

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2018-42**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, APPENDIX A, "SITE SPECIFIC ZONING REGULATIONS," BY CREATING A NEW SUBSECTION, "SECTION A-58 – HAMMOCK OAKS HARBOR SECTION 2 (F)," PROVIDING PROVISIONS GOVERNING THE USE OF THE PROPOSED PRIVATE YACHT BASIN FACILITY, ON PROPERTY LEGALLY DESCRIBED AS A PORTION OF TRACT E, BLOCK 4 OF HAMMOCK OAKS HARBOR SECTION TWO (11093 MARIN STREET), CORAL GABLES, FLORIDA; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, an Application for a text amendment to the Zoning Code has been submitted in order to provide provisions governing the use of the proposed yacht basin facility; and

**WHEREAS**, the proposed Zoning Code text amendments have been submitted in conjunction with an application for Site Plan Review for the construction of a new yacht basin on vacant land; and

**WHEREAS**, after notice was duly published, a public hearing was held before the Planning and Zoning Board ("Board") on July 11, 2018, at which hearing all interested parties were afforded the opportunity to be heard; and

**WHEREAS**, the Board was presented with the text amendments to the Zoning Code providing for provisions governing the use of the proposed yacht basin, and after due consideration, recommended approval (vote: 5-0) of the Zoning Code text amendments; and

**WHEREAS**, the Applicant has incorporated all modifications into the proposed text as recommended by the Board; 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 a text amendment to the Zoning Code, and after due consideration and discussion, approved/denied 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 a text amendment to the

Zoning Code, and after due consideration and discussion, approved the amendment 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 Official Zoning Code of the City of Coral Gables is hereby amended as follows<sup>1</sup>:

**Appendix A – Site Specific Zoning Regulations**

**Section A.58 – Hammock Oak Harbor Section 2.**

\*\*\*

F. The following provisions shall apply exclusively to Hammock Oak Harbor Section 2. Subdivision - A portion of Tract E, Block 4, except as specified in the following provisions, all requirements of this section and all other applicable requirements of the City of Coral Gables Zoning Code and City Code and federal, state, county governments shall apply.

1. Permitted use: Private yacht basin containing 8 dock slips pursuant to Section 5-2501.
2. **Prohibited Uses and Operations:** The private yacht basin shall comply with all prohibited uses and operations set forth in Section 5-2501. The following uses or operations shall also be prohibited on any portion of the property:
  - a. Sale, conveyance, or transfer of a dock to anyone who is not an owner of an improved residential lot in Hammock Oaks subdivision.
  - b. Leasing of dock to anyone who is not residing in an improved residential lot in Hammock Oaks subdivision.
  - c. Parking on swale or right of way along the entrance gates.
  - d. Food preparation for distribution to the public.
  - e. Overnight stays on any portion of the property and no overnight car parking.
  - f. Commercial Storage of fuel onsite.
  - g. Dispensing of fuel onsite or from lake.

---

<sup>1</sup>Deletions are indicated by ~~striketrough~~. Insertions are indicated by underline.

- h. Fish cleaning on the property.
  - i. Davits, watercraft lifts, or floating watercraft lifts.
  - j. Cutting, removing, tying or otherwise interfering with or impacting the mangrove vegetation on the boat basin property.
  - k. Amplification of music.
  - l. Onsite trash containers.
3. Yacht basin. The number of dock slips shall be 8. The private yacht basin shall satisfy all applicable local, county, state, and federal requirements for the operations permitted pursuant to the approvals granted by the City of Coral Gables. A dock as referenced herein is defined as that portion of a pier where a boat is moored for berthing, embarking or disembarking.
  4. Boat slips shall be only for the use of Hammock Oaks property residents. Boat slips shall be tied to Hammock Oak property with a Unity of Title.
  5. Landscape requirements. A minimum 3-foot landscape buffer shall be maintained along the portion of the property abutting Marin Street and along the boundary of the property to the north. The site shall be landscaped as shown on the plans approved by Ordinance No.2018-43.
  6. Parking. 9 vehicles shall be provided consisting of 1 car parking space and 8 electric only golf cart parking spaces. All vehicles accessing docks shall only park onsite.
  7. Height of entrance wall and gate. Walls and gates may have a maximum height of 4-feet, provided that in no case shall a wall or gate violate the triangle of visibility.
  8. The outward location of docks from the lake bank shall vary from approximately 15-feet 5-inches to 25-feet 7 inches, as shown on the plans approved by Ordinance No. 2018-43.
  9. Boat slip owners shall take their trash to their respective residential property containers for pick up.
  10. All vehicles: cars, boats and golf carts shall be required to display a visible Marin Boat

Basin decal. The Marin Boat Slips Condominium shall issue fines for undocumented vehicles. Vehicles are subject to involuntary removal for failure to display a decal.

11. Security. The Marin Boat Slips Condominium shall be responsible for daily roving patrol, including but not limited to, confirming ownership, confirming Marin Boat Basin decal, and compliance with all other conditions.

\*\*\*

**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.** If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

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

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

(Moved: Quesada / Seconded: Keon)

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

(Unanimous: 5-0 Vote)

(Agenda: F-1)

APPROVED:

A handwritten signature in blue ink, consisting of a large, stylized 'R' followed by a wavy line.

RAUL VALDES-FAULI  
MAYOR

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

ATTEST:

A large, cursive handwritten signature in blue ink, reading 'Walter J. Foeman'.

WALTER J. FOEMAN  
CITY CLERK

A handwritten signature in blue ink, consisting of the initials 'M/SR/S'.

MIRIAM SOLER RAMOS  
CITY ATTORNEY

**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