

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2014-14**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING CONDITIONAL USE REVIEW FOR A BUILDING SITE DETERMINATION PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW", SECTION 3-206, "BUILDING SITE DETERMINATION" TO CREATE TWO (2) SEPARATE SINGLE-FAMILY BUILDING SITES ON PROPERTY ASSIGNED SINGLE-FAMILY RESIDENTIAL (SFR) ZONING AND LOCAL HISTORIC LANDMARK; ONE BUILDING SITE CONSISTING OF LOT 1 AND THE OTHER OF LOT 2, SUBMITTED CONCURRENTLY WITH A PROPOSED RE-PLAT FOR THE PROPERTY LEGALLY DESCRIBED AS TRACT 2, CARTEE HOMESTEAD SECTION (6801 GRANADA BOULEVARD), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR SEVERABILITY, REPEALER AND AN EFFECTIVE DATE.

**WHEREAS**, the request is for Conditional Use review for a building site determination for the property legally described as Tract 2, Cartee Homestead Section (6801 Granada Boulevard), Coral Gables, Florida, requesting that the property be separated into two (2) separate building sites for single-family residences; and

**WHEREAS**, the application for Conditional Use review for a building site determination was accompanied with a request for review of the tentative plat entitled "Revised Plat of Cartee Homestead" proposing to re-plat the approximately 3.0 acre single tract into two (2) separate platted lots with each of the proposed platted lots to be one building site for a single-family residence; 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 December 11, 2013, at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the December 11, 2013 Planning and Zoning Board meeting, the Board recommended approval of the Application (vote: 4-2) subject to conditions of approval as accepted by the Applicant as specified herein for Conditional Use review for a building site determination pursuant to Zoning Code Article 3, "Development Review", Section 3-206, "Building Site Determination" to create two (2) separate single-family building sites on property assigned Single-Family Residential (SFR) District zoning and Local Historic Landmark; one building site consisting of Lot 1 and the other of Lot 2 as designated on the proposed re-plat submitted concurrently with this request; and

**WHEREAS**, at the December 11, 2013 Planning and Zoning Board meeting the Board, as part of its recommendation of approval of the Application, found that the Application satisfies at least four (4) of the six (6) criteria to recommend approval; and

**WHEREAS**, pursuant to Section 3-206 of the Zoning Code all proposed building site separation applications are subject to a public hearing for City Commission review and approval as a Conditional Use via Ordinance in accordance with the review criteria therein; and

**WHEREAS**, after notice duly published, a public hearing for First Reading was held before the City Commission on May 13, 2014 at which hearing all interested parties were afforded the opportunity to be heard; and

**WHEREAS**, the City Commission was presented with the Conditional Use Review for a Building Site Determination, and after due consideration and discussion, approved the proposed building site separation with conditions on First Reading (vote:3-2);

**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 Conditional Use review for a building site determination pursuant to Zoning Code Article 3, “Development Review”, Section 3-206, “Building Site Determination” to create two (2) separate single-family building sites on property assigned Single-Family Residential (SFR) District zoning and Local Historic Landmark; one building site consisting of Lot 1 and the other of Lot 2 as designated on the proposed re-plat submitted concurrently with this request on property legally described as Tract 2, Cartee Homestead Section (6801 Granada Boulevard), Coral Gables, Florida, is approved subject to the following conditions of approval:

1. The existing historical residence shall remain on Lot 1, no re-plat application shall be requested to further subdivide Lot 1 or Lot 2, and Lot 2 shall have a frontage of 130 feet on Granada Road.
2. Retain the loggia of existing historic residence located on Lot 1 that is noted on the plans as “existing pool pavilion.”
3. The swale area for Lots 1 and 2 shall not be used for parking under any circumstances.
4. The new single-family residence constructed on Lot 2 shall meet all applicable requirements of the Zoning Code, and no variances shall be required or requested. The front building setback for Lot 2 shall be a minimum of 50 feet. As part of the building permit for Lot 2, a landscape buffer plan shall be required for the eastern property line that can demonstrate an effective screen for the proposed residence on Lot 2 after 5 years of landscape growth.
5. Any new construction on the parcel of land that will be created for a new residence on Lot 2 will require a Special Certificate of Appropriateness and review by the Historic Preservation Board. The demolition of the portion of the perimeter coral rock wall to accommodate the driveway for

the new residence on Lot 2 will also be part of the application for that residence and will require a Certificate of Appropriateness.

6. The removal/relocation of trees on Lot 2 will be part of the application for the new residence and will require a Certificate of Appropriateness from the Historical Resources Department, and shall also be subject to review and approval by the Directors of Public Service and Planning and Zoning. No tree removal or relocations will occur until the design of the new residence on Lot 2 has been approved and a detailed landscape plan including an existing tree survey indicating those trees proposed to be removed, relocated or replaced and a root preservation plan shall be prepared and provided by the Applicant and submitted with the application for the new residence. The landscape plan for the new residence shall include all specimen trees to be preserved in accordance with the tree survey on file. The Specimen Tree Site Plan for Lot #2 dated July 29, 2014, prepared by R.J. Heisenbottle Architects, PA, showing the location and specific types of specimen trees shall be recorded with the restrictive covenant required in paragraph 7 for Lot 2 that depicts all specimen trees that are to be preserved on site pursuant to Article II, Chapter 82 of the City Code.
7. Within 30 days of approval of the Conditional Use Review for a Building Site Determination, the property owner, its successors or assigns shall submit a restrictive covenant for City Attorney review and approval that includes all conditions of approval as approved by the City Commission. Failure to submit the covenant within the specified time frame shall render the approval void unless said time frame for submittal of the covenant is extended by the City Attorney after good cause as to why the time frame should be extended.
8. The total square footage of the two residences on Lots 1 and 2 shall be equal to or less than 39,574 square feet, which would be the maximum size of a residence permitted by the Zoning Code that could be constructed on the property if developed as a single building site.
9. Within 60 days of approval of the Conditional Use Review for a Building Site Determination, the property owner, its successors or assigns shall take action to remove the dock encroachment and any other encroachments.

**SECTION 3.** All rights, actions, proceedings and Contracts of the City, including the City Commissioners, the City Manager, or any city departments, boards or officers undertaken pursuant to the existing code provisions, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

**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 session, 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.

PASSED AND ADOPTED THIS TWENTY-SECOND DAY OF JULY, A.D., 2014.  
(Moved: Quesada / Seconded Lago)  
(Yeas: Lago, Quesada, Cason)  
(Majority: (3-2) Vote)  
(Nays: Keon, Kerdyk)  
(Agenda Item: E-3)

APPROVED:



JIM CASON  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY