

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2009-06

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING THE TEXT OF THE OFFICIAL ZONING CODE, APPENDIX A, SITE SPECIFIC ZONING REGULATIONS PROVIDING FOR CHANGES TO THE ALLOWABLE TOWNHOUSE BUILDING HEIGHT FOR SPECIFIC PROPERTIES FROM 35 TO 45 FEET PURSUANT TO A CITY OF CORAL GABLES CITY COMMISSION SETTLEMENT AGREEMENT; PROVIDING FOR REPEAL, PROVIDING SEVERABILITY, PROVIDING FOR CODIFICATION THEREOF, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owners, Fernando Menoyo and Almeria Row, LLC, represented by Tew Cardenas, LLP filed a claim on 01.08.08 for compensation for \$8,135,000.00 dollars with the City of Coral Gables pursuant to the Bert J. Harris Private Property Rights Protection Act Claim; and

WHEREAS, the property owners' representatives, Tew Cardenas, LLP have requested a Settlement Agreement of the claim that would provide for an amendment to the Site Specific Standards of the Zoning Code to allow the properties described herein to develop to a height of 45 feet and up to an additional 10 feet for architectural elements to a total height of 55 feet; and

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on December 10, 2008, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Board was presented with a proposed text language/amendment provided by the Claimants legal counsel that would allow the properties described herein to develop to a height of 45 feet and up to an additional 10 feet for architectural elements to a total height of 55 feet, and after due consideration and discussion, the Board recommended approval (4 – 1 vote) of the following:

1. Proposed text language/amendment provided by the Claimants legal counsel.
2. Requested City staff complete a study of Multi-Family Special Area (MFSA) properties adjacent via streets to Single Family Residential (SFR) zoned properties; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on January 13, 2009 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, recommended approval on First Reading (vote 5- 0) of the amendment subject to the increased building height be permitted only for “townhouse/rowhouse” building typologies; and

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on January 27, 2009 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, recommended approval of the amendment as referenced and provided herein on Second Reading (Vote 5-0);

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

SECTION 1. 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. The Zoning Code of the City of Coral Gables, Appendix A – Site Specific Standards is hereby amended:

(The below italicized text is the proposed text submitted by Claimants legal counsel)

Section A-12 – Coral Gables Biltmore Section

B. Height of townhouses.

- 7. Height of townhouses on the following described properties (“Properties”) shall have a height limitation of forty-five (45) feet and 3 stories:*
 - a. Coral Gables Biltmore Section, Plat Book 20, Page 28, Lots 1, 2, 42 and 43, Block 10;*
 - b. Coral Gables Biltmore Section, Plat Book 20, Page 28, Lots 1, 2, 18, 19, 20, 21, 22, 23, Block 11.*

Height shall be defined as per Section 4-104(D)(8)(i): The maximum permitted height is measured from established grade to the flat roof deck and when there is no flat roof deck, the height shall be to the tie-beam on the top floor of the building. Mechanical equipment areas and decorative roof structures may extend beyond the permitted height a total of ten (10) feet.

In the event that less restrictive conditions are adopted regarding the Properties, the less restrictive conditions shall apply.

Section A-3(A) – Almeria Replat

A. Height of townhouses.

- 1. Height of townhouses on the following described properties (“Properties”) shall have a height limitation of forty-five (45) feet and 3 stories:
 - a. Almeria Replat, Plat Book 166, Page 82, Lots 6, 7, 8, 9, 10, Block 1**

Height shall be defined as per Section 4-104(D)(8)(i): The maximum permitted height is measured from established grade to the flat roof deck and when there is no flat roof deck, the height shall be to the tie-beam on the top floor of the building. Mechanical equipment areas and decorative roof structures may extend beyond the permitted height a total of ten (10) feet.

In the event that less restrictive conditions are adopted regarding the Properties, the less restrictive conditions shall apply.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. 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 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the “Zoning Code” of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. That this Ordinance shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SEVENTH DAY OF JANUARY, A.D.,
2009.

(Moved: Withers / Seconded: Kerdyk)
(Yeas: Withers, Anderson, Cabrera, Kerdyk, Slesnick)
(Unanimous: 5-0 Vote)
(Agenda Item: E-1)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY