

Article 11.
SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 11-1 - Change in minimum building square foot floor area.

Changes in minimum building square foot floor area of more than five (5) % for any specifically designated property may be approved by ordinance by the City Commission upon application to the Planning and Zoning Board and after a public hearing before such Board, at which all interested persons shall have been afforded an opportunity to be heard.

Sec. 11-2 - Determination of minimum square foot floor area.

The minimum square foot floor area of existing or proposed buildings and structures shall be the sum of the gross horizontal floor area of the several stories of the building or structure, measured from the exterior faces of the exterior walls. Garages attached to and made a part of the main building or structure and screened porches shall be computed as one-half (½) of the square foot floor area contained therein. Detached private garages, garage apartments and other subordinate auxiliary-use buildings and open porches, patios, porte-cocheres and areas having plastic, glass, aluminum or screened roofs shall not be taken into account in calculating the minimum square foot floor area as required by this code.

Sec. 11-3 - Exclusions from floor area ratio (F.A.R.).

- (a) The following shall be excluded from Floor Area Ratio (F.A.R.) computations in A-Use Districts, and apartments, apartment-hotels and hotels in C-Use Districts.
 - 1. Unenclosed private balconies.
 - 2. Accessory decks.
 - 3. Off-street parking area within the building.
- (b) The following shall be excluded from Floor Area Ratio (F.A.R.) computations in C or M-Use Districts excluding apartments, apartment-hotels and hotels:
 - 1. Open plaza areas.
 - 2. The area devoted to interior parking.

Sec. 11-4 - Facings--General.

Except for specific deviations or exceptions prescribed in Article 4 every lot shall be deemed to face the street upon which it has the shortest street line; and any building shall face the front of the lot, and be subject to the restrictions governing buildings on such street on which it is deemed to face. Whenever a lot is so shaped or situated that its facing may be uncertain, or the specific restrictions herein provided may be ambiguous when applied hereto, the Board of Adjustment shall determine the facing of the lot.

Sec. 11-5 - Height of buildings on property abutting, or across the street, waterway or alley from single-family or duplex-zoned property--General.

Except as specifically set forth herein, no building shall be constructed to a height of more than three (3) stories or forty-five (45) feet, whichever is less, on property abutting or across the street, waterway or alley from single-family or duplex-zoned property.

Sec. 11-6 - Exclusion from height.

The following shall be excluded from the computation of the building height in A, C and M-Use Districts:

- (a) Air-conditioning equipment rooms.
- (b) Elevator shafts.
- (c) Elevator mechanical equipment rooms.
- (d) Parapets.
- (e) Roof structures used only for ornamental and/or aesthetic purposes not exceeding a combined area of twenty-five (25%) percent of the floor area immediately below. Such exclusion shall be subject to the provisions that no such structure shall exceed a height of more than twenty-five (25) feet above the roof.

Sec. 11-7 - Exclusion from stories.

The following shall be excluded from the computation of stories:

- (a) Penthouses.
- (b) Scenery Lofts.
- (c) Cabanas.
- (d) Towers.

- (e) Cupolas.
- (f) Steeples.
- (g) Domes and other roof structures used for ornamental, service or mechanical purposes, not exceeding a combined area of twenty-five (25%) percent of the floor immediately below.

Sec. 11-8 - Setbacks--General.

No building or structure, or any part thereof, including porches, projections or terraces, but not including uncovered steps, shall be erected at a lesser distance from the front, side or rear line of any building site than the front, side or rear setback distance, respectively, prescribed and established herein for such building site. Setback requirements for specifically described or designated properties or uses shall take precedence and shall govern over general setback requirements prescribed for Use Districts.

Sec. 11-9 - Conversion of R, D, A or S-Use buildings in manufacturing and commercial use districts for C or M-Uses.

The use of a building which is designed or denoted to be used for R, D, A or S-Use shall not be used for commercial or manufacturing purposes unless such use is approved by the Board of Adjustment.

Sec. 11-10 - Utility poles.

In R, D or A-Use Districts, utility poles and lines shall be placed in rear yard areas reserved for utility uses by easements granted for that purpose where lots on both sides of an alley are zoned for R, D, or A-Uses. Utility poles shall be placed in a five (5) foot strip in the middle of the alley.

Sec 11-11 – Height of buildings--Telecommunication transmission corridors.

- (a) All plans for buildings to be built having a height of fifty-five (55) feet to one-hundred and fifty (150) feet and located within a designated telecommunication corridor as shown on the Telecommunication Transmission Corridors map shall be reviewed by the Building and Zoning Department and/or the Technical Services Division of the Police Department to determine the building's impact on

communication transmission. If the Department's determination is that the proposed building will interfere with communications transmission, then the building plans shall be required to include facility space for telecommunication equipment as specified in 11-11(c).

- (b) All plans for buildings having a height greater than one-hundred and fifty (150) feet and located within designated telecommunication corridors shall be required to include facility space for telecommunication equipment as specified in 11-11(c).
- (c) When telecommunication facility space for antennas and radio equipment is required, such space shall:
 1. Be provided on the roof for antennas.
 2. Be provided within the building and be air-conditioned for radio equipment.
 3. Be accessible twenty-four (24) hours per day.
 4. Be sized in accordance with user requirements to meet the needs of the equipment operations and maintenance.
 5. Be subject to all easements, covenants and agreements necessary to address peripheral issues associated with the enactment of these provisions and as further stipulated in Ordinance No. 2961.
 6. Not be counted in Floor Area Ratio (F.A.R.) calculations if said space is used by, or set aside for, the City of Coral Gables.
 7. Include all necessary vertical access to roof-mounted equipment. (2961)

Sec. 11-12 - Transfer of development rights. (3354)

- (a) Public Policy. It is the policy of the City of Coral Gables to permit the Transfer of Development Rights (TDR) to allow the transfer of unused development rights or undeveloped floor area from lots containing a designated historic landmark or within a designated historic landmark or within a designated historic landmark district in order to encourage historic preservation and to provide an economic incentive to property owners to designate,

protect, enhance and preserve historic properties.

(b) Certificate of Transfer of Development Rights. The Historic Preservation Board shall have the authority to grant certificates of transfer of development rights (TDR) to property owner(s) of designated historic landmarks, either individual sites or buildings with districts as set forth in Table 1. The exercise of this authority shall be in accordance with the criteria and standards for transfer of development rights, as recommended by the Planning and Zoning Board and adopted by the City Commission.

1. A property may be eligible for a Certificate of Transfer if the following criteria is met:
 - a. The sending site has been designated as an historic landmark pursuant to Chapter 11, Section 30 of the City Code.
 - b. The sending site is located within the boundaries of the Central Business District as defined in the Zoning Code.
2. In considering a Certificate of Transfer, the Historic Preservation Board shall review a preservation plan which set forth a maintenance schedule and/or rehabilitation treatment for those architectural elements that are deemed a "character-defining" features. Those features are identified in part by "Review Guide," a section of the local designation report produced by the Historic Preservation Department, and will be further identified through as on-site inspection of the property prior to the public review of the application for a Certificate of Transfer.
3. Following the granting of a Certificate of Transfer, and upon subsequent site plan approval by the Planning and Zoning Board and City Commission for the receiving site, an annual schedule will be established for the submission of the maintenance/preservation plan. A certified report, submitted by a preservation expert, shall be submitted, and representatives of the City of Coral Gables shall be allowed

the opportunity for an on-site inspection of the property to ensure compliance with the approved plan and/or schedule.

(c) Transfer of Development Rights (TDR) to Receiving Properties Located in Central Business District (CBD). The City Commission, by ordinance, may grant the transfer of unused development rights or undeveloped floor area from properties containing a structure that has been designated for historic preservation, in accordance with this Section, upon the advice of the Planning and Zoning Board. Such transfer shall meet all of the following conditions and requirements:

1. This procedure shall be permitted only in the Central Business District (CBD), an area defined in this Code.
2. The maximum amount of underdeveloped floor area that may be transferred from a designated historic private property shall be the difference between the existing gross floor area in the designated structure (sending site) and the maximum gross floor area permitted in that site's zoning designation, as detailed in Table 1.
3. One-hundred (100%) percent of the floor area as calculated according to Item 2 of this subsection may be transferred from a designated historic City-owned public property to any single or multiple receiving properties. The proceeds of the sales shall be used for the preservation of City-owned historic properties. (2003-25)
4. Every application shall contain the signatures of the owners of all properties involved.
5. No receiving site shall be enlarged through this procedure by more than twenty-five (25%) percent of the maximum gross floor area as permitted by this Code.
6. A site plan shall be submitted for review by the Planning and Zoning Board, and referred to the City Commission detailing the receiving site and the proposed transfer of development rights. This site plan shall include: area analysis of surrounding properties; massing study; elevations; landscape plan;

traffic and parking plans. Applications within five-hundred (500) feet of a historic site will be referred to the Historic Preservation Board for review and comment.

Transfer of Development Rights Development Proposal. The Transfer of Development Rights Development Plan shall consist of a map or map series and any technical reports and supporting data necessary to substantiate, describe or aid the Transfer of Development Plan. The plans for the development proposal shall be drawn to scale as required by Section 22-4 herein and shall include the following written and graphic materials:

- a. Site Condition Map: Site conditions map or map series indicating the following:
 - (1) Title of Transfer of Development Rights and name of the owner(s) and developer.
 - (2) Scale, date, north arrow and the relationship of the site to such external facilities as highways, roads, streets, residential areas, shopping areas and contiguous buildings.
 - (3) Boundaries of the subject property, all existing streets, buildings, easements, and other important physical features within the proposed project. Other information on physical features affecting the proposed project as may be required.
- b. Plan of pedestrian and vehicular circulation showing the location and proposed circulation system of arterial, collector, local and private streets, including driveways, service areas, loading areas and points of access to existing public right-of-way and indicating the width, typical sections and street names.

- c. Exterior façade elevations of all proposed buildings to be located on the development site.
- d. Isometrics or perspective and/or mass model(s) of the proposed development which demonstrates the as-of-right development potential as compared to the proposed transfer of development rights potential.
- e. Map of existing land use.
- f. Existing and proposed lot(s) lines and/or property lines.
- g. Master site plan – A general plan that shall show the general location, function and extent of all components or units of the plan, indicating the proposed gross floor area and/or floor area ratio of all existing and proposed buildings, structures and other improvements including maximum heights, types and number of dwelling units, landscaped open space provisions such as parks, passive or scenic areas, common areas, leisure time facilities, and areas of public or quasi-public institutional uses.
- h. Location and size of all existing and proposed signs (unless otherwise specified as in Section 9-22).
- i. General landscape plan indicating the proposed treatment of materials used for public, private and common open spaces and treatment of the perimeter of the development including buffering techniques such as screening, berms and walls, significant landscape features or areas shall be noted as shall the provisions for same.
- j. Description of adjacent land areas, including land uses, zoning, densities, circulation systems, public facilities, and unique natural features of the landscape.

- k. Proposed easements for utilities, including water, power, telephone, storm sewer, sanitary sewer and fire lanes showing dimensions and use.
 - l. Statistical information including:
 - (1) Total square footage and/or acreage of the development site.
 - (2) Maximum building coverage expressed as a percentage of the development site area.
 - (3) The land area (expressed as a percent of the total site area) devoted to:
 - i. Landscaped open space; and,
 - ii. Common areas usable for recreation or leisure purposes.
 - m. Copies of any covenants, easements and/or agreements required by this section or any other ordinance and/or regulations for the Transfer of Development Rights.
 - n. Notice provision for transfer of development rights applications shall be the same as found in this Code.
 - o. Failure to comply with implementation of an approved maintenance/preservation plan shall result in fullest civil penalties allowed in this Code.
 - p. All applications fees shall be determined administratively.
- (d) Application and review procedures for Approval of Plans.
1. Application. The applicant for a Transfer of Development Rights shall file a written application with the Planning Department. Such application shall be accompanied by fifteen (15) sets of required plans, technical reports, update reports and/or exhibits. All plans shall have the details needed to enable the City to determine whether the proposed development complies with this section and all other applicable ordinances and regulations of the City. The plans shall have the preliminary approval of the Board of Architects as provided for under Section 9-4(c) herein. Upon receipt of such completed application, all supporting data and exhibits and payment of the required costs and fees, the time periods established in this subsection shall commence.
 2. Public Hearing. The Planning and Zoning Board shall hold a public hearing within ninety (90) days from the date of filing the application. Such public hearing shall be in accordance with the provisions of Section 25-7 herein. The Planning and Zoning Board shall recommend to the City Commission the approval, approval with modifications, or denial of the plan for the proposed Transfer of Development Rights and shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth particularly in what respects the proposal would or would not be in the public interest. These findings shall include, but shall not be limited to the following:
 - a. In what respects the proposed plan is or is not consistent with the stated purpose and intent of the Transfer of Development Rights regulations, and the extent in which the proposed plan meets the requirements and standard of the Transfer of Development Rights regulations.
 - b. The extent in which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, size, area, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
 - c. The physical design of the proposed Transfer of Development Rights and the manner in which said design does or does not make adequate provision for public

- services, provide adequate control over vehicular traffic, provide for and protect designated common open areas, and further the amenities of light and air, recreation and visual enjoyment.
- d. The compatibility of the proposed Transfer of Development Rights with the goals and objectives of the City of Coral Gables Central Business District (CBD) Plan.
 - e. The conformity of the proposed Transfer of Development Rights with the goals and objectives of the City of Coral Gables Central Business District (CBD) Plan.
 - f. The conformity of the proposed Transfer of Development Rights with the goals and objectives of the City's Comprehensive Plan.
- (e) Approval of Transfers, Restrictions on Affected Properties. All such transfers approved by the City Commission together with the restrictions imposed on the sending and receiving sites (affected properties) shall be recorded by City Departments of Historic Preservation and Building and Zoning, and shall be registered as a restriction on the affected properties' deeds. The Historic Preservation Department shall maintain an accounting chart detailing available development rights for all designated historic properties within the CBD.
 - (f) Consistency with Zoning Code. Notwithstanding anything in the Zoning Code to the contrary, the provisions of this section shall be deemed to supersede all conflicting provisions. This section is intended to ensure an equitable distribution of development rights as a means of addressing the burdens of protecting public and private resources of the historic properties.
 - (g) Penalty for Violation. Any person who shall violate a provision of this section, or fails to comply therewith, or with any of the requirements thereof, shall upon conviction in the County Court, be punished by a fine not to exceed five-hundred dollars (\$500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or both such fine and imprisonment at the discretion of the judge. Any person who violates or fails to comply with this section shall also be subject to fines in accordance with Chapter 2 of the City Code. Each day any violation or non-compliance of any provision of this section shall continue, shall constitute a separate offense.
 - (h) Civil Liability; Penalties; and Attorneys' Fees.
 1. Any person who violates a provision of this section or any lawful rule, regulations or written order promulgated under this section is subject to injunction or other equitable relief to enforce compliance with or other prohibit the violation of this section. Further, such person is liable for any damages to the City caused by such violation, and for the reasonable costs and expenses incurred by the City in enforcing the provisions of this section, including but not limited to the costs of enforcement inspections, preparation of enforcement reports, photographs, title searches, postage and other demonstrable administrative costs for enforcement and collection. All such sums shall become immediately due and payable upon expenditure by the City and shall become delinquent if not paid within thirty (30) days after receipt by the violator of the City's bill itemizing the enforcement costs incurred in enforcing the provisions of this section. All such delinquent sums shall bear interest at the rate of twelve (12%) percent per annum.
 2. In addition to the foregoing, any person who violates a provision of this section or any lawful, rule, regulation or written order promulgated under this section is subject to the judicial imposition of a civil penalty for each offense of an amount not to exceed five-thousand dollars (\$5,000.00) per offense. In assessing the penalty, the court may receive evidence in mitigation. Each day any violation or portion of any

violation occurs constitutes a separate offense.

3. Upon the rendition of a judgement or decree by any of the courts of this State against any person and in favor of the City in any action to enforce compliance with or prohibit the violation of the provisions of this section, the court shall adjudge or decree against that person and in favor of the City a reasonable sum as fees or compensation for the attorney acting on behalf of the City in the suit in which recovery is had. Such fees or compensation shall be included in the judgment or decree rendered in the case.

Sec. 11-13. Compliance Program for Non-Permitted Enclosed Residential Garages.
(2003-17)

- (a) *Intent.* The purpose of these compliance provisions is to enable and encourage property owners cited by the City, or voluntarily submitted for compliance for non-permitted enclosed residential garages constructed prior to January 1, 2000 to comply with life safety and Zoning Code requirements. Compliance provisions as provided herein may be granted for properties located in "R" Residential, Single-Family zoned districts. A limited one (1) year compliance period as specified in this Section waives applicable City fees and penalties, and is intended to allow the conversion of enclosed garages for the purpose of storing vehicle(s), or modifications to the enclosed structure necessary to meet all applicable Florida Building Code requirements, as amended, and/or the construction of a new garage or carport to meet Zoning Code parking requirements for single-family residential properties.
- (b) *Limited Compliance Period.* Property owners who have been cited by the City for a non-permitted enclosed residential garage who satisfy the below listed conditions shall be eligible for compliance provisions:
 1. One (1) year from adopting date of these provisions (June 3rd, 2003) for all properties with existing pending citations for non-permitted enclosed garages constructed prior to January

1, 2000, subject to completion of final inspection for all required construction within the one year period.

2. One (1) year from the date of issuance of citation of violation by the City for all future violations for non-permitted enclosed garages constructed prior to January 1, 2000, subject to the completion of final inspection for all required construction within the one year period.

Properties failing to satisfy all applicable Florida Building Code and Zoning Code requirements, and successfully complete the final inspection for required work within the one (1) year compliance period, shall be required to submit all permitting and other City fees, and shall be subject to penalties and prosecution as provided for in the Zoning Code and City Code.

(c) *Requirements and Conditions.*

1. Enclosed garages that were constructed without a lawful permit after January 1, 2000 shall not be eligible for the compliance provisions contained herein.
2. Waiving of fees as provided herein, and a description of required work to be completed, must be submitted in writing and approved by the Building and Zoning Director or his/her designee prior to submittal of plans for permit.
3. "As Built" plans of the non-permitted garage enclosure must be provided by property owner. These plans must be prepared by a registered architect and/or structural engineer, and must include all existing structural, electrical, plumbing, heating, A/C and other information as determined and requested the Building and Zoning Director or his/her designee.
4. Property owner must provide written proof and documentation that the non-permitted garage was constructed prior to January 1, 2000. Confirmation and approval of construction date is required by Building and Zoning Director or his/her designee.
5. Property owners with non-permitted enclosed garages applying for permit

- to retain enclosed garage as habitable space must meet all Florida Building Code and Zoning Code requirements and provide the minimum one (1) on-site parking space as required by the Zoning Code.
6. One (1) dedicated parking space with a minimum size of 9'x18', located entirely on the property, and a driveway approach across public swale, may be provided in lieu of the Zoning Code's requirement for the provision of a minimum one (1) parking space consisting of either a garage or carport for each single-family residence, for properties with a maximum size of the property's primary structure, including enclosed garage, of 1,500 square feet. The dedicated parking space shall not count towards or be included in the calculation of the subject property's minimum landscaped open space as required by Code.
 7. All proposed modifications, renovations and/or new construction shall be required to be reviewed and approved by the Board of Architects. At that time, the Board of Architects shall determine and require any exterior architectural modifications to the residence necessary to maintain the single-family residential character of the structure and property.
 8. A Restrictive Covenant shall be prepared and filed by the property owner for City Attorney's review and approval when a dedicated parking space is provided in lieu of a required garage or carport in item 6 of this Section that complies with the following:
 - a. Restricts the parking of any vehicle prohibited by the Zoning Code.
 - b. Requires that if further additions, modifications or new construction results in the primary structure exceeding 1,500 square foot, the property must come into compliance with the Zoning Code and provide either a garage or carport.
 - c. Requires any existing accessory or auxiliary storage structures, or the construction of new accessory or auxiliary storage structures on the subject property shall satisfy all applicable Zoning Code requirements.
 - (d) *Fees.* All applicable building permit fees for construction of required modifications, renovations and/or new construction shall be waived subject to completion of all required work and final inspection within the one (1) year compliance period. The waiving of fees as provided herein shall not be made available to property owners or applicants which require or request variances to come into compliance with the Zoning Code.