

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2014-11

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING THE CITY OF CORAL GABLES AND UNIVERSITY OF MIAMI DEVELOPMENT AGREEMENT, ADOPTED BY ORDINANCE NO. 2010-31 ON 09.28.10, PURSUANT TO ZONING CODE ARTICLE 3, DIVISION 19, ENTITLED "DEVELOPMENT AGREEMENTS", FOR THE UNIVERSITY OF MIAMI, CITY OF CORAL GABLES CAMPUS, AMENDING PARAGRAPH 18 OF THE DEVELOPMENT AGREEMENT THAT GOVERNS THE MISCELLANEOUS USES AND TEMPORARY OCCUPANCIES THE UNIVERSITY MAY MAKE OF PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY, AND TO INCLUDE THE PROPERTY COMMONLY KNOWN AS THE "PLUMER BUILDING", AND LEGALLY DESCRIBED AS THE NORTHEAST 25' OF LOT 9 AND LOTS 10-22, BLOCK 196, RIVIERA SECTION 14 (5915 PONCE DE LEON BOULEVARD), CORAL GABLES, FLORIDA; AND PROVIDING FOR SEVERABILITY, REPEALER AND AN EFFECTIVE DATE.

WHEREAS, An application was submitted requesting an amendment to the City of Coral Gables and University of Miami Development Agreement, adopted by Ordinance No. 2010-31 on September 28, 2010, pursuant to Zoning Code Article 3, Division 19, entitled "Development Agreements", for the University of Miami, City of Coral Gables Campus, amending Paragraph 18 of the Development Agreement that governs the miscellaneous uses and temporary occupancies the University may make of property within the corporate limits of the City; and

WHEREAS, the amendment includes the property commonly known as the "Plumer Building", and legally described as the northeast 25' of Lot 9 and Lots 10-22, Block 196, Riviera Section 14 (5915 Ponce de Leon Boulevard), Coral Gables, Florida, as a property occupied by the University that would be subject to the provisions governing miscellaneous uses and temporary occupancies by the University within the corporate limits of the City; and

WHEREAS, after notice of public hearing duly published and notification of all property owners of record within one thousand (1000) feet of the property, public hearing was held before the Planning and Zoning Board on April 9, 2014, at which hearings all interested persons were afforded the opportunity to be heard; and

WHEREAS, at a public hearing held on April 9, 2014, the Planning and Zoning Board recommended approval of the amendment to the University of Miami Development Agreement (vote: 7-0); and

WHEREAS, the City Commission held a public hearing on April 22, 2014 at which hearing all interested persons were afforded an opportunity to be heard and this application amending the University of Miami Development Agreement was approved on first reading (vote: 5-0); and

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 hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The City of Coral Gables and University of Miami Development Agreement, adopted by Ordinance No. 2010-31 on September 28, 2010 is hereby amended as follows:

18. Miscellaneous Uses and Temporary Occupancies

The City and University agree that within the corporate limits of the City:

- (a) Unless expressly approved by an amendment to this Agreement, University Campus Serving Uses, including but not limited to: academic programs, academic uses and activities; instructional uses and activities, and student housing facilities (collectively, "University Academic Uses") shall be permitted to be established only within the boundaries of the UM Campus. In the event that this Agreement is amended to authorize University Campus Serving Uses, including but not limited to University Academic Uses, outside of the UM Campus, such University Campus Serving Use and the property to be used shall be listed in subparagraph (g) of this Paragraph. In the event that the University no longer owns or leases the property listed in subparagraph (g) the authorization shall be deemed to be terminated and to be of no further legal force and effect.*
- (g) The University is authorized to use the following property for University Campus Serving Uses, including but not limited to Academic Uses together with all permitted uses under the City Code:*
 - (1) 5915 Ponce de Leon Boulevard Coral Gables FL 33146 (Metro Tax Assessor Folio No. 03-4130-009-0250).*

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 ordinances 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 section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. This development permit by the City of Coral Gables does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency. Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency, or if the applicant undertakes actions that result in a violation of county, state or federal law. In addition, as a condition of this approval, all county, state and federal permits must be obtained before commencement of the development.

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

PASSED AND ADOPTED THIS THIRTEENTH DAY OF MAY, A.D., 2014.

(Moved: Quesada / Seconded: Kerdyk)

(Yeas: Lago, Quesada, Keon, Kerdyk, Cason)

(Unanimous: 5-0 Vote)

(Agenda Item: E-3)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY