

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2010-20

AN ORDINANCE OF THE CORAL GABLES CITY COMMISSION REQUESTING AN AMENDMENT TO THE MASTER SITE PLAN FOR THE PROPERTY COMMONLY REFERRED TO AS "FAIRCHILD TROPICAL GARDEN" (10901 OLD CUTLER ROAD), FOR A 82.5 ACRE PARCEL LEGALLY DESCRIBED AS ALL OF 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 an amendment to the Master Site Plan for the property commonly referred to as "Fairchild Tropical Garden" (10901 Old Cutler Road), for a 82.5 acre parcel legally described as all of 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 amendment to the Master Site Plan was submitted in conjunction with the applicant's request for a change of zoning, Zoning Code text amendment, Planned Area Development (PAD) assignment and site plan review for the construction of additions to the Fairchild Tropical Garden "Science Village" buildings; 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 hearings all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's 07.14.10 meeting, the Board recommended approval of the proposed amendment to the Master Site Plan (vote: 7-0) with the conditions required and itemized in the adopting ordinance for the Planned Area Development (PAD) assignment and site plan review; 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 the amendment to the Master Site Plan was approved on first reading (vote: 5-0) subject to the conditions required and itemized in the adopting ordinance for the Planned Area Development (PAD) assignment and site plan review; and

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for an amendment to the Master Site Plan site plan review as required by the Zoning Code, and including careful consideration of written and oral comments by members of the public;

NOW, THEREFORE, BE IT RESOLVED 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 hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The proposed amendment to the Master Site Plan for the property commonly referred to as “Fairchild Tropical Garden” (10901 Old Cutler Road), for a 82.5 acre parcel legally described as all of Fairchild Tropical Botanical Garden Section, including Tracts 9 and 10, Avocado Land Company Subdivision, Coral Gables, Florida shall be and is hereby approved subject to the conditions required and itemized in the adopting ordinance for the Planned Area Development (PAD) assignment and site plan review.

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: Anderson, Cabrera, Kerdyk, Withers, Slesnick)
(Unanimous: 5-0 Vote)
(Agenda Item: E-4)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY