

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2012-08 (AS AMENDED)**

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 AND LOCAL HISTORIC LANDMARK; ONE BUILDING SITE CONSISTING OF LOTS 5 AND 6 AND THE OTHER OF LOTS 7 AND 8 ON PROPERTY LEGALLY DESCRIBED AS LOTS 5-8, BLOCK 1, SECTION "D" (1248 CORAL WAY), 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 Lots 5-8, Block 1, Section "D" (1248 Coral Way), Coral Gables, Florida, requesting that the property be separated into two (2) separate building sites for single-family residences; and

**WHEREAS**, on November 17, 2011 the Historic Preservation Board designated Lots 5-8 as a Local Historic Landmark, and on May 17, 2012 the Historic Preservation Board granted design approval for the construction of the addition and alterations to the existing historic residence located on Lots 5 and 6, and noted that the Historic Resources Department Application was submitted in association with a building site separation request to create two building sites, which shall be subject to the purview and approval of the Planning and Zoning Board and the City Commission; 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 June 13, 2012, at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the June 13, 2012 Planning and Zoning Board meeting, the Board recommended approval of the Application (vote: 4-3) subject to Staff's recommended condition of approval as accepted by the Applicant 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) single family building sites, each with one-hundred (100) foot frontage; and

**WHEREAS**, at the June 13, 2012 Planning and Zoning Board meeting, the Board as part of its recommendation of approval of the Application, provided findings that the Application satisfies at least four (4) of the six (6) criteria to recommend approval; 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**, after notice duly published, a public hearing for First Reading was held before the City Commission on July 24, 2012 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 a condition on First Reading (vote: 4-1);

**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 and Local Historic Landmark; one building site consisting of lots 5 and 6 and the other of lots 7 and 8 on property legally described as lots 5-8, Block 1, Section “D” (1248 Coral Way), Coral Gables, Florida is approved subject to the following conditions of approval:

1. Existing over-story tree protection measures. The Applicant, its successor or assigns shall satisfy all of the following:
  - a. The existing trees within the public right-of-way adjoining the Coral Way frontage of the property shall not be removed, relocated, or damaged in such a way as to cause their unnatural decline due to the proposed renovation of the existing historic residence or the construction of the new residence.
  - b. Prior to the issuance of a City Building Permit for additions/renovation to the existing historic residence and/or construction of the new residence, the Applicant, its successors or assigns shall provide to the City’s Public Service Director a written assessment prepared by a Registered Consulting Arborist to determine any impact to the existing tree root systems or branching structure based upon any applicable construction activities associated with the residences. The assessment shall include identification of necessary protective measures, barriers, root zone improvements, etc. The Public Service Director shall review and approve the assessment to determine if proper protection measures are in place during construction and the proper treatment of any impacts to any tree root systems or over-story branches is provided.
  - c. Prior to issuance of a Certificate of Occupancy for the existing historic residence or the construction of the new residence, the Applicant, its successors or assigns shall provide a written assessment prepared by a Registered Consulting Arborist to determine any potential impacts to the existing trees that may have occurred during construction. The Public Service

Director may require the Applicant, its successors or assigns after issuance of the Certificate of Occupancy to the existing historic residence and/or construction of the new residence to complete additional protection measures and/or mitigation measures to ensure survivability of the existing tree canopy.

2. The new single-family residence constructed on Lots 7 and 8 shall have a maximum building ground area coverage not to exceed twenty-eight percent (28%).
3. Restrictive covenant. Within thirty (30) days of City Commission approval of the Application, the Applicant, property owner(s), its successors or assigns shall submit a restrictive covenant for City Attorney review and approval outlining all conditions of approval as approved by the City Commission.

**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 within ten (10) days following the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF AUGUST, A.D.,  
2012.

(Moved: Quesada / Seconded: Cabrera)  
(Yeas: Cabrera, Quesada, Anderson, 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