without diminishing or limiting in any way the declaration of severability set forth above in Section 5-1919(A) above, or elsewhere in this Division, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article that pertains to prohibited signs,

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including specifically those signs and sign elements that are prohibited by Section 5-1902(D). Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 5-1902 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 5-1902, thereby ensuring that as many prohibited sign-types as may be constitutionally prohibited continue to be prohibited.

- E. It is the intent of the City to regulate signage in a manner that implements the purposes of this Division as expressed in Section 5-1901. The City finds that the purposes stated in Section 5-1901 are legitimate, substantial, and compelling public interests, that the regulation of signage provided by this Division is unrelated to the suppression of free expression, and that the incidental restrictions on expression that may occur as a result of these regulations is no more than is essential to the furtherance of the public interests. However, if a court of competent jurisdiction finds any regulation herein to be based upon content and, further, declares such regulation unconstitutional, then it is the intent of the City of Coral Gables that only that portion of the provision that is found unconstitutional be severed from this Division, and if it is not possible for the court to strike only the portion of the provision that is found unconstitutional, then it is the intent of the City of Coral Gables that all signs that would be subject to the stricken provision will instead be subject to the next surviving provision for a sign of like geometry and character that is more restrictive than the stricken provision in terms of sign area.

### **Division 20. Telecommunications**

#### **Section 5-2001. Purpose and applicability.**

The requirements establish general guidelines for the siting of wireless telecommunications towers and antennas and are intended to accomplish the following purposes:

- A. Protect and promote the public health, safety and general welfare of the residents of the City and support the City's public safety and internal communications needs;
- B. Provide for the appropriate location and development of telecommunications facilities within the municipal limits;
- C. Minimize residential areas and land uses from potential adverse impacts of towers and antennas;
- D. Encourage the location of towers to the extent possible on property used for municipal purposes and in non-residential areas to minimize the adverse impact on the community;
- E. Minimize the total number of towers throughout the community by strongly encouraging the co-location of antennas on pre-existing towers and other structures as a primary option rather than construction of additional telecommunications towers;
- F. Encourage users of telecommunications towers and antennas to configure them in a way that minimizes the adverse visual impact of the telecommunications towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- G. Minimize potential damage to property from telecommunications towers and facilities by requiring such structures be soundly designed, constructed, modified and maintained; and
- H. Enhance the ability of the providers of personal wireless services to provide such services to the community through an efficient and timely application process. In furtherance of these goals, the City shall at all times give due consideration to the City's Comprehensive Plan (CP), zoning map, existing

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land uses, and environmentally sensitive areas, including hurricane preparedness areas, in approving sites for the location of telecommunications towers and antennas.

### Section 5-2002. Administration.

- A. All new towers shall be considered as a Conditional Use subject to all of the requirements of Article 3, Division 4 of these regulations and this Division. All antennas and other Telecommunications Facilities shall be considered as a Permitted Use, subject to the standards in this Division. To the extent a conflict should arise between this Division and the Conditional Use requirements under the City's Zoning Code, the latter shall control. All new towers and antennas and repairs or modifications to existing telecommunications facilities in the City shall also be subject to the regulations in this Division to the full extent permitted under applicable state and federal law. Telecommunications facilities owned by the City shall not be subject to this Division, except as specifically referred to herein.
- B. Pre-existing telecommunications towers and antennas shall be required to meet the requirements of this Division, unless prohibited by applicable law.
- C. Personal Radio Services antennas. This Article shall not govern any telecommunications facilities owned and operated for providing personal radio services. Refer to Section 5-2011, for provisions applicable to personal radio services.
- D. Pending applications. This Division shall not apply to all applications that have received a preliminary approval from the Board of Architects preliminary review and are considered vested. Those applications with preliminary approval shall comply with the prior Code requirements. All applications not yet vested shall comply with the new Code requirements set out in this Division.
- E. Non-essential services. The providing of Personal Wireless Services and the siting and construction of telecommunications facilities shall be regulated and permitted pursuant to this Division and shall not be regulated or permitted as essential services or City telecommunications.
- F. Except for matters herein specifically reserved to the City Commission, the City Manager shall be the principal City official responsible for the administration of this Division. The City Manager may delegate any or all of the duties hereunder unless prohibited by applicable law.

### Section 5-2003. Application requirements.

- A. The City shall create an application form that may be amended from time to time, for a person to apply for the construction, installation, or placement of a telecommunications facility, telecommunications tower, or antenna within the City consistent with the terms of this Division.
- B. The following information must be included in an application.
  - 1. Name and contact information for the applicant.
  - 2. Whether the proposed facility is the Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or telecommunications tower on such lot. A statement regarding whether the tower is a new installation or is a modification of an existing structure to be used as a tower. A statement regarding the proposed antenna(s) that will be placed on the proposed tower or attached to or placed upon an existing building.
  - 3. Lot size. For purposes of determining whether the installation of a telecommunications tower or antenna complies with the zoning provisions, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall

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control, even though the antenna or telecommunications tower may be located on leased parcels within such lot.

4. Specific information about the proposed location, height, and design of the proposed telecommunications facilities.
5. Inventory of existing sites.
  - a. Each applicant shall provide the City with an inventory of its pre-existing telecommunications towers and antennas within the City, and the pre-existing sites of other service providers' telecommunications towers within a one (1) mile radius from the proposed site regardless of City boundaries.
  - b. The City encourages and hereby establishes a preference for collocation. For applications for new telecommunications towers, the applicant must provide information to demonstrate, pursuant to the procedures listed within this subsection that no pre-existing telecommunications tower, structure, or state of the art technology, can accommodate or be modified to accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing telecommunications tower, structure, or state of the art technology is suitable may consist of the following:
    - i. An affidavit with supporting plans and calculations demonstrating that pre-existing towers or structures located within the geographic search area as determined by a Florida professional engineer experienced in the design of telecommunications systems do not have the capacity to provide reasonable technical service consistent with the applicant's technical system, including but not limited to, applicable FCC requirements.
    - ii. An affidavit by a Florida professional engineer experienced in design of telecommunications systems demonstrating that pre-existing towers or structures are not of sufficient height to meet applicable FCC requirements, or engineering requirements of the applicant.
    - iii. An affidavit with supporting plans and calculations by a Florida professional engineer experienced in design of telecommunications systems demonstrating that pre-existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
    - iv. An affidavit that the applicant's proposed antenna would cause interference with antennas on pre-existing towers or structures, or the antenna on the pre-existing towers or structures would cause interference with the applicant's proposed antenna.
    - v. An affidavit that the applicant's proposed antenna on a pre-existing tower or structure would cause interference with the City's telecommunications facilities.
    - vi. An affidavit demonstrating that the applicant made diligent efforts but was unable to obtain permission to install or collocate the applicant's telecommunications facilities on pre-existing telecommunications towers or usable antenna support located within a one (1) mile radius from the proposed site.
    - vii. An affidavit demonstrating that there are other limiting factors that render pre-existing towers and structures unsuitable.
6. Information to demonstrate compliance with land use siting hierarchies contained in Section 5-2004.
7. An engineering report, certified by a Florida professional engineer experienced in the design of telecommunications systems that shall include:
  - a. Information for site plan and Planning and Zoning Board review, including without limitation, a legal description of the parent tract and leased parcel if applicable, on-site and adjacent land uses, Master Plan classification of the site, a visual impact analysis and photo digitalization and landscaping embellishment and/or methods used for concealment or camouflage of the

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proposed telecommunications facilities viewed from the property line, as well as at a distance of two hundred and fifty (250) feet and five hundred (500) feet from all properties within that range, or at other points agreed upon.

- b. Due consideration must be given to potential construction details, including preliminary structural analysis for any proposed structures, such as equipment screen walls.
  - c. A statement of compliance with this Division and all applicable building codes, associated regulations and safety standards. For all telecommunications facilities attached to existing structures, the statement shall include certification that the structure can support all existing and additional superimposed loads from the telecommunications facility, in compliance with all applicable building codes, associated regulations and safety standards.
  - d. A certification from a Florida professional engineer experienced in design of telecommunications systems that the proposed facility including reception and transmission functions, will not interfere with or obstruct transmission to and from existing City telecommunications facilities.
  - e. A remedial action plan, subject to the City's approval, that includes, but is not limited to, procedures to rectify any interference or obstruction with City telecommunications, its plans to make all necessary repairs and/or accommodations to alleviate the interference or obstruction, and a period of compliance.
8. Additional information that the City may request consistent with this Division, all other applicable City zoning requirements and applicable law to process the application. In the event the City requests any additional information, the time in which an application is processed shall be tolled pending receipt and further evaluation.
- C. Applications for a telecommunications facility on any property owned, leased or otherwise controlled by the City shall require a lease agreement approved by the City Commission and executed by the City and the owner of the proposed telecommunications facility. The City may require, as a condition of entering into a lease agreement, the dedication of space on the facility for City communications purposes, as well as property improvement on the leased space. As part of any application to collocate facilities on City owned property, the City may require that the applicant improve the structural integrity of the building, structure or other City facility. Any dedications and improvements shall be negotiated prior to execution of the lease.
1. No lease granted pursuant to this Division shall convey the exclusive right, privilege, permit or franchise to occupy or to use the public lands of the City for delivery of telecommunications services or any other purpose.
  2. No lease granted pursuant to this Division shall convey any right, title or interest in the public lands other than a leasehold interest, and shall be deemed only to allow the use of the public lands for the limited purposes and term stated in the lease. No lease shall be construed as a conveyance of a title interest in the property.
  3. The City Manager, or his or her designee, may enter into an entry and testing agreement with a service provider to allow for the entry on City property for the purpose of testing. Such entry and testing agreements shall provide for a reasonable time period for such entry and testing, insurance and indemnification requirements, and shall be subject to the approval of the City Attorney.
- D. Filing fee. Failure to comply with the filing fee and cost recovery requirements in the City's Code shall cause the application to be deemed withdrawn or any approvals previously issued to be revoked.
- E. All applications shall be executed by a person with authority to act on behalf of the applicant and

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verified under penalty of perjury that the information contained within the application is true and correct to the best of the person's knowledge. All subsequent information submitted to the City and appearances at City hearings shall be by a person with authority to act on behalf of the applicant.

### Section 5-2004. Review process.

- A. Unless otherwise authorized by state or federal law, no person shall construct, install or maintain a telecommunications facility within the City without the City's approval pursuant to this Division. The City shall review and respond to an application within the time dictated by the nature and scope of the individual application, subject to the generally applicable time frames and consistent with the intent of the Telecommunications Act and Florida law.
- B. The City shall review the application for consistency with the City's Comprehensive Plan (CP), these regulations, and compatibility of the proposed telecommunications facility with the surrounding neighborhood.
- C. Timeframes for application.
  - 1. The City may establish separate applications for the various administrative approvals needed by an applicant including, but not limited to, site plan, zoning compliance, public safety, and building permit reviews.
  - 2. Notification of completeness. The City shall notify the applicant within twenty (20) business days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed, containing sufficiently reliable information, and has been properly submitted in accordance with the requirements set forth above. However, such determination shall not be deemed as an approval of the application. Such notification shall indicate with specificity any deficiencies which, if cured, could make the application properly completed. If the application has been properly submitted, the application shall be scheduled for the next regularly scheduled public hearing of the Planning and Zoning Board, if such a hearing is required by applicable law.
  - 3. Timeframe for decision. Each application for a new tower or antenna shall be approved or denied by the City within ninety (90) business days after the date that the properly completed application is submitted to the City, provided that such application complies with all applicable federal regulations, and applicable local zoning and/or land development regulations, including but not limited to any aesthetic requirements.
  - 4. Each application for collocation of a second or subsequent antenna on a tower, building, or structure within the City's jurisdiction shall be approved or denied by the City within forty-five (45) business days after the date the properly completed application is submitted to the City, provided that such application complies with all applicable federal regulations, and applicable local zoning and/or land development regulations, including but not limited to any aesthetic requirements.
  - 5. Extension and waiver. Where action by a City Board, Committee, or the City Commission is required on an application, the City may, by letter to the applicant, extend the timeframe for a decision until the next available regularly scheduled meeting of the City Board, Committee, or City Commission. Notwithstanding the foregoing, the applicant may voluntarily agree to waive the timeframes set forth above.
  - 6. Emergency extension. In addition to the extensions referenced in subsection C(5), the City shall also have the discretion to declare a one (1) time waiver of the time frames set forth herein in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities in the City.
- D. Co-location incentive.

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1. To encourage collocation, an application submitted to co-locate a second or subsequent antenna on an existing structure or on a pre-existing telecommunications tower shall only require the approval of the Development Review Committee, Board of Architects and the City Manager. For such applications that are not subject to the City Commission's approval pursuant to this Division, the City Manager shall issue a written decision either approving or denying an application.
  2. All other applications for the installation of a telecommunications tower shall be subject to approval or denial by the City Commission and shall comply with the application process set out in Article 3, Division 4 for Conditional Use. The process requires that the applications, including site plan, be submitted to the Development Review Committee, then to the Board of Architects, then to the Planning and Zoning Board, and then to the City Commission for a public hearing. All other applications for an antenna or other telecommunications facility shall be subject to review as a Conditional Use.
  3. Whether an application is for an initial installation or co-location, the City shall not approve an application for a proposed telecommunications facility that causes interference with any City communications services, or is otherwise not in compliance with the City's CP, this Division or any and all applicable provisions of the these regulations.
- E. For all applications subject to a hearing before the City Commission, the Planning and Zoning Board shall issue a written recommendation to the City Commission. The City Commission shall consider any part of the application, the City staff's recommendation, and any additional evidence presented by the applicant and the public. The City Commission's consideration of an application may include, but is not limited to, the compatibility with the surrounding neighborhood or lack thereof, compliance or non-compliance with the CP, this Division or any other Division of the City's Code, or any other lawful reason considered by the City. In the event of conflicts between this Division and these regulations, the more stringent provision with respect to the construction of a telecommunications facility shall apply.
- F. Appeals. Appeals shall be considered in accordance with the provisions of Article 3, Division 6 of these regulations. No decision of the City Manager may be appealed to a court without first appealing the decision to the City Commission.

### **Section 5-2005. Development standards.**

- A. General regulations. The standards listed in this Division apply specifically to all antennas, towers and telecommunications facilities, except those owned by the City, located on property owned, leased, or otherwise controlled and approved by the City or located on private property as specified herein. The City shall not be required to provide access to City property. To the extent that these development standards conflict with the applicable Conditional Use requirements of these regulations, the latter shall control.
- B. Local, state or federal requirements. The construction, maintenance and repair of telecommunications facilities are subject to the supervision of the City to the full extent permitted by applicable law, and shall be performed in compliance with all laws, ordinances and practices affecting such facility including, but not limited to, zoning codes, building codes, and safety codes, and as provided herein. The construction, maintenance, and repair shall be performed in a manner consistent with applicable industry standards, including the Electronic Industries Association. All telecommunication towers and antennas must meet current standards and regulations of the FAA, the FCC, including emissions standards, and any other agency of the local, state or federal government with the authority to regulate towers and antennas. If such applicable standards and regulations are revised and require that existing facilities adhere to such revised standards, then the owners of telecommunications towers and antennas within the City shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the

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controlling organization, state or federal agency. Failure to comply with applicable standards and regulations shall constitute grounds for the removal of the telecommunications tower or antenna at the owner's expense.

- C. Co-location. It is the intent of the City to encourage co-location of antennas by more than one service provider on pre-existing telecommunications towers and structures. Except as provided herein, all towers shall have the capacity to permit multiple users. At a minimum, monopole towers shall be able to accommodate two (2) service providers and, at a minimum, lattice or guyed towers shall be able to accommodate three (3) service providers.
- D. Hierarchy of siting alternatives. Placement of telecommunications towers, antennas and telecommunications facilities shall be in accordance with the following siting alternatives hierarchy.
  - 1. The order of ranking is from highest (a) to lowest (h). Where a lower ranked alternative is proposed, the applicant must demonstrate in its application that higher ranked options are not available. The availability of a less expensive lease on a lower ranked site is not sufficient in and of itself to justify using the lower ranked alternative where a higher ranked alternative is otherwise available.
    - a. Co-location on existing stealth tower on property used for a municipal purpose including, but not limited to, parks, public service and City maintenance yards, police and fire stations, City Hall, and community centers (hereinafter “municipal use property”).
    - b. Co-location on existing telecommunications tower on municipal use property.
    - c. Attached telecommunications facility on municipal use property.
    - c. Co-location on existing structures on municipal use property.
    - d. New stealth tower on municipal use property.
    - e. Co-location on existing stealth tower on private property.
    - f. Attached telecommunications facility on private property.
    - h. New stealth tower on privately owned property.
  - 2. For siting of new telecommunications towers on privately owned property, the following secondary hierarchy of zoning districts from highest (a) to lowest (f) is applicable. Where a lower ranked alternative is proposed, the applicant must set out in its application that the higher ranked zoning alternatives are not available and demonstrate with particularity why they are not available. The availability of a less expensive lease on a lower ranked site is not sufficient in and of itself to justify using the lower ranked alternative where a higher ranked alternative is otherwise available.
    - a. Industrial District.
    - b. Commercial Districts.
    - c. Multi-Family 2 District.
    - d. Multi-Family 1 Duplex District.
    - e. Multi-Family Special Area District.
    - f. Special-Use District.

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All other districts are least favored. If an applicant seeks to locate telecommunications towers in a residential zoning district, the applicant may submit an application to the City, with payment of the appropriate fee, for the City to cooperate in determining an appropriate site. Such application, however, shall not be subject to the timeframes for action on an application as otherwise provided in this Division. The placement of towers or antennas shall not be permitted in the Preservation District which is reserved for the preservation and conservation of the City's natural resources. To minimize the visual impact of telecommunications facilities in all zoning districts listed herein, only stealth telecommunications facilities may be permitted.

- E. Aesthetics. It is the intent of this Division to provide for appropriate screening to minimize the visual impact of all telecommunications facilities located within the City.
1. Telecommunications facilities and towers that are located within three hundred (300) feet of a residential district shall be of a type of stealth design that the City may require to best fit into the surrounding area.
  2. Towers and antennas shall meet the following requirements:
    - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness or be painted a color as may be required by the City.
    - b. At a telecommunications tower site, the design of the equipment facilities and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings to minimize the visual impact yet maintaining standards as set forth by the City Code.
    - c. The equipment facilities shall be completely surrounded by a decorative concrete block and stucco or pre-cast concrete wall, designed in a "Mediterranean" architectural style or such other style as the Board of Architects or the City Commission may require. This decorative wall shall be designed at the minimum height necessary to completely screen the equipment facilities so as not to be visible from abutting public streets. If it would blend in more with the surrounding area, the City may require opaque fencing in lieu of the decorative wall.
    - d. Architectural embellishment to the decorative wall shall be integrated into the design. Adequate access shall be provided by opaque gates. Walls, gates and accessory structures shall be determined by the Board of Architects and/or any applicable City Code provisions.
    - e. This decorative wall must be surrounded by a ten (10) foot wide landscape buffer to include three (3) tiers of plant material, designed by a landscape architect registered in the State of Florida. The three (3) tiers shall include, at a minimum, native shade trees planted one (1) tree per thirty (30) feet on center with fourteen (14) foot minimum heights; a continuous hedge broken only where access gates are required; and groundcover including annuals. Palm trees are to be used as accent plant material. Proper irrigation must be provided and maintained for long-term maintenance of the site or parcel. The overall aesthetic appeal and relationship with the architectural design of the wall and the site will be judged by the Board of Architects for compliance with these design criteria.
    - f. Telecommunications tower sites must comply with any landscaping requirements of the City Code and all other applicable aesthetic and safety requirements of the City, and the City may require landscaping in excess of those requirements to enhance compatibility with adjacent land uses. All landscaping shall be properly maintained to ensure good health and viability at the owner's expense. Telecommunications facilities shall be landscaped as required by the City.

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- g. If an antenna is installed on a structure other than a telecommunications tower, the antenna and supporting equipment facility shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. The City shall have the discretion to require that any aesthetic screening required by the City exceed the height of the equipment associated with the antenna by a minimum of one (1) foot.
  - h. No more than one (1) telecommunications tower shall be located on a single lot or single building site unless approved by the City.
- F. Antennas on pre-existing structure or rooftop.
- 1. Any antenna which is attached to any structure other than a pre-existing telecommunications tower may be approved by the City as a Conditional Use accessory to any commercial, professional, institutional, or multi-family structure provided:
    - a. The antenna does not extend more than ten (10) feet above the highest point of the structure;
    - b. The antenna is not visible from the ground from a distance of five hundred (500) and one thousand (1000) feet, or other points agreed to. Screening from ground view may be provided by a parapet or some other type of wall or screening;
    - c. The antenna is not to be located closer than eight (8) feet to any power line;
    - d. The number of antennas does not exceed three (3) per seven hundred and fifty (750) square feet of roof area per roof top for buildings under one hundred and twenty five (125) feet;
    - e. The number of antennas is not limited for any one (1) building of one hundred and twenty five (125) feet or higher;
    - f. The antenna shall be installed and maintained in accordance with all applicable code requirements;
    - g. The antenna complies with all applicable FCC and FAA regulations and all applicable building codes;
    - h. The antenna shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting building and shall be screened as required by the City so as to make the antenna and related equipment as visually unobtrusive as possible;
    - i. To minimize adverse visual impacts, antennas shall be selected based upon the following priority:
      - i. Any stealth antenna (whether panel, whip or dish);
      - ii. Panel;
      - iii. Whip;
      - iv. Dish; and
    - j. The applicant shall demonstrate, in order of priority as outlined above and in a manner acceptable to the City, why each choice cannot be used for a particular application.
  - 2. Antennas on pre-existing telecommunications towers. An antenna attached to a pre-existing telecommunications tower shall be consistent with the following:
    - a. A telecommunications tower that is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same telecommunications tower design as

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the existing telecommunications tower, unless the City allows reconstruction as a monopole pursuant to this Division.

- b. Height. An antenna may not extend more than ten (10) feet above the telecommunications tower. An existing telecommunications tower may be modified or rebuilt to a taller height to accommodate the co-location of an additional antenna, only if the modification or reconstruction is approved by the City Manager and is in full compliance with this Division. The additional height referred to above shall not require an additional setback or distance separation, subject to City Commission approval. The tower's pre-modification height shall be used to calculate such setback and distance separations. The maximum additional height that may be added to a tower will vary with the height limitations in the zoning district.
  - c. Onsite location. A telecommunications tower that is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within fifty (50) feet of its existing location, so long as it complies with all of the set-back requirements and other restrictions in the City's Code. After the telecommunications tower is rebuilt to accommodate co-location, only one (1) telecommunications tower may remain on the site.
  - d. Microwave dish antennas shall be regulated pursuant to Article 5, Division 18.
- G. Lighting. No signals, artificial lights, or illumination shall be permitted on any antenna or telecommunications tower unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Lighting design, if required or proposed, is also under the purview of the Planning and Zoning Board and City Commission, to the extent not prohibited by applicable law. Light fixtures types, if visible, shall be designed in accordance with the architectural design. Industrial type lighting such as wall packs shall be minimized, especially at a visible location.
- H. Setbacks. Telecommunications towers must be set back from the property line a minimum distance of one hundred and ten (110%) percent of the height of the telecommunications tower or as otherwise approved by the City. For purposes of measurement, telecommunications tower setback distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.
- I. Separation. Any telecommunications tower shall be separated from any other telecommunications tower by a distance of no less than one (1) mile as measured by a straight line between the bases of the towers. For purposes of measurement, telecommunications tower separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries. Towers must also be separated from adjacent properties by a landscape buffer.
- J. Height. Telecommunications towers shall not be constructed at any heights in excess of one hundred twenty (120) feet. For the purpose of determining compliance with all requirements of this Division, telecommunications tower height shall be measured from grade to the highest point on the telecommunications tower or other structure, including the base pad and any antenna over the top of the telecommunications tower structure itself. The City may approve a maximum height not to exceed two-hundred (200) feet for good cause shown.
- K. Modification of existing telecommunications facility. Minor modification of a telecommunications facility, including alteration of the antenna array shall not require an additional approval so long the modification does not change the height of the telecommunications tower, enlarge the antenna array, or enlarge the equipment facility. All other modifications shall require City Manager approval only.
- L. Building codes, safety standards and inspections.
- 1. To ensure the structural integrity of telecommunications facilities, towers and antennas installed,

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the owner shall construct and maintain telecommunications facilities, towers, and antennas in compliance with the Florida Building Code, and all other applicable codes and standards, as amended from time to time. A statement shall be submitted to the City by a Florida professional engineer experienced in structural design of telecommunications structures certifying compliance with this Division upon completion of construction and/or subsequent modification. Where a pre-existing structure, excluding light and power poles, is requested as a stealth facility, the facility, and all modifications thereof, shall comply with all requirements as provided in this Division and all other applicable standards as may be amended from time to time.

2. The City reserves the right to conduct periodic inspection of telecommunications facilities, towers, and antennas at the owner's expense, to ensure structural, electrical and general systems integrity and compliance with this Division. There shall be a maximum of one (1) inspection per year. The owner of the telecommunications facilities, towers, or antennas may be required by the City to have more frequent inspections or provide other reports at its expense should there be an emergency, extraordinary conditions or other reason to believe that the structural, electrical and general systems integrity of the telecommunications facility, tower, or antenna is jeopardized. If, upon inspection, the City concludes that a telecommunications facility, tower, or antenna fails to comply with such applicable codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner, the owner shall commence work within thirty (30) days to bring such telecommunications facility, tower, or antenna into compliance with such standards. Failure to bring such telecommunications facilities, tower or antenna into compliance within sixty (60) days of notice shall constitute grounds for the removal of the telecommunications facilities, tower, or antenna at the owner's expense.
- M. Warning signs. Notwithstanding any contrary provisions of the City's Code, the following shall be utilized in connection with any telecommunications facility, tower or antenna site, as applicable.
1. If high voltage is necessary for the operation of the telecommunications tower or any accessory structures, "HIGH VOLTAGE--DANGER" warning signs shall be permanently attached to the fence or wall surrounding the structure and spaced no more than forty (40) feet apart.
  2. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and spaced no more than forty (40) feet apart.
  3. The height of the lettering of the warning signs shall be at least twelve (12) inches in height. The warning signs shall be installed at least five (5) feet above the finished grade.
  4. The warning signs may be attached to freestanding poles if landscaping may obstruct the content of the signs.
  5. The face of the warning signs shall be consistent with federal and state law. The trim or framing around the face of the warning signs must be designed to have a decorative appeal.
- N. Licenses. Owners and/or operators of towers or antennas shall certify that all occupational licenses required by law for the construction and/or operation of a wireless communication system in the City have been obtained and shall file a copy of all required occupational licenses with the City.
- O. Public Notice. If approved, upon the City's request, the owner of any telecommunications tower shall provide notice of the location of the telecommunications tower and the tower's load capacity to other service providers. All costs related to the public notice shall be paid by the applicant.
- P. Signs. No signs, including commercial advertising, logo, political signs, flyers, flags, or banners, whether or not posted temporarily, shall be allowed on any part of an antenna, telecommunications facility, or telecommunications tower unless required by applicable law or permit.

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- Q. Parking. Each telecommunications facility site may provide parking only for use by maintenance personnel. No vehicle storage shall occur.
- R. Outdoor storage. No outdoor storage of vehicles or maintenance equipment is permitted on sites approved for telecommunications facilities.
- S. Telecommunications towers and antennas in the public rights-of-way. Towers and antennas to be installed in the public rights-of-way shall be subject to this Division as well as other provisions of the City Code, including but not limited to Chapter 22, Article VIII, Section 22-200 of the City Code. The height of a telecommunications tower in the public rights-of-way shall not be greater than the height of existing utility poles surrounding the proposed tower and shall be of a design consistent with existing utility poles. All antennas attached to the tower or existing utility poles shall be consistent with the requirements herein.

### Section 5-2006. Equipment facilities.

- A. Equipment facilities for a telecommunications tower or antennas mounted on a tower shall not exceed one thousand (1,000) square feet of gross floor area not including the surrounding concrete pad, or be more than ten (10) feet in height and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.
- B. Equipment facilities used in association with antennas mounted on structures or rooftops shall comply with the following:
  - 1. All equipment facilities for an array on a structure or rooftop shall not exceed six hundred (600) square feet of gross floor area or be more than ten (10) feet in height or as otherwise allowed by the City. This ten (10) foot height limitation shall be measured from the top of the structure or roofline to the highest point of the equipment facility. The base pad shall be considered part of the facility for purposes of measuring the height. In addition, for structures which are less than four (4) stories in height, the related unmanned equipment facility, if over one hundred (100) square feet of gross floor area or six (6) feet in height, including base pad, shall be located on the ground or inside the structure and shall not be located on the top of the structure or rooftop unless the structure is completely screened from site.
  - 2. Providers shall place equipment facilities inside the building or structure where technically feasible. If the equipment facility is located on the roof of a building, the area of the equipment facility and all other equipment and structures shall not occupy more than fifty (50%) percent of the roof area. Once fifty (50%) percent of the roof area has been occupied by telecommunications equipment and all other equipment and structures, no additional antennas or equipment may be placed on that rooftop. The City may grant an exception to this provision allowing for additional equipment on a particular rooftop, if the applicant first, at its own cost, conducts an examination of the structural integrity of the roof to determine whether the roof can accept the placement of additional equipment. The City shall balance this report with the aesthetic issues related thereto in considering whether to allow for additional equipment.
  - 3. The City may require that equipment facilities installed on a building shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting building and shall be screened as required by the City so as to make the equipment facility as visually unobtrusive as possible. The City shall have the discretion to require that any aesthetic screening exceed the height of the equipment associated with the antenna by a minimum of one (1) foot.
- C. Equipment facilities shall comply with all applicable zoning and building codes, including minimum setback requirements as provided herein.
- D. Mobile or immobile equipment not used in direct support of a telecommunications tower shall not be stored or parked on the site of the telecommunication tower, except while repairs or inspections of the

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telecommunications tower are being made.

- E. All buildings and equipment cabinets shall be unoccupied at all times except for routine maintenance.
- F. Equipment facilities associated with towers or antennas placed in the public rights-of-ways shall be subject to this Division as well as other provisions of the City Code, including but not limited to Chapter 22, Article VIII, Section 22-200 of the City Code. Such equipment facilities shall be located underground, on existing utility poles or an existing tower, or in existing buildings adjacent to the public rights-of-ways. All lines and cabling to and from such equipment facilities shall be located underground. Design and size of such equipment facilities shall be subject to regulation of the City.

### **Section 5-2007. Public safety and City communications.**

- A. City telecommunications facilities and wireless services. The City may reasonably require appropriate space on towers and structures for location of City communications facilities as necessary for the City's internal communications, public safety, or public purposes as determined by the City for the health, safety and welfare of the City's residents.
  - 1. The City reserves the right to negotiate with an applicant for a telecommunications tower for space on the proposed telecommunications tower as may be determined by the City and the applicant. If such negotiations do not result in an agreement, the parties shall submit such dispute to mediation under terms to which the parties shall agree.
  - 2. The City may reasonably require a developer or property owner seeking approvals from the City to permit the City without charge to the City to locate City communications facilities on their building, on another structure, or on their property to allow for the provision of City public safety or internal communications.
  - 3. All developers or property owners allowing wireless facilities on their buildings, on other structures, or on their property that requires the City's approval shall reserve on their structure or property sufficient space as reasonably specified and required by the City to accommodate City telecommunications facilities.
  - 4. The City may reasonably require a developer or property owner seeking approvals from the City to permit service providers to locate telecommunications facilities on their buildings, on another structure, or on their property with reasonable compensation to allow for the provision of personal wireless services within the City limits.
- B. Interference with City telecommunications facilities. To the extent not inconsistent with applicable law, all service providers of and owners of telecommunications facilities, buildings, or property within the City shall comply with the following:
  - 1. No telecommunications facility, building, or structure shall interfere with any public frequency or City telecommunications facilities. Any service provider that causes interference with any public frequency or the operations of City telecommunications facilities, shall, after receiving notice, rectify the interference immediately.
  - 2. The City shall not issue a building permit for any proposed building that will interfere with City telecommunications facility or public frequency unless such building complies with this Division.
  - 3. Telecommunications corridor.
    - a. All plans for buildings to be built having a height of fifty-five (55) feet or greater and located within a designated telecommunications corridor as shown on the telecommunication transmission corridors map shall be reviewed by the Building and Zoning Department and/or the Technical Services division of the Police Department to determine the proposed building's

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- impact on communications transmission. If the City's determination is that the proposed building will interfere with communications transmission, then the building plans shall be required to include facility space, at no cost to the City, for telecommunications equipment as specified in subsection (c) and the expenses of such equipment shall be the responsibility of the building owner or developer.
- b. All plans for buildings having a height greater than one-hundred fifty (150) feet and located within designated telecommunication corridors shall be required to include facility space, at no cost to the City, for telecommunication equipment as specified in subsection (c) and the expenses of such equipment shall be the responsibility of the building owner or developer.
  - c. When telecommunication facility space for antennas and radio equipment is required, such space shall:
    - i. Be provided on the rooftop for antennas.
    - ii. Be provided within the building and be air-conditioned for radio equipment.
    - iii. Be accessible twenty-four (24) hours per day.
    - iv. Be sized in accordance with user requirements to meet the needs of the equipment operations and maintenance.
    - v. Be subject to all easements, covenants, and agreements necessary to address peripheral issues associated with the enactment of these provisions and as further stipulated in the City Code, Ordinance No. 2961.
    - vi. Not be counted in Floor Area Ratio (FAR) calculations if said space is used by, or set aside for, the City.
    - vii. Include all necessary vertical access to roof-mounted equipments.
4. In the event that the telecommunications facility interferes with City telecommunications facilities, it shall be the responsibility of the service provider that creates the interference to make all necessary repairs and/or accommodations to alleviate the problem at its expense. The City shall be held harmless in this occurrence.
  5. In the event that the service provider interferes with City telecommunications facilities, once it rectifies the interference, it shall, within thirty (30) days, file a report with the City by a Florida professional engineer experienced in design of telecommunications systems that includes, but is not limited to, the source of the interference, how the interference was rectified, and service provider's plans on preventing such interference from occurring in the future.
  6. To the extent not inconsistent with applicable law, if the service provider refuses to rectify interference within twenty-four (24) hours of receiving notice, said violation shall be considered a zoning violation and all applicable remedies thereto may be imposed for such violation. The City may, in addition to the foregoing, file a complaint with the FCC for resolution and/or seek an injunction and pursue other actions including criminal sanctions against the service provider pursuant to Florida law, including but not limited to Florida Statutes, §§ 843.025 and 843.165. Any person who is found to have violated this Division shall be subject to sanctions as provided by applicable law.
  7. The installation of a Bi-Directional Amplifier (BDA) by a private property owner shall not interfere with any City frequency. All applicants for permits for new buildings or structures after the adoption of this Division shall disclose, as a condition of approval, the existence of any BDA to be installed in the building. In the event the BDA is installed subsequent to completion of construction, the developer or property owner of the building or structure shall be required to disclose the existence of the BDA. The disclosure is necessary to allow the City to conduct tests to ensure that the BDA does not interfere with City communications.
  8. A BDA, whether installed in new or existing buildings or structures, shall contain the address, telephone number, and facsimile number of a contact person. The owner of the building shall be

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responsible for ensuring that accurate contact information remains located on the outside of the BDA. Failure to attach this contact information shall be considered a violation of the City Code and all applicable remedies thereto may be imposed for such violation on the owner.

9. Existing buildings or structures that already have or may install a BDA are not required to disclose its existence, although it is encouraged that the BDA be disclosed to local law enforcement. Once the City, however, identifies a BDA in an existing building or structure that is interfering with City communications, the operator of the BDA will be notified using the contact information. The operator shall be responsible for stopping the BDA from interfering with City communications within twenty-four (24) hours. The preferred form of notice from the City shall be sending a notice of interference via facsimile and providing the operator twenty-four (24) hours from the facsimile transmission to cease the interference. The operator shall acknowledge in writing that it has received the notice, and such response shall include a statement regarding what the operator is doing to rectify the situation, no later than twelve (12) hours after receipt of the notice. If the operator fails to respond to the notice, the City shall consider this a violation of the City Code and all applicable remedies thereto may be imposed for such violation. In addition to any penalties the City may impose on the operator, the City shall also have the right to terminate the BDA twenty-four (24) hours from the time noted on the facsimile transmission of the notice to the operator. The City shall not be responsible for any damage to the BDA should it be required to be taken out of service or terminated. If the facsimile number is not working for whatever reason, the City shall telephone the contact person. The operator shall be responsible for ensuring that this number is answered or that the City's call is returned. If the operator does not respond within twelve (12) hours after the call is received, the City shall consider this non-responsiveness a violation of the City Code and all applicable remedies thereto may be imposed for such violation. In addition to any monetary penalties the City may impose on the operator, the City shall also have the right terminate the BDA twenty-four (24) hours from the call to the operator. As a courtesy, the City may send a letter via regular U.S. Mail that the BDA will be terminated to the address provided on the contact information. The City's failure to send this notice via regular mail shall have no legal effect on the City's right to terminate the BDA for interference with City communications. The City shall not be responsible for any damage to the BDA should it be required to be taken out of service.
10. If the BDA fails to have the appropriate contact information, the City shall attempt to contact the building owner or management company of the building or structure. The City shall have the right to terminate the BDA twenty-four (24) hours after attempting to contact the building owner or management company. The City shall not be responsible for any damage to the BDA should it be required to be taken out of service or terminated.
11. The City's building official shall have the authority to authorize disconnection of electric service to a building, structure, or telecommunications facility in case of emergency where necessary to address an immediate hazard to life or property. The building official shall notify the electric utility and whenever possible the owner of the building, structure, or telecommunications facility of the decision to disconnect prior to disconnecting and shall notify the owner in writing as soon as practical thereafter.

### **Section 5-2008. Removal of abandoned antennas and towers.**

Any antenna, equipment facility, or telecommunications tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such antenna, equipment facility, or telecommunications tower shall remove the same within ninety (90) days of receipt of notice from the City. Failure to remove an abandoned antenna, equipment facility, or telecommunications tower within the ninety (90) days shall be grounds for the City to remove the telecommunications tower, equipment facility or antenna at the owner's expense. If there are two (2) or more users of a single telecommunications tower or telecommunications facility, then this provision shall not become effective until all users cease using the telecommunications tower or telecommunications facility.

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### Section 5-2009. Protection of the City and residents.

- A. Indemnification. The City shall not enter into any lease agreement for City owned property until and unless the City obtains an adequate indemnity from such provider. The indemnity must at least:
1. Release the City from and against any and all liability and responsibility in or arising out of the construction, operation or repair of the telecommunications facility.
  2. Indemnify and hold harmless the City, its trustees, elected and appointed officers, agents, servants and employees, from and against any and all claims, demands, or causes of action of whatsoever kind or nature, and the resulting losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees, sustained by the City or any third party arising out of, or by reason of, or resulting from or of each telecommunications facility operator, or its agents, employees, or servants negligent acts, errors, or omissions.
  3. Provide that the covenants and representations relating to the indemnification provision shall survive following the term of any agreement and continue in full force and effect for at least one (1) year following the termination of the party's agreement as to the party's responsibility to indemnify.
- B. Insurance. The City may not enter into any lease agreement for City owned property until and unless the City obtains assurance that such lessee (and those acting on its behalf) has adequate insurance. At a minimum, the following requirements must be satisfied:
1. A telecommunications facility owner shall not commence construction or operation of the facility without obtaining all insurance required under this Division and approval of such insurance by the City Manager, nor shall a telecommunications facility operator allow any contractor or subcontractor to commence work on its contract or sub-contract until all similar such insurance required of the same has been obtained and approved. The required insurance must be obtained and maintained for the entire period the telecommunications facility is in existence. If the operator, its contractors or subcontractors do not have the required insurance, the City may order such entities to stop operations until the insurance is obtained and approved.
  2. Certificates of insurance, reflecting evidence of the required insurance, shall be filed with the City. For entities that are entering the market, the certificates shall be filed prior to the commencement of construction and once a year thereafter, and as provided below in the event of a lapse in coverage.
  3. These certificates shall contain a provision that coverage afforded under these policies will not be canceled until at least thirty (30) days prior written notice has been given to the City. Policies shall be issued by companies authorized to do business under the laws of the State of Florida. The City may amend its requirements pertaining to insurance from time to time and may require additional provisions pertaining to such insurance in a lease.
  4. In the event that the insurance certificate provided indicates that the insurance shall terminate or lapse during the period of the lease agreement with the City, then in that event, the telecommunications facility operator shall furnish, at least thirty (30) days prior to the expiration of the date of such insurance, a renewed certificate of insurance as proof that equal and like coverage for the balance of the period.
- C. Comprehensive general liability. A telecommunications facility operator and its contractors or subcontractors engaged in work on the operator's behalf, shall maintain adequate insurance to cover liability, bodily injury and property damage in the amount to be determined by the City at the time of application. Exposures to be covered include premises, operations, and those certain contracts relating to the construction, installation or maintenance of the telecommunications facility. Coverage shall be written on an occurrence basis and shall be included, as applicable, in the lease agreement between the City and the telecommunications facility operator. Certificates of insurance reflecting evidence of the required insurance shall be filed with the City.

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### Section 5-2010. Security fund.

- A. Prior to any construction, every applicant, whether on public or private property within the City, shall establish a cash security fund, or subject to the City's approval in its sole discretion, provide the City with an irrevocable letter of credit or performance bond subject to the City Attorney's approval, in the amount specified in an agreement, permit, or other authorization as necessary to ensure the applicant's faithful performance of construction and compliance with this Division and removal of abandoned facilities. The amount of the Security Fund shall be established by the City based upon the facilities being constructed and potential costs to the City to remove the facilities and restore the property. The minimum amount of the Security Fund for a telecommunications tower shall be twenty-five thousand (\$25,000) dollars and the minimum amount for each antenna shall be one thousand (\$1,000) dollars. The tower or antenna owner shall ensure that the required Security Fund is maintained with the City for as long as the facility remains in the City.
- B. If the City in its discretion accepts a bond, the applicant and the surety shall be jointly and severally liable under the terms of the bond. The bond shall be issued by a surety having a minimum rating of A-1 in Best's Key Rating Guide, Property/Casualty Edition; shall be subject to the approval of the City Attorney; and shall provide that:
- “This bond may not be canceled, or allowed to lapse, until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew.”
- C. The rights reserved by the City with respect to any Security Fund established pursuant to this Division are in addition to all other rights and remedies the City may have under the City Code, a permit, a lease, or at law or equity.

### Section 5-2011. Personal radio services antenna support structures.

Antenna Support Structures used in the operation of Personal Radio Services shall be exempted from the provisions contained within this Article except as noted within this Section. Personal radio services' Antenna Support Structures shall be governed by the following:

- A. Application requirements and fees. An application shall comply with the requirements of sections 52003(B) (1), (3), (4) and (8). The City may establish a filing fee for such application and Section 52003(D) shall apply to such fee. The timeframes for review contained within Section 5-2003 shall not apply to such application. Other application requirements may be requested as determined by the Department completing the review.
- B. Required reviews and permits.
1. By right review. Applications for Antenna Support Structures less than fifty (50) feet in height shall be submitted to the Building and Zoning Department for review and permit issuance.
  2. Conditional use review. Antenna Support Structures greater than fifty (50) feet in height require conditional use review pursuant to the Conditional Use provisions of the Zoning Code. Conditional use review applications shall be submitted to the Planning Department for review. The Department shall provide a recommendation which shall be forwarded for public hearing review by the Planning and Zoning Board and City Commission at which all interested persons shall be afforded an opportunity to be heard. The Planning and Zoning Board shall make a recommendation to the City Commission. The City Commission approval, if granted shall be in Resolution form at one advertised public hearing.

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3. Board of Architects review. Board of Architects review and approval is required for all applications. Prior to scheduling an application for a conditional use review, preliminary Board of Architects review and approval is required.
4. Permits shall be required for installation of all Antenna Support Structures.

If approval is recommended and/or granted, City Staff, the Planning and Zoning Board and City Commission may proscribe conditions and safeguards to such approval.

### C. Requirements.

1. Such Antenna Support Structures as a minimum shall be subject to the following standards.
  - a. Measurement of height. In computing the height of the installation, the top section of the pole, mast or tower, including antenna array, when fully extended, shall be considered the top for the purpose of these provisions.
  - b. Permitted locations and number permitted. A maximum of one (1) Antenna Support Structure shall be permitted on each building site with a SFR, MF1, MF2, and MFSA zoning districts.
  - c. Building site location. Antenna Support Structures shall be located behind the required primary/principle building within the rear and interior side yard of the property. Antenna Support Structures are prohibited within the front and side street yard areas.
  - d. Setbacks. Antenna Support Structures shall maintain the same rear and side setbacks as required for the principal building of the building site. All of the above shall also be a minimum of eight (8) feet from any overhead utility line(s) and power line(s). Where such Antenna Support Structure is located on a building site which is fronting upon two or more streets and/or alleys, the Antenna Support Structure shall maintain the same primary/principle building setback as required for each such street or alley.
  - e. Dismantling/tilting provisions for Antenna Support Structures exceeding fifty (50) feet in height. An Antenna Support Structure exceeding fifty (50) feet in height shall have the capability of being cranked up and down or being tilted over. Tilted Antenna Support Structures shall comply with all setbacks contained herein. In case of an impending hurricane or other natural disasters, the Antenna Support Structure shall be cranked down to its nested position or tilted over and antenna shall be removed. Antenna engaged in emergency communications shall be exempted from the dismantling provisions.
  - f. Installation. The installation or modification of an Antenna Support Structure and foundation shall be in accordance with the manufacturer's prescribed installation and safety procedures and shall meet all applicable City, State and Federal requirements, as amended including but not limited to following: Florida Building Code, City Code, Zoning Code, National Electric Code and F.C.C. regulations.

- D. Violations. Violations of any conditions and safeguards, when made part of the terms under which the application is approved, shall be deemed grounds for revocation of the permit and punishable as a violation of the Zoning Code.

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### Division 21. Temporary Uses

#### Section 5-2101. Purpose and applicability.

It is the purpose of this Division to provide for certain temporary uses and to ensure that such uses are compatible with adjacent land uses and consistent with the City's goals and objectives.

#### Section 5-2102. Carnival.

The City Manager may authorize religious institutions and schools to host or sponsor carnivals subject to the following conditions and restrictions:

- A. Such carnivals shall be conducted only upon the premises of the hosting and/or sponsoring religious institution or school.
- B. The setting up and dismantling of all carnival equipment, structures or apparatus shall be accomplished only between the hours of 8:00 AM to 6:00 PM Monday through Saturday, provided, however, that work being done on booths by students may continue until 11:00 PM. No work shall be done on any Sunday, except that students may work on booths between the hours of 12:00 noon and 7:00 PM.
- C. No tents, structures, equipment or apparatus shall be located within the established setbacks of the premises.
- D. It shall be the responsibility of the carnival owners or his assigned representative to furnish proof of financial liability insurance covering accidents or injury which said insurance policy shall indemnify the City against any and all claims of losses by reason of accidents or injury.
- E. No such carnival shall be allowed to operate for longer than three (3) consecutive days at any one (1) location, and no religious institution or school shall be permitted to hold more than one (1) carnival within any twelve (12) month period.
- F. No alcoholic beverages shall be sold or consumed on the premises except as provided under special event regulations.
- G. It shall be the responsibility of the hosting and/or sponsoring religious institution or school to provide adequate sanitary facilities.
- H. All reasonable precautions shall be taken by the hosting and/or sponsoring religious institution or school to minimize the noise level resulting from such activity, particularly in the area of music emanating from amplified sound systems operated by the promoter of the carnival or any person, persons or firms engaged or authorized to provide such music. Upon notice of violation of acceptable noise levels, the religious institutions or school shall cease the violation or close down the carnival.
- I. It shall be the responsibility of the hosting and/or sponsoring religious institution or school to provide adequate parking facilities, and to insure a non-disruptive traffic flow throughout the area during such activities.
- J. The operation of such carnival shall be restricted to the hours of 9:00 AM to 11:00 PM Monday through Thursday and from 9:00 AM to 12:00 midnight Friday and Saturday.
- K. All carnival equipment, structures or apparatus shall be removed from the premises within two (2) days, excluding Sundays, of the last scheduled day of operation of said carnival.

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- L. It shall be the responsibility of the hosting and/or sponsoring religious institution or school to restore the premises to its original condition within seven (7) days from the last scheduled day of operation of said carnival.
- M. The operation of such carnival shall be subject to obtaining proper license and building, electrical and plumbing permits.
- N. In granting approval for the operation of said carnival, the City Manager may prescribe appropriate conditions, restrictions, and safeguards it deems to be in the best interest of the surrounding neighborhood and the general public.
- O. The City Manager shall be authorized and directed to close down the complete operation of any such function for violation of the regulations set forth herein.

### **Section 5-2103. Open lot christmas tree sales.**

Civic, fraternal and/or religious organizations located within the City of Coral Gables may be authorized to conduct open-lot Christmas tree sales, as a temporary use, subject to the following conditions and restrictions:

- A. The sale of such Christmas trees shall be conducted only upon property in a Commercial or Industrial District.
- B. The setting up and dismantling of all equipment, structures or apparatus shall be accomplished only between the hours of 7:30 AM to 6:00 PM Monday through Saturday. No work shall be done on any Sunday.
- C. The applicant for such Christmas tree sales shall submit a sketch plan to the City Manager showing the proposed location of all equipment, tents, structures, off-street parking and tree storage and/or displays.
- D. All equipment, tents, structures, tree storage and/or displays shall provide setbacks as required under these regulations and the Florida Building Code.
- E. Only one (1) sign shall be permitted to be displayed upon the premises and such sign shall not be larger than thirty (30) square feet and shall not contain any reflective materials, streamers, pennants, flashing lights, movable items or similar devices. Such sign shall have a minimum setback of five (5) feet from the front and/or side property line and shall be erected or placed so that the sign is parallel or perpendicular to the front property line. Such sign shall be securely fastened to a supporting member and the top of such sign shall not exceed a height of six (6) feet above the finished grade of the ground.
- F. The operation of such Christmas tree sales shall be conducted between the hours of 9:00 AM to 10:00 PM Monday through Saturday and from 12:00 noon to 9:00 PM on Sunday.
- G. The proceeds from such Christmas tree sales shall be used for charitable purposes.
- H. The use of sound amplification, flashing lights or other similar attention attractors and advertising devices shall be prohibited.
- I. Off-street parking shall be provided as shall be required by the City Manager.
- J. Adequate sanitary facilities shall be provided upon the premises of the Christmas tree sales.
- K. All tents, equipment and structures shall be maintained and kept in good order and repair and, upon inspection, if found to be in disrepair shall be subject to removal and/or replacement.

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- L. The operation of such Christmas tree sales shall be in accordance with the fire safety standards as set forth under the Miami-Dade County Fire Prevention and Safety Code and the Florida Building Code.
- M. Each organization conducting such Christmas tree sales shall furnish proof of financial liability covering accidents or injury upon the premises.
- N. The construction of such Christmas tree sales shall be subject to obtaining proper license and building, electrical and plumbing permits.
- O. It shall be the responsibility of each organization conducting such sales to maintain the premises in a clean and sanitary condition during the sale period.
- P. Each organization shall remove all trash, debris and unsold Christmas trees from the premises within a period of seventy-two (72) hours from the last day of sale and the premises shall be restored to its original condition on or before December 31 the year of the sale.
- Q. In granting approval for of Christmas tree sales, the City Manager may prescribe appropriate conditions, restrictions and safeguards deemed to be in the best interest of the surrounding neighborhood and the general public.

### **Section 5-2104. Garage sale.**

Garage sales shall be permitted as a temporary use on the premises of residences, duplexes and apartments subject to the following conditions and restrictions:

- A. No garage sale shall be conducted until and unless a permit shall have been obtained from the License Division of the City of Coral Gables. Only the owner or lessee of the property upon which the garage sale is being conducted may obtain such permit.
- B. Before such permit shall be issued, the applicant shall file with the License Division an application containing the following information:
  - 1. Legal description and street address where such sale is to be conducted.
  - 2. Proof of ownership or lease of property.
  - 3. Date(s) of sale.
  - 4. Hour(s) of sale.
  - 5. Example of sign proposed.
- C. Upon verification and compliance with the provisions of this section, and the payment of the proper fee, the License Division shall issue a permit the same day which shall designate the location of the sale and the day(s) upon which such sale(s) shall be conducted.
- D. Only personal property owned by the seller and usual to a household may be sold or offered for sale by the owner or lessee of the residence, duplex or apartment as the case may be.
- E. Only one (1) sign not exceeding forty (40) square inches in size may be displayed on the premises where such sale is being conducted. Such sign shall not be erected or placed closer than five (5) feet to the front or side property line.
- F. Such garage sale shall be held only between the hours of 9:00 AM to 5:00 PM.

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- G. Personal property shall be exhibited or displayed only within established setbacks.
- H. No more than two (2) consecutive days shall be permitted for any garage sale.
- I. No more than two (2) garage sales shall be held from the same property within any calendar year, provided however, that such garage sales shall not be held within a thirty (30) day period from each other.
- J. The garage sale permit shall be prominently displayed from the front of the building from which such sale is conducted. Upon the request of any Code Enforcement Officer of the City of Coral Gables, the owner or lessee of the property shall exhibit such permit.
- K. By making application for such Garage Sale Permit, accepting said permit and conducting such sale, the owner or lessee of the property to whom such permit is granted, authorizes any Code Enforcement Officer of the City of Coral Gables to enter upon the property for the purpose of determining that such sale is being conducted in accordance with the provisions of this section. Any violation of the application and conditions of permit shall result in immediate revocation of the permit and termination of sales.

### **Section 5-2105. Commercial photography.**

Commercial photography, which includes still photography, commercials and major motion picture filming or video, shall be permitted as a temporary use, subject to the following conditions and restrictions:

- A. No commercial photography shall be conducted without a permit from the City Manager's Office. The owner or lessee of the property upon which the photography is being conducted or a representative of the production company, with the owner's written approval, may obtain such permit.
- B. The permit shall be available for inspection at the site on which the photography is to occur. Upon the request of any police officer or code enforcement officer of the City, the owner, lessee or representative of the production company shall exhibit such permit.
- C. No permit for commercial photography to be conducted on City land shall be issued unless the applicant has provided the City Manager with an executed hold harmless agreement in favor of the City in a form acceptable to the City Attorney.
- D. The following limitations on the number and type of permits for residential districts issued annually shall be enforced:
  - 1. Still photography shoots that are entirely contained inside a structure can be conducted without a permit.
  - 2. Large still photograph shoots that are not entirely contained within the structure and commercials or corporate/industrial filming recorded on video or motion picture film shall be limited to twelve (12) permits per year for the same property, with a maximum of three (3) consecutive days allowed per permit.
  - 3. Major motion pictures or television programs recorded on video or motion picture film shall be limited to three (3) permits per year for the same property and only one (1) permit shall be issued during any thirty (30) day period. Each permit shall be issued for a maximum of fourteen (14) consecutive days, with a maximum of twenty-eight (28) permitted days allowed per year for the same property.
  - 4. Permitted days which are canceled due to circumstances beyond the control of the production company, such as bad weather days or retakes, shall extend the number of permitted days by the

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number so canceled, without penalty.

- E. It is the intention of this section to protect the City from undue intrusions associated with commercial photography. The City Manager may approve, disapprove, or approve with appropriate conditions, any permit applied for under this section. Conditions imposed as terms under which a permit is issued may include, but are not limited to, the following:
  - 1. Advance notification of forty-eight (48) hours in a form approved by the City Manager to adjacent neighborhood properties for large still photography, commercial or corporate industrial filming. Advance notification of ten (10) days in a form approved by the City Manager to a homeowner or community association, or if none exists, to adjacent neighborhood properties, for major motion pictures or television program filming.
  - 2. Hiring of off-duty police officers to supervise traffic and other matters when the public right-of-way is utilized for film purposes.
  - 3. Hiring of off-duty police officers to provide security and control of shoots on private property.
  - 4. Limitations on number and location of vehicles or trailers parked on the street or swale area or adjacent or contiguous properties used in the shoot.
  - 5. Limitations on the daily hours or specific times when commercial photography is to take place when such limitations are necessary to limit disruption to the neighborhood.
  - 6. Similar conditions or limitations which are necessary to protect the immediate area from undue intrusions.
  - 7. Compliance with applicable noise provisions, unless otherwise conditionally approved by the City Manager.
- F. The City Manager may immediately revoke any permit for violation of any part of this section or any permit condition.
- G. The City Manager may refuse to issue any permit applied for if there has been evidence that previous photography at the same location created a disruptive situation in the neighborhood.
- H. The City Manager may refuse to issue any permit applied for if, on previous occasions, the commercial photography company has violated conditions or restrictions of permits issued under this section.
- I. The City Manager may issue administrative variances to these conditions to accommodate unusual circumstances.

### **Section 5-2106. Fund raising car washes.**

Fund raising car washes shall be permitted as a temporary use on the premises of property in any commercial, industrial or special use district subject to the following conditions and restrictions:

- A. No fund raising car washes shall be conducted without a permit from the License Division of the City. Only the owner or lessee of the property upon which the fund raising car wash is being conducted (or their designee) may obtain a permit.
- B. Upon verification and compliance with the provisions of this section, and the payment of the proper fee, the License Division shall issue a permit the same day which shall designate the location of the car wash and the dates and hours of the car wash.

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- C. A car wash shall be held only on Saturdays, Sundays and holidays between the hours of 9:00 AM to 5:00 PM.
- E. Only one (1) weekend (two (2) consecutive days) shall be permitted for any fund raising car wash.
- F. No more than six (6) fund raising car washes shall be held by any sponsoring non-profit group or from the same property within any calendar year.
- G. Each fund raising car wash shall be conducted under adult supervision, with at least one (1) person eighteen (18) years or older on premises during all hours of operation.
- H. The fund raising car wash permit shall be prominently displayed from the front of the building from which the car wash is conducted. Upon the request of any police officer or code enforcement officer of the City, the owner or lessee of the property shall exhibit the permit.
- I. By making application for a fund raising car wash permit, accepting the permit and conducting a car wash, the owner or lessee of the property to whom the permit is granted, authorizes any police officer or code enforcement officer of the City to enter upon the property for the purpose of determining that the car wash is being conducted in accordance with the provisions of this section.

### **Section 5-2107. Temporary construction and/or field office.**

Whenever a building permit shall have been issued by the Building Department for construction and/or alteration, a temporary field and/or construction office shall be permitted to be located on the premises covered by a building permit subject to the following conditions and restrictions:

- A. That such office shall not be used as a sales and/or advertising office and that no sales brochures shall be handed out or distributed from such office.
- B. That potable water, electricity and sanitary facilities shall be provided for such office as required by the Florida Building Code and such other applicable ordinances.
- C. That such office shall not be used for living or sleeping quarters. No kitchen facilities shall be permitted.
- D. That only one (1) construction or field office shall be allowed per construction site unless approved by the Construction Staging Committee based on the size of the facility.
- E. That such construction of field office is not located in residential district.
- F. That such office shall be removed by the contractor prior to the approval of the final building inspection and to the issuance of a Certificate of Occupancy or whenever, in the opinion of the Building Official, an inspection discloses that the building or alteration has been completed to the point where the final building inspection would be approved and a Certificate of Occupancy, if applied for, would be issued.

### **Section 5-2108. Temporary land development sales office.**

Whenever a plat containing a gross area of not less than ten (10) acres shall have been recorded in the public records of Miami-Dade County, Florida, or a multi-family construction project with a site of not less than twenty-thousand (20,000) square feet and twelve (12) dwelling units, a permit may be issued for the location of a temporary land development sales office on the development site subject to the following conditions and restrictions:

- A. That the use of such sales office shall be limited and restricted to the sale of lots within a subdivision, replat or multi-family project, and such office shall not be used for the transaction of any other

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business of whatsoever nature.

- B. That the setbacks for such sales office shall be the same as that required for the premises upon which such sales office shall be located.
- C. That such sales office shall be landscaped and such landscaping shall be maintained in good condition as to present a healthy, neat and orderly appearance.
- D. That a minimum of six (6) paved off-street parking spaces shall be provided on the premises of such sales office.
- E. That such sales office shall be equipped with adequate potable water, electricity and sanitary facilities.
- F. That such sales office shall not be used for living or sleeping quarters.
- G. That not more than one (1) such sales office shall be permitted to be located in any one (1) subdivision, replat or multi-family project.
- H. That one (1) sign identifying the development may be placed upon such sales office.
- I. That the permit for such sales office shall expire three (3) years from the date of the recording of the plat, or the issuance of a building permit for the multi-family development provided, however, that the Building Official, upon application, may authorize the extension of such permit for a good and valid reason.
- J. That the Building Official may revoke the permit for such sales office should the developer fail to comply with the conditions and restrictions set forth herein.
- K. That such sales office structures shall be temporary in nature, and shall be removed in the event of a hurricane (on or before issuance of warning status) or other natural and/or man-made disaster.

### **Section 5-2109. Temporary tents.**

Temporary tents are permitted in all districts provided that:

- A. Such tent is composed of nonflammable materials;
- B. Such tent is not installed for more than seventy-two (72) hours, unless extended by approval of the City Manager;
- C. A building permit is obtained as required by the applicable sections of the Florida Building Code.

### **Section 5-2110. Temporary buildings.**

Temporary buildings are permitted in all districts except the Single-Family Districts, subject to receipt of a building permit and approval of the City Manager for a period of twelve (12) months. The City Manager may extend the twelve (12) month period for an additional six (6) months and may impose reasonable conditions on any approval in order to mitigate the impact of such building on the immediate area.

## **Division 22. Underground Utilities**

### **Section 5-2201. Requirement for underground utilities.**

- A. Purpose. The purpose of this Division is to require the installation of utility service facilities underground to assure the public safety, foster tree preservation, and improve and protect the aesthetic character of the City.

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- B. Applicability. Except as expressly provided hereinafter, all utility lines, including but not limited to those required for electrical power, distribution, telephone, and communication, street lighting, and television signal service shall be installed underground. This Section shall apply to all cables, conduits or wires forming part of an electrical distribution system including service lines to individual properties and main distribution feeder electric lines delivering power to local distribution systems, provided that it shall not apply to wires, conductors or associated apparatus and supporting structures whose exclusive function is in transmission of electrical energy between generating stations, substations and transmission lines of other utility systems. Appurtenances such as transformer boxes, pedestal mounted terminal boxes, and meter cabinets may be placed above ground but shall be located in conformance with the requirements of the Manual of Public Works Construction. This Section shall be applicable to the following uses:
1. Except for rehabilitation of structures of less than fifty (50%) percent of value, all new construction and utility installations shall be required to be underground.
  2. When a structure undergoes a rehabilitation wherein the cost of the rehabilitation is fifty (50%) percent or more of the replacement value of the existing structure as determined by the Miami-Dade County Property Appraiser, utility service facilities for that structure shall be converted from overhead to underground.
- C. Conversion of overhead to underground facilities. Whenever overhead utility distribution facilities have been converted to underground facilities, the property owners in the area to be served by the new facilities shall be required to arrange for the conversion of their existing service facilities in accordance with these regulations and, where applicable, utility company specifications for underground service. For electric service facilities, such conversion shall include but shall not be limited to rearranging existing electric service entrance facilities and necessary facilities within buildings and structures to accommodate the undergrounding of utilities. The property owner shall be responsible for all costs associated with the modification of service facilities for the affected property to accommodate underground utility service.
- D. Notice of conversion requirement. The City shall notify each property owner when conversion from overhead to underground utility distribution service is complete. The notice shall be served by registered mail, addressed to the owner or owners of the property described as they are known to the City Manager or as their names and addresses are shown upon the records of the County Tax Assessor, or other public records of the City or County, and shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. All necessary modifications and arrangements for use of underground facilities shall be completed within ninety (90) days of receipt of such notification.
- E. Notice of property owner's failure to convert facilities.
1. If the City Manager determines that a building has not completed conversion to underground utility service facilities, he or she shall notify the owner of that building in writing and demand that the owner cause the conversion to be made within sixty (60) days of the date of service of the notice. The notice shall be by registered mail and in the form set forth in Subsection (2) of this Section. If such notice is returned by postal authorities, the City Manager shall cause a copy of the notice to be served by a law enforcement officer upon the occupant of the land or upon any agent of the owner thereof.
  2. If personal service upon the occupant of the land or upon any agent of the owner thereof cannot be performed after reasonable search by a law enforcement officer, the notice shall be served by physical posting on the property, and by publication in a newspaper of general circulation at least twice, seven days between publications, and thirty (30) days before the date the conversion is required. The notice shall be in substantially the following form:

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### “NOTICE REQUIRING CONVERSION OF UTILITY SERVICE FACILITIES

Name of Owner \_\_\_\_\_  
Address of Owner \_\_\_\_\_

*Our records indicate that you are the owner(s) of the following land in the City of Coral Gables, Florida: (describe property).*

*An inspection of this land discloses, and I have found and determined, that a building is located thereon which has not converted its (state type of utility) service facilities from overhead to underground service.*

*You are hereby notified that unless this building converts its (state type of utility) service facility from overhead to underground service within thirty (30) days of personal service upon you of this notice, or of the second publication hereof, the City will proceed to cause the conversion of these facilities and the cost of the work, including advertising costs and all other expenses necessary to complete the conversion will be imposed as a lien on the land if not otherwise paid within ninety (90) days after the conversion has been completed and the cost thereof ascertained by the City of Coral Gables.”*

#### F. Conversion of facilities by City; Lien; Recording; Redemption.

1. If within sixty (60) days after service of the notice as set forth in Subsection (E) above, or by physical posting of the notice on the property, or within thirty (30) days of notice by publication in a newspaper the required conversion of service of facility has not been effected, the City Manager shall cause the conversion to be made by the City at the expense of the property owner. The cost of the conversion shall constitute a lien upon the real estate served thereby. Upon ordering a conversion of service facilities to be made by the City, the City Manager shall cause to be recorded in the public records a notice of utility service conversion lien pending, which shall include a description of the property and a statement that a conversion has been ordered, the cost of which shall under this Section constitute a lien. The notice of pending lien shall, eight (8) months after the date thereof, be null and void and constitute no record notice of a pending lien.
2. After causing the conversion of service facilities to be done, the City Manager shall certify to the Finance Director the expenses as may have been approved by the appropriate City Department incurred in effecting the conversion and shall include a copy of the notice set forth in Section (E) above, whereupon such expense shall become payable within ninety (90) days, after which a special assessment lien and charge will be made upon the property, which shall be payable in ten (10) equal annual installments together with costs of recordation of all documents required to be recorded hereby and with interest to be determined by the City Finance Director on the unpaid balance from the date of such certification until paid; however, the lien may be satisfied at any time by the payment of the entire sum due plus accrued interest, recordation costs, and such expenses and penalties as may result from the advertisement and sale of certificates for delinquent liens as hereinafter set out. The Finance Director shall file for record a notice of such lien in the office of the clerk of the circuit court, and shall keep complete records relating to the amount payable thereon. One-tenth (0.1) of the amount of liens accruing during any year ending on June 1 shall be billed and mailed in the fall of the same year to the owners of land subject to such liens at the same time as tax statements for ad valorem taxes are mailed; and if the amount shall not be paid on or before April 1 of the following year, the entire lien and all annual installments thereof shall be delinquent, overdue and in default.

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3. The entire amount of the lien may be foreclosed by the City, or in the alternative may be collected by any other legal means, including the advertisement and sale of certificates. Upon full payments of liens provided by this Section or through foreclosure on tax sale certificates, the director of finance shall, by appropriate means, evidence the satisfaction and cancellation of such lien upon the public records. The cost of recordation of the notice of lien pending, the notice of lien, and the satisfaction of lien shall be secured by the lien hereby provided.
- G. Underground facilities to remain underground. Wherever utility service facilities are located underground, such facilities must remain underground and may not thereafter be converted to overhead facilities.

### **Section 5-2202. Utility poles and underground utilities in SFR, MF1, MF2, and MFSA Districts.**

The following provisions shall apply to utility poles and underground utilities on private property for all new construction and for existing construction. For the purpose of this section “service to the building” shall include electrical service, telephone service and television service to the building.

- A. In SFR, MF1, MF2, and MFSA Districts, all utility poles and lines shall be placed in rear yard areas reserved for utility uses by easements granted for that purpose.
- B. The service lines for all utilities for new buildings and or structures on private property shall be placed underground.
- C. The lines for all utilities for existing buildings or structures on private property shall be placed underground when any of the following occur:
  1. The service to the building or structure is replaced;
  2. The service to the building or structure must be relocated due to an addition or alteration to the building or structure;
  3. The service to the building or structure must be upgraded; or
  4. An alteration to a building or structure is an Alteration-Level 3 pursuant to the Florida Building Code.

### **Division 23. Unity of Title and Declaration of Restrictive Covenant in Lieu thereof**

#### **Section 5-2301. Purpose and applicability.**

When it is necessary that two (2) or more lots, parcels or portions thereof are added or joined, in whole or in part, a Unity of Title or Declaration of Restrictive Covenant in lieu of a Unity of Title shall be filed to ensure the properties are planned, developed and maintained as an integral development and/or project and are consistent with and satisfy the requirements of these regulations and the City Code of Ordinances.

#### **Section 5-2302. Unity of Title.**

- A. General requirements. As a prerequisite to the issuance of a building permit, the owner(s) in fee simple title shall submit a Unity of Title in recordable form to the Building and Zoning Department providing that all of the property encompassing the parcel proposed for development upon which the building and appurtenances are to be located shall be held together as one (1) tract of land and providing that no part or parcel shall be conveyed or mortgaged separate and apart from the parcel proposed for development, as set forth under the building permit in the following cases:

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1. Whenever the required off-street parking is located on contiguous lots or parcels or is otherwise located off-site, as provided for under Article 5, Division 14 of these regulations.
  2. Whenever the parcel proposed for development consists of more than one (1) lot or parcel and the main building is located on one (1) lot or parcel and accessory buildings or structures are located on the remaining lot or parcel comprising the parcel proposed for development.
  3. Whenever the parcel proposed for development consists of more than one (1) lot or parcel and the main building is located on one (1) or more of the lots or parcels and the remaining lots or parcels encompassing the parcel proposed for development are required to meet the minimum standards of these regulations.
  4. Whenever a building is to be constructed or erected upon a lot or parcel which is larger in frontage, depth and/or area than the minimum required by these regulations and which lot or parcel would be susceptible to resubdivision in accordance with Article 3, Division 9.
  5. Whenever the Board of Adjustment provides that a Unity of Title shall be executed as a condition for the granting of a variance.
  6. Whenever a Unity of Title is specifically required by an ordinance or resolution adopted by the City Commission.
  7. Whenever a parcel proposed for development in any residential district consists of more than one (1) platted lot.
- B. Approval. The Unity of Title shall be subject to review and approval by the City Attorney as to form and content, together with any additional necessary legal instruments to preserve the intent of these regulations and to properly enforce these regulations and Code of Ordinances and shall be signed and joined by all mortgage holders.
- C. Release. Any Unity of Title required by this section shall not be released except upon approval by resolution passed and adopted by the City Commission and executed by the City Manager and City Clerk.
- D. Recording. The owner(s) shall pay all fees as required by the City Code of Ordinances for the processing and recording of the Unity of Title.
- E. Enforcement. Enforcement of the Unity of Title shall be by action at law or in equity with costs and reasonable attorney's fees and City fees payable to the prevailing party.

### **Section 5-2303. Declaration of restrictive covenant in lieu of a Unity of Title.**

- A. General Requirements. In the case of separate but contiguous and abutting parcels proposed for development located in Commercial or Industrial Districts owned by one (1) separate or multiple owners wishing to use said property as one (1) parcel, the Building and Zoning Director may approve a Declaration of Restrictive Covenant in Lieu of a Unity of Title together with a Reciprocal Easement and Operating Agreement approved for legal form and sufficiency by the City Attorney. The Declaration of Restrictive Covenant shall run with the land and be binding upon the heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property. In such instances, the property owner(s) shall agree that in the event that ownership of the subject properties comes under a single ownership, the applicants, successors and assigns, shall file a Declaration of Restrictive Covenant covering the subject properties.
- B. Declaration of restrictive covenant shall comply with the following:

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1. Submit a record of the existing height, existing size and site conditions, to include both plan and photographic evidence.
  2. Develop, maintain and operate the property as a single building site.
  3. Develop individual building sites within the subject property in accordance with the provisions of the City's Comprehensive Plan and these regulations.
- C. The City shall only release a Declaration of Restrictive Covenant if the individual properties satisfy all applicable regulations, Code of Ordinances and Comprehensive Plan requirements and the release does not create substandard or nonconforming building sites.
- D. Requests for modification of an existing Declaration of Restrictive Covenant shall be submitted to the Building and Zoning Director and satisfy the following:
1. Provide written consent of the current owner(s) of the phase or portion of the property for which modification is sought.
  2. The modification shall not create a fire emergency situation or be in conflict with the provisions of these regulations, Code of Ordinances and Comprehensive Plan.
  3. The Building and Zoning Director may impose conditions within the Declaration of Restrictive Covenant to insure the above provisions are satisfied or waive such provisions if not applicable to the parcel proposed for development.
  4. Subsequent owners of all parcels shall be bound by the terms, provisions and conditions of the Declaration of Restrictive Covenant.
  5. The conveyance of portions of the subject property to third parties shall require a Reciprocal Easement and Operating Agreement executed by third parties in recordable form including the following:
    - a. Easements in the common area of each parcel for the following:
      - i. Ingress to and egress from the other parcels.
      - ii. For the passage and parking of vehicles.
      - iii. For the passage and accommodation of pedestrians.
    - b. Easements for access roads across the common area of each parcel to public and private roadways.
    - c. Easements for the following on each parcel to permit the following:
      - i. The installation, use, operation, maintenance, repair, replacement, relocation and/or removal of utility facilities in appropriate areas.
      - ii. The installation, use, maintenance, repair, replacement and/or removal of common construction improvements such as footings, supports and foundations.
      - iii. The attachment and support of buildings or other associated structures and/or improvements.
      - iv. For building overhangs and other overhangs and projections encroaching upon such parcel from adjoining parcel such as, by way of example, including but not limited to the following: marquees; signage; canopies; lighting devices; awnings; wing walls; etc.
      - v. Reservation of rights to grant easements to utility companies.
      - vi. Reservation of rights to road rights-of-way and curb cuts.
      - vii. Pedestrian and vehicular traffic over dedicated private right roads and access roads.

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- d. Appropriate agreements between the owners of the parcels as to the obligation for maintenance of the property to include but not limited to the following: maintenance and repair of all private roadways; parking facilities; common areas; landscaping; and, common facilities and the like.
6. These provisions of the Reciprocal Easement and Operating Agreement shall not be amended without prior written request and approval of the City Attorney. In addition, such Reciprocal Easement and Operating Agreement shall contain such other provisions with respect to the operation, maintenance and development of the property as to which the City and the parties thereto may agree, all to the end that although the property may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the approved site plan.
7. Requisites.
  - a. The owner(s) shall provide a Certificate of Ownership by way of an opinion of title from an Attorney-At-Law licensed to practice in the State of Florida or from an abstract of title company licensed to do business in Miami-Dade County, Florida; said opinion of title shall be based upon an abstract or certified title information brought up within ten (10) days of the requirement that such Declaration of Restrictive Covenant be recorded.
  - b. The opinion of title shall include the names and addresses of all mortgagees and lien holders, the description of the mortgages and/or liens and the status of all real estate taxes due and payable.
  - c. A subordination agreement signed and executed by the mortgagees and/or lien holders shall accompany and be made part of the Declarations of Restrictive Covenants.
  - d. The Declaration of Restrictive Covenants shall be executed with the same formality and manner as a warranty deed under the laws of the State of Florida.
  - e. The City may also require that the property owners file additional documents with appropriate state and local agencies to ensure that the properties are treated for the purposes herein as a single building site. Such documents shall include, where appropriate, declaration of condominium, approved by the State of Florida and recorded in the public records of Miami-Dade County. Copies shall be provided to the City together with the application for Declaration of Restrictive Covenant in lieu.
8. Approval. The Declaration of Restrictive Covenant shall be subject to review and approval by the City Attorney as to form and content, together with any additional legal instruments to preserve the intent of the ordinance to promote single building sites and to properly enforce these regulations, Code of Ordinances, and Comprehensive Plan.
9. Appeal. Appeal of the Building and Zoning Director's decision shall be to the Board of Adjustment in accordance with the provisions of Article 3, Division 6.
10. Release. A release of a Declaration of Restrictive Covenant shall require approval from the City Commission upon review and recommendation by the Building and Zoning Department. Approval shall be via a Resolution passed and adopted by the City Commission and release executed by the City Manager and City Clerk. The Building and Zoning Department and the City Commission must fund that upon demonstration and affirmative finding that the same is no longer necessary to preserve and protect the property for the purposes herein intended.
11. Recording. The owner(s) shall pay all fees as required by these regulations and/or Code of Ordinances for the processing and recording of the Declaration of Restrictive Covenant. The Declaration of Restrictive Covenant shall be in effect for a period of thirty (30) years from the date the documents are recorded in the public records of Miami-Dade County, Florida, after which they

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shall be extended automatically for successive periods of ten (10) years unless released pursuant to the Release provisions contained herein.

12. Enforcement. Enforcement of the declaration of restrictive covenant shall be by action at law or in equity with costs and reasonable attorney's fees to the prevailing party.

### Division 24. Walls and fences

#### Section 5-2401. Materials and specifications.

- A. Walls may be constructed of the following materials:
1. Coral rock.
  2. Concrete block stuccoed on both sides with concrete cap.
  3. Slump or adobe brick.
  4. Precast concrete.
  5. Used red brick, limed red brick or cement brick painted white.
- B. Wire fences may be constructed of the following materials:
1. Aluminum chain link.
  2. Galvanized steel chain link.
  3. Vinyl coated galvanized steel chain link in the following colors only: black, dark green, forest green, turf green and aqua.
  4. Aluminum or galvanized steel single or double looped ornamental type fence. The construction of such wire fences shall meet the following specifications:
    - a. The wire used in construction of such fences shall be of not less than eleven (11) gauge or equal, except that one (1) inch chain link fences may be twelve and one-half (12½) gauge.
    - b. Terminal posts shall be aluminum or galvanized steel pipe of not less than two (2) inches outside diameter or reinforced masonry columns of not less than four (4) inches square.
    - c. Aluminum or galvanized steel angles may be used as intermediate supports.
    - d. All terminal posts and intermediate supports shall be set in concrete, and all terminal posts shall be properly braced when installing any ornamental type fence.
    - e. Top rail, if used, shall be aluminum or galvanized steel pipe not less than one and three-eighths (1¾) inches outside diameter and where a top rail is not used, terminal posts shall be properly braced with aluminum or galvanized steel pipe.
- C. Ornamental wrought iron, ornamental aluminum cast iron or cast aluminum fences shall be permitted, provided that masonry pilasters are located at the corners of the lot and periodically along the fence.
- D. Wood picket fences shall be permitted on Santa Maria Street and residential lots in Golden Gate, MacFarlane Homestead, and Coconut Grove Warehouse Subdivision, subject to the following conditions:

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

F. The finished side of a fence shall be facing the neighboring lot.

### **Section 5-2402. Location of wall and fences.**

- A. All types of masonry or coral rock walls may be erected anywhere upon any premises, and in certain cases (see 5-2403(B)) must be erected along property lines.
- B. The following fence types are permitted in the following locations:
  1. Wire fences:
    - a. Any residential or Special Use District in accordance with the provisions of this subsection;
    - b. In an Industrial District provided that such wire fences are not located closer than one-hundred (100) feet to Bird Road, LeJeune Road or Ponce De Leon Boulevard;
    - c. Along rear property line or within the rear setback;
    - d. Along the side property line to the front line of a building extended to the nearest point on the side property line provided that a coral rock or masonry wall connects the building with the wire fences;
    - e. Along the side property line to the rear corner of the building closest to the side lot line; or
    - f. On corner lots, along rear or side yards or within such rear and side property lines, provided, however, that such wire fence shall not be erected in any yard area which abuts a street and provided that if such wire fence extends further toward the street than the side or rear corner of the building closest to the side or rear lot line, a masonry or coral rock wall extending from the building to the rear or side lot line shall be connected to such fence.
  2. No wire fences may be erected in any Commercial District.
  3. All types of masonry or coral rock walls are permitted any where upon any premises.

### **Section 5-2403. Height of walls and fences.**

No other wall or fence shall be permitted over four (4) feet high from the established grade, or over four (4) feet high from the actual ground level at such wall or fence, whichever is higher, except in the following cases:

- A. Wing walls, hereby defined as a wall or walls which extend from a building to or toward the property line, parallel to and in line with the front of said building, may exceed four (4) feet in height in residential districts.

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- B. Subject to the prior approval of the Development Review Official, concrete block, stuccoed or natural stone walls or chain link type wire fences may be erected to a maximum height of seven (7) feet upon property lines abutting Red Road of all lots facing or abutting upon Red Road from Coral Way to Southwest Eighth Street in cases where such walls or fences do not, in the opinion of the City Manager, create a hazard to pedestrian or vehicular traffic.
- C. Walls confined completely within a U shaped configuration of a residence, duplex or multi-family dwellings may exceed four (4) feet in height in residential districts.
- D. Walls in connection with residences, duplexes or multi-family dwellings in residential districts not included in subsection 3 above, may exceed four (4) feet in height, provided such walls meet the setback requirements for screened enclosures, and provided further that the enclosed ground area covered by the walls, the accessory buildings and the main buildings does not exceed forty-five (45%) percent of the enclosed area of the site.
- E. Ornamental wrought iron, cast iron and/or aluminum fences may be erected to a maximum height of six (6) feet.
- F. Ornamental wrought iron, cast iron and/or aluminum fences may be erected on top of a masonry wall provided that the height of the masonry wall shall not exceed four (4) feet and the maximum height of the wrought iron, cast iron, aluminum and masonry wall shall not exceed six (6) feet.
- G. Columns in connection with a fence and wall may include a cap or architectural feature as a vertical extension of the column up to a maximum of four (4) inches above the maximum permitted fence or wall height.
- H. Where residential and commercial districts adjoin each other, a six (6) foot high wall shall be constructed along the property line between the commercial and residential properties. The wall shall be constructed and maintained by the commercial property owner; however, the abutting residential property owner may construct and maintain the wall.
- I. Residential gates and fence features may be erected to a maximum height of up to eight (8) feet on property in a residential district which has a street frontage of one-hundred (100) feet or greater and when constructed with a masonry, or coral rock wall or wrought iron fence as permitted in this Division.

### **Section 5-2404. Walls and fences in public utility easement areas.**

Every permit for the erection of a wall or fence in any public utility easement of record shall provide that it is subject to revocation. Each such wall or fence shall be constructed subject to the conditions that the said wall or fence shall be removed by the owner at any time on request of utility company requiring the use of the space for utility purposes, and that if the owner of such property fails to so remove such wall or fence after request and notice, the utility company or the City may remove such wall or fence at the property owner's expense.

### **Division 25. Private Yacht Basin**

#### **Section 5-2501. Private yacht basin.**

A Private Yacht Basin may be permitted as a conditional use in the SFR, MF1, MF2 or C Districts only after a special ordinance granting permission for such use shall have been passed and adopted by the City Commission, after a public hearing before the Planning and Zoning Board at which all interested persons shall be accorded an opportunity to be heard, providing, however, that such use shall be subject to the following conditions and restrictions:

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- A. That any private yacht basin containing one-hundred (100) or more slips and/or berths shall be designated as a DRI (Development of Regional Impact) and as such shall require approval as provided for under Chapter 380 of the Florida Statutes.
- B. The following structures will be permitted on the premises as an auxiliary or accessory use:
1. A structure to be designated as a Control Center containing not more than three-thousand-five-hundred (3,500) square foot floor area with a height not exceeding two and one-half (2½) stories, providing however that the Control Center Tower shall not exceed an overall height of forty-nine (49) feet. The control center building shall be used to provide yacht basin control, security, gate keeper, security personnel, management staff, offices for Homeowners Association, general storage for control operation, toilet facilities and utility collection points.
  2. Structures to be designated as Auxiliary Buildings containing a total of not more than one-thousand five-hundred (1,500) square foot floor area with a height not exceeding one (1) story shall be limited to storage for maintenance equipment for operation of the yacht basin, remote storage buildings adjacent to docks and utility meter rooms.
  3. A structure to be designated as a Dockmaster's Building containing not more than two-thousand (2,000) minimum square foot floor area with a height not exceeding two and one-half (2½) stories. The dock master's building shall be used to provide waterside control for the yacht basin, as well as the center of operations for the boats moored in the yacht basin, radio communications to serve the yacht basin as well as the control center, space for the dock master and his staff, storage and toilet facilities.
- C. The following uses shall not be permitted in connection with the operation of a private yacht basin:
1. Clubhouse.
  2. Swimming pools.
  3. The storage or dispensing of fuels, unless in compliance with the minimum standards set forth in Ordinance No. 2932.
  4. Laundry facilities.
  5. Facilities for the dispensing of food and alcoholic beverages.
  6. Launching ramps and/or launching facilities.
  7. Parking and/or storage of boat trailers.
  8. Mooring of commercial vessels.
  9. Repair or overhauling of boats.
  10. Rental or lease of boats.
  11. Dry storage or stacking of boats.
  12. Bait and tackle shop.
  13. Retail sales facilities.
  14. Sightseeing crafts.

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15. Commercial fishing vessel.
  16. Charter boats.
  17. Yacht brokers.
  18. Marine insurance broker.
  19. Under no circumstances shall any boat, vessel, watercraft or by whatever name known be used as living or sleeping quarters.
- D. Bulkheads and retaining walls shall be provided in accordance with the provisions of the Zoning Code, Code of the City of Coral Gables, Subdivision Ordinance and all other applicable codes, ordinances and regulations. The use of rock rip-rap in lieu of bulkheads and retaining walls may be permitted subject to approval by the City Commission upon recommendation of the Public Works Department, Structural Engineer and Planning and Zoning Board.
- E. Off-street parking shall be provided at the rate of one (1) parking space for each slip or berth plus one (1) parking space for each three-hundred (300) square feet of gross floor area of any buildings located on the premises.
- F. The yacht basin shall be supplied with a potable water supply system and such water supply shall be protected by properly designed and located backflow preventers including the installation of a vacuum breaker on the discharge side and near the last valve for each water outlet to which a hose can be connected. Hoses used for potable water shall be blue or green or labeled and designated by use of a blue or green color code. The nozzle or outlet of the hose shall be protected from contamination, and hoses used for placing water in a sewage holding tank for flushing purposes shall be separate from hoses used for potable water and shall be red, yellow or brown.
- G. The yacht basin shall provide a facility capable of lifting sewage not less than twelve (12) feet under vacuum and delivering it to a receiving facility free from spillage and clogging. Equipment used in connection with the pump-out facility shall be designed to be easily serviced in case of clogging. Vacuum hoses used in connection with a pump-out facility shall be pliable, collapse-proof, non-kinking, and equipped with a connection or insert device, which will preclude leakage or spillage during the pump out operation.
- Sewage removed from a watercraft holding tank shall be handled in one of the following ways:
1. Discharged into a public or governmental sewer by means of a gravity line or a force main.
  2. Stored in an on-shore or dockside holding tank, which is watertight and so positioned, or moveable to such a site, that it can be easily serviced in a sanitary manner.
- H. The discharge of raw sewage from any boat or watercraft located within the yacht basin shall be prohibited.
- I. The yacht basin shall provide for the accumulation and removal of garbage and trash in accordance with the provisions of Chapter 15 of the Code of the City of Coral Gables as if the same were fully set forth herein.
- J. The setbacks for the yacht basin shall be established at the time the conditional use is approved.
- K. The yacht basin shall comply with the provisions for fire prevention as set forth under the Florida Building Code, the National Fire Prevention Association (NFPA) Publication No. 303-1975 entitled, "Fire Protection Standards for Marinas and Boatyards," and the National Fire Prevention Association

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(NFPA) Publication No. 87-1975 entitled, "Standards for the Construction and Protection of Piers and Wharves" and shall be subject to approval by the City of Coral Gables Fire Department.

- L. Not less than eighteen (18%) percent of the yacht basin site shall be devoted to landscaped open space. Such area shall be landscaped with trees, shrubbery, hedges and other acceptable landscaped material and such landscape material and such landscape area shall be maintained in a neat and orderly appearance.
- M. All parking areas shall be provided with a maintained minimum of one-third ( $\frac{1}{3}$ ) foot-candle of light on the parking surface during the hours of operation and one-half ( $\frac{1}{2}$ ) hour after closing. Any other outdoor lighting for the yacht basin shall not be permitted except under the following conditions:
  - 1. Detailed plans shall be submitted to the Building and Zoning Department showing the location, height, type of lights, intensity, shades, deflectors and beam directions.
  - 2. The Building and Zoning Department may issue a permit for such lighting if, after a review of the detailed plans therefore and after consideration of the adjacent area and neighborhood and its use and future development, the proposed lighting will be so located, oriented, adjusted and shielded that the lighting will be deflected, shaded and focused away from such adjacent property and will not be or become a nuisance to such adjacent property and providing, however, that in no case shall any light be mounted higher than twenty (20) feet above the finished grade of the ground.
- N. The waste water resulting from the periodic washing of impervious surfaces shall be channeled to natural filter or swale areas prior to soil infiltration.
- O. For the purpose of controlling noise pollution in the yacht basin, boats and watercraft operating under power shall be considered motor vehicles and shall be subject to the provisions of Chapter 19 of the Code of the City of Coral Gables entitled: Noises as if the same were fully set forth herein.
- P. The hours of operation of the supporting facilities, exclusive of security, shall be from 6:00 AM to 9:00 PM.
- Q. The responsibility for the maintenance of the yacht basin shall be borne by the developer, its successors or assigns, or an association consisting of owners and/or leaseholders of the lands, water, piers, docks, buildings, structures, mangroves, seawalls, rip-rap and any and all other improvements of whatsoever nature in the yacht basin.
- R. Applicants requesting approval of a conditional use for a Private Yacht Basin shall submit a detailed plan showing the complete layout of the yacht basin including retaining walls, bulkheading, docks, piers, slips, pilings, landscaping, off-street parking, buildings, structures, roads, drives, drainage, water supply and sewage facilities.

### **Division 26. Bed and Breakfast Establishments**

#### **Section 5-2601. Bed and breakfast establishments.**

Bed and Breakfast (B & B) establishments may be permitted as a Conditional Use subject to the following restrictions:

- A. B & B establishments may be operated on property zoned MF2 within the district bounded by Southwest Eighth Street (Tamiami Trail) to the north, Navarre Avenue to the south, Douglas to the east, and LeJeune Road to the west.
- B. Structures shall be a locally designated historic landmark in order to be eligible for operation as a B & B.

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- C. In accordance with Article 3, Division 11: Historic Preservation, a Certificate of Appropriateness shall be required for any exterior alterations to the historically-designated B & B property.
- D. Notwithstanding the Conditional Use provisions provided in Section 3-402 through Section 3-407, a Conditional Use for a Bed and Breakfast that meets all of the requirements of Article 5, Division 26, shall be reviewed as follows:
  - 1. A pre-application conference shall be held with Historical Resources Department staff.
  - 2. A complete Conditional Use site plan approval application shall be submitted to Historical Resources Department staff.
  - 3. Prior to a public hearing before the Historic Preservation Board, departments including but not limited to the Fire Department, Parking Department, and Development Services Department shall review the Conditional Use site plan application and provide written comments.
  - 4. Public notification of the Conditional Use application shall be the same as that for a Special Certificate of Appropriateness.
  - 5. City staff shall prepare a staff report that summarizes the application and indicates whether the application complies with each of the standards for granting conditional use approval in Section 3-408.
  - 6. Staff will provide written recommended findings of fact regarding the standards for granting conditional use approval in Section 3-408.
  - 7. Staff shall provide a recommendation as to whether the application should be approved, approved with conditions, or denied.
  - 5. A public hearing shall be held before the Historic Preservation Board, where a final decision shall be made.
  - 6. Any appeal of a decision of the Historic Preservation Board may be brought to the City Commission in accordance with Article 3, Division 6.
  - 7. Section 3-408 through Section 3-411 shall apply to Conditional Uses for a Bed and Breakfast Establishment.
- E. The following design requirements shall be incorporated to minimize the impact on surrounding residential areas:
  - 1. Appearance of structure shall remain residential;
  - 2. Outdoor activity areas for B & B residents use shall be visually buffered from adjacent residential uses;
  - 3. Vehicle ingress and on-site parking shall be screened from adjacent residential properties.
- F. One wall-mounted sign shall be permitted designating the property as a B & B, and shall not exceed one-hundred sixty (160) square inches in size.
- G. Property owner or manager must reside on property and be available on a daily basis.
- H. The sale of alcohol shall not be permitted on premises.

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- I. Food service shall be limited to B & B residents.
- J. Owner/Operator must comply with the following operational requirements:
  - 1. No weekly rates shall be offered;
  - 2. No hourly rates shall be offered;
  - 3. The owner/manager shall maintain a current guest register.
- K. All B & B requests shall be required to submit the following floor and site plans:
  - 1. Floor plans.
  - 2. Parking plan.
  - 3. Landscaping plan.
  - 4. Lighting and signage plan.
  - 5. Building elevations.
  - 6. Survey.
- L. For those buildings constructed prior to 1964, no additional on-site parking will be required beyond that which exists prior to the Bed and Breakfast Certificate of Use application. In lieu of the parking provision pertaining to Bed and Breakfast Establishments in Section 5-1409 of the Zoning Code, a parking management plan for guests and the owner/manager may be submitted to the Planning and Zoning Director and the Parking Director for review and approval. The parking management plan may include a combination of remote parking, valet parking, and leasing of public parking spaces and will be reviewed based on proximity to transit, number of guest rooms, number of staff, availability of public parking and on-street parking, and other relevant factors.
- M. Parking credit may be granted by the Planning and Zoning Director for parallel parking spaces in the roadway immediately in front of the subject property where such parking will not be hazardous or obstruct access.
- N. Each B&B shall be subject to code enforcement measures in the same manner as any other business or residence in the City of Coral Gables.
- O. The Certificate of Use for the Bed and Breakfast Establishment shall be renewed annually to ensure compliance with all applicable city regulations and conditions that may be imposed as part of the Conditional Use approval.

### **Division 27. Family Day Care Home**

#### **Section 5-2701. Family day-care home.**

A family day-care home may be permitted in the SFR, MF1, MF2 and MFSA districts, subject to the following conditions and restrictions:

- A. Each facility shall obtain a family day-care home license from the City of Coral Gables. Said license shall be renewable every year to ensure continued compliance with the provisions of this Section.

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- B. Upon making application for a family day-care home license, the applicant shall provide the following information:
  - 1. Applicant's name, address and telephone number.
  - 2. Property owner's name, address and telephone number (if different from applicant).
  - 3. Address of family day-care home.
  - 4. Business name to be used.
  - 5. Expected total number of children for which day-care will be provided.
  - 6. Size of residence or dwelling unit (square foot floor area) to be used.
- C. The maximum number of preschool children unrelated to the resident caregiver, shall not exceed five (5%) percent per facility. Elementary school siblings of the preschool children may also receive day-care outside of school hours, provided that the total number of children, including those related to the care-giver shall not exceed ten (10).
- D. Family day-care home facilities shall be limited to one (1) per residential structure and spaced at least ten-thousand (10,000) feet apart measured from property line to property line.
- E. Family day-care home facilities shall provide a fenced or walled rear yard.
- F. No signage or other means of identification shall be permitted on the exterior of a facility to indicate the operation of a family day-care home.
- G. Family day-care home shall provide no less than two-hundred (200) square feet of gross floor area for each child which receives care within that dwelling unit.
- H. Family day-care home shall be registered or licensed with the State of Florida, Department of Health and Rehabilitation Services (HRS) prior to obtaining a City of Coral Gables license.

### **Division 28. Permanently installed stand-by generators**

#### **Section 5-2801. Permanently installed stand-by generators.**

In addition to all applicable county, state, or federal requirements this Section shall govern the placement of permanently installed stand-by generators, herein after referenced as “generator(s)”. A generator installation shall be allowed for the purpose of providing temporary power during incidental power outages and emergency power outages due to storms, hurricanes and other natural and/or man-made disasters in all residential zoning districts. Generators may not be used as a permanent source of power for a building, structure or property. Generators shall be subject to all of the following:

- A. Setback(s) for a generator in all residential zoning districts. Generators shall be permitted in accordance with the following setback requirements as long as the distance is no closer than ten (10) feet from any opening in a building or structure that may be occupied by people as may be required by county, state or federal regulations subject to all of the following conditions:
  - 1. Front setback. No generator shall be allowed in the front setback.
  - 2. Rear setback. Ten (10) feet minimum from the rear property line.

## ARTICLE 5 – DEVELOPMENT STANDARDS

3. Interior side setback(s). Five (5) feet minimum from the side property line. Generators are exempt from the twenty (20%) percent total side setback requirements required for the principal and auxiliary structures.
4. Side street setback(s). If there is not adequate space to satisfy all applicable county, state and federal requirements for the installation of a generator in an interior side yard or the rear yard for a generator, then the side street setback may be fifteen (15) feet minimum to the side street property line.
5. Waterways, canals, lake or bay setback. Fifteen (15) feet minimum from such canal, waterway, lake or bay.
6. Golf course setback. Five (5) feet minimum from the perimeter property line of the golf course.
7. Rear street setback. Fifteen (15) feet minimum from a rear street property line.
8. Spacing. The minimum spacing requirements will be as per the manufacturer's guidelines.
9. Generators shall satisfy all applicable noise level requirements of City Code, Chapter 38 Article II, Section 38-29 as amended.
10. In no event shall a generator be closer than ten (10) feet from any adjoining or neighboring building or structure that may be occupied by people.
11. Number permitted in residential districts. A maximum of one (1) generator may be permitted for a single-family residence, individual duplex unit or individual townhouse unit. A maximum of one (1) generator per structure may be permitted for multi-family developments.
12. Generator installations on improved properties may encroach into the required landscaped open space areas.
13. Generators shall be screened from view of adjacent properties, street, canal, waterway, lake, bay, or golf course with landscaping to screen the generator entirely.
14. Generators located between a building and a street shall be limited to a maximum height of four (4) feet and may not exceed a ground area of twenty (20) square feet. Generators that are not located between a building and a street may not exceed a ground area of one half of a percent (1/2%) of the area of the building site or a maximum ground area of one hundred (100) square feet, whichever is less. If a generator is proposed to be installed within a flood zone area, the maximum allowable generator height of four (4) feet, plus the required flood zone height, is the permitted generator height.