

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-43

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA GRANTING CONDITIONAL USE APPROVAL PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 4, "CONDITIONAL USES" AND ARTICLE 5, "DEVELOPMENT STANDARDS," DIVISION 24, "PRIVATE YACHT BASIN" FOR EIGHT (8) BOAT SLIPS ON PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL FOR THE PROPERTY LEGALLY DESCRIBED AS A PORTION OF TRACT E, BLOCK 4 OF HAMMOCK OAKS HARBOR SECTION TWO (11093 MARIN STREET), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting approval to allow a private yacht basin on property zoned Single-Family Residential for the property legally described as a Portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida; and

WHEREAS, after notice of public hearing duly published and courtesy notification of all property owners of record within one-thousand (1,000) feet, as well as all Hammock Oaks residents, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on July 11, 2018 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's July 11, 2018 meeting, the Board recommended approval of the proposed conditional use (vote: 5-0) subject to conditions of approval; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on September 25, 2018, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with the site plan, and after due consideration and discussion, approved the amendment on First Reading (vote: 5-0); and

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on (month) (day), 2018, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with the site plan, and after due consideration and discussion, approved the amendment on Second Reading (vote: 5-0);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES THAT:

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Ordinance upon adoption hereof.

SECTION 2. The proposed conditional use to allow a private yacht basin on property zoned Single-Family Residential for the property legally described as the a portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida shall be and is hereby approved subject to all of the following conditions:

1. Site Plan modifications.

- a. Provide details for the base supporting the paver path. The portion of the path abutting the two proposed parking spaces shall support vehicular loads.
 - b. Consider that trash and recycle bins adjacent to the bank and portions of the path may be partially underwater during high tides in the fall.
 - c. Provide grading plan for entrance area and areas adjacent to parking areas for both vehicles and golf carts.
 - d. Provide details for installation of retention curb to contain fill.
 - e. Provide steps height per engineering cross section which call for a dock at elevation 4.5’ NGVD with two steps to a pedestrian path.
2. Reconcile discrepancies between the Engineering plans approved by DERM and Architectural plans.
3. Include ADA access to docks.
4. Provide cross sections for the proposed path every 20-ft.
5. **Restrictive covenant.** Within thirty (30) days of City Commission approval of the Application, the Applicant, property owner(s), its successors or assigns shall submit a restrictive covenant for City Attorney review and approval outlining all conditions of approval as approved by the City Commission. Failure to submit the draft restrictive covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft restrictive covenant is extended by the City Attorney after good cause as to why the time frame should be extended. It is recognized that the requirements contained in the restrictive covenant constitute regulatory conditions of approval and shall survive as regulatory conditions of approval even if the restrictive covenant is later found to be void or unenforceable.

SECTION 3. That the applicant shall further be required to comply with all applicable zoning regulations and any changes to the application herein granted shall be in conformance with the requirements of Zoning Code Section 3-410, “Changes to conditional use approvals.”

SECTION 4. This development permit by the City of Coral Gables does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency.

Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency, or if the applicant undertakes actions that result in a violation of county, state or federal law. In addition, as a condition of this approval, all county, state and federal permits must be obtained before commencement of the development.

SECTION 5. That this Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS NINTH DAY OF OCTOBER, A.D., 2018.

(Moved: Quesada / Seconded: Keon)

(Yeas: Mena, Quesada, Keon, Lago, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: F-2)

APPROVED:



RAUL VALDES-FAULI
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS
CITY ATTORNEY