

THE CITY OF CORAL GABLES

ORDINANCE NO. _____

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 ZONED SINGLE-FAMILY RESIDENTIAL (SFR) DISTRICT; ONE (1) BUILDING SITE CONSISTING OF A PORTION OF LOT 1 AND ALL OF LOT 2; AND, ONE (1) BUILDING SITE CONSISTING OF A PORTION OF LOT 1 AND ALL OF LOT 23 ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 1, 2 AND 23, BLOCK 263, RIVIERA SECTION PART 11 (450 COMO AVENUE), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, PROVIDING FOR A SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the request is for Conditional Use Review for a Building Site Determination for the property legally described as Lots 1, 2 and 23, Block 263, Riviera Section Part 11 (450 Como Avenue), Coral Gables, Florida, requesting that the property be separated into two (2) separate building sites for single-family residences; 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 said property, a public hearing was held before the Planning and Zoning Board on July 29, 2015, at which hearing all interested persons were afforded the opportunity to be heard; and,

WHEREAS, at the July 29, 2015 Planning and Zoning Board meeting, the Board recommended approval (vote: 4 yes – 1 no) of the Application subject to conditions of approval for the 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) single-family building sites, with one (1) building site consisting of a portion of Lot 1 and all of Lot 2 and one (1) building site consisting of a portion of Lot 1 and all of Lot 23; and,

WHEREAS, at the July 29, 2015 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 pursuant to Section 3-206(F) of the Zoning Code; 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, a public hearing for First Reading was held before the City Commission on August 25, 2015 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 made findings of fact and found that the Application satisfies at least four (4) of the six (6) criteria to approve the proposed building site separation with conditions on First Reading (vote: __ - __).

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) zoning; one (1) building site consisting of a portion of Lot 1 and all of Lot 2; and, one (1) building site consisting of a portion of Lot 1 and all of Lot 23 from the property legally described as Lots 1, 2 and 23, Block 263, Riviera Section Part 11 (450 Como Avenue), Coral Gables, Florida, is approved subject to the following conditions of approval:

1. The new single-family residences constructed on the two (2) building sites shall meet all applicable requirements of the Zoning Code, and no variances shall be required or requested.
2. The new single-family residences constructed on the two (2) building sites shall be deemed to face San Vicente Street. The main entrances shall face San Vicente Street while the driveways shall be required to have access from the side streets of Como Avenue and Garlenda Avenue.
3. A detailed tree disposition plan and landscape plan shall be prepared and provided by the Applicant, subject to review and approval of the Directors of the Public Service Division and the Planning and Zoning Division prior to the submittal to the Board of Architects for either building site.
4. Prior to submittal to the Board of Architects the property owner, its successors or assigns shall file for a release of the restrictive covenants currently running with the land.
5. Prior to submittal to the Board of Architects the property owner, its successors or assigns shall obtain letters from all affected utility companies and comply with any requests for easements.
6. The total square footage of the two (2) residences shall be equal to or less than 8,947 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.
7. Prior to submittal to the Board of Architects the property owner, its successors or assigns shall remove the driveway aprons located on Como Avenue and San Vicente Street.

SECTION 3. 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. 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 section, 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.

SECTION 7. This ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2015.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY