

THE CITY OF CORAL GABLES**ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING RECEIPT OF TRANSFER OF DEVELOPMENT RIGHTS (TDRS) PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW", DIVISION 10, "TRANSFER OF DEVELOPMENT RIGHTS", SECTION 3-1006, "REVIEW AND APPROVAL OF USE OF TDRS ON RECEIVER SITES", FOR THE RECEIPT AND USE OF TDRS FOR THE MIXED USE PROJECT REFERRED TO AS "2020 SALZEDO STREET", ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 13-37 AND THE EAST 7' OF LOT 38, BLOCK 18, SECTION K (2020 SALZEDO STREET), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting receipt of Transfer of Development Rights (TDRs), for receipt and use for the mixed use project referred to as "2020 Salzedo Street" on the property legally described as Lots 13-37 and the east 7' of Lot 38, Block 18, Section K (2020 Salzedo Street), Coral Gables, Florida; and,

WHEREAS, the Application has been submitted concurrently with an Application for mixed use site plan review pursuant to Zoning Code Section 4-201 for the proposed "2020 Salzedo Street" mixed use project; and,

WHEREAS, pursuant to Zoning Code Article 3, "Development Review", Division 10, "Transfer of Development Rights", Section 3-1006, "Review and approval of use of TDRs on receiver sites" the receipt and use of TDRs shall comply with the public hearing review requirements established in Zoning Code Article 3, "Development Review", Division 4, "Conditional Uses"; and,

WHEREAS, the Applicant is utilizing unused development rights from five (5) historically designated properties located within the Central Business District (CBD) for this project, and, on January 16, 2014, the Historic Preservation Board reviewed and approved maintenance plans for the preservation of each of the historic sending sites as required by the Zoning Code for the transfer of TDRs to a receiver site; and,

WHEREAS, the receiving site is within five hundred (500) feet of a local historic landmark and Historic Preservation Board review and approval is required to determine if the proposal shall not adversely affect the historic, architectural, or aesthetic character of the property, and on January 16, 2014 the Historic Preservation Board (HPB) reviewed and approved the proposed receiving site plan; and,

WHEREAS, after notice of a public hearing being duly published and a courtesy public notice was mailed to all property owners of record within a one thousand (1,000) foot radius from the said property, a public hearing was held before the Planning and Zoning Board on February 12, 2014, at which hearing all interested persons were afforded the opportunity to be heard; and,

WHEREAS, at the February 12, 2014 Planning and Zoning Board meeting, the Board recommended approval (vote: 7-0) of the receipt of Transfer of Development Rights (TDRs) for the receipt and use for the mixed use project referred to as “2020 Salzedo Street”, on the property legally described as Lots 13-37 and the east 7’ of Lot 38, Block 18, Section K (2020 Salzedo Street), Coral Gables, Florida; and,

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on February 25, 2014 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with the request for receipt of Transfer of Development Rights (TDRs), for receipt and use for the mixed use project referred to as “2020 Salzedo Street”, and after due consideration and discussion, approved the receipt of TDRs on First Reading (vote: 4-0), subject to the same conditions required for the mixed use site plan.

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 Applicant’s request for receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 3, “Development Review”, Division 10, “Transfer of Development Rights”, Section 3-1006, “Review and approval of use of TDRs on receiver sites”, for the receipt and use of TDRs for the mixed use project referred to as “2020 Salzedo Street”, on the property legally described as Lots 13-37 and the east 7’ of Lot 38, Block 18, Section K (2020 Salzedo Street), Coral Gables, Florida, is approved, subject to the following conditions:

1. All conditions of approval as required for the “2020 Salzedo Street” mixed use project and specified in Resolution No. _____.

2. The approval of the receipt and use of TDRs is limited to the “2020 Salzedo Street” mixed use project and site plan that is being reviewed concurrently with the Application. The TDRs may only be used for approved amendments to the “2020 Salzedo Street” mixed use project and site plan if such use of TDRs is approved by either the Development Services Director, if the amendments are minor pursuant to Section 3-410.A. of the Zoning Code, or the City Commission, if the amendments are not minor pursuant to Section 3-410.A.

SECTION 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are 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. 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 6. This ordinance shall become effective only upon adoption of a Resolution approving the “2020 Salzedo Street” mixed use project, and shall then become effective immediately.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2014.

APPROVED:

2nd reading

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY