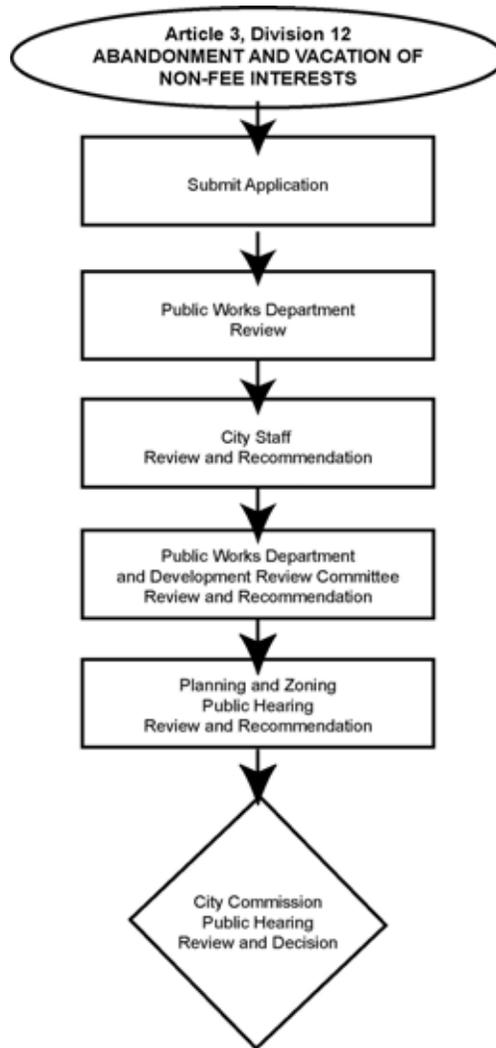


ARTICLE 3 – DEVELOPMENT REVIEW
Division 12 - Abandonment and Vacation of Non-fee Interests

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
54 a. The vacated property will not be applied to the calculation of floor area ratio or density of
55 continuous property or properties; and
- 56
b. The property owner will convey the interest back to the City if the purpose for vacating or
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