



**City of Coral Gables
CITY COMMISSION MEETING
February 25, 2014**

E-2
Revised 2/25/14

ITEM TITLE:

Ordinance on Second Reading. Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, "Development Review", Division 20, "Art in Public Places", amending the Art in Public Places Code provisions and Article 8, "Definitions", amending and creating new definitions; and providing for severability, repealer, codification, and an effective date.

DEPARTMENT HEAD RECOMMENDATION:

Approval.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board at their 01.08.18 meeting recommended unanimous approval (vote: 6-0).

BRIEF HISTORY:

On 02.11.14 the City Commission approved the proposed Zoning Code amendments regarding the Art in Public Places Program on first reading (vote: 5-0).

In 2010, the City retained public art consultants VIA Partnership and Todd Bressi to review the Art in Public Places Ordinance adopted in 2007 to recommended revisions. The amendments proposed here include the clarifications and changes recommended by the consultant, as well as changes recommended by staff after administering the Art in Public Places Program for a few years.

The proposed changes were presented to the Cultural Development Board on April 25, 2012, and to the Historic Preservation Board on December 20, 2012, both of which unanimously recommended the changes.

At their 01.08.14 meeting, the Planning & Zoning Board recommended approval of the proposed Zoning Code text amendment (vote: 6-0). At the meeting, the Board discussed the proposed amendments and identified three issues that needed to be included in the proposed amendments. Those issues were regarding the following: 1) method of calculating a project's soft costs (architectural and engineering fees); 2) the refund of fees if construction of the project does not occur; and, 3) reconsideration of the waiver of requirement provisions allowing for the reduction, adjustment or complete waiver of the proposed requirements. At the conclusion of the Board's discussion of this item, the Board requested the following revisions to the proposed Zoning Code text amendments:

1. The soft costs for a project shall be calculated at a fixed percentage (%) of a project's hard cost (construction cost) at the time a building permit is issued. The fixed percentage for soft cost shall be determined by City staff.
2. A refund of all or a portion of the fees collected may be requested up to ninety (90) days after the building permit has been issued if construction of the project does not occur. The request for a

refund must comply with the waiver of requirements provisions provided within the Art in Public Places Ordinance.

3. Section 3-2003(B), "Waiver of requirements" that was originally proposed, but struck out in the revised 01.08.14 amendments, be included in the final proposed text amendments that are forwarded to the City Commission.

Staff does not recommend that the revision requested by the Board in item number 1. be added to the Ordinance, as any applied percentage could be arbitrary, and unreflective of the actual soft costs in a given case. Staff is able to adequately administrate calculation of the fee based on the architectural and engineering fees for the project. The Board's requested revisions in numbers 2. and 3. have been addressed with additional language that allows for a developer upon extraordinary circumstances and a showing of unique hardship to request an adjustment of the requirements of the Ordinance from the City Commission.

The revised text amendments are provided in the draft Ordinances in both ~~strike-through~~/underline format and clean version provided as Exhibits A and B. The 01.08.14 Staff report and the excerpt from the 01.08.14 Planning and Zoning Board meeting minutes are provided as Exhibits C and D. Minutes from the Historic Preservation Board meeting of 12.20.12, and the Cultural Development Board meeting of 04.25.12 are provided as Exhibits E and F.

This item was first heard by the Planning and Zoning Board's on 02.13.13. The item was continued at that meeting to allow Staff to provide additional information and consideration of further revisions to the draft amendments. For the Commission's reference, the following attachments are provided with the 01.08.14 Staff report (Exhibit C): 1) 02.13.13 Staff report and the originally proposed amendments and background information summarized in a memorandum prepared by the Economic Sustainability Department (see Attachment A); 2) revisions proposed by the Economic Sustainability Department to the original amendments proposed on 02.13.13 (see Attachment B); and, 3) the Planning and Zoning Board's 02.13.13 meeting minutes (see Attachment C).

The Draft Ordinance is provided as Exhibit A. Please note that since the first reading, the last sentence of Section 3-2005 A. was deleted as it was in conflict with the new language.

LEGISLATIVE ACTION:

| Date: | Resolution/Ordinance No. | Comments |
|-------|--------------------------|----------|
| N/A | | |



OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

| Date | Board/Committee | Comments (if any) |
|----------|-----------------------------|---|
| 01.08.14 | Planning and Zoning Board | Recommended unanimous approval (vote: 6-0). |
| 12.20.12 | Historic Preservation Board | Recommended unanimous approval (vote: 9-0). |
| 04.24.12 | Cultural Development Board | Recommended unanimous approval (vote: 6-0) |

PUBLIC NOTIFICATION(S):

| Date | Form of Notification |
|----------|---|
| 12.27.13 | Legal advertisement. |
| 12.27.13 | Posted agenda at City Hall. |
| 01.03.14 | Posted agenda, staff report, legal notice and all attachments on City web page. |

APPROVED BY:

| Department Director | City Attorney (If Applicable) | City Manager |
|---|---|---|
| Charles E. Williams ^{RT} <u>Dr.</u> |  |  |

EXHIBIT(S):

- A. Draft Ordinance
- B. Strike Through Change since First Reading