

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2009-26**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES FOR A CHANGE OF LAND USE FROM "COMMERCIAL USE, MID-RISE DENSITY" TO "COMMERCIAL USE, HIGH-RISE DENSITY" ON LOTS 35-47 AND TRACT B, BLOCK 4, AND LOTS 10-20, BLOCK 5, CRAFTS SECTION (83 ANDALUSIA AVENUE), CORAL GABLES, FLORIDA; THE CHANGE OF LAND USE IS A PRE-REQUISITE FOR PLANNED AREA DEVELOPMENT (PAD) SITE PLAN REVIEW; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Application No. 02-08-051-P was submitted requesting a change of land use from "Commercial Use, Mid-Rise Intensity" to "Commercial Use, High-Rise Intensity" as a prerequisite for PAD site plan review for the senior living project referred to as "The Palace at Coral Gables" on Lots 35-47 and Tract B, Block 4, and Lots 10-20, Block 5, Crafts Section (83 Andalusia Avenue), Coral Gables, Florida; and

**WHEREAS**, the City of Coral Gables, pursuant to Florida Statutes and the City of Coral Gables Zoning Code, has designated the Planning and Zoning Board as the Local Planning Agency; and

**WHEREAS**, after notice of public hearing duly published and notification of all property owners of record within one thousand (1000) feet of the property, public hearing was held before the Local Planning Agency (Planning and Zoning Board) of the City of Coral Gables on February 11, 2009, at which hearings all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at a public hearing held on February 11, 2009, the Local Planning Agency (Planning and Zoning Board) recommended approval of the change of land use (vote: 6-0); and

**WHEREAS**, pursuant to the provisions of Chapter 163.3187 Florida Statutes, the City Commission held a public hearing on March 10, 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**, this request is considered a small scale amendment, and would not require review by the Department of Community Affairs;

**NOW, THEREFORE, BE IT ORDAINED 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 hereby made a specific part of this Ordinance upon adoption hereof.

**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 by changing the "Land Use Category" from "Commercial Use, Mid-Rise Intensity" to "Commercial Use, High-Rise Intensity" for the senior living project referred to as "The Palace at Coral Gables" on Lots 35-47 and Tract B, Block 4, and Lots 10-20, Block 5, Crafts Section (83 Andalusia Avenue), Coral Gables, Florida.

**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 session, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 6.** 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 re-lettered 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 (10) days after final reading and adoption thereof.

PASSED AND ADOPTED THIS SECOND DAY OF JUNE, A.D., 2009.

(Moved: Anderson / Seconded: Kerdyk)

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

(Unanimous: 5-0 Vote)

(Agenda Item: E-4)

APPROVED:

DONALD D. SLESNICK II  
MAYOR

ATTEST:  
  
WALTER J. FOEMAN

CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
ELIZABETH M. HERNANDEZ  
CITY ATTORNEY