

## **CITY OF CORAL GABLES, FLORIDA**

### **ORDINANCE NO. 2016-57**

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 SEPARATE INTO TWO (2) SINGLE-FAMILY BUILDING SITES THE PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL (SFR) DISTRICT AND LEGALLY DESCRIBED AS LOTS 8-10 AND THE EAST 15 FEET OF LOT 7, BLOCK 25, CORAL GABLES SECTION "B" (728 NAVARRE AVE), CORAL GABLES, FLORIDA; ONE (1) BUILDING SITE CONSISTING OF LOT 8 AND THE WEST HALF OF LOT 9 AND ONE (1) BUILDING SITE CONSISTING OF LOT 10 AND THE EAST HALF OF LOT 9 WITH THE REMAINING EAST 15 FEET OF LOT 7 TO BE INCLUDED AS A PART OF THE PROPERTY TO THE WEST LEGALLY DESCRIBED AS THE EAST 25 FEET OF LOT 6 AND LOT 7 LESS EAST 15 FEET, BLOCK 25, CORAL GABLES SECTION "B" (734 NAVARRE AVE); INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, PROVIDING FOR A SEVERABILITY CLAUSE, 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 8-10 and the east 15 Feet of Lot 7, Block 25, Coral Gables Section "B" (728 Navarre Avenue), Coral Gables, Florida, requesting that the portion of the property legally described as Lots 8-10 be separated into two (2) separate building sites for single-family residences with the remaining east 15 feet of Lot 7 to be included as a part of the property to the west legally described as the east 25 feet of Lot 6 and Lot 7 less east 15 feet, Block 25, Coral Gables Section "B" (734 Navarre Avenue); 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 13, 2016, at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the July 13, 2016 Planning and Zoning Board meeting, the Board recommended approval (vote: 5 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 Lot 8 and the west half of Lot 9 and one (1) building site consisting of Lot 10 and the east half of Lot 9; and

**WHEREAS**, at the July 13, 2016 Planning and Zoning Board meeting the Board, as part of its recommendation of approval of the Application, found that the Application satisfied the criteria as required 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 23, 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 satisfied the criteria as required to recommend approval pursuant to Section 3-206(F) of the Zoning Code 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 8 and the west half of Lot 9 and one (1) building site consisting of Lot 10 and the east half of Lot 9, Block 25, Coral Gables Section “B”, 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 combined shall be equal to or less than 6,213 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. Parking garages, carports and/or porte-cocheres shall be set back an additional five (5) feet from the front façade of the principal structure and all garage doors facing upon any street shall be divided into single bays separated by at least an eighteen (18) inch column, if a two-car garage is proposed.
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. The east fifteen (15) feet of Lot 7, Block 25, Coral Gables Section “B”, belonging to the subject property shall be deeded over to the owner of the property located at 734 Navarre

Avenue (legally description: east 25 feet of Lot 6 and Lot 7 less east 15 feet, Block 25, Coral Gables Section "B") prior to the issuance of any building permits.

6. The plans depicting the site plans and elevations of the residences on the separated building sites and submitted as part of the conditional use application shall be made part of the approval, subject to conditions of approval and instructions or exceptions provided by the City Commission. Any additional changes to the plans are subject to Section 3-410 of the Zoning Code.
7. A bond shall be required, as determined by the building official, to ensure the timely removal of any non-conformities as a result of the building site separation approval.
8. Within 30 days of approval of the Conditional Use Review for a Building Site Determination, the property owner, its successors or assigns shall submit a restrictive covenant for City Attorney review and approval that includes all conditions of approval as approved by the City Commission. 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.

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

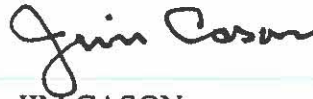
**SECTION 4.** This development permit by the City of Coral Gables does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency. Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance 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 FIFTEENTH DAY OF NOVEMBER, A.D.,  
2016.

(Moved: Quesada / Seconded: Slesnick)  
(Yeas: Keon, Quesada, Slesnick, Cason)  
(Majority: (4-0) Vote)  
(Absent: Lago)  
(Agenda Item: E-3)

APPROVED:



JIM CASON  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY