

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2010-19**

AN ORDINANCE OF THE CORAL GABLES CITY COMMISSION REQUESTING A CHANGE OF ZONING FROM SINGLE FAMILY RESIDENTIAL (SFR) TO SPECIAL USE (S) DISTRICT FOR A 25.0 ACRE PARCEL LOCATED IN THE SOUTHWEST CORNER OF THE PROPERTY OF THE OVERALL 82.5 ACRE PARCEL COMMONLY REFERRED TO AS "FAIRCHILD TROPICAL GARDEN" (10901 OLD CUTLER ROAD), LEGALLY DESCRIBED AS FAIRCHILD TROPICAL BOTANICAL GARDEN SECTION, INCLUDING TRACTS 9 AND 10, AVOCADO LAND COMPANY SUBDIVISION, CORAL GABLES, FLORIDA; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, Application No. 11-09-095-P was submitted requesting a change of zoning from Single Family residential (SFR) to Special Use (S) District for a 25.0 acre parcel located on the southwest corner of the property of the overall 82.5 acre parcel commonly referred to as "Fairchild Tropical Garden" (10901 Old Cutler Road), legally described as Fairchild Tropical Botanical Garden Section, including Tracts 9 and 10, Avocado Land Company Subdivision,, Coral Gables, Florida (legal description and mapping on file in the Planning Department); and

**WHEREAS**, the proposed change of zoning is a prerequisite to the applicant's request for an amendment to the Master Site Plan, and Planned Area Development (PAD) assignment and site plan review for the construction of additions to the "Science Village" buildings on the southwest corner of the property; and

**WHEREAS**, Fairchild Tropical Garden has worked with the Hammock Oaks Homeowner's Association and have agreed to a Covenant that contain conditions regarding the proposed construction of additions to the "Science Village" buildings that would run with the land; and

**WHEREAS**, after notice of public hearing duly published and notifications of all property owners of record within one thousand five hundred (1500) feet, public hearings were held before the Planning and Zoning Board of the City of Coral Gables on 07.14.10, at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the 07.14.10 Planning and Zoning Board meeting, the Board recommended approval of the proposed change of zoning (vote: 7-0); and

**WHEREAS**, the City Commission held a public hearing on 08.24.10 at which hearing all interested persons were afforded an opportunity to be heard and this application for change of zoning was approved on first reading (vote: 5-0); and

**WHEREAS**, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request to change the zoning pursuant to Florida Statutes, and including careful consideration of written and oral comments by members of the public;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**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.** That the Zoning Code of the City of Coral Gables be amended to change the zoning designation from from Single Family residential (SFR) to Special Use (S) District for a 25.0 acre parcel located on the southwest corner of the property of the overall 82.5 acre parcel commonly referred to as “Fairchild Tropical Garden” (10901 Old Cutler Road), legally described as Fairchild Tropical Botanical Garden Section, including Tracts 9 and 10, Avocado Land Company Subdivision,, Coral Gables, Florida (legal description(s) and mapping on file in the Planning Department).

**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 ordinance 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 session, 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 the Code of the City of Coral Gables, Florida, as amended, which provisions may be renumbered or relettered and that the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

**SECTION 7.** This Ordinance shall become effective ten (10) days after final reading and adoption thereof.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF SEPTEMBER,  
A.D., 2010.

(Moved: Anderson / Seconded: Kerdyk)  
(Yeas: Withers, Anderson, Cabrera, Kerdyk, Slesnick)  
(Unanimous: 5-0 Vote)  
(Agenda Item: E-3)

APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



ELIZABETH HERNANDEZ  
CITY ATTORNEY