

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2016-35

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 LOTS 19-21 AND ONE (1) BUILDING SITE CONSISTING OF LOTS 22-24 ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 19-24, BLOCK 15, CORAL GABLES SECTION "D", CORAL GABLES, FLORIDA; GENERALLY LOCATED ON THE EAST SIDE OF RED ROAD BETWEEN COUNTRY CLUB PRADO AND VALENCIA AVENUE; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, 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 19-24, Block 15, Coral Gables Section "D", 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 April 13, 2016, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the April 13, 2016 Planning and Zoning Board meeting, the Board recommended approval (vote: 6 yes – 0 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 Lots 19-21 and one (1) building site consisting of Lots 22-24; and

WHEREAS, at the April 13, 2016 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 May 24, 2016 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: 5-0);

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 Lots 19-21; and, one (1) building site consisting of Lots 22-24 from the property legally described as Lots 19-24, Block 15, Coral Gables Section “D”, 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 total square footage of the two (2) residences shall be equal to or less than 6,100 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.
3. Existing trees labeled as numbers 5, 14 and 31 on the Tree Disposition Plan (Sheet Number LD-1), and referenced on the Tree Removal/Relocation invoices, must remain on site.

SECTION 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 4. 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 5. 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 6. This ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF JUNE, A.D. 2016.

(Moved: Keon / Seconded: Slesnick)

(Yeas: Keon, Lago, Quesada, Slesnick, Cason)

(Unanimous: 5-0 Vote)

(Agenda Item: E-4)

APPROVED:



JIM CASON
MAYOR

ATTEST



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY