

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2008-26

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES APPROVING THE CHANGE OF ZONING FROM "MFSA", MULTI FAMILY SPECIAL AREA TO "C", COMMERCIAL FOR THE PROPERTY LEGALLY DESCRIBED AS LOTS 25-32, BLOCK 6, BILTMORE SECTION (2524 LEJEUNE ROAD), CORAL GABLES, FLORIDA; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property currently has an inconsistent multi-family residential zoning designation which must be amended to comply with the property's commercial land use designation; and

WHEREAS, a change of Zoning from "MFSA", Multi Family Special Area to "C", Commercial is required to correct the existing inconsistent multi-family residential zoning designation to be in compliance with the property's commercial land use designation; and

WHEREAS, Application No. 02-07-455-P was submitted requesting that the Zoning Map be amended to change the zoning from "MFSA", Multi Family Special Area to "C", Commercial for the property legally described in the heading of this ordinance in conjunction with a change of land use and site plan for the same property that was denied by the City Commission; and

WHEREAS, after a courtesy public notice was mailed to all property owners within the affected area, and within 1,000 foot radius from the affected area; and

WHEREAS, after notice of a public hearing being duly published, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on August 13, 2008 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, at the August 13, 2008 Planning and Zoning Board meeting, the Board recommended approval of the proposed change of zoning (vote: 4-1); and

WHEREAS, the City Commission on September 9, 2008 passed the proposed change of zoning on First Reading as provided herein (vote: 3-2); and

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request to change the zoning pursuant to Florida Statutes after carefully considering written and oral comments by members of the public and governing agencies;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF
THE CITY OF CORAL GABLES:**

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. That the Zoning Code of the City of Coral Gables be amended to change the zoning designation from “MFSA”, Multi Family Special Area to “C”, Commercial.

SECTION 3. That it is the intention of the City Commission that each provision hereof be considered severable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other portion of this Ordinance, the Coral Gables Comprehensive Land Use Plan, or the Coral Gables Zoning Code.

SECTION 4. All rights, actions, proceedings and Contracts of the City, including the City Commissioners, the City Manager, or any of its 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 5. All ordinance or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 6. 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 7. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of the City of Coral Gables, Florida, as amended, which provisions may be renumbered or relettered and that the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 8. That this Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF OCTOBER, A.D.,
2008.

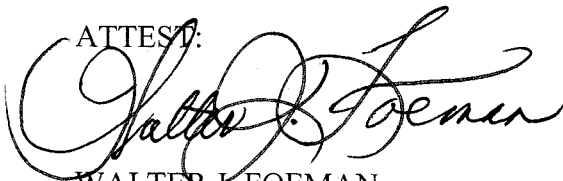
(Moved: Cabrera / Seconded: Withers)
(Yeas: Cabrera, Withers, Slesnick)
(Nays: Anderson)
(Absent: Kerdyk)
(Majority (3-1) Vote)
(Agenda Item: E-5)

APPROVED:



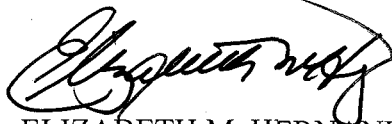
DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY