

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2010-18

AN ORDINANCE OF THE CORAL GABLES CITY COMMISSION REQUESTING AN AMENDMENT TO ZONING CODE ARTICLE 4, SECTION 4-204, "SPECIAL USE (S) DISTRICT", PROVIDING FOR AND LISTING PERMITTED USES WITHIN A BOTANICAL GARDEN; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Application No. 11-09-095-P was submitted requesting an amendment to the Zoning Code providing for and listing permitted uses within a botanical garden; and

WHEREAS, the proposed Zoning Code amendment was submitted in conjunction with the applicant's request for a change of zoning, an amendment to the Master Site Plan, 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 duly published and notifications of all property owners of record within one thousand five hundred (1500) feet, a public hearing was held before the Planning and Zoning Board on 07.14.10, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Board was presented with a text amendment to the Zoning Code providing for and listing permitted uses within a botanical garden, and after due consideration, recommended approval (vote: 7-0) of the amendment; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on 08.24.10 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment 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 Zoning Code of the City of Coral Gables Article 4, Section 4-204, entitled “Special Use (S) District” is hereby amended as follows:

Section 4-204. Special Use (C) District.

B. Permitted uses. The following uses are permitted in the S District subject to the standards in this Section and other applicable regulations in Article 5:

2. *Botanical gardens with previously approved master plan. Allow for the placement of the following uses to solely serve the patrons of the botanical gardens:*
 - a. *Offices*
 - b. *Research and technology.*
 - c. *Retail sales and services.*
 - d. *Restaurant.*
 - e. *Educational facility.*
 - f. *Nighttime uses.*
 - g. *Outdoor recreation/entertainment.*
 - h. *Camps.*
 - i. *Other such uses as are customary for botanical gardens.*

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby 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.

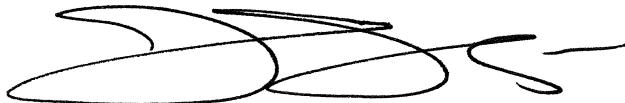
SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the “Zoning Code” of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. That 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)
(Yea: Kerdyk, Withers, Anderson, Slesnick)
(Majority: (4-0) Vote)
(Absent: Cabrera)
(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