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ARTICLE 3 - DEVELOPMENT REVIEW
Division 1 - Purpose and applicability

Section 3-101. General.

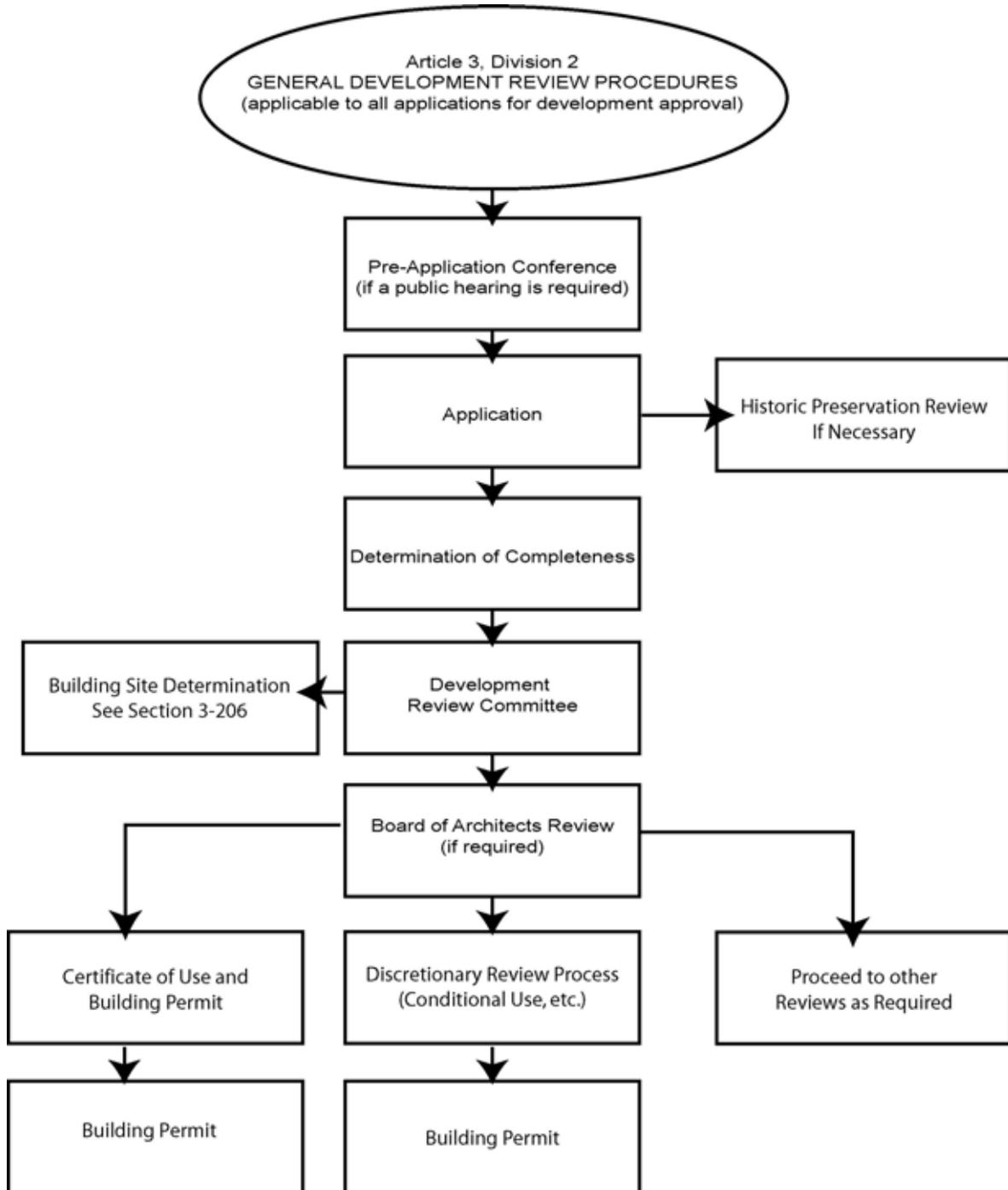
The purpose of this Article is to establish the requirements for each type of approval, beginning with general procedures which are applicable to all levels of approval and followed by specific procedures which are applicable to each process, including a graphic describing the process for each type of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

These regulations establish the following types of procedures to obtain development approval:

DEVELOPMENT APPROVALS	REFER TO ARTICLE 3, DIVISIONS 2 and 3 SEE ALSO ...	RECOMMENDATION AFTER PUBLIC HEARING OF ...	FINAL DECISION MADE BY ...
Abandonment/Vacations			
	Division 12	Planning and Zoning	City Commission
Appeals			
Appeals from City Architect		Not Required	Board of Architects
Appeals from City Officials (other than HPO)		Not Required	Board of Adjustment
Appeals from Decisions of the Board of Architects	Division 6	Not Required	City Commission
Appeals from Decisions of the Board of Adjustment, Planning and Zoning Board and Historic Preservation Board	Division 6	Not Required	City Commission
Appeals from Historic Preservation Board		Not Required	City Commission
Appeals from Historic Preservation Official			Historic Preservation Board
Separation or Establishment of a Building Site Comprehensive Land Use Plan	Divisions 3, 4	Planning and Zoning	City Commission
Map Change	Division 15	Planning and Zoning	City Commission
Text Change	Division 15	Planning and Zoning	City Commission
Conditional Use			
Minor Conditional Use	Division 4	B.A. / City Architect	Development Review Official
Major Conditional Use	Division 4	Planning and Zoning Board	City Commission
Development of Regional Impact			
	Division 16	Planning and Zoning	City Commission
Historic Preservation			
Historic Designation	Division 11	NA	Historic Preservation Board
Standard Certificate of Appropriateness	Division 11	NA	Historic Preservation Officer
Special Certificate of Appropriateness	Division 11	NA	Historic Preservation Board
Zoning Code			
Map Amendment	Division 14	Planning and Zoning	City Commission
Text Amendment	Division 14	Planning and Zoning	City Commission
Subdivision/Platting	Division 9	Planning and Zoning	City Commission
Transfer of Development Rights	Division 10	Planning and Zoning Historic Preservation Board	City Commission
Variances			
	Division 8	Not Required	Board of Adjustment or Historic Preservation Board

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ARTICLE 3 - DEVELOPMENT REVIEW Division 2 - General Development Review Procedures



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Section 3-201. Pre-application conference.

- A. All applicants for development review which require a public hearing for approval, shall schedule a pre-application conference with City staff to discuss the nature of the application, applicable standards, application information requirements, application format requirements, and the timing of review and approval. Such required pre-application conference may be conducted after the submittal of an initial application. Any other applicant for development approval may request a pre-application conference with the appropriate City staff.
- B. Prior to the pre-application conference, the applicant shall provide information requested on a pre-application form provided by City staff.
- C. At the pre-application conference, City staff shall determine whether the proposed application contains a parcel with a buildable lot, provide the applicant with all required application forms and a checklist that sets forth all of the information that will be required of the applicant in order to review the application for compliance with these regulations.

Section 3-202. Application.

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

Section 3-203. Determination of completeness.

- A. Upon receipt of the application, the designated Development Review Official shall review the application to determine whether:
 - 1. All required information is provided in an acceptable format;
 - 2. The required fee is paid; and
 - 3. Whether the information is technically competent to proceed forward with additional City review.
- B. If any required information is not provided, the applicable fee not paid and/or if the application or any part of the application is determined not technically competent, then:
 - 1. The Development Review Official shall notify the applicant of the specific deficiency in the application; and
 - 2. The applicant shall either:
 - a. Submit the specifically identified information in a technically competent form; or
 - b. Withdraw the application.

1 **Section 3-204. Review by Development Review Committee.**
2

3 After an application for development approval is determined to be complete and technically competent, the
4 Development Review Committee (DRC) shall review the application in accordance with procedures adopted by the
5 Committee and any procedures applicable to the application for development approval. The Development Review
6 Official will coordinate the DRC Review, assist in resolution of conflicts and inform the applicant of any changes that
7 need to be made to the applications to allow further review of the application to proceed.
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9 **Section 3-205. Permitted uses.**
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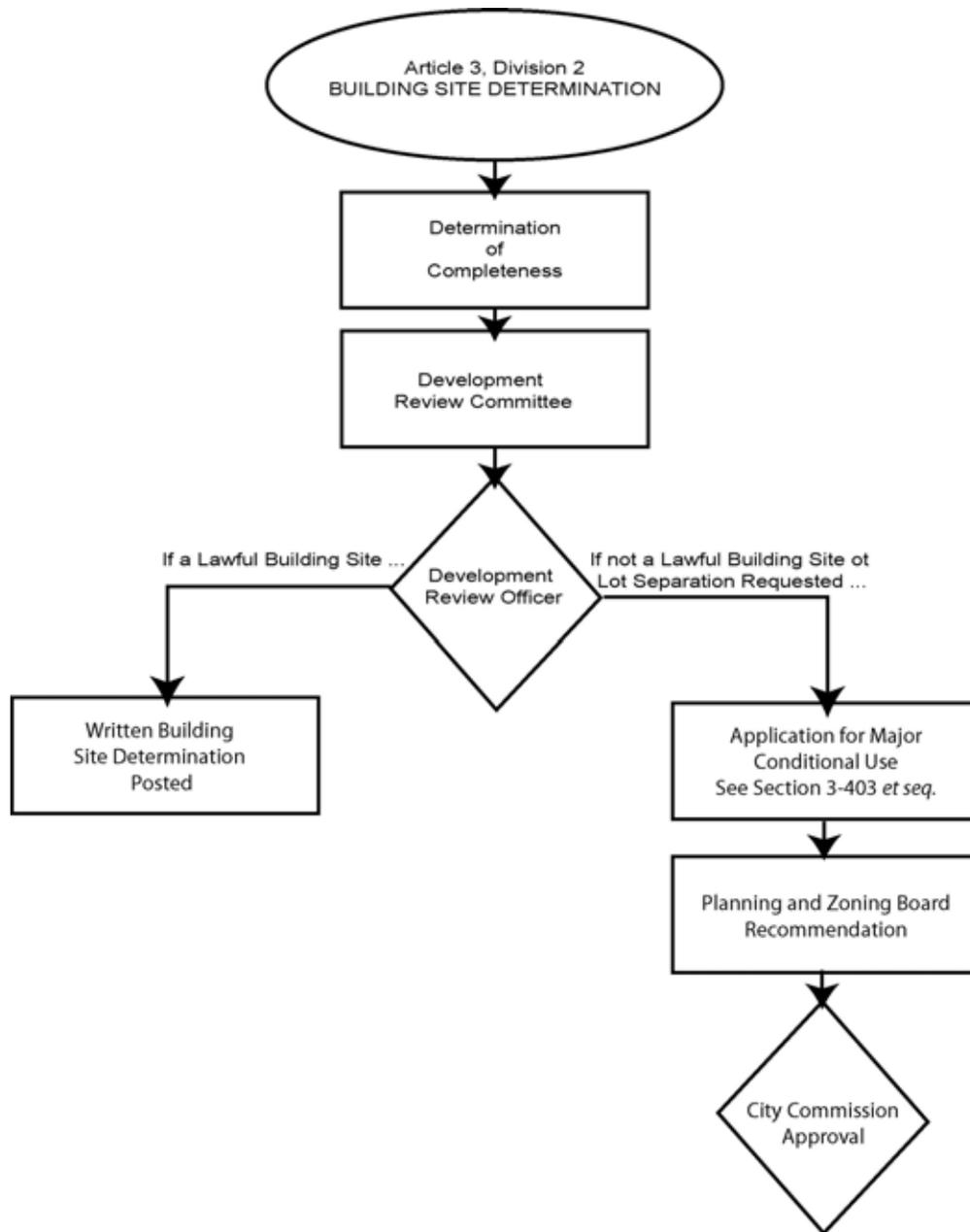
- 11 A. Except as provided in Article 3, Division 11, for historic properties, any use listed as a permitted use in a single-
12 family residential district and duplexes may be permitted subject to City Architect or Board of Architect's review
13 and subject to obtaining a certificate of use and a building permit.
14
- 15 B. The Board of Architects shall review plans for additions, exterior alterations and/or new construction, except for
16 the following which shall be reviewed and approved by the City Architect and the Department of Building and
17 Zoning prior to the issuance of a certificate of use or building permit.
18
- 19 1. Aluminum fences.
 - 20
 - 21 2. Awnings.
 - 22
 - 23 3. Awning recovers.
 - 24
 - 25 4. Chain link fences.
 - 26
 - 27 5. Demolition of entire structures.
 - 28
 - 29 6. Door replacement.
 - 30
 - 31 7. Driveway replacement with different materials.
 - 32
 - 33 8. Fountains.
 - 34
 - 35 9. Hurricane shutters.
 - 36
 - 37 10. Landscaping.
 - 38
 - 39 11. Miscellaneous revision to permits.
 - 40
 - 41 12. Painting (using colors on Board of Architects' approved color pallet).
 - 42
 - 43 13. Re-roofs.
 - 44
 - 45 14. Screen walls for mechanical equipments.
 - 46
 - 47 15. Tiling.
 - 48
 - 49 16. Walkways.
 - 50
 - 51 17. Window replacement.
 - 52
 - 53 18. Any other matters, as determined by the Board of Architects.
 - 54
- 55 C. Duplications of elevations and/or exterior architectural design.
56

1. Except as provided in subsection 2 hereof, no duplication of elevations and/or exterior architectural design shall be permitted in any residential area. Architects, in submitting plans for consideration 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 of any buildings in the residential area of the City of Coral Gables, previously submitted by me or by my office; that to the best of my knowledge and belief these plans and specifications are not a duplication of elevations and/or exterior architectural design 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 under which this certificate is required. (seal)
 2. The provisions of this Section shall not apply in the following cases:
 - a. The units of a single-housing project, ~~which shall be deemed and which hereby is defined as not more than three multiple-family units constructed on a lot or on contiguous lots so as to be an architectural entity; and,~~
 - b. The interior design or floor plan of any structure.
- D. Preparation, approval and revision of architectural drawings. The following procedures shall be followed in preparing, obtaining approval and revising preliminary and final working drawings:
1. Architectural drawings. All architectural drawings for new residential buildings or alterations or additions to existing residential structures shall be prepared by and bear an impression seal of a registered architect qualified under the laws of the State of Florida to prepare such plans and specifications. All other architectural drawings shall be prepared by and bear an impression seal of a registered architect or registered engineer qualified under the laws of the State of Florida to prepare such drawings.
 2. Approval in principle. Preliminary approval in principle shall be obtained from the Board of Architects before proceeding with the final working drawings. The drawings for approval in principal shall preferably be single-line plan or plans and shall have a plot plan, floor plan and shall show all affected elevations. Photographs of adjoining properties shall be presented with the preliminary plans. Plans for additions or exterior alterations to existing buildings shall show all elevations of all facades of the building where the alterations occur, or to which the addition is attached. Whenever the estimated cost of construction of any addition, exterior alteration and/or new construction will exceed twenty-five-thousand (25,000) dollars, such preliminary plans shall be submitted in duplicate.
- [moved to Art 2 div 3]
3. Revisions to preliminary plans. When the designing architect and/or engineer revises preliminary plans in accordance with the suggestions of the Board of Architects, the applicant shall present the original drawings showing the Board's suggestions with the revised drawings.
 4. Revisions to final working drawings. After plans have been approved, no deviations from the approved design shall be permitted without the approval of the Board of Architects except for properties designated historic which shall require Historic Preservation Board review and approval in accordance with the provisions of Article 3, Division 11.

Section 3-206. Building Site Determination.

- A. Prior to the issuance of a building permit for a single-family residence or duplex, an application for a building site determination shall be submitted in writing upon an application form approved by City staff and shall be accompanied by applicable fees.
- B. An application for building site determination shall be reviewed in accordance with the provisions of Sections 3-201 through 3-204 of these regulations.

- 1 C. If the Development Review Official determines that the parcel proposed for development is a lawful building
 2 site, a written site determination shall be issued to the applicant and posted in the Office of the City Clerk
 3 and on the property which is the subject of the determination.
 4
 5 D. In the event that an application for a building site determination is denied by the Development Review
 6 Official or any change is proposed for the purpose of separating or establishing a building site, the
 7 applicant shall submit an application for major conditional use approval and such application shall be
 8 reviewed in accordance with the procedures established in Article 3 Division 4 of these regulations and the
 9 standards in Article 4.



54 **Section 3-207. Building permit.**

- 55 A. Permit required.
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1. No person shall commence any construction, demolition, modification or renovation of a building or structure, the value of which exceeds \$500 in labor and materials, without first obtaining a building permit.
2. All building permits and sign permits shall be in conformity with these regulations and any applicable development approval related to the parcel proposed for development.
3. Application for permits will be accepted only from persons currently licensed in their respective fields and for whom no revocation or suspension of license is pending, provided, however, a sole owner may make application, and if approved, obtain a permit and supervise the work in connection with the construction, maintenance, alteration or repair of a single-family residence or duplex for his own use and occupancy and not intended for sale and may make application for, and if approved, obtain a permit for maintenance and minor repairs on any type building. The construction of more than one residence or duplex by an individual owner in any twelve (12) month period shall be construed as contracting, and such owner shall then be required to be licensed as a contractor. Such licensed contractor or owner shall be held responsible to the Building Official for the proper supervision and conduct of all work covered thereby.
4. All general contractors, or owner/builders shall submit a list of all subcontractors to be employed on the project. The Building and Zoning Department will review the list to insure that all subcontractors are properly certified and licensed. Should the general contractor or owner/builder change subcontractors during the project, it will be necessary for the Building and Zoning Department to be notified prior to permitting the new subcontractor to commence work on the project. Any project found to be using unauthorized subcontractors is subject to a stop work order until the Building Official is satisfied that proper conditions exist and all permitting conditions are met.

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

C. Posting of bond. Before any building permit shall be issued, the owner of the affected property or the contractor shall deposit with The City that amount which in the opinion of the Building Inspector Official and/or the City Manager shall be adequate to reimburse The City, or any neighboring property owner, for damage which may result to sidewalks, parkways, parkway trees and shrubs, street pavement or other municipal or private property, or improvement from such work and the equipment and materials used in connection therewith, and for the removal of debris or excess material upon the completion of said work, and shall sign an undertaking to the City to pay the amount of any deficiency between the amount of said deposit and the cost of repairing any such damage or removal of any such debris or excess materials. Upon completion of the work, the Building Official, or such other person as may be designated by the City Manager, shall make final inspection and if the person shall find that no damage has resulted, and no debris or material remains on the site, the said deposit shall be returned to the depositor, or, if any damage shall be repaired by the City, or any debris or excess material be removed by the City, and the cost thereof shall be less than the deposit, then the difference between such cost and the amount of the deposit shall be returned to the depositor. Such bonds shall not be refunded until all code requirements are completed including necessary driveways and sidewalks.

D. Incomplete buildings. No building not fully completed in substantial compliance with plans and specifications upon which a building permit was issued, shall be permitted to be maintained on any land for more than one year after the commencement of erection of any building, addition or renovation. A building site inspection shall be conducted six (6) months after the commencement of construction at which time evidence that work is proceeding shall be provided by the contractor. Work shall be considered to have commenced and be in active progress when, in the opinion of the Building and Zoning Director, a full complement of workmen and

1 equipment is present at the site to diligently incorporate materials and equipment into the structure throughout
2 the day on each full working day, weather permitting. This provision shall not be applicable in case of civil
3 commotion or strike or when the building work is halted due to legal action.
4

5 **Section 3-208. Zoning permit.**
6

7 No person shall commence or cause to be commenced any miscellaneous work, which does not otherwise require
8 a building permit, which affects the aesthetics, appearance, or architectural design of any structure, site or site
9 improvements until an application for a zoning permit therefore has been previously filed with the Building and
10 Zoning Department. No such miscellaneous work which affects the aesthetics, appearance, or architectural design
11 of any structure, site or site improvements shall commence until a permit has been issued by the City in every case
12 where the cost of such proposed work exceeds five hundred dollars (\$500.00) in labor and materials. All work done
13 under and pursuant to any zoning permit shall conform to the approved plans and/or specifications.
14

15 **Section 3-209. Certificate of use.**
16

17 No person shall commence any use of any property, nor shall an occupational license or building permit be issued
18 until an application for a Certificate of Use therefore has been filed with and approved by the Building and Zoning
19 Department on a form provided by the Department. Any use of a property under and pursuant to any Certificate of
20 Use shall conform to the Certificate of Use. Any use for which a Certificate of Use has been issued must
21 commence within one-hundred and eighty (180) days of the issuance of the Certificate of Use, and is valid for a
22 period not to exceed one year from the date of the issuance. All Certificates of Use shall be renewed by the
23 applicant each year.
24

25 **Section 3-210. Resubmission of application affecting same property.**
26

27 No application shall be accepted during the following time periods after the denial of a substantially similar
28 application affecting the same property or any portion thereof:
29

- 30 A. Conditional uses and variances: 6 months
- 31
- 32 B. Change in zoning map, zoning text amendments, comprehensive land use plan amendments and application
33 for abandonment and vacation of non-fee interests: 12 months
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ARTICLE 3 - DEVELOPMENT REVIEW
Division 3 - Uniform Notice and Procedures for Public Hearing

Section 3-301. Applicability.

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

Section 3-302. Notice.

In every case where a public hearing is required pursuant to the provisions of these regulations, City staff and the City Clerk shall provide a Notice of Public Hearing in the manner set out in this section and as summarized in the following graphic:

NATURE OF APPLICATION	Type of Notice	Timing of Notice Before ...		
		Advisory Board Hearing (if required)	First Commission Meeting (if required)	Second Commission Meeting (if required)
REZONING				
Initiated by other than the City	Publication	10 days	No Notice Required	10 days
< 10 contiguous acres; city initiated	Mail	10 days	30 days	
	Posting	10 days	10 days	10 days
≥ 10 contiguous acres; city initiated	Publication	10 days	7 days	5 days
	Mail	10 days	7 days	10 days
LDRs TEXT AMENDMENT				
Amendment to Text that changes actual list of permitted, conditional, or prohibited uses within a zoning category	Publication	10 days	7 days	5 days
	Mail	10 days	7 days	10 days
DEVELOPMENT OF REGIONAL IMPACT				
	Publication	10 days	60 days	5 days
COMPREHENSIVE PLAN				
Small Scale Development Amendments; city initiated	Mail	10 days	30 days	
Small Scale Development Amendments; initiated by other than the City	Publication	10 days	5 days	
Compliance Agreement with DCA	Publication	10 days	10 days	10 days
Comprehensive Plan Amendment, other than Small Scale	Publication	10 days	7 days	5 days

CONDITIONAL USE				
Minor Conditional Use – If Appealed	Publication	10 days		
	Posting	10 days		
	Mail	10 days		
Major Conditional Use	Publication	10 days	10 days	10 days
	Posting	10 days	10 days	10 days
	Mail	10 days	10 days	10 days
TRANSFER OF DEVELOPMENT RIGHTS				
	Publication	10 days	10 days	10 days
	Posting	10 days	10 days	10 days
	Mail	10 days	10 days	10 days
SUBDIVISION / PLATTING				
	Mail	10 days	10 days	10 days
VARIANCES				
	Publication	10 days		
	Posting	10 days		
	Mail	10 days		
ABANDONMENT AND VACATIONS				
	Publication	10 days	10 days	10 days
	Posting	10 days	10 days	10 days
	Mail	10 days	10 days	10 days
HISTORIC PRESERVATION				
Notification to Owners Regarding Designation of Landmark or District	Publication	10 days		
Notification of Public Hearing Regarding Designation of Landmark or District	Posting	10 days		
	Mail	10 days		
Certificate of Appropriateness (Special)	Publication	10 days		
	Posting	10 days		
	Mail	10 days		
MORATORIA				
	Publication	10 days	7 days	5 days
APPEALS				
	Mail	10 days	10 days	10 days
BOARD OF ARCHITECTS				
	Posting	5 days		

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A. Publication. The requirements for this type of public notice shall be as follows:

1. Notice shall be published at least one time in a newspaper of general circulation published in the City of Coral Gables, or in Miami-Dade County, Florida, at least ten (10) days prior to the date of any required public hearing.
2. The notice shall state the date, time, and place of the meeting; the title or titles of the proposed ordinances or a description of the substance of the matter being considered; and the place within the City where the proposed ordinances or other materials may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the matter.
3. A copy of the notice shall be available for public inspection at City Hall during the regular business hours of the City.
4. Notice for ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category/use district, or ordinances initiated by the City that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be published at least ten (10) days prior to the Planning and Zoning Board public hearing, again at least seven (7) days prior to the first City Commission public hearing and again at least five (5) days prior to the second City Commission adoption hearing. Public notice shall be provided as described in the following subsections.
 - a. The required advertisements shall be no less than two columns wide by ten inches long in a standard size or tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality, not one of limited subject matter, pursuant to Chapter 50 of the Florida Statutes. Whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week unless the only newspaper in the City is published less than five (5) days a week.
 - b. The advertisement shall be in substantially the following form:

“Notice of (Type Of) Change

The City of Coral Gables proposes to adopt the following ordinance: (title of ordinance)....

A public hearing on the ordinance will be held ...(date and time)... at ...(meeting place)...”

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.
 - c. In lieu of publishing the advertisement set out in this section, the City may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the persons of the time, place, and location of any public hearing on the proposed ordinance.
5. Ordinances initiated by any person other than the City that change the actual zoning map designation of a parcel of land or parcels of land shall be read by title, in full, at two separate City Commission hearings, and shall be published at least ten (10) days before the Planning and Zoning Board public hearing, and again at least ten (10) days before the City Commission adoption hearing.

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

11
12 **B. Posting of property.**

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14 1. Except as provided in Subsection B2, all specific property being considered at a public hearing shall be
15 posted at least ten (10) days in advance of the public hearing, provided, however, that the posting of
16 specific property shall not be required when the property subject to change constitutes more than ten
17 contiguous acres. Such posting shall consist of a sign, the face surface of which shall not be larger than
18 forty (40) square inches in area:

19 **NOTICE**
20 **OF**
21 **PUBLIC HEARING**

22 **BY [ENTER NAME OF DECISIONMAKING BODY]**

23 **PHONE: _____**

24 **E-MAIL ADDRESS**

25 **HEARING DATE: _____**

26 **APPLICATION NO.: _____**

- 27
28 2. No posting shall be required for public hearings before the Board of Architects, unless the value of the
29 proposed development exceeds \$25,000.
- 30
31 3. The sign shall be erected in full view of the public on each street side of such property. Where large parcels
32 of property are involved with street frontages extending over considerable distances, additional signs may
33 be erected on the street frontage as may be deemed adequate by the Development Review Official to
34 inform the public.
- 35
36 4. If such sign is placed on a vacant lot or parcel of land, it shall be securely nailed or otherwise fastened
37 securely to a stake or post which itself shall be fastened securely into the ground. Said sign shall not be
38 located nearer than ten (10) feet nor more than fifteen (15) feet from the street property line, provided,
39 however, that where said property is improved by a building, the main part of which is less than ten (10)
40 feet from said street property line, the sign may be placed upon the front and/or side of the building, or
41 upon a front and/or side door and/or window of the building. Whenever a building on improved property is
42 located more than ten (10) feet from the street property line, the sign shall be erected as provided for on
43 vacant property.
- 44
45 5. The height of such sign shall be erected to project not more than three (3) feet above the surface of the
46 ground.
- 47

1 6. Failure to post specific property shall not affect any action or proceeding taken hereunder.

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3 C. Mail Notices.

4
5 1. Except for public hearings before the Board of Architects, a courtesy notice of public hearings affecting
6 specific properties containing general information as to the date, time, place of the hearing, property
7 location and general nature of the application may be mailed to the property owners whose addresses are
8 known by reference to the latest ad valorem tax record, within a 500' radius. This notification requirement
9 is measured in feet from the perimeter boundaries of the subject property.

10
11 The Development Review Official may require an additional area to receive a courtesy notice on any
12 application. The Development Review Official may also require courtesy notices on applications that are
13 not typically required to be noticed if it is determined that such notification is desirable.

14
15 2. Courtesy notice shall be mailed at least ten (10) days prior to the date of the public hearing.

16
17 3. When a proposed ordinance is initiated by the City that changes the actual zoning map designation for a
18 parcel or parcels of land less than ten (10) acres, the Secretary of the Planning and Zoning Board shall
19 notify by mail each real property owner whose land the City will redesignate by enactment of the ordinance
20 and whose address is known by reference to the latest ad valorem tax records. The notice shall state the
21 substance of the proposed ordinance as it affects that property owner and shall set a time and place for the
22 public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the
23 Planning and Zoning Board public hearing, and again at least thirty (30) days prior to the date of the City
24 Commission public hearing.

25
26 4. Notice of small-scale development amendments to the Comprehensive Land Use Plan, initiated by the City,
27 shall be mailed to each property owner of record in the current tax rolls. The notice shall state the
28 substance of the proposed ordinance as it affects that property owner and shall set a time and place for the
29 public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the
30 Planning and Zoning Board public hearing, and again at least thirty (30) days prior to the date of the public
31 hearing.

32
33 5. Notice for ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning
34 category/use district, or ordinances initiated by the City that change the actual zoning map designation of a
35 parcel or parcels of land involving ten (10) contiguous acres or more, shall be mailed at least ten (10) days
36 prior to the Planning and Zoning Board public hearing, again at least seven (7) days prior to the first City
37 Commission public hearing and again at least five (5) days prior to the second City Commission adoption
38 hearing.

39
40 6. A copy of mailed notices shall be available for public inspection during the regular business hours of the
41 City Clerk.

42
43 6. Failure to mail or receive courtesy notice shall not affect any action or proceeding taken under
44 these regulations. The applicant shall be required to provide a mailing list and labels of the area
45 within the radius prescribed above to the City. Individual courtesy notices are not required when
46 the property being considered constitutes more than ten contiguous acres.

47
48 **Section 3-303. Quasi-Judicial Procedures.**

49
50 A. Purpose and applicability. The provisions of this Section apply to all quasi-judicial hearings held pursuant to
51 these regulations.

52
53 B. Order of presentation. Quasi-judicial hearings shall be conducted generally in accordance with the following
54 order of presentation:

55
56 1. Disclosure of ex parte communications and personal investigations pursuant to Section 3-303C.

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2. Presentation by City Staff.
3. Presentation by the applicant.
4. Public comment in favor of the application.
5. Public comment in opposition to the application.
6. Cross-examination by City Staff.
7. Cross-examination by applicant.
8. Cross-examination by decision-making body.
9. Motion by decision-making body with explanation of positions of negative or denial.
10. Discussion among members of decision-making body.
11. Action by decision-making body and entry of specific findings.

C. Ex Parte communications.

1. Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss the merits of any matter on which action may be taken by any decision-making body with any member of the decision-making body.
2. Members of a decision-making body shall disclose ex parte communications and personal investigations regarding pending quasi-judicial decisions as follows:
 - a. Each member shall disclose whether he or she has participated in ex parte communications or personal investigation regarding a pending quasi-judicial decision.
 - b. If a member has participated in ex parte communications or personal investigation regarding a pending quasi-judicial decision, then the member shall disclose:
 - i. The subject of all ex parte communications (verbal, written, or otherwise) and the identity of the ex parte communicants;
 - ii. All personal investigations and site visits; and
 - iii. The substance of all expert opinions received, and the name of the expert who gave the opinion.
 - c. Before the quasi-judicial hearing, all members shall forward all written communications that relate to pending quasi-judicial decisions to the City Clerk for public inspection and inclusion in the public record of the quasi-judicial proceeding.
3. The Chair of the decision-making body shall ensure that all persons who have opinions contrary to those expressed in ex parte communications are given a reasonable opportunity to refute or respond to the communication during the quasi-judicial hearing.

ARTICLE 3 – DEVELOPMENT REVIEW
Division 4 – Conditional Uses

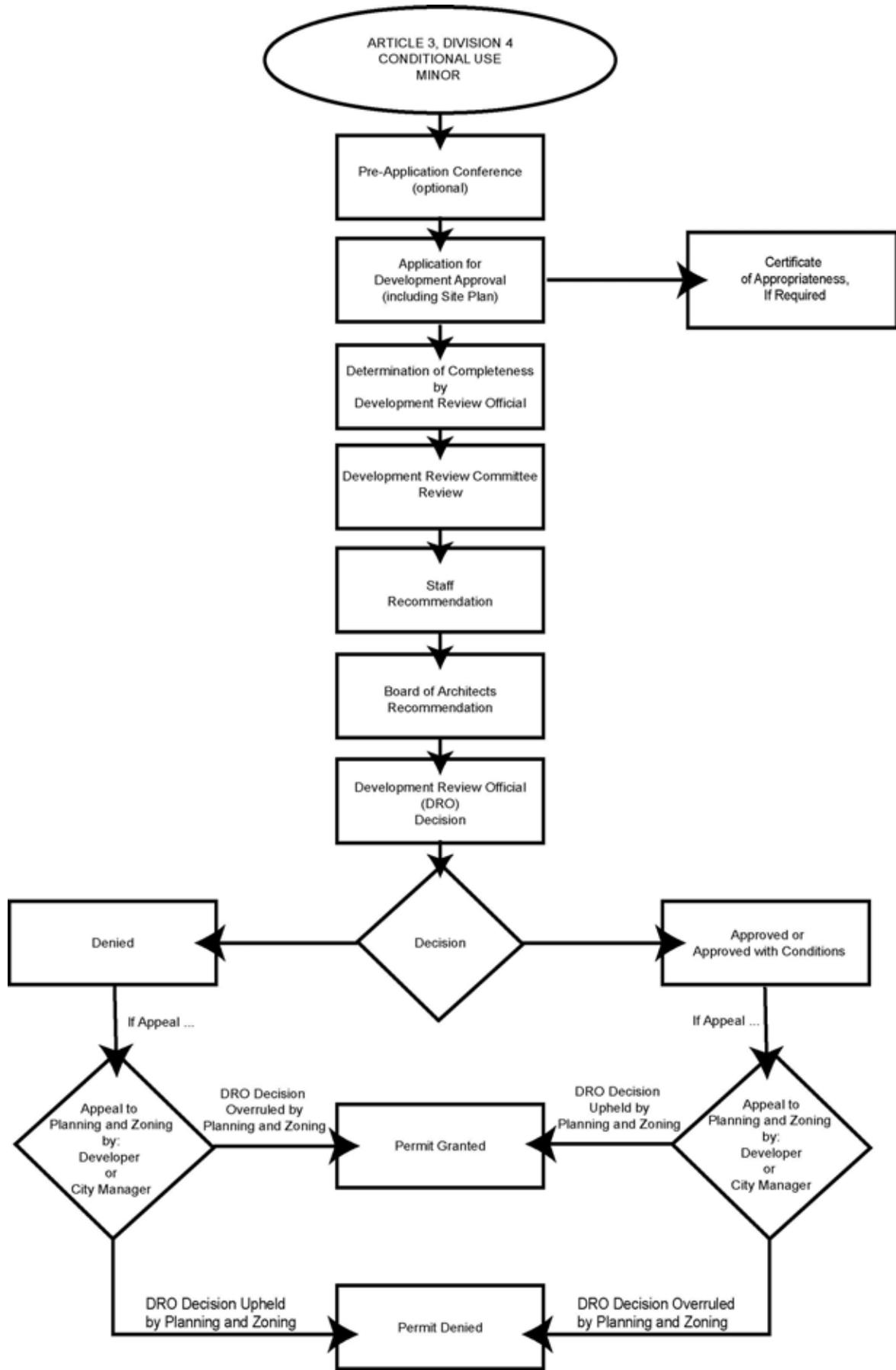
Section 3-401. Purpose and applicability.

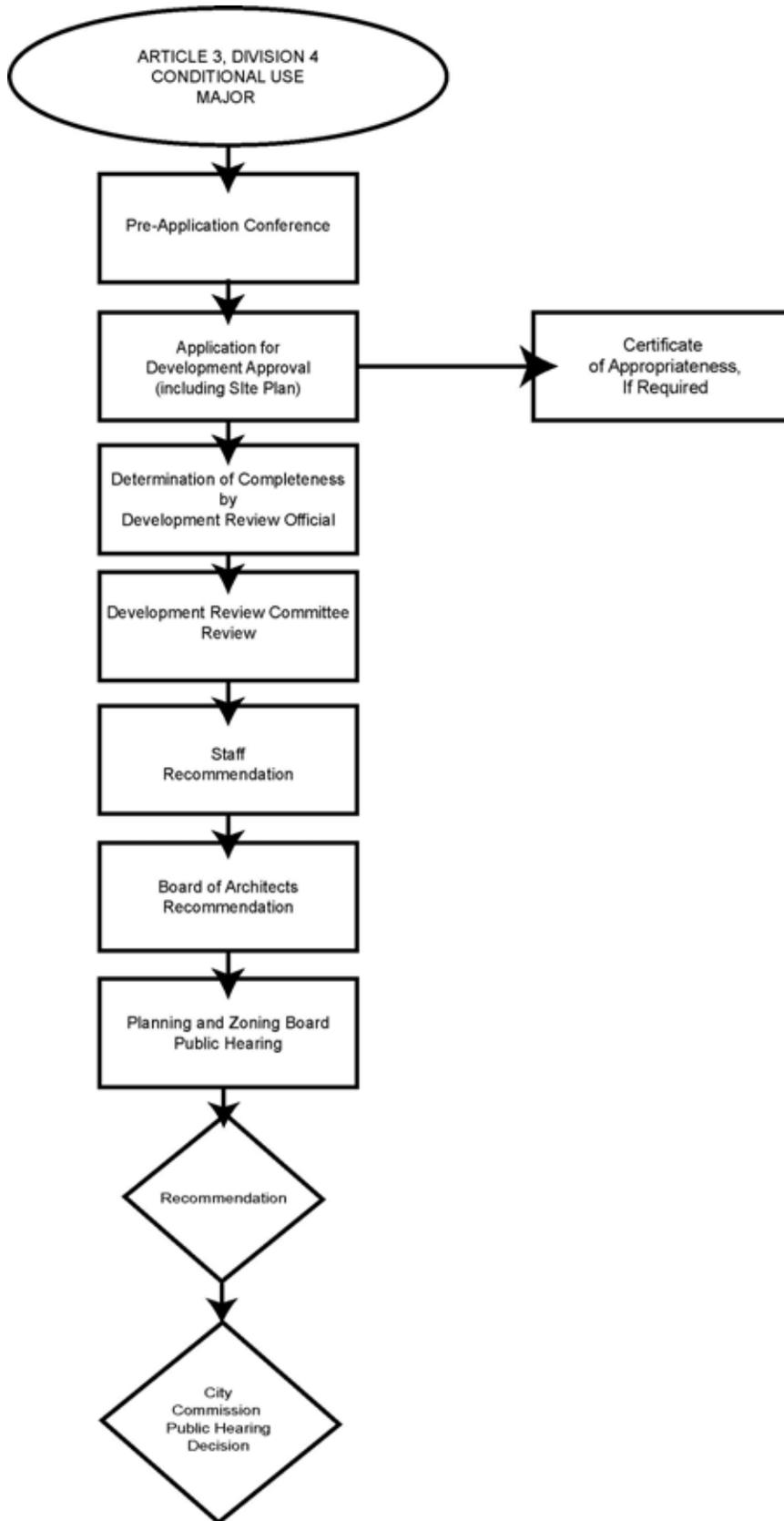
The purpose of providing for conditional uses within each zoning district is to recognize that there are uses which may have beneficial effects and serve important public interests, but which may, but not necessarily, have adverse effects on the environment, particularly residential areas, overburden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

Section 3-402. General procedures.

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

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2 **Section 3-403. Application.**
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4 An application for conditional use approval shall be made in writing upon an application form approved by
5 the City staff, and shall be accompanied by applicable fees.
6

7 **Section 3-404. Staff review, report and recommendation.**
8

9 A. City staff shall review the application for conditional use approval in accordance with the provisions of
10 Article 3 Division 2 of these regulations and this Division. In the event that such application involves
11 historic properties, it shall be referred to the Historic Resources Department for review and approval
12 in accordance with Article 5, Division 11 prior to any further review under the provisions of this
13 Division.
14

15 B. Upon completion of review of an application, City staff shall:

- 16 1. Provide a report that summarizes the application, including whether the application complies with
17 each of the standards for granting conditional use approval in Section 3-412.
- 18 2. Provide written recommended findings of fact regarding the standards for granting major
19 conditional use approval in Section 411.
- 20 3. Provide a recommendation as to whether the application should be approved, approved with
21 conditions, or denied.
- 22 4. Provide the report and recommendation, with a copy to the applicant, to the Board of Architects
23 for review if required by Section 3-205B.
- 24 5. In the event the application is for major conditional use application, schedule the application for
25 hearing before the Planning and Zoning Board upon completion of the Board of Architect's
26 review.
- 27 6. Provide notice of the hearing of a major conditional use application before the Planning and
28 Zoning Board in accordance with the provisions of Article 3 Division 3 of these regulations.
- 29 7. Schedule and provide notice before the City Commission of a major conditional use application in
30 accordance with the provisions of Article 3 Division 3 of these regulations.
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39 **Section 3-405. Board of Architects review and recommendation.**
40

41 Upon receipt of the recommendation of City staff, the Board of Architects shall review the application and
42 the recommendation of staff to determine if the application is consistent with the standards of these
43 regulations and the requirements of the zoning district in which the parcel is located. Upon completion of
44 its review, the Board of Architects shall submit its recommendation to the Development Review Official or
45 the Planning and Zoning Board if a major conditional use.
46

47 **Section 3-406. Decision of Development Review Official – minor conditional uses.**
48

49 The Development Review Official shall review the recommendation of the Board of Architects and the
50 standards in Section 3-407, and grant the minor conditional use, grant the approval or deny the minor
51 conditional use.
52
53
54

55 **Section 3-407. Standards for approval of minor conditional uses.**
56

1 The Development Review Officer shall review the application for minor conditional use and determine if
2 the application complies with the following standards:

- 3
4 A. The application is consistent with the Comprehensive Land Use Plan.
5
6 B. The application is in compliance with the district regulations applicable to the proposed development.
7
8 C. The application is consistent with the applicable development standards contained in these
9 regulations.
10
11 D. Incorporates the streetscape character of adjoining properties.
12
13 E. The proposed use is compatible with the nature, condition and development of adjacent uses,
14 buildings and structures and will not adversely affect the adjacent uses, buildings or structures.
15
16 F. The parcel proposed for development is adequate in size and shape to accommodate all
17 development features.
18
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20
21 G. The nature of the proposed development is not detrimental to the health, safety and general welfare
22 of the community.
23
24 H. The collection of solid waste from the parcel proposed for development shall be minimized from
25 interference with the use of adjacent property or traffic circulation.
26
27 I. The design of the proposed driveways, circulation patterns and parking is well defined to promote
28 vehicular and pedestrian circulation.
29

30 **Section 3-408. Appeal of approval of minor conditional use.**

31
32 The applicant or the City Manager may appeal the decision of the Development Review Official to the
33 Planning and Zoning Board in accordance with the provisions of Article 3 Division 6 of these regulations.
34

35 **Section 3-409. Planning and Zoning Board recommendation – major conditional uses.**

36
37 The Planning and Zoning Board shall review the application for major conditional uses, the
38 recommendations of staff and Board of Architects, conduct a quasi-judicial public hearing on the
39 application and recommend to the City Commission granting the approval, granting the approval subject
40 to specified conditions or denying the application. The Planning and Zoning Board may recommend
41 attaching such conditions to the approval that are necessary to ensure compliance with the standards set
42 out in Section 3-411. In the event the application involves the use of transfer of development rights,
43 approval of the major conditional use shall be by the City Commission with a recommendation from the
44 Planning and Zoning Board.
45

46
47 **Section 3-410. City Commission decision – major conditional uses.**

48
49 The City Commission shall review the application, the recommendations of staff and the Board of
50 Architects and the recommendation of the Planning and Zoning Board and shall conduct a quasi-judicial
51 public hearing and grant the approval, grant the approval subject to specified conditions or deny
52 the application. The City Commission may attach such conditions to the approval that are necessary to
53 ensure compliance with the standards set out in Section 3-411.
54

55 **Section 3-411. Standards for review.**

1 The Planning and Zoning Board shall provide findings of fact that a major conditional use complies with
2 the following standards and the criteria applicable to each conditional use:
3

- 4 A. The proposed conditional use is consistent with and furthers the goals, policies and objectives of the
5 Comprehensive Land Use Plan and furthers the purposes of this Code and other City ordinances and
6 actions designed to implement the Plan.
7
- 8 B. The available use to which the property may be put are appropriate to the property that is subject to
9 the proposed conditional use and compatible with existing and planned uses in the area.
10
- 11 C. The proposed conditional use does not conflict with the needs and character of the neighborhood and
12 the City.
13
- 14 D. The proposed conditional use will not adversely or unreasonably affect the use of other property in
15 the area.
16
- 17 E. The proposed conditional use complies with the criteria in Section 3-407.
18
- 19 F. The proposed conditional use satisfies the concurrency standards of Article 3, Division 13 and will not
20 adversely burden public facilities, including the traffic-carrying capacities of streets, in an
21 unreasonably or disproportionate manner.
22

23 **Section 3-412. Effect of decision.**
24

25 Approval of a conditional use shall be deemed to authorize only the particular use for which it is issued
26 and shall entitle the recipient to apply for a certificate of use or building permit or any other approval that
27 may be required by these regulations, the City or regional, state or federal agencies. In the event an
28 approval of a conditional use affects the design of the proposed building, final review shall be conducted
29 by the Board of Architects.
30

31 **Section 3-413. Changes to major or minor conditional use approvals.**
32

- 33 A. Minor Revisions. The Development Review Official is authorized to allow minor revisions to an
34 approved major or minor conditional use after receipt of comments from the Development Review
35 Committee. A minor revision is one which:
36
 - 37 1. Does not affect the conditional use criteria applicable to the conditional use.
 - 38 2. Does not alter the location of any road or walkway by more than five (5) feet.
 - 39 3. Does not change the use.
 - 40 4. Does not change a condition of approval.
 - 41 5. Does not increase the density of the development.
 - 42 6. Does not increase the intensity of the development by more than ten percent (10%).
 - 43 7. Does not result in a reduction of setback or previously required landscaping.
 - 44 8. Does not result in a substantial change to the location of a structure previously approved.
 - 45 9. Does not result in a material modification or the cancellation of any condition placed upon the use
46 as originally approved.
 - 47 10. Does not add property to the parcel proposed for development.
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ARTICLE 3 – DEVELOPMENT REVIEW
Division 5 – Planned Area Development

Section 3-501. Purpose and applicability.

- A. Purpose. The purpose of this Division is to encourage the construction of Planned Area Developments (PAD) by providing greater opportunity for construction of quality development on tracts and/or parcels of land through the use of flexible guidelines which allow the integration of a variety of land uses and densities in one development. Furthermore it is the purpose of the PAD to:
1. Allow opportunities for more creative and imaginative development than generally possible under the strict applications of these regulations so that new development may provide substantial additional public benefit.
 2. Encourage enhancement and preservation of lands which are unique or of outstanding scenic, environmental, cultural and historical significance.
 3. Provide an alternative for more efficient use and, safer networks of streets, promoting greater opportunities for public and private open space, and recreation areas and enforce and maintain neighborhood and community identity.
 4. Encourage harmonious and coordinated development of the site, through the use of a variety of architectural solutions to promote Mediterranean architectural attributes, promoting variations in bulk and massing, preservation of natural features, scenic areas, community facilities, reduce land utilization for roads and separate pedestrian and vehicular circulation systems and promote urban design amenities.
 5. Require the application of professional planning and design techniques to achieve overall coordinated development eliminating the negative impacts of unplanned and piecemeal developments likely to result from rigid adherence to the standards found elsewhere in these regulations.
- B. Applicability. A PAD may be approved as a conditional use in any zoning district, except single family residential, in accordance with the standards and criteria of this Division, the procedures of Article 3 Division 4 and other applicable regulations.

Section 3-502. Standards and criteria.

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

- A. Uses permitted. Unless approved as a mixed use development, the uses permitted within a PAD shall be those uses specified and permitted within the underlying District in which the PAD is located.
- B. Relation to general zoning, subdivision, or other regulations. Where there are conflicts between the PAD provisions and general zoning, subdivision or other regulations and requirements, these regulations shall apply, unless the Planning and Zoning Board recommends and the City Commission finds, in the particular case:
1. That the PAD provisions do not serve public benefits to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements, or;
 2. That actions, designs, construction or other solutions proposed by the applicant, although not literally in accord with these PAD regulations, satisfy public benefits to at least an equivalent degree.

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- C. Minimum development standards. Any parcel of land for which a PAD is proposed must conform to the following minimum standards:
 - 1. Minimum site area. The minimum site area required for a PAD shall be not less than one (1) acre for residentially or commercially designated property.
 - 2. Configuration of land. The parcel of land for which the application is made for a PAD shall be a contiguous unified parcel with sufficient width and depth to accommodate the proposed use. The minimum average width and or depth for any PAD shall be two hundred (200) feet.
 - 3. Floor area ratio for a PAD. The floor area ratio for a PAD shall conform to the requirements for each intended use in the applicable zoning district; provided, however, that the total combined floor area ratio for all uses within the PAD shall be allowed to be distributed throughout the PAD.
 - 4. Density for multi-family dwellings and overnight accommodations. The density requirements for multi-family dwellings and overnight accommodations shall be in accordance with the provisions of the applicable zoning district.
 - 5. Transfer of density within a PAD. The density within a PAD may be permitted to be transferred throughout the development site.
 - 6. Landscaped open space. The minimum landscaped open space required for a PAD shall be not less than twenty percent (20%) of the PAD site.
 - 7. Height of buildings. The maximum height of any building in a PAD shall conform to the provisions of the applicable zoning district.
 - 8. Design requirements. All buildings within a PAD shall conform to the following:
 - a. Architectural relief and elements (i.e. windows, cornice lines, etc.) shall be provided on all sides of buildings, similar to the architectural features provided on the front façade;
 - b. Facades in excess of 150 feet in length shall incorporate design features such as: staggering of the façade, use of architectural elements such as kiosks, overhangs, arcades, etc.;
 - c. Parking garages shall include architectural treatments compatible with buildings and structures which occupy the same street;
 - d. No block face shall have a length greater than 250 feet without a public pedestrian passageway or alley providing through access;
 - e. all buildings, except accessory buildings, shall have their main pedestrian entrance oriented towards the front or side property line.
 - 9. Perimeter and transition. Any part of the perimeter of a PAD which fronts on an existing street or open space shall be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping and screening. Properties which are adjacent to residentially zoned or used land shall be limited to a maximum height of 45 feet within 100 feet of the adjacent right-of-way.
 - 10. Minimum street frontage; building site requirement, number of buildings per site, lot coverage and all setbacks. There shall be no specified minimum requirements for street frontage, building sites, number of buildings within the development, or lot coverage.
 - 11. Platting and/or replatting of development site. Nothing contained herein shall be construed as requiring the platting and/or replatting of a development site for a PAD provided, however, that the Planning and Zoning Board and City Commission may require the platting or replatting of the development site when it determines that the platting or replatting would be in the best interest of the community.

- 1 12. Facing of buildings. Nothing in this Division shall be construed as prohibiting a building in a PAD
2 from facing upon a private street when such buildings are shown to have adequate access in a
3 manner which is consistent with the purposes and objectives of these regulations and such
4 private street has been recommended for approval by the Planning and Zoning Board and
5 approved by the City Commission.
6
- 7 13. Off-street parking and off-street loading standards and requirements. The off-street parking and
8 off-street loading standards and requirements for a PAD shall conform to the requirements of the
9 applicable zoning district. Off-street parking for bicycles shall be provided as may be required by
10 the Planning and Zoning Board and approved by the City Commission. Where the parking for the
11 development is to be located within a common parking area or a parking garage, a restrictive
12 covenant shall be filed reserving within the parking area or the parking garage the required off-
13 street parking for each individual building and/or use and such off-street parking spaces shall be
14 allocated proportionately.
15
- 16 14. Boats and recreational vehicle, parking. No boats and/or recreational vehicles shall be parked on
17 the premises of a PAD unless such boats and/or recreational vehicles are located within an
18 enclosed garage.
19
- 20 15. Accessory uses and structures. Uses and structures which are customarily accessory and clearly
21 incidental to permitted uses and structures are permitted in a PAD subject to the provisions of
22 Article 5 Division 1. Any use permissible as a principal use may be permitted as an accessory
23 use, subject to limitations and requirements applying to the principal use.
24
- 25 16. Signs. The number, size, character, location and orientation of signs and lighting for signs for a
26 PAD shall be in accordance with Article 5 Division 23.
27
- 28 17. Refuse and service areas. Refuse and service areas for a PAD shall be so designed, located,
29 landscaped and screened and the manner and timing of refuse collection and deliveries,
30 shipment or other service activities so arranged as to minimize impact on adjacent or nearby
31 properties or adjoining public ways, and to not impede circulation patterns.
32
- 33 18. Minimum design and construction standards for private streets and drainage systems. The
34 minimum design and construction standards for private streets in a PAD shall meet the same
35 standards as required for public streets as required by the Public Works Department of the City of
36 Coral Gables. The minimum construction standards for drainage systems shall be in accordance
37 with the Florida Building Code.
38
- 39 19. Ownership of PAD. All land included within a PAD shall be owned by the applicant requesting
40 approval of such development, whether that applicant be an individual, partnership or corporation,
41 or groups of individuals, partnerships or corporations. The applicant shall present proof of the
42 unified control of the entire area within the proposed PAD and shall submit an agreement stating
43 that if the owner(s) proceeds with the proposed development they will:
44 a. Develop the property in accordance with:
45 (i). The final development plan approved by the City Commission for the area.
46 (ii) Regulations existing when the PAD ordinance is adopted.
47 (iii) Such other conditions or modifications as may be attached to the approval of the special-
48 use permit for the construction of such PAD.
49 b. Provide agreements and declarations of restrictive covenants acceptable to the City
50 Commission for completion of the development in accordance with the final development plan
51 as well as for the continuing operation and maintenance of such areas, functions and facilities
52 as are not to be provided, operated or maintained at general public expense.
53 c. Bind the successors and assigns in title to any commitments made under the provisions of
54 the approved PAD.
55

- 1 20. Compatibility with historic landmarks. Where an historic landmark exists within the site of a PAD
2 the development shall be required to be so designed as to insure compatibility and congruity with
3 the historic landmark.
4
- 5 21. Easements. The City Commission may, as a condition of PAD approval, require that suitable
6 areas for easements be set aside, dedicated and/or improved for the installation of public utilities
7 and purposes which include, but shall not be limited to water, gas, telephone, electric power,
8 sewer, drainage, public access, ingress, egress, and other public purposes which may be
9 deemed necessary by the City Commission.
10
- 11 22. Installation of utilities. All utilities within a PAD including but not limited to telephone, electrical
12 systems and television cables shall be installed underground.
13
- 14 23. Mixed-uses within a PAD. A PAD may be so designed as to include the establishment of
15 complementary and compatible combinations of office, hotel, multi-family and retail uses which
16 shall be oriented to the development as well as the district in which the development is located.
17
- 18 24. Common areas for PADs. Any common areas established for the PAD shall be subject to the
19 following:
20 a. The applicant shall establish a property owner's association for the ownership and
21 maintenance of all common areas, including open space, recreational facilities, private
22 streets, etc. Such association shall not be dissolved nor shall it dispose of any common
23 areas by sale or otherwise (except to an organization conceived and established to own and
24 maintain the common areas), however, the conditions of transfer shall conform to the
25 Development Plan.
26 b. Membership in the association shall be mandatory for each property owner in the PAD and
27 any successive purchaser that has a right of enjoyment of the common areas.
28 c. The association shall be responsible for liability insurance, local taxes, and the maintenance
29 of the property.
30 d. Property owners that have a right of enjoyment of the common areas shall pay their pro rata
31 share of the cost, or the assessment levied by the association shall become a lien on the
32 property.
33 e. In the event that the association established to own and maintain commons areas or any
34 successor organization, shall at any time after the establishment of the PAD fail to maintain
35 the common areas in reasonable order and condition in accordance with the Development
36 Plan, the City Commission may serve written notice upon such association and/or the owners
37 of the PAD and hold a public hearing. If deficiencies of maintenance are not corrected within
38 thirty (30) days after such notice and hearing the City Commission shall call upon any public
39 or private agency to maintain the common areas for a period of one year. When the City
40 Commission determines that the subject organization is not prepared or able to maintain the
41 common areas such public or private agency shall continue maintenance for yearly periods.
42 f. The cost of such maintenance by such agency shall be assessed proportionally against the
43 properties within the PAD that have a right of enjoyment of the common areas and shall
44 become a lien on said properties.
45 g. Land utilized for such common areas shall be restricted by appropriate legal instrument
46 satisfactory to the City Attorney as common areas in perpetuity. Such instrument shall be
47 recorded in the Public Records of Dade County and shall be binding upon the developer,
48 property owners association, successors, and assigns and shall constitute a covenant
49 running with the land.
50

51 **Section 3-503. Required findings.**
52

53 The Planning and Zoning Board shall recommend to the City Commission the approval, approval with
54 modifications, or denial of the plan for the proposed PAD and shall include not only conclusions but also
55 findings of fact related to the specific proposal and shall set forth particularly in what respects the

1 proposal would or would not be in the public interest. These findings shall include, but shall not be limited
2 to the following:

- 3
- 4 A. In what respects the proposed plan is or is not consistent with the stated purpose and intent of the
5 PAD regulations.
 - 6
 - 7 B. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise
8 applicable to the subject property, including but not limited to density, size, area, bulk and use, and
9 the reasons why such departures are or are not deemed to be in the public interest.
 - 10
 - 11 C. The extent to which the proposed plan meets the requirements and standards of the PAD regulations.
 - 12
 - 13 D. The physical design of the proposed PAD and the manner in which said design does or does not
14 make adequate provision for public services, provide adequate control over vehicular traffic, provide
15 for and protect designated common open areas, and further the amenities of light and air, recreation
16 and visual enjoyment.
 - 17
 - 18 E. The compatibility of the proposed PAD with the adjacent properties and neighborhood.
 - 19
 - 20 F. The desirability of the proposed PAD to physical development of the entire community.
 - 21
 - 22 G. The conformity of the proposed PAD with the goals and objectives and Future Land Use Maps of the
23 City of Coral Gables Comprehensive Land Use Plan.
 - 24

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

26

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

31

32 **Section 3-505. Time Limit on Approval.**

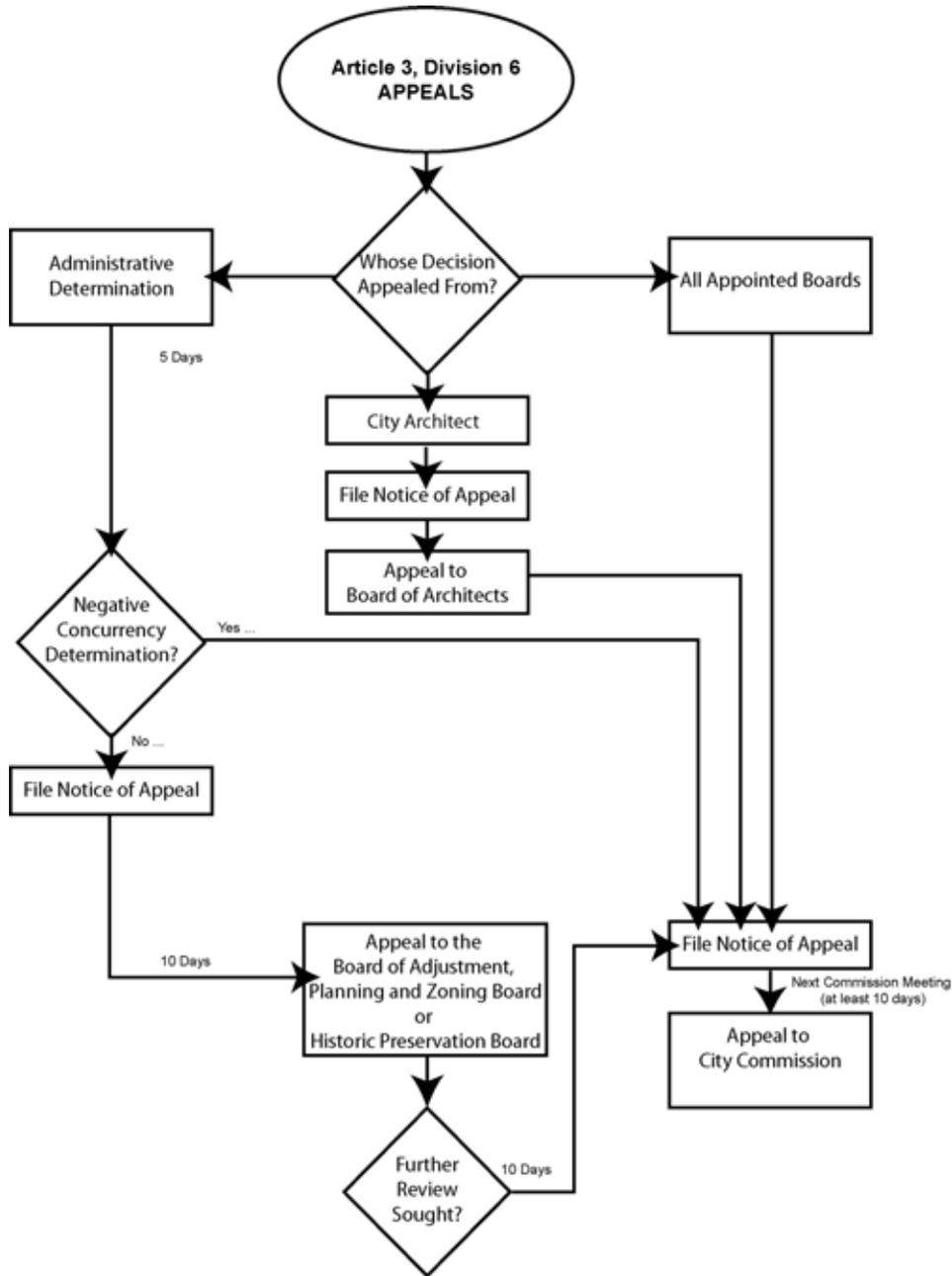
- 33
- 34 A. The developer shall obtain a building permit and begin construction of the improvements within the
35 PAD within eighteen (18) months from the effective date of the ordinance approving the Development
36 Plan (or subsequent updates). If the developer fails to commence construction of the PAD within the
37 specified time period, the approval of the PAD shall expire.
 - 38
 - 39 B. If the PAD is to be developed in stages, the developer must begin construction of each stage within
40 the time limits specified in the approved Plan (or subsequent updates). Construction in each phase
41 shall include all the elements of that phase specified in the approved Plan.
 - 42

ARTICLE 3 – DEVELOPMENT REVIEW
Division 6 – Appeals

Section 3-601. Purpose and applicability.

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

Section 3-602. General procedures.



1 **Section 3-603. Appeals from negative concurrency determinations.**

2
3 An appeal from a negative concurrency determination shall be taken to the City Commission by any
4 aggrieved party in accordance with the procedures of Section 3-606.
5

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

7
8 Other than an appeal from a decision of the City Architect, where it is alleged that there is an error in any
9 order, requirement, decision or interpretation made in the enforcement or interpretation of these
10 regulations by City staff, an appeal shall be taken by an aggrieved party to the Board of Adjustment or the
11 Historic Preservation Board, in the case of an appeal from a decision of the Historic Preservation Officer
12 or the Planning and Zoning Board, in the case of a minor conditional use, no later than sixty (60) days
13 after the decision has been made. Application for postponement of the public hearing of an appeal shall
14 be considered according to the provisions stated in Sections 3-606 and 608A.
15

16 **Section 3-605. Appeals from decisions of the Board of Adjustment, Board of Architects and**
17 **Historic Preservation Board.**

18
19 An appeal from any decision of the Board of Adjustment, Board of Architects or Historic Preservation
20 Board may be taken to the City Commission by any aggrieved party in accordance with the provisions of
21 Section 3-606B.
22

23 **Section 3-606. Procedures for appeals**

24
25 The following procedures shall govern the filing of appeals:
26

- 27 A. Appeals from City Staff, other than the City Architect. An aggrieved party may file a written Notice of
28 Appeal to the Board of Adjustment, the Planning and Zoning Board or the Historic Preservation Board
29 with the Development Review Official or Historic Preservation Officer, as provided in Section 3-604,
30 within ten (10) days of the administrative decision being appealed from. The appeal should be
31 accompanied by any relevant documents related to the appeal. The appeal shall be considered by
32 the Board of Adjustment, the Planning and Zoning Board or Historic Preservation Board within
33 fourteen (14) days after receipt of the notice. The Board of Adjustment, the Planning and Zoning
34 Board or Historic Preservation Board shall grant the appeal, with or without conditions, deny the
35 appeal, or respond for further proceedings.
36
- 37 B. Appeals from the City Architect. An aggrieved party may file a written Notice of Appeal to the Board
38 of Architects from a decision of the City Architect within ten (10) days of the decision being appealed
39 from. The appeal shall be considered by the Board of Architects within fourteen (14) days after
40 receipt of the notice. The Board shall grant the appeal, with or without conditions or deny the appeal.
41
- 42 C. Appeals of Board of Adjustment , Board of Architects and Historic Preservation Board. Any aggrieved
43 party desiring to appeal a decision of the Board of Adjustment, Board of Architects or Historic
44 Preservation Board shall, within ten (10) days from the date of such decision, file a written Notice of
45 Appeal with the City Clerk, whose duty it shall then become to send a written notice of such appeal to
46 all persons previously notified by the Board in the underlying matter. The appeal shall then be heard
47 by the City Commission at its next meeting, provided at least ten (10) days has intervened between
48 the time of the filing of the Notice of Appeal and the date of such meeting; if ten (10) days shall not
49 intervene between the time of the filing of the notice and the date of the next meeting, then the appeal
50 shall be heard at the next regular meeting of the City Commission and the City Commission shall
51 render a decision, without any unnecessary or undue delay, unless application for deferral has been
52 made as permitted in Section 3-608 of this Division.
53
- 54 D. Stay of Proceedings. An appeal shall stay all proceedings in the matter appealed from until the
55 final disposition of the appeal by the City Commission or other Board with jurisdiction.
56

1 E. City Commission Decision. The City Commission shall conduct a de novo review of the decision of
2 the Board of Adjustment, Board of Architects or the Historic Preservation Board. The property
3 owners, objectors or interested parties may offer or submit additional evidence and testimony at the
4 hearing before the City Commission. The City Commission is authorized to affirm, affirm with
5 conditions, override the decision of the Board of Adjustment, Board of Architects or the Historic
6 Preservation Board, or remand for further proceedings to the applicable Board. Any decision by the
7 Board of Adjustment, Board of Architects or Historic Preservation Board can only be reversed by a
8 majority vote of the City Commission. The granting of any appeal by the City Commission shall be by
9 resolution.

10
11 **Section 3-607. Appeals from decision of the City Commission.**
12

13 An action to review any decision of the City Commission under these regulations may be taken by any
14 person or persons, jointly or severally, aggrieved by such decision by presenting to the Circuit Court a
15 petition for issuance of a Writ of Certiorari, duly certified, setting forth that such decision is illegal, in whole
16 or in part, certifying the grounds of the illegality, provided same is done in the manner and within the time
17 provided by Florida Rules of Appellate Procedure.
18

19 Challenges to development order decisions based on consistency or inconsistency of the development
20 order with the City of Coral Gables Comprehensive Plan shall be governed by the provisions of Section
21 163.3215, Florida Statutes (1995).
22

23 The record of the Commission or any board or official from which appeal is taken shall include any
24 application, exhibits, appeal papers, written objections, waivers or consents, considered by the
25 Commission, or such board, as well as transcripts or stenographic notes taken at a hearing held before
26 the Commission or any such board, the City Commission minutes or the board's minutes and resolution
27 showing its decision or action, and if the record of a lower board is transmitted to the City Commission,
28 the record of the City Commission shall include the record of the lower board. The record shall also
29 include any and all applicable portions of these regulations and where applicable the City Code, the
30 report and recommendations of City staff, the City's Comprehensive Land Use Plan, as well as applicable
31 district boundary maps, aerial photographs and final zoning resolutions or ordinances. It shall also
32 include the record made as a result of any prior applications for development approval on the same
33 property. The Clerk of the City Commission shall identify all exhibits used at the hearing. All exhibits so
34 identified or introduced shall be a part of the record.
35

36 **Section 3-608. Postponement of appeals from the Board of Adjustment, Historic Preservation**
37 **Board or Board of Architects.**
38

39 A. Applicants and/or aggrieved parties desiring postponement of an appeal before the City Commission
40 on an application from the Board of Adjustment or Board of Architects or an appeal to the Board of
41 Adjustment on an application from a decision of City Staff shall adhere to the following provisions for
42 postponement:
43

- 44 1. First postponement must be requested in writing to the Office of the City Manager for items being
45 considered by the City Commission, or to the Building and Zoning Director for items being
46 considered by the Board of Adjustment, which will be automatically granted, upon payment of a
47 fee established by City Code. The item will then be placed on the next month's agenda.
48
- 49 2. Second postponement by the same party must be requested in the same manner as the first
50 postponement, which will be automatically granted upon payment of a fee established by City
51 Code.
52
- 53 3. Following two postponements, the item will then be placed on the next month's agenda and there
54 shall be no further postponements absent approval of the reviewing body. The third and each
55 additional postponement, if approved, shall only be granted upon payment of a fee established by
56 City Code.

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B. Applicants and/or aggrieved parties desiring postponement of an appeal before the City Commission on an application from the Historic Preservation Board, shall adhere to the following provisions for postponements:

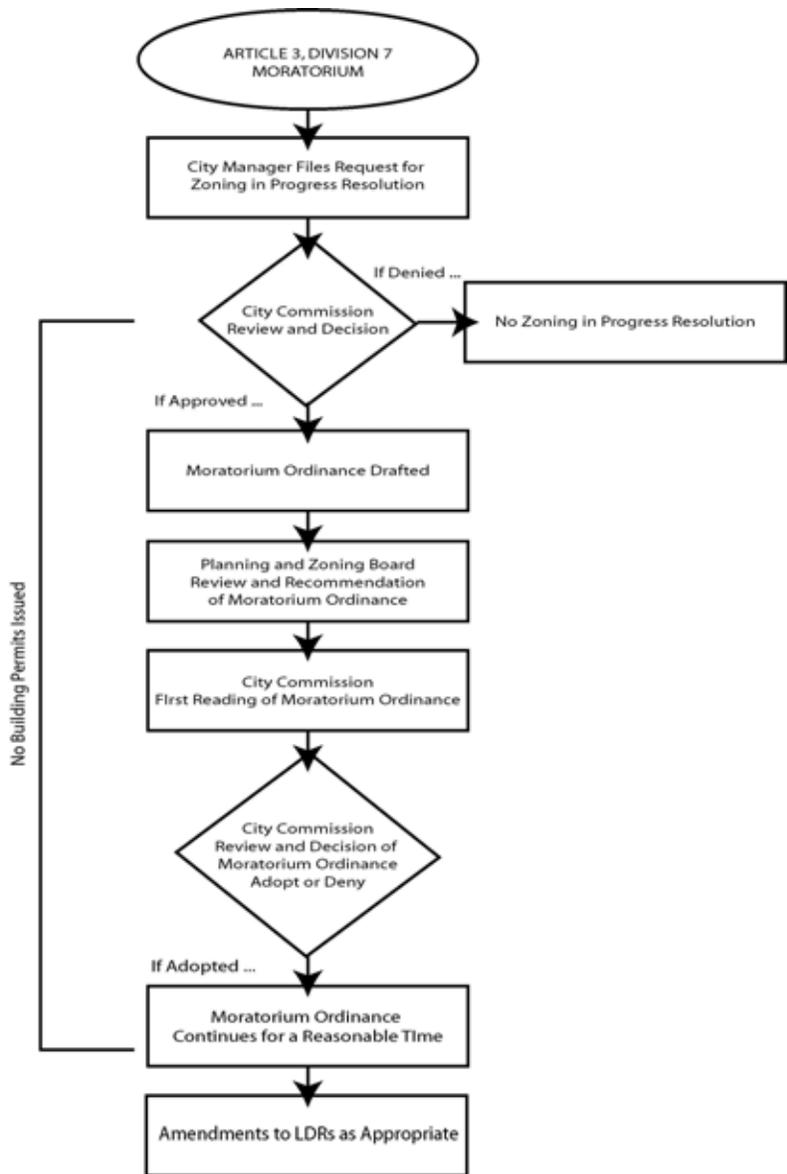
1. First postponement. Requests for initial postponement must be requested in writing to the Office of the City Manager. A copy of the request shall be forwarded to the Board Secretary and the City Clerk. The request shall include a specific time frame for postponement. No more than 90 calendar days may be requested and will be automatically granted.
2. Second postponement. Requests for second postponement must be requested in writing to the Office of the City Manager. A copy of the request shall be forwarded to the Board Secretary and the City Clerk. The second postponement request may not exceed 30 calendar days. The City Manager's Office shall evaluate the request and may administratively grant the request or schedule the request for City Commission review and approval.
3. Third postponement. If the appeal is not considered by the City Commission within the 120 calendar days as provided above, the application shall be scheduled for City Commission consideration at the next available City Commission meeting. The City Commission shall evaluate the application and determine if additional postponement are warranted. The maximum time frame an appeal can be postponed from the initial date the application was scheduled for City Commission consideration is 180 days.
4. Appeal postponement fees. Applicants and/or aggrieved parties shall be required to pay all applicable costs for all postponement requests including applicable fees established by City Code. If the City Commission requests adjacent property owners be notified or advertised, all costs shall be the responsibility of the applicant or aggrieved party.
5. Applicant responsibility. It shall be the responsibility of the applicant to adhere to the requirements provided in this Division, which shall include monitoring and insuring the application proceeds forward for City Commission consideration. Failure of the applicant to follow the above provisions shall terminate the appeal.
6. Appeal review expiration. Appeals which do not secure City Commission consideration as provided in the above sections or are not considered by the City Commission within six (6) months shall be deemed abandoned and void.

ARTICLE 3 – DEVELOPMENT REVIEW
Division 7– Moratorium

Section 3-701. Purpose and applicability.

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

Section 3-702. General Procedures



1
2 **Section 3-703. Zoning in progress request.**
3

4 The City Manager may file a request with the City Commission for a Zoning in Progress Resolution. The
5 request shall be made in writing and shall be accompanied by a City staff report summarizing the need for
6 a revision to these regulations and the area or areas within the City that will be affected. Such report shall
7 contain a determination concluding the need for a resolution of the City Commission declaring Zoning in
8 Progress and for the adoption of a formal moratorium.
9

10 **Section 3-704. City Commission zoning in progress resolution review and decision.**
11

- 12 A. The City Commission shall review the Zoning in Progress Resolution at the next available regularly
13 scheduled meeting following the submittal of the Zoning in Progress Resolution.
14
15 B. The City Commission shall make preliminary findings and accordingly approve or deny the City
16 Manager's proposed Zoning in Progress Resolution.
17
18 C. Should the City Commission determine that a moratorium pending the preparation of a detailed and
19 comprehensive analysis of the area in question is reasonably necessary or desirable, it shall:
20
21 1. Approve the City Manager's Zoning in Progress Resolution; and
22
23 2. Order a fixed time, not to exceed 90 days, within which City staff shall report to the Planning and
24 Zoning Board and the City Commission with its report, a proposed ordinance, and
25 recommendations relating to a potential moratorium.
26
27 D. The Zoning in Progress Resolution shall be for a period not to exceed the first regularly scheduled City
28 Commission meeting after one hundred twenty (120) days, unless an extension not exceeding forty
29 (40) days is ordered pursuant to section F below.
30
31 E. The City Commission on its own motion or otherwise may extend any Zoning in Progress Resolution
32 for a longer period of time if reasonably necessary and the public interest requires.
33
34 F. Should City staff be unable to report back to the City Commission within the time prescribed by its
35 order, upon timely request by City staff and after public hearing on the need, the City Commission may
36 extend the time limitation one time for a period not to exceed forty (40) days.
37
38 G. Upon adoption of the City Manager's Zoning in Progress Resolution, City Clerk shall publish the
39 adopted resolution in a newspaper of general circulation published in the City of Coral Gables, or in
40 Dade County, Florida, within ten (10) days following the date of adoption.
41

42 **Section 3-705. Effect of zoning in progress resolution.**
43

- 44 A. During the period of time that the Planning and Zoning Board and City Commission are considering a
45 moratorium ordinance, no permit(s) or development order(s) of any kind shall be issued if issuance
46 would result in the nonconforming or unlawful use of the subject property should the moratorium or text
47 amendment or zoning district change be finally enacted by the City Commission.
48
49 B. During the period of time that the Planning and Zoning Board and City Commission are considering a
50 moratorium ordinance, no permit(s) or development order(s) of any kind shall be issued if issuance
51 would result in the nonconforming or unlawful use of the subject property should a moratorium
52 ordinance be adopted by the City Commission.
53
54 C. The period of time of such freeze on permits shall begin on the earlier of:
55
56 1. City Commission adoption of Zoning in Progress Resolution; or

- 1
2 2. Notice has been given as required by law of the initial public hearing before the Planning and
3 Zoning Board on the amendment to these regulations.
4

5 **Section 3-706. City Staff review, report and recommendation.**
6

- 7 A. In the event the City Commission determines a moratorium is necessary to give City staff sufficient
8 time to complete planning studies or other analysis prior to instituting an amendment to the regulations,
9 the City Commission, as part of the Zoning in Progress Resolution, shall direct City staff to prepare a
10 moratorium ordinance.
11
12 B. Within the time fixed by the City Commission, City staff shall first report to the Planning and Zoning
13 Board and then the City Commission with its ordinance and recommendations regarding the
14 moratorium and its scope.
15
16 C. City staff shall:
17
18 1. Provide a detailed report indicating the necessity for zoning changes.
19
20 2. Provide a recommendation as to whether the proposed moratorium ordinance should be approved,
21 approved with conditions, or denied.
22
23 3. Schedule the moratorium ordinance for hearing before the Planning and Zoning Board.
24
25 4. Provide notice of the Planning and Zoning Board hearing pursuant to Article 3, Division 3.
26
27
28

29 **Section 3-707. Planning and Zoning Board review and recommendation.**
30

31 The Planning and Zoning Board shall:
32

- 33 A. Review the proposed moratorium ordinance at a public hearing.
34
35 B. Make a written recommendation to the City Commission with regard to whether the proposed
36 moratorium ordinance should be approved, approved with conditions, or denied.
37

38 **Section 3-708. City Commission review and decision.**
39

- 40 A. Upon receipt of the report and recommendation of City staff and the Planning and Zoning Board, the
41 City Commission shall review the report and recommendations at two public hearings.
42
43 B. The City Commission shall read the moratorium ordinance by title, in full, on the first public hearing
44 following receipt of the City staff's and the Planning and Zoning Board's recommendation.
45
46 C. The City Commission shall hold a second public hearing and following the hearing adopt or deny the
47 proposed moratorium ordinance.
48
49 F. The City Commission may, upon request by City staff, amend the scope and timing of the moratorium
50 as needed.
51
52 G. The City shall consider such amendments to these regulations as are appropriate in accordance with
53 the provisions in Article 3 Division 14.
54
55
56

1 **Section 3-709. Waivers.**

2
3 If the City Commission has provided for waivers in the ordinance adopting a moratorium, the City Manager
4 may grant a waiver of the moratorium where the applicant can show the following:

- 5
6 A. The proposed development complies with the existing land development regulations.
7
8 B. The proposed development satisfies the objective of the City Commission in ordering a moratorium.
9 For example, if the City Commission is considering increasing the minimum setback in a residential
10 zoning district by two (2) feet, and the applicant demonstrates that it complies with the proposed
11 modification to the setback, the City Manager may grant a waiver of the moratorium.
12
13 C. The waiver will not hinder the intent of the City Commission in its proposed amendment to these
14 regulations.
15

16 **Section 3-710. Exemptions.**

17
18 Notwithstanding the adoption of a moratorium ordinance, the City Manager may authorize the issuance of
19 building permits for nondeleterious items including, but not limited to, fences, repairs and similar matters,
20 where he determines that such permit will not affect the outcome of the planning study; provided, however,
21 that with regard to any particular moratorium the City Commission may by ordinance increase or decrease
22 allowable exemptions and may by ordinance provide either a supplemental or exclusive procedure for
23 acting upon requests for exemptions. Such procedure may vest jurisdiction and responsibility for acting
24 upon requests for exemptions in the City Manager or any City administrative or quasi-judicial body or
25 board.
26

27 **Section 3-711. Variances, change of zoning or tentative plats during moratoria.**

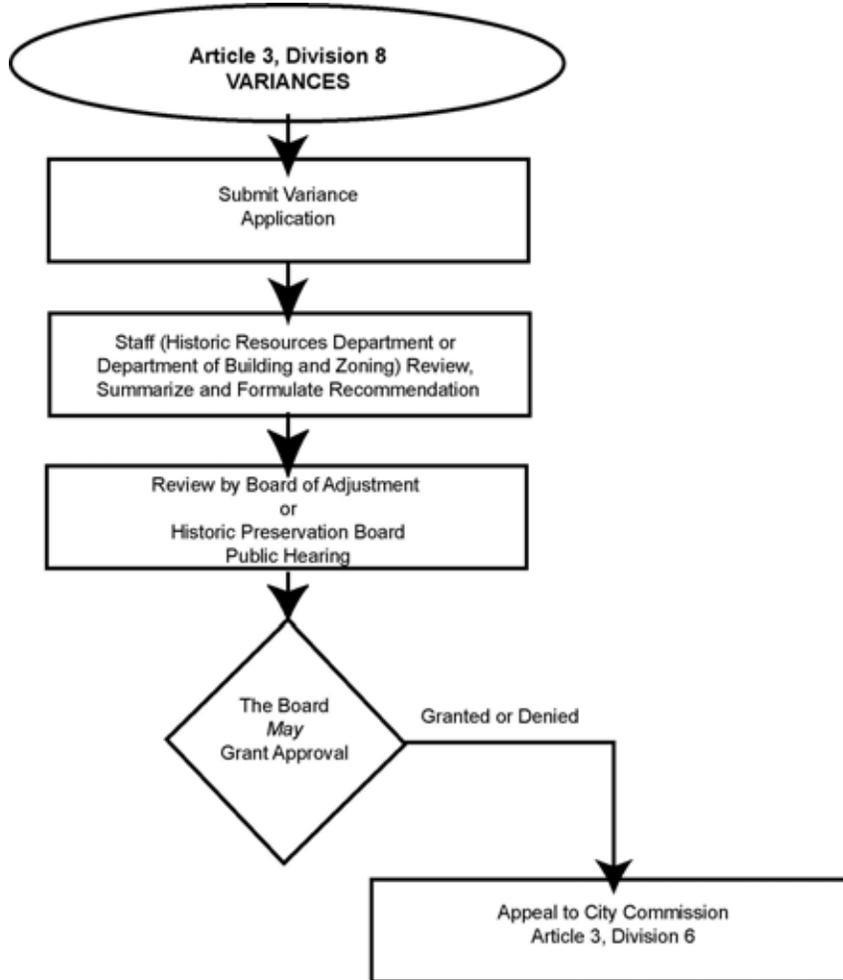
28
29 During the existence of zoning in progress or any moratorium, no applications for variances, changes of
30 zoning, development orders or tentative plats within the affected area shall be acted upon by any City
31 agency, except as provided in Sections 3-708 and 3-709, or unless otherwise specifically provided by the
32 City Commission by ordinance with regard to a specific moratorium.
33

ARTICLE 3 – DEVELOPMENT REVIEW
Division 8 - Variances

Section 3-801. Purpose and Applicability.

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

Section 3-802. General Procedures.



Section 3-803. Application.

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

1
2 **Section 3-804. City Staff review, report and recommendation.**
3

- 4 A. City staff shall review the application in accordance with the provisions of Article 3, Division 2 of these
5 regulations.
6
7 B. Upon completion of review of an application, City staff shall:
8
9 1. Provide a report that summarizes the application and the effect of the proposed variance,
10 including whether the variance complies with each of the standards for granting variances in
11 Section 3-806;
12
13 2. Provide written recommended findings of fact regarding the standards for granting variances as
14 provided for in Section 3-805.
15
16 3. Provide a recommendation as to whether the application should be approved, approved with
17 conditions, or denied.
18
19 4. Schedule the application for hearing before the Board of Adjustment or the Historic Preservation
20 Board.
21
22 5. Provide notice of the hearing in accordance with the provisions of Article 3, Division 3 of these
23 regulations.
24

25 **Section 3-805. Review, hearing and decision on variances.**
26

27 The Board of Adjustment or the Historic Preservation Board in the case of variance involving historic
28 properties, shall review the application for a variance, the report, recommendation, and proposed findings
29 prepared by City staff, conduct a quasi-judicial public hearing on the application in accordance with the
30 requirements of Section 3-303 and render a decision, based upon written findings of fact, granting,
31 granting with conditions, or denying the variance.
32

33 **Section 3-806. Standards for variances.**
34

- 35 A. In order to authorize any variance from the terms of these regulations, the Board of Adjustment or
36 Historic Preservation Board, as the case may be, shall find:
37
38 1. That special conditions and circumstances exist which are peculiar to the land, structure or
39 building involved and which are not applicable to other lands, structures or buildings in the same
40 zoning district.
41
42 2. That the special conditions and circumstances do not result from the actions of the applicant.
43
44 3. That granting the variance requested will not confer on the applicant any special privilege that is
45 denied by these regulations to other lands, buildings or structures in the same zoning district.
46
47 4. That literal interpretation of the provisions of these regulations would deprive the applicant of
48 rights commonly enjoyed by other properties in the same zoning district under the terms of these
49 regulations and would work unnecessary and undue hardship on the applicant.
50
51 5. That the variance granted is the minimum variance that will make possible the reasonable use of
52 the land, building or structure.
53
54 6. That granting the variance will not change the use to one that is not permitted in the zoning
55 district or different from other land in the same district.
56

1 7. That the granting of the variance will be in harmony with the general intent and purpose of these
2 regulations, and that such variance will not be injurious to the area involved or otherwise
3 detrimental to the public welfare.
4

5 8. That the granting of the variance is appropriate for the continued preservation of an historic
6 landmark or historic landmark district.
7

8 B. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no
9 permitted use of land, structures, or buildings in other districts, shall be considered grounds for the
10 issuance of a variance.
11

12 C. Under no circumstances shall the Board of Adjustment or the Historic Preservation Board grant a
13 variance to permit the following:
14

15 1. A use not permitted in the district involved, or any use expressly or by implication prohibited by
16 the terms of these regulations in said district; and
17

18 2. The reduction or diminishing of a building site upon which a single-family residence or duplex has
19 heretofore been constructed.
20

21 D. The Board of Adjustment or the Historic Preservation Board may impose such reasonable conditions
22 on the grant of a variance in order to ensure that the variance will have a minimum impact on
23 surrounding properties.
24
25

26 **Section 3-807. Time limit for variances.**
27

28 Any variance granted under the provisions of this Division shall become null and void and of no effect
29 twelve (12) months from and after the date of the approval granting the same, unless within such period
30 of twelve (12) months a building permit for the building or structure involved embodying the substantive
31 matter for which the variance was granted shall have been issued; or if the use or adoption of such
32 variance does not require the issuance of a building permit, unless the requested action permitted by the
33 variance shall have taken place within the said twelve (12) month period. An extension of six (6) months
34 may be granted by the Development Review Official for good cause shown.
35

36 **Section 3-808. Effect of decision.**
37

38 Approval of a variance shall be deemed to authorize only the particular use for which it is issued and shall
39 entitle the recipient to apply for review by the Board of Architects, if applicable, a certificate of use or
40 building permit or any other approval that may be required by these regulations, the City or regional, state
41 or federal agencies.
42

43 **Section 3-809. Appeals.**
44

45 An appeal from any decision of the Board of Adjustment or the Historic Preservation Board regarding
46 variances may be taken to the City Commission by an aggrieved party in accordance with the provisions
47 of Article 3 Division 6 of these regulations.
48
49

ARTICLE 3 – DEVELOPMENT REVIEW
Division 9 - Platting/Subdivision

Section 3-901. Purpose and applicability.

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

Section 3-902. Tentative plat.

A. Pre-application conference-sketch plan. Prior to filing an application for tentative plat approval, the applicant shall have a pre-application conference as set forth in Section 3-201.

B. Application. An applicant for plat approval shall submit an application for review of a tentative plat upon an application form approved by the City Staff, and shall be accompanied by all applicable fees. In addition, the application shall be accompanied by any application for a variance of the subdivision requirements as set forth more fully in Section 3-904 below.

C. Staff report and recommendation.

1. The DRC shall review the application in accordance with the provisions of Article 3, Division 2 of these regulations. Any such review by the DRC shall, at a minimum, include a review and comment by the Public Works Department.

2. Upon completion of review of an application, the Development Review Official shall:

a. Prepare a report that summarizes the application, including whether the application complies with the Platting Standards set forth in Article 5, Division 15 and the requirement for the undergrounding of utilities in Article 5, Division 22 of these regulations.

b. Provide written recommendations as to whether the application should be recommended for approval, approval with conditions, or denied.

c. Provide the report and recommendation, with a copy to the applicant, to the Planning and Zoning Board at least one (1) week prior to the next scheduled meeting of the Planning and Zoning Board.

d. Schedule the application for hearing before the Planning and Zoning Board.

e. Provide notice of the hearing before the Planning and Zoning Board in accordance with the provisions of Article 3, Division 3 of these regulations.

D. Planning and Zoning Board review. Upon receipt of the recommendations of the Development Review Official, the Planning and Zoning Board shall conduct a public hearing on the tentative plat and shall review the plat to ensure that it conforms to the requirements of these regulations.

E. Planning and Zoning Board Recommendation. Upon completion of its review, the Planning and Zoning Board shall either recommend the tentative plat for approval, approval with conditions, or disapprove the tentative plat.

F. Optional review of tentative plat by City Commission. Where the applicant desires to obtain an expression from the City Commission on the tentative plat as recommended by the Planning and Zoning Board before proceeding to prepare the final plat, the applicant shall submit a written request

1 to the Director of the Department of Planning who shall schedule the item for an informal review by
2 the City Commission at the next available Commission date. During such an informal review, the City
3 Commission shall evaluate the tentative plat for conformance with these regulations. In addition, the
4 City Commission may issue an advisory opinion as to the desirability of any requests for conditions or
5 modifications to the tentative plat that were requested by the Planning and Zoning Board or
6 the Development Review Official.
7

- 8 **G. Expiration of tentative plat and variance.** The tentative plat, and where applicable, any variance of
9 these subdivision requirements shall expire and be of no further force and effect if a completed
10 application for a final plat is not filed as set forth in Section 3-903 below within one hundred and
11 eighty (180) days of the Planning and Zoning Board's approval. After the expiration of one hundred
12 and eighty (180) days, the applicant will be required to re-submit the tentative plat for staff and
13 Planning and Zoning Board review as set forth in this Section.
14

15 **Section 3-903. Final plat.**

- 16
17 **A. Application.** The application for final plat review shall be accompanied by all applicable fees and
18 prepared on a form approved by the City's staff.
19

- 20 **B. Incorporation of changes.** The final plat shall have incorporated all changes or modifications
21 recommended by the Planning and Zoning Board and (where applicable) the City Commission. To
22 the extent that any such modifications have not been made, the applicant shall indicate in writing as
23 part of the application the grounds for any such departure.
24

- 25 **C. Development Review Official.** Upon receipt of a complete application for final plat review, the
26 Development Review Official shall review the submittal to ensure that all modifications requested by
27 the Planning and Zoning Board and (where applicable) the City Commission have been made and
28 that the final plat complies with these regulations and the Comprehensive Plan. Any such review by
29 the Development Review Official shall, at a minimum, include a review and comment by the Public
30 Works Department.
31

- 32 **D. Development Review Official report.** Upon completion of its review, the Development Review
33 Official shall:
34

- 35 1. Prepare a report that summarizes the application, including whether the applicant has complied
36 with the recommendations of the Planning and Zoning Board and (where applicable) the City
37 Commission.
38
- 39 2. Provide written recommendations as to whether the final plat should be approved, approved with
40 conditions, or denied.
41
- 42 3. Provide the report, recommendation, and a copy of all prior recommendations to the City
43 Commission with a copy to the applicant, at least one (1) week prior to the next scheduled
44 meeting of the City Commission.
45
- 46 4. Schedule the application for hearing before the City Commission.
47
- 48 5. Provide notice of the hearing before the City Commission in accordance with the provisions of
49 Article 3, Division 3 of these regulations.
50

- 51 **E. Preliminary approval of final plat.** Preliminary approval of a final plat may be given by the City
52 Commission where bonds, engineering plans, or specifications have not been completed by the
53 subdivider, and conditions make it desirable for the subdivider to obtain an expression from the City
54 Commission before proceeding further. Preliminary approval shall vest the subdivider for a period of
55 six (6) months with the right to obtain final approval upon the terms and conditions under which said
56 preliminary approval is given, The City Commission shall reserve discretion to disapprove the final

1 plat in the event that missing items (bonds, engineering plans, or other specifications) do not comply
2 with these regulations.
3

4 **F. Final action on final plat.** The City Commission shall review the final plat for conformance to these
5 regulations and the Comprehensive Land Use Plan. The City Commission shall either approve,
6 approve with conditions, or deny the final plat by resolution. Said resolution shall include any
7 acceptance of dedications made on the plat. Where applicable, the City Commission shall approve,
8 approve with conditions, or deny a variance of the subdivision requirements prior to approving or
9 denying the final plat. Approval or denial of such a variance shall be by ordinance. When approved,
10 the Mayor, City Clerk and Public Works Director shall affix their signatures to the plat together with
11 the City Seal and resolution number. When disapproved, the City Clerk shall attach to the plat a
12 statement setting forth the reasons for such action, and return it to the applicant.
13

14 **G. Revisions after City Commission approval and prior to recordation.**
15

- 16 1. Any changes, erasures, modifications or revisions to an approved plat prior to recordation may
17 only be made by the Director of Public Works to correct scrivener's errors, reflect accurate legal
18 descriptions and locate right-of-way dedications, drainage ways and easements. However, no
19 such request shall be considered unless the application is made by the preparer of the final plat.
20
- 21 2. No other changes, erasures, modifications or revisions to an approved plat prior to recordation
22 shall be made unless resubmitted for new approval; provided, however, that the City Commission
23 may, after public hearing and based only upon a recommendation of the Public Works
24 Department, change, modify or revise dedicated road rights-of-way or drainage easements. No
25 such change, modification, or revision of the dedication of road rights-of-way, or drainage
26 easements shall be reviewed unless the application is made by the preparer of the final plat.
27

28 **H. Recording.** Following final approval of the final plat by the City Commission, the City Clerk shall
29 notify the applicant by letter who shall record the final plat in the public records of Miami-Dade
30 County. The final plat shall be recorded within twenty (20) days of final approval by the City
31 Commission. After recordation of the final plat, the City Clerk shall obtain from the subdivider five (5)
32 eighteen- by twenty-four-inch certified copies of the recorded final plat with one (1) copy going to the
33 City Clerk's files, two (2) copies to the Public Works Director, one (1) copy to the Building and Zoning
34 Director, one (1) copy to the Finance Director and one (1) copy to the Planning Director.
35

36 **I. Building permits.** No building permits for residential or residential accessory structures shall be
37 issued until all subdivision improvements required in Article 5, Division 15 (e.g. monuments, streets,
38 sidewalks, parks, fire hydrants) have either been completed or sufficiently bonded on a form to be
39 reviewed and approved by the City Attorney. As set forth in Section 5-1513, the subdivider shall
40 indemnify the City from liability for all injuries to person or property caused by their actions or the
41 action of their authorized agents, which injuries result from the City's issuance of a building permit for
42 a dwelling unit or its accessory structure pursuant to these regulations.
43

44 **J. Withholding of public improvements.** The City shall withhold all public improvements including, but
45 not limited to, the maintenance of streets, and the furnishing of sewage facilities and water service
46 from all subdivisions that have not been approved, and from all areas dedicated to the public which
47 have not been accepted in the manner set forth herein.
48

49 **Section 3-904. Variances from subdivision requirements.**
50

51 **A. Purpose and applicability.** The City Commission may grant a variance of the subdivision
52 requirements set forth in this Division and Article 5, Division 15, where the strict application of said
53 requirements would cause an unnecessary and undue hardship on the property owner.
54

55 **B. Application.** An application for a variance of the subdivision standards shall be made in writing and
56 shall accompany and be processed concurrently with the application for a tentative plat. The

1 application for a variance shall be processed, noticed, and reviewed in the manner as the tentative
2 plats as set forth in Section 3-902 above.

3
4 **C. Standards for review.** The City Commission shall provide findings of fact that such variance
5 complies with the following standards:

- 6
7 1. That special conditions and circumstances exist which are peculiar to the land, structure or
8 building involved and which are not applicable to other lands, structures or buildings in the same
9 zoning district.
10
11 2. That the special conditions and circumstances do not result from the actions of the applicant.
12
13 3. That granting the variance requested will not confer on the applicant any special privilege that is
14 denied by these regulations to other lands, buildings or structures in the same zoning district.
15
16 4. That literal interpretation of the provisions of these regulations would deprive the applicant of
17 rights commonly enjoyed by other properties in the same zoning district under the terms of these
18 regulations and would work unnecessary and undue hardship on the applicant.
19
20 5. That the variance granted is the minimum variance that will make possible the reasonable use of
21 the land, building or structure.
22
23 6. That the granting of the variance will be in harmony with the general intent and purpose of these
24 regulations, and that such variance will not be injurious to the area involved or otherwise be
25 detrimental to the public welfare.

Article 3 DEVELOPMENT REVIEW
Division 10 - Transfer of Development Rights

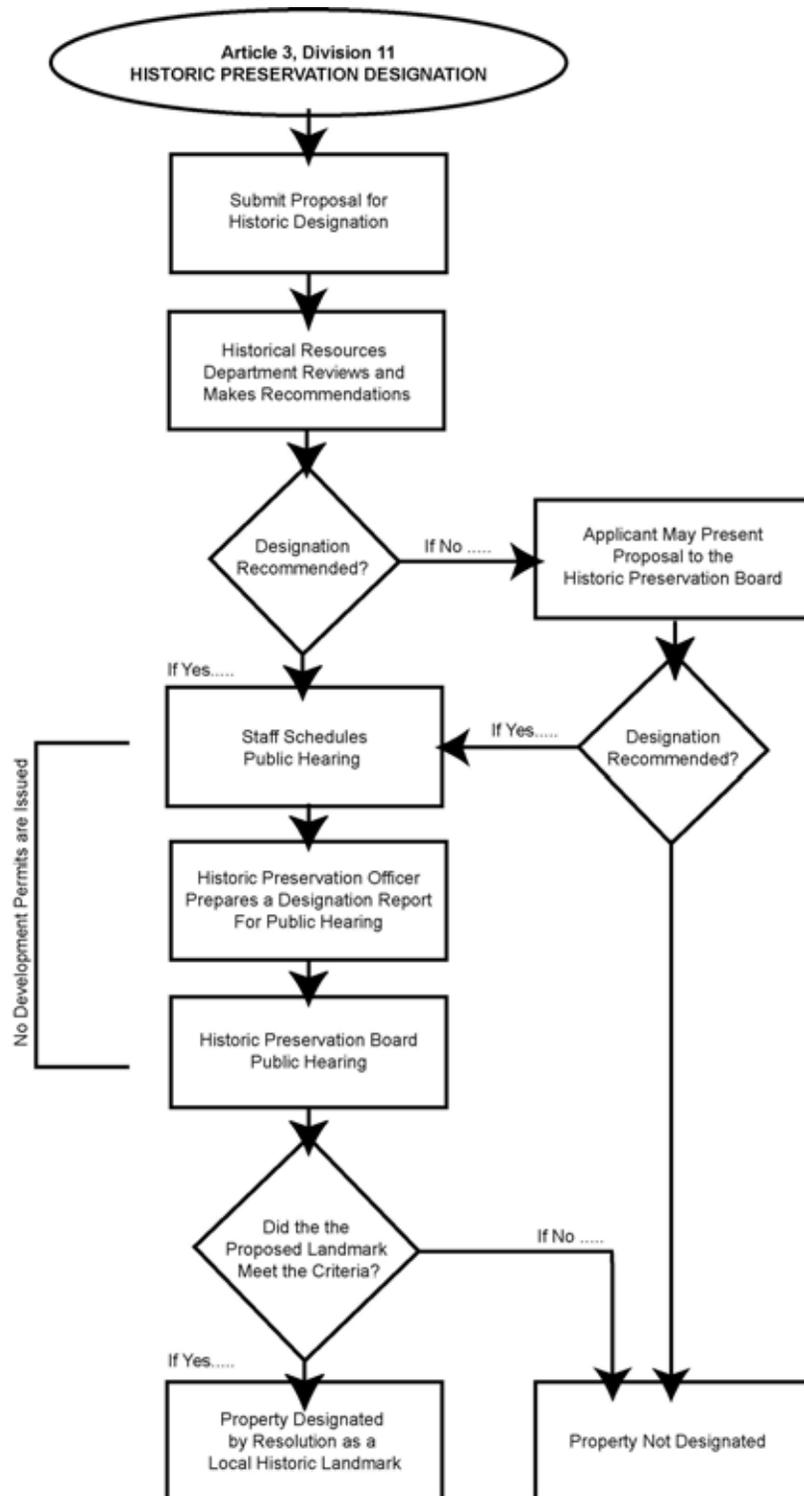
RESERVED

1 **ARTICLE 3 – DEVELOPMENT REVIEW**

2 **Division 11 - Historic Preservation: Designations and Certificates of Appropriateness**

3
4
5 **Section 3-1101. Purpose and applicability.** The purpose of the designation of historic landmarks and
6 districts is to promote the educational, cultural, and economic welfare of the public by preserving and
7 protecting historic structures or sites, portions of structures, groups of structures, manmade or natural
8 landscape elements, works of art, or integrated combinations thereof, which serve as visible reminders of
9 the history and cultural heritage of the city, region, state or nation. Furthermore, it is the purpose of this
10 Division to strengthen the economy of the City by stabilizing and improving property values in historic areas
11 and to encourage new buildings and developments that will be harmonious with the existing historic
12 attributes of the City including but not limited to buildings, entrances, fountains, etc.
13
14

Section 3-1102. General Procedures for Designation.



1 **Section 3-1103. Criteria for designation of historic landmarks or historic districts.** In order to qualify
2 for designation as a local historic landmark or local historic landmark district, individual properties must
3 have significant character, interest or value as part of the historical, cultural, archaeological, aesthetic, or
4 architectural heritage of the city, state or nation. For a multiple property nomination, eligibility will be based
5 on the establishment of historic contexts, of themes which describe the historical relationship of the
6 properties. The eligibility of any potential local historic landmark or local historic landmark district shall be
7 based on meeting one (1) or more of the following criteria:
8

9 A. Historical, cultural significance:

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

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23
24 B. Architectural significance:

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

32
33
34
35
36
37 C. Aesthetic significance:

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

45
46
47
48 D. Archaeological significance: Has yielded or may be likely to yield information important in prehistoric
49 history or history.

50
51 E. Criteria considerations: Ordinarily cemeteries, birthplaces, or graves of historical figures, structures
52 that have been moved from their original locations, reconstructed historic buildings, properties primarily
53 commemorative in nature, and properties that have achieved significance within the past fifty (50) years
54 shall not be considered eligible for the Coral Gables Register of Historic Places. However, such
55 properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within
56 the following categories.

- 1
- 2
- 3 1. A building or structure removed from its original location but which is significant primarily for
- 4 architectural value, or which is the surviving structure most importantly associated with an historic
- 5 person or event; or
- 6
- 7 2. A birthplace or grave of an historical figure of outstanding importance if there is not appropriate site
- 8 or building directly associated with his or her productive life; or
- 9
- 10 3. A cemetery which derives its primary significance from graves of persons of transcendent
- 11 importance, from age, from distinctive design features, or from association with historic events; or
- 12
- 13 4. A reconstructed building when accurately executed in a suitable environment and presented in a
- 14 dignified manner as part of a restoration master plan, and no other building or structure with the
- 15 same association has survived; or
- 16
- 17 5. A property primarily commemorative in intent if design, age, tradition, or symbolic value has
- 18 invested it with its own exceptional significance; or
- 19
- 20 6. A property achieving significance within the past fifty (50) years if it is of exceptional importance.

21 **Section 3-1104. Designation Procedures.** Properties which meet the criteria for local historic landmarks
22 and local historic landmark districts set forth in Section 3-1103 shall be designated according to the
23 following procedures:
24

25 A. Proposals for designation of potential local historic landmarks and local historic landmark districts:

- 26
- 27 1. Proposals for designation of potential local historic landmarks and local historic landmark districts
- 28 may be submitted to the Historical Resources Department for recommendation to the Historic
- 29 Preservation Board by any citizen who provides information, which illustrates that the property
- 30 meets the criteria for listing as set forth in Section 3-1103. The information submitted must include
- 31 sufficient preliminary information to enable the staff's review for an initial determination that the
- 32 property meets the minimum eligibility criteria. The proposal shall include a legal description of the
- 33 property and a statement explaining its historic, cultural, aesthetic or architectural significance. In
- 34 addition to furnishing any necessary information, the applicant may be required to pay applicable
- 35 fees, if any. If the department's initial determination is that the property does not meet the
- 36 minimum eligibility criteria for listing, the applicant may present the proposal for designation to the
- 37 Historic Preservation Board; or
- 38
- 39 2. The Board may, on their own or upon the recommendation from staff or any citizen pursuant to
- 40 Subsection (a)1. of this section, direct staff to begin the designation process by preparing a
- 41 designation report pursuant to Subsection (b) below of this section and any other standards the
- 42 Board may deem necessary, submitting this report to the procedures described herein, and
- 43 arranging for a public hearing before the Historic Preservation Board on this matter.
- 44
- 45 3. Whenever a determination is made by either the Director of the Historical Resources Department
- 46 or the Historic Preservation Board that an application for historic designation shall proceed to public
- 47 hearing as provided in this Division, no development permits shall be issued until the public hearing
- 48 is held and a determination made on the subject designation in accordance with the provisions of
- 49 Section 3-1104C. In the case where an owner seeks a demolition permit, the public hearing shall
- 50 be held at the next regularly scheduled meeting where notice can be provided.
- 51

52 B. Preparation of historic landmark designation report. For every proposed designated historic landmark
53 and historic landmark district, the Historic Preservation Officer shall prepare a designation report, which
54 shall be presented to the Board at a regularly scheduled meeting. The report shall contain the
55 following:
56

- 1 1. Proposed boundaries. Boundaries for individual historic sites shall generally include the entire
2 property or tract of land, unless such tract is so large that portions thereof are visually and
3 functionally unrelated to any significant historic improvement. Proposed historic district boundaries
4 shall, in general, be drawn to include all appropriate properties reasonably contiguous within an
5 area and may include noncontributing properties which individually do not conform to the historic
6 character of the district, but which require regulation in order to control potentially adverse
7 influences on the character and integrity of the district. Where reasonably feasible, historic district
8 boundaries shall include frontage on both sides of streets and divide the proposed historic
9 landmark districts from other zoning districts in order to minimize interdistrict frictions.
10 Archaeological zone boundaries shall generally conform to natural physiographic features, which
11 were the focal points for prehistoric and historic activities.
12
- 13 2. Optional internal boundaries. Internal boundaries may subdivide an historic landmark district into
14 sub areas and transitional areas as appropriate for regulatory purposes. If a proposed historic
15 landmark or historic landmark district is visually related to the surrounding areas in such a way that
16 actions in the surrounding area would have potentially adverse environmental influences on its
17 character and integrity, proposed boundaries for such transitional areas may be included within the
18 historic landmark or historic landmark district.
19
- 20 3. Detailed regulations. Every historic landmark and historic landmark district may be assigned a set
21 of detailed zoning district regulations. Such regulations may be designed to supplant or modify any
22 element of existing zoning regulations, including but not limited to the following: use, floor area
23 ratio, density, height, setbacks, parking, minimum lot size, and transfer of development rights, or
24 create any additional regulations provided for in this section. The zoning amendment may identify
25 individual properties, improvements, landscape features, or archaeological sites, or categories or
26 properties, improvements, landscape features, or archaeological sites for which different
27 regulations, standards and procedures may be required.
28
- 29 4. Significance analysis. A report shall be submitted establishing and defining the historic significance
30 and character of the proposed historic landmark or historic landmark district, setting forth the
31 criteria upon which the designation of the historic landmark, or historic landmark district, and its
32 boundaries are based, and describing the improvements and landscape features of public
33 significance, present trends and conditions, and desirable public objectives for future conservation,
34 development, or redevelopment. The report shall include a review guide which identifies the major
35 exterior features of any improvements or landscape features which contribute significantly to the
36 historic character of the historic landmark site or historic landmark district. A designation report for
37 an historic landmark shall also contain a location map and photographs of all designated exterior
38 surfaces (and interior if applicable).
39
- 40 5. Optional designation of interiors. Normally interior spaces shall not be subject to regulation under
41 this section; however, in cases of existing structures having exceptional architectural, artistic, or
42 historical importance, interior spaces which are customarily open to the public may be specifically
43 designated. The designation report shall describe precisely those features subject to review and
44 shall set forth standards and guidelines for such regulations.
45
- 46 C. Procedures for notification and hearings on proposed designation. The Board shall hold a public
47 hearing with notification as follows:
48
- 49 1. Notification of Owners. For each proposed designation of an historic landmark or historic landmark
50 district, the Historical Resources Department is responsible for mailing a copy of the designation
51 report and a courtesy notice of public hearing to all property owners of record whose properties are
52 located within the boundaries of the designation. This notice shall serve as notification of the intent
53 of the Board to consider designation of the property at least ten (10) days prior to a public hearing
54 held pursuant to this section. However, failure to receive such courtesy-notice shall not invalidate
55 the action of the Board. The property shall be posted at least ten (10) days prior to the hearing.
56

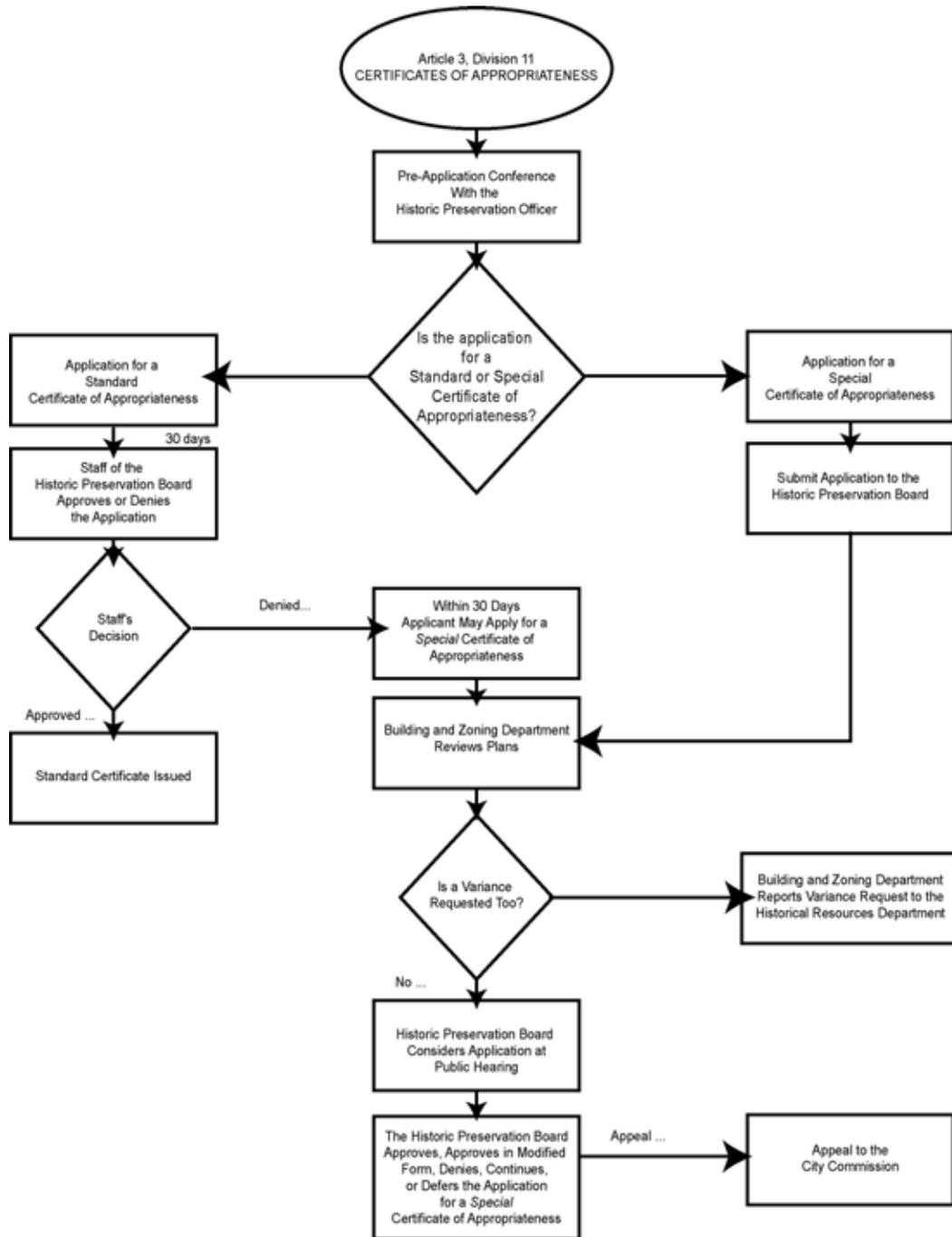
2. Notice of Public Hearings. Additional notice of public hearings shall be provided in accordance with the provision of Article 3, Division 3 of these regulations.
3. Decision of the Board. If after a public hearing the Board finds that the proposed local historic landmark or proposed local historic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

Section 3-1105. Procedures for review of national register properties. The City was granted certified local government (CLG) status in November of 1986. Review of national register nominations is a function of a CLG and shall be governed by "Florida Guidelines for Certified Local Governments."

- A. The Historic Preservation Officer will, within thirty (30) days after receipt of a national register nomination, determine whether the nomination is technically complete and notify the nomination's sponsor of such determination.
- B. If the nomination is technically complete, the Historic Preservation Officer shall, at least thirty (30) days but not more than seventy-five (75) days prior to the Historic Preservation Board meeting at which the proposal is to be considered, notify the following:
 1. Owner(s) of record; and
 2. Appropriate local official(s).

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

Section 3-1106. Certificates of appropriateness.



A. Certificate Required.

No building, structure, improvement, landscape feature, or archaeological site within the City, which has been designated an historic landmark or historic landmark district, shall be erected, altered, restored rehabilitated, excavated, moved, reconstructed or demolished until an application for a Certificate of Appropriateness regarding any architectural features, landscape features, or site improvements has been submitted and approved pursuant to the procedures in this division.

1
2 B. Guidelines for review of certificates.
3

- 4 1. The Historic Preservation Board has adopted the U.S. Secretary of the Interior's standards for
5 rehabilitation as the standards by which applications for any Certificate of Appropriateness are to
6 be measured and evaluated. In adopting these guidelines, it is the intent of the Board to promote
7 maintenance, restoration, adaptive reuses appropriate to the property, and compatible
8 contemporary designs which are harmonious with the exterior architectural and landscape features
9 of neighboring buildings, sites and streetscapes. These guidelines shall also serve as criteria for
10 staff to make decisions regarding applications for Standard Certificates of Appropriateness. From
11 time to time, the Board may adopt additional standards to preserve and protect special features
12 unique to the City.
13
- 14 2. For applications related to alterations or new construction, the proposed work shall not adversely
15 affect the historic, architectural, or aesthetic character of the subject improvement or the
16 relationship and congruity between the subject improvement and its neighboring improvements and
17 surroundings, including but not limited to form, spacing, height, setbacks, materials, color, or
18 rhythm and pattern of window and door openings in building facades; nor shall the proposed work
19 adversely affect the special character of special historical, architectural or aesthetic interest or
20 value of the overall designated historic landmark or historic landmark district. Except where special
21 standards and guidelines have been specified in the ordinance creating a particular designated
22 historic landmark or historic landmark district, or where the Board has subsequently adopted
23 additional standards and guidelines for a particular designated historic landmark or historic
24 landmark district, decisions relating to alteration or new construction shall be guided by the U.S.
25 Secretary of the Interior's standards for rehabilitation.
26

27 C. Duration of approval of certificates. Unless otherwise provided in the Certificate of Appropriateness,
28 both Standard and Special Certificates of Appropriateness shall expire after two (2) years if no building
29 permit is issued. Staff may grant an extension of up to an additional 180 days for restoration or
30 rehabilitation work subject to the following:
31

- 32 1. Request for the extension is submitted in writing to the Historical Resources Department.
33
34 2. The work completed is consistent with the approved scope of work.
35

36 D. Preapplication conference.
37

38 Before submitting an application for a Certificate of Appropriateness, an applicant shall confer with the
39 Historic Preservation Officer to obtain information and guidance before entering into binding
40 commitments or incurring substantial expense in the preparation of plans, surveys, and other data.
41 The Historic Preservation Officer or his/her representative, may, at the request of the applicant, hold
42 additional preapplication conference(s) with the applicant. The purpose of such conference(s) is to
43 further discuss and clarify conservation objections and design guidelines in cases that do not conform
44 to established objectives and guidelines. In no case, however, shall any statement or representation
45 made prior to the official application review be binding on the Board, the City Commission or any City
46 departments.
47

48 E. Standard certificates.
49

50 Based on the standards for rehabilitation, the designation report, a complete application for a Standard
51 Certificates of Appropriateness, any additional plans, drawings or photographs to fully describe the
52 proposed alteration and any other guidelines the Board may deem necessary, the Historic Preservation
53 Officer (HPO) shall, within thirty (30) days from the date a complete application has been filed, approve
54 or deny the application for a Standard Certificate of Appropriateness by the owner of an existing
55 improvement or landscape feature within the boundaries of a designated historic landmark or historic
56 landmark district. The findings of the staff shall be mailed to the applicant accompanied by a statement

1 in full regarding the staff's decision. The applicant shall have an opportunity to challenge the staff's
2 decision by applying for a Special Certificate of Appropriateness within thirty (30) days of the date of
3 staff's findings.
4

5 F. Special certificates.
6

- 7 1. An applicant for a Special Certificate of Appropriateness, whether for alteration, addition,
8 restoration, renovation, excavation, moving or demolition, shall submit his application to the Historic
9 Preservation Board accompanied by full plans and specifications, site plan, and samples of
10 materials as deemed appropriate by the Board to fully describe the proposed appearance, color,
11 texture or materials, and architectural design of the building and any outbuilding, wall, courtyard,
12 fence, landscape feature, paving signage, and exterior lighting. The applicant shall provide
13 adequate information to enable the Board to visualize the effect of the proposed action on the
14 applicant's building and its adjacent buildings and streetscapes. If such application involves a
15 designated archaeological zone, the applicant shall provide full plans and specifications of work
16 that may affect the surface and subsurface of the archaeological site. An applicant may apply for
17 an accelerated Certificate of Appropriateness that is reviewed by the Historic Preservation Board at
18 the same meeting as the public hearing for designation of the subject property.
19
- 20 2. The Building and Zoning Department shall review all plans for alterations, additions, restoration or
21 renovation of Historic Landmarks prior to the Board's consideration of such Special Certificate of
22 Appropriateness and shall report any variance items in connection with the proposed construction
23 to the Historical Resources Department.
24
- 25 3. In the event the applicant is requesting a Special Certificate for demolition, the Board shall be
26 provided with the details for the proposed disposition of the site. The Board may require
27 architectural drawings of any proposed new construction.
28
- 29 4. An applicant requesting a Special Certificate of Appropriateness for a reconstructed building,
30 whether for alteration, addition, restoration, renovation, excavation, moving or demolition shall
31 follow the same process to receive the Board's approval. A reconstructed building will be clearly
32 identified for the public.
33
- 34 5. A public notice of a request for a Special Certificate of Appropriateness shall be published one (1)
35 time in a newspaper of general circulation published in the City of Coral Gables, or in Miami-Dade
36 County, Florida, at least ten (10) days prior to the date of such hearing. All such notices published
37 in a newspaper shall state in substance the request and shall give the date, time, and place of the
38 public hearing. All properties being considered by the Historic Preservation Board for a request for
39 a Special Certificate of Appropriateness shall be posted at least ten (10) days in advance of the
40 public hearing. Such posting shall consist of a sign, the face surface of which shall be not be larger
41 than forty (40) square inches and shall contain the following language: NOTICE, HISTORIC
42 PRESERVATION BOARD, PUBLIC HEARING, PHONE:____, HEARING DATE:____, HEARING
43 NO:_____
44
- 45 6. The posting of the property shall comply with Article 3, Division 3 of these regulations.
46

47 G. Appeal of Decision of Board. An appeal from any decision of the Historical Preservation Board may be
48 taken to the City Commission by any aggrieved party in accordance with the provisions of Article 3,
49 Division 6.
50

51 H. Decision of the Board.
52

- 53 1. The decision of the Historic Preservation Board shall be based upon the guidelines set forth in
54 Section 3-1106B as well as the general purpose and intent of this Division and any specific
55 planning objectives and design guidelines officially adopted for the particular historic landmark or
56 historic landmark district. No decision of the Board shall result in an undue economic hardship for

1 the owner, provided, however, that the Board has determined the existence of such hardship in
2 accordance with the provisions of Section 3-1114. The decision of the Board shall include a
3 complete description of the reasons for such findings, and which details the public interest which is
4 sought to be preserved, and shall direct one (1) or more of the following actions:

- 5 a. Approval of a Special Certificate of Appropriateness for the work proposed by the applicant; or
- 6 b. Approval of a Special Certificate of Appropriateness with specified modifications and
7 conditions; or
- 8 c. Denial of the application and refusal to grant a Special Certificate of Appropriateness for
9 modification or demolition; or
- 10 d. Approval of a Special Certificate of Appropriateness with a deferred effective date in cases of
11 demolition or moving a significant improvement or landscape feature, pursuant to the
12 provisions of Sections 3-1108 and 3-1109.

13
14 2. The Historic Preservation Board shall act upon an application within sixty (60) days of the Board's
15 receipt of the completed application adequately describing the proposed action. The Board shall
16 approve, approve in modified form, deny, continue or defer the application. The time limit may be
17 waived at any time by mutual written consent of the applicant and the Board.

18
19 3. Evidence of approval of the application shall be by the recording in the minutes of the Certificate of
20 Appropriateness granted by the Board.

21
22 4. When an application is denied, the Board's notice shall provide an explanation of the basis of the
23 decision. When a Special Certificate of Appropriateness is granted, the proceedings of the Historic
24 Preservation Board shall state the basis for granting the Special Certificate of Appropriateness.
25 Such record shall be filed in the office of the Historical Resources Department, and shall be open
26 for public inspection.

27
28 5. A written record of the proceedings of the Board shall be kept and produced, showing its action on
29 each Special Certificate of Appropriateness considered. The record when pertaining to the record
30 of the Board or official from which appeal is taken shall include any application, exhibits, appeal
31 papers, written objections, waivers or consents, considered by the Board as well as transcripts or
32 stenographic notes taken for the department at a hearing held before the Historic Preservation
33 Board, the Board minutes, and resolution indicating its decision.

34
35 I. Changes in approved work. Any change in work proposed subsequent to the issuance of a Certificate
36 of Appropriateness shall be reviewed by the Board's staff. If the Board's staff finds that the proposed
37 change does not materially affect the historic character, or the proposed change is in accord with
38 approved guidelines, standards and certificates of appropriateness, it may issue a supplementary
39 Standard Certificate of Appropriateness for such change. If the proposed change is not in accordance
40 with guidelines, standards, or certificates of appropriateness previously approved by the Board, a new
41 application for a Special Certificate of Appropriateness shall be required.

42
43 J. Ordinary maintenance and repair. Nothing in this Division shall be construed to prevent the ordinary
44 maintenance or repair of any improvement which does not involve a change of design, appearance or
45 material, or to prevent ordinary maintenance of landscape features.

46
47 **Section 3-1107. Demolition.**

48
49 A. No permit for voluntary demolition of a designated building, structure, improvement or site shall be
50 issued to the owner thereof until an application for a Special Certificate of Appropriateness has been
51 submitted and approved pursuant to the procedures in this Article. Denial of such application
52 indefinitely and refusal by the Board to grant a Special Certificate of Appropriateness to demolish shall
53 be evidenced by written order detailing the public interest which is sought to be served. The Historic
54 Preservation Board shall be guided by the criteria contained in subsection (D) below.

- 1 B. The Board may grant a Special Certificate of Appropriateness to demolish with a deferred effective
2 date. The effective date shall be determined by the Board based upon the significance of the structure
3 and the probable time required to arrange a possible alternative to demolition. During the demolition
4 deferral period, the Board may take such steps as it deems necessary to preserve the structure
5 concerned, in accordance with the purposes of this division. Such steps may include, but shall not be
6 limited to, consultation with civic groups, public agencies and interested citizens, recommendations for
7 acquisition of property by public or private bodies or agencies, and exploration of the possibility of
8 moving one (1) or more structures or other features. After the specified expiration of the deferred
9 Special Certificate of Appropriateness, a demolition permit shall be issued if requested forthwith by the
10 appropriate administrative officials.
11
- 12 C. As a condition of granting any Certificate of Appropriateness, standard or special, for demolition of
13 buildings or improvements designated as historic landmarks or located in an historic landmark district,
14 the Board may require at the owner's expense, salvage and preservation of specified classes of
15 building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of
16 other historic properties. The Board may also require, at the owner's expense, the recording of the
17 improvement for archival purposes prior to demolition. The recording may include, but shall not be
18 limited to, photographs and scaled architectural drawings.
19
- 20 D. In addition to all other provisions of this Division, the Board shall consider the following criteria in
21 evaluating applications for a Special Certificate of Appropriateness for demolition of designated
22 properties:
23
- 24 1. The degree to which the building, structure, improvement or site contributes to the historic and/or
25 architectural significance of the historic site or district;
26
 - 27 2. Whether the building, structure, improvement or site is one of the last remaining examples of its
28 kind in the neighborhood, the county or the region;
29
 - 30 3. Whether the loss of the building, structure, improvement or site would adversely affect the historic
31 and/or architectural integrity of the historic site or district;
32
 - 33 4. Whether the retention of the building, structure, improvement or site would promote the general
34 welfare of the City by providing an opportunity for study of local history, architecture, and design or
35 by developing an understanding of the importance and value of a particular culture and heritage;
36
 - 37 5. Whether architectural plans have been presented to the Board for the reuse of the property if the
38 proposed demolition were to be carried out, and the appropriateness of said plans to the character
39 of the historic site or district, if applicable; and demonstration as well as the posting of a bond
40 requirement that there are sufficient funds in place to carry out such plans;
41
 - 42 6. Whether the building, structure, improvement or site poses an imminent threat to the public health
43 or safety;
44
 - 45 7. Whether the applicant has demonstrated that retention of the building, structure, improvement or
46 site would create an unreasonable or undue economic hardship as described in Section 3-1114.
47
 - 48 8. Whether there is a compelling public interest requiring the demolition.
49
- 50 E. As a condition of granting a Certificate of Appropriateness for demolition, the Historic Preservation
51 Board may require that no building permit be issued for the demolition of said structure until a building
52 permit for the construction of a new building has been issued.
53
- 54 F. The owner of the property shall permit access to the subject property for the purpose of inspections
55 and/or appraisals required by the Historic Preservation Board or Historic Preservation Officer.
56

1 G. No permit for demolition of a non-designated building shall be issued to the owner thereof without prior
2 notification by the Building Official to the Historical Resources Department. All demolition permits for
3 non-designated buildings must be approved and signed by the Director of the Department of Historical
4 Resources. Such signature is valid for six (6) months and shall thereafter expire and the approval
5 deemed void unless the demolition permit has been issued by the Building and Zoning Department.
6 The Historical Resources Department may require review by the Historic Preservation Board if the
7 building to be demolished is considered eligible for designation as a local historic landmark or as a
8 contributing building or property within an existing local historic landmark district. The public hearing
9 shall be held at the next regularly scheduled meeting if the provided statutory notice is complied with at
10 which time the provisions of this Division shall apply.

11
12 H. The demolition of any building, structure, improvement or site protected by this Division (a) for which a
13 certificate of appropriateness for demolition has not been granted, or (b) which was carried out in
14 violation of the provisions of this section, shall cause the City to reject an application for a building
15 permit until the following criteria have been met:

16
17 1. A pre-application shall be submitted to the Historical Resources Department containing the
18 following information:

- 19
20 a. A detailed sworn explanation outlining the facts surrounding the unlawful demolition.
21 b. Evidence that any and all code enforcement fines have been paid.
22 c. Evidence that all violations on the property have been corrected or a stipulation outlining the
23 agreed upon steps to correct all outstanding violations.

24
25 2. Review and approval of the Historical Resources Department checklist by the following
26 departments so that the application for issuance of a building permit may proceed.

- 27
28 a. Building and Zoning.
29 b. Planning.
30 c. Public Works.
31 d. Public Service.
32 e. Historic Resources.
33 f. City Manager.
34 g. City Attorney.

35
36
37 **Section 3-1108. Moving of existing improvements.** The moving of significant improvements from their
38 original location shall be discouraged; however, the Historic Preservation Board may grant a Special
39 Certificate of Appropriateness if it finds that no reasonable alternative is available for preserving the
40 improvement on its original site and that the proposed relocation site is compatible with the historic and
41 architectural integrity of the improvement.

42
43
44 **Section 3-1109. Removal or destruction of existing landscape features.**

45
46 A. No Certificate of Appropriateness shall be granted for removal, relocation, concealment, or effective
47 destruction by damage of any landscape features or archaeological sites especially designated as
48 significant within the boundaries of an historic landmark or historic landmark district unless one (1) of
49 the following conditions exists:

- 50
51 1. The designated landscape feature or archaeological site is located in the buildable area or yard
52 area where a structure may be placed and unreasonably restricts the permitted use of the property;
53 or,
54
55 2. The designated vegetation is inappropriate in a historical context or otherwise detracts from the
56 character of district; or,

1
2 3. The designated vegetation is diseased, injured, or in danger of falling, unreasonably interferes with
3 utility service, creates unsafe vision clearance or conflicts with other applicable laws and
4 regulations.
5

6 B. As a condition contained in the Certificate of Appropriateness, the applicant may be required to
7 relocate or replace designated vegetation.
8

9 **Section 3-1110. Construction, excavation or other disturbance in archaeological zones.** In cases
10 where new construction, excavation, tree removal, or any other activity may disturb or reveal an interred
11 archaeological site, the Historic Preservation Board may issue a Certificate of Appropriateness, standard or
12 special, with a delayed effective date up to forty-five (45) days. During the delay period, the applicant shall
13 permit the subject site to be examined under the supervision of an archaeologist approved by the Board. A
14 Certificate of Appropriateness may be denied if the site is of exceptional importance and such denial would
15 not unreasonably restrict the primary use of the property.
16

17 **Section 3-1111. Reconstruction of destroyed historic landmarks.**
18

19 A. The loss of local historic landmarks within the City, destroyed by fire or other national disaster, may be
20 ameliorated by efforts to reconstruct the resource. Reconstruction means the process of reproducing
21 by new construction, the exact form and detail of a demolished building, structure or object, as it
22 appeared at a certain point in time. Reconstruction shall be encouraged by the Historic Preservation
23 Board when deemed appropriate. The Historic Preservation Board shall be guided by, but not limited
24 to the following:
25

- 26 1. Is there sufficient evidence (e.g. photo documentation; measured drawings; physical evidence,
27 etc.) to accurately depict the form and detail of the original resource?
28
- 29 2. Are the original construction materials readily available, or are substitute materials sufficiently
30 similar so as to convey the original qualities of construction?
31
- 32 3. Were the interior spaces especially significant to the form and function of the building? If so, the
33 Board will define the parameters necessary to adequately convey those interior spatial
34 characteristics as requirements in the reconstruction effort?
35
- 36 4. Has the applicant demonstrated a commitment to the reconstruction effort by making every
37 reasonable effort to preserve or salvage the remaining features of the property?
38
- 39 5. Are there other unique factors or circumstances that would make reconstruction desirable?
40

41 B. The applicant for the reconstruction effort shall provide the Board with details of the construction
42 project, to include a description of the existing character of the site, and whether or not there is any
43 salvage potential. Every reasonable effort shall be made to incorporate salvaged elements within the
44 reconstructed historic resource.
45

46 C. Should the Board find that the reconstruction is desirable, and that the applicant has met the criteria
47 enumerated herein, and has furnished sufficient evidence that the important exterior and interior form
48 and detail can be reproduced then:
49

- 50 1. The Historic Preservation Board may grant a Special Certificate of Appropriateness in accordance
51 with the provisions of this Division.
52
- 53 2. In cases where a change in land use is necessary to accomplish the goals of this division, the
54 Historic Preservation Board may issue a recommendation in favor of that change to be considered
55 by the Planning & Zoning Board and the City Commission in accordance with the provisions of
56 Article 3, Division 15. The Board may also issue a recommendation as to whether or not any

1 administrative fees, either in whole or in part, are to be waived. Any recommendation as to the
2 waiver of fees or any portion thereof shall be binding.
3

4 **Section 3-1112. Variances.** The Historic Preservation Board shall have the authority to grant any
5 variance from the terms of these regulations of those properties designated as historic landmarks, either
6 individual sites or buildings within districts, where it is deemed appropriate for the continued preservation of
7 the historic landmark or historic landmark district. The Board shall only authorize such variances in
8 conjunction with an application for a Special Certificate of Appropriateness, in accordance with the
9 provisions of Section 3-1106 and Article 3, Division 8.

10
11 **Section 3-1113. Transfer of development rights.** The Historic Preservation Board shall have the
12 authority to grant certificates of transfer of development rights (TDR) to property owner(s) of designated
13 historic landmarks, either individual sites or buildings within districts in accordance with the criteria and
14 standards for transfer of development rights in Article 3, Division 10 of these regulations. Any historic
15 landmark that has transferred development rights shall not be demolished.

16
17 **Section 3-1114. Undue economic hardship.** In any instance where there is a claim of under economic
18 hardship, the property owner may submit, by affidavit, to the Board at least fifteen (15) days prior to the
19 public hearing, the following information:
20

21 A. For all property:

- 22 1. The amount paid for the property, the date of purchase and the party from whom purchased.
- 23 2. The assessed value of the land and improvements thereon, according to the two (2) most recent
- 24 assessments.
- 25 3. Real estate taxes for the previous two (2) years.
- 26 4. Annual debt service, if any, for the previous two (2) years.
- 27 5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection
- 28 with his purchase, financing or ownership of the property.
- 29 6. Any listing of the property for sale or rent, price asked and offers received, if any.
- 30 7. Any consideration by the owner as to profitable adaptive uses for the property.
- 31

32
33 B. For income producing property:

- 34 1. Annual gross income from the property for the previous two (2) years.
- 35 2. The assessed value of the land and improvements thereon, according to the two (2) most recent
- 36 assessments.
- 37 3. Annual cash flow, if any, for the previous two (2) years.
- 38

39
40 C. The Board may require that an applicant furnish such additional information, as the Board believes is
41 relevant to its determination of undue economic hardship and may provide, in appropriate instances
42 that such additional information be furnished under seal. In the event that any of the required
43 information is not reasonably available to the applicant and cannot be obtained by the applicant, the
44 applicant shall file with his affidavit a statement of the information which cannot be obtained and shall
45 describe the reasons why such information cannot be obtained.
46

47 **Section 3-1115. Unsafe structures.** In the event the building official determines that any structure within
48 a designated historic landmark or historic landmark district is unsafe pursuant to the applicable building
49 code adopted by the City, he/she shall immediately notify the Historic Preservation Board with copies of
50 such findings. Where reasonably feasible within applicable laws and regulations the building official shall
51 endeavor to have the structure repaired rather than demolished and shall take into consideration any
52 comments and recommendations by the board. The board may take appropriate actions to effect and
53 accomplish preservation of such structure including, but not limited to, negotiations with the owner and
54 other interested parties, provided that such actions do not interfere with procedures in the Florida Building
55 Code.
56

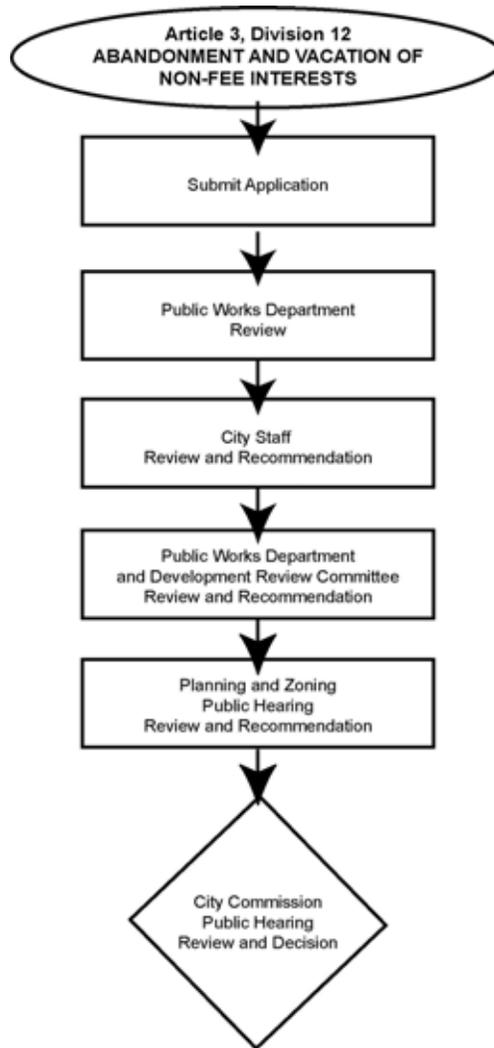
1 **Section 3-1116. Emergency conditions.** For the purpose of remedying emergency conditions
2 determined to be imminently dangerous to life, health or property, nothing contained herein shall prevent
3 the making of any temporary construction, reconstruction, demolition or other repairs to an improvement,
4 landscape feature, or site within a designated historic landmark district pursuant to an order of a
5 government agency or a court of competent jurisdiction, provided that only such work as is reasonably
6 necessary to correct the hazardous condition may be carried out. The owner of an improvement damaged
7 by fire or natural calamity shall be permitted to stabilize the improvement immediately and to rehabilitate it
8 later under the normal review procedures of this Division.
9
10

ARTICLE 3 – DEVELOPMENT REVIEW
Division 12 - Abandonment and Vacation of Non-fee Interests

Section 3-1201. Purpose and Applicability.

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

Section 3-1202. General Procedures.



Section 3-1203. Application.

All requests for abandonment and vacation of city streets, alleys, easements and other non-fee interests which the City may have in real property shall be made in writing upon an application form approved by City staff, and shall be accompanied by applicable fees.

1 **Section 3-1204. Standards for review.**

2
3 Applications for abandonment and vacation of city streets, alleys, special purpose easements and other
4 non-fee interests which the City may have in real property shall be approved provided that it is
5 demonstrated that:

- 6
7 A. The non-fee property interest sought to be abandoned:
- 8
9 1. Does not provide a benefit to the public health, safety, welfare, or convenience, in that:
- 10
11 a. It is not being used by the City for any of its intended purposes.
- 12
13 b. No comprehensive plan, special purpose plan, or capital improvement program anticipates
14 its use; or
- 15
16 2. Provides some benefit to the public health, safety, welfare, or convenience, but the overall benefit
17 anticipated to result from the abandonment outweighs the specific benefit derived from the non-
18 fee property interest, in that:
- 19
20 a. The purpose of the interest sought to be vacated or abandoned will be adequately and
21 appropriately served in an alternative manner when the interest is abandoned;
- 22
23 b. The abandonment will not compromise the delivery of emergency services;
- 24
25 c. The abandonment will not compromise pedestrian or vehicular safety;
- 26
27 d. The abandonment will not interfere with solid waste removal services;
- 28
29 e. The vacation or abandonment will not frustrate any comprehensive plan, special purpose
30 plan, or capital improvement program of the City;
- 31
32 f. The vacation or abandonment will not interfere with any planning effort of the City that is
33 underway at the time of the application but is not yet completed; and
- 34
35 g. The vacation or abandonment will provide a material public benefit in terms of promoting
36 development or redevelopment of abutting property, removing blighting influences, or
37 improving the City's long-term fiscal position.
- 38
39 B. The proposed abandonment will be accomplished in accordance with all applicable standards of
40 local, state, and federal authorities.
- 41
42 C. The proposed abandonment will promote development or redevelopment that will maintain or
43 enhance the character of the surrounding area.
- 44
45 D. The proposed abandonment will not have a negative fiscal impact on the City of Coral Gables or
46 result in development that will have a negative fiscal impact on the City of Coral Gables.
- 47
48 E. If the interest sought to be vacated or abandoned is located in a Mixed-Use District:
- 49
50 1. A public benefit will result from the vacation or abandonment;
- 51
52 2. A restrictive covenant is offered in a form acceptable to the City Attorney that assures that:
- 53 a. The vacated property will not be applied to the calculation of floor area ratio or density of
54 continuous property or properties; and
- 55 b. The property owner will convey the interest back to the City if the purpose for vacating or
56 abandoning the interest ceases to exist.

- 1
- 2
- 3 3. Ground floor open space is provided on each contiguous parcel in an amount that is equal to the
- 4 amount of land area added to the parcel as a result of the vacation or abandonment.
- 5
- 6 4. The maximum height of the development that is facilitated by the vacation or abandonment is
- 7 materially less than the maximum height permitted by the underlying district regulations, or the
- 8 apparent mass of the building from abutting properties and public rights-of-way is materially less
- 9 than what would be permitted by the underlying district regulations.

10 **Section 3-1205. Staff Review, report and recommendation.**

- 11
- 12 A. Within five (5) days of receipt of an application pursuant to this Division, the designated Development
- 13 Review Official shall review the application to determine whether it is complete.
- 14
- 15 B. Within ten (10) days of receipt of a complete application, the Development Review Official shall
- 16 distribute the application package by regular mail or hand delivery to all public utility companies and
- 17 City-operated utilities that have facilities within the area of the interest sought to be abandoned. The
- 18 notice shall request their review, comment and consent within twenty (20) days, and shall be
- 19 delivered to:
 - 20
 - 21 1. City Manager.
 - 22
 - 23 2. Planning Department.
 - 24
 - 25 3. Public Works Department.
 - 26
 - 27 4. Fire-Rescue Department.
 - 28
 - 29 5. Police Department.
 - 30
 - 31 6. Public Service Department.
 - 32
 - 33 7. Parking Department.
 - 34
 - 35 8. Economic Development Department.
 - 36
 - 37 9. City Clerk.
 - 38
 - 39 10. City Attorney.
 - 40
 - 41 11. Such other agencies as determined by the Director of Public Works.
- 42
- 43 B. Within forty-five (45) days of distribution of the application to public utility companies and City-
- 44 operated utilities, the Development Review Official shall:
 - 45
 - 46 1. Review the application for compliance with the standards set out in Section 3-1204.
 - 47
 - 48 2. Provide a report which addresses the application's compliance with the standards set out in
 - 49 Section 3-1204 and summarizes all comments submitted with regard to the application.
 - 50
 - 51 3. Provide a proposed ordinance granting approval or approval with conditions.
 - 52
 - 53 4. Forward the entire record of the application, including all application materials, the report, the
 - 54 proposed ordinance granting approval or approval with conditions, and all correspondence
 - 55 related to the application, to the Planning and Zoning Board.

- 1
2 5. Schedule the application for hearing before the Planning and Zoning Board.
3
4 6. Provide notice of the Planning and Zoning Board hearing pursuant to Article 3, Division 3.
5
6 C. Within thirty (30) days of the public hearing of the Planning and Zoning Board, the Development
7 Review Official shall:
8
9 1. Schedule the application for hearing before the City Commission.
10
11 2. Forward the entire record of the application, including all application materials, the Staff report
12 and recommendation, the ordinance granting approval or approval with conditions, all
13 correspondence related to the application, the findings and recommendation of the Planning and
14 Zoning Board, and the transcript of the Planning and Zoning Board proceeding, to the City
15 Commission.
16
17 3. Provide notice of the City Commission hearing pursuant to Article 3, Division 3.
18

19 **Section 3-1206. Planning and Zoning Board review and recommendation.**

20 The Planning and Zoning Board shall:

- 21
22
23 A. Review the application at a public hearing.
24
25 B. Make written findings with respect to whether the application complies with the standards set out in
26 Section 3-1204.
27
28 C. Make a written recommendation to the City Commission with regard to whether the application should
29 be approved, approved with conditions, or denied.
30

31 **Section 3-1207. City Commission review and decision.**

32
33 The City Commission shall review the application at two public hearings. At the second public hearing,
34 the City Commission shall:

- 35
36 A. Decide whether the application should be approved, approved with conditions, denied, or deferred.
37
38 B. If the application is not deferred, make written findings with respect to whether the application
39 complies with the standards set out in Section 3-1204.
40
41 C. If the application is approved or approved with conditions, cause notice of the approval to be
42 published as provided in Section 3-1209.
43

44 **Section 3-1208. Effect of vacation or abandonment.**

- 45
46 A. The effective date of any ordinance pursuant to this Division shall be the date a replat is approved
47 that shows the abandoned property and the properties that benefited from the abandonment. If the
48 replat is not finalized within eighteen (18) months of the date of hearing at which the abandonment
49 was approved or approved with conditions, the City Commission shall reconsider the application,
50 which shall be denied if the applicant fails to show good cause for the delay in replatting.
51
52 B. A vacation or abandonment pursuant to this Division shall renounce and disclaim any rights in any
53 land delineated on any recorded map, and shall abrogate the easement theretofore owned, held,
54 claimed or used by or on behalf of the public. The title of fee owners shall be freed and released there
55 from, and if the fee of road space has been vested in the City of Coral Gables, it is surrendered and

1 will vest in the abutting fee owners to the extent and in the same manner as in case of termination of
2 an easement for road purposes.
3

4 C. Whenever any street, alley or other public way is vacated or abandoned, the zoning regulations
5 governing the property abutting upon each side of such street, alley or public way shall be
6 automatically extended to the center of the former street, alley or public way.
7

8 D. Whenever land that is the subject of a vacation or abandonment has been built-up by fill of formerly
9 submerged lands, the zoning regulations applying to the land immediately adjoining such built-up
10 land shall be automatically extended thereto.
11

12 **Section 3-1209. Publication and recording of abandonment.**
13

14 Notices of adoption of an ordinance approving an application or approving an application with conditions
15 shall be provided at the applicant's expense as follows:
16

17 A. Publication in a newspaper of general circulation in the City of Coral Gables within thirty (30) days of
18 the City Commission's decision to approve or approve with conditions the application for
19 abandonment.
20

21 B. Recording in the Public Records of Dade County, Florida the following documents:
22

23 1. Proof of publication of notice of public hearing.
24

25 2. The ordinance as adopted.
26

27 3. Proof of publication of the notice of the adoption of such ordinance.
28

ARTICLE 3 – DEVELOPMENT REVIEW
Division 13 - Concurrency Review

Section 3-1301. Purpose and Applicability.

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

Section 3-1302. Concurrency review required.

- A. Unless exempted under the provisions of Section 3-1302B, all applications for development approval shall include an application for concurrency review.
- B. Concurrency review is not required for the following:
 - 1. Applications for single-family residential development platted prior to December 8, 1992.
 - 2. Applications for additions, renovations, or reconstruction of residential dwellings which do not increase the number of dwelling units placed on the premises or approved for the property.
 - 3. Additions, renovations, or reconstruction of uses accessory to residential dwellings.
 - 4. Sign permits.
 - 5. Applications which will not result in either an Intermediate Development or Final Development Order.
 - 6. Applications requesting modifications of previously approved Development Orders where it is determined that the impacts on the prescribed levels of service imposed by the requested modifications will be no greater than the impacts posed by the previously approved development order or the previously existing use.
 - 7. Applications on properties where a Development of Regional Impact has been approved for which the development is proceeding in compliance with the conditions of the DRI approval.
 - 8. Applications where the particular type of Intermediate or Final Development Order would not result in a reduction in the level of service for any of the services or facilities prescribed in the Concurrency Management Program.
 - 9. Applications for development approval within areas designated by the City where all services or facilities have sufficient surplus capacity to sustain projected development of specified types for one to five or more years as applicable to the service.
 - 10. Vested projects.

Section 3-1303. Application.

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

Section 3-1304. Staff review and determination.

- A. City staff shall review each application for a development order and shall determine whether the application:

- 1
2 1. requests approval of an initial, intermediate or final development order; or
3
4 2. would have no impact or would have impacts on levels of service that fall below thresholds for
5 public facilities and services prescribed in the concurrency manual.
6
7 B. In the event that staff determines that there is no impact, a statement of no impact shall be issued
8 to the applicant and the Board or other decision maker responsible for the issuance of the
9 development order. Such statement of no impact shall be valid for a period not to exceed one (1)
10 year from issuance.
11
12 C. Initial development orders.
13
14 1. A concurrency information statement shall be prepared prior to the issuance of any initial
15 development order and provided to the applicant, Board or other decision-maker responsible for
16 the issuance of the initial development order.
17
18 2. The purpose of the concurrency information statement is to provide general information and
19 guidance regarding the available capacity of public facilities and services. The concurrency
20 information statement does not ensure that capacity will be available at the time of the issuance
21 of an intermediate or final development order, nor does it obviate the need for concurrency review
22 prior to the issuance of an intermediate or final development order.
23
24 D. Intermediate development orders.
25
26 1. Each application for an intermediate development order shall be evaluated on the basis of the
27 concurrency review criteria contained in Section 3-1305. City Staff shall determine whether or not
28 a proposed development would result in a reduction in levels of service for public facilities and
29 services below adopted levels of service and shall issue a concurrency impact statement to the
30 applicant.
31
32 2. If the concurrency impact statement indicates that the proposed development would not result in
33 a reduction in adopted levels of service, the statement shall be furnished to the applicant, Board
34 or other decision maker responsible for the issuance of the intermediate development order.
35
36 3. If the concurrency impact statement indicates that the requested intermediate development order
37 cannot be issued because the proposed development would result in a reduction in adopted
38 levels of service, the applicant may modify the application, submit an enforceable development
39 agreement or the intermediate development order may be issued subject to appropriate
40 conditions. Such modifications, agreements or conditions shall ensure that the necessary public
41 facilities and services shall be available concurrent with the impacts of development. The
42 concurrency impact statement shall specify the modifications, agreements or conditions which
43 shall be satisfied prior to the issuance of an intermediate development order or final development
44 order or both. The concurrency impact statement shall be furnished to the applicant and to the
45 Board or other decision-maker responsible for the issuance of the intermediate development
46 order.
47
48 E. Reservation of capacity.
49
50 Upon payment of a fee prescribed in the concurrency manual, the holder of an affirmative
51 intermediate development order may reserve capacity for up to twelve (12) months for the approved
52 project by the City's issuance of a document signifying capacity reservation. This fee payment and
53 capacity reservation is optional and is not required of recipients of affirmative intermediate
54 development orders. Failure to pay the necessary fee and obtain a capacity reservation forfeits any
55 right of reliance upon an affirmative intermediate development order to ensure service capacity
56 availability and reservation. Such reservation shall ensure that the City does not permit other

1 development which would result in a reduction in levels of service for public facilities and service for
2 public facilities and services follow the adopted levels of service during the period of reservation.
3

4 F. Final development orders.
5

- 6 1. Applicants filing complete applications for issuance of a final development order within twelve (12)
7 months from the date of issuance of an intermediate development order shall be exempt from the
8 requirement of further concurrency review (but not exempt from the payment of any applicable
9 administrative fee set forth in the concurrency manual), provided that (a) no significant changes
10 have been made to the proposed development from the approved intermediate development
11 order; (b) all modifications, agreements, or conditions of the concurrency impact statement, if
12 applicable, have been satisfied; and (c) the City has reserved capacity for the development
13 pursuant to subsection 3-1304E. In the absence of these provisions, the applicant is not entitled
14 to rely upon an intermediate development order for concurrency compliance, and must follow
15 prescribed procedures for the issuance of a concurrency compliance statement.
16
- 17 2. With the exception of final development orders for which applications have been timely filed and
18 capacities have been reserved pursuant to Sections 3-1304E and 3-1304F 1 above, or
19 certificates of use and occupancy as described in Section 3-1304F 6 below, City staff shall
20 evaluate each application for a final development order on the basis of the concurrency review
21 criteria contained in Section 3-1305.
22
- 23 3. City staff shall determine whether or not the proposed development would result in a reduction in
24 levels of service for public facilities and services below adopted levels and shall issue a
25 concurrency compliance statement to the applicant. If the concurrency compliance statement
26 indicates that that issuance of the proposed final development order would not result in a
27 reduction in levels of service for public facilities and services below adopted levels of service, the
28 concurrency compliance statement shall be furnished to the person, board or agency responsible
29 for the issuance of the final development order and the final development order may be issued.
30
- 31 4. If the concurrency impact statement indicates that the requested final development order cannot
32 be issued because the proposed development would result in a reduction in adopted levels of
33 service, the applicant may modify the application, submit an enforceable development
34 agreement, or the final development order may be issued subject to appropriate conditions. Such
35 modifications, agreements or conditions shall ensure that the necessary public facilities and
36 services shall be available concurrent with the impacts of development. The concurrency impact
37 statement issued in conjunction with a final development order application shall specify any
38 modifications, agreements, or conditions which shall be satisfied prior to the issuance of a
39 building permit or certificate of use and occupancy or both. The concurrency impact statement
40 issued in conjunction with a final development order application shall be furnished to the applicant
41 and to the applicant, Board or other decision maker responsible for the issuance of the final
42 development order.
43
- 44 5. Except where applicants have obtained a vested rights determination pursuant to Article 3
45 Division 18, or the final development order application is exempt from the requirement of a
46 concurrency compliance statement, all applications or final development orders must obtain
47 written confirmation that all required levels of service for public facilities and services have been
48 satisfied. Required modifications and/or conditions noted in previously issued concurrency
49 compliance statement. If the property for which application for a final development order is made
50 holds an expired reservation that was previously of record in accordance with Section 3-1304E,
51 the applicant must obtain an updated concurrency impact statement and is not entitled to rely on
52 said expired reservation. At the times of the issuance of a final development order building
53 permit, the permit holder shall be automatically required to pay a fee prescribed in the
54 concurrency manual to reserve service capacities for a period of twelve (12) months from the
55 date of final permit issuance, unless the building permit lapses in accordance with other city
56 regulations. In addition, the holder of an affirmative final development order may extend service

1 capacity reservations for an additional twelve (12) months in accordance with the fees and terms
2 prescribed in the concurrency manual.
3

- 4 6. Certificates of use and occupancy may be issued without the requirement for further concurrency
5 review where the applicant for the certificate of use and occupancy holds a valid, unexpired
6 building permit for the identical use of the subject structure or site or pertinent portion thereof;
7 provided said building permit is not subject to an enforceable development agreement of other
8 conditions requiring the applicant to provide or contract for the construction of necessary public
9 services and facilities or other appropriate service impact mitigation measures. Where the
10 building permit is subject to such enforceable development agreement or appropriate conditions,
11 no certificate of use and occupancy shall be issued until staff determines that all agreements and
12 conditions have been satisfied.
13

14 **Section 3-1305. Concurrency review criteria.**
15

- 16 A. The public facilities and services needed to support development shall be deemed to be available
17 concurrent with the impacts of development if the following criteria are satisfied:
18
- 19 1. The necessary public facilities and services are in place at the time a final development order
20 issues; or
 - 21 2. A final development order is issued subject to the condition that the required public facilities and
22 services will be in place when the impacts of the development occur; or
 - 23 3. The necessary public facilities are under construction at the time the final development order is
24 issued and such construction is the subject of enforceable assurance that it shall be completed
25 and serviceable without unreasonable delay; or
 - 26 4. The necessary public facilities and services are the subject of a binding executed contract for the
27 construction of the facilities or the provision of services at the time the final development order is
28 issued; or
 - 29 5. The necessary public facilities are funded and programmed for implementation in the capital
30 improvements element of the comprehensive plan for construction in year one of the city's
31 adopted capital budget, or similarly adopted budget of other government agencies; or
 - 32 6. The necessary traffic circulation and mass transit facilities or services or both are programmed in
33 the capital improvements element of the comprehensive plan for construction in or before year
34 three of the city's adopted budget or similarly adopted budget of other governmental agencies
35 including the county's capital budget of the state agency having operational responsibility for
36 affected facilities; in all cases, such facilities must be committed for construction in or before year
37 three; or
 - 38 7. The necessary public facilities and services are guaranteed in an enforceable development
39 agreement to be provided by the developer. An enforceable development agreement may
40 include but is not limited to development agreements pursuant to Section 163.3220, Florida
41 Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida
42 Statutes; or
 - 43 8. Timely provision of the necessary public facilities and services will be guaranteed by some other
44 means or instrument providing substantially equivalent assurances; and
 - 45 9. In all instances where a decision to issue a building permit is based on the foregoing provision
46 (5), (6) or (7), the following conditions shall apply:
47
48
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55

1 a. The necessary public facilities and services shall not be deferred or deleted from the capital
2 improvements element of the comprehensive plan work program or adopted one (1) year
3 capital budget unless the dependent final development order expires or is rescinded prior to
4 the issuance of a certificate of use and occupancy.

5
6 b. The public facilities and services necessary to serve development must be contracted for
7 construction no later than thirty-six (36) months after the date that the initial certificate of use
8 an occupancy is issued for the dependent development; and

9
10 c. Construction of the necessary public facilities and services must proceed to completion with
11 no unreasonable delay or interruption.

12
13 B. In determining the availability of public facilities and services, the applicant may propose and the City
14 may approve development in stages or phases so that the public facilities and services needed for
15 each stage or phase will be available in accordance with the criteria required by this chapter.

16
17 **Section 3-1306. Concurrency manual.**

18
19 The City shall promulgate and maintain a concurrency manual which shall contain the administrative
20 procedures and fees to be applied in the implementation of this Division. The concurrency manual shall
21 include:

- 22
23 A. Examples of preliminary, intermediate, and final development orders.
24
25 B. Examples of development orders which would have no impact or which would have impacts on levels
26 of service which fall below the thresholds for public facilities and services.
27
28 C. The methodologies to be used by the department in monitoring available capacity of public facilities
29 and services and in preparing concurrency statements.
30
31 D. The methodologies to be used by the department in evaluating applications for development orders
32 for compliance with the concurrency review criteria.
33
34 E. The methodologies to be used by the department in identifying geographic areas having surplus
35 capacity for certain public facilities and services.
36
37 F. The time frames within which the department and the applicant must complete any action which is
38 required by this chapter.
39
40 G. An administrative fee schedule.
41
42 H. Examples of exceptions from concurrency review requirements.
43
44 I. Procedures for obtaining relief from these regulations.

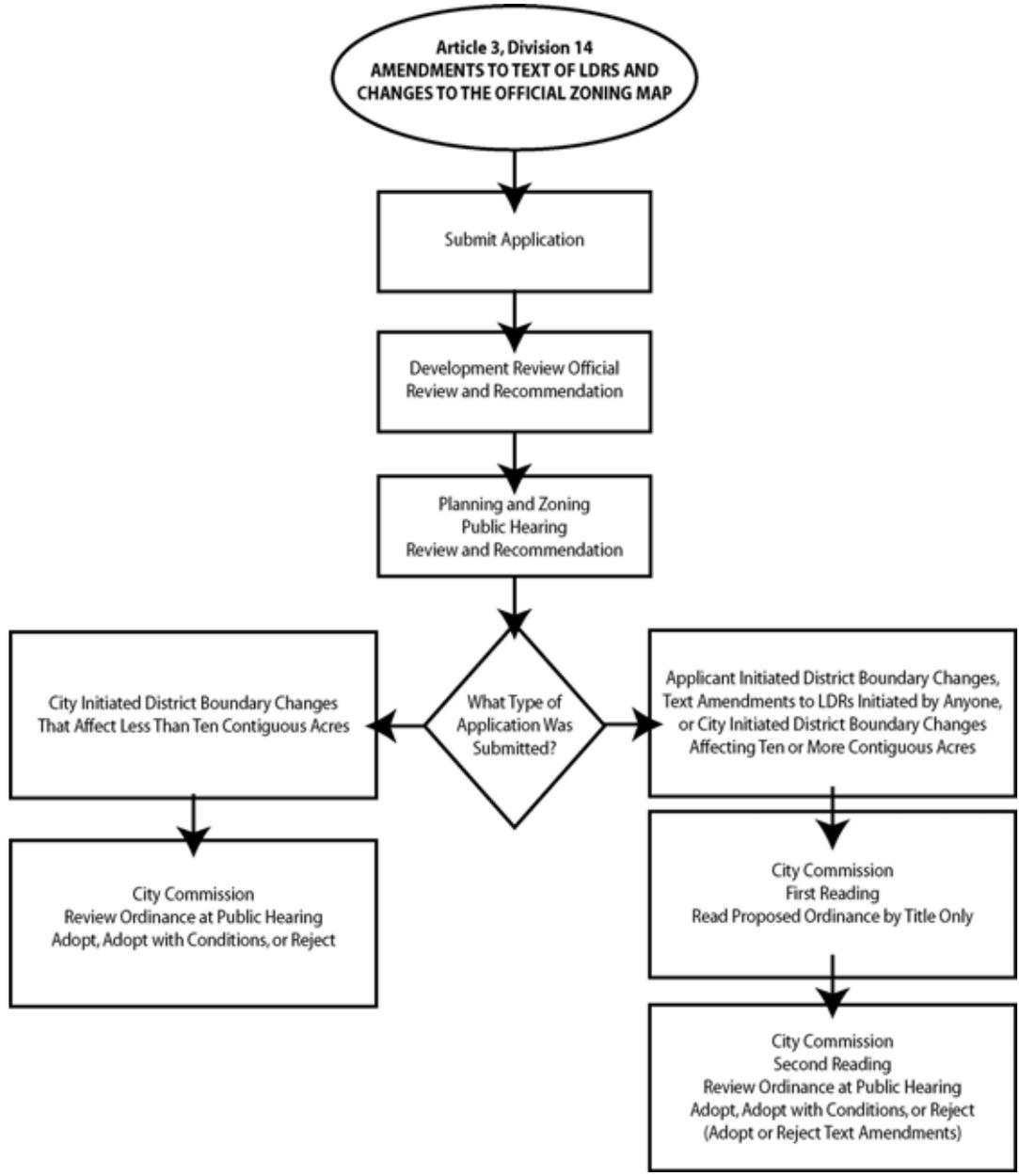
45
46 **Section 3-1307. Appeals.**

47
48 An appeal from a negative concurrency determination may be taken to the City Commission by an
49 aggrieved party in accordance with the provisions of Article 3 Division 6 of these regulations.
50

ARTICLE 3 – DEVELOPMENT REVIEW
Division 14 - Amendments to Text of Regulations and Changes to the Official Zoning Map

Section 3-1401. Purpose and applicability. The purpose of this Division is to establish a uniform procedure for district boundary changes and for text amendments to these regulations. This Division applies to all such amendments, whether initiated by the City or by one or more private property owners.

Section 3-1402. General Procedures



1 **Section 3-1403. Application.** All applications for district boundary changes or text amendments to
2 these regulations shall be made in writing upon an application form approved by City staff, and shall be
3 accompanied by applicable fees.
4

5 **Section 3-1404. Standards for applicant-initiated district boundary changes.**
6

7 A. An applicant-initiated district boundary change shall be approved if it is demonstrated that the
8 application satisfies all of the following:
9

10 1. It is consistent with the Comprehensive Land Use Plan in that it:
11

- 12 a. Does not permit uses which are prohibited in the future land use category of the parcel
13 proposed for development.
- 14 b. Does not allow densities or intensities in excess of the densities and intensities which are
15 permitted by the future land use category of the parcel proposed for development.
- 16 c. Will not cause a decline in the level of service for public infrastructure to a level of service
17 which is less than the minimum requirements of the Comprehensive Land Use Plan.
- 18 d. Does not directly conflict with any objective or policy of the Comprehensive Land Use Plan.

19 2. Will provide a benefit to the City in that it will achieve two or more of the following objectives:
20

- 21 a. Improve mobility by reducing vehicle miles traveled for residents within a one-half mile radius
22 by;
23
 - 24 i. Balancing land uses in a manner that reduces vehicle miles traveled.
 - 25 ii. Creating a mix of uses that creates an internal trip capture rate of greater than twenty
26 percent (20%); or
 - 27 iii. Increasing the share of trips that use alternative modes of transportation, such as transit
28 ridership, walking, or bicycle riding.
- 29 b. Promote high-quality development or redevelopment in an area that is experiencing declining
30 or flat property values.
- 31 c. Create work force housing opportunities for people who work in the City of Coral Gables; or
32
- 33 d. Implement specific objectives and policies of the Comprehensive Land Use Plan; and
34

35 3. Will not cause a substantial diminution of the market value of adjacent property or materially
36 diminish the suitability of adjacent property for its existing or approved use.
37

38 B. An applicant may propose limitations regarding the use, density or intensity which will be permitted on
39 the parcel proposed for development in order to achieve compliance with the standards of Section 3-
40 1404A. Such limitation(s) shall be offered by a restrictive covenant or declaration of use that is
41 provided to the City in a recordable form acceptable to the City Attorney.
42

43 **Section 3-1405. Standards for text amendments to these regulations and for City-initiated district**
44 **boundary changes.** The Planning and Zoning Board shall not recommend adoption of, and the City
45 Commission shall not adopt, text amendments to these land development regulations or City-initiated
46 district boundary changes unless the text amendment or City-initiated district boundary change:
47

48 A. Promotes the public health, safety, and welfare.
49
50
51
52
53
54
55

- 1 B. Does not permit uses the Comprehensive Land Use Plan prohibits in the area affected by the district
2 boundary change or text amendment.
3
- 4 C. Does not allow densities or intensities in excess of the densities and intensities which are permitted
5 by the future land use categories of the affected property.
6
- 7 D. Will not cause a decline in the level of service for public infrastructure which is the subject of a
8 concurrency requirement to a level of service which is less the minimum requirements of the
9 Comprehensive Land Use Plan.
- 10
- 11 E. Does not directly conflict with an objective or policy of the Comprehensive Land Use Plan.
12

13 **Section 3-1406. City staff review, report and recommendation.**
14

- 15 A. Upon receipt of an application pursuant to this Division, the Development Review Official shall review
16 the application in accordance with the provisions of Article 3, Division 2.
17
- 18 B. Upon completion of review of an application, the Development Review Official shall:
19
 - 20 1. Review the application for compliance with the standards set out in Section 3-1404 or 3-1405, as
21 applicable.
22
 - 23 2. Provide a report with regard to the application's compliance with the standards set out in Section
24 3-1404 or 3-1405, as applicable.
25
 - 26 3. Provide a recommendation as to whether the application should be approved, approved with
27 conditions, or denied.
28
 - 29 4. Schedule the application for hearing before the Planning and Zoning Board.
30
 - 31 5. Provide notice of the Planning and Zoning Board hearing pursuant to Article 3, Division 3.
32
- 33 C. Upon receipt of the recommendation of the Planning and Zoning Board, the Development Review
34 Official shall:
35
 - 36 1. Schedule the application for hearing before the City Commission.
37
 - 38 2. Forward its report and recommendation and the findings and recommendation of the Planning
39 and Zoning Board to the City Commission.
40
 - 41 3. Provide notice of the City Commission hearing pursuant to Article 3, Division 3.
42
- 43 D. If a second public hearing of the City Commission is required, City staff shall provide timely notice of
44 the public hearing pursuant to Article 3, Division 3.
45

46 **Section 3-1407. Planning and Zoning Board review and recommendation.** The Planning and Zoning
47 Board, sitting as the Local Planning Agency, shall:
48

- 49 A. Review the application at a public hearing.
50
- 51 B. Make written findings with respect to whether the proposed district boundary change or text
52 amendment to these regulations is consistent with the Comprehensive Land Use Plan.
53
- 54 C. Make a written recommendation to the City Commission with regard to whether the application should
55 be approved, approved with conditions, or denied.
56

1 **Section 3-1408. City Commission review and decision.**
2

3 A. For applicant-initiated district boundary changes, text amendments to these regulations, and City-
4 initiated district boundary changes that affect ten (10) or more contiguous acres of property, the City
5 Commission shall hold two (2) public hearings, as follows:
6

7 1. At the first public hearing, the City Commission shall read the proposed ordinance by title only.
8

9 2. At the second public hearing, the City Commission shall:
10

11 a. If the proposed ordinance is applicant-initiated, review the application for compliance with the
12 standards set out in Section 3-1404 and decide whether to adopt, adopt with conditions, or
13 reject the proposed ordinance; or
14

15 b. If the proposed ordinance is City-initiated, review the application for compliance with the
16 standards set out in Section 3-1405 and decide whether to adopt, adopt with conditions, or
17 reject the ordinance.
18

19 3. If the proposed amendment is a district boundary change, changes the list of permitted,
20 conditional, or prohibited uses in a use district, then one of the public hearings shall be held after
21 5:00 p.m. on a weekday, unless the City Commission, by a majority plus one vote, elects to
22 conduct that hearing at another time of day.
23

24 B. For City-initiated district boundary changes that affect less than ten (10) contiguous acres of property,
25 the City Commission shall hold one public hearing, at which it shall:
26

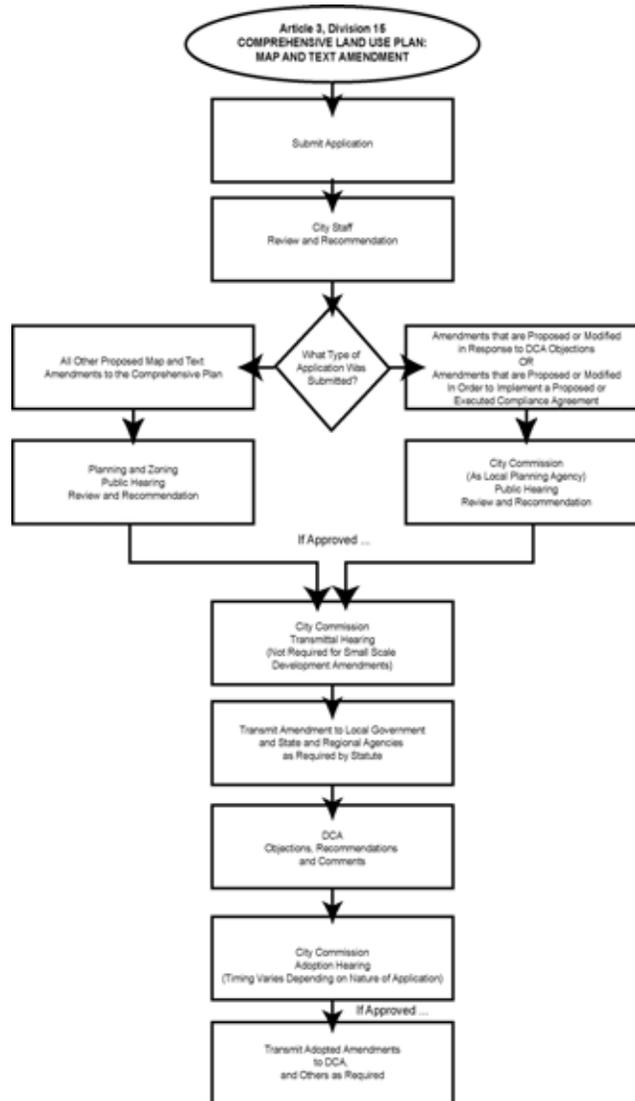
27 1. Review the proposed ordinance for compliance with the standards set out in Section 3-1405; and
28

29 2. Adopt, adopt with conditions, or reject the proposed ordinance.
30
31

ARTICLE 3 – DEVELOPMENT REVIEW
Division 15 - Comprehensive Land Use Plan: Map and Text Amendments

Section 3-1501. Purpose and applicability. The purpose of this Division is to establish a uniform procedure for amending the text and maps of the Comprehensive Land Use Plan. This Division does not supercede the requirements of Section 163, Part II, Florida Statutes, as may be amended from time to time. If any part of this Section conflicts with Section 163, Part II, Florida Statutes, the statutory requirement shall control. This Division applies to all text and map amendments to the Comprehensive Land Use Plan, whether initiated by the City or by one or more private property owners.

Section 3-1502. General procedures.



1 **Section 3-1503. Comprehensive Land Use Plan amendment cycles.** The City shall provide two
2 comprehensive plan amendment cycles per calendar year for proposed amendments that are not exempt
3 from the two amendments per year limitation of Section 163.3187(1), Florida Statutes.
4

5 **Section 3-1504. Application.** All applications for amendments to the text or maps of the
6 Comprehensive Land Use Plan shall be made in writing upon an application form approved by the City
7 staff, and shall be accompanied by the applicable fees.
8

9 **Section 3-1505. Conditions of approval.**

- 10
11 A. An applicant may propose additional limitations regarding the use, density or intensity which will be
12 permitted on a parcel proposed for development. Such limitation shall be offered by executed
13 restrictive covenant or declaration of use that is provided to the City in a recordable form that is
14 acceptable to the City Attorney, and if the amendment is approved with the restrictive covenant or
15 declaration of use, the recording information shall be set out on the Comprehensive Land Use Map.
16
17 B. The City Commission may condition the grant of a Comprehensive Land Use Map amendment upon
18 the timely development of the parcel proposed for development, and may include provisions that the
19 district boundary change does not become effective until a complete application for development
20 approval is accepted by the City staff.
21

22 **Section 3-1506. City staff review, report and recommendation.**

- 23
24 A. Upon receipt of an application pursuant to this Division, the Development Review Official shall review
25 the application in accordance with the provisions of Article 3, Division 2.
26
27 B. Upon completion of review of an application, the Development Review Official shall:
28
29 1. Provide a report that summarizes the application and the effect of the proposed amendment,
30 including:
31
32 a. Whether it specifically advances any objective or policy of the Comprehensive Land Use
33 Plan.
34
35 b. Its effect on the level of service of public infrastructure.
36
37 c. Its effect on environmental resources.
38
39 d. Its effect on the availability of housing that is affordable to people who work in the City of
40 Coral Gables.
41
42 e. Any other effect that the City staff determines is relevant to the City Commission's decision
43 on the application.
44
45 2. Provide a recommendation as to whether the application should be approved, approved with
46 conditions, or denied.
47
48 3. Provide a proposed ordinance that could be used to adopt the proposed amendment.
49
50 4. Schedule the application for hearing before the Planning and Zoning Board.
51
52 5. Provide notice of the Planning and Zoning Board hearing pursuant to Article 3, Division 3.
53
54 C. Upon receipt of the decision of the Planning and Zoning Board, the Development Review Official
55 shall:

- 1
- 2 1. Schedule the application for hearing before the City Commission.
- 3
- 4 2. Forward its report and recommendation and the recommendation of the Planning and Zoning
- 5 Board to the City Commission.
- 6
- 7 3. Provide notice of the City Commission hearing in accordance with the provisions of Article 3,
- 8 Division 3.
- 9

10 **Section 3-1507. Planning and Zoning Board Review and Recommendation.**

- 11
- 12 A. The Planning and Zoning Board, acting as the Local Planning Agency (LPA), shall:
- 13
- 14 1. Review the application at a public hearing that is held before the transmittal hearing, or if no
 - 15 transmittal hearing is required, before the adoption hearing.
 - 16
 - 17 2. Make a written recommendation to the City Commission with regard to whether the proposed
 - 18 amendments should be adopted, adopted with conditions, or rejected.
 - 19
- 20 B. The City Commission shall serve as the Local Planning Agency with respect to:
- 21
- 22 1. Amendments that are proposed or modified in response to Department of Community Affairs
 - 23 (“DCA”) objections.
 - 24
 - 25 2. Amendments that are proposed or modified in order to implement a proposed or executed
 - 26 compliance agreement.
 - 27

28 **Section 3-1508. Transmittal hearing.**

- 29
- 30 A. A transmittal hearing by the City Commission shall be held on each proposed comprehensive plan
- 31 amendment except small-scale development amendments.
- 32
- 33 B. All transmittal hearings shall be held on weekdays.
- 34
- 35 C. If the City Commission approves the plan amendment at the transmittal hearing, the City shall
- 36 immediately transmit the amendment to those local governments and state and regional agencies to
- 37 which transmittal is required by state statute or administrative rule.
- 38

39 **Section 3-1509. Department of Community Affairs (“DCA”) objections, recommendations, and**

40 **comments.**

- 41
- 42 A. If DCA comments on and/or formally objects to a privately initiated amendment, the City shall
- 43 promptly notify the applicant in writing which shall include a copy of the Objections,
- 44 Recommendations, and Comments Report.
- 45
- 46 B. The applicant may submit a draft response to the City within fifteen (15) days. If City staff determines
- 47 that the draft response is appropriate and responsive to the objection, City staff shall forward the
- 48 response to DCA.
- 49
- 50 C. The City may respond to DCA objections on behalf of an applicant who does not provide an
- 51 appropriate and responsive objection, but shall not be obligated to do so.
- 52

53 **Section 3-1510. Adoption Hearing.**

- 54
- 55 A. The adoption hearing by the City Commission shall be scheduled as follows:
- 56

- 1 1. After City staff review if the amendment is a small-scale development amendment.
- 2
- 3 2. Within sixty (60) days of:
 - 4
 - 5 a. Receipt of DCA's Objections, Recommendations, and Comments Report if DCA provides
 - 6 said report; or
 - 7
 - 8 b. The date the DCA review period ends if the amendment:
 - 9
 - 10 i. Was transmitted to DCA; and
 - 11
 - 12 ii. DCA did not object; and
 - 13
 - 14 iii. No affected person requested review within thirty-five (35) days of the date the proposed
 - 15 amendment was transmitted.
 - 16
 - 17
 - 18 3. If submitted as part of the statutory evaluation and appraisal process, within one hundred twenty
 - 19 (120) days of receipt of DCA's Objections, Recommendations, and Comments Report if DCA
 - 20 provides said report.
- 21 B. At the adoption hearing, the City Commission shall adopt the proposed amendment, adopt the
- 22 proposed amendment with amendments that respond to DCA objections, recommendations, or
- 23 comments, or reject the proposed amendment.
- 24

25 **Section 3-1511. Transmittal of adopted amendments.** The City shall transmit all adopted
26 Comprehensive Plan and Future Land Use Map amendments to DCA, the South Florida Regional
27 Planning Council, and any other unit of local government or governmental agency which has requested
28 the amendment in writing within ten (10) working days after the adoption hearing. If the amendment is a
29 small-scale development amendment, the City shall include copies of the public notices with the
30 transmitted material.

31 **Section 3-1512. Compliance agreements.** The City Commission may enter into a compliance
32 agreement with DCA with regard to any proposed or adopted Comprehensive Plan amendment, as
33 follows:
34

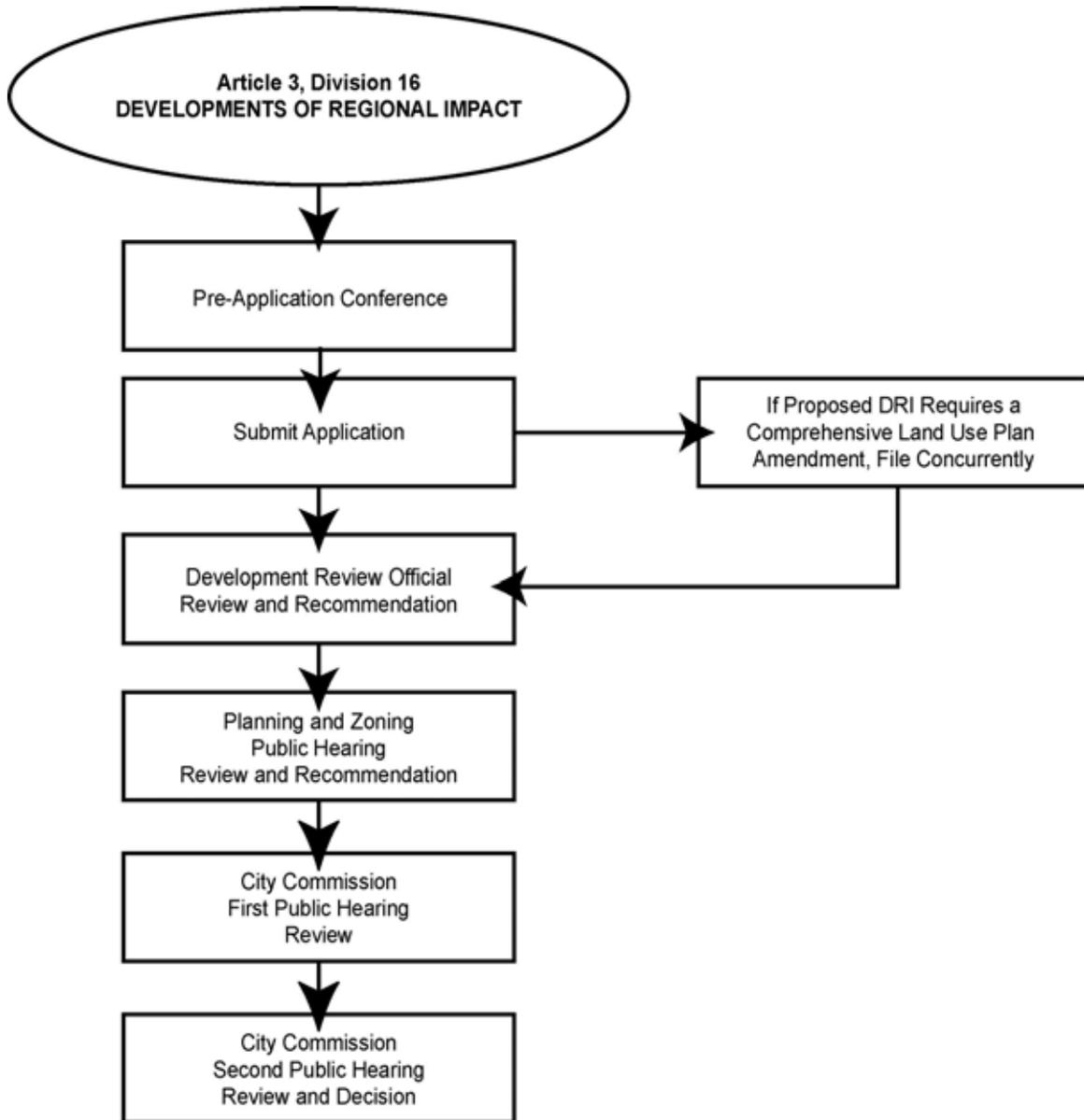
- 35
- 36 A. If the City elects to commence negotiation of a compliance agreement with DCA, it shall mail notice to
- 37 all parties that have intervenor status in proceedings before DCA at least seven (7) days before
- 38 substantive negotiations commence. Parties that have intervenor status in proceedings before DCA
- 39 shall be afforded a reasonable opportunity to participate in the negotiation process.
- 40
- 41 B. All negotiation meetings with the City and/or the parties with intervenor status in proceedings before
- 42 DCA shall be open to the public.
- 43
- 44 C. No compliance agreement shall be executed by the City unless such execution is considered at a
- 45 public hearing of the City Commission.
- 46

1 **ARTICLE 3 – DEVELOPMENT REVIEW**
2 **Division 16 - Developments of Regional Impact**
3
4

5 **Section 3-1601. Purpose and applicability.**
6

7 The purpose of this Division is to establish uniform procedures for the City Commission to issue
8 development orders for developments of regional impact as authorized by Chapter 380, Florida Statutes.
9 Where provisions of this Division directly conflict with provisions of Chapter 380, Florida Statutes, the
10 provisions of Chapter 380, Florida Statutes shall control.
11

12 **Section 3-1602. General Procedures.**
13
14



15
16
17

1 **Section 3-1603. Application.**
2

- 3 A. All applications for development orders with regard to a development of regional impact shall be
4 made in writing upon an application form approved by City Staff, and shall be accompanied by the
5 applicable fees.
6
7 B. If implementation of the proposed development of regional impact requires a comprehensive plan
8 amendment, an application for a comprehensive plan amendment shall be filed concurrently with the
9 application for development of regional impact approval. The application shall be considered
10 concurrently filed if it is received no later than:
11
12 1. For a new development of regional impact, the pre-application conference required by Chapter
13 380.06(7)(a), Fla. Stat.; or
14
15 2. For modification of an approved development of regional impact, the submission of an application
16 to modify the development of regional impact.
17

18 **Section 3-1604. Standards for review of developments of regional impact.**
19

- 20 A. An application for a development of regional impact shall be approved if it is demonstrated that the
21 development of regional impact:
22
23 1. Is consistent with the Comprehensive Land Use Plan in that it:
24
25 a. Does not permit uses which are prohibited in the future land use category of the parcel
26 proposed for development.
27
28 b. Does not allow densities or intensities in excess of the densities and intensities which are
29 permitted by the future land use category of the parcel proposed for development.
30
31 c. Will not cause a decline in the level of service for public infrastructure to a level of service
32 which is less than the minimum requirements of the Comprehensive Land Use Plan.
33
34 d. Does not directly conflict with any objective or policy of the Comprehensive Land Use Plan;
35 and
36
37 2. Will provide a benefit to the City in that it will achieve two or more of the following objectives:
38
39 a. Improve mobility by reducing vehicle miles traveled for residents within a one-half mile
40 radius.
41
42 b. Promote high-quality development or redevelopment in an area that is experiencing declining
43 or flat property values.
44
45 c. Create affordable housing opportunities for people who work in the City of Coral Gables.
46
47 d. Provide a net benefit to the long-term fiscal position of the City of Coral Gables; or
48
49 e. Implement specific objectives and policies of the Comprehensive Land Use Plan.
50
51 3. Will not cause a substantial diminution of the market value of adjacent property or materially
52 diminish the suitability of adjacent property for its existing or approved use.
53
54 4. Is consistent with these regulations.
55

- 1 5. Is consistent with the report and recommendations of the South Florida Regional Planning
2 Council.
3 6. Is consistent with the South Florida Regional Planning Council Strategic Regional Policy Plan for
4 South Florida; and
5
6 7. Is consistent with the State Comprehensive Plan. In consistency determinations the plan shall be
7 construed and applied in accordance with s. 187.101(3), F.S.
8
9 B. An applicant may propose limitations regarding the use, density or intensity which will be permitted on
10 the parcel proposed for development in order to achieve compliance with the standards of Section 3-
11 1703.A. Such limitation(s) shall be offered by a restrictive covenant or declaration of use that is
12 provided to the City in a recordable form acceptable to the City Attorney.
13

14 **Section 3-1605. City staff review, report and recommendation.**
15

- 16 A. Upon receipt of an application pursuant to this Division, the Development Review Official shall review
17 the application in accordance with the provisions of Article 3, Division 2.
18 B. Upon completion of review of an application, the Development Review Official shall:
19
20 1. Provide the Planning and Zoning Board with a report with regard to the application's compliance
21 with the standards set out in Section 3-1604;
22
23 2. Provide the Planning and Zoning Board with a recommendation as to whether the application
24 should be approved, approved with conditions, or denied; and
25
26 3. Provide a copy of the Staff report and recommendations available to the applicant.
27
28 4. Schedule hearings before the Planning and Zoning Board and the City Commission.
29
30 C. After the Planning and Zoning Board hearing, the Development Review Official shall forward the staff
31 report and recommendation (with revisions, if appropriate) and the findings and recommendation of
32 the Planning and Zoning Board to the City Commission.
33
34 D. Staff shall provide notice of public hearings in accordance with the requirements of Article 3
35 Division 3. In addition to the requirements in Article 3 Division 3, such notice shall state that the
36 proposed development is undergoing development of regional impact review.
37
38 E. In addition to the notice requirements of Article 3 Division 3, notice of public hearings shall be
39 promptly mailed to DCA, the South Florida Regional Planning Council, any state or regional
40 permitting agency participating in a conceptual agency review process pursuant to Section 380.06(9),
41 Fla. Stat., and to such other persons as may have been designated by DCA as entitled to receive
42 such notices.
43
44 F. If the application is being processed concurrently with a Comprehensive Land Use Plan amendment,
45 Staff shall, unless the applicant agrees otherwise in writing:
46
47 1. Provide notice of the transmittal hearing on the Comprehensive Land Use Plan amendment
48 pursuant to Article 3, Division 3 within thirty (30) days of the date the application for the
49 amendment is filed; and
50
51 2. Schedule the public hearing on the transmittal for no later than sixty (60) days after the
52 application for the amendment is filed.
53
54

1 **Section 3-1606. Planning and Zoning Board review and recommendation.**
2

- 3 A. The Planning and Zoning Board, sitting as the Local Planning Agency, shall hold a public hearing on
4 the application after:
5
6 1. Notice from the South Florida Regional Planning Council that the application is complete; or
7
8 2. Notice from the applicant that additional information requested by the South Florida Regional
9 Planning Council will not be supplied.
10
11 B. The Planning and Zoning Board shall:
12
13 1. Make written findings with respect to whether the proposed development of regional impact is
14 consistent with the Comprehensive Land Use Plan; and
15
16 2. Make a written recommendation to the City Commission with regard to whether the application
17 should be approved, approved with conditions, or denied.
18

19 **Section 3-1607. City Commission Review and Decision.**
20

- 21 A. A public hearing date shall be set by the appropriate local government at the first scheduled meeting
22 after:
23
24 1. Notice from the South Florida Regional Planning Council that the application is complete; or
25
26 2. Notice from the applicant that additional information requested by the South Florida Regional
27 Planning Council will not be supplied.
28
29 B. The public hearing date shall be no later than sixty (60) days after the notices set out in Section 3-
30 1607(A)(1) or (2), unless an extension is requested by the applicant and granted by the City
31 Commission.
32
33 C. The City Commission shall hold two public hearings after the public hearing of the Planning and
34 Zoning Board.
35
36 D. If application for a development of regional impact development order or modification to a
37 development of regional impact development order was filed concurrently with an application for a
38 comprehensive plan amendment, the City shall hear both the application for development approval or
39 the proposed change and the comprehensive plan amendments at the same hearing. However action
40 on each application shall be taken separately.
41
42 E. At the second public hearing, the City Commission shall decide whether to approve, approve with
43 conditions, or deny the application. If the City Commission decides to approve with conditions, said
44 conditions shall be in accordance with the requirements of Chapter 380.06(15)(d) and (e), Fla. Stat.
45
46 F. The City Commission shall render its order within thirty (30) days of the public hearing, unless the
47 applicant requests and extension in writing. If the order approves the application or approves the
48 application with conditions, the order shall meet the minimum requirements of Chapter 380.06(15)(c),
49 Fla. Stat.
50
51 G. The applicant shall record notice of the development order in accordance with Chapter 380.06(15)(f),
52 Fla. Stat.
53
54 H. Administration of the development of regional impact development order shall be in accordance with
55 the requirements of Chapter 380, Fla. Stat.
56

1
2
3 **ARTICLE 3 – DEVELOPMENT REVIEW**
4 **Division 17 - Protection of Landowners' Rights; Relief from Inordinate Burdens**
5

6 **Section 3-1701. Purpose and applicability.** It is the purpose of this Division to provide a process for
7 applicants to notify the City of potential litigation and invoke the exercise of the City's authority and
8 discretion pursuant to Article VIII, Sections 2(b) and 6(e) of the Florida Constitution, Sections 5.01 and
9 5.02 of the Charter of Miami-Dade County, Article 1, Section 8 of the Charter of the City of Coral Gables,
10 and policies 1-1.1.4 and 9-1.6.3 of the City of Coral Gables Comprehensive Land Use Plan, to avoid
11 expensive, uncertain, unnecessary, and protracted litigation regarding the application of these land
12 development regulations to individual properties. The City may grant relief pursuant to this Division only
13 when it is demonstrated that the applicant for said relief has been unfairly, disproportionately and
14 inordinately burdened by a final order of the City that either denied development approval to the applicant
15 or imposed one or more conditions of approval on the applicant. This Division does not apply to matters
16 that arise from the application of the Florida Building Code.
17

18 **Section 3-1702. Application.**

- 19
20 A. All requests for relief pursuant to this Division shall be made in writing upon an application form
21 approved by City staff, and shall be accompanied by applicable fees. All such applications shall be
22 filed with the City Manager's office.
23
24 B. Applications pursuant to this Division shall be filed no later than fifteen (15) days from the date a final
25 order is rendered which the applicant alleges unfairly, disproportionately, and inordinately burdens its
26 real property.
27

28 **Section 3-1703. Guidelines.**

- 29
30 A. If the City Commission finds that an applicant has demonstrated that it has suffered an unfair,
31 disproportionate and inordinate burden as a result of the application of these regulations to its
32 property, the City Commission may grant appropriate relief. Proposed terms may include, but are not
33 limited to:
34
35 1. Relief from the application of particular provisions of these regulations.
36
37 2. The transfer of developmental rights from one parcel to another within the City.
38
39 3. Approval of the original application with conditions; or modifications to any previously imposed
40 conditions of approval.
41
42 B. The decision to grant relief to an applicant pursuant to this Division rests in the sound discretion of
43 the City Commission in the exercise of its inherent sovereign powers to settle legitimate disputes. The
44 policy of the City is to fashion a proposal for resolving the dispute based on a considered balance of
45 the following factors:
46
47 1. The degree of burden suffered by the applicant.
48
49 2. The nature and significance of the public interest that is served by the application of the
50 regulation to the applicant's property.
51
52 3. The likelihood of litigation, and its likely cost, the City's potential exposure, the uncertainty of
53 outcome, the timetable for resolving the issues, and whether there is a perceived need for a
54 judicial determination of the issues raised by the application.
55

- 1 C. In general, it is the policy of the City to resolve disputes in a manner that does not require significant
2 financial expenditures by the City.
3
- 4 D. All relief granted pursuant to this Division shall be consistent with the City of Coral Gables
5 Comprehensive Land Use Plan and shall not violate any controlling federal law, state statute, or
6 Miami-Dade County ordinance.
7
- 8 E. All relief granted pursuant to this Division is conditioned upon the execution of a release of all claims
9 that may arise from or relate to the application of the land development regulations that allegedly
10 created the unfair, disproportionate and inordinate burden. The release of claims shall be in a form
11 that is acceptable to the City Attorney and shall be recorded at the applicant's expense.
12
13

14 **Section 3-1704. Staff review, report and recommendation.**
15

- 16 A. Within five (5) days of receipt of an application pursuant to this Division, City Staff shall review the
17 application to determine whether it is complete.
18
- 19 B. Within seven (7) days of receipt of a complete application, City Staff shall deliver the complete
20 application to the City Manager, with copies to the Planning Department, the Building and Zoning
21 Department, the Historic Resources Department, the City Attorney, and any other department as
22 directed by the City Manager.
23
- 24 C. The City Manager shall direct the departments to provide a joint evaluation of the merits of the
25 application, which shall include:
26
- 27 1. The principal purpose or purposes for the regulation that was applied to the applicant's property.
28 These purposes may include, but are not limited to:
29 a. To address specific, identified public health and safety concerns;
30 b. To protect or enhance community character;
31 c. To protect archaeological or historic resources;
32 d. To protect environmental resources (water supply, listed species, air quality); and
33 e. To comply with state infrastructure concurrency mandates.
34
 - 35 2. The recommendation of the department directors with regard to whether the applicant has been
36 unfairly, disproportionately and inordinately burdened by the application of these land
37 development regulations that is the subject of the application, in light of the purposes for which
38 the regulations that created the alleged burden are intended to serve, and the burden (or potential
39 burden) carried by other property owners who are similarly situated, if any.
40
- 41 D. Within forty-five (45) days of receipt of a complete application pursuant to this Division, the City
42 Manager shall provide the City Commission with a report and recommendation on the application and
43 a proposed dispute resolution agreement, and shall place the matter on the agenda of the City
44 Commission.
45

46 **Section 3-1705. City Commission review and decision; Execution of dispute resolution**
47 **agreement.**
48

- 49 A. The City Commission shall review the application at a public hearing (noticed in accordance with the
50 provisions of Article 3, Division 3, and shall decide whether to make an offer to resolve the dispute
51 with the applicant. The hearing is not quasi-judicial, and is not subject to rules of quasi-judicial
52 procedures.
53
- 54 B. The City Commission may approve, approve with conditions, or reject the proposed dispute
55 resolution agreement. If the City Commission requires modifications to the proposed dispute

1 resolution agreement, the City Manager shall cause a new proposed dispute resolution agreement to
2 be drafted within fourteen (14) days.
3

- 4 C. When the City Commission has approved a proposed dispute resolution agreement or approved a
5 proposed dispute resolution agreement with conditions, the City Manager is authorized to execute
6 said dispute resolution agreement (as modified, if applicable).
7
- 8 D. Once executed by the City Manager, the dispute resolution agreement shall be placed on the next
9 available consent agenda of the City Commission for ratification. The item shall not be pulled from the
10 consent agenda except by supermajority vote of the entire membership of the City Commission.
11

12 **Section 3-1706. Effect of Dispute Resolution Agreement.**
13

- 14 A. Dispute resolution agreements that are executed pursuant to this Division shall not be effective until
15 the later of:
16 1. The date executed by the applicant;
17 2. The date ratified by the City Commission; or
18 3. Such other date that is set by the parties to the agreement.
19
- 20 B. When relief is provided in a dispute resolution agreement pursuant to this Division, no further
21 procedures are necessary to give effect to said relief unless:
22 1. The further procedures are specifically required by the dispute resolution agreement; or
23 2. The City agreed to consider a district boundary change or text amendment to these land
24 development regulations.
25
- 26 C. Dispute resolution agreements that are executed pursuant to this Division shall run with the land.
27

28 **Section 3-1707. Recording of dispute resolution agreement.**
29

30 All dispute resolution agreements that are executed pursuant to this Division shall be recorded in the
31 public records of Miami-Dade County, Florida. If the agreement is silent with regard to who bears the cost
32 of recording, the cost shall be borne by the applicant.
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ARTICLE 3 – DEVELOPMENT REVIEW
Division 18 - Protection of Landowners' Rights; Vested Rights Determinations.

Section 3-1801. Purpose and applicability. It is the purpose of this Division to provide an administrative remedy for applicants who allege that their vested rights have been abrogated by a final action of the City. This Division sets out a process for obtaining an official and binding determination of vested rights to use or develop property in a particular manner.

Section 3-1802. Application.

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

Section 3-1803. Standards. The City Commission shall grant an application for a determination of vested rights if it is demonstrated that all of the following are satisfied:

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

Section 3-1804. Staff Review, Report and Recommendation. Staff review of the application shall be conducted pursuant to Article 3, Division 2 of these regulations.

Section 3-1805. City Commission Review and Decision. The City Commission shall review the application at a public hearing, noticed in accordance with the provisions of Article 3, Division 3 and shall decide whether the application should be approved, approved with conditions, or denied.

Section 3-1806. Effect of Vested Rights Determination.

- A. A vested rights determination shall be set out in writing which specifically sets forth the rights that have been recognized by the City Commission as vested.
- B. Vested rights shall be utilized within two (2) years of the date that the determination is rendered. If substantial development pursuant to the vested rights determination has not begun within said time period, the vested rights shall be extinguished without further notice or hearing.

ARTICLE 3 – DEVELOPMENT REVIEW
Division 19 - Development Agreements

Section 3-1901. Purpose and applicability.

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

Section 3-1902. Application.

- A. All applications for a determination of a development agreement pursuant to this Division shall be made in writing upon an application form approved by City staff, and shall be accompanied by applicable fees.
- B. Applications pursuant to this Division shall be filed no later than thirty (30) days from the date a final action is taken.

Section 3-1903. Staff review and report.

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

Section 3-1904. Planning and Zoning Board review.

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

Section 3-1905. City Commission review.

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

Section 3-1906. Standards for review.

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

Section 3-1907. Contents of Development Agreement/Recording.

- A. Contents. The approved development agreement shall contain, at a minimum, the following information:
 - 1. A legal description of the land subject to the development agreement.

- 1 2. The names of all persons having legal or equitable ownership of the land.
- 2
- 3 3. The duration of the development agreement shall not exceed ten (10) years.
- 4
- 5 4. The development uses proposed for the land, including population densities, building intensities
- 6 and building height.
- 7
- 8 5. A description of the public facilities and services that will serve the development, including who
- 9 shall provide such public facilities and services; the date any new public facilities and services, if
- 10 needed, will be constructed; who shall bear the expense of construction of any new public
- 11 facilities and services; and a schedule to assure that the public facilities and services are
- 12 available concurrent with the impacts of the development. The development agreement shall
- 13 provide for a cashier's check, a payment and performance bond or letter of credit in the amount of
- 14 one hundred fifteen (115) percent of the estimated cost of the public facilities and services, to be
- 15 deposited with the City to secure construction of any new public facilities and services required to
- 16 be constructed by the development agreement. The development agreement shall provide that
- 17 such construction shall be completed prior to the issuance of any certificate of occupancy.
- 18
- 19 6. A description of any reservation or dedication of land for public purposes.
- 20
- 21 7. A description of all local development approvals approved or needed to be approved for the
- 22 development.
- 23
- 24 8. A finding that the development approvals as proposed is consistent with the Comprehensive Land
- 25 Use Plan and these regulations. Additionally, a finding that the requirements for concurrency as
- 26 set forth in Article 3, Division 13 of these regulations have been satisfied.
- 27
- 28 9. A description of any conditions, terms, restrictions or other requirements determined to be
- 29 necessary by the City Commission for the public health, safety or welfare of the citizens of the
- 30 City of Coral Gables. Such conditions, terms, restrictions or other requirements may be
- 31 supplemental to requirements in existing codes or ordinances of the City.
- 32
- 33 10. A statement indicating that the failure of the development agreement to address a particular
- 34 permit, condition, term or restriction shall not relieve the developer of the necessity of complying
- 35 with the law governing said permitting requirements, conditions, terms or restrictions.
- 36
- 37 11. The development agreement may provide, in the discretion of the City Commission, that the
- 38 entire development or any phase thereof be commenced or be completed within a specific period
- 39 of time. The development agreement may provide for liquidated damages, the denial of future
- 40 development approvals, the termination of the development agreement, or the withholding of
- 41 certificates of occupancy for the failure of the developer to comply with any such deadline.
- 42
- 43 12. A statement that the burdens of the development agreement shall be binding upon, and the
- 44 benefits of the development agreement shall inure to, all successors in interest to the parties to
- 45 the development agreement.
- 46
- 47 13. All development agreements shall specifically state that subsequently adopted ordinances and
- 48 codes of the City which are of general application not governing the development of land shall be
- 49 applicable to the lands subject to the development agreement, and that such modifications are
- 50 specifically anticipated in the development agreement.
- 51
- 52 B. Recording. No later than fourteen (14) days after the execution of a development agreement by all
- 53 parties thereto, the City shall record the development agreement with the Clerk of the Circuit Court in
- 54 Miami-Dade County. The applicant for a development agreement shall bear the expense of recording
- 55 the development agreement. Additionally, the City shall submit a recorded copy of the development

1 agreement to the State of Florida Department of Community Affairs no later than fourteen (14) days
2 after the development agreement is recorded.

3
4 **Section 3-1908. Effect of decision.**
5

- 6 A. The codes and ordinances of the City governing the development of land subject to a development
7 agreement, in existence at the time of the execution of a development agreement, shall govern the
8 development of the land for the duration of the development agreement. Upon the expiration or
9 termination of a development agreement, all codes and ordinances of the City in existence upon the
10 date of expiration or termination shall become applicable to the development regardless of the terms
11 of the development agreement.
12
- 13 B. The City may apply codes and ordinances adopted subsequent to the execution of a development
14 agreement to the subject property and development only if the City Commission, upon holding a
15 public hearing, has determined that such subsequent codes and ordinances are:
16
- 17 1. Not in conflict with the laws and policies governing the development agreement and do not
18 prevent development of the land uses, intensities or densities in the development agreement.
19
 - 20 2. Are essential to the public health, safety or welfare, and expressly state that they shall apply to a
21 development that is subject to a development agreement.
22
 - 23 3. Are specifically anticipated and provided for in the development agreement.
24
 - 25 4. The City demonstrates that substantial changes have occurred in pertinent conditions existing at
26 the time of approval of the development agreement.
27
 - 28 5. The development agreement is based on substantially inaccurate information supplied by the
29 developer.
30

31 **Section 3-1909. Changes to development agreements.**
32

33 A development agreement may be amended by mutual consent of the parties, provided the notice and
34 public hearing requirements of Article 5, Division 3 of these regulations are followed. A party to a
35 development agreement may request one (1) extension of the duration of the development agreement,
36 not to exceed one (1) year from the date of expiration of the initial term of the development agreement, by
37 submitting an application to the Development Review Official at least sixty (60) days prior to the expiration
38 of the initial term of the agreement. The application shall address the necessity for the extension and
39 shall demonstrate that the extension is warranted under the circumstances. The Development Review
40 Official shall schedule the requested extension as a proposed amendment to the development agreement
41 for public hearing before the Planning and Zoning Board and City Commission, in accordance with Article
42 5, Division 3 of these regulations.
43

44 **Section 3-1910. Expiration or revocation of approval.**
45

46 The City Manager shall review all lands within the City subject to a development agreement at least once
47 every twelve (12) months to determine if there has been demonstrated good-faith compliance with the
48 terms of the development agreement. The City Manager shall make an annual report to the City
49 Commission as to the results of this review. In the event the City Commission finds, on the basis of
50 substantial competent evidence, that there has been a failure to comply with the terms of the
51 development agreement, the development agreement may be revoked or modified by the City
52 Commission upon giving at least fifteen (15) days written notice to the parties named in the development
53 agreement. Such termination of a development agreement shall occur only after compliance with the
54 public hearing and notice requirements of Article 5, Division 3.
55
56