

Article 12. BUILDING SITES

Sec. 12-1 - Purpose.

Purpose. The purpose of these regulations is to regulate and administer the development of vacant parcels of land within the City of Coral Gables to maintain and preserve open space, to promote neighborhood compatibility, to preserve historic character, to maintain property values and to enhance the visual attractiveness of residential properties. (2003-11)

Sec. 12-2 - Building sites for "R", Residential and "D", Duplex Use Districts.

- (a) Applicability. Except as may be provided hereinafter to the contrary, in connection with replats, subdivisions, specific regulations and specifically described lots or parcels of land, all buildings or structures located in "R, Residential and "D" Duplex Use Districts shall be constructed or erected upon a building site containing at least one platted lot and such building site shall have a minimum street frontage of fifty (50) feet.
- (b) Building site requirements. Wherever there may exist a single-family residence(s), duplex building(s), or any lawful accessory building(s) or structure(s) which was hereto fore constructed on property containing one or more platted lots or portions thereof, such lot or lots shall thereafter constitute only one building site and no permit shall be issued for the construction of more than one single-family residence or duplex building. Such structures shall include but not be limited to swimming pools, tennis courts, walls, fences or other at grade and above ground improvements. Only one single-family residence or duplex shall be constructed upon any one building site having not less than the minimum street frontage required by this code.
- (c) Removal of buildings. If a single-family residence or duplex building is demolished or removed, whether voluntarily or involuntarily or by an act of God or casualty, no permit shall be issued for the construction of more than one building on the building site.

Sec. 12-3 - Administrative building site determination process.

- (a) Application submittal requirements.
 - 1. Prior to the issuance of a building permit for the construction of a single family residence or duplex, the property owner as defined by the County Tax Assessors Office or representative of the property owner (with written authorization from the property owner) shall submit an application with the required supporting information for a building site determination from the Building and Zoning Department.
 - 2. The applicant shall be required to provide a mailing list and labels of the property owners within one-hundred (1000) foot radius of the perimeter of the property.
- (b) Administrative process for determinations. The Department Director or other designated administrative official shall complete the following process for determinations:
 - 1. Within fifteen (15) days after application submittal, the Department shall issue a written application sufficiency determination. Within ninety (90) calendar days of a sufficiency determination, the Department shall render a written determination on the application.
 - 2. The official shall evaluate the application and shall grant approval if the application satisfies all the criteria contained in Section 12-3 (d). The Department shall maintain a complete and accurate file of all records and exhibits on the application.
- (c) Courtesy public notice. The official shall provide the following notice:
 - 1. Post the property at least ten (10) calendar days prior to the issuance of a final Department determination. The posting shall consist of a sign, no more than forty (40) square inches in total area including the following language, as may be amended from time to time:

Public Notice of a Building Site Determination

The City of Coral Gables, Building and Zoning Department has received an application to determine if this property described as lot(s) _____ block _____, section _____ is a building site for future construction. A written determination will be issued on _____. Appeals to this decision must be filed within 60 calendar days of the written determination. If you have any questions, please contact the Department at (305- _____) or @coralgables.com.

2. Provide a courtesy mail notice of the Departments determination to all current property owners as defined by the County Tax Assessor's Office within a 1000-foot radius of the perimeter of the property. The notice shall include the date of the determination, property location, general nature of the application and the appeal provisions. However, failure to mail or receive such courtesy notice shall not affect any action or proceedings taken hereunder.
- (d) Administrative determination review criteria. Any application which meets all of the following criteria shall be deemed a lawful building site:
1. That no more than one building or structure is located on a building site, except as may be provided for herein concerning lawful accessory buildings for accessory use.
 2. That no building site shall be reduced or diminished such that the street frontage of the parcel is less than prescribed by the Zoning Code.
 3. That no encroachments including but not limited to fences, walls and other associated improvements (excluding primary and accessory habitable structures) occupy the site or tie any sites together. For purposes of determining whether a lawful building site exists, the Department may advise a property owner of an encroachment by an abutting property, but shall only consider encroachments created by the current property owner or their predecessor interest.

4. That the building site created, separated or established will not result in existing structures becoming non-conforming as it relates to setbacks, lot area, lot width and depth, ground coverage and other applicable provisions of the Zoning Code and/or City Code.
 5. That none of the following exist on the subject property:
 - a. Unity of title preventing the separation of the parcels or property; or,
 - b. Any declarations of restrictive covenants that prevent the establishment of a building site.
 6. If applicable, the analysis of the permit history identifies exceptional or unusual circumstances unique to the property.
 7. No structure on the proposed site is an accessory use to a structure on an adjacent parcel.
- (e) Approval of a building site.
1. The Department shall issue building site determinations in written form and posted within the Department and City Clerk's Office. Within thirty (30) calendar days of the expiration of the sixty (60) day appeal period, the applicant shall complete the following:
 - a. Record the City determination letter and accompanying survey (signed and sealed) or any other information utilized by the City in its determination.
 - b. Provide one copy of the recorded documents to the Department. Failure of the applicant to complete the above shall render the determination void.
 2. If the property is determined to be a building site, the Department may prescribe conditions, restrictions or safeguards deemed necessary, to satisfy the provisions within this Article.
- (f) Administrative remedies. If the official determines the criteria in Section 12-3 (d) has not been satisfied, the applicant or affected property owners may follow one of two administrative remedies:

1. In the event that the determination concludes that the applicant must apply for the separation to the Planning Department for consideration by the Planning and Zoning Board and City Commission which shall follow the requirements provided in Section 12-5 herein.
 2. All other challenges of a determination, including the established technical criteria upon which administrative building site determinations are based, shall be filed within 60 calendar days of the written determination with the Building and Zoning Department for public hearing consideration by the Board of Adjustment according to the provisions and requirements outlined in Article 26- Appeals, Section 26-1, "Appeals from decisions of the Board of Architects, Building and Zoning Director or Administrative Official". Challenges may only be filed by the property owner or property owners within 1000 feet of the perimeter of the subject property. Any party filing an appeal shall clearly provide in written form the material facts that provide for the basis for the appeal of the administrative official application and /or interpretation.
- (g) Application fees. Applicants shall provide the following fees:
1. Administrative review/processing five-hundred (\$500.00) dollars.
 2. Advertising three-hundred (\$300.00) dollars.
 3. Property owner two (\$2.00) dollars per courtesy notice.

Sec. 12-4 - Exemptions of provisions.

- (a) Construction of a new building(s) on an existing building site. Property owners who demolish an existing lawful building shall be presumed to have lawful building site and may build on such site improvements permitted by the current Code provisions for such site.
- (b) Involuntary destruction of building(s). Parcels which are occupied with existing lawful and/or legally nonconforming building and accessory structure(s) on platted parcels or partially platted parcels if involuntarily destroyed either by an act of

God or casualty shall not be required to undergo the building site determination process but shall be presumed to have a lawful building site provided the following are satisfied:

1. The property owner provides evidence in the form of a survey, aerial, etc. to substantiate existence of a building or accessory structure(s) prior to the event.
 2. The Department after reviewing the evidence provided determines that the property was a lawful building site.
- (c) Sale of property to adjoining property owner. The sale of property between two previously lawfully established building sites which results in an increase/decrease of the size of the properties shall be determined to be lawfully established building sites if all existing structures do not become nonconforming as they relate to all applicable provisions of the Zoning Code for the zoning district in which the property is located and all other applicable Comprehensive Land Use Plan and City Code provisions.
- (d) Involuntary destruction of buildings(s) in association with the sale of property to adjoining property owner. When a parcel that at one time complied with the laws governing building sites, is diminished by the property owner thru the sale of a portion or portions of the building site thus creating a nonconforming parcel, the property owner may only rebuild the structure(s) previously located on the property if said destruction was involuntary. All new improvements shall be required to comply with all applicable codes in effect at the time.

Sec. 12-5 - Separation or establishment of building sites.

- (a) Review process. Any change from the foregoing provisions for the purpose of separating or establishing a building site shall require the following:
 1. Submittal of an application to the Planning Department for review and recommendation.
 2. Planning and Zoning Board review and recommendation in a public hearing.

3. Review and approval in resolution form duly passed and adopted by the City Commission in a public hearing.
- (b) Application review criteria. When reviewing and providing a recommendation on an application, the Planning Department, Planning and Zoning Board and the City Commission shall consider and evaluate the request and provide findings that the application satisfies at least four (4) of the six (6) criteria:
1. That exceptional or unusual circumstances exist, that are site specific such as unusual site configuration or partially platted lots, or are code specific such as properties having two or more zoning and/or land use designations, multiple facings or thru-block sites) which would warrant the separation or establishment of a building site(s).
 2. That the building site(s) created would be equal to or larger than the majority of the existing building site frontages of the same zoning designation within a minimum of 1000-foot radius of the perimeter of the subject property or extending no farther than the immediate vicinity, whichever is less. "Immediate vicinity" shall be defined as an area in which a parcel of land is located, that is physically, functionally or geographically identifiable as a distinct realm, place or neighborhood, or an area within a radius of not more than one-half (½) mile from the subject property, whichever is smaller.
 3. That the building site(s) separated or established would not result in any existing structures becoming non-conforming as it relates to setbacks, lot area, lot width and depth, ground coverage and other applicable provisions of the Zoning Code, Comprehensive Land Use Plan and City Code.
 4. That no restrictive covenants, encroachments, easements, or the like exist which would prevent the separation of the site.
 5. That the proposed building site(s) maintains and preserves open

space, promotes neighborhood compatibility, preserves historic character, maintains property values and enhances visual attractiveness of the area and approval of the request is in the best interest of the public.

6. That the building site(s) created was purchased as a separate building(s) by the current owner prior to September 17, 1977.
- (c) Conditions of approval (if applicable). If an application is recommended for approval, the Planning Department, Planning and Zoning Board, and City Commission may prescribe conditions, restrictions or safeguards deemed necessary, to satisfy the provisions within this Article.
 - (d) Application requirements. The application requirements, application review process requirements, and review process time frames/procedures shall be determined by the Planning Director.
 - (e) Application review criteria for annexed areas. In reviewing an application for a property or properties located within an area annexed by the City after January 1, 1995, the Planning Department, Planning and Zoning Board and the City Commission shall consider and evaluate the request and provide findings whether the application satisfies at least three (3) of the first five (5) criteria identified in Section 12-5 (b).

Sec. 12-6 - Residential estates.

No replat or subdivision for a Residential Estate shall be approved where the building sites have an area of less than one and one-half (1½) acres, a minimum width of two-hundred (200) feet and a minimum lot depth of two-hundred and fifty (250) feet.

Sec. 12-7 - Replats and subdivisions for R, D and A-Uses--General.

- (a) Except as provided for under Section 3-13(d)(2)(c) and Section 12-6 hereof, no replat or subdivision for R, D and A-Uses shall be approved where the building sites contain an area less than ten-thousand eight-hundred (10,800) square feet and having a street frontage of less than one-hundred (100) feet.

- (b) All lands which have been platted, replatted or subdivided into building sites which are greater in frontage, depth and /or that the required minimum shall not henceforth be divided or resubdivided unless all portions of said lots are used to increase the size of the adjacent lots as platted to create a lot or lots as large in frontage, depth and area as the platted lots without leaving a lot or parcel smaller in any dimension than such average lots.

Sec. 12-8 - Replats and subdivisions for R, D and A-Uses south of the Coral Gables Deep Waterway and east of Old Cutler Road.

- (a) The following minimum size building sites for R, D, and A-Uses shall be required for all replats and subdivisions for all lands lying south of the Coral Gables Deep Waterway and east of Old Cutler Road, excluding the area within the plats of Coral Bay Sections B, C and D.

1. One acre building sites, one tier deep, with a minimum street frontage on Old Cutler Road of one-hundred fifty (150) feet and maximum street frontage on Old Cutler Road of two hundred eight (208) feet on the east side of Old Cutler Road from Casuarina Concourse, as shown on Plat Book 60 at Page 37 of the Public Records of Miami-Dade County, Florida, to the intersection of Old Cutler Road and Red Road, as shown on Plat Book 57 at Page 97 of the Public Records of Miami-Dade County, Florida, and on the east side of Red Road from the intersection of Old Cutler Road and Red Road, as shown on Plat Book 57 at Page 97 of the Public Records of Dade County, Florida, to Avenue Campamento, as shown on Plat Book 57 at Page 97 of the Public Record of Miami-Dade County, Florida.
2. Corner lots not abutting upon a waterway:
 - a. Minimum street frontage of one-hundred-fifteen (115) feet.
 - b. Minimum depth of one-hundred twenty-five (125) feet.
3. Inside lots not abutting upon a waterway:

- a. Minimum street frontage of one-hundred (100) feet.
 - b. Minimum depth of one-hundred twenty-five (125) feet.
4. Corner lots abutting upon a waterway:
 - a. Minimum street frontage of one-hundred fifteen (115) feet.
 - b. Minimum depth of one-hundred forty-five (145) feet.
 5. Inside lots abutting upon a waterway:
 - a. Minimum street frontage of one-hundred (100) feet.
 - b. Minimum depth of one-hundred forty-five (145) feet.

Sec. 12-9 - C and M-Uses General.

No replat or subdivision for C or M-Uses shall be approved where the building sites have a street frontage of less than twenty-five (25) feet and a depth of less than one-hundred (100) feet.