

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

### **ORDINANCE NO. 2008-11**

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING THE ZONING CODE APPENDIX A, "SITE SPECIFIC ZONING REGULATIONS", "SECTION A-12, BILTMORE SECTION", ALSO KNOWN AS THE DAVID WILLIAMS HOTEL/CONDOMINIUM LOCATED AT 700 BILTMORE WAY; PROVIDING FOR A MINIMUM RESIDENTIAL UNIT SIZE FOR THE PROPERTY LEGALLY DESCRIBED AS LOTS 6-22 INCLUSIVE, BLOCK 10, BILTMORE SECTION; PROVIDING SEVERABILITY, PROVIDING FOR CODIFICATION THEREOF, AN EFFECTIVE DATE, AND REPEALING ALL ORDINANCES INCONSISTENT HERewith.

**WHEREAS**, the subject property, known as the David Williams Hotel/Condominium building located at 700 Biltmore Way, has undergone significant changes in the "residential use typologies" since initial construction in the early 1960's; and

**WHEREAS**, the City recently has identified numerous health and life safety issues and Zoning Code compliance issues within the building and the City has been working diligently with property management and owners to resolve all outstanding issues; and

**WHEREAS**, one issue included substandard residential unit sizes per the City Zoning Code, more specifically seven (7) units have been occupied which are less than the 575 square foot minimum; and

**WHEREAS**, to resolve the Zoning Code issues, an amendment to the text of the Zoning Code, more specifically the Site Specific Regulations, is necessary to clarify and legalize those units that are less than the minimum 575 square feet; and

**WHEREAS**, it is the City's intent to repeal all minimum residential dwelling unit size requirements previously adopted in Ordinance and Resolution form for the seven (7) units; and

**WHEREAS**, the property owners have been notified of the proposed Zoning Code text amendment and scheduled public hearing dates, and the City Administration, specifically, the City Manager's Office and Building and Zoning Department, conducted a "building" information meeting on February 28, 2008 with residents of the property; and

**WHEREAS**, after notice duly published, a public hearing was held before the Planning and Zoning Board on March 12, 2008, at which hearing all interested parties were afforded the opportunity to be heard, and the Board recommended approval (6-0 vote) of the Zoning Code text amendment; and

**WHEREAS**, after notice duly published, a public hearing for First Reading was held before the City Commission on April 8, 2008 at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission recommended approval (Majority 4-0 vote) of the Zoning Code text amendment; and

**WHEREAS**, after notice duly published, a public hearing for Second Reading was held before the City Commission on May 13, 2008 at which hearing all interested parties were afforded the opportunity to be heard, and the City Commission recommended approval (Majority 4-0 vote) of the Zoning Code text amendment;

**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 Official Zoning Code of the City of Coral Gables, Appendix A, "Site Specific Zoning Regulations", "Section A-12, Biltmore Section" is hereby amended as follows:

*"Section A-12 – Biltmore Section. Lots 6 through 22, inclusive, Block 10*

*F. Minimum Residential Dwelling Unit Sizes*

- 1. The minimum residential dwelling unit size shall be four hundred (400) square feet.*
- 2. The minimum residential dwelling unit size of four hundred (400) square feet shall not pertain to cabanas.*
- 3. Seven (7) efficiency apartments, as defined and approved pursuant to Resolution No. 10436, adopted on 02.25.1964, are exempt from the these provisions. These units may be less than four hundred (400) square feet.*
- 4. All minimum residential dwelling unit size requirements previously adopted in Ordinance and Resolution form, with the exception of above item 3, is hereby repealed."*

**SECTION 3.** All minimum residential dwelling unit size requirements previously adopted in Ordinance and Resolution form, as identified herein, are hereby repealed; and

**SECTION 4.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby 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.** It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

herein. **SECTION 7.** This Ordinance shall become effective upon the date of its adoption

PASSED AND ADOPTED THIS THIRTEENTH DAY OF MAY, A.D., 2008.

(Moved: Withers / Seconded: Anderson)

(Yeas: Withers, Anderson, Cabrera, Slesnick)

(Absent: Kerdyk)

(Majority: 4-0 Vote)

(Agenda Item: E-2)

APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY