

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 ON LOT 30 AND ONE (1) BUILDING SITE CONSISTING OF LOT 31 ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 30 AND 31, BLOCK A, GABLES ESTATES NO. 2 (20 CASUARINA CONCOURSE), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE, REPEALER PROVISION, 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 30 and 31, Block A, Gables Estates Number 2 (20 Casuarina Concourse), 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 the said property, a public hearing was held before the Planning and Zoning Board on January 14, 2015, at which hearing all interested persons were afforded the opportunity to be heard; and,

WHEREAS, at the January 14, 2015 Planning and Zoning Board meeting, the Board made no recommendation (vote: 3 yes – 2 no) on 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 Lot 30 and one (1) building site consisting of Lot 31; and,

WHEREAS, the Planning and Zoning Board is providing the City Commission with no recommendation, as an affirmative vote of four (4) members of the Board is necessary for the adoption of any motion pursuant to Section 2-203(B) 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 specified in Section 3-206; and,

WHEREAS, a public hearing for First Reading was held before the City Commission on April 28, 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 Criterion 2, 3, 4 and 5, or the required four (4) out of 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 Lot 30 and one (1) building site consisting of Lot 31, Block A, Gables Estates Number 2 (20 Casuarina Concourse), 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. 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.
3. Restrictive covenant. Within thirty (30) days of approval of the Conditional Use Review for a Building Site Determination, the property owner, its successors or assigns shall file for a release of the restrictive covenant currently running with the land and submit a new restrictive covenant for City Attorney review and approval that includes all conditions of approval as approved by the City Commission for both Lots 30 and 31. Failure to submit the covenant within the specified time frame shall render the approval void unless said time frame for submittal of the covenant is extended by the City Attorney after good cause as to why the time frame should be extended.
4. Within 120 days of approval of the Conditional Use Review for a Building Site Determination, the property owner shall amend the concrete dock and wood deck to meet the setback requirements pursuant to the Zoning Code, which can be extended at the discretion of the Development Services Director if the property owner can provide documentation that good faith efforts were made to meet this condition. No Certificate of Occupancy will be issued on Lots 30 or 31 until the respective structures or encroachments conform with the City of Coral Gables Code of Ordinances.

5. The total square footage of the two (2) residences on Lot 30 and 31 shall be equal to or less than 34,974 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.

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

2nd Reading