Attachment B

THE CITY OF CORAL GABLES

ORDINANCE NO. 2013-18

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 ASSIGNED SINGLE-FAMILY RESIDENTIAL (SFR) ZONING; ONE BUILDING SITE CONSISTING OF THE WEST SEVENTY-THREE (73) FEET OF LOTS 1 AND 2 AND THE OTHER CONSISTING OF THE WEST SEVENTY-THREE (73) FEET OF LOTS 27 AND 28 ON PROPERTY LEGALLY DESCRIBED AS THE WEST SEVENTY-THREE (73) FEET OF LOTS 1-2 AND 27-28, BLOCK 122, RIVIERA SECTION PART 10 (6009 MAGGIORE STREET), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the request is for Conditional Use Review for a Building Site Determination for the property legally described as the west seventy-three (73) feet Lots 1-2 and 27-28, Block 122, Riviera Section Part 10 (6009 Maggiore Street), 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 October 9, 2013, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the October 9, 2013 Planning and Zoning Board meeting, the Board made no recommendation (vote: 2 yes – 3 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, one building site consisting of the west seventy-three (73) feet of Lots 1 and 2 and the other the west seventy-three (73) feet of Lots 27 and 28; 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; 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, after notice duly published, a public hearing for First Reading was held before the City Commission on November 12, 2013 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, approved 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 building site consisting of the west seventy-three (73) feet of Lots 1 and 2 and the other the west seventy-three (73) feet of Lots 27 and 28 on property legally described as the west seventy-three (73) feet of Lots 1-2 and 27-28, Block 122, Riviera Section Part 10 (6009 Maggiore Street), Coral Gables, Florida, is approved subject to the following conditions of approval, which were agreed to by the applicant:

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 including all conditions of approval as approved by the City Commission, as follows:

1. The applicant/property owner shall submit an application for public hearing and all required supporting drawings and documentation for the re-plat of the property as required by the Zoning Code. Approval of a final plat allowing for the two (2) buildings sites as proposed and presented with the application for Conditional Use review for a Building Site Determination shall be required before any building permit shall be issued for the construction of either single-family residence.
2. Both building sites shall front onto Maggiore Street, and the design and orientation of the two new residences shall be towards Maggiore Street.
3. Each new residence constructed shall appear unique from each other, subject to review and approval by the Board of Architects.
4. The new single-family residences constructed on the two building sites shall meet all applicable requirements of the Zoning Code, and no variances shall be required or requested.

5. A detailed landscape plan including an existing tree survey indicating those trees that will be removed, relocated or replaced and a root preservation 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 issuance of a building permit for either building 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 ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS TENTH DAY OF DECEMBER, A.D., 2013.
(Moved: Keon / Seconded: Quesada)
(Yeas: Lago, Quesada, Keon, Cason)
(Majority: (4-1) Vote)
(Nays: Kerdyk)
(Agenda Item: E-2)

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY