

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2009-51**

AN ORDINANCE READOPTING THE COMPREHENSIVE PLAN MAP IN ITS ENTIRETY AND CHANGE OF LAND USE MAP DESIGNATIONS FOR THE PURPOSE OF CORRECTING INCONSISTENCIES BETWEEN COMPREHENSIVE PLAN MAP AND ZONING MAP CLASSIFICATIONS BASED UPON THE CURRENT USE FOR THE FOLLOWING CITY OWNED PROPERTIES:

1. CHANGE FROM "COMMERCIAL, LOW AND MID-RISE INTENSITY" TO "PUBLIC BUILDINGS AND GROUNDS" FOR 285 ARAGON AVENUE (CORAL GABLES MUSEUM) LOCATED ON LOTS 1-4 AND 42-48, BLOCK 34, CORAL GABLES SECTION "K"; AND,
2. CHANGE FROM "NO DESIGNATION" TO "OPEN SPACE" FOR THE PUBLIC OPEN SPACE LOCATED ON ALL OF BLOCK 37, COUNTRY CLUB SECTION 3; AND,
3. CHANGE FROM "RESIDENTIAL (SINGLE-FAMILY) LOW DENSITY" TO "PUBLIC BUILDINGS AND GROUNDS" FOR THE CITY UTILITY STATION LOCATED ON TRACT A, BLOCK 2, HAMMOCK OAKS HARBOR SECTION 2.

PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Coral Gables launched several critical projects to address future development, including the rewriting of the Zoning Code and Comprehensive Land Use Plan (CLUP) and revising the Zoning Maps and CLUP Future Land Use Map, all of which work together to govern new construction and modifications to structures; and

**WHEREAS**, the State of Florida Growth Management Act of 1985 mandates the City adopt a CLUP Map, and Florida law requires that the zoning designation of properties within the City be consistent with the CLUP Map; and

**WHEREAS**, pursuant to the provisions of Chapter 163.3194 Florida Statutes, the City shall adopt a schedule for bringing the Zoning Code into conformity with the provision of the most recently adopted comprehensive plan; and

**WHEREAS**, City Staff have examined the zoning and land use designations of properties within the City and identified inconsistencies between the Zoning Map and CLUP Map; and

**WHEREAS**, the City is readopting the Comprehensive Land Use Plan Map in its entirety; and

**WHEREAS**, Objective 1-1.3 and Policy 1-1.3.4 of the City's CLUP requires achieving compliance with the CLUP Future Land Use Map by reducing the number of inconsistencies between the map and actual land uses, and to examine and revise the Zoning Code to correct any inconsistencies; and

**WHEREAS**, as a part of the Zoning Code rewrite, eighteen (18) publicly owned inconsistencies were corrected; and

**WHEREAS**, as a part of the Comprehensive Plan rewrite, three (3) City owned inconsistencies shall be corrected; and

**WHEREAS**, at a public hearing held on May 13, 2009, the Local Planning Agency (Planning and Zoning Board) afforded all interested persons an opportunity to be heard and this application was continued to the June 3, 2009 Local Planning Agency (Planning and Zoning Board) Meeting; and

**WHEREAS**, at a public hearing held on June 3, 2009, the Local Planning Agency (Planning and Zoning Board) recommended approval (vote: 5-0); and

**WHEREAS**, pursuant to the provisions of Chapter 163.3187 Florida Statutes, the City Commission held a public hearing on July 7, 2009 at which hearing all interested persons were afforded an opportunity to be heard and this application was approved on first reading (vote: 5-0); and

**WHEREAS**, at a public hearing held on November 4, 2009, the Local Planning Agency (Planning and Zoning Board) recommended approval (vote: 7-0); and

**WHEREAS**, after notice of a public hearing being duly published, the City Commission held a public hearing on November 17, 2009 at which hearing all interested persons were afforded an opportunity to be heard and this application was approved on second and final reading (vote: 5-0); and

**WHEREAS**, these requests are considered small scale amendments, and would not require review by the Department of Community Affairs;

**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 herein.

**SECTION 2.** That the request for a land use amendment to the “City of Coral Gables Comprehensive Plan,” and in particular that portion of the Future Land Use Element, known as the Future Land Use Map of Coral Gables, shall be and it is hereby amended to show henceforth a change in the Future Land Use for three (3) City owned properties:

1. Change from “Commercial, Low and Mid-Rise Intensities” to “Public Buildings and Grounds” for 285 Aragon Avenue (Coral Gables Museum) located on Lots 1-4, 42-48 and adjoining alley, Block 34; Section “K”; and,
2. Change from “No Designation” to “Open Space” for the public open space located on All of Block 37; Country Club Section 3; and,
3. Change from “Residential (Single-family) Low Density” to “Public Buildings and Grounds” for the City utility station located on Tract A, Block 2; Hammock Oaks Harbor Section 2.

**SECTION 3.** That 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 4.** That all ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

**SECTION 5.** That 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.** That 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 7.** This ordinance shall become effective ten days upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS SEVENTEENTH DAY OF NOVEMBER, A.D., 2009.

(Moved: Anderson / Seconded: Kerdyk)

(Yeas: Anderson, Cabrera, Kerdyk, Withers, Slesnick)

(Unanimous: 5-0 Vote)

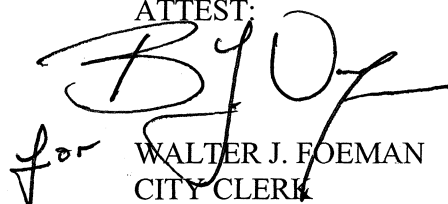
(Agenda Item: E-6)

APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:



for WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY