

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2008-15

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING THE ZONING CODE SECTION 1-108, "TRANSITIONAL RULES", PROVIDING FOR THE GRANTING OF ONE SIX (6) MONTH EXTENSION TO THE EIGHTEEN (18) MONTH TRANSITION PERIOD APPROVED PRIOR TO THE ADOPTION OF THE NEW ZONING CODE; PROVIDING FOR REPEAL, PROVIDING SEVERABILITY, PROVIDING FOR CODIFICATION THEREOF, AN EFFECTIVE DATE, AND REPEALING ALL ORDINANCES INCONSISTENT HERewith.

WHEREAS, the City of Coral Gables on January 9, 2007 adopted a new Zoning Code, Ordinance No. 2007-01; and

WHEREAS, as a part of this adoption, Transitional Rules- Section 1-108, were put in place to allow application/projects that had secured preliminary Board of Architects (BOA) approval prior to January 9, 2007, 18 months to secure *FINAL* Board of Architects approval and/or *FINAL* City Commission (CC) approval under the previous Zoning Code (a.k.a. "Archived Zoning Code"); and

WHEREAS, applicants/property owners who have satisfied the Transitional Rules and have shown "good cause" and/or "diligence" in proceeding forward through the City's review process, but have not completed the process within the 18 month timeframe should be provided an opportunity to extend the transition period; and

WHEREAS, the intent of this text amendment is to provide for the opportunity to extend the 18 month timeframe an additional 6 months subject to evaluation by the City Manager; and

WHEREAS, Building and Zoning Department Staff has provided a courtesy notice to those applicable parties who have satisfied the Transition Rules to advise of the opportunity for an extension, although it is the applicants/property owners responsible to monitor current and valid applications that are undergoing City of Coral Gables development review and permitting processes to insure conformity with all applicable City of Coral Gables rules and regulations; and

WHEREAS, after notice of a public hearing being duly published, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on May 28, 2008 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, at the May 28, 2008 Planning and Zoning Board meeting, the Planning and Zoning Board recommended approval of the proposed Zoning Code text amendments provided herein (vote: 5-0); and

WHEREAS, after notice of a public hearing being duly published, the City Commission on June 3, 2008 approved on First Reading the proposed Zoning Code text amendments provided herein (vote: 5-0); and

WHEREAS, after notice of a public hearing being duly published, the City Commission on June 26, 2008 approved on Second Reading the proposed Zoning Code text amendments provided herein (vote: 5-0);

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT:

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. City of Coral Gables Zoning Code Article 1, Section 1-108, entitled "Transitional rules" is hereby amended as follows (in strikethrough/underline format):

Section 1-108. Transitional rules.

A. Transition period. Where a preliminary approval of the Board of Architects is received on the adoption of these regulations, the provisions of the regulations in effect when the application was filed shall govern the review and approval of the application for development approval, provided that:

- 1. The application is approved within eighteen (18) months of the date of adoption of these regulations; and,*
- 2. Construction begins within eighteen (18) months of the issuance of such approval and is diligently pursued to completion.*

Prior to July 9, 2008, applicants who have satisfied Section 1-108 (A), may be granted one (1), six (6) month extension to the provisions of Section 1-108 (A) (1) if the City Manager determines that the applicant is showing "good cause" with due diligence towards securing Board of Architects final approval and/or City Commission final approval (as applicable). Requests for extensions shall be in writing to the City Manager by the end of July 9, 2008 accompanied by a \$2500.00 nonrefundable administrative fee.

SECTION 3. It is the intention of the City Commission that each provision hereof be considered severable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other portion of this Ordinance, the Coral Gables Comprehensive Land Use Plan, or the Coral Gables Zoning Code.

SECTION 4. 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 5. All ordinance or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 6. 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 7. 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 8. That this ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF JUNE, A.D., 2008.

(Moved: Anderson / Seconded: Kerdyk)

(Yeas: Cabrera, Kerdyk, Withers, Anderson, Slesnick)

(Unanimous: 5-0 Vote)

(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