

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2020-07

AN ORDINANCE OF THE CITY COMMISSION AMENDING ORDINANCE NO. 2015-38 WHICH APPROVED A PLANNED AREA DEVELOPMENT (PAD) FOR THE PROJECT REFERRED TO AS “PASEO DE LA RIVIERA” PROPERTY LEGALLY DESCRIBED AS A PORTION OF TRACT A, RIVIERA SECTION PART 8 (1350 SOUTH DIXIE HIGHWAY), PROVIDING FOR THE REQUIREMENT TO RECEIVE LEED OR EQUIVALENT CERTIFICATION WITHIN ONE YEAR OF ISSUANCE OF THE TEMPORARY CERTIFICATE OF OCCUPANCY FOR ANY INDIVIDUAL BUILDING, AND ABSENT SUCH CERTIFICATION, A REQUIREMENT TO EITHER (1) PROVIDE THE CITY WITH A PERFORMANCE BOND, CASH, OR IRREVOCABLE LETTER OF CREDIT PAYMENT IN THE AMOUNT OF 3% OF THE MASTER BUILDING PERMIT CONSTRUCTION COST VALUE WITHIN ONE YEAR OF ISSUANCE OF THE TEMPORARY CERTIFICATE OF OCCUPANCY, SUCH BOND BEING SUBJECT TO SECTIONS 51302.C.2-3 OF THE ZONING CODE, OR (2) VACATE THE BUILDING; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2015-38 was approved prior to the adoption of the City’s Green Building Bond requirements codified in Section 5-1302. B. of the City’s Zoning Code; and

WHEREAS, LEED or equivalent certification requires completion and operation for one year of a building; and

WHEREAS, the City desires to amend Ordinance No. 2015-38 to require issuance of LEED or equivalent certification within one year of Temporary Certificate of Occupancy; and

WHEREAS, the proposed amendment is in the interest of public health, safety, order, convenience, comfort, prosperity, and general welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

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

SECTION 2. That Section 10.n. of Ordinance No. 2015-38, is hereby amended as follows:

10. Prior to issuance of the first Temporary Certificate of Occupancy, Applicant shall:

~~n. **LEED.** Prior to the issuance of the Temporary Certificate of Occupancy for any individual building, such individual building must achieve LEED or equivalent certification.~~

SECTION 3. That Section 11 of Ordinance No. 2015-38, is hereby amended as follows:

11. Following issuance of the first Temporary Certificate of Occupancy, Applicant shall:

c. **LEED.** Within one (1) year of issuance of the Temporary Certificate of Occupancy for any individual building, such individual building must achieve LEED or equivalent certification or either (i) provide the City with a performance bond, cash, or irrevocable letter of credit payment in the amount of 3% of the master building permit construction cost value at any point in time within one (1) year of issuance of the Temporary Certificate of Occupancy, such bond being subject to Sections 5-1302.C.2-3 of the Zoning Code, or (ii) vacate the building within sixty (60) days from the one (1) year date, at which time the Temporary Certificate of Occupancy shall be revoked. Applicant understands that the issuance of a Certificate of Occupancy will require Applicant to have obtained final LEED or equivalent certification.

SECTION 4. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 5. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. 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 7. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FIFTH DAY OF FEBRUARY, A.D., 2020.

(Moved: Keon / Seconded: Lago)

(Yeas: Keon, Lago, Mena, Fors, Jr., Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: F-3)

APPROVED:




RAUL VALDES-FAULI
MAYOR

ATTEST:



BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS
CITY ATTORNEY