

Article 21.
MISCELLANEOUS STANDARDS, REQUIREMENTS AND RESTRICTIONS

Sec. 21-1 - Exterior walls--Material and color.

All exterior walls of buildings shall be constructed of concrete, glass block, poured concrete, stone, hollow tile, coral rock or clay brick providing, however, that in areas zoned for C and M-Uses porcelain enamel panels, metal panels, pebble-faced block, pebble-faced panels, precast panels and architectural concrete may also be used for exterior walls of buildings designed and used for commercial purposes with the express condition that such materials are approved by the Board of Architects, the Building Official and Structural Engineer. All exterior masonry surfaces shall be stuccoed and painted excepting those of coral rock, stone, glass, clay brick, slump brick, pebble-faced block, pebble-faced panels, precast panels, and architectural concrete. Sunscreens on commercial buildings may be constructed of masonry, metal, glass or plastic where such materials are located in a metal or masonry frame providing that such sunscreens shall be subject to approval by the Board of Architects for architectural design. All exterior coloring shall be approved by the Board of Architects.

Sec. 21-2 - Exterior walls--Facing materials.

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

4. That where wood facings over masonry walls are approved, the exterior face of all masonry shall be completely and thoroughly covered with one application of black asphaltum waterproofing.
 5. That all blocking and furring strips shall be pressure treated.
 6. That all wood facings shall be secured to furring and/or blocking with stain resistant nails.
 7. That the wood facing material shall have a minimum thickness of three-fourth ($\frac{3}{4}$) inches and shall not be wider than twelve (12) inches.
 8. That all applications and details of wood facings shall be subject to the approval of the Board of Architects.
 9. That stains applied to the wood shall be specifically for exterior use and shall be limited to colors approved by the Board of Architects.
- (b) Stonehenge. Stonehenge may be used as a facing material for commercial buildings.
- (c) Dryvit system. The dryvit system may be used as a facing material on exterior walls of commercial buildings, subject to the following conditions and restrictions:
1. That the dryvit system may be used as a facing material on the exterior masonry walls of commercial buildings, provided, that such buildings have a minimum of one hour fire resistive construction.
 2. That the dryvit system shall be used only above the first floor.
 3. That the color of the exterior surface shall be subject to approval by the Board of Architects, and if any painting or repainting is to be done, the color shall be subject to the approval of the Board of Architects.
 4. That the building shall have a twenty (20) foot distance separation from all structures and lot lines, as required by the Miami-Dade County Products Control Division.
 5. That the method of attaching the dryvit system to the masonry wall shall be subject to approval by the Building Department.

Sec. 21-3 - Bulks and retaining walls.

No bulkhead, retaining wall or similar installation along an ocean front, bay, canal, lake or waterway shall be built or constructed unless such bulkhead, retaining wall or similar installation be constructed of reinforced concrete, pre-stressed concrete or gravity mass non-reinforced concrete, providing, however, that in those canals or waterways west of LeJeune Road and north of Sunset Road, bulkheads and retaining walls may be constructed of concrete block or native stone. All bulkheads and retaining walls shall be subject to the following conditions:

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

Sec. 21-4 - Driveways--New buildings.

At the time of issuance of a permit for the construction of a building on premises not having a driveway from the property line to the pavement line of the street (and where the normal use and occupancy of such building requires vehicular traffic across the parkway between the street pavement and the property line), the applicant for the permit shall deposit with the City of Coral Gables an amount sufficient to cover the cost of paving a driveway across the parkway between the property line and the street pavement line, conforming to the paving specifications as prepared by the Public Works Department, and the City shall, if the owner or contractor does not do so, construct such driveway pavement in due course, applying so much of such deposit as shall be necessary for the purpose, and the balance of said deposit remaining, if any, shall be returned to the applicant.

Sec. 21-5 - Driveways--Existing buildings.

Where the normal use and occupancy of a premise or building requires vehicular traffic across the parkway between the street pavement and the property line, the owner of record of such premises or building shall be

required to construct and maintain a driveway across such parkway between the property line and the street pavement. The driveway shall conform to the paving specifications as prepared by the Public Works Department.

- (a) Notice of prohibited condition. The City may from time to time inspect all parkways where the normal use and occupancy of a premise or building requires vehicular traffic across the parkway between the street pavement and the property line, and in all cases where said inspection reveals that there does not exist a driveway pavement across the parkway between the property line and the street pavement line or that an existing driveway is in need of repair or replacement, the City Manager shall so notify the record owner or owners of the property described by registered or certified mail, as their names and addresses are shown upon the record of the County Tax Assessor. Such notice shall be deemed complete and sufficient when so addressed and deposited in the United States Mail with proper postage prepaid. In the event that such notice is returned by postal authorities, the City Manager shall cause a copy of the notice to be served by a law enforcement officer upon the occupant of the property or upon any agent of the owner of record thereof.
- (b) Form of notice. The notice shall be in substantially the following form:

NOTICE OF PUBLIC NUISANCE

Name of Owner of Record: _____
Address of Owner of Record: _____
According to our records, you are the owner of record of Lot(s) _____ Block _____ Section _____.

An inspection of the parkway at the above property reveals that you do not comply with Section 21-5 of Ordinance No. 1525, as it pertains to:

- 1. Paving of a driveway across the parkway, or
- 2. Maintaining a driveway across such parkway.

This is to serve as official notice that unless you:

- 1. Install a driveway across such parkway between the property line and the street pavement,

2. Repair the existing driveway between the property line and the street pavement, or,
3. Replace the existing driveway between the property line and the street pavement within a period of thirty (30) days, the City of Coral Gables may undertake the construction of the necessary driveway paving at the property owner's expense; the estimated cost of which will be approximately \$ _____.

**THE CITY OF CORAL GABLES,
FLORIDA** _____

By: City Manager

- (c) Condition may be remedied by city. If within thirty (30) days, after mailing of the notice, or the service of the notice upon the occupant of the property or any agent of the owner thereof, the condition described in the notice has not been remedied, the Public Works Director may cause the condition to be remedied by the City of Coral Gables at the owner's expense.

Sec. 21-6 - Distance requirements--Sale of alcoholic beverages and liquors. (3406, 3577)

No retail package liquor store, retail package beverage store or club vendor shall be established or operated upon premises closer than five-hundred (500) feet from any church or school without approval by the Board of Adjustment. In reviewing an application for retail package liquor store, retail package beverage store or club vendor, the Board of Adjustment shall consider, but not be limited to the following criteria: (1) location of building on the building site, (2) location of entrances and exits to the licensed establishment, (3) proposed hours of operation, (4) other uses of business adjacent to or between the licensed establishment and the church or school, (5) vehicular and pedestrian paths between the licensed establishment and the church or school, and that the location is not detrimental to the public health, safety and welfare.

The five hundred foot lateral distance shall be measured and computed by following a straight line from the nearest point of the school grounds and/or church grounds in use as part of the

school grounds and/or church facilities to the nearest property line of the building site of the place of business.

For the purpose of determining the distance between alcoholic beverage uses and churches or schools, the applicant for such use shall furnish a certified survey from a registered land surveyor in the State of Florida indicating the distance between the proposed place of business and any church or school within five-hundred (500) lateral feet. The survey shall indicate the shortest distance as measured and computed by following a straight line from the nearest point of the school grounds and/or church grounds in use as part of the school and/or church facilities to the nearest property line of the building site of the place of business. In case there are no churches or schools within five-hundred (500) lateral feet of the place of business, the survey shall so certify.

Sec. 21-7 - Distance requirements--Adult book store, adult motion picture theater and massage salon.

- (a) No adult book store, adult motion picture theater or massage salon shall be established or located within a distance of one-thousand (1,000) feet from any other adult book store, adult motion picture theater or massage salon. Such distance shall be measured and computed by following a straight line between the main entrances of the places of business.
- (b) No adult book store, adult motion picture theater or massage salon shall be located or established within a distance of five-hundred (500) feet from a residentially zoned district and/or from a church or school. Such distance shall be measured and computed, in the case of a church or school, by following a straight line from the nearest point of the school and/or church grounds in use as part of the school grounds and/or church facilities to the closest exterior door of the place of business, and in the case of residentially zoned property by following a straight line from the closest portion of the residentially zoned district to the closest exterior door of the place of business.
- (c) For the purpose of this section, residentially zoned districts shall be those designated by Section 3-1 through 3-4 herein.

- (d) No application for an occupational license for such adult book store, adult motion picture theater or massage salon shall be approved for zoning compliance unless such application is accompanied by a certified survey from a registered land surveyor in the State of Florida showing that such use meets with the distance requirements as set forth herein.

Sec. 21-8 - Temporary construction and/or field office.

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

- (a) That such office shall not be used as a sales and/or advertising office and that no sales brochures shall be handed out or distributed from such office.
- (b) That potable water, electricity and sanitary facilities shall be provided for such office as required by the South Florida Building Code and such other applicable ordinances.
- (c) That such office shall not be used for living or sleeping quarters.
- (d) That such office shall be removed by the contractor prior to the approval of the final building inspection and to the issuance of a Certificate of Occupancy or whenever, in the opinion of the Building Official, an inspection discloses that the building or alteration has been completed to the point where the final building inspection would be approved and a Certificate of Occupancy, if applied for, would be issued.

Sec. 21-9 - Temporary land development sales office.

Whenever a plat containing a gross area of not less than ten (10) acres shall have been recorded in the public records of Miami-Dade County, Florida, or a residential multi-family construction project with a site of not less than twenty-thousand (20,000) square feet and twelve (12) living units, a permit may be issued for the location of a temporary land development sales office on the development site subject to the following conditions and restrictions: (3024)

- (a) That the use of such sales office shall be limited and restricted to the sale of lots within a subdivision, replat or multi-family project, and such office shall not be used for the transaction of any other business of whatsoever nature.
- (b) That the setbacks for such sales office shall be the same as that required for the premises upon which such sales office shall be located.
- (c) That such sales office shall be landscaped as required and approved by the Board of Architects and the Building and Zoning Department and such landscaping shall be maintained in good condition as to present a healthy, neat and orderly appearance.
- (d) That a minimum of six (6) paved off-street parking spaces shall be provided on the premises of such sales office.
- (e) That such sales office shall be equipped with adequate potable water, electricity and sanitary facilities.
- (f) That such sales office shall not be used for living or sleeping quarters.
- (g) That not more than one such sales office shall be permitted to be located in any one subdivision, replat or multi-family project.
- (h) That one sign identifying the development may be placed upon such sales office as shall be approved by the Board of Architects.
- (i) That the permit for such sales office shall expire three (3) years from the date of the recording of the plat, or the issuance of a building permit for the multi-family development, provided, however, that the Board of Adjustment, upon application, may authorize the extension of such permit for a good and valid reason.
- (j) That the Building Official may revoke the permit for such sales office should the developer fail to comply with the conditions and restrictions set forth herein.
- (k) That such sales office structures shall be temporary in nature, and shall be removed in the event of a hurricane (on or before issuance of warning status) or other natural and/or man-made disaster.

Sec. 21-10 - Land clearing, filling and excavation.

Before any land shall be cleared of trees and other growth, excavated, filled and/or graded, such land shall have been platted or replatted into lots, blocks or parcels for building

development in the manner prescribed by the Subdivision Ordinance as set forth under Chapter 29 of the Code of the City of Coral Gables, and the owner thereof or his contractor shall have applied for and obtained a permit for such work from the Building and Zoning Department. The fee for such permit shall be thirty (30) dollars for the first lot and ten (10) dollars for each additional lot and such fee shall be deposited to the General Fund of the City of Coral Gables as payment for the cost of inspection of such work as it progresses and at its completion. (2631)

Sec. 21-11 - Solar water heaters and equipment.

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

- (a) Collectors located in the same parallel plane of a sloping roof shall be fastened to a maximum of one and one-fourth ($1\frac{1}{4}$) inch by one-eighth ($\frac{1}{8}$) inch metal angles placed directly on the roofing membrane. Surrounding tile shall butt to the edge of the side of the collector.
- (b) Collectors located in a different plane from the roof shall incorporate an architectural masking device to screen the underside and edge of the collector apparatus from ground view where such collector is visible from the street. Such screening device may be roof planes, mansard roofs, shed roofs, parapet walls, chimneys or such other features as may be approved by the Board of Architects.
- (c) Collectors located on a flat roof may be mounted directly upon the roof or may be elevated above the roof provided, however, that all portions of the elevated apparatus are screened from ground view by means of some architectural screening device as provided for under (b) above, and provided further that such screening device shall be approved by the Board of Architects.
- (d) Where rooftop hot water storage tanks are used they shall be screened from view or shall be incorporated in some architectural feature such as cupolas, chimneys, etc.
- (e) Where collectors are mounted on the ground they shall be screened from view from the abutting streets, and the setbacks for such collectors shall be as required for mechanical equipment.

- (f) All piping and other serving utilities shall be concealed from view.
- (g) The size, location, attachment and design of solar water heating devices shall be in conformity with the building design and overall neighborhood character.
- (h) Adequate architectural details shall be drawn to show the proper installation of the system and particularly the roof mounting and method of attachment and such drawings shall be subject to the approval of the Board of Architects.

Sec. 21-12 - Screening of rooftop equipment.

Air-cooled condensing and/or compressor equipment, water cooling towers and any other type of mechanical or service equipment or apparatus installed on roofs of all buildings constructed on or after October 1, 1969, shall be screened from view by a parapet or some other type masonry wall or screening as shall be approved by the Board of Architects for architectural design.

Those buildings constructed prior to October 1, 1969, shall be exempt from this requirement until such time as renovation or rehabilitation of any portion of said building is permitted. At the time of permitting for any renovations or rehabilitation in which the value of such construction exceeds twenty (20) percent of the assessed value of the structure, any air-conditioning and/or mechanical apparatus mounted on roof tops, whether new or existing, shall be screened. Said screen shall be constructed so as to conceal the machinery from the eye on a horizontal plane of observation. (2625)

Sec. 21-13 - Screening or storage areas.

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

Sec. 21-14 - Installation of rock yards.

Prior to installation of rock yards, plans shall be submitted and approved by the Board of Architects.

Sec. 21-15 - Railings on exterior balconies.

The use of redwood, cedar or cypress wood fastened to a continuous metal support shall be permitted as the top handrail only of railings on exterior balconies. Except as provided above, the use of wood for railings or any part of railings on exterior balconies is hereby prohibited. (2721)

Sec. 21.16 - Dormer windows.

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

For the purpose of this section, a dormer window is defined as a window set upright in a sloping roof.

Sec. 21-17 - Wind break panels.

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

The color of the vinyl material shall be approved by the Board of Architects.

Sec. 21-18 - Air-conditioning units and equipment, and other types of mechanical equipment or apparatus installed on or attached to premises.

- (a) In a residence, duplex or apartment district or areas as defined herein, air-cooled condensing and/or compressor equipment which is a part of an air-conditioning system or a water cooling tower, and any other type of mechanical equipment or apparatus installed on or attached to premises shall be completely retained within the primary building, or shall meet side and rear setback requirements for the

principal structure and shall be allowed to within fifteen (15) feet of any street or waterway property line with the following conditions: (2931, 3556)

- 1. All air-conditioning units or equipment shall meet noise level requirements called out in Section 16-147 of the City Code.
- 2. Any air-conditioning unit or equipment, except for window wall units, located closer than fifteen (15) feet to any rear or side property line, or closer than twenty-five (25) feet to any street or waterway property line shall be visually screened from view with landscaping which shall be in addition to the requirements of Section 15-2 (h).
- 3. Any air-conditioning unit or equipment required to be screened from view shall be subject to review and approval by the Board of Architects and the Building and Zoning Department.

NOTE: For additional information regarding the construction, operation, and/or maintenance of such appliances as air-conditioning equipment, fans, blowers, pumps, turbines, compressors, refrigerators, machinery, generators, etc. refer to Ordinance No. 1553, as amended.

Sec. 21-19 - Septic tanks.

(Rescinded 5/12/92--Ordinance No. 2992)

Sec. 21-20 - Miscellaneous requirements for construction.

The following minimum standards shall be required for construction:

- (a) Wall studs. Minimum bearing or non-bearing interior partition studding shall be two (2) by four (4) inches with greater dimension perpendicular to the wall surface provided, however, that studs on non-bearing interior partition within a room may be placed parallel to the wall surface.
- (b) Wall construction. All portions of exterior walls, including interior walls of garages, rooms exceeding twenty-five (25) square feet in area which lie within a garage, recessed areas above or below normal tie beams as in carports or recessed porches, entries or on limited areas, such as gable roof ends, shall be of the same type construction as the main walls of the

building and properly topped with tie beam or rakes, unless the building is located within a designated flood hazard area whereby specially designed blow-out panels are required by local, county, state or federal regulations. Wall construction within a designated flood hazard area where specially designed blow-out panels are required shall be designed with a safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Designs in excess of twenty (20) pounds per square foot may be utilized if designed and certified by a Professional Engineer and approved by both the Board of Architects and the City's Structural Engineer. But in no case shall the design load be in excess of one-hundred (100) pounds per square foot. Such enclosed space shall be useable solely for the parking of vehicles, building access, or storage. The use of fill for any reason is prohibited within these spaces. Said blow-out or break-away walls shall be constructed of materials as the Board of Architects and Structural Engineer shall deem suitable. (2615)

- (c) Beams. All structural supporting beams, including beams on external walls of porches, carports, loggias, and similar areas shall be of reinforced concrete or structural steel, provided, however, that pressure treated wood structural members, so stamped and certified will be permitted on entries, loggias and porticos which are not enclosed or intended to be enclosed or screened and where enclosed walls are to be used as vehicular cover.
- (d) Floor elevations--Residential. Minimum floor elevations of residential, duplex, or multiple-family structures, except as otherwise noted herein, shall be not less than sixteen (16) inches above the established grade as determined and established by the Zoning Department, pursuant to this Code and a current survey showing elevations, but in no case shall be less than eight (8) feet above M. L. W. USED Bay Datum. Open or enclosed porches and Florida rooms may be eight (8) inches lower than required for the main structure, except in high flood hazard zones. (2625)
- (e) Floor elevations--Commercial. Minimum floor elevations of commercial, industrial structures, private or public garages,

cabanas, utility rooms, storage rooms and similar structures shall be not less than six (6) inches above the established grade as determined and established by the Building and Zoning Department, pursuant to this Code and a current survey showing elevations, and in no case shall be less than six and one-half (6½) feet above M. L. W. used Bay Datum. The elevation of floors where alley rights-of-way exist shall be elevated near the alley to a point of six (6) inches higher than the highest point of the alley paving abutting the property. Where alleys or streets have not been improved, design grades as furnished by the Engineering Division of the Public Works Department shall apply. (2625)

- (f) Floor elevations--Existing buildings. Floor elevations for improvements to existing buildings shall meet the requirements above, but in no case shall be less than the floor elevation of the existing structure where such existing floor does not meet the above minimum elevations and provided that the cost of the improvements are less than fifty (50) percent of the assessed value of the structure either (1) before the improvements are started, or (2) if the structure has been damaged and is being restored. (2625)
- (g) Yard elevations. Where ground elevations are raised above that of adjoining lots or lots graded to shed water onto adjoining property, a retaining wall or curb and/or drainage ditch or well, subject to the approval of the Building Official, shall be installed to protect said adjoining property.
- (h) Garage and carport floors. Floors of carports and garages shall be of non-absorbent and incombustible materials.
- (i) Bearing--Joist and rafters. The provisions, rules and regulations, as well as the directions of Miami-Dade County, Florida, shall be followed in connection with all joists and rafters bearing on wood plates.
- (j) Miscellaneous electrical standards.
 1. Service entrance caps for residences and duplexes shall be located at the corner of the structure nearest the utility pole from which service is obtained.
 2. All panels and related service equipment shall be electrically connected at the time the roughing-in inspection is made.

3. Where a meter socket is required to be installed on any new structure, a hose bib shall be installed within ten (10) feet of such socket or outlet in order to provide an adequate ground for such electrical system.
- (k) Furring of walls. Exterior walls of habitable areas of all buildings, except commercial and industrial structures, shall be furred with standard one inch by two (2) inch pressure treated strips to provide a three-quarter ($\frac{3}{4}$) inch air space between wall and lath surfaces.
 - (l) Foundations. Foundations of buildings may project on public property, provided such projection shall not exceed six (6) inches into an alley, and provided that the top of the foundation is not less than twelve (12) inches below the established grade of a sidewalk nor less than forty-two (42) inches below the grade of an alley.
 - (m) Foundations--Special locations. (2631)
 1. All structures lying within the shaded area shown on the Exhibit Map entitled: Special Locations Requiring Pile Foundations contained within this section, must be supported by pile foundations designed by a professional engineer. Construction of the foundations shall be under the inspection control of a special inspector as set forth in Subsection 305.3 of the South Florida Building Code.
 2. Exception. Structures within the area that do not lie in a V-zone (HFH) classification may be founded on spread footings provided that the footings bear on a natural undisturbed sound rock formation that is at least five (5) feet thick and that the bottom of the footings are at least six (6) inches below the top of the natural sound rock formation.
 - (n) Sinks, urinals, water closets and other similar facilities. Sinks, urinals, water closets and other similar facilities in areas other than the main building on the premises such as, but not limited to, cabanas or additions which are not tied in or directly connected with the main building, shall be permitted provided proper restrictive covenants, approved as to execution and form by the City Attorney, are given.

Sec. 21-21 - Unity of title and Declaration of Restrictive Covenant in lieu thereof. (3518)

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

Sec. 21-21a - Unity of Title.

- (a) General requirements. As a prerequisite to the issuance of a building permit, the owner(s) in fee simple title shall submit a Unity of Title in recordable form to the Building and Zoning Department providing that all of the property encompassing the building site upon which the building and appurtenances are to be located shall be held together as one (1) tract of land and providing that no part or parcel shall be conveyed or mortgaged separate and apart from the building site, as set forth under the building permit in the following cases:
 1. Whenever the required off-street parking is located on contiguous lots or parcels or is located off-site, as provided for under Section 13-3(b) and (c) of this Code.
 2. Whenever the building site consists of more than one lot or parcel and the main building is located on one lot or parcel and auxiliary or accessory use buildings or structures are located on the remaining lot or parcel comprising the building site.
 3. Whenever the building site consists of more than one lot or parcel and the main building is located on one or more of the lots or parcels and the remaining lots or parcels encompassing the building site are required to meet the minimum zoning requirements.
 4. Whenever a building is to be constructed or erected upon a lot or parcel which is larger in frontage, depth and/or area than the minimum required by the Zoning Code and which lot or parcel would be

susceptible to further resubdivision in accordance with the Zoning Code and Subdivision Ordinance.

5. Whenever the Board of Adjustment provides that a Unity of Title shall be executed as a condition for the granting of a variance.
 6. Whenever a Unity of Title is specifically required by an ordinance or resolution passed and adopted by the City Commission.
 7. Whenever a building site in any R, D, or A-Use District consists of more than one platted lot.
- (b) Requisites.
1. The owner(s) shall provide a Certificate of Ownership by way of an opinion of title from an Attorney-At-Law licensed to practice in the State of Florida or from an abstract of title company licensed to do business in Miami-Dade County, Florida; said opinion of title shall be based upon an abstract or certified title information brought up within ten (10) days of the requirement that such Unity of Title or Declaration of Restrictive Covenant be recorded.
 2. The opinion of title shall include the names and addresses of all mortgagees and lien holders, the description of the mortgages and/or liens and the status of all real estate taxes due and payable.
 3. A subordination agreement signed and executed by the mortgagees and/or lien holders shall accompany and be made a part of the Unity of Title.
 4. The Unity of Title shall be executed with the same formality and manner as a warranty deed under the laws of the State of Florida.
 5. The City may also require that the property owners file additional documents with appropriate state and local agencies to ensure that the properties are treated for the purposes herein as a single building site. Such documents shall include, where appropriate, declaration of condominium, approved by the State of Florida and recorded in the public records of Miami-Dade County. Copies shall be provided to the City

together with the application for Unity of Title.

- (c) Approval. The Unity of Title shall be subject to review and approval by the City Attorney as to form and content, together with any additional legal instruments to preserve the intent of the ordinance to promote single building sites and to properly enforce the Zoning Code and Code of Ordinances.
- (d) Appeal. Appeal of the Building and Zoning Director's decision shall be to the Board of Adjustment. See Zoning Code, Article 26, Appeals for additional information.
- (e) Release. Any Unity of Title required by this section shall not be released except upon approval by resolution passed and adopted by the City Commission and executed by the City Manager and City Clerk.
- (f) Recording. The owner(s) shall pay all fees as required by the Zoning Code or Code of Ordinances for the processing and recording of the Unity of Title.
- (g) Enforcement. Enforcement of the Unity of Title shall be by action at law or in equity with costs and reasonable attorney's fees and City fees to the prevailing party.

Sec. 21-21b - Declaration of Restrictive Covenant in lieu of a Unity of Title.

- (a) General Requirements. In the case of separate but contiguous and abutting building sites located in C-Commercial or M-Industrial Use Districts owned by one (1), separate or multiple owners wishing to use said property as one building site, the Building and Zoning Director or designee may approve a Declaration of Restrictive Covenant in lieu of a Unity of Title together with a Reciprocal Easement and Operating Agreement approved for legal form and sufficiency by the City Attorney. The Declaration of Restrictive Covenant shall run with the land and be binding upon the heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property. In such instances, the property owner(s) shall agree that in the event that ownership of the subject properties come under a single ownership, the applicants, successors and assigns,

shall file a Declaration of Restrictive Covenant covering the subject properties.

- (b) Declaration of Restrictive Covenant shall comply with the following:
1. Submit a record of the existing height, existing size and site conditions, to include both plan and photographic evidence.
 2. Develop, maintain and operate the property as a single building site.
 3. Develop individual building sites within the subject property in accordance with the provisions of the City's Comprehensive Land Use Plan and Zoning Code. Individual building shall not be eligible for height, floor area or development bonuses based on the combined size of the individual properties.

Façade alterations shall be permitted only as necessary to accommodate the internal connection of the separate buildings and improve the building's general appearance. Building façade improvements shall require Board of Architects review and approval. All other applicable improvements may be reviewed and approved by the Building and Zoning Director.

The City shall only release a Declaration of Restrictive Covenant if the individual properties satisfy all applicable Zoning Code, Code of Ordinance and Comprehensive Land Use Plan requirements and the release does not create substandard or nonconforming building sites.

Requests for modification of an existing Declaration of Restrictive Covenant shall be submitted to the Building and Zoning Director and satisfy the following:

- a. Provide written consent of the current owner(s) of the phase or portion of the property for which modification is sought.
- b. The modification shall not create a fire emergency situation or be in conflict with the provisions of the Zoning Code, Code of Ordinances and Comprehensive Land Use Plan.

The Building and Zoning Director may impose conditions within the Declaration of Restrictive Covenant to insure the above provisions are satisfied.

(c) Other applicable provisions. All Declarations of Restrictive Covenant as provided within these provisions shall satisfy the following:

1. The subject site will be developed in substantial accordance with a site plan approved by the Board of Architects and be subject to all applicable public hearing and appeal requirements provided in the Code.
2. Subsequent owners of all parcels shall be bound by the terms, provisions and conditions of the Declaration of Restrictive Covenant.
3. The conveyance of portions of the subject property to third parties shall require a Reciprocal Easement and Operating Agreement executed by the third parties in recordable form including the following:
 - a. Easements in the common area of each parcel for the following:
 - (1) Ingress to and egress from the other parcels.
 - (2) For the passage and parking of vehicles.
 - (3) For the passage and accommodation of pedestrians.
 - b. Easements for access roads across the common area of each parcel to public and private roadways.
 - c. Easements for the following on each parcel to permit the following:
 - (1) The installation, use, operation, maintenance, repair, replacement, relocation and/or removal of utility facilities in appropriate areas.
 - (2) The installation, use, maintenance, repair, replacement and/or removal of common construction improvements such as footings, supports and foundations.
 - (3) The attachment and support of buildings or other associated structures and/or improvements.
 - (4) For building overhangs and other overhangs and projections encroaching upon such parcel from adjoining parcel such as, by way of example, including but not limited to the following: marquees; signage; canopies; lighting devices; awnings; wing walls; etc.

- (5) Reservation of rights to grant easements to utility companies.
 - (6) Reservation of rights to road right-of-ways and curb cuts.
 - (7) Pedestrian and vehicular traffic over dedicated private right roads and access roads.
- d. Appropriate agreements between the owners of the parcels as to the obligation for maintenance of the property to include but not limited to the following: maintenance and repair of all private roadways; parking facilities; common areas; landscaping; and, common facilities and the like.

The provisions within this section or portions thereof may be waived by the Building and Zoning Director if they are not applicable to the subject property.

These provisions of the Reciprocal Easement and Operating Agreement shall not be amended without prior written request and approval of the City Attorney. In addition, such Reciprocal Easement and Operating Agreement shall contain such other provisions with respect to the operation, maintenance and development of the property as to which the City and the parties thereto may agree, all to the end that although the property may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the approved site plan.

(d) Requisites.

- 1. The owner(s) shall provide a Certificate of Ownership by way of an opinion of title from an Attorney-At-Law licensed to practice in the State of Florida or from an abstract of title company licensed to do business in Miami-Dade County, Florida; said opinion of title shall be based upon an abstract or certified title information brought up within ten (10) days of the requirement that such Declaration of Restrictive Covenant be recorded.
- 2. The opinion of title shall include the names and addresses of all mortgagees and lien holders, the description of the mortgages and/or liens and the status of all real estate taxes due and payable.
- 3. A subordination agreement signed and executed by the mortgagees and/or lien holders shall accompany and be made

part of the Declarations of Restrictive Covenants.

- 4. The Declaration of Restrictive Covenants shall be executed with the same formality and manner as a warranty deed under the laws of the State of Florida.
- 5. The City may also require that the property owners file additional documents with appropriate state and local agencies to ensure that the properties are treated for the purposes herein as a single building site. Such documents shall include, where appropriate, declaration of condominium, approved by the State of Florida and recorded in the public records of Miami-Dade County. Copies shall be provided to the City together with the application for Declaration of Restrictive Covenant in lieu.
 - (e) Approval. The Declaration of Restrictive Covenant shall be subject to review and approval by the City Attorney as to form and content, together with any additional legal instruments to preserve the intent of the ordinance to promote single building sites and to properly enforce the Zoning Code, Code of Ordinances, Comprehensive Land Use Plan.
 - (f) Appeal. Appeal of the Building and Zoning Director's decision shall be to the Board of Adjustment. See Zoning Code, Article 26, Appeals for additional information.
 - (g) Release. A release of a Declaration of Restrictive Covenant shall require approval from the City Commission upon review and recommendation by the Building and Zoning Department. Approval shall be via a Resolution passed and adopted by the City Commission and release executed by the City Manager and City Clerk. The Building and Zoning Department and the City Commission must fund that upon demonstration and affirmative finding that the same is no longer necessary to preserve and protect the property for the purposes herein intended.
 - (h) Recording. The owner(s) shall pay all fees as required by the Zoning Code and/or Code of Ordinances for the processing and recording of the Declaration of Restrictive Covenant. The Declaration of Restrictive Covenant shall be in effect for a period of thirty (30) years from the date the documents are recorded in the public records of Miami-Dade County, Florida, after

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

- (i) Enforcement. Enforcement of the Declaration of Restrictive Covenant shall be by action at law or in equity with costs and reasonable attorney's fees to the prevailing party.

Sec. 21-22 - Variances for historic landmarks.

(Rescinded 2/5/03 – Ordinance No. 2003-10)

Sec. 21-23 - Commercial trash containers.

Plans for new commercial construction or plans for renovation of an existing commercial structure where the cumulative cost of such renovation is in excess of twenty (20) percent of the assessed value of the existing commercial structure shall make provisions for a trash container room or enclosure in accordance with the following provisions: (2648)

- (a) All new commercial construction projects; all renovation projects having a setback of less than ten (10) feet on the side of the property best suited for the servicing of trash containers shall include a trash container room for the purpose of housing dumpsters or other trash receptacles.
 - 1. The trash container room may only be located on the rear or side of the project and shall be easily accessible for servicing.
 - 2. The trash container room shall be fully enclosed and include lockable doors.
- (b) Renovation projects having a setback of ten (10) feet or more on the side of the property best suited for the servicing of trash containers shall include a trash container room pursuant to subsection (a) 1. and (a) 2. above, or a trash container enclosure in accordance with the following:
 - 1. The trash container enclosure may only be located in the rear yard, rear setback area, side yard or side setback area.
 - 2. The trash container enclosure shall be placed at least five (5) feet from any property line, but not within the triangle of visibility.
 - 3. The trash container enclosure shall be located such that garbage or

trash trucks will not block the intersections of streets or alleys while servicing trash containers.

- 4. The trash container enclosure shall consist of:
 - a. a concrete pad or impervious pavers as a base.
 - b. five (5) foot high enclosure walls
 - c. an access gate.
 - 5. An impervious surface shall be provided between the trash container enclosure and the street or alley from which the containers will be serviced.
 - 6. Whenever possible, a hedge, or similar landscaping material, shall abut the enclosure walls.
- (c) Trash container rooms and enclosures shall be subject to review and approval by the Building and Zoning Department and the Public Service Director.
 - (d) Upon written request of a property owner, the requirements specified in (a) and (b) above may be waived by order of the City Manager or his designee provided the following conditions are met: (3129)
 - 1. The trash generated within the subject commercial building can be disposed of in a shared consolidated waste container/compactor located off-site; and,
 - 2. The trash disposal location is acceptable to the City's commercial waste disposal contractor; and,
 - 3. A legal instrument, as prescribed by the City Attorney, is executed by the subject property owners acknowledging that the City Manager shall be empowered to direct full compliance with the above trash enclosure/room requirements if the use of the consolidated waste container is no longer available. (3129)

Sec. 21-24 - Family day-care home.

A family day-care home as defined in Section 2-48, herein, may be permitted in any R, D or A-Use district, subject to the following conditions and restrictions: (2703)

- (a) Each facility shall obtain a family day-care home license from the City of Coral Gables. Said license shall be renewable every year to ensure continued

compliance with the provisions of this Section.

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

Sec. 21-25 - Outdoor lighting.

Exterior lighting for areas such as but not limited to, tennis courts, golf courses, sporting grounds, outside lighting for security purposes and night lighting of commercial buildings abutting residential areas shall be permitted under the following conditions: (2706)

- (a) Plans indicating the location, height, type of lights, levels of illumination, shades,

deflectors and beam directions shall be submitted to the Building and Zoning Department.

- (b) The Building and Zoning Department may issue a permit for such lighting, if, after review of the plans and after consideration of the adjacent area and neighborhood, the proposed lighting will be deflected, shaded and focused away from adjacent properties and will not be a nuisance to such adjacent properties.
- (c) In addition, such outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half (½) foot-candle (vertical) and one-half (½) foot candle (horizontal) illumination on adjacent properties. An outdoor lighting installation shall not be placed in permanent use until a letter of compliance from a registered architect or engineer is provided stating that the installation has been field-checked and meets the requirements as set forth above.

Sec. 21-26 - Newsracks on private property. (2728)

(Rescinded 3/31/92--Ordinance No. 2985)

Sec. 21-27 - Movable planters.

Containers for plant materials which are not permanently attached to a structure or the ground shall be considered movable planters and shall be permitted in setback and right-of-way areas in any C or M zoning district provided that such planters:

- (a)
 1. Are made of clay, stone or concrete, and shall be terra cotta, white or earth-tone in color, or the color of the abutting store front facade.
 2. Are no greater in size that 2'(H) X 3'(W) X 3'(L) in size.
 3. Can be relocatable indoors when a hurricane warning is issued.
 4. Do not project more than thirty-six (36) inches into the right-of-way, beyond the face of the building to which they are adjacent.
 5. Provide a minimum clear passage of thirty-six (36) inches, do not represent a pedestrian hazard, or obstruct any entrances, exits or pedestrian circulation.

6. Are not anchored or restrained in any visible manner such as with a chain, rope or wire.
7. Are maintained, together with the plant material contained therein, in good condition, are kept clear of all refuse, and are inspected by the property owner or tenant on a daily basis.
8. Are used solely as decorative fixture for the abutting business establishment.
9. Shall not display lettering, signage or advertising.
10. That a Restrictive Covenant be executed by the owner which runs with the title of the property, stating, in addition to the above, that the owner of the property will provide public liability insurance coverage for planters placed in the public right-of-way in the minimum limits required by the City, and naming the City as an additional insured under the policy.

Any movable planters which do not meet the requirements herein shall be removed immediately.

Sec. 21-28 - Miscellaneous fees.

Application fees shall be charged for the following uses which require Special City Commission or City Manager review and approval. Fees shall be charged according to the table below, and shall be paid at the time the request is submitted.

(a) Sauna/Whirlpool Facility (Section 3-6(d) 53).....	\$400.00
(b) Health Athletic Clubs (Section 3-6(f) 17)	400.00
(c) Firearm Sales (Section 3-7(a) 2)	400.00
(d) Concrete Products Manufacturing (Section 3-7(a) 14).....	400.00
(e) Tour Guide Service with Cars/Buses (Section 3-7(a) 49)	400.00
(f) Open Lot Christmas Tree Sales (Section 6-7(a)).....	200.00
(g) Permit to Keep Wild Animals (Section 8-14) (approved by City Manager) (\$10.00 annual renewal fee)	100.00
(h) Attended Parking (Section 13-2(b))	400.00
(i) Parking in Front Setback (Section 13-3(a))	300.00

Sec. 21-29 - Prefabricated fireplace chimneys.

Prefabricated fireplace chimneys constructed of steel angle frame and a stucco finish may be installed on duplexes and single-family residences only when the fireplace addition is proposed on an existing structure and is located on an interior wall. Fireplace chimney additions on exterior walls (outside of existing building footprint) may not be prefabricated. All prefabricated fireplace chimneys shall be subject to Board of Architects review and approval, and must be designed to meet or exceed South Florida Building Code requirements, and be approved by the City Structural Engineer. (3160)

Sec. 21-30 - Authority to enter into development agreement; hearings.

- (a) Authority – The City Commission shall have authority to enter into a development agreement with any person having a legal or equitable interest in real property located within its jurisdiction in accordance with the requirements of the Florida Local Government Development Act, 163.3220 et seq., as amended, F.S.;
- (b) Definition – A development agreement is an agreement entered into pursuant to the Florida Local Government Agreement Act between the City, as a local government, and a developer regarding development of a particular parcel of land. A development agreement shall not exceed ten years in duration unless extended by mutual consent of the City and the developer, subject to a public hearing in accordance with F.S. 163.3225.
- (c) Requirements and Procedures – The requirements and procedures are governed by the Florida Local Development Agreement Act, as provided in F.S. 163.3220 et seq., as amended.